

THE
STATUTE LAW OF THE
TRANSVAAL.

TRANSLATED

BY

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P R E F A C E .

ON September 22nd, 1900, we were appointed as a Commission by his Excellency Sir ALFRED MILNER, High Commissioner for South Africa, to translate the Statute Law of the Transvaal.

One of our chief difficulties has been to ascertain what is law and what is not. This is due to the fact that when a Law was passed the previous Laws on the same subject were not, except in a few instances, expressly repealed. The repealing clause was generally in the following form: "All Laws in conflict herewith are hereby repealed," and it is not always an easy matter to say whether all the articles of a previous Law are in conflict with subsequent provisions or not. Where we have had any doubt on this point we have translated the earlier as well as the later Laws on any subject, but where there could be no doubt we have translated only the last Law. In order to distinguish between Laws which have been expressly repealed and Laws which have been repealed in the manner above indicated, we have used the terms "Repealed" and "Superseded" respectively.

In addition to the Laws, we have translated all the more important Volksraad Resolutions, Government Notices and Proclamations. Where a Law has, through change of circumstances, become no longer applicable, it has not been translated, as, for instance, the Commando Law and the Law on the State Artillery. Where Volksraad Resolutions are of a local or particular nature and are not of general application, they have not been translated. A considerable number of bye-laws and regulations have been merely referred to, as it would have made the book needlessly bulky to have included them, but it is intended to translate and publish them separately.

We have endeavoured to make the translation as literal as possible consistently with the use of good English, but this has sometimes been difficult, especially in the case of the earlier Laws, which were in many cases badly drafted. The Laws have been arranged in chronological order, and no attempt has been made at codification.

The Alphabetical Index will show at a glance all the Laws, Volksraad Resolutions, &c., on any particular subject, and the Chronological Index will, it is hoped, give the history of the legislation on every subject.

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GOVERNMENT HOUSE,
CAPE TOWN,
February 12th, 1901

LIST OF ABBREVIATIONS.

V.R.R.	Volksraad Resolution.
F.V.R.R.	First Volksraad Resolution.
S.V.R.R.	Second „ „
EX. C.R.	Executive Council Resolution.
LL.	Local Laws.
ART. ARTT.	Article, Articles.
PROCL.	Proclamation.
GOV. NOT.	Government Notice.
DD.	Dated.
RDS.	Rix-dollars.

*N.B.—There are two sets of Laws for 1881; those passed by the British and those passed by the Boers.
The Laws in the second set are marked 1881 B.*

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No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 28th Nov. Art. 124.	12	Tenure of Kaffir Locations ...	...	...	...	V.R.R. 21st Oct., '74. Art. 149. 4 of '85. Art. 13.	...	...	...
V.R.R. 21st Nov. Art. 125.	12	Permits from Landdrost required for selling Ammunition.	...	...	...	...	..	...	..
V.R.R. 21st Nov. Art. 128.	13	Appointment of Land Commission	...	...	...	Instructions Land Commission. V.R.R. 21st Sept., '59. Art. 64. 4 of '70. 4 of '75. 6 of '85.	...	...	...
V.R.R. 21st Nov. Art. 129.	13	Fees for Memorials... ..	...	...	...	...	...	...	..
V.R.R. th Nov. Art. 143.	13	Maintenance of water furrows ...	...	...	...	...	...	...	...

1855.

V.R.R. 18th June. Art. 145.	13	Blasphemy against Christian Church.	...	...	...	...	...	...	...
V.R.R. 18th June. Art. 159.	14	Foreigners becoming officials must first obtain their burgher-rights.	...	...	...	V.R.R. 20th Sept. '58 Art. 22.	Law 1 of '76. Law 7 of '82.	...	..

1855.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 4th July '55.	14	Survey of Lydenburg ... ..	...	...	...	...	...	...	...
V.R.R. 16th Nov. Art. 70.	14	Laying out of Pretoria ... ..	...	...	...	...	...	...	...

1856-57.

Procl. 29th Sept. '57.	14	Proclamation against abduction of Native children.	...	...	...	...	Procl. of 24th Mar. '58.	...	...
Govt. Notice. 16th Nov. '57.	15	Demarcation of the districts Potchefstroom, Pretoria and Rustenburg.	...	...	...	...	...	...	...

1858.

Grondwet of '58.	15	Constitution (Grondwet) ... ..	...	...	...	...	The Constitution of '89.	...	...
V.R.R. 13th Feb. Art. 21.	15	Adoption of Flag, Motto and Coat of Arms.	...	...	...	...	...	...	...
Govt. Notice. 24th Mar. '58.	15	Proclamation of various districts and their sub-divisions into Field-Cornetcies.	...	...	...	...	...	...	Not translated.
Procl. 24th March.	16	Proclamation against abduction of Native children.	...	Procl. of 29th Sept. '57.	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Procl. 24th March.	17	Proclamation against smuggling ammunition.	...	...	...	V.R.R. 19th Sept. '53. V.R.R. 22nd Sept. '58. 6 of '73. 4 of '84.	...	...	...
Ordinance. 7th April.	17	Ordinance to regulate the sale of spirituous liquors.	...	...	...	...	Ordinance No. 2, '66. 2 of '71. 1 of '81. 6 of '82. 19 of '98.	...	...
Ordinance. 14th April.	18	Licences for Pedlars.	...	...	...	Law 2, '71 and V.R.R. 10th June, '73. Art. 133.	...	...	...
No. 6. 22nd April, 1858.	19	Inspectors' Instructions for Lydenberg	...	...	...	...	Inspectors' Instructions for '61 & '69.	...	...
Govt. Notice. 6th May, 1858.	19	Demarcation of Field-Cornetcies of District of Rustenberg	...	...	...	...	...	...	Not translated.
Govt. Notice. 5th Aug.	19	Regulations for the Towns in the South African Republic	...	...	...	...	Regulations confirmed F.V.R.R. '99 Art. 1,256.	...	...
V.R.R. 17th Sept. Art. 19.	19	Instructions for Field-Cornets	...	...	...	...	Constitution (Grondwet) of '58 and Law 2 of '85.	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 17th Sept. Art. 19.	19	Instructions for Commandants ...	...	...	...	...	Constitution (Grondwet) of '58 and Law 2 of '83.	...	...
V.R.R. 20th Sept.	19	Amendment of Article 32 of the Constitution (Grondwet)	...	...	...	...	Constitution of '89.	...	...
V.R.R. September. Art. 23a.	19	Amendment of Article 109 of the Constitution (Grondwet)	...	...	...	...	Constitution of '89.	...	...
V.R.R. September. Art. 23b.	19	Amendment of Article 128 of the Constitution (Grondwet)	...	...	...	...	Constitution of '89.	...	...
V.R.R. September. Art. 23c.	20	Amendment of Article 140 of the Constitution (Grondwet)	...	...	...	...	Partly by Art. 125 of '89 & Art. 149 of '96.	...	...
V.R.R. September. Art. 23d.	20	Amendment of Article 144 of Constitution.	...	...	...	...	Constitution of '89.	...	...
V.R.R. September. Art. 23e.	20	Amendment of Article 143 of Constitution.	...	...	...	...	Constitution of '89.	...	...
V.R.R. 23rd Sept., Art. 23g.	20	Amendment of Article 148 of Constitution.	...	...	...	...	Constitution of '89.	...	...
V.R.R. 22nd Sept., '58 Art. 26.	21	Game Law ... ..	...	...	...	...	No. 6 of '91 No. 13 of '93 No. 5 of '94	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 22nd Sept. Art. 26.	21	Trade with Kaffir Tribes ... ..	...	...	...	...	...	...	...
V.R.R. 23rd Sept. Art. 28.	22	(a)—Tax on Farms (b)—Burgher-right to Farms	...	...	...	...	Partly by No. 8 of '85	Art. 29 by V.R.R. 21st Sept., '59. Art. 68.	...
V.R.R. 22nd Sept. Art. 26.	22	Law of Public Peace ... ..	...	...	...	...	...	V.R.R. Art. 88; 23rd Sept., '59	...
Govt. Notice. 25th Oct.	22	Instructions for Market Master ...	...	...	...	...	...	...	Not translated.
Govt. Notice. 10th Nov.	22	Demarcation of district of Pretoria	...	...	...	...	...	...	Not translated.

1859.

V.R.R. 5th May. Art. 18.	23	On Bigamy ... ..	...	...	...	...	Art. 10. Law 3 of '71.	...	...
V.R.R. 5th May. Art. 19.	23	Education Commission appointed	...	...	...	...	...	...	...
V.R.R. 5th May. Art. 20.	23	Regulations for Government Teachers	...	...	...	...	...	...	...
Annexure I. to Grondwet.	23	Annexure I. to Grondwet ... ..	...	...	...	...	...	...	By F.V.R.R. 7th May, '97. Art. 53. Appended to Grondwet of '96.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Annexure II. to Grondwet.	24	Annexure II. to Grondwet ...	...	...	...	...	...	...	By F.V.R.R. 7th May, '97. Art. 53. Appended to Grondwet of '96.
Annexure III. to Grondwet.	24	Annexure III. to Grondwet ...	...	...	...	...	No. 3 of '81. (Chap. II.) 5 of '64. 1 of '74. 11 of '92.	...	...
Annexure IV. to Grondwet.	24	Annexure IV. to Grondwet ...	...	...	...	...	8 of '83. 5 of '86.	...	..
V.R.R. 21st Sept. Art. 64.	25	Appointment of Land Commission	...	..	...	...	4 of '70. 4 of '75. 6 of '85.	...	...
V.R.R. 21st Sept. Art. 68.	25	Development of Mines ... ..	...	...	...	...	1 of '71. 17 of '95.	...	...
V.R.R. 21st Sept.	25	Laying out of Wakkerstroom ...	...	...	...	...	...	...	Not translated.
V.R.R. 22nd Sept. Art. 75.	25	Burgher-right to and taxes on Farms	...	..	...	...	...	...	...
V.R.R. 23rd Sept. Art. 88.	26	Repeal of Law of Public Peace ...	...	..	...	...	...	...	...
V.R.R. 24th Sept. Art. 100.	26	Postal Law ... ..	...	..	...	...	1 of '66.	...	...

1859.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 25th Oct.	26	Laying out of Middelburg ...	...	...	...	...	...	...	Not translated.
Govt. Notice.	26	Instructions for Water-Fiscal ...	...	...	...	...	17 of '87.	...	...
Govt. Notice.	27	Instructions for Land Commission	...	...	...	...	4 of '70.	...	...

1860.

Govt. Not. 25th Jan.	27	Demarcation of Pretoria ...	...	...	...	...	...	...	...
V.R.R. 29th March. Art. 29.	27	Laying out of Middelburg...	...	...	...	...	...	...	Not translated.
V.R.R. 10th April.	28	Union of S. A. R. with Republic of Lydenburg.	...	...	...	...	...	...	Not translated.
Procl. 25th April.	28	Line of division between S. A. R. and Orange Free State.	...	...	...	...	...	...	...
Govt. Not. 26th April.	28	Pretoria constituted Seat of Government.	...	...	...	...	...	...	...
V.R.R. 27th Sept. Art. 144.	29	Agreement between M.W.Pretorius and Government about site of Pretoria.	...	...	...	...	...	...	...
V.R.R. 28th Sept. Art. 149.	29	Burgher-right for two Farms ...	...	...	...	...	...	...	...

1860.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Procl. 8th Oct.	29	Registration of Farms ... ..	...	...	...	...	...	...	...
Govt. Not. 20, 8th Oct.	30	Procl. against misrepresentation in spread of Gospel.

1861.

1st Feb.	31	Instructions for Inspectors of Farms.	Law 3 of '69.
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1863.

V.R.R. 22nd May. Art. 23.	31	Congregation of Dr. Postma
Govt. Notice. 23rd July.	31	Duels...
V.R.R. 22nd October. Art. 105.	32	Guide for District Attorney in Criminal Cases.	...	...	...	...	Ordinance No 7, 1864.	...	...
V.R.R. 22nd October.	32	Woods and Forests... ..	...	...	...	...	8 of '70.	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 16th Feb. Art. 19.	32	Suspension of Art. 15 of the 33 Articles.	...	...	...	...	...	...	...
V.R.R. 18th Feb. Art. 26.	33	Amendment of Art. 78 of the Grondwet.	...	...	...	...	...	...	...
Procl. 12th April.	33	Confiscation of Property abolished	...	...	...	...	...	...	...
V.R.R. 12th May. Art. 33.	34	Confiscation of property abolished and Amnesty.	...	...	...	...	...	...	...
Govt. Not. No. 18.	35	Permission to Headman to keep horse and gun.	...	...	...	...	...	...	...
Ordinance No. 2.	36	Vagrancy Law ... ..	...	...	...	...	Law 1 of '81.	...	...
Ordinance No. 3.	36	Beacon Law, No. 8 of '66 ... ..	...	...	...	...	Tariff B. by 2 of '84.	...	...
Ordinance No. 4.	36	Justices of the Peace ... ..	...	...	...	•	...	V.R.R. 22nd March Art. 520.	...
Ordinance No. 5.	36	Criminal Procedure (Now 9 of '66)	...	...	...	...	...	...	...
Ordinance No. 6.	37	Transfer Dues ... ..	...	...	...	...	...	...	...
Ordinance 7. 19th Sep- tember.	37	Orphan Master ... ..	...	...	...	...	5 of '69. 12 of '70.	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Ordinance 8.	37	Registration of Wills and Administration of Estates.	...	...	...	...	12 of '70.	...	...
Ordinance 9.	37	Administration of Estates of Minors, Lunatics, &c.	...	...	...	...	12 of '70.	...	...
Ordinance 10.	38	Attestation of Wills and Powers of Attorney.	...	...	...	...	...	...	...
Ordinance 11. 19th Sept., Art. 43.	38	Registration of Deeds Office ...	...	...	...	...	3 of '66. 8 of '80.	5 of '82.	...
Ordinance 12. 23rd Sept., Art. 68.	38	Transfer of Immovable Property	...	...	...	...	...	...	...
Ordinance 13. 12th Sept.	38	Licences, Stamp Dues, &c....	...	...	...	...	...	...	...
Ordinance 14. 6th Oct.	39	Marriage Licences ... ..	...	...	...	...	...	...	...
Standing Orders. 12th Sept.	39	Volkraad Standing Orders	...	...	...	...	Standing Orders, 12th May, '82.	...	...
V.R.R. 27th Sept. Art. 96.	39	Abolition of District Attorneys	...	...	...	...	...	...	...
V.R.R. 27th Sept. Art. 98.	39	Commandant Generalship, Honorary.	...	...	...	...	V.R.R. 6th April, '66. V.R.R. 12th Feb., '68. Art. 257.	...	...

1864.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 29th Sept. Art. 142.	39	Sale by public auction of lands surveyed.	...	...	...	...	...	...	...
Procl. 24th Nov.	40	Declaration of purchaser and seller	...	...	...	...	V.R.R. 15th June, '70. Art. 184. No. 7 of '83. No. 20 of '95.	...	...

1865.

V.R.R. 3rd June. Art. 12.	40	Public Holidays ... ..	...	...	...	F.V.R.R. 16th Sept., Art. 37. Rules of High Court No. 5.	...	...	...
V.R.R. 10th June. Art. 36.	40	Suspension of Laws and Ordinances of 1864.	...	...	...	...	...	...	...

1866.

1	40	Post Office Law ... ..	...	...	...	...	4 of '69	...	...
2	40	Licences, Stamp Dues, Office and other fees.	...	...	...	...	2 of '71	...	...
3	41	Office of Registrar of Deeds ...	...	...	...	...	8 of '80	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
4	41	Transfer of fixed property when seller absent from the State.	...	...	...	Art. 12 of Law 22, 1894.	...	...	...
5	44	Mining Department ... ..	...	...	...	...	1 of '71	15 of '98	...
6	44	Education ... ..	...	...	...	...	4 of '74	...	...
7	44	Military Service ... ..	...	...	...	...	...	2 of '80	...
8	44	Erection of beacons by owners of farms.	...	...	...	Tariff (B) for Surveyors superseded by Law 2 of '84.	...	...	...
9	47	Criminal Procedure ... ..	...	...	...	Art. 2 by Art. 139 of Grondwet. Art. 3 by Law 2, 1894, and Law 6, 85, Art. 2. Art. 6 by Law 14, 1880, Art. 14 and by Law 5, 1888, and Law 21, 1892. Art. 49 by Art. 15 of Law 3, 1883. Art. 58 rep. by Art. 3 of Law 7, 1896.	...	...	...

No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
9 (contd.)		Criminal Procedure ... ..	...	...	...	Artt. 59 to 70 rep. by Art. 2 of Law 7, 1896.	...	...	...
						Art. 88 by V.R.R., Art. 315 (30-5-92).			
						Artt. 106 to 110, rep. by Art. 1 of Law 7, 1896.			
						Art. 121 rep. by Art. 2 of Law 1, 1895.			
V.R.R. Artt. 200 to 238 of 25th & 26th Sept., 1866.	65	Instructions for Sheriff ... ..	...	...	...	Art. 5 by Rules of Court, Art. 7 by Law 2, 1871	...	...	...
Govt. Notice No. 77 of 23rd July, '66	66	Slave Trade ; Guardians for Native Children.	...	...	...	...	...	...	...
Notice. 3rd Aug., '66.	67	Regulations for Dutch Reformed Church.	...	...	...	...	...	...	...
V.R.R. Art. 175. 22nd Sept., '66	67	Age of Majority ... ..	...	...	...	...	...	...	...

1866.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. Art. 514. 23rd Oct., '66.	67	Sale of Outspan Land ... ..	...	...	...	...	...	...	...
V.R.R. Art. 561. 25th Oct., '66.	68	Quit Rent; from what time payable.	...	...	...	...	...	...	...
V.R.R. Art. 566. 26th Oct., '66.	68	Burgher-rights to obtain land ... ..	...	...	...	...	...	...	...

1867-1868.

V.R.R. Art. 140. Oct. 13th, '68.	68	Sale of Town Commonage... ..	...	...	...	...	...	...	...
V.R.R. Art. 318. Nov. 26th, '68.	68	Tax on Freehold Farms ... ..	...	...	...	...	...	...	...
V.R.R. Art. 319. Nov. 27th, '68.	69	Tax on Loan Farm ... ..	...	...	...	...	...	...	...

1869.

1	69	Instructions for the Auditor-General.	General Instructions. 27-1-'82.
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No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
2	69	Pounds ... ..	...	...	...	...	Law, 2 of '82	...	...
3	69	Instructions for Inspectors of Farms	...	...	...	Art. 1, 2, 6, 7, 11, 13 super. by Beacon Commission Instructions, 20-10-'85. Art. 5. Art. 12 repealed by V.R.R. Art. 431, 9-9-'84. Art. 16 & by Art. 14, of Law 22, '94, & by Art. 7 of Law 2, '71.	...	...	...
4	71	Post Office Law ... ..	...	...	...	...	7 of '73	...	...
5	72	Orphan Chamber Law ... ..	...	...	...	...	12 of '70	...	...
V.R.R. Art. 154. 5th June, '69.	72	Deeds of Grant for Loan Farms	...	...	...	...	...	...	...
V.R.R. Art. 155. 5th June, '69.	72	Deeds of Grant for Freehold Farms	...	...	...	...	...	...	...

1870.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
1, 1870.	73	Marriage Ordinance ... ..	...	...	...	...	No. 3 of '71.	...	...
2, 1870.	73	Grass Burning ... ..	...	...	...	...	...	...	...
3, 1870.	74	Lung-sickness ... ..	...	...	...	...	...	...	...
4, 1870.	75	Land Commission ... ..	...	...	...	...	No. 4 of '75.	...	...
5, 1870.	76	Surveyor-General ... ..	...	...	...	...	No. 2 of '84.	...	...
6, 1870.	76	Grond Brieven ... ..	...	...	...	...	No. 4, 1883	...	...
7, 1870.	76	Field-Cornets ... ..	...	...	...	...	No. 2 of '85.	...	...
8, 1870.	76	Forests ... ..	...	...	...	...	...	No. 15 of '80.	...
9, 1870.	76	Native Passes ... ..	...	...	...	...	No. 3 of '72.	...	...
10, 1870.	76	Game Law ... ..	...	...	...	...	No. 6 of '91.	...	...
1, 1870.	77	Government Notes ... ..	...	...	...	...	...	...	...
12, 1870.	77	Orphan Chamber and Estates ... ..	...	...	...	5, 1896	...	...	...
13, 1870.	90	Travellers ... ..	...	...	...	...	...	No. 23 of '92.	...
14, 1870.	90	Justices of the Peace ... ..	...	...	...	...	No. 7 of '94.	...	...
V.R.R. 172/1870.	90	<i>Re pro Deo</i> Case and Defences	C.F. No. 9 of '66 and No. 1 of '74
V.R.R. 211/1870.	90	Costs in Criminal Cases	

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1871.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
1	90	Gold Law ... ..	...	...	...	Art. 2 superseded by	2 of '72.	...	...
2	90	Licences, Stamp Dues, Office Fees and Charges.	...	..	...	Art. 2 of Law 17, 1899. Art 3 superseded by Art. 3 of Law 17, 1899. Art. 4 superseded by Art. 11 of Law 17, 1899. Art. 5 superseded by Art. 1 & 2 of Law 2, 1881. Art. 6 superseded by Art. 4 of Law 2, 1881. Part of Art. 7 repealed by Law 15, 1899; and part superseded by 8, 1883. Art 9 amended by V.R.R. 6th June, '76. Art. 10			

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
2 (<i>contd.</i>)		Licences, Stamp Dues, Office Fees and Charges.	...	...	...	Artt. 10, 12, 13, 14 & 15, superseded by Law 8, 1883.	...	...	...
						Art. 11, superseded by Law 13, 1880.			
						Art. 18, superseded by Law 8, 1881.			
						Part of Art. 19, superseded by Law 8, 1883, and part by Law 7, 1888.			
3	95	Marriage Ordinance ... ..	...	...	...	22, 1894, Art. 6.	...	...	For Marriage of Coloured Persons, see Law 3, 1897.
4	101	Election of State President ...	...	...	...	...	...	...	Not translated.
5	101	Extradition of Criminals (General)	...	...	...	...	9 of '87.	...	...
6	102	Instructions for the Treasurer-General.	...	...	...	...	General Instructions of 27-1-'82.	...	...
7	102	Exchange of the new Government Notes.	...	...	...	...	...	...	Not translated.
V.R.R. Art. 104, 25th Sept., '71)	102	Coloured persons congregating on Erven.	...	...	...	...	...	...	..

1871.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. Art. 401, 29th Nov. '71.	102	Kaffir Chiefs ; lashes ... ..	...	...	...	...	...	...	...
V.R.R. Art. 441, 4th and 5th December, 1871.	102	Libel ... ..	...	...	Artt. 19 and 27 of the 33 Articles.	...	...	...	...

1872.

1	103	Xanthium Spinosum ... ..	...	...	...	2 of '92.	...	4 of '97.	...
2	103	Gold Law ... ..	...	...	...	...	7 of '74.	...	...
3	103	Passes for Natives ... ..	...	...	...	...	4 of '73.	...	...

1873.

1	103	Extradition of Criminals to Cape Colony and Natal.	...	...	...	As far as Cape Colony is concerned, superseded by Law 14, 1886.	...	...	...
2	105	Sinking Fund for redemption of a loan of £60,000, concluded with the Cape Commercial Bank.	...	...	...	...	...	...	Not translated.

1873.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
3	105	Exchange of Government Notes of the S. A. Republic.	...	...	...	...	...	...	Not translated.
4	105	Passes for Natives ... ..	...	...	...	...	...	6 of '80	...
5	105	To incorporate the Transvaal Mining Company.	...	...	...	...	...	...	Not translated.
6	105	Trade in Firearms and Ammunition.	...	...	...	...	...	...	...
7	107	Post Office Law ... ..	...	...	...	...	...	...	...
Notice	107	Regulations for the Dutch Reformed Church.	...	...	...	...	...	...	Passed by General Church Meeting, 29th Nov., '69. Not translated.
V.R.R. Art. 105. 5th June, '73.	107	Sale by Sheriff of Farm in execution	...	...	...	...	...	...	...

1874.

1 1874	107	Procedure in Civil and Criminal Cases.	No. 9 of '66	...	...	No. 11 of '92. No. 3 of '95.	...	...	...
2, 1874	120	Weights and Measures	No. 6 of '96
3, 1874	123	Conveyancers
4, 1874	124	Education	No. 10 of '80

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1874-1875.

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5, 1874	124	Company Law "Limited Liability."	No. 1, '91. F.V.R.R. 58, '90. 1,331/'92. 1,219/'93. No. 1, '94. No. 7, '92. No. 12, '92. No. 22, '94.
6, 1874	131	Company Law "Incorporation of Companies."	...	...	...	...	...	...	The references to Law 5, 1874, also apply to this Law.
V.R.R. 9/'74.	131	Botanical Gardens or Pretoria Park.	...	...	...	...	...	...	...
1, 1875.	131	Powder Magazines ... ..	...	...	...	...	...	...	...
2, 1875.	133	Stamp Distributors... ..	...	...	...	13 of '98.	...	...	...
3, 1875.	134	„ ... ..	...	...	...	...	...	13 of '98.	...
4, 1875.	134	Land Commission ... ..	...	No. 4 of '70.	...	No. 6 of '85.	...	...	...
V.R.R. 96/1875.	137	Road Rates ... ..	...	...	...	...	...	...	...
V.R.R. 44/1875.	137	Kaffirs wearing Clothes ... ..	...	...	...	...	...	...	...
...	137	Draft Ordinance <i>re</i> Tenders ... ..	...	...	...	...	...	...	...

1875.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 183/1875.	137	Diagrams ... ..	...	...	...	...	...	...	Cf. No. 5 of '82.
V.R.R. 114/1875.	137	Stamp Duty... ..	...	...	...	...	...	...	Cf. No. 2 of '71.
V.R.R. Art. 147; 24/5/1875.	App.	Poll Taxes ... ..	...	...	...	...	...	...	See V.R.R., Art. 1311, 27th July, 1887.

1876.

V.R.R. 6/1876.	138	Orphan Chamber Law	No. 12 of '70.	...	...	...	...	...	...
Govt. Not. 2139/1876.	139	Officials may not undertake Agencies.	...	...	...	...	...	...	...
Govt. Not. 2072/1876.	139	Stamp on Legalisation of Signatures	...	...	...	...	...	...	[See Govt. Notice No. 127/184.]
V.R.R. 102/1876.	139	Road Rates	V.R.R. No. 96, 1875.	...	...	...	...	...	...
V.R.R. 105/1876.	139	Taxes on Farms ... ..	...	...	...	...	...	...	...
V.R.R. 107/1876.	140	Taxes on Farms ... ..	...	...	...	...	...	...	...
V.R.R. 113/1876.	140	Stamps on Searches... ..	...	...	...	No. 5 of '82.	...	...	...
V.R.R. 115/1876.	140	Tax on Advertisements ... ..	...	...	...	...	...	...	...

1876-1877.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
V.R.R. 117/1876.	140	Marriage Fees ... ..	...	...	...	...	...	...	Cf. No. 3 of '71.
V.R.R. 118/1876.	140	Railway Tax ... ..	...	...	...	...	...	...	...
V.R.R. 201/1876.	141	Sworn Translators ... ..	...	...	...	...	...	...	...
V.R.R. 216/1876.	141	Advocates, &c.	Art. 1. No. 1 of '74.	...	...	...	...	...	...
V.R.R. 219/1876.	141	Advocates, &c. ... ..	...	...	...	...	...	...	...
V.R.R. 222/1876.	141	Flour Mills ... ..	...	...	...	...	...	...	...
1, 1877.	142	Treason ... ..	...	...	...	...	...	...	...

1880.

1, 1880.	143	State Seal ... ..	...	...	...	...	...	...	...
2, 1880.	144	Repeal of Law <i>re</i> Military Service (1866).	...	...	...	...	...	...	...
3, 1880.	144	Sekukuni War Indemnity Bill ...	...	...	...	...	...	...	Not translated.
4, 1880.	144	Budget 1880... ..	...	...	...	...	...	...	...
5, 1880.	145	Dynamiting of River Fish... ..	...	...	...	...	...	...	...
6, 1880.	146	Native Passes and Taxes and accompanying regulations	...	...	No. 4 of '73. No. 3 of '76.	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
7, 1880.	151	Introduction of Extradition Acts, 1870 and 1873 of Imperial Parliament	...	...	...	...	...	...	Lapsed on retrocession. See No. 14, 1886.
8, 1880.	151	Registrar of Deeds ... ..	...	...	...	...	See No. 5 of '82.	V.R.R. 288-1881.	...
9, 1880.	151	Telegraphs ... ..	...	...	...	No. 3 of '84.	...	...	...
10, 1880.	155	Education ... ..	...	No. 4 of '74.	...	...	No. 1 of '82.	...	...
11, 1880.	155	Transfer Duty ... ..	...	...	...	...	No. 7 of '83.	...	...
12, 1880.	155	Customs ... ..	...	...	...	...	No. 2B of '81.	...	...
13, 1880.	156	Master and Servants Law ... ..	...	...	...	...	...	...	...
14, 1880.	183	Prisons ... ..	...	...	...	V.R.R. 752 of 1883 and S.V.R.R. 849 of 1899.	...	...	...
15, 1880.	191	Forests	Forest Reg. 1881; V.R.R. 72 of 1881 B. Ex. C.R. 105 of 1884. V.R.R. 515 of 1884. F.V.R.R. 420 of 1892. Procl. 19/6/1899.

1880-1881.

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16, 1880.	194	Municipalities	No. 11 of '83	...
17, 1880.	194	Auctions	No. 1 of '85
18, 1880.	195	The Shepstone Pension (Lapsed on Retrocession).
19, 1880.	195	District or Divisional Councils ...	...	...	...	...	...	No. 6 of '83	...
20, 1880.	195	Transvaal Police ... ..	...	...	...	...	No. 5B, '81.	...	...
21, 1880.	195	Insolvency Law ... ..	...	...	...	No. 5 of '83.	No. 13 of '95.	...	...
1, 1881.	195	Liquor Law... ..	...	Ordinance 1858.	...	...	...	18, 1898	...
2, 1881.	195	Extradition, O. F. State ... ..	...	...	...	...	No. 5 of '85.	...	...
3, 1881.	195	Press Law ... ..	...	...	...	...	...	V.R.R. 723/1886.	...
4, 1881.	196	Volunteer Corps Pension Fund ...	...	..	...	...	No. 9 of '83.	...	...
5, 1881.	196	Office Fees of Master of High Court in Insolvency.	...	..	...	...	...	...	..

1881.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
6, 1881.	198	Criminal Procedure	V.R.R. 354/1881.	...
7, 1881.	198	Civil Imprisonment
8, 1881.	198	Medical Practitioners, &c.	No. 2, of '86.	No. 12, of '86.
9, 1881.	199	Pretoria Landdrost
10, 1881.	200	Budget, 1881
11, 1881.	200	Native Courts	No. 4, of '85.	...
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2. B.	210	Licences and Customs	No. 2 of '71	Nos. 4 & 6, 1882.
3. B.	210	Grondwet (Amendment)	Grondwet 1858.	Grondwet 1889.
B.	210	Artillery Law	No. 8 of '82.

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5. B.	210	Mounted Police	No. 20, 1880.	No. 8 of '82.
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1	211	Education	No. 2 of '81	No. 8 of '92.
2	211	Pound Law	2, 1869.	...	V.R.R. 145 of '90 and No. 8 of 1889.
3	217	Tariff for Travelling Expenses of Officials.	...	...	...	...	No. 14, of '87.	...	...
4	217	Customs ... ..	...	No. 2B, 1881.	...	...	No. 16, of '87.	...	...
5	217	Deeds Registry ... ..	...	Ordinance 1866. No. 8 of '80.	...	Art. 10 of Law 22, 1894; V.R.R. 278 of 1885, and F.V.R.R. 1810, of 1894.	...	...	...
6	221	Licences	No. 2B, 1881.	No. 13, of '87.
7	221	Franchise	No. 1, 1876.	No. 5, of '90.
8	222	Artillery	No. 4B, 1891. No. 5B, 1891.

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1	222	Gold Law	No. 6 of '75	No. 8 of '85	15 of '98	...
2	222	Military Service	No. 20 of '98
3	222	High Court Amendment	No. 1 of '88. Rules of Court 1889. — No. 6, '85. No. 10, '96.
4	226	Title Deeds or Grants of Farms	No. 6 of '70	No. 10 of '92 Art. 13 of Law 22, 1894.
5	228	Market Law...	No. 8 of '88
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7	228	Transfer Duty	No. 11 of '80	...	No. 20 of '95
8	228	Bills of Costs	Art. 10, 12-15. Ord. 2, '71.	No. 19 of '94
9	228	Pension Law	No. 4 of '81. No. 18 of '80.	No. 6 of '88

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11	231	Town Councils	No. 16 of '80	...	No. 10, '86, and 17, '98.
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V.R.R. 752.	232	Gaols	No. 14 of '80.	Gaol Reg. 1894. Govt. Not. 51.
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Govt. Notice, 211.	232	Departmental Correspondence, &c.
Govt. Notice, 214.	232	Trade in Ammunition

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1	232	Contagious Diseases	No. 11 of 1886. No. 4 of 1887.
2	232	General Survey	No. 12 of 1895. No. 9 of 1891.
3	233	Telegraphs	No. 22 of	See No. 9, 1880.

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4	237	Smuggling of Guns, &c.	No. 22 of 1894.	Cf. V.R.R., 971/1883.
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2	244	Instructions for Field-Cornets and Assistant Field-Cornets.
3	250	Coolies, Arabs, and other Asiatics.	Procl., 24th Jan., 1887.
4	251	Management of, and administration of Justice among Natives.	...	...	Artt. 37-51, 56-58, of Field-cornets' Instructions of 17th Sept., '58, Law 9, 1870, Law 4, 1873, Law 3, 1876, Law 11, 1881.	F.V.R.R., Art. 1,480 of 1894.	...	...	...
5	254	Extradition of Criminals to Orange Free State.	...	...	...	...	...	...	...
6	260	Courts of Justice	Law 4, of '75. Art. 3. Grondwet of 1858. Art. 150.	...	Art. 23 of Law 4, of '75.	Artt. 3, 4, & 5, Repealed by Law 1, 1888.	...	...	...
7	262	Surety Bonds ... ..	...	...	...	...	...	2 of '99	...
8	262	Gold Law ... ..	...	...	...	10 of '87.	...	8 of '89	...
9	262	Issue of Treasury Bills bearing interest.	Not translated.
10	262	Direct Taxes	11 of '96.

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Govt. Notice. No. 212. 20th Oct., '85.	267	General Instructions for the Beacon Commission.	...	Elucidating General Instructions of 15th Dec., 1884.	...	Law 9 of '91. Art. 23 & 24.	In pursuance of Art. 18 of Law 2, 1884.
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V.R.R. Art. 278. 3rd June, '85.	270	Landdrost empowered to execute deed of Transfer.	Art. 4 of Law 5, 1882.
V.R.R. Art. 360. 10th June, '85.	270	Burghers qualified to serve as jurymen.
Ex. Council Resolution. Art. 228. 11th June, '85.	270	Instructions to Auditor-General and General <i>re</i> accounts of persons indebted to the State.
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3	271	Servitudes	V.R.R. Art. 184 dated 27th May, '90.
4	271	Artillery and Police	15 of '94
5	272	Tariff Witness expenses	Art. 1, 3, 4, 5 & 6 superseded by Law 19, '94.
6	272	Direct Taxes	11 of '96
7	272	Travelling and personal expenses of Civil Servants.	14 of '87.
8	272	Occupation farms in Zoutpansberg and Waterburg.	Art. 11 of Law 22, 1894.
9	275	Customs	13 of '87, except Art. 2, which is superseded by 4, 1894.
10	275	Town Councils	19 of '92.
11	275	Contagious Diseases	4 of '87.
12	276	Medical Profession	Art. 18 of 2, 1871.
13	279	Board of Examiners	22, 1894.	6 of '95.

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V.R.R. 7th July, '86. Art. 877.	286	Volksraad Members, Reduction of Number
V.R.R. 29th July, '86. Art. 1,228.	286	Financial Year
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V.R.R. Art. 1,344. 9th Aug., '86.	287	Security (Advocates, &c.)	V.R.R. 27th June, '82 Art. 526 (as to application)
V.R.R. Art. 1,391. 10th Aug., '86	287	Civil Servants may not tender for Government Contracts.
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2	289	Copyright Law	F.V.R.R. Art. 420, dated 20th June, '95
3	294	Special Inspection Commission for District of Waterburg
4	296	Infectious and Contagious Diseases	12 of '95

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11	304	Squatters' Law	21 of '95.	...
12	304	Representation of Public Diggings in Volksraad
13	305	Licences and Customs	3 of '90, (Customs); 21 of '98, (Licences).
14	305	Tariff of Travelling and Personal expenses of Civil Servants	3 of '82.
15	307	Pension Law	6 of '83.
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17	307	Regulations for Farms on Schoonspruit, and Instructions for the Water-fiscal

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Govt. Notice. No. 229.	457	Claim Inspector's Instructions	Not translated. Framed under Law No. 3, '93, which is repealed.

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2	462	Extension of Landdrost's Jurisdiction.
3	465	Franchise Law	No. 13 of 1891 and 4 of 1890.	No. 6 of 1897.	No. 3 of 1899.
4	471	CUSTOMS ... ..	...	No. 20 of 1892.	...	No. 22 of '94. F.V.R.R. 1,200/1896. F.V.R.R. 2,130/1896. F.V.R.R. 100/1896. <i>ex</i> Council Resolution, No. 313, dd., 24-3-'98. Gazette, 6-4-'98.	...	...	See Article 9 of Law 19, 1898.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
5	494	Game Law ... ..	...	No. 6 of 1891 and 13 of 1893.	...	...	...	...	See Proclamation, 2 Feb., 1898. (Town Lands, 4-5-98 and 13-4-98, Pretoria).
6	498	Public Meetings Law ... ..	...	...	...	...	...	...	...
7	500	Justices of the Peace ... ..	...	...	...	...	...	...	...
8	507	Glanders ... ..	...	...	...	...	...	...	...
9	516	Lunatics ... ..	...	...	...	...	...	...	...
10	533	Bribery of Officials... ..	...	...	...	F.V.R.R. 580/1895.	...	...	...
11	534	Public Streams ... ..	...	...	...	...	...	...	...
12	537	Excise Law ... ..	...	...	...	8 of '96.	...	...	...
13	546	Pawn Broking ... ..	...	...	...	...	...	...	...
14	548	Gold Law ... ..	...	No. 18 of '92.	...	No. 22 of '94.	No. 14 of '95.	No. 15 of '98.	...
15	549	Artillery Law ... ..	...	...	No. 2 of '99. No. 8 of '82.	...	No. 1 of '96.	...	...
16	549	Sunday Law	No. 2 of '88.	...	...	...	...	No. 28 of '96.	...
17	549	Volunteer Corps ... ..	...	...	...	...	...	F.V.R.R. 1,042/1898.	...
18	549	Tolls ... ..	...	No. 10 of '93.	...	...	...	F.V.R.R. 1,255/1896.	...
19	549	Bills of Cost ... ..	...	No. 8 of '83.	...	...	No. 14 of '95.	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
20	549	Boiler Inspection Law ... ..	...	No. 7 of '93.	...	...	No. 3 of '96.	...	...
21	549	Liquor Law (Amendment)... ..	No. 13 of '92, & 12 of '93.	...	...	...	No. 18 of '95.	...	...
22	550	Responsibility of Head Officials... ..	No. 14 of '93. No. 13 of '96. No. 1 of '93. No. 9 of '93. No. 4 of '84. No. 3 of '71. No. 4 of '94. No. 5 of '82. No. 8 of '86. No. 4 of '86. No. 4 of '83. No. 3 of '69. No. 9 of '91. No. 7 of '85. No. 6 of '82. No. 6 of '74.	...	...	...	...	...	...
F.V.R.R. 46.	553	Zululand Witnesses (Amendment)	No. 3 of '92.	...	...	...	...	...	...
F.V.R.R. 226.	553	Regulations for Railway Crossings	...	...	...	...	...	...	Not translated. See page 247, L.L. 1894.
S.V.R.R. 98.	554	Company Law (Amendment)	V.R.R. Art. 1,331/1892 & Law No.6, '74.	...	...	...	...	...	...
F.V.R.R. 746.	554	Secretary Bird ... ..	...	...	...	...	...	...	...
F.V.R.R. 817.	App.	Investment of P. O. S. Bank Funds	...	...	...	...	...	...	...
F.V.R.R. 892.	554	Surveyors' Tariff (Amendment)	No. 8 of '91.	...	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
F.V.R.R. 938.	554	Roman Catholic Officials ...	...	...	...	...	...	...	...
F.V.R.R. 1,381.	555	Orphan Chamber Deposits	...	...	...	...	...	...	See No. 12 of 1870.
F.V.R.R. 1,480.	555	Native Courts	No. 4 of '85.	...	...	...	...	...	...
F.V.R.R. 1,481.	555	Native Courts	No. 4 of '85.	...	...	...	...	...	...
F.V.R.R. 1569.	555	Native Locations ... ..	...	...	...	...	...	...	...
F.V.R.R. 1,605.	556	Education	8 of '93	...	...	...	...	...	...
F.V.R.R. 1,779.	560	Expropriation of Land ... ..	...	...	...	...	...	...	...
F.V.R.R. 1,810.	560	Cancellation of Bonds	Supplementing No. 5 of '82.	...	...	...	...	...	...
F.V.R.R. 1,816.	560	Taxes on Compensation, Erven ...	...	...	...	...	...	...	...
Govt. Notice No. 6.	560	N. S. A. Railway Regulations (Amendment).	...	...	...	...	...	...	(Page 360, L.L., 1894), Not translated.
Govt. Notice No. 19.	560	Native Court Rules... ..	...	...	...	...	...	...	(Page 361, L.L., 1894), Not translated.
Govt. Notice No. 94.	560	Rules for Trial of Civil Cases by Jury.	...	...	...	...	...	...	(Page 385, L.L., 1894), Not translated.
Govt. Notice No. 51.	561	Gaol Regulations ... ..	...	Regulations of 1880.	...	...	...	...	See V.R.R. 752/1883.
F.V.R.R. 922.	573	Instructions for keeping Accounts of State Revenue and Expenditure.	...	...	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
1	591	Criminal Procedure...	No. 5 of '64, now 9 of '56.	...	Art. 121, Law 5 of '64, as approved by V.R.R. Oct., '66.	...	...	...	...
2	592	Adulteration ...	...	...	...	...	...	No. 29 of '96.	...
3	592	Civil Procedure ...	No. 11 of '92 and No. 1 of '74,	...	Art. 83 of Law No. 11 of '92. Art. 51 of Law No. 1 of '74.	...	...	...	...
4	593	District Surgeons ...	...	No. 4 of '88, V.R.R. 24th June, '91.	...	...	...	...	Cf. The General Law on Medical Practitioners, 12 of '86.
5	597	Examination of Mine Surveyors ...	...	...	...	...	...	No. 14 of '99.	...
6	597	Board of Examiners ...	...	No. 13 of '86.	...	No. 16 of '96.	...	...	...
7	619	Attestation of Wills ...	...	...	...	...	...	...	Cf. Law 12 of 1870.
8	620	General Clauses in Mortgage Bonds	...	...	...	...	...	...	See Law 5 of '82.
9	621	Witnesses in Bechuanaland ...	...	...	...	...	...	...	...
10	624	Witnesses in Cape Colony...	...	...	...	...	...	...	...
11	628	Police Law ...	...	...	...	...	...	...	For Police Regulations, see 6th April, '98 <i>Staatscourant</i> , page 516.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
12	634	Contagious Diseases ... ..	...	4 of '87.	...	...	...	...	For Proclamation in terms of this Law, see <i>Staatscourant</i> , 16th February, '98
13	643	Insolvency Law ... ..	...	21 of '80, as Supplemented by 5 of '93.	...	...	...	...	...
14	690	Costs in Lawsuits ... ..	...	19 of '94.	...	12 of '99.	12 of '99. except Art. 10 par. 6.	...	Not translated except Art. 10, par. 6
15	690	Leasing of Government Salt pans	...	...	V.R.R. 20th March, 1852. V.R.R. 13th June 1853. Art. 1 of Game Law of 1858.	...	...	...	...
16	694	Pretoria Cab Law ... ..	...	...	...	S.V.R.R. 10th August, 1896.	...	...	...
17	698	Base Metals ... ..	...	...	...	...	...	14 of '97.	...
18	698	Liquor Law ... ..	...	...	13 of '92.	...	...	19 of '98.	...
19	698	Precious Metals ... ..	...	...	...	...	...	15 of '98.	...
20	698	Transfer Dues ... ..	...	7 of '83.	...	...	...	...	...
21	705	Squatter's Law ... ..	...	...	11 of '87.	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
22	707	Passes for Natives	6 of '80.	Govt. Notice 239. Nov., 1883.	...	...	...	...	...
23	710	Native Pass Law for Gold Fields	...	...	...	...	...	31 of '96. V.R.R. 18th Jan., '99.	...
24	710	Hut Tax	6 of '80.	...	...	Ex. Council Resolution. 26th Aug. '98. Art. 792 in terms of Art. 7 of the Laws.	...	...	See V.R.R., 15th May, '96. See <i>Staatscourant</i> 31st Aug., '98. (Ex. Council Resolution, 26th Sept., '98. Art. 792).
F.V.R.R. 8th June. 315.	713	Ratification of Treaty with Free State about the Vaal River Islands.	...	...	...	...	...	...	...
F.V.R.R. 20th June. 420.	715	Amendment of Copyright Law ...	Art. 1, 23 and 24. Law 2 of '87.	...	...	...	...	...	...
F.V.R.R. 25th June. 463.	715	On Mortgage Bonds. Copies of Lost Bonds.	5 of '82.	..	...	...	...	...	...
F.V.R.R. 2nd July. 557-569.	716	Regulations for the Bath Inspector at the Warm Baths.	...	...	...	...	...	...	Not translated.
F.V.R.R. 3rd July. 580.	716	Amendment of Bribery of Officials Law.	10 of '94.	...	...	...	...	...	...
F.V.R.R. 5th July. 595-616.	716	Boring Regulations... ..	...	...	...	...	...	...	Not translated.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
F.V.R.R. 18th July. 640.	716	Amendment of Savings Banks Law.	9 of '92.	...	...	...	...	...	...
F.V.R.R. 22nd July. 695.	716	Admission Fees for Doctors and Apothecaries.	V.R.R. 22nd May, 1895.	...	...	...	...	...	...
F.V.R.R. 25th July. 725.	716	Grant of Franchise to Volunteers in Zoutpansberg and Swaziland Campaigns.	...	...	...	...	...	...	Not translated.
F.V.R.R. 31st July. 788.	716	Resignation of Officials pending acquittal on Criminal Charge.	...	...	...	...	...	...	...
F.V.R.R. 14th August. 910.	717	Provisions with regard to Kaffir Tribes.	...	...	...	...	...	...	Not translated.
F.V.R.R. 15th August. 925.	717	Compensation to Burghers for loss suffered in Malaboch War.	...	...	...	...	...	...	Not translated.
F.V.R.R. 16th August. 934.	717	Import Duty on Distilled Liquors manufactured in Free State.	...	...	...	...	...	...	Not translated.
F.V.R.R. 21st August. 966.	717	Carolina and Ermelo Railway Contract.	Not translated.
F.V.R.R. 23rd August. 988.	717	Special Commandants on Gold Fields.

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F.V.R.R. 26th August. 1001.	717	Supervision of Concessions
F.V.R.R. 29th August. 1035.	718	Sending in of Official Statements
F.V.R.R. 30th August. 1058.	718	Eradication of Xanthium Spinosum	...	...	...	...	...	...	...
F.V.R.R. 31st August. 1066.	718	Interfering with Native Affairs ...	...	...	...	...	...	...	...
F.V.R.R. 2nd Sept. 1072.	719	Signature of Memorials ...	...	...	...	...	...	...	...
F.V.R.R. 3rd Sept. 1095.	719	Free Importation of Swaziland Produce	...	...	...	...	...	...	Not translated.
F.V.R.R. 17th Sept. 1230.	719	Game Preserve ...	...	...	...	...	...	...	...
F.V.R.R. 2nd October. 1417.	719	Inspection of Offices Department...	...	...	...	...	...	...	...
F.V.R.R. 3rd October. 1479.	720	Inclusion of Mission Stations under Squatter's Law	...	...	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
F.V.R.R. 4th October. 1484.	720	Gifts of Uniforms to Native Captains	...	...	...	...	...	...	...
F.V.R.R. 5th October. 1513.	720	School Subsidies ... ..	...	...	...	...	...	...	...
F.V.R.R. 5th October 1514, 1515.	721	{ Bursary Regulations ... ..	...	...	...	...	...	...	...
		{ Bursary Commission ... ..	...	...	...	...	...	...	...
F.V.R.R. 7th Oct. 1546.	722	Pretoria-Pietersburg Railway Commission.	...	...	...	...	...	...	...
F.V.R.R. 7th Oct. 1548.	722	Exemption of British Subjects from Commando Service.	...	...	...	...	...	...	Not translated.
F.V.R.R. 7th Oct. 1551.	722	Repeal of F.V.R.R. 8th Sept., '93. Art. 1,353.	...	...	...	...	...	...	...
Procl. 8th Oct. 1559.	722	Resolution on Selati Railway.	...	...	...	...	...	...	Not translated.
Procl. 19th Feb.	722	Regulating Government of Swaziland.	...	...	...	...	...	...	Not translated.
Procl. 26th Feb.	722	Prohibiting Hunting on Pretoria Town Lands.	...	...	...	...	...	...	Not translated.
Procl. 15th March.	722	Laws of S. A. R. applicable to Swaziland.	...	...	...	...	...	...	Not translated.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Procl. 31st May.	722	Requirements of admission as Advocate of High Court.	...	...	...	...	...	...	...
Procl. 18th June.	723	Amnesty to Criminals resident in Swaziland.	...	...	...	...	...	...	Not translated.
Procl. 8th Aug.	723	Expulsion of dangerous Persons from Swaziland.	...	...	...	...	...	...	Not translated.
Procl. 26th Aug.	723	Post Office Order Convention with C. C. applicable to British Bechuanaland.	...	...	...	...	...	...	Not translated.
Procl. 31st Aug.	723	Penalties for interference with Native Affairs.	...	...	...	...	...	...	Not translated.
Procl. 24th Sept.	723	Putting in force Law No. 10, 1895. (Witnesses, Cape Colony Law.)	...	...	...	...	...	...	Not translated.
Govt. Notice No. 65.	723	Hut Tax ... ..	...	...	...	...	...	...	...
Govt. Notice No. 141.	724	Provisions with regard to Marriage Officers.	...	...	...	...	...	...	...
Govt. Notice No. 187.	724	Regulations for Registration of Deeds in Swaziland.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 236.	724	Registration of Burghers in accordance with Swaziland Convention.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 247.	724	Regulations on Distribution of Claims by lot.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 285.	724	Supplementary Article to Provisional Regulations for Registration Office in Swaziland	Not translated.

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No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice No. 300.	724	Special Commissioner of Bremersdorp, Collector Revenue for Swaziland.	Not translated.
Govt. Notice No. 306.	724	Cancellation of Stamps

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1	724	State Artillery Law	No. 15 of '94.	...	Law No. 5 of '99.	Not translated here.
2	725	Grondwet	Grondwet of 1889 and 1858.	...	(Amended by Grondwet of 1899, but latter has never been promulgated)
3	746	Law on Boilers ... ..	...	No. 20 of '94.	...	...	...	No. 11 of '98.	...
4	746	Assurance Companies (Amendment)	Art. 7. No. 12 of '92	...	...	...	...	No. 8 of '98.	...
5	746	Orphan Chamber Appraisers ...	No. 12 of '70.	...	Art. 65. No. 12 of '70.	...	...	...	...
6	747	Weights and Measures (Amendment)	Art. 7 of No. 2 of '74.	...	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
7	747	Criminal Procedure (Amendment)	Ord. 5 of '64	...	Arts. 106-110 59-70 of Ord. 5 of '64.	...	...	...	...
8	751	Adulteration of Liquor, &c.	Law 12 of '94.	...	Art. 38. Law No. 12 of '94.	...	...	...	...
9	752	Education Law (Amendment)	No. 5 of '95.	...	...	...	...	No. 14 of '99.	...
10	752	Constitution of High Court (Amendment).	Supplement- ing No. 3 of '83 and No. 1 of 88.	...	...	...	...	...	...
11	752	Direct Taxes	...	No. 10 of '85. No. 3 of 89.	...	...	...	...	...
12	757	Mining Regulations	...	...	No. 3 of '93.	...	...	No. 11 of '97.	...
13	757	Town Councils	...	...	...	...	...	No. 17 of '98.	...
14	757	Education Law (Amendment)	No. 8 of '92 and No. 8 of '93.	...	...	...	...	...	...
15	760	Education Law (Amendment)	No. 8 of '92.	...	...	...	...	...	...
16	761	Education Law (Amendment)	No. 6 of '95.	...	...	...	...	...	...
17	763	Liquor Law	...	No. 13 of '95.	...	...	No. 19 of '98.	...	...
18	763	Truck Law (Trading on Mining Promises).	...	...	...	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
19	764	Law relating to Travellers, Trekkers, &c.	No. 1 of '93.	..	...	...	..	...	...
20	765	Hawkers' Licences ... ..	...	..	...	...	...	...	See also Law 17 of '99.
21	766	Gold Law ... ..	...	No. 19 of '95.	...	...	...	No. 15 of '98.	...
22	766	Telegraphs (Amendment)	No. 3 of '84.	...	...	...	...	...	...
23	767	Telegraphs (Amendment)	No. 9 of '80.	...	...	...	...	...	...
24	767	War Tax	No. 2 of '88.	...	Art. 14. No. 2/83 and V.R.R. 1,304/1886.	...	...	..	...
25	768	Aliens Expulsion Law	Art. 6 of Grondwet.	...	...	...	...	No. 5 of '98.	...
26	769	Press Law ... ..	...	No. 11 of '93.	...	No. 14 of '98.	...	...	..
27	771	Explosives	No. 4 of '84. V.R.R. 18 of 21-7-88; Art. 28, No. 16 of '92.	...	Art. 1. 20 of Law 16. No. 14 of '92; Procl. Regulation, dd. 9 June '96; Art. 14 and 30-34. Law No. 14 of '92.	...	...	...	See Procl. <i>Staats-</i> <i>courant</i> 1898, page 229.
28	790	Sunday Law... ..	...	...	No. 2 of '88. No. 16 of '94.	...	...	...	..
29	793	Adulteration of Food Stuffs ... ..	...	No. 2 of '95	...	No. 6 of '98.	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
30	794	Passport Law ... ..	...	...	...	...	...	F.V.R.R. Art. 24/1897.	...
31	796	Native Pass Law for Gold Fields...	...	No. 23 of '95.	...	...	...	No. 23 of '99.	...
F.V.R.R. 160	796	Native Missionary	Explaining No. 24 of '95.	...	...	...	...	...	...
F.V.R.R. 598	796	Gaol Law Amendment	See No. 14 of '80.	...	...	...	...	...	See V.R.R. 849/1899.
F.V.R.R. 1,200	796	Customs Amendment, Tobacco ...	No. 4. of '94.	...	...	...	...	F.V.R.R. 844/1898.	...
F.V.R.R. No. 1,235, 19th Aug., '96.	797	Census ... ..	...	...	...	...	...	...	See Law No. 5 of '89.
F.V.R.R. No. 1,255.	797	Abolition of Tolls ... ..	...	...	No. 18 of '94, and all other Toll Laws.	...	...	...	...
F.V.R.R. No. 1,265.	797	Coloured Missionaries	Referring to No. 23 of '95.	...	...	...	...	...	...
F.V.R.R. 1884-1897	797	Coolies ... ..	...	...	...	...	...	...	...
F.V.R.R. No. 2,130.	797	Firearms (Amendment of Law) ...	...	...	Last paragraph of Art. 4, Law No. 4 of '94.	...	...	...	...
F.V.R.R. 100	798	Exemption of certain Foodstuffs and Seed Oats from "Customs."	No. 4 of 94.	...	...	...	...	...	...
Govt. Notice.	798	Transfer Duty. Swaziland.	...	...	...	...	...	...	...

TRANSVAAL 1896 LAWS.

TABLE No. 2.

REFERENCES TO SUNDRY VOLKSRAAD RESOLUTIONS NOT SPECIFIED IN TABLE 1.

COOLIES—COMMISSION REPORT *re* BLOEMFONTEIN AWARD.

F.V.R.R., 64/1896 : Refers to Laws No. 3/85 and No. 13/87.

FACTORIES, BONUS TO.

F.V.R.R., 1871/1896, page 350, L.L., 1896.

PIETERSBERG RAILWAY.

F.V.R.R., 775/1896, page 329, L.L., 1896.

POSTAL CONVENTIONS.

With Germany, L.L., 1896, page 375.

„ Great Britain, L.L., 1896, page 382.

RINDERPEST PROCLAMATIONS.

L.L., 1896, pages 391/443.

SCHOOL FOR TELEGRAPHISTS.

F.V.R.R., 64/1896, page 324, L.L., 1896.

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1	799	Testing-right of Judges	2 of '96.	Declaratory and Explanatory of the Grondwets of 1858 and 1886, and Appendix 2 to Grondwet.
2	801	Prevention of Immorality Law ... ..	...	...	Provisional Law. F.V.R.R. Art. 1836 of 29th Sept., '96.	...	...	11 of '99.	...
3	801	Marriages of Coloured Persons	3 of '71.	...	...	...	...	...	See Regulations in terms of Art. 16, 15th Mar., 1898.
4	804	Xanthium Spinosum, &c.	1 of '72.	2 of '92.	...	...	...	...	...
5	806	Signature of Memorials	Standing Orders, 29th June, '96.	...	...	...	...	...	...
6	806	Ballot Law	3 of '94.	...	...	...	...	...	...
7	809	Survey of Farms	9 of '91.	...	...	...	...	...	...
8	810	Use of Highways and Transport Roads.	...	...	...	...	...	...	Other Laws on this subject are— 7 of '89, Construction of Roads. 1 of '93, Travellers. 9 of '93, Obstruction of Roads.
9	812	Town Council for Johannesburg ... ..	...	...	...	...	...	No. 9 of '99	...
10	812	Recovery of Petty Debts ... ..	...	No. 7 of '91.	...	...	...	...	...

No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
11	813	Mining Regulations ... ..	...	...	...	...	...	No. 12 of '98.	.
12	813	Patent Law ... ..	...	No. 6 of '87.	...	...	...	No. 10 of '98.	.
13	814	Liquor Law ... ..	...	...	No. 17 of '96.	...	...	No. 19 of '98.	...
14	814	Mining of Base Metals Law ... ..	...	...	No. 17 of '95.	1st V.R.R. 1975 of '88. (4a added 8th Dec., '98.)	...	...	..
15	816	Leprosy Law ... ..	...	...	Art. 13 of Law No. 12 of '95.	...	...	...	...
16	819	Ballot Law (Supplementary)	No. 6 of '97.	...	...	...	...	...	...
		Standing Orders for Second Volksraad.	...	Standing Orders for Second Volksraad, 27th Aug., '94.	...	...	...	...	See page 146 LL., 1897.
F.V.R.R. 6th May. Art. 40.	821	Repeal of Aliens Passport Law ... ..	...	...	30 of '96.	...	...	...	...
F.V.R.R. 7th May. Art. 53.	821	Adding Appendices I. and II. to Grondwet of '58, to Grondwet of '96.	2 of '96.	...	...	...	...	...	...
F.V.R.R. 22nd July. Art. 652.	821	Excluding Civil Servants from Candidature for Presidency.	...	...	...	...	...	...	...
Ex. C.R., 584 4th Aug.	App.	Native Pass Law, Exemptions	31 of '96	...	...	...	...	...	...
F.V.R.R. 3rd Sept. Art. 1027.	821	Cool Chambers ... ..	...	...	...	...	...	...	Not translated.

No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
F.V.R.R. 4th Oct. Art. 1385.	821	Dog Tax ... ..	...	...	...	...	...	...	...
F.V.R.R. 12th Oct. Art. 1490.	821	Indisputability of Surveyed Werven.	...	...	...	...	...	...	...
F.V.R.R. 14th Oct. Art. 1522.	822	Separate accommodation for coloured persons in Trains.	...	...	..	...	..	...	...
F.V.R.R. 22nd Oct. Art. 1595.	822	Conversion of Claims into Stand Townships.	...	...	...	...	...	...	...
F.V.R.R. 10th Nov. Art. 1683.	822	Estimated Expenses of Expropriation	...	...	...	...	...	...	...
F.V.R.R. 11th Nov. Art. 1702.	823	Construction of Branch Lines ...	...	...	...	...	...	...	...
Procl. 20th Sept.	823	Alteration of Rule 50, Rules of Court (Sale of Immovable Property)	Rule 50 of Rules of Court, 29th Aug. '87	...	...	...	...	...	...
Procl. 27th Dec.	823	Putting Law No. 27 of 1896 into operation	...	...	...	...	...	...	...
Govt. Notice No. 8.	823	Extradition of Criminals between South African Republic and Kingdom of Netherlands	...	...	...	...	...	...	Not translated.
Govt. Notice No. 32.	823	Exercise of Franchise by Swaziland Burghers	...	..	...	...	...	...	...

No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice No. 51.	823	Instructions for Inspection of Offices Department	...	...	...	...	...	...	Not translated.
Govt. Notice No. 107.	823	Cancellation of Leases of Tenants of Government Lands	...	...	...	...	...	...	...
Govt. Notice. No. 127.	824	Circuits of Mining and Boiler Inspectors	...	...	...	...	...	...	...
Govt. Notice. No. 196.	824	Repeal of Law No. 30 of 1896 ...	...	...	No. 30 of '96	...	..	...	Not translated
Govt. Notice. No. 245.	824	Publication of Appendices 1 & 11. to Grondwet of 1858.	No. 2 of '96	...	...	...	...	...	Appendices 1 & 11 appear also under the year 1859.
Govt. Notice. No. 477.	825	Instructions for the Distributors of Forms	...	...	...	...	...	...	Not translated
Govt. Notice. No. 495.	825	Regulations for the Leper Asylum at Pretoria.	...	...	...	...	...	...	Not translated
Govt. Notice. No. 497.	825	Indisputability of Surveyed "werven"	...	...	...	...	...	...	...
Govt. Notice. No. 514.	826	Post Office Order Administrations, Regulations for	...	...	...	...	...	...	Not translated
Govt. Notice. No. 530.	826	Instructions for State Geologist ...	...	...	...	...	...	...	Not translated
Govt. Notice No. 531.	826	Instructions for the Chief of the Department of Mines.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 532.	826	Instructions for the State Mining Engineer.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 537.	826	Regulations for Burgher ruined by Rinderpest.	Not translated.

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No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice No. 553.	826	Treaty for Extradition of Criminals between S.A.R. and the Colony of Natal	...	...	...	...	...	...	Not translated.
Govt. Notice No. 572.	826	Treaty of Political Alliance between the S.A.R. and the Colony of Natal.	...	...	...	...	...	...	Not translated.
Govt. Notice No. 574.	826	Regulation for Work of Natives who come from Mozambique.	Not translated.

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1	826	Technical Schools
2	828	Visiting Forts, &c.	Not translated.
3	828	Contracts of Native Chiefs
4	829	Misconduct of person in official capacity.	...	...	...	...	...	...	Explanatory of Art. 86 of the Grondwet.
5	829	Aliens Expulsion Law ... ..	...	...	25 of '96.	...	...	19 of '99.	...
6	829	Adulteration of Foodstuffs ...	29 of '96.	...	...	...	...	...	...
7	830	Teacher's certificate on Proclaimed Diggings.	Art. 29 of 8 of '92.	...	...	...	...	...	...
8	830	Assurance Companies ... ..	...	...	12 of '92. 4 of '96.	...	...	...	...
9	834	Dishonouring Sentence ... ..	...	...	...	...	...	...	...
10	834	Patent Law ... ..	...	...	12 of '97.	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing	Amended by	Superseded by	Repealed by	Remarks.
11	847	Boilers and the use of Machinery	...	...	3 of '96.	...	...	...	...
12	854	Mining Regulations ... ..	...	...	3 of '93. 11 of '97.	...	...	...	...
13	891	Manufacture and control of Post- age Stamps.	...	...	3 of '75.	...	...	...	...
14	893	Press Law	26 of '96.	...	...	...	...	...	...
15	894	Gold Law ... ..	...	...	All previous Laws, V.R.R.'s, V.C., as per Schedule B.	S.V.R.R. Art. 1,182, 18-9-1899.	...	...	...
16	939	Mutual Assistance between S. A. Republic and Orange Free State.	...	...	...	...	...	...	Not translated.
17	939	Town Councils ... ..	...	13 of '96.	...	...	...	...	...
18	945	Post Office Law ... ..	...	...	1 of '86. 19 of '87. 1 of '90.	F.V.R.R. Art. 329 of 1899.	...	...	...
19	964	Liquor Law ... ..	...	...	All previous Laws, &c.	...	...	...	...
20	983	Military Service ... ..	...	No. 2 of '83.	...	No. 20 of '99. No. 21 of '99.	...	...	Not translated.
21	983	Licences ... ..	...	...	...	...	...	No. 17 of '99.	...
22	983	Diamond Law ... ..	...	...	...	...	...	...	...
23	1028	Immorality Law	Art. 1, 2, 3, 4 and 6 of Law 2 of '97.	...	...	...	...	No. 11 of '99.	...
Govt. Notice No. 121. 10th Mar., '98	1028	Regulations <i>re</i> estates of deceased coloured persons	...	...	...	...	...	...	Under Art. 16 of Law No. 3 of 1897.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice 20th April, '98	1029	Amendment of Cab Regulations for Pretoria	Art. 9, letter D, Cab Reg. (Law No. 16, 1895)	Art. 9D aforesaid	...	...	...	...	Law No. 16, 1895, was amended by V.R.R. Art. 1308, dated 1st September, 1896, and further by the amend- ment here referred to.
F.V.R.R. Art. 971, 10th May, '98	App.	Amendment of Mining Regulations	12 of '98	...	...	...	...	...	...
F.V.R.R. Art. 296. 27th May, '98	1030	Re Renewal of F.V.R.R. Art. 344, 1st June, 1892 (Education)	...	...	...	...	...	...	...
F.V.R.R. Art. 688. 29th June, '98	1030	Jurisdiction of Commissioners and Sub-Commissioners for Natives	Art. 5, Law No. 3, 1891. (Dog-Tax)	...	...	...	...	...	...
S.V.R.R. Art. 664. 1st July, '98	1031	Filing of diagrams of Homestead Grounds "Werven."	...	...	...	...	...	...	Extending the time fixed in S.V.R.R., Art. 1,219, 22, 9, '97.
F.V.R.R. Art. 815. 14th July, '98	1031	Collection of Native Taxes	...	...	...	...	...	...	...
F.V.R.R. Art. 829. 15th July, '98	1031	Assistant State Attorney	...	...	...	...	...	...	...
F.V.R.R. Art. 844. 18th July, '98	1031	Special Duty on Tobacco	...	...	F.V.R.R. Art. 1,200. 13th Aug. '96.	...	...	...	...
F.V.R.R. Art. 1009. 22nd Aug. '98	App.	Money paid to Informant	...	...	...	...	...	...	...
F.V.R.R. Art. 1042. 29th Aug., '98	1032	Volunteer Corps	...	...	Suspending Law 17 of '94.	...	...	...	...
F.V.R.R. Art. 1016. 23rd Aug. '98	App.	Pretoria Waterworks Company	...	...	Ex. C.R. Art 732. 26th Nov. '89	...	...	...	...

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Ex. C.R. Art. 792. 31st Aug., '98.	1032	Summary execution on non-payment of Taxes by Natives.	Supplementing Art. 6 of Law 24 of '95.	...	...	...	...	...	...
F.V.R.R. Art. 1852, 29th Nov., '98.	App.	Stock run down by Trains ...	Art. 3, Law 15, 1892.	...	...	...	...	...	...
F.V.R.R. Art. 1855, 29th Nov., '98.	App.	Branch Railway Lines on Goldfields	...	...	...	...	...	...	...
F.V.R.R. Art. 1911. 2nd Dec., '98	1032	Sale of underground Mining Rights.	...	...	...	...	...	...	By virtue of Art. 7 of Law No. 24 of '95.
F.V.R.R. Art. 1917, 5th Feb., '98.	1032	Import Duty on Mineral Waters	...	...	...	...	...	...	...
F.V.R.R. Art. 1975, 8th Dec., '98.	1033	Base Metals Lapsing of Claims to Government	Art. 4, Law 14 of 1897.	...	...	...	...	...	...
Procl. 5th Jan., '98.	1033	Town Board for Pretoria... ..	...	...	...	...	...	...	Not translated.
Procl. 5th Jan., '98.	1033	Reoperation of Law 27 of 1896.	...	...	...	...	...	...	Under Art. 88, of Law 27, '96. Not translated.
Procl. 5th Jan., '98.	1033	Special Committee of Health ...	...	...	...	...	...	...	Under Law 12 of '1895. Not translated.
Govt. Notice, 12th Jan., '98.	1034	Barberton Hospital Regulations ...	...	...	...	...	...	...	Not translated.
Procl. 16th Feb., '98.	1034	Streets of Pretoria under control of Landdrost	...	...	...	...	...	...	Not translated.
Procl. 2nd Feb., '98.	1034	Killing Game on Town Lands of Pretoria	...	...	...	...	...	...	Under Law 5 of 1894, Art. 20.
Procl. 16th Feb., '98.	1034	Suspension of Art. 29, of Law 27 of 1896 (Explosives)	...	...	...	...	...	...	Not translated.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Procl. 16th Feb., '98.	1034	Importation of Raw Hides ...	...	...	...	...	...	...	Under Law 12 of '95. Not translated.
Govt. Notice. 16th Feb., '98.	1034	Regulations, Smallpox Lazaretto, Rietfontein.	...	...	...	...	...	...	Not translated.
Notice. 16th Feb., '98.	1034	Johannesburg Municipal Regula- tions.	...	..	...	Ex. C. Res. Art. 545. 2nd June, '98.	...	...	Under Art. 30 of Law No. 9 of '97. Not translated.
Procl. 23rd Feb., '98	1034	Laws applicable in Swaziland ...	...	...	...	...	...	...	Not translated.
Ex. C. Res. 2nd Mar., '98.	1035	Extradition of Criminals where no Treaty exists.	...	...	...	...	...	...	Not translated.
Procl. 9th Mar., '98.	1035	Importation of Cattle (Rinderpest)	...	...	...	...	...	...	Under Law 3 of '70. Not translated.
Notice. 16th Mar., '98	1035	Regulations for Public Buildings and Outspans (Johannesburg)	...	...	...	...	...	...	Under Art. 30 of Law 91, 1897. Not translated
Procl. 30th Mar., '98	1035	Importation of Cattle (Rinderpest)	Art. 1 of Procl. of 9th Mar., '98.	...	...	...	...	...	Under Law 3 of '70. Not translated.
Govt. Notice. 6th April, '98.	1035	Regulations for Importation of Native Labour from Mozam- bique.	...	...	...	...	...	...	Under Art. 5 of Law 21, 1896 and V.R.R. Art. 1,670. 4th Nov., 1897. Not translated
Ex. C.R. Art. 313. 24th March, 1898.	1035	Regulations for importation of Seed Oats free of Customs Duty.	...	...	...	...	...	...	Under Law 4 of 1894. Art. 1 g. Not trans- lated.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice. 6th April, '98.	1035	Police Regulations ... ..	...	...	...	...	...	...	Under Art. 10 of Law 11, 1895. Not translated.
Procl. 13th April, 1898.	1035	Government Game Preserve ...	...	...	...	...	...	...	Under Art. 19 of Law 5, 1894. Not translated.
Govt. Notice. 20th April, 1898.	1035	Regulations for Detective Department.	...	...	...	...	...	...	Under Art. 10 of Law 11, 1895. Not translated.
Govt. Notice. 20th April, 1898.	1036	Regulations for Sanitary Board of Ward II., district Krugers- dorp.	...	...	...	...	...	...	Not translated.
Procl. 4th May, '98.	1036	Under Game Law 5 of '94, Art. 18.	...	...	...	...	...	...	Not translated.
Govt. Notice. 25th May, '98.	1036	South African Postal Union Convention.	...	...	...	...	...	...	...
Procl. 15th June '98.	1036	Extending Operation of Law 14 1886. (Extradition Cape Colony).	...	...	...	...	...	...	Not translated.
Govt. Notice 15th June '98.	1036	Regulations <i>re</i> Electric Light ...	...	...	...	...	...	...	Not translated.
Ex.C.R. Art. 545. 2nd June '98.	1036	Amending Municipal Regulations, Johannesburg.	Art. 38 of M. Reg.	...	...	...	...	...	Not translated.
Govt. Notice 18th May '98.	1036	Instructions of Portuguese Superintendent of Natives.	...	...	...	...	...	...	Not translated.
Govt. Notice 27th July '98.	1036	Regulations for Johannesburg Hospital.	...	...	...	...	...	...	Not translated.

No. of Law.	Page.	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Procl. 7th Sept., '98.	1036	Regulations for Vaccination in Pretoria.	...	...	...	...	...	...	Under Arts. 16, 28 & 32 of Law 12 of '95. Not translated.
Govt. Notice 7th Sept., '98.	1036	Regulations for Sanitary Board for Bremersdorp and also for Mahamba.	...	...	...	...	...	...	Under Law 12 of '95. Not translated.
Govt. Notice. 21st Sept., '98.	1036	Regulations for Hospital for Swaziland.	...	...	...	...	...	...	Not translated.
Procl. 5th Oct., '98.	1037	Regulations for Vaccination in Pretoria.	Art. 5 of Regulations of 7th Sept., '98, and explaining par. 1 of Art. 33 of Law 12 of '95.	...	...	...	...	...	Not translated.
Procl. 5th Oct., '98.	1037	Agreement with Postal Department, Lorenço Marques.	...	...	...	...	...	...	Not translated.
Govt. Notice. 12th Oct., '98.	1037	Protocol <i>re</i> Swaziland ...	...	...	...	...	...	...	Not translated.
Govt. Notice. 19th Oct., '98.	1037	General Postal Union ...	...	...	...	...	...	...	Not translated.
Govt. Notice. 2nd Nov., '98.	1037	Leprosy Regulations ...	...	...	...	...	...	...	Under Art. 12 of Law 15, 1897. Not translated.
Govt. Notice. No. 152, 30th March, '98.	App.	Coolies, Chinamen and Asiatics	V.R.R., 5th Aug., 1892, Art. 1072.

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No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
Govt. Notice, No. 621. 23rd Nov., '98.	1037	Locations for Coolies ... ..	...	..	...	...	..	...	Under Law No. 3 of '85, as amended by Volksraad Res. Art. 1,419, 12th Aug., '86.
Govt. Notice, 28th Dec., '98.	1038	Instructions for the State Chemist. Also Regulations for Sanitary Board of Ward 3, Krugersdorp.	...	...	...	...	...	...	Not translated.
Govt. Notice, 28th Dec., '98.	1038	Instructions for the Inspector of Explosives.	Not translated.

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1	1039	School of Mines
2	1041	Civil Service Regulations	No. 7 of '85. Art. 16. No. 22 of '94. V.R.R. 108/'75. 733/'84. 224/'86. 1,291/'91. 412/'93. 474/'93. 938/'94. 1,636/'94. 732/'96.
3	1046	Franchise Law (Amendment) ... ..	...	No. 3 of '94.	...	...	...	...	Not translated. See <i>Staatscourant</i> , 1899, page 1253.

No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing	Amended by	Superseded by	Repealed by	Remarks.
4	1046	Land Taxes ... ..	...	...	No. 7 of 85. Art. 16. No. 22 of 94. V.R.R. 108/'75. 733/'84. 224/'86. 1,291/91. 412/'93. 474/'93. 938/'94. 1,636/'94. 732/'96.	...	...	...	...
5	1047	State Artillery (Amendment.) ...	Art. 21. No. 1 of '96.	...	...	...	...	...	Not translated. See <i>Staatscourant</i> , 1899, page 1379.
6	1047	Law regarding Compensation for cattle &c., run down by Trains.	...	No. 15 of '92.	...	...	...	...	...
7	1048	Native Commissioners' Courts, Punishment of Legal Practitioners misconducting themselves therein.	...	...	...	...	...	...	...
8	1049	Pound Law (Amendment)... ..	Supplementing No. 2 of '82.	...	...	...	...	...	...
9	1049	Johannesburg Town Council ...	...	No. 9 of '97.	...	...	...	...	...
10	1057	Department for the Identification of Criminals or Suspects.	(Bertillon System.)
11	1058	Law on Immorality	No. 2 of '97 and No. 23 of '98.

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No. of Law.	Page	Subject or Short Title.	Amending.	Superseding.	Repealing.	Amended by	Superseded by	Repealed by	Remarks.
12	1062	Bills of Costs	No. 14 of '95.	All except Art. 10 of No. 14 of '95.	...	...	...	...	...
13	1067	Tariff for Mine Surveyors admitted in South African Republic.	...	...	...	...	...	...	...
14	1071	Examination of Mine Surveyors ...	...	...	No. 5 of '95 and No. 9 of '96.	...	...	...	...
15	1074	Stamp Duty on Estates of Deceased Persons.	Art. 7 of No. 2 of '71.	...	...	..	...	...	...
16	1075	Pension Law (Civil Servants) ...	...	...	...	..	...	...	...
17	1079	Law on Licences ... ..	...	...	No. 21 of '98.	...	...	...	...
18	1084	Confiscation of Property Law ...	...	...	...	...	...	...	...
19	1085	Aliens Expulsion Law ... ..	...	No. 5 of '98.	...	...	...	...	Not translated, see <i>Staatscourant</i> , page 702.
20/21	1085	Military Service Laws	No. 20 of '98.	...	...	...	...	...	Not translated, see <i>Staatscourant</i> , pages 1,702 and 1,750.
22	1086	Tax on the gross yield of Gold in the South African Republic.	...	...	...	...	...	...	...
23	1090	Native Pass Law for Proclaimed Fields.	No. 31 of '96.
F.V.R.R. 329/1899.	1098	Postal Law (Amendment)	No. 18 of '98.

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F.V.R.R. Art. 1,256.	1098	Regulations for Towns in the South African Republic.	...	Reg. of '58
Govt. Notice.	1103	5 per cent. Tax on Net Profits of Gold Mines.	...	...	...	...	...	...	...
Govt. Notice. No. 26.	App.	Duty on Raw Tobacco withdrawn.	...	...	...	...	...	...	...
Ex. C. Res. 207.	1109	Regulations <i>re</i> 2½ per cent. Tax on Mynpachts.	...	...	...	...	...	...	See Art. 26, No. 15 of '98.
Govt. Notice. 137.									
S.V.R.R. Art. 1,182.	1110	Amendment of Art. 140 of Gold Law.	...	...	Art. 140. No. 15 of '98.	...	...	...	...
Ex. C. Res. 254/1899.	1112	Amending No. 23, 1899	23 of '99.	...	...	...	...	...	...
S.V.R.R. Art. 846.	1112	Interpretation of words "Police Offices."	V.R.R. 598, '96.	...	...	...	...	...	...
Govt. Notice. 524/1899.	1112	Working of Mines during Hostilities.	...	...	...	...	...	...	...
Govt. Notice. 532/1899.	1113	Proclamation <i>re</i> Closing of Schools during War.	...	...	...	...	...	...	...
Procl., 25th Oct.	1114	Proclamation <i>re</i> House Rent ... ..	...	...	...	...	...	...	...
S.V.R.R. Art. 849.	1115	Gaol Law (Amendment)	No. 14 of '80	...	...	...	...	...	...
Procl., 7,497/1899.	1118	Rules of the High Court ... ..	...	...	...	...	...	...	...

TRANSVAAL 1899 LAWS.

TABLE No. 2.

LIST OF SUNDRY PROCLAMATIONS, GOVERNMENT NOTICES,
&c., NOT INCLUDED IN TABLE No. 1, AND NOT TRANSLATED.

“ A.”

- 1.—ADVOCATES AND ATTORNEYS, SECURITY.
Govt. Notice, 145, *Staatscourant*, page 742/1899.
 - 2.—AGRICULTURAL DEPARTMENT.
Draft Law. *Staatscourant*, page 285/1899.
 - 3.—AUCTION SALES.
Draft Amendment. *Staatscourant*, page 269/1899.
 - 4.—AUDITORS AND ACCOUNTANTS.
Draft Law. *Staatscourant*, page 283/1899.
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“ B.”

- 1.—BANKS.
Draft Law (Amendment) *Staatscourant*, page 491/99.
 - 2.—BOILER LAW, DECLINING TO EXEMPT STEAM THRESHING MACHINES FROM THE OPERATION OF THE
F.V.R.R., 934/1899: *Staatscourant*, page 1,472.
 - 3.—BONDS: FUND TO ASSIST BURGHERS TO REDEEM BONDS.
Govt. Notice, 127, page 564, *Staatscourant*, 1899.
 - 4.—BUBONIC PLAGUE.
Govt. Notice No. 172, *Staatscourant*, page 745/1899.
 - 5.—BURIAL GROUND—REGULATIONS FOR LYDENBURG.
Staatscourant, 1899, page 1,182.
- BURIAL GROUND. ERMELO REGULATIONS.
Staatscourant, page 1,343/1899.

“ C.”

- 1.—CLAIM LICENCES DURING HOSTILITIES.
Govt. Notice, *Staatscourant*, page 1,685/1899.
 - 2.—CLAIM LOTTERIES.
Govt. Notice No. 171, *Staatscourant*, page 749.
 - 3.—COOLIES.
Proclamation, 25th April, 1899 and Regulations.—
Govt. Notice No. 208/1899, *Staatscourant*, pages 831 and 832.
 - 4.—CRIMINAL PRISONERS : RELEASE FROM GAOL DURING WAR
Govt. Notice No. 542, *Staatscourant*, page 542/1899.
 - 5.—CRIMINAL PROCEDURE.
Draft Law, *Staatscourant*, page 250/1899.
 - 6.—CUSTOMS *re* FREE STATE CONTRIBUTION TOWARDS EXPENSES OF SUPERVISING IMPORTATION OF
FREE GOODS.
Govt. Notice No. 469/1899, *Staatscourant*, page 1,440.
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“ D.”

- 1.—DYNAMITE COMPANY'S AGREEMENT. MODIFIED AGREEMENT.
Staatscourant, page 1,811/1899.
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“ E.”

- 1.—EXPLOSIVES, INSTRUCTIONS FOR INSPECTOR OF
Government Notice No. 690, *Staatscourant*, page 39/1899.
 - 2.—EXTRADITION OF CRIMINALS.
Proclamation, 13th May, 1899, page 939, *Staatscourant*. Extending Act with Cape Colony
for one year.
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“ F.”

- 1.—FORESTS.
Proclamation, dated 19th June, 1899. Tariff for chopping poles for mining purposes in certain
Government land in the De Kaap District.
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“ G.”

- 1.—GAME LAW.
Proclamation dated 21st April, 1899, under Art. 18, Law No. 5, 1894. Constituting certain part
of Zoutpansberg a Game Reserve.
- 2.—GAME LAW.
Proclamation dated 11th August, 1899. Prohibiting shooting, &c., of game during five years
around Potchefstroom. *Staatscourant*, 1899, page 1,372.
- 3.—GOLD AND COAL MINES OF HEIDELBURG DISTRICT, REPORT ON
Government Notice No. 215. *Staatscourant*, 1899, page 982.

- 4.—GOVERNMENT MINING SURVEYOR.

" H. "

1.—HOSPITAL REGULATIONS FOR KLERKSDORP.

Government Notice No. 139/1899. *Staatscourant*, page 660.

" I. "

1.—INSURANCE PREMIUMS DURING THE WAR.

Staatscourant, page 1,737/1899.

" J. "

1.—JOHANNESBURG REGULATIONS:—

Govt. Notice, No. 27/1899, Jinrickshas, *Staatscourant*, page 188.

„ No. 45/1899, Bicycles, *Staatscourant*, page 189.

„ No. 134/99, Sale of Milk, *Staatscourant*, page 134.

„ Superseded by Govt. Notice No. 245.

„ No. 138/1899, Washing Place Regulations, *Staatscourant*, page 659.

„ No. 437/1899, Natives in Streets and on Side Walks, &c.

Proclamation dated 12th September, 1899. Defining the Municipal Bounds under Law 9, 1899.

Govt. Notice No. 234/1899. Sidewalks, *Staatscourant*, page 1,005.

" L. "

1.—LANDDROST COURT.

Draft Law, Amending Law No. 11, 1892, *Staatscourant*, page 267/1899.

2.—LIQUOR.—CLOSING OF BARS DURING WAR.

Staatscourant, page 1,595/1899.

" M. "

MINING CONTRACT.—KAFFIR LOCATION, FORM OF

Staatscourant, page 743/1899.

" N. "

1.—NATIVE PASSES.

Draft Law, *Staatscourant*, page 268/1899.

2.—NATIVE PASS LAW. GOLD FIELDS.

Proclamation *re* Law No. 23/1899, page 489, *Staatscourant*, 1899.

3.—NOTARIES.

Draft Law, *Staatscourant*, page 288/1899.

" P. "

1.—PRETORIA INSIDE MARKET REGULATIONS.

Govt. Notice, No. 49, *Staatscourant*, page 204.

“ R.”

- 1.—RAILWAY CROSSINGS AND SIGNALS.
F.V.R.R., 222/1899, *Staatscourant*, page 1203.
- 2.—RECEIPTS, STAMPS ON.
Draft Amendment of Law, *Staatscourant*, page 274/1899.

“ S.”

- 1.—SANITARY BOARD REGULATIONS, WARD III., KRUGERSDORP.
Government Notice No. 670. *Staatscourant*, 1899, page 19.
- 2.—SANITARY COMMITTEE, SWAZILAND.
Staatscourant, 1899, page 404.
- 3.—SANITARY BOARD REGULATIONS, DE KAAP.
Staatscourant, 1899, page 1,161.
- 4.—STATE CHEMIST, REGULATIONS FOR.
Page 19. *Staatscourant*, 1899.
- 5.—STRAY CATTLE.
F.V.R.R., 931/1899. *Staatscourant*, page 1,492. Refusing to allow Field-Cornets to sell Stray Cattle after three months' publication.
- 6.—SWAZILAND, IMPORTATION OF ARMS INTO.
Staatscourant, 1899, page 878.

“ V.”

- 1.—VACCINATION.
F.V.R.R., 932/1899. *Staatscourant*, page 1,492. Request that Vaccination should not be compulsory. Refused.

THE STATUTE LAW OF THE TRANSVAAL.

THE THIRTY-THREE ARTICLES.

9TH APRIL, 1844.

Being general Provisions and Laws for the Sessions
of Law Courts.

The Thirty-three Articles drawn up at Potchefstroom,
9th April, 1844, and ratified at Derdepoort 23rd
May, 1849.

1. All Sessions of the Courts shall be held with open doors.

Court of
Law public.

2. The public present at the Sessions of the Courts will uncover their heads and further maintain proper order and respect. Whatever the President commands for the maintenance of good order shall be strictly carried out.

Duties of
audience.

3. In case any of the public present during the sitting should cause a disturbance and show signs of approval or disapproval, whether during the defendant's pleading or during the President's admonition or warning, or during the delivery of judgments and the issuing of decrees, or cause a disturbance in any manner whatever, or create any brawls; those who shall not immediately upon the warning of the Messenger keep quiet, shall be ordered to leave, and those who resist that order shall immediately be placed under civil arrest, for a period of 24 hours, or longer according to the nature of the case.

Penalties for
disturbance.

When the President deems it necessary he shall be assisted by the bystanders in the arrest of such disobedient persons.

4. If such people should refuse to assist the President, they may be prosecuted according to law.

Penalties for
refusing to
assist Presi-
dent.

5. If any person or persons acting as a judge or as judges be obstructed in the execution of his or their duties, by means of insults or threats by any person or persons, the latter shall, after a proper investigation and after witnesses have been heard, be punished with a fine or imprisonment according to the nature of the case; but the insulted judge may not sit as judge in such case.

Penalties for
contempt of
Court.

Accused may challenge.

6. Every member of the Burgher Council of this community may be challenged by the accused, the complainant, and by the other members of the Council.

No bastard shall sit in our assemblies as member or judge up to the tenth generation.

Grounds for challenge.

- (1.) If the accused or the complainant is a direct relation, or a relation by marriage within the third degree.
- (2.) If he has any personal interest in the matter.
- (3.) If he has given any written advice in the matter.
- (4.) If he has, during the hearing of the case, received gifts from anyone who has an interest in the matter, or gifts have been promised to him.
- (5.) If the judge is the guardian, or acting guardian, voluntary agent or presumed heir, or the beneficiary of any of the parties.
- (6.) If enmity to any great extent should arise or exist between the judge and the accused or the complainant.
- (7.) If insults or threats have taken place between the judge and the accused or the complainant since the commencement of the case or within the period of six months.

Duration of right of challenge.

7. The challenge must be made verbally or in writing immediately the sitting begins, but afterwards, during the course of investigation, the parties will be precluded from raising any objections.

Penalties for refusal to serve by Commandant or Field-Cornet.

8. Every Commandant or Assistant Commandant, Field-Cornet or Assistant Field-Cornet, of the armed force of this community who shall, after the lawful command of the Council, or the civil power, refuse to bring into action the force placed under his command, shall be punished with a fine of 50 rix dollars to 100 rix dollars or imprisonment, according to the nature of the case.

Penalties for hostile action and treason.

9. All persons who shall have planned or connived with Foreign Powers, or their Governors or Officials, with the purpose of persuading them to commit hostilities, or make war against this Republic, or to supply them with the means thereto, or to commit treachery, shall be punished with a fine of 500 rix dollars, and banished from the Republic, and if they return shall be declared outlaws.

Penalties for past acts of hostility or treason.

10. Any person who shall, previous to this date, have been guilty in terms of the above Article shall, in case he is an official, be dismissed from office; and if he is in a private station never attain or fill an office in our community.

Penalties for misprison of treason.

11. Any person who is aware of treasonable plots, although himself free from treason, and who does not within a period of eight days inform the authorities of such plot, shall be punished with a fine of 25 rix dollars or with civil imprisonment, according to the nature of the case, and with disfranchisement for a period of two years.

12. If one or more burghers are prevented by means of a mob, acts, or threats, from exercising his or their civil rights, each person convicted of such offence shall be punished with a fine of 25 rix dollars or civil imprisonment, according to the nature of the case, and with disfranchisement for a period of two years.

Penalties for plotting or menace.

13. Every official or person holding a public office, who in his official capacity shall have committed fraud, either by altering documents, by forging, or by interpolations upon registers of public deeds, after they have been completed and closed, shall be punished with a fine of 300 rix dollars and dismissed from office.

Penalties for falsification of documents by officials.

14. Any doctor, physician or surgeon, or official, filling any of the above positions, who, for the sake of benefiting anyone, signs false certificates of sickness or infirmities, which will exempt the holder from public service, shall be fined 150 rix dollars or suffer imprisonment, according to the nature of the case. Every doctor shall be approved of by the Council and granted certificates.

Penalties for issuing false medical certificate.

15. No member of the Council shall be allowed to plead except for himself, nor to give advice except in the public session, nor to act as arbitrator.

Members prohibited from pleading for others.

16. Every person will be allowed to plead his own cause; but he has, moreover, a right to appoint any other person to appear for him before a Court of Justice.

Every person may plead his own cause or appoint agent.

17. All persons guilty of perjury shall suffer the same punishment or fine as the convicted should suffer, or shall have suffered.

Penalties for perjury.

18. All persons who shall have pushed or struck any person, shall be fined 5 rix dollars to 100 rix dollars, according to the nature of the case, and be adjudged to pay all costs; should the injured person be confined to his bed, also for loss of time, pain and suffering caused; and in case the convicted person is unable to pay, he shall be placed under arrest.

Penalties for assault.

19. Any person found guilty of misconduct by way of slander or defamation of anyone's character, by insulting private persons in the presence of witnesses, shall be fined 5 rix dollars to 100 rix dollars, according to the nature of the case; such fines imposed are paid to, and for the benefit of, the State.

Penalties for slander.

20. All persons convicted of murder, patricide, infanticide, and poisoning shall be punished with death.

Capital crimes.

21. All persons who maliciously appropriate any property not their own, are guilty of theft, and in all cases of theft the Dutch Law shall be taken as a basis.

Penalties for theft.

22. All plots of wrong-doers against persons and their property are crimes against the public peace; this crime exists if an agreement or plan has been formed between them and their leaders, or if an agreement exists to divide the booty to be obtained; and if this crime be not accompanied by any others the authors

Penalties for breach of the peace.

thereof shall be punished with imprisonment according to the finding of the judge and the nature of the case.

Penalties for refusal to go on commando.

23. All persons who, after lawful command, from a superior authority, and without just cause, refuse to render military service, or to carry out any duty connected therewith, shall be fined for a first offence 20 rix dollars; for a second 30 rix dollars, and for a third offence 50 rix dollars, for the benefit of the State Treasury.

Penalties for opening letters.

24. Anyone infringing the law by opening letters shall be fined 50 rix dollars; but in case treason is suspected all such letters shall be sent to the nearest Commandant, Assistant Commandant or Field-Cornet, who will be justified in opening the same. In such cases if he find nothing therein to endanger the State, he shall dispatch the same with the greatest possible speed to its destination.

Duty of burghers to register with Field-Cornet.

25. Every burgher in this Republic, when he changes his residence from one ward to another, shall be obliged to notify the Field-Cornet thereof, and within fourteen days after having taken up his abode in the other ward shall register himself in that ward; and in case he neglects to do so shall be fined 5 rix dollars, for the benefit of the State Treasury.

Loss of buildings and lands under certain circumstances.

26. Any burgher who, after having been warned, builds too near another's property, or erects any structure, and who acts thus contrary to his better knowledge, will not be entitled to compensation for his labour; the dispute can be settled by two arbitrators (the Commandant and the Field-Cornet). But if the dispute is not settled, it shall be brought before the Landdrost and Commissioners of Lands, who will decide thereupon.

Penalties for slandering women.

27. All who shall be guilty of publicly slandering the chastity of, or insulting or libelling any female person, in consequence of which such person shall have suffered in character, shall be fined 50 rix dollars to 100 rix dollars, according to the nature of the case.

Penalties for kidnapping native children.

28. No person or persons shall be allowed to go near the dwellings of natives for the purpose of kidnapping children; any such offence shall be punished with a fine of 500 rix dollars or imprisonment for six months, and the children thus seized shall be restored to their parents.

Natives prohibited from settling near village grounds.

29. No natives shall be allowed to settle near village lands, to the detriment of the inhabitants, except with the consent of the full Raad.

Time for electing members of the Volksraad.

30. Annual elections for Volksraad members will take place, and all voting lists will be sealed and forwarded.

Dutch laws the law of the State.

31. For all cases not falling under these laws the Law of Holland shall be taken as basis, yet only in a modified way, and

with due regard to the customs of South Africa, and for the advantage and welfare of the Republic.

Custom of South Africa.

32. Every Field-Cornet will be obliged to bring all refractory persons to the office of the Landdrost.

Refractory persons to be brought before Landdrost.

33. With regard to master and servants, every master shall have the right to keep his servants under proper discipline, and in case of ill treatment, the ill-treated servant shall be taken away, and the master punished according to the nature of the case.

Penalties for ill-treatment of servants.

By order of the full Raad,

(Signed) J. D. VAN COLLER,
Chairman.

Member and Secretary,

(Signed) PIETER DIETRICKSEN.

Potchefstroom,
9th April, 1844.

1850.

VOLKSRAAD RESOLUTION, 24th January, 1850.

TRADING WITH KAFFIRS.

41. Superseded.

See V.R.R. Articles 62, 63, 64 and 65 of 19th September, and Article 125 of 21st November, 1853.

VOLKSRAAD RESOLUTION, 20th May, 1850.

37. The Raad notifies that it strictly forbids any one, without exception, claiming presents either for himself or for others, from any Kaffir tribe living among or near us.

Presents from Kaffirs prohibited.

And those persons who in spite of this prohibition nevertheless demand presents from Kaffirs, shall, if this is discovered or informed upon, be punished by confiscation of everything demanded from such Kaffir or Kaffirs, and by a fine of 150 rds., and all expenses; and on repetition of an offence against this Law, the fine shall be doubled for every such repetition. And the informant of such an offence against this Law shall be paid a third part of the amount of the fines as a reward.

Penalty.

VOLKSRAAD RESOLUTION, 20th May, 1850.

38. But if it happen that any Kaffir or Kaffirs shall have given any person a present voluntarily, or from gratitude, or in return for any benefit conferred on him, or for any other cause, such person shall immediately make this known to the Landdrost of the district, and shall prove that it is a voluntary gift, and if he does so it shall remain his lawful property.

Voluntary presents from Kaffirs may be accepted.

1851.

SLANDER OF HONOUR AND CHARACTER.

VOLKSRAAD RESOLUTION, 5th May, 1851.

9. See Arts. 19 and 27 of the 33 Articles; Art. 19 of the Grondwet.

(Superseded by Art. 441 V.R.R., 5th December, 1871.)

VOLKSRAAD RESOLUTION, 5th May, 1851.

Right to
two farms.

15. A memorial of Mr. H. T. Buhrmann came forward asking information about the second farm-right registration. The Raad decided to abide by the Raad Resolution of the 21st April, 1848, that all who were here at that time, and remained continuously residing here, shall alone have the right to two farms, and that all who after the 21st April, 1848, crossed to this side of the Oliphant's River to reside there, shall merely receive a right to one farm.

APPRENTICE LAW.

Lydenburg, 9th May, 1851.

Kaffir
children.

Resolution adopted by the Volksraad with regard to the orphan children, or so-called apprentices, brought in by the Kaffir nations round about us.

The provisions of this Law are partially amended by Articles 19, 40-45, 54, 56-58 of Field Cornets' Instructions of 1858.

These Instructions were replaced by Law No. 2, 1885, and by the provisions of Law No. 13, 1880, regulating the rights and duties of masters, servants and apprentices.

See also Proclamation, 24th March, 1858.

Government Notice 77, 23rd July, 1866.

1852.

SAND RIVER CONVENTION WITH GREAT BRITAIN.

Not translated.

VOLKSRAAD RESOLUTION, Rustenburg, 20th March, 1852.

OUTSPANNING NEAR SALT-PANS PROHIBITED.

41. See Article 54 of 18th June, 1853.

(Repealed by Law No. 15, 1895.)

VOLKSRAAD RESOLUTION, 15th June, 1852.

57. The respective Landdrosts of all districts are most particularly ordered to see strictly that no marriages shall be contracted of bachelor or spinster without the due consent of their parents or guardians, and furthermore, no widower or widow, from wheresoever they may come or live, without duly showing a deed of kinderbewijs granted by the authorities they have left; also such persons as give themselves out to be separated, whether they come from this Republic or elsewhere, shall show a deed of separation approved by the existing authorities.

Provisions relating to marriages of bachelors and spinsters and widowers and widows.

But when it shall appear that any person has used fraud to get his marriage completed, he shall be mulcted in a fine of not less than (£100) one hundred pounds sterling or banishment or transportation; according to the nature of the case and of local circumstances. And when it shall appear that a Landdrost delays duly to fulfil his duties he shall be mulcted in a fine for the first offence of one hundred rds., but doubled for the successive occasions, but any foreigner who wishes to enter the married state must state whether he is a bachelor or widower, and if it shall appear that he has committed fraud he shall be subject to the aforesaid fines [1].

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 65.** Appointment of Orphan Master.
(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 66.** Intestate Estates.
(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 67.** Remuneration of Executors in Estates.
(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 69.** Appointment of Auctioneers in Estates. Auction dues.
(Superseded by Article 192 of the Constitution (Grondwet) and later provisions.)

¹ See the Marriage Ordinance No. 3, 1871.

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 70.** Licences for holding auction-sales.
(Superseded by Article 192 of the Constitution (Grondwet) and later provisions, viz. Ordinance No. 2, 1871, Sec. 5, on Licences, and Law No. 17, 1880.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 71.** Voluntary Surrender.
(Repealed by the Insolvency Law No. 21, 1880, Sec. 2.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 72.** Transfer Dues to be paid by the buyer.
(Superseded by Article 191, Constitution (Grondwet), Law No. 11, 1880; Law No. 7, 1883; and Law No. 20, 1895.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 73.** Time within which Transfer Dues must be paid.
(Superseded by Law No. 11, 1880; Law No. 7, 1883; and Law No. 20, 1895.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 74.** Amount of and provisions affecting Liquor licences in towns.
(Superseded by Law No. 1, 1881.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 75.** Sale of Liquor on farms.
(Superseded by Law No. 1, 1881; Article 50.)
-

VOLKSRAAD RESOLUTION, 15th June, 1852.

- 76.** Transfer Dues and Title Deeds to erven.
(Superseded by Law No. 11, 1880; Law No. 7, 1883; and Law No. 20, 1895.)
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VOLKSRAAD RESOLUTION, 20th November, 1852.

- 12.** Interfering with estates of deceased persons.
(Superseded by Law No. 12, 1870.)

1853.

VOLKSRAAD RESOLUTION, 20th March, 1853.

- 45.** With reference to the passing of a *kinderbewijs*.
(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 20th March, 1853.

- 46.** Estates. Penalties for negligent officials.
(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 24th March, 1853.

- 85.** Provisions with reference to wills in estates.
(See Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, 24th March, 1853.

- 77.** The Raad having perceived the necessity that it is most injurious that coloured servants should be maltreated under our republic. NOW THEREFORE every person without distinction is hereby forbidden in the most positive terms to place any servant in chains or handcuffs like a convict, but only to take him prisoner and transport him to one of the prisons. The competent Court shall only be allowed to inflict such punishment, and whoever commits this offence shall be liable to a fine of 25 rds. for the first offence, and thereafter it shall be doubled: FURTHERMORE every Field-Cornet is most particularly ordered to see that in terms of this article no maltreatment whatever should be allowed in terms of this article, and if the Field-Cornet is negligent, he shall be liable to a fine of 5 rds., and thereafter it shall be doubled.^[1]

Penalties for
ill-treatment
of servants.

VOLKSRAAD RESOLUTION, 13th June, 1853.

- 54.** Excluded from sale shall be all large forests which contain serviceable standing timber, and this shall remain free for public use to everyone ^[2], and also shall be excluded all salt pans, which shall be left free for public purposes ^[3].

Forests and
salt pans extra
commercium.

VOLKSRAAD RESOLUTION, 18th June, 1853.

- 66.** Old Dutch Weights and Measures.
(Repealed by Law No. 2, 1874.)

¹ See Art. 42 of the Field-Cornets' Instructions of 1853, also provisions of Law No. 13, 1880.

² See V.R.R., 14th Oct., 1857, Art. 36; Law No. 8, 1870; and Law No. 15, 1880.

³ See Law No. 15, 1895.

INSTRUCTIONS FOR THE WATER-FISCAL AT KLERKSDORP.

(Replaced by the Water Regulations for the farms at Schoonspruit, and instructions for the Water-Fiscal at Klerksdorp, 28th October, 1859, published in the *Staatscourant*, 12th April, 1861).

VOLKSRAAD RESOLUTION, 9th August, 1853.

Penalties for blasphemy against Christian Church.

21. Persons who give utterance to blasphemous expressions against our Christian Church shall be indicted before the Judge.^[1] Penalty:—fine 500 rds. for the first offence, for the second offence banishment, and on the return of the banished person outlawry.

VOLKSRAAD RESOLUTION, Rustenburg, 10th August, 1853.

Members of Church Council and Ministers free of national service.

33. On the application of the Church Council to be free of all national services and all charges connected therewith, the Raad resolves to grant this application, but the cost of all Church services and charges connected therewith shall be borne by the Church Council itself. This Resolution is operative as long as the members sit in the Church Council, but on ceasing to be a member of the Church Council, such person shall again be subject to national services. The Minister himself is exempted from everything, viz., national services and charges connected therewith, and shall also be provided with everything in Church, and assisted by the members of the Church Council.^[2]

VOLKSRAAD RESOLUTION, Rustenburg, 13th August, 1853.

Shooting within town of Rustenburg prohibited.

56. Shooting within the town of Rustenburg forbidden between sunset and sunrise, and on church days, without the Landdrost's permission. Fine 5 rds.^[3]

VOLKSRAAD RESOLUTION, 19th September, 1853.

59. Title of the Republic.

(Superseded by V.R.R., 21st November, 1853.)

VOLKSRAAD RESOLUTION, 19th September, 1853.

62. Smuggling ammunition among the natives prohibited. Penalty—death.

(Superseded. See Proclamation, 24th March, 1858. Art. 2 of Law of 1858 relating to trade with the subject native tribes. Law 6, 1873; Law 4, 1884.)

¹ Approved Art. 33, September, 1853. See V.R.R., 18th June, 1855, Art. 145, and Art. 20 of Treaty between the Republic of Lydenburg and the South African Republic, 4th April, 1860.

² See V.R.R., 21st September, 1853, Art. 41; Art. 28 of Field-Cornets' Instructions of 1858, and Art. 7 of the War Law (*Krijgs Wet*), No. 2, 1883.

³ Approved V.R.R., September, 1853, Art. 53. Compare Art. 22 of the Town Regulations of 1858.

VOLKSRAAD RESOLUTION, 19th September, 1853.

63. Obligation of burghers with reference to imprisonment of persons who smuggle ammunition among the natives.
(Superseded as above. See V.R.R., Art. 62.)

VOLKSRAAD RESOLUTION, 19th September, 1853.

64. Penalty for smuggling ammunition among the Kaffirs.
(Superseded as above. See previous V.R.R., Art. 62.)

VOLKSRAAD RESOLUTION, 19th September, 1853.

65. Provisions with reference to smuggling ammunition among the Kaffirs.
(Superseded as above. See V.R.R., Art. 62.)

VOLKSRAAD RESOLUTION, 19th September, 1853.

67. Firearms taken as booty to be sold.
(Superseded by Art. 125 of the Constitution (Grondwet) and Law relating to Military Service. No. 2 of 1883.)

VOLKSRAAD RESOLUTION, 19th September, 1853.

68. Permission is hereby given to the Commandant-Generals to deal with the small Kaffir tribes in such manner as they deem fit, in order to get the firearms from among them and to impose an annual tax upon them, for the public treasury^[1], but if possible without using force at first.

Commandant
General per-
mitted to
trade
with Kaffirs.
Kaffir tax.

VOLKSRAAD RESOLUTION, 23rd September, 1853.

70. No person who crossed the Vaal River after the year 1842 shall have any right to more than one farm.^[2]

Right to one
farm.

VOLKSRAAD RESOLUTION, 21st November, 1853.

111. In answer to the 2nd proposal the Raad has resolved that the following shall be a general provision of law in this Republic with reference to the blood-relationship of official persons, and how far they may sit together in their judicial meetings. Now therefore the Raad has resolved that no uncle or nephew may sit together, but uncle and grandnephew may sit together in such

Degree of
blood relation-
ship permis-
sible between
judicial
functionaries

¹ Kaffir tax defined by Arts. 15 and 16 of Law No. 9, 1870. Altered by later Laws No. 3, 1872; No. 4, 1873; No. 3, 1876; No. 6, 1880; No. 11, 1881; No. 4, 1885.

² See V.R.R. 19th December, 1856, Art. 30.

meeting, and two own cousins, brothers' children, or sisters' children, but nearer degrees of relationship shall not be permitted.

Every official is ordered before allowing such person to take the oath, to enquire into what degrees of blood-relationship he stands with the official with whom he will serve in his judicial administration of the law.^[1]

VOLKSRAAD RESOLUTION, 21st November, 1853.

TITLE OF THE REPUBLIC.

115. The Volksraad has proceeded to adopt a name for this State, and has adopted as name the following:—

“The South African Republic North of the Vaal River.”

Title of the Republic.

And makes known to the whole public that all State documents, &c., shall be sent in or filed with this name or title. Art. 29 of the Resolution of September last thus lapses and is declared void.^[2]

VOLKSRAAD RESOLUTION, 21st November, 1853.

Majority fixed at 21 years of age.

123. With reference to the 9th proposal to determine the age of majority, resolved to determine it for both sexes at 21. This is therefore a general law.^[3]

GOVERNMENT NOTICE No. 3.

Instructions for the Inspectors of farms, according to which they shall be bound to guide themselves in inspecting farms.

(Replaced by the Instructions for Inspectors of 1861 and 1869.)

VOLKSRAAD RESOLUTION, 28th November, 1853.

Kaffir locations considered as loan farms.

124. With regard to lands granted to Kaffirs for occupation, the Commandant-Generals and Commandants are ordered, where it is necessary, to grant the same. The Raad has resolved that such a farm may be occupied by them and their descendants, conditionally as long as they behave in accordance with the law and obediently. In case of disobedience such tenure may be declared lapsed, and if so, it may always remain only a loan farm, and the conditions or rent may be summed up in the words: good behaviour or obedience ^[4].

VOLKSRAAD RESOLUTION, 21st November, 1853.

Provisions relating to trade in ammunition.

125. A memorial from old Field-Cornet, N. J. S. Basson, requesting that no powder should be sold to persons, beyond the limits of our society, without a permit from the Field-Cornet in whose district he lives. The Raad therefore has resolved on a

¹ See Art. 31 of the Constitution (Grondwet) and Art. 4 of the Standing Orders of 1882.

² See Art. 1 of the Constitution (Grondwet).

³ Confirmed by V.R.R. 22nd September, 1866, Art. 175.

⁴ See V.R.R. 21st October, 1874, Art. 149, and Law No. 4, 1885, Art. 13.

general provision that no trader shall have the right to sell powder to anybody outside our society, without a permit from the Landdrost of the place where such a trader resides, not exceeding 5 Rds. The Landdrost therefore shall be ordered to give no permit to any person or persons living outside this Republic, who are not provided with a permit from the Field-Cornet to whose district they belong, and if a trader has committed an offence against this Law, he shall for the first offence forfeit a fine of 150 Rds., and for the second offence doubled.

VOLKSRAAD RESOLUTION, 21st November, 1853.

128. Appointment of Land Commission.

The first Land Commission was appointed by V.R.R. 21st September, 1859, Art. 64.

Instructions for the Land Commission proposed by the Executive Council 7th December, 1859; amended 18th March, 1860.

See Beacon Law of March, 1866, Arts. 1, 8, 9, 11, 13, 14, and alteration of tariff 23rd March, 1868, Art. 465. Law Instructions Land Commission No. 4, 1870; replaced by Law No. 4, 1875; Law No. 6, 1885; Art. 1.

VOLKSRAAD RESOLUTION, 21st November, 1853.

129. The Raad has resolved that no memorial regarding any question shall be received in the future, unless five shillings and two stuivers shall be paid for the same, provided that no memorials referring to the State shall have to pay; they shall be exempt from payment.

Tax on
memorials.

VOLKSRAAD RESOLUTION, 21st November, 1853.

143. The Raad has resolved that no public monies shall be used for the maintenance of water and water-furrows belonging to towns, but the rates of the erven shall be used for that purpose.

Town water-
furrows
maintained by
rates.

VOLKSRAAD RESOLUTION, 18th June, 1855.

145. The Volksraad having revised the Resolution of the Volksraad of 9th August, 1853, Article 21, wherein it is provided that slanderous or blasphemous words against the Christian Church shall be punished with a fine of 500 Rds.

Penalties for
blaspheming
Christian
Church
amended.

Now therefore 10 members of the Volksraad object to this provision of law, because it is in conflict with our confession of faith either to impose a money punishment on blasphemy against the Church of Christ, or to let it pass.

And it is proposed by His Honour to alter the said Law, and take away the money fine, and not to impose any other than corporal punishments on such blasphemers. Two members, Mr. H. A. Pretorius and Mr. J. H. L. Kock voted against this,

and desire that the law shall remain as it is now, until the public agitates against it.

VOLKSRAAD RESOLUTION, 18th June, 1855.

Foreigners must obtain burgher-right before they can take any offer.

159. A proposal made to the Volksraad by Mr. D. H. Botha, Landdrost. From to-day any foreigner, irrespective of what European nation he may be, shall be at liberty to come and live in this land, and shall enjoy equal rights on condition, however, that he shall first have bought his burgher-right.

Hereon the Volksraad has resolved and enacted the following, which shall be from the present a general law. That from to-day all foreigners who were not born in Africa, and who come to live in this country shall not be recognised, or entitled to be enfranchised, as burghers of this Republic, or be entitled to any office relating to the State, without having previously bought their burgher-right, and such burgher-right shall be bought for the sum of 200 Cape rds., and no one who is not a recognised burgher shall have any right to possess immovable property in freehold.[¹]

Burgher's wife has also a burgher-right.

When a man has been recognised as a burgher of this Republic, his wife shall also be thereby recognised and remain a burgheress of this Republic.

All coloured persons are excluded herefrom, and the burgher-right may never be granted or allowed to them (in accordance with the Grondwet). In order to obtain the burgher-right, each foreigner as aforesaid shall be provided with a passport from the Government under which he was born or has lived, to prove his good conduct.

1855.

VOLKSRAAD RESOLUTION, Lydenburg, 4th July, 1855.

SURVEY OF THE TOWN OF LYDENBURG.

See Locale Wetten, p. 29.

LAYING OUT OF PRETORIA.

VOLKSRAAD RESOLUTION, Potchefstroom, 16th November, 1855, Article 70.

See Locale Wetten, p. 30.

1856-7.

PROCLAMATION by His Honour M. W. PRETORIUS, President of the South African Republic, with the advice and consent of its Executive Council.

(Superseded by Proclamation of 24th March, 1858.)

¹ See V.R.R., 20 September, 1858, Article 22; Law 1, Article 1, 1876; Law 7, 1882.

GOVERNMENT NOTICE.

Demarcation of the districts Potchefstroom, Pretoria, and Rustenburg.

See *Locale Wetten*, p. 34.

1858.

CONSTITUTION.

“GRONDWET” OF THE SOUTH AFRICAN REPUBLIC.

See *Locale Wetten*, pp. 35-69.

Not translated.

Superseded by the Constitution of 1889. See *Locale Wetten* 1889, p. 173.

See *Locale Wetten* 1849-1885, pp. 35-69, 115, 116, 117-132, 679-683, 1025-1028.

See *Locale Wetten* 1886, 1887.

V.R.R. Article 208, dated 27th June, 1887, p. 201.

See Government Notice, published in the *Staatscourant* 13th February, 1889, No. 42, putting into force Executive Council Resolution, Article 97, dated 12th February, 1889.

V.R.R. Article 247, dated 22nd May, 1889.

V.R.R. Article 604, dated 1st July, 1889.

V.R.Rs. Articles 998-1000, 1002, 1004-1007, 1009, 1010, dated 16th July, 1889.

V.R.Rs. Articles 1013, 1017-1028, 1031, 1033, 1035, dated 17th July, 1889.

See also *Staatscourant* of 28th September, 1892, No. 617, Government Notice No. 355.

VOLKSRAAD RESOLUTION, 13th February, 1858.

21. Resolved that a flag shall be adopted for the South African Republic, consisting of the following colours:—red, white, and blue, each of an equal breadth, horizontally superimposed one on the other, and a green perpendicular stripe along the staff. Flag.

Thereon shall be placed the words “Unity is Strength.” Motto.

A coat of arms has been adopted for this country composed as follows:—a waggon and a gold anchor on a silver field, and on that shield an eagle couchant, on the right side of the shield a man in the clothing of the country armed with a gun and equipments; on the left side a lion. Coat of arms.

GOVERNMENT NOTICE.

Proclamations of various districts, and their sub-division into Field-Cornetsies.

Potchefstroom, Rustenburg.

See *Locale Wetten*, p. 71.

PROCLAMATION, 24th March, 1858.

Proclamation
against
removal of
native
children.

By His Honour M. W. PRETORIUS, President of the South African Republic, with the advice and consent of the Executive Council.

WHEREAS it has been brought to the knowledge of the President of the South African Republic, both in writing and otherwise, that some reckless and licentious persons have arrogated to themselves the right to carry native children over the Vaal river and to dispose of the same by sale or exchange :

And whereas the inhabitants of this Republic by the treaty contracted on the 16th January, 1852, between the late A. W. Pretorius, then Commandant-General here, and Her Majesty's Assistant Commissioners Messrs. Owen and Hogg, were declared a free people and recognised as such under conditions contained in the 4th Article of the said treaty, "that no slave trade or slavery should be carried on in these districts, but should be most strictly prohibited by the same Government :"

Fine.

And whereas the actions of such reckless and licentious people as aforesaid might have consequences injurious to this Republic : Now therefore I hereby proclaim and make known that from and after this date any person or persons committing any such offence shall be mulcted in a fine of from £100 to £500 stg. ; and that no apprenticeships or contracts for labour of what kind soever shall be transferred to other persons, unless such transfers of apprenticeships or labour-contracts shall be approved by the Landdrost and registered at the office, and, failing this, such offender or offenders shall also be liable to the fine as aforesaid.

And in order to bring the contents of this Proclamation most speedily to the knowledge of the public, the Commandants and Field-Cornets are hereby ordered to immediately inform the inhabitants in their districts hereof, and to inform one of the Landdrosts without delay of all such cases as may contain the slightest suspicion of the slave trade in them, and such Landdrost shall immediately bring the same to the knowledge of the State Attorney.

Given under my signature at Potchefstroom to-day the 24th day of March 1858.

(Signed) M. W. PRETORIUS,
President of the South African Republic.

By order of the Executive Council.

C. MOLL,
Government Secretary.

PROCLAMATION 24TH MARCH, 1858.

By His Honour M. W. PRETORIUS, President of the South African Republic, with the advice and consent of the Executive Council.

WHEREAS it has come to the knowledge of the Government that some rash persons have dared to smuggle munitions of war into this Republic and to trade in the same secretly with the native peoples.

Trading
fire-arms,
ammunition
and horses
with natives
prohibited.

Now therefore it is hereby proclaimed and enacted that any person or persons found trading in fire-arms, ammunition of whatever kind, or horses with any of the native tribes, whether he or they be caught *flagrante delicto*, or it be proved that such aforesaid articles have been sold, traded or presented to native races by him or them, shall on conviction be mulcted in a fine of £500, or be punished by confiscation of property or imprisonment according to the nature of the case.

And whereas it has been considered necessary to take stronger measures for the speedy apprehension of such criminals as aforesaid; now therefore all faithful subjects and particularly the officials of this Republic are ordered to detain all persons suspected of having committed the aforesaid crimes, either in this Republic or in the field of battle, or who are found to have more than 40 lbs. of powder and 80 lbs. of lead on their wagons, and to send them with the utmost despatch to the nearest Field-Cornet, who shall be obliged and bound to hand over such criminal or criminals to the proper authorities at one of the towns.

Every person who brings offences of that kind to the knowledge of the proper authorities, and who sufficiently proves the same, shall obtain as reward half the fine imposed for the said offence.

Given under my hand at Potchefstroom to-day the 24th day of March, 1858.[¹]

(Signed) M. W. PRETORIUS,
President, South African Republic.

By order of the Executive Council,
C. MOLL,
Government Secretary.

1858.

ORDINANCE to regulate the sale of Spirituous Liquors wholesale and retail in the South African Republic.

(Superseded by Ordinance No. 2, 1866; Law No. 2, 1871; Law No. 1, 1881; Law No. 6, 1882; Law No. 19, 1898.)

¹ See V.R.R., 19th September, 1853, Art. 62; V.R.R., 22nd September, 1858, Art. 26; Law No. 6, 1873; Law No. 4, 1884.

ORDINANCE TO REGULATE LICENCES FOR
PEDLARS OR ITINERANT TRADERS WITHIN
THIS REPUBLIC, 14th April, 1858.

Pedlar's
licences.

WHEREAS it has been considered advisable to make further provision in the Law with reference to licences for pedlars or itinerant traders, who are provided with wares, by storekeepers resident within this Republic or any such storekeepers as aforesaid who wish to trade within this Republic as such :

Now therefore it is hereby enacted, by the President of the South African Republic with the advice and consent of its Executive Council :

Landdrost
may issue
licence.

1. That it shall be lawful for any Landdrost, Acting Landdrost, or any person authorised thereto in this Republic, to grant licences to any person or persons as aforesaid who may desire to trade as pedlars or itinerant traders.

Pedlars may
take out
licence.

2. That it shall be lawful for any person or persons who may be desirous to trade as pedlars or itinerant traders to take out licences for that purpose.

Licence—£2
per wagon-
load.

3. And it is further enacted that all such licences as aforesaid shall be obtainable on payment of two pounds sterling for each wagon-load which shall from time to time leave the place of business of each such storekeeper as aforesaid.

Itinerant
trader not
allowed to
settle as
storekeeper.

4. And it is further enacted that any person who shall have taken out a licence as aforesaid shall not be allowed to settle in one of the towns of this Republic as storekeeper in virtue of such licence.

Penalty for
trading with-
out licence.

5. And it is further enacted that no person shall be allowed after the publication of this Ordinance to trade as pedlar or itinerant trader or to open a store in any of the country villages without previously taking out a licence for that purpose ; and that any person found trading as aforesaid without being provided with the aforesaid licence as required by law shall forfeit a fine for every such offence, not exceeding fifty pounds and not less than ten pounds.^[1]

(Signed) M. W. PRETORIUS,
President, South African Republic.

By order of the Executive Council,

C. MOLL,

Government Secretary.

Government Offices,
Potchefstroom, 14th April, 1858.

¹ See Law No. 2, 1871, Art. 5, No. 3. Amended by V.R.R., 10th June, 1873, Art. 133.

INSPECTORS' INSTRUCTIONS FOR LYDENBURG.

See *Locale Wetten*, p. 79.

GOVERNMENT NOTICE.

Demarcating the lines of the Field-Cornetcies in the district of Rustenburg.

See *Locale Wetten*, p. 83.

REGULATIONS FOR THE TOWNS IN THE SOUTH AFRICAN REPUBLIC.^[1]

INSTRUCTIONS FOR FIELD-CORNETS.

Approved by V.R.R. 17th September, 1858, Art. 19.

(Superseded by the Constitution (*Grondwet*), and see also Law No. 2, 1883, and Instructions for Field-Cornets, 1885, Art. 1.)

See *Locale Wetten*, p. 90.

INSTRUCTIONS FOR COMMANDANTS.

Approved by V.R.R. 17th September, 1858, Art. 19.

(Superseded by the Constitution (*Grondwet*), and see also Law No. 2, 1883, and Instructions for Field-Cornets, 1885, Art. 1.)

See *Locale Wetten*, p. 100.

VOLKSRAAD RESOLUTION, 20th September, 1858.

Amendment of Art. 32 of the Constitution (*Grondwet*).

See *Locale Wetten*, p. 103.

VOLKSRAAD RESOLUTION, September, 1858, Art. 23a.

Amendment of Art. 109 of the Constitution (*Grondwet*).

See *Locale Wetten*, p. 104.

VOLKSRAAD RESOLUTION, September, 1858, Art. 23b.

Amendment of Art. 128 of the Constitution (*Grondwet*).

See *Locale Wetten*, p. 104.

¹ These regulations have apparently never been approved by the Volksraad. They have, however, always been considered law. See *e.g.* Law No. 16, 1880, Sec. 3. Superseded by regulations confirmed by Art. 1256 F.V.R.R. of 1899.

VOLKSRAAD RESOLUTION, September, 1858, Art. 23c.
Amendment of Art. 140 of the Constitution (Grondwet).

Amendment
of Art. 140
of the
Constitution
(Grondwet).

140. The jurymen shall before sitting in the High Court, mentioned in Art. 143, take the following oath before the Landdrosts:—

“ I promise, and solemnly swear, to act and give verdict in my office as juryman, justly, equitably, without respect of persons and to the best of my knowledge and conscience, upon the cases and indictments submitted to me for judgment according to law; that I have received from no one any present or favour whereby I might suspect that such was done or shown me to persuade me in my judgment to the advantage of the giver or person favouring me, and further that my only object shall be the maintenance of law, right and order to the furtherance of the prosperity and welfare of this Republic.”

In cases where a Court of Landdrosts and jurymen is required, the Landdrost of the district shall, in cases which are to be brought before the High Court, summon twenty-four enfranchised burghers of the district to appear as such before the Court. Out of such number it shall be decided by lot which twelve burghers shall serve as a jury.

Three names
may be
rejected on
challenge.

Both for the Court and for either of the parties separately, it shall be lawful in calling over the names to reject one, two or three persons without being obliged to state any reasons for such rejection; as soon as the jury of twelve sworn men is complete the Court shall, after having duly sworn in the jury, proceed with its work.

(Partly superseded by Art. 125, Constitution (Grondwet) of 1889, and Art. 149 of 1896.)

VOLKSRAAD RESOLUTION, September, 1858, Art. 23d.

Amendment of Art. 144 of the Constitution (Grondwet).
See *Locale Wetten*, p. 105.

VOLKSRAAD RESOLUTION, September, 1858, Art. 23e.

Amendment of Art. 143 of the Constitution (Grondwet).
See *Locale Wetten*, p. 105.

VOLKSRAAD RESOLUTION, September, 1858, Art. 23g.

148. Amendment of Art. 148 of the Constitution (Grondwet).
See *Locale Wetten*, p. 106.
(Superseded by Law No. 1, 1874, and by the rules of the High Court, Rule 20.)

LAW.

Approved by V.R.R., 22nd September, 1858, Article 26.

For the better regulation of hunting elephants and other game in the South African Republic.

(Superseded by Law No. 6, 1891; Law No. 13, 1893; and Law No. 5, 1894.)

LAW.

WITH REFERENCE TO THE TRADE WITH KAFFIR TRIBES
SUBJECT TO THIS REPUBLIC.

Approved by V.R.R., 22nd September, 1858, Article 26.

1. Trade with the Kaffir tribes subject to this Republic shall be free for every inhabitant of this Republic subject to the following provisions :

Trade with subject Kaffir tribes permitted.

2. Every person desirous to trade with the said Kaffir tribes shall first provide himself with a certificate from the Field-Cornet of his ward testifying that he is a person who can be trusted in such trade; and this certificate shall be handed over to the President of the South African Republic, the Commandant-General, or any other person authorised thereto, and a licence shall thereupon be issued by him to the applicant authorising him to trade for a whole year from the date of the licence, subject to payment of 100 Rds. (£7. 10s.) for such licence, but he shall not be permitted to sell any firearms or ammunition, nor to give any such to the Kaffirs. Any person committing this offence shall be dealt with according to law.

Licence issued on production of certificate.

3. Every licensed trader shall, however, be held responsible for the good and peaceful behaviour among the Kaffirs of every such person employed by him.

Trader liable for behaviour of his subordinates.

4. It shall thus be the duty of all licensed traders to carefully and particularly warn persons sent out by them to trade that they must take every possible care not to molest or unnecessarily annoy any of the Kaffirs, whereby the lives and properties of others as well as themselves might be endangered, or bring such Kaffirs in conflict with this Republic. Offenders herein shall be punished with the utmost rigour of the law.

Molesting Kaffirs prohibited.

5. Anybody trading without a licence shall, on conviction before a competent Court, forfeit a fine of Rds. 1,000 to the Treasury; provided, however, that this penalty shall not prevent or be understood to prevent either settlers or travellers buying slaughter cattle or other produce for their own consumption or use without such licence. Any person who informs the proper authorities of any of such offences shall be awarded half the fine.

Penalty for trading without licence.

6. All offences against this Law shall be prosecuted before the Courts of Law, in accordance with the Constitution (Grondwet) of this Republic, according to the nature of the case.

Offences prosecuted before Courts of Law.

VOLKSRAAD RESOLUTION,

from 14th to the 23rd September, 1858.

Tax on loan
and freehold
farms.

28. A proposal of the Executive Council supported by the Commandant-General, that a freehold farm shall be given to each burgher without distinction, for which freehold farms the possessors shall pay an annual sum of one pound sterling for the protection of the same and the maintenance of Church and State; and as far as the loan farms are concerned they shall be subject to an impost of from ten to thirty shillings per annum in proportion to the value of the same.

The Volksraad resolved to approve the proposal, merely providing that the annual amount of one pound for a freehold farm should be diminished to ten shillings.

Poll-tax on
persons who
do not own
farms.

The Volksraad resolved further that every person who is not an owner of loan farms, including all persons of full age, shall pay to the Government of this Republic an annual amount of from Rds. 4 to 25; such contributions shall be immediately paid, and calculated as due for the past month of June, as provided and enacted in Article 196 of the Constitution (Grondwet).

Mineral
farms.

29. With reference to the proposal of the Executive Council, about farms where minerals have been found, obliging owners of farms of that nature to lease or sell the same to the Government at a fair price, this proposal was unanimously approved and confirmed [1].

LAW FOR THE PRESERVATION OF THE PUBLIC
PEACE AND FOR THE PREVENTION OF HOSTILITIES
AND SLANDER AND BELITTLING OF
THE STATE.

(Repealed by V.R.R., 23rd September, 1859, Article 88.)

INSTRUCTIONS FOR THE MARKET MASTER.

(Superseded by Law No. 5, 1883.)

GOVERNMENT NOTICE.

DEMARICATION OF THE DISTRICT OF PRETORIA.

See *Locale Wetten*, p. 113.

¹ NOTE.—This last Article (29) repealed by V.R.R., 21st September, 1859, Article 68.

See also the Law on Precious Metals, &c., No. 8, 1885.

1859.

VOLKSRAAD RESOLUTION, 5th May, 1859.

18. On Bigamy.
(Superseded by Article 10 of Law 3 of 1871.)
19. Education Commission appointed.
20. Regulations for Government Teachers.

ANNEXURE No. 1. TO THE GRONDWET.

WHEREAS it has appeared that although in Article 31 of the Preamble. Thirty-three Articles, in the Instructions of the Orphan Masters and in various other laws and regulations of the Raad, reference is made to the Dutch laws, and that still continual uncertainty prevails as to which Dutch laws are intended : and whereas this uncertainty is very prejudicial to the burghers, and causes the judges difficulty and doubt, now, therefore, the Volksraad of the South African Republic, on the proposal of the Executive Council, has thought it necessary to make the following provisions which are hereby enacted to apply until further provision is made therein.

1. The Law book of van der Linden remains, so far as it is not in conflict with the Constitution (Grondwet) and other laws or Volksraad resolutions, the Law book in this State. Law book of van der Linden, the law book of the State.

2. Whenever the said book does not treat any matter with sufficient clearness, or omits any subject, then the law book of Simon van Leeuwen and the introduction of Hugo de Groot shall be binding. Law book of Simon van Leeuwen and introduction of Hugo de Groot are binding authorities.

3. In the use of these Law books, the manner of interpretation prescribed by Article 31 of the Thirty-three Articles shall always be followed. Interpretation in accordance with Article 31 of the 33 Articles.

4. This Law shall come into operation three months after it has been made known to the public. Operation.

Approved in the Volksraad Session of 19th September, 1859, Article 52, held at Pretoria. [1]

(Signed) D. A. BOTHA,
Chairman.

J. H. M. STRUBEN,
Secretary.

¹ See F.V.R.R., 7th May, 1897, Article 53. "Resolved to instruct the Government to append both annexures to the Grondwet of 1896." See also Government Notice No. 245, 1897.

ANNEXURE No. 2.

Preamble.

WHEREAS it has appeared that continual uncertainty exists as to what cases the Courts of Law may take cognisance of and pronounce judgment in, and Article 143 in connection with Article 219 of the Constitution (Grondwet) is not always interpreted in the same manner, whereby to the great prejudice of the State, the property of certain burghers is insecure, Now therefore the Volksraad of the South African Republic, on the proposal of the Executive Council, has thought it necessary to make the following provisions which are hereby enacted :—

Pending cases explained.

1. Pending cases, mentioned in Article 219 of the Constitution (Grondwet), are such as no Volksraad Resolution has been taken upon.

Volksraad resolutions binding and not subject to alteration.

2. Every Court shall respect all Volksraad Resolutions as law, may make no remarks, nor pass any judgment on the same, and whatever has been decided or approved by the Volksraad shall not be submitted to the cognisance of any Court of Law.

Latest resolution on any point is law.

3. Whenever various Volksraad Resolutions have been taken on the same subject, the last Resolution shall be respected as law by every Court of Law.

Operation.

4. This Law shall come into operation immediately.

Adopted and approved in the Volksraad Session, held at Pretoria, of 19th September, 1859, Article 53. [1]

(Signed) D. A. BOTHA,
Chairman.
J. H. M. STRUBEN,
Secretary.

ANNEXURE No. 3.

REGULATIONS FOR THE MANNER OF PROCEDURE FOR THE HIGH COURT.

The High Court, as composed by the Constitution (Grondwet) Article 143, was abolished by Annexure to the Constitution (Grondwet) No. 3, 1881, Chapter II. See further, with regard to the manner of procedure, Law No. 5, 1864 (now 9 of 1866); Law No. 1, 1874; Law 11 of 1892, and the Rules of Court of 1899.

ANNEXURE No. 4.

LAW COSTS.

(Superseded by Law 8 of 1883; Law 5 of 1886.)

¹ See F. V. R. R. 7th, 1897, Article 53. "Resolved to instruct the Government to attach both Appendices to the Grondwet of 1896, with the following alterations in Appendix No. 2, viz.:—To insert after the word Constitution (Grondwet) in the fourth line from the beginning, and after the same word in the second line of Article 1, the words 'of 1858.'" See also Government Notice, No. 245, 1897.

VOLKSRAAD RESOLUTION, 21st September, 1859.

64. Resolved unanimously that there shall be a Land Commission for each district, composed of at least three members, and it shall be left to the President and Executive Council in their wisdom to establish such regulations and tariffs therefor as shall most conduce to the advantage and benefit of the inhabitants.

Land
Commission
established.

GOVERNMENT NOTICE.

In pursuance of Arts. 63 and 64 of the Volksraad dated Pretoria, September, 1859, the regulations are hereby published for the Land Commissions which shall be nominated and appointed for the various districts of this Republic.

(By order) A. F. SCHUBART,
Government Secretary.

Government Offices,
Potchefstroom, 7th December, 1859.

INSTRUCTIONS FOR THE LAND COMMISSIONS.

See Amended Instructions, 18th March, Law No. 4, 1870 ; Law No. 4, 1875 ; and Law No. 6, 1885, Article 1.

VOLKSRAAD RESOLUTION, 21st September, 1859.

68. Development of Mines. See Law No. 1, 1871, and Law No. 17, 1895.

LAYING OUT OF WAKKERSTROOM.

VOLKSRAAD RESOLUTION, Pretoria, 21st September, 1859.

See *Locale Wetten*, p. 125.

VOLKSRAAD RESOLUTION, 22nd September, 1859,

Art. 75.

Resolved that Art. 28 of the Volksraad Resolutions held at Pretoria in September, 1858, shall be henceforth interpreted as follows:—

“ That every burgher of this Republic shall be allowed a farm
“ as his property. The owner thereof shall pay ten shillings
“ annually for the protection and maintenance of Church and
“ State. And further that all persons of full age who do not

Farms in
freehold.

Taxation of
value by
Field-Cornets.

“ possess any land or farm shall, without distinction pay an amount
“ from 4 Rds. to 25 Rds., which taxes shall be collected by the
“ Field-Cornets in their wards and then paid over by them to the
“ Landdrost of their district; but every burgher who considers
“ that such tax has been illegally collected, shall be at liberty to
“ lodge a complaint thereon with the Landdrost, and the said
“ Landdrost shall be bound to have such case examined by impartial
“ persons, and thereafter pronounce judgment. The loan-farms
“ shall remain subject to the payment of from ten to thirty
“ shillings per annum.”

Tax on loan-
farms.

VOLKSRAAD RESOLUTION, 23rd September.

Art. 88.

Public Peace
Law repealed.

Resolved that the Law of Public Peace appearing in the *Staatscourant* of 8th October, 1858, No. 46, and signed by order C. Moll, Government Secretary, be considered as never having existed, since all the Volksraad members declare that this document was never submitted to the approval of the Volksraad.

LAW.

FOR THE REGULATION OF THE POSTAL DEPARTMENT IN THE SOUTH AFRICAN REPUBLIC.

Approved by V.R.R. 24th September, 1859; Art. 100.

Replaced by Law No. 1, 1866, and subsequent Laws on the Postal Department.

LAYING OUT OF MIDDELBURG.

VOLKSRAAD RESOLUTION, 25th October, 1859.

See *Locale Wetten*, p. 127.

GOVERNMENT NOTICE.

WATER REGULATIONS FOR THE FARMS OF SCHOONSPRUIT, AND INSTRUCTIONS FOR THE WATER-FISCAL AT KLERKSDORP.

(Superseded by Law No. 17 of 1887.)

PROCLAMATION OF NEW DISTRICT.

UTRECHT.

See *Locale Wetten*, p. 129.

GOVERNMENT NOTICE.

It is hereby made known for general information that the instructions for the Land Commission thus amended are now obligatory.

INSTRUCTIONS FOR THE LAND COMMISSION.

(Superseded by Law 4, 1870.)

1860.

GOVERNMENT NOTICE.

WHEREAS it has been deemed necessary to alter somewhat the line of the district of Pretoria, NOW THEREFORE such amendment is hereby thus made known :

“The line of the Field-Cornetcy West from Pretoria.” From the farm of M. Scheepers, the source of the Crocodile River, up to the fountain of Klipriver, over the farm of J. P. Maree, son ; from there in a straight line to the farm Doornkuil, belonging to A. Brits ; and from there in a straight line to the General Drift of Natal at Klipriver ; and from Klipriver to the Vaal River.

(By order) B. C. E. PROES,

Acting Secretary.

Potchefstroom, 25th January, 1860.

VOLKSRAAD RESOLUTION, Lydenburg, 29th March, 1860.

29. Laying out of Middelburg and demarcation of district. See *Locale Wetten*, p. 132.

APPENDIX

to the Resolutions of the Volksraad passed at Pretoria from the 3rd to the 10th April, 1860.

Agreement between the Government of the South African Republic and the Republic of Lydenburg for the establishment of a union between the two States commenced 26th February and finished at Rustenburg 23rd November, 1859.

See *Locale Wetten*, p. 133.

Alteration in
delineation of
Pretoria
district.

PROCLAMATION.

WHEREAS by proclamation of M. W. Pretorius, President, given at Potchefstroom on the 6th November, 1859, the lines of the district of Wakkerstroom are settled, and whereas there now seems to exist a difference about the words in the said proclamation "the line of the Orange Free State :—"

Now, therefore, I proclaim and make known hereby that the lawful boundary between the South African Republic and the Orange Free State on the 17th June, 1858, has been determined at Rustenburg by the Volksraad of this State and the deputies of the Orange Free State, viz. :—

Declaration
of boundary
between
Orange Free
State and
Transvaal.

From the Vaal River up to the junction of the Klipriver and up Klipriver to the source, meaning thereby the Klipriver which runs through the Zeekoe valley. And that all the lands situated within that line belong to the territory of this Republic, and all inhabitants within the line shall have a claim to full protection of person and property, while all persons who encroach upon the said boundary line shall be considered to be acting in violation of the independence of the South African Republic.

Given under my hand at Potchefstroom to-day, the 25th April, 1860.

J. H. GROBLER,

Acting President.

(By order) J. H. M. STRUBEN,

Government Secretary.

 GOVERNMENT NOTICE.

NOTICE is hereby given to the public that in accordance with Art. 17 of our Constitution (Grondwet) and subsequent Resolution (see Art. 45) taken by the Volksraad on the 9th April at Pretoria :

Seat of
Government
removed to
Pretoria.

The seat of the Government from 1st May, 1860, shall be established at Pretoria, and thus all writings otherwise addressed to the Acting President and Executive Council must be sent from the 1st of May next to him at Pretoria.

(By order) J. H. M. STRUBEN,

Government Secretary.

Government Offices,

Potchefstroom, 26th April, 1860.

LAYING OUT OF PRETORIA.

VOLKSRAAD RESOLUTION, 27th September, 1860.

144. Resolved (with reference to the laying out of Pretoria) :

- 1st. That His Honour M. W. Pretorius shall give the Government of the South African Republic transfer of the farm Nooitgedacht half of the farm Daspoort and half of the farm Elandsport. Transfer of lands to form site of Pretoria.
- 2nd. That the Government of the South African Republic shall give transfer of the piece of ground making a portion of the town of Pretoria, situated to the north of Church Street bounded on the east by Du Toit Street, on the west by Potgieter Street, up to the brick-kiln ditch, and from there up to the Aapies river, and to the north by the Aapies river, excepting the lands of Mr. J. H. P. Prinsloo and the remaining reserved or leased lands situated within such line, and also the erven Nos. 348, 349, 350, 351, 378, 379, 380 and 381, and will grant such transfer to His Honour M. W. Pretorius.
- 3rd. That His Honour M. W. Pretorius shall pay no tax for any erf before it has been sold or built upon.
- 4th. That all previous sales or gifts of erven shall remain undisturbed and be lawful.
- 5th. His Honour M. W. Pretorius shall transfer to the Government in full property the block of erven situated at the corner of Church and Potgieter Street.
- 6th. That with this Resolution all transactions or business between His Honour M. W. Pretorius and the Government are definitely at an end.

VOLKSRAAD RESOLUTION, 28th September, 1860,
Art. 149.

Proposed by the Executive Council a proposal of law with reference to which persons are entitled to apply for two farms from the Government. Right to two farms.

Resolved : "That all emigrants arriving in this State up to and inclusive of the year 1852, shall be entitled to receive two farms from the Government, one agricultural and one cattle farm."

PROCLAMATION, 8th October, 1860.

WHEREAS it has been found necessary to establish for the future a more definite and better means for the lawful registration of farms situated in this Republic, now therefore it is resolved and enacted :—

That if anyone appears for another person before a properly qualified official, and applies and wishes to be allowed to register a farm for such person, he shall be obliged to produce to such Registration of farms by agents.

Agent shall produce power of attorney.

Power of attorney to be entered on registration.

Same on surrender of a farm.

competent official a written order, letter or power of attorney authorising him as agent for such person.

And such competent official shall, on the registration of such a farm, describe on whose request such farm has been registered by power of attorney, and shall state the date of the order or power of attorney.

If any person refuses an already registered farm for another person, and wishes to have it written off the book of land titles, he shall be provided with a power of attorney as aforesaid, and such power shall be described as above by the competent official.

This article of law was approved unanimously by the Volksraad in its session dated Pretoria, 18th September, 1860, Art. 81 of its minutes, with order to give notice of this Law in the Government Gazette.

Thus done at the Government offices, 8th October, 1860.

(By order of the Acting President)

J. H. M. STRUBEN,

Government Secretary.

GOVERNMENT NOTICE.

No. 20. 1. Published in *Staatscourant*[¹], No. 22, of 26th October, 1860.

Precautionary measures against fraud and misrepresentation in the spread of the Gospel among the heathen.

Missionary only admitted at request of heathen.

1. No missionary among the heathen shall be admitted into the territory of the South African Republic, except by request of the heathen themselves made to the Government.

Shall conform to Art. 21 of the Grondwet.

2. The Government shall first make inquiries as to the desirability, and, if it should deem it desirable, call a missionary, who shall satisfy the requirements of Art. 21 of the Constitution (Grondwet)[²].

Mission station.

3. The Government reserves to itself the right of determining the place where a mission station may be established, and may always, when the interests of the State so demand, remove or abolish altogether any mission station.

Consent of Government required for establishment of mission station.

4. No one shall have the right to establish a mission station on any ground within this Republic, without having obtained the permission of the Government, in terms of Art. 38 of the Field-Cornets' instructions, and also in terms of the rules as established above.

Missionaries must obey the law.

5. Every missionary shall be bound to conform to the Constitution (Grondwet) and all existing and future laws of the land.

¹ The *Staatscourant* was at this time called "Gouvernements Courant" (Government Gazette).

² Art. 21 of the Grondwet suspended by V.R.R. 1st June, 1871. Art. 151.

6. Every missionary or captain shall be bound to immediately deliver up every person who is demanded by any official of the Republic. Surrender of criminals.

7. Every missionary shall be bound to watch carefully to see if any plots or conspiracies are being hatched against the State or its inhabitants by coloured persons belonging to their stations or the tribe with which they reside, and give immediate notice to the Government or the nearest official, and if they fail to do so they shall be considered as accomplices in such plans or conspiracies, and be treated as such. Must give information of plots.

Approved and accepted by the Volksraad in Art. 133 of its minutes, dated Pretoria, 26th September, 1860, and these measures shall be enacted as law after three months' notice has been given in the *Staatscourant*.

(By order of His Honour the Acting President)

J. H. M. STRUBEN,
Government Secretary.

Government Offices,
Pretoria, 8th October, 1860.

1861.

1st February, 1861.

INSTRUCTIONS FOR THE INSPECTORS OF FARMS IN ACCORDANCE WITH WHICH THEY SHALL BE BOUND TO ACT IN THE INSPECTION OF FARMS SITUATED IN THE SOUTH AFRICAN REPUBLIC.
(Superseded by Law 3, 1869.)

1863.

VOLKSRAAD RESOLUTION, 22nd May, 1863.

23. Art. 6 of the Address of the Acting President containing a memorial of S. J. P. Kruger and others asking if the members of the congregation of Dr. Postma were enfranchised burghers. Answer was made unanimously in the affirmative.

PROCLAMATION, 23rd July, 1863.

WHEREAS it has come to the knowledge of the Acting President that certain persons, inhabitants of this Republic, have made so bold as to challenge their fellow-burghers to a duel or single combat, the consequences of which may be murder :

Now, therefore, it is hereby made known to all inhabitants of this Republic that by resolution of the Executive Council all duels or single combats are most strictly forbidden, and any person who challenges another to a duel and against whom this is proved in Duels.

Court shall be fined not less than one thousand rds. or imprisonment according to the nature of the case, and any person, who accepts such a challenge shall be punished by the same fine as the challenger.

All whom it may concern are hereby warned.

Thus done at the Government Offices, Pretoria, 23rd July, 1863.

W. C. J. VAN RENSBURG,
Acting President.

True copy.

J. H. VISAGIE.

GUIDE FOR A DISTRICT ATTORNEY IN CRIMINAL CASES.

Enacted by Volksraad Resolution, 22nd October, 1863,
Art. 105.

(Replaced by Ordinance No. 5, 1864, afterwards No. 9, 1866, known as the Criminal Procedure. See also instructions for the State Attorney and the Public Prosecutors. Approved by Resolution of the Volksraad, dated 22nd December, 1869, Art. 23, *Staatscourant*, No. 307, 4th January, 1870.)

WOODS AND FORESTS.

VOLKSRAAD RESOLUTION, 22nd October, 1863.

111. With reference to Forests.

(Replaced by Law No. 8, 1870, and see Law No. 15, 1880.)

REGULATIONS FOR THE DUTCH REFORMED CHURCH AND PENSIONS FOR MINISTERS.

NOTICE TO THE DUTCH REFORMED CHURCH.

See *Locale Wetten*, p. 148.

1864.

Notice is hereby given to the public of Art. 19 of the Volksraad Resolution, dated Pretoria, 16th February, 1864.

Suspension of
Art. 15
of the
33 Articles.

19. The Volksraad shall take into consideration the matter mentioned in the Resolution of the 15th inst., with reference to Art 15. of the 33 Articles, in connection with Arts. 30, 218 and 220 of the Constitution (*Grondwet*). The Volksraad resolves unanimously that Art. 15 of the 33 Articles has been suspended by Arts. 30, 218 and 220 of the Constitution (*Grondwet*), and that thus no member of the Volksraad can be

thereby prevented or hindered from defending cases of third parties before Courts of Law. The State Attorney also fully agrees.

By order,

H. VAN DER LINDEN,
Government Secretary.

Government Offices,
Pretoria,
8th March, 1864.

1864.

GOVERNMENT NOTICE, 8th March, 1864.

26. Of the Volksraad Resolutions, Pretoria, 18th February, 1864.

Amendment of Art. 78 of the Constitution (Grondwet).
See *Locale Wetten*, p. 170.]

PROCLAMATION, 12th April, 1864.

WHEREAS the Executive Council of the South African Republic, Preamble.
having taken into due and mature consideration the confiscation of property here, in terms of Art. 31 of the 33 Articles, and Volksraad Resolutions from 12th to 24th September, 1859, and published in Annexure No. 1, has found that in terms of Art. 31 of the 33 Articles, the Dutch Law shall be taken as a basis in our Government, but in a modified form and in conformity with the customs of South Africa; and that while by confiscation of property not only are the criminals condemned punished, but also at the same time their wives, children and other relations, although innocent, are treated as accessories, since they suffer more under such confiscation than the condemned themselves:

And whereas the same reasons have led to the abrogation of confiscation of property in other countries, and in the Colony of the Cape of Good Hope on the 23rd April, 1779:

Now, therefore, the Executive Council of the South African Republic proposes in the general interest that henceforth no entire or partial confiscation of the property of any condemned person shall be imposed or pronounced as sentence by any High Court, or other competent Courts of Law, Judge, or Court Martial within this Republic from whatever cause it might be, none excepted, not even for the crime of High Treason or Treason, or similar crimes: Confiscation of property abolished.

And hereby are repealed and annulled all Laws which are in conflict with the above Law, and it is provided that such Laws and provisions shall no longer be executed, and that only money fines and corporal punishment suitable to the nature of the case may be inflicted.

All judges, officials, and officers are ordered to act in accordance with this law, and to follow the same.

This Law shall be published for the general information of the people of the South African Republic, and all objections shall be made to the Executive Council within the time of three months, and after such time in terms of Art. 12 and Art. 47 of the Constitution (Grondwet) this Law shall be laid before the Volksraad for approval.

(Signed) W. C. J. VAN RENSBURG,
President.

By order of the Executive Council—

H. VAN DER LINDEN,
Government Secretary.

Government Offices, Pretoria,
12th April, 1864.

RESOLUTION OF THE EXECUTIVE COUNCIL OF THE SOUTH AFRICAN REPUBLIC.

Adopted on the 4th May, 1864.

Approved by Volksraad Resolution, 12th May, 1864.

Art. 33.

7. The Commandant-General, J. van Dijk, brings forward a petition signed by Commandant T. J. Snijman, formerly Acting Commandant-General and Commandant-General J. van Dijk of the following tenour, to withdraw confiscation of goods and alter it to fines, to withdraw the declaration of outlawry and further to soften the fines or only to require payment of costs actually caused.

After mature consideration of this matter, and after having taken the condition of the country into consideration, and being convinced that no foreign tribunals are obtainable, the Executive Council resolves that as the confiscation of property according to van der Linden, page 215, has been abrogated since the year 1732. Now, therefore, the punishments of confiscation, outlawry in civil wars arising from political questions, shall be henceforth considered as null and void. The fines which have been imposed, are hereby withdrawn, in virtue of Art. 83 of the Constitution (Grondwet) and the manual of Mr. J. van der Linden, page 273, and the proceeds of the sales of the confiscated property shall be paid back to the former owners according to the auction sales list as soon as possible out of the State Treasury; as soon, however, as such former owners have reason to suppose that their property has been sold below its true value the Government shall be bound to assess or cause to be assessed the value of the property sold, and the aforesaid fines shall likewise be returned as soon as possible.

Every official who considers that he has been insulted in his official position, and also every person who thinks he has been wrongfully treated, shall have the right to bring his case before a competent Court excepting those cases which have been already

Confiscation
and outlawry
abolished.

Fines and
penalties
already
passed
annulled.

put an end to by this Resolution in terms of said articles, which cases may not be reopened.

Persons who have formerly been officials, and have lost their positions by the outbreak of war, shall be re-eligible for any position, in addition to those officials who shall be immediately reinstated in their positions.

The country has, however, been involved in heavy debts by the dissensions, we therefore require the public to immediately pay all amounts in arrear, and the Executive Council at the same time requests benevolences or free gifts so that the State debt may be speedily discharged. All this the Executive Council resolves in order to re-establish peace among the inhabitants of this country, and desires the people now to join hands in the protection of our property, wives, and children.

That the Lord may incline the hearts of the people to good is the prayer of the Executive Council of the South African Republic.

W. C. J. VAN RENSBURG,	<i>President.</i>	
M. J. VILJOEN,		} <i>Members</i> <i>Executive</i> <i>Council.</i>
D. E. ERASMUS,		
S. J. P. KRUGER,		
H. VAN DER LINDEN,		

Adopted and approved by us members of the Committee of the People's Lager—

M. W. PRETORIUS, *Chairman.*
T. F. J. STEYN.
J. J. FOURIE.
F. K. MARÉ.

This Resolution was adopted and approved by us by and on behalf of the public on the part of the People's Lager, excepting five persons whose names are signed to a protest dated Pretoria, 10th May, 1864.

On behalf of the public on the part of the People's Lager—

H. A. PRETORIUS.
J. T. STRYDOM.

PRETORIA, 10th May, 1864.

—
No. 18, 1864.

GOVERNMENT NOTICE.

Resolved by Executive Council Resolutions dated Pretoria, 3rd June, 1864, that every loyal Kaffir captain or headman of the kraals may be in the possession of one horse and one gun, and these shall be granted to him by the Commandant-General with the consent of the Executive Council. Commandant-General may give presents to Kaffir captains.

By order of the Executive Council,

H. VAN DER LINDEN,
Government Secretary.

Government Offices,
Pretoria, 12th June, 1864.

No. 2, 1864.

ORDINANCE

FOR THE PREVENTION OF VAGRANCY, THIEVING AND OTHER IRREGULARITIES OF THE KAFFIRS, FOR THE PROTECTION OF PERSON, PROPERTY AND POSSESSIONS, FOR THE REGULATION AND MANAGEMENT OF THE KAFFIR TRIBES, AND THE IMPOSITION OF A TAX ON THE KAFFIRS AND OTHER COLOURED PERSONS.

(This Ordinance was approved generally by the Volksraad on the 5th October, 1864, Art. 207. In March 1866 it was again discussed and amended by the Volksraad (Art. 573, 1885). The Kaffir Law thus amended is to be found among the Laws of 1866.

See Law No. 1, 1881.

No. 3, 1864.

ORDINANCE

WITH REFERENCE TO THE ESTABLISHMENT OF BEACONS OR BOUNDARY FENCES OF AGRICULTURAL LANDS.

(This Ordinance was approved by the Volksraad in its session of September, 1864, Art. 221: but in March, 1866, Art. 480, the Ordinance was discussed and some amendments made in it. The Ordinance as thus amended is to be found among the Laws of 1866.)

No. 4, 1864.

ORDINANCE

FOR THE ESTABLISHMENT OF JUSTICES OF THE PEACE, IN THE SOUTH AFRICAN REPUBLIC, AND THEIR POWERS.

(This Ordinance approved by the Volksraad 28th September, 1854, Art. 127, was repealed on 22nd March, 1866, Art. 520.)

No. 5, 1864.

ORDINANCE

REGULATING THE MODE OF ADMINISTERING JUSTICE IN CRIMINAL CASES IN THE SOUTH AFRICAN REPUBLIC.

Now No. 9, 1866.^[1]

¹ On 5th October, 1864, Art. 216, the Volksraad resolved that this Ordinance should be immediately published as law, and that in the next session such alterations and improvements should be made therein as might be found necessary. On the 12th June, 1865, Art. 43, Sections 61 and 62 of the Ordinance were suspended until the next session of the Raad in September, and Section 63 was amended. In September this Ordinance was not again dealt with. In March, 1866, Art. 460, Section 4 of the Ordinance was amended, and by Art. 480 it was resolved that all the new Laws and Ordinances of 1864 except the Ordinance on the Registration Office, the Kaffir Law, the Beacon Ordinance, and that on Justices of the Peace should be postponed till the next session of the Volksraad in September, 1866. At last the amended Ordinance, generally known as "The Criminal Procedure," was definitely approved of on October 30th, 1866, Art. 605. See Laws of 1866.

No. 6, 1864.

ORDINANCE

REGULATING THE PAYMENT OF TRANSFER DUES ON FIXED PROPERTY IN THE SOUTH AFRICAN REPUBLIC.

(This Ordinance was approved by the Volksraad on September 26th, 1864, Art. 88. It was prescribed by Government Notice No. 163 (published in the *Staatscourant*, 21st March, 1865), that none of the laws and regulations passed by the Volksraad in its last session of September, 1864, should be put into operation before being confirmed. This notice was approved by the Volksraad, 10th June, 1865, Art. 36. The Ordinance was not again dealt with by the Raad in September, 1865, nor in 1866. In consequence it must be considered as lapsed).

No. 7, 1864.

ORDINANCE

Enacted by the Volksraad in its session held at Pretoria, South African Republic, on the 19th September, 1864.

FOR THE ABOLITION OF ORPHAN MASTERS IN THE SOUTH AFRICAN REPUBLIC, AND PROVIDING WHICH OF THE DUTIES FORMERLY DISCHARGED BY ORPHAN MASTERS SHALL IN THE FUTURE BE PLACED IN THE HANDS OF AN ORPHAN MASTER.

(Superseded by No. 5, 1869, and eventually by No. 12, 1870. This Ordinance was approved generally on 19th September, 1864, Art. 46. It was, however, suspended by Government Notice of March, 1865 [approved by Volksraad Resolution, 10th June, 1865, Art. 36.]

See now the law regulating the Orphan Chamber and Administration of Estates. No. 12, 1870.

No. 8, 1864.

ORDINANCE

FOR REGULATING THE REGISTRATION OF WILLS AND THE ADMINISTRATION OF THE ESTATES AND PROPERTY OF PERSONS DYING, EITHER TESTATE OR INTETATE, IN SO FAR AS THE SAME ARE SITUATED WITHIN THIS COLONY.

(Superseded by No. 12, 1870.)

No. 9, 1864.

ORDINANCE

FOR PROVIDING FOR THE DUE ADMINISTRATION AND MANAGEMENT OF THE ESTATE AND PROPERTY OF MINORS, LUNATICS, AND PERSONS ABSENT FROM THE REPUBLIC, AND FOR THE PROPER CARE OF MINORS AND LUNATICS.

(Superseded by No. 12 of 1870.)

No. 10, 1864.

ORDINANCE

FOR ESTABLISHING THE VALIDITY OF WRITINGS TESTAMENTARY AND POWERS OF ATTORNEY, SIGNED BY WITNESSES.

This Ordinance was published in the *Staatscourant* as having been enacted by the Volksraad at Pretoria on 6th October, 1864. This is incorrect. The Ordinance was not dealt with by the Volksraad in 1864 or 1865.

No. 11, 1864.

ORDINANCE

FOR THE ESTABLISHMENT OF AN OFFICE FOR THE REGISTRATION OF DEEDS IN THE SOUTH AFRICAN REPUBLIC.

This Ordinance, approved by Volksraad Resolution 19th September, 1864, Art. 43, was subsequently discussed and confirmed as law with a small amendment in Sec. 14, now Sec. 13, on 19th October, 1866. See the Laws of 1866, Ordinance No. 3 of 1866, specifically repealed by 5 of 1882. See *Locale Wetten*, p. 224.

No. 12, 1864.

ORDINANCE

REGULATING THE MANNER IN WHICH TRANSFER CAN BE OBTAINED OF IMMOVABLE PROPERTY BOUGHT FROM PERSONS WHO ARE NOT RESIDENT IN THIS STATE.

This Ordinance was approved by the Volksraad 23rd September, 1864, Art. 68, but superseded in 1865. In October, 1866, the Ordinance again came on for discussion and was enacted as law with several amendments.

See Volksraad Resolution, Art. 479-81, 19th October, 1866.

See *Locale Wetten*, p. 224.

No. 13, 1864.

ORDINANCE

CONTAINING THE ENACTMENT OF AND PROVISION FOR LICENCES, STAMP DUES, OFFICE DUES, AND FEES, TO WHICH THE VARIOUS PERSONS AND CORPORATIONS APPOINTED OR ADMITTED BY GOVERNMENT ARE ENTITLED.

This Ordinance was published in the *Staatscourant* as enacted by the Volksraad in its session held at Pretoria on the 12th September, 1864. This was, however, a mistake. The Ordinance was submitted to the Volksraad by the President, but never discussed by the Legislature.

See *Locale Wetten*, p. 224.

No. 14, 1864.

ORDINANCE

FOR THE ISSUE OF MARRIAGE LICENCES.

This Ordinance was published in the *Staatscourant* as being approved by the Volksraad on 6th October, 1864. This is a mistake. The Ordinance was submitted to the Volksraad on 12th September, 1864, by the President, but was never discussed or confirmed by the Volksraad.

See *Locale Wetten*, p. 224.

1864.

12th September, 1864.

STANDING ORDERS FOR THE VOLKSRAAD OF THE SOUTH AFRICAN REPUBLIC, ENACTED IN ITS SESSION HELD 12TH SEPTEMBER, 1864.

These Standing Orders were replaced by the Standing Orders, 12th May, 1882.

VOLKSRAAD RESOLUTION, 27th September, 1864.

96. Proposed by the hon. member Vermaas and seconded by Viljoen :

“ That the recommendation of the Commission that the existing posts of district attorneys be immediately abolished, and that these duties in the future be performed by the Landdrost’s clerks as ‘ Clerks of the Peace.’ ”

VOLKSRAAD RESOLUTION, 27th September, 1864.

98. That in the future the posts of Commandant-General and Commandant shall be honorary positions, as is the case with the Volksraad members; but if service is required of them Rds. 13. 2. 4. shall be allowed to the Commandant-General and Rds. 6. 5. 2. per day to the Commandants^[1].

Commandant-Generalship honorary post.

VOLKSRAAD RESOLUTION, 29th September.

142. That the Executive Council be authorised to have all lands surveyed which have been already inspected for the Government or shall in the future be inspected, and to sell them by public auction, after three months’ advertisement beforehand in the *Staatscourant*, or such other notice as they shall approve.

Lands inspected for Government may be surveyed and sold.

¹ See Volksraad Resolution, 6th April, 1866, Art. 675, Sec. 8 V.R.R., 12th February, 1868, Art. 257; V.R.R., 2nd June, 1869, Art. 144.

PROCLAMATION

ORDERING NO TRANSFER TO BE GIVEN OF LAND WITHOUT
DECLARATIONS OF PURCHASER AND SELLER.

See *Locale Wetten*, p. 220.

Superseded by V.R.R., 15th June, 1870, Art. 184; Law
No. 7, 1883; Law No. 20, 1895.

1865.

VOLKSRAAD RESOLUTION, 3rd June, 1865.

Public
holidays.

12. The order was departed from, and a letter produced dated Pretoria, even date, and signed M. W. Pretorius, President, and Members of the Executive Council, to the effect that New Year's Day, Good Friday, Easter Monday, Ascension Day, Whit Monday and Christmas should be considered as holidays, and no Government office should be opened. At the same time that the 16th December in each year shall be celebrated as a general thanksgiving day, and be devoted to the Lord, in memory of the emigrants having, under God's blessing, freed themselves from the yoke of Dingaan.^[1]

Unanimously adopted.

 VOLKSRAAD RESOLUTION, 10th June, 1865.

Suspension
of laws and
ordinances
of 1864.

36. The Volksraad considers that, according to Government Notice, dated Pretoria, 12th March, 1865, No. 163, published in the *Staatscourant*, dated 28th March, 1865, No. 70, considered in connection with Art. 72 of the Constitution (*Grondwet*), the President was perfectly justified in the last session of the Volksraad in suspending ordinances and regulations until the same should be confirmed; but that the Volksraad resolves to give the public an opportunity up to the 1st September, 1865, of sending in to the Volksraad petitions on such ordinances and regulations. Notice of this Resolution shall be given in the *Staatscourant*.

Unanimously accepted.

 ORDINANCE No. 1, 1866.

POST OFFICE LAW.

(Superseded by Law No. 4, 1869.)

 ORDINANCE No. 2, 1866.

LICENCES, STAMP DUES, OFFICE AND OTHER FEES.

(Superseded by Law No. 2, 1871.)

¹ See F.V.R.R. 16th September, 1864, Art. 37, whereby the President's birthday shall also be celebrated as a public holiday. See also Rules of the High Court, Rule 5.

ORDINANCE No. 3, 1866.

OFFICE OF REGISTRAR OF DEEDS.
(Superseded by Law No. 8, 1880.)

ORDINANCE No. 4, 1866,

REGULATING THE MANNER IN WHICH TRANSFER MAY BE OBTAINED
OF FIXED PROPERTY BOUGHT FROM PERSONS WHO ARE NOT
RESIDENT IN THIS STATE.

WHEREAS sundry persons have purchased farms or other land in this Republic, but are prevented from getting such farms or land registered in their names in the official books and registers of this Republic, in consequence of the absence or the death of the sellers of such farms or land, and whereas there are no representatives of such sellers, in consequence of which the lawful owners are kept out of their rights, and whereas it is deemed necessary to make provision for the removal of the said difficulties, it is hereby provided and enacted that there shall be a commission whose duty it shall be to duly enquire into all such cases as aforesaid, and to report thereon to the State President, as to genuineness of the claims of persons who allege that they are the lawful purchasers of any land or fixed property in this Republic from any person or persons who may not be resident in this Republic or who may have left it for a longer period than six months, without appointing any duly qualified agent or representative in this Republic and publicly notifying his appointment as such, or that the person or persons in whose name such land or farms may be registered in the official books or registers of this Republic, who is or are dead, or may hereafter die, has or have appointed no executor or executors or administrators, who could transfer such land or farms to the purchasers thereof.

Commission to enquire into claims made by purchasers of land, the sellers being absent from the country.

1. And be it further enacted that such commission shall consist of a Landdrost as chairman, the Registrar of Deeds, and the State Attorney, or such other persons as may be appointed by the State President.

Composition of Commission.

2. And be it further enacted that in every case as mentioned in the first article the person or persons who allege that they are the purchasers or that they are entitled to such land or farms, and who desire to obtain transfer of the same, shall apply to the State President by petition, which shall be sent in by the person or persons themselves or by his or their lawful agents and shall set forth all the circumstances of the case, and also whether the purchase price has been wholly or in part paid, and all other grounds on which he or they base his or their claims, and to such petition shall be attached copies of all documents and writings in the possession of the applicant relating to the purchase of such farms or land, duly certified by a Landdrost or Justice of the Peace, and also a list of all witnesses in support of his case, and such petition and all

Application to be made to the President.

documents annexed thereto shall be forwarded by the State President to the chairman of the commission.

Notice of application in *Staatscourant*;

3. And be it further enacted that on receipt by the chairman of the said commission of any application from the State President, in accordance with Art. 2, he shall publish such application three times in the form of a public notice in the *Staatscourant* of this Republic, calling upon all interested persons or their agents to appear before the commission on a certain day to be fixed by him, provided that such time shall not be less than three months from the date of publication of such notice. It shall, however, be lawful for the commission in case of necessity to order a second publication and to allow a longer time not, however, exceeding six months.

Inquiry by Commission and report to President.

4. And be it further enacted that on the day fixed in such notice the commission shall enquire into all cases set down for such day, shall peruse the written proofs and shall examine the witnesses in the presence of the interested parties or their agents, and after enquiry shall report thereon to the State President.

Transfer allowed.

5. And be it further enacted that if the said commission shall report that it has heard such person or persons who allege that they have any right or claim to such land or farms by purchase or otherwise, and that there are no well-founded objections to the transfer of such land in the official books and registers of this Republic to the name of such applicant, the State President shall order the Registrar of Deeds to effect such transfer, on payment of the customary transfer duty and costs of transfer, and such office fees as are mentioned in this Ordinance.

Purchase price to be paid to Executive Council.

6. And be it further enacted that if the purchase price of such land or farms or any portion thereof be not yet paid, the State President may order that such purchase price or the unpaid portion thereof shall be paid to the Executive Council or any person appointed for the purpose before such transfer may be passed or registered by the Registrar of Deeds. And the Executive Council or any person appointed for the purpose shall receive such monies on behalf of the Public Treasury for account of the seller or sellers of such land or farms, or their heirs or other lawful representatives, to whom the monies shall be paid out on production of satisfactory proof that they are entitled thereto.

List of such monies, &c., to be published yearly.

7. And be it further enacted that the said Executive Council or any person appointed for the purpose shall be bound to publish in the *Staatscourant* a list of all such monies in the month of January of each year, stating the names of the persons from and for whom and also the land and farms for which it or he received such monies.

Such farms become property of person in whose name they are registered.

8. And be it further enacted that all such transfers passed and registered by the Registrar of Deeds as aforesaid in the official books and registers of this Republic shall secure the farms or land therein mentioned and thereby transferred and registered as the

lawful property of the person or the persons in whose name or names the same shall be thus transferred and registered, unless it can be subsequently shown that such land or farms were not lawfully obtained by the purchaser or seller.

9. And be it further enacted that the charges or office fees demanded by the Registrar of Deeds for the work done under and by virtue of this Ordinance shall be in accordance with the form annexed hereto, which charges shall be accounted for monthly by the Registrar of Deeds to the Public Treasury, and in addition to this ten shillings shall be paid to each member of the commission in each case, provided that such case does not last longer than one day, and if it lasts longer ten shillings per day shall be allowed to each member for every following day. Charges, &c.

10. And be it further enacted that if any interested person shall be desirous of obtaining the statement of any witness in any case before the commission and if such witness shall not voluntarily wish to appear, then such witness shall be subpoenaed by the chairman of the commission, and such subpoena shall be made out and served as nearly as possible in the same form as that provided by the Regulations in Civil Cases for the Circuit Court, and all such witnesses, after being duly subpoenaed, and after payment or tender of their necessary expenses, who without good reason shall refuse to appear before the commission to make their statements under oath before a Landdrost or Justice of the Peace, shall be liable to a fine not exceeding Rds. 300, to be imposed by decree of the commission, to be executed by the Landdrost in the same manner as any sentence or judgment of the Circuit Court of Landdrosts may be executed. Witnesses may be subpoenaed.
Fine.

11. This Ordinance shall come into operation immediately after publication in the *Staatscourant* in accordance with the Grondwet. Operation.

TARIFF.

	£	s.	d.
For registration of each memorial or application	2	6	
For making out each advertisement (in addition to the ordinary costs of publication) - - -	7	6	
For issuing each subpoena for witnesses - - -	4	6	
For taking a statement, first page - - -	2	6	
For every following page - - -	1	0	
For drawing up reports to the State President -	1	1	0
For the original transfer - - - - -	1	1	0

Thus done and determined in the Volksraad at Pretoria, S. A. Republic, on October 19th, 1866.

M. W. PRETORIUS,
State President.

By order,

J. W. SPRUYT,
Government Secretary.

DEED OF TRANSFER.

Be it known to all whom it may concern that in obedience to an order of His Honour the State President, dated the _____, made under and by virtue of the provisions of the Ordinance No. 4, 1866, which has been delivered to me by the Government Secretary, on the _____ I, the Registrar of Deeds, hereby cede and transfer in full and free ownership to and on behalf of E.F., his heirs, executors, administrators or authorised representatives, certain _____, and that by virtue of this Deed the said E.F., his heirs, executors, administrators or authorised representatives are now and henceforth shall be entitled thereto, in accordance with local custom, the Government however retaining its rights.

In witness whereof I, the said Registrar of Deeds, have signed this deed and have caused it to be confirmed by the official seal.

Thus done, etc.

A.B.

Registrar of Deeds.

ORDINANCE No. 5, 1866.

MINING DEPARTMENT.

(Superseded by Law No. 1, 1871, and repealed by Law No. 15, 1898.)

LAW No. 6, 1866 (not numbered in statute book).

EDUCATION.

(Superseded by Law No. 4, 1874.)

LAW No. 7, 1866 (not numbered).

ON MILITARY SERVICE.

(Repealed by Law No. 2, 1880.)

LAW No. 8, 1866,

(Called in Statute Book Law No. 3, 1864),

WITH REGARD TO THE ERECTION OF BEACONS OR BOUNDARY MARKS OF LAND.

Approved by the Volksraad on March 22nd, 1866, Art. 519.

WHEREAS it is deemed necessary to make provision defining the duty of all owners of land to erect and maintain the beacons of their properties situated within this State and for

the purpose of rendering their right of possession secure, it is hereby provided and enacted as follows:—

1. Every owner or occupier of any farm or landed property (with the exception of erven or small pieces of land within any town or village) shall be bound, within the time of twelve months after the coming into operation of this Ordinance, to erect and maintain all beacons of such farms or such property, whether the said beacons shall have been located by the decision or direction of any Land Commission, by agreement between the neighbours, or by survey of any surveyor.

Owners of farms must erect beacons.

2. All beacons which have not been established by lawful authority shall, after others have been erected and lawfully determined or pointed out in the place thereof, be destroyed and abolished.

Destruction of beacons unlawfully erected.

3. All beacons of land as aforesaid shall be made of stone either masoned or piled up, or by planting in the ground a large stone, at least three feet high, and shall, if necessary, be repaired at least once a year, on penalty of a fine of Rds. 13—2—4 or one pound sterling, for the benefit of the public treasury, for every beacon which shall not be so erected and maintained, and such fine shall be repeated every time that the beacons shall not be erected and maintained as aforesaid within one month after the infliction of the fine in such cases.

Beacons how to be erected.

4. Summonses against contraveners of this Ordinance who are not resident within this State shall be by Edict published in the *Staatscourant*, and judgment shall be given thereon, provided such publication take place in three successive weeks, the first publication being at least three months before the day of appearance mentioned therein.

When summonses by Edict.

5. Any person who shall be proved to have moved or displaced a beacon or to have taken out or done away with any signal or flag pole put up by the surveyor while surveying farms, shall in every case be liable to a fine of 500 Rds. or imprisonment for a period not exceeding six months.

Removal of beacons, &c

6. When any farm, erf or piece of ground has been surveyed by a qualified surveyor, he shall frame a diagram of such survey, and such surveyor shall be bound to make two copies thereof, the original to be delivered to the Registrar of Deeds, one copy to be given to the owner of such farm, erf or piece of ground, and the other to be kept in the office of such surveyor as aforesaid.

Diagrams.

7. It shall not be lawful for any surveyor to survey any farm unless the owner or his authorised agent wishes it, according to Arts. 216 and 217 of the Grondwet, and unless the owners of the adjoining farms have received eight days' previous notice of such survey.

Owner's consent to survey.

Notice to owners of adjoining farms.

Disputes settled by Land Commission.

8. If in any district any dispute should arise with regard to the beacons of farms, the owner or owners of such farm or farms shall apply to the Land Commission of the district which, in enquiring into the matter, shall pay strict attention to the rights to the land defined by the original beacons or beacons which have been agreed upon, a course which will conduce to a correct judgment and a proper and just decision in the case.

Original beacons recognised.

9. All original beacons which have been previously defined or pointed out by Land Commissions shall at all times be respected, unless it can be shown that such beacons have been unlawfully erected.

In case of disputes the original beacons shall have preference.

10. In all cases where any dispute may arise, the original beacons or beacons which have been agreed upon shall have the preference in any case which may be brought up for decision.

Where boundary lines cross.

11. In any case where the boundary lines of one or more farms cross one another the oldest extract shall, in any dispute, be taken as a guide for the commission, and the lines, both of the oldest farm and of the other farms, shall be taken according to the result of such enquiry.

When there are no proper beacons.

12. In any case where the boundary lines of farms cross one another and no proper beacons exist, in consequence of which the Commission, for want of genuine and clear proofs, cannot arrive at a correct decision, the centre point of the land with regard to which there is a dispute shall be taken as the line between such farms (*sic*).

Original beacons not to be moved.

13. In no case shall the original beacons, as fixed and determined by the inspectors or Land Commission or the beacons which have been agreed upon, be interfered with or removed, but in any case where farms shall be found given out greater in extent than 3,000 morgen as provided by the Grondwet, a higher quitrent than that fixed for smaller farms shall be paid.

Owners of adjoining farms to be present.

14. No commission shall do anything on any farm in dispute, or erect disputed beacons, unless the owners or authorised representatives of the adjoining farms are present, as it may frequently happen that one or more of the owners may be absent in the Colony or elsewhere, which persons shall in such case be duly summoned according to law, and so also may owners of adjoining farms who do not wish to appear be summoned, and they shall remain responsible for all expenses occasioned by their unwillingness to attend.

Survey of erven.

15. In surveying any erven or any pieces of ground in any town, fixed points shall be taken for the beginning of the survey of the first erven.

Operation.

16. This Law shall come into operation three months after publication thereof in the *Staatscourant*.

TARIFF "A."

Land Commission.

The tariff fixed by the Volksraad Resolution, 1859, at Pretoria, shall remain in force for the Land Commission.

TARIFF "B."

Tariff for Surveyors.

(Superseded by Law No. 2, 1884.)

THUS DONE and resolved in the Volksraad at Pretoria, South African Republic, on October 6th, 1864.

(Signed) J. P. KLEYN, *Chairman*.
 B. J. PRETORIUS (*Member*).
 G. C. SCHOEMAN (*Member*).
 S. J. MEINTJES, *Secretary*.

By order,

H. VAN DER LINDEN,
Government Secretary.

Government Office,]
 Pretoria,

November 28th, 1864.

(Signed) J. P. KLEYN,
Chairman of the Volksraad.
 H. C. BERGSMA,
Secretary.

No. 9, 1866.

ORDINANCE,

(No. 5, 1864 in Statute Book),

REGULATING THE MODE OF PROCEDURE IN CRIMINAL CASES IN THE SOUTH AFRICAN REPUBLIC, AS AMENDED BY THE EXECUTIVE COUNCIL AND APPROVED BY THE VOLKSRAAD IN ITS SESSION OF OCTOBER, 1866.

WHEREAS it has been deemed necessary to make certain provisions for regulating the procedure in criminal cases.

Mode of
 procedure in
 criminal cases.

Be it hereby provided and enacted that from and after the publication hereof the mode of procedure in criminal cases shall be as herein provided.

Jurisdiction.

1. All crimes committed against the Laws of this Republic shall be subject to the decision and sentence of the High Court, held in any district or division of the Republic, whose decision and sentence shall be final.

Jurisdiction
 of the High
 Court in
 criminal cases.

Jurisdiction of Court of Landdrost,¹ and of Landdrost and Heemraden.

2. All crimes against the Laws of this Republic, not punishable by death, banishment or transportation, or subject to heavier punishments, as hereinafter set forth, committed within the limits of any district of this Republic, shall be subject to the decision and sentence of the Courts of Landdrost or of Landdrost and Heemraden^[1] of the various districts in which such offences have been committed.

Extent of jurisdiction of Court of Landdrost.

3. The punishments which may be awarded by the Court of a Landdrost shall be:—

- (a.) Lashes not exceeding 25, according to the nature of the case.
- (b.) Imprisonment with or without hard labour for any period not exceeding six months. ^[2]
- (c.) Fine not exceeding Rds. 333. 2. 4. ^[3]

Of Court of Landdrost and Heemraden.

4. The Court of Landdrost and Heemraden shall have the power to award punishment as follows:—

- (a.) Lashes not exceeding 50, according to the nature of the case.
- (b.) Imprisonment with or without hard labour for any period not exceeding three years.
- (c.) Fine not exceeding Rds. 666. 5. 2.

Of High Court.

5. The following punishments may be awarded by the High Court:—

- (a.) Death.
- (b.) Imprisonment for life, with or without hard labour, or for any shorter period.
- (c.) Transportation or banishment for any period, according to the nature of the case.
- (d.) Lashes not exceeding 100, to be administered in the presence of a medical practitioner, with or without imprisonment with or without hard labour.

White persons not to be lashed.

6. No white inhabitant shall be subjected to the punishment of lashes ^[4].

Review.

7. The High Court shall have full power, jurisdiction and authority, to review all judgments, sentences and proceedings of Lower Courts which may be submitted to it, and, if deemed necessary, to confirm or correct, or set aside the same; provided, however, that nothing herein contained shall prevent or be deemed to prevent any person who may consider himself aggrieved by any sentence or punishment so set aside to apply to any competent Court for redress, or damages for any insult or abuse suffered by him on account thereof.

[¹] See Art. 139 of the Grondwet, 1896.

[²] Amended by Law No. 2, 1894.

[³] Amended by Art. 2 (last par.) of Law No. 6, 1885.

[⁴] See Law No. 14, 1880, Art. 14; 5, 1888; and 21, 1892.

8. The grounds upon which it shall be competent to bring the proceedings of any Court before the High Court in review shall be :—

Reasons for review.

- (a.) The incompetency of the Court to adjudicate upon any crime committed outside its jurisdiction, or on the ground that a case concerning the same crime has been or is already being heard in any other Court, or that a heavier punishment was awarded than the Court had power to award.
- (b.) The incompetency of the Court by reason of the judge or judges, or any of his or their near relations having an interest in the cause.
- (c.) Malice or corruption on the part of the judge.
- (d.) Gross irregularity in the proceedings.
- (e.) The admission of improper or illegal evidence, or the refusal to admit legal evidence.

9. The judicial bodies shall be bound and obliged to bestow due consideration upon all criminal cases, and to see that the same are heard and decided as soon as possible.

Courts of Justice must act with despatch.

Public Prosecutors.

10. It shall be the duty of the State Attorney to prosecute in the name and on behalf of the people of the South African Republic.

State Attorney prosecutes.

11. The right of prosecution shall be exercised by the State Attorney wherever he may be present, if necessary, in all the Courts of the South African Republic, and in his absence by any other person appointed by him for that purpose, subject to the approval of the President.

Right of prosecution exercised by the State Attorney or his representative.

12. This right and power of prosecution shall belong exclusively to the State Attorney, and shall remain unconditionally under his own management and control.

Right of prosecution belongs exclusively to State Attorney.

13. In all cases having reference to or being connected with the criminal prosecution instituted with regard to any crime or offence committed, the persons charged with the prosecution in criminal cases, and all such other persons whose duty it is by virtue of their offices to prosecute in criminal cases in the country districts, shall be subject to the special supervision, control and direction of the State Attorney, and they shall in that capacity obey all his orders and be responsible to him for all their acts, and if required to do so shall render him account and report thereof.

State Attorney has supervision and direction of all criminal prosecutions.

14. If it appears to the State Attorney that any irregularities have taken place in the conduct of any criminal case by which, in his opinion, the spirit of the provisions as to the mode of procedure has been infringed, he shall have the right immediately to institute an enquiry into the case or cases, and forthwith to redress the same. In cases in which the sentences have already been forwarded to the

State Attorney to redress irregularities.

Executive Council for confirmation he shall have the right to adopt such measures as he shall deem necessary for the redress of the irregularities which have occurred.

State Attorney may stop or close any prosecution.

15. The State Attorney shall have the right at any time to stop or close any prosecution instituted by him or any other person charged with the prosecution of criminal cases, but if the defendant has previously been arraigned for any crime he shall be freed from prosecution for such crime.

State Attorney may order release of any prisoner.

16. The State Attorney shall have the power to order the release of any person committed to gaol for further examination or trial if, in his opinion, there is no necessity to continue the case, or if there is no probability that the necessary evidence will be obtained, so as to prevent the unnecessary accumulation of heavy costs against the Government. For such release he shall grant a warrant stating that the State Attorney cannot find sufficient reasons for prosecuting such accused person, and such warrant shall be sufficient authority for the persons concerned.

State Attorney may refuse to prosecute.

17. If the State Attorney is of opinion that there is not sufficient evidence he may refuse to prosecute any accused person, but any person interested shall, however, be at liberty at his own expense to cause such accused person to be prosecuted by the State Attorney, provided that he shall pass a proper deed of security in favour of the State Attorney for the costs of such prosecution, as hereinafter provided. In such case neither the conviction nor the acquittal of such accused person resulting from the action instituted by the State Attorney as hereinbefore set forth shall, in any way, prevent any person from instituting a civil action against such accused person for any injury or damage suffered by him by reason of such crime.

Prosecution at request and cost of any party interested.

The criminal case does not prejudice the civil action.

Upon refusal of State Attorney any private person may prosecute.

18. If the State Attorney should, in any case, refuse to prosecute any accused person, any person deeming himself injured by such alleged crime shall have the right to prosecute such offender, or to cause him to be prosecuted in his own name, provided, however, that the State Attorney shall have the right, at any time during such private prosecution, to take up the case again, if the nature of the crime shall make it appear necessary to him to do so.

State Attorney may take up case again at any time.

When private person may prosecute in his own name.

19. Before any person shall have the right to prosecute he shall be obliged to prove clearly that he has a substantial and peculiar interest in the issue of the trial arising out of some injury he may have suffered by the commission of the alleged crime of which he complains.

Who has the right to prosecute in his own name.

20. Persons shall have the right to prosecute in the following cases:—A man may prosecute in the case of crimes and assaults committed against his wife. The legal guardians of minors shall have the right to prosecute in the case of crimes and assaults committed against such minors. The wife or children, or where there is neither, any of the next-of-kin of any deceased person shall

have the right to prosecute in the case of any crime which is alleged to have been the cause of the death of such person.

21. When any person, having been prosecuted by a private person, is acquitted, the Court shall condemn the prosecutor to pay a part or the whole of the costs of such proceedings, besides the costs incurred by the accused.

Prosecutor in private prosecution to pay the costs.

22. No person shall be allowed to institute and prosecute proceedings in the manner laid down in Art. 17, unless a deed of security to cover the costs of the prosecution shall have been passed by himself for £50, and by two sureties for £25 each.

Private person must give security for costs.

23. The right of prosecution for the crime of murder shall not be barred by any lapse of time; but the right of prosecution for any other crime, whether at the instance of the State Attorney or any private person, shall be barred by the lapse of twenty years from the time when the crime was committed.

The right of prosecution for murder never barred; with regard to other crimes it is barred after 20 years.

24. The State Attorney or his representative shall be obliged in every criminal case to draw up from the preparatory examination, or from information received, an indictment in writing, which shall state the name of the accused, the crime or crimes of which he is accused, described by the names and in the terms provided by law for every kind of crime, and shall also set out the circumstances which have preceded, accompanied, or followed the deed, always remembering that a close adherence to the truth in the recital of facts, and strict correctness in the legal description of the crime, are the chief requirements of an indictment.

The State Attorney shall draw up an indictment in writing.

Contents of indictment.

25. The State Attorney shall see that a true copy of the indictment is served upon the accused, whether detained in custody or summoned to appear, at least eight days before the trial of such prisoner or accused, so that the prisoner or accused may have an opportunity of having any witness he may desire subpoenaed, which it shall be the duty of the State Attorney to do, and whereof he shall produce a written return, if required to do so, at the opening of such case; provided, however, that in all summary cases, where there is only one accusation, and where no preparatory examination has been held, it shall not be necessary to serve the indictment eight days previously upon the accused, and that the time fixed by law for the service of a summons shall suffice.

Copy of indictment to be served upon accused.

When unnecessary.

26. The State Attorney shall see that the indictment drawn by him, together with the preparatory evidence relating thereto, shall be submitted to the President of the High Court before whom the accused is to be tried, at least three days before the trial, or immediately upon his arrival.

Indictment with preparatory evidence handed to President of High Court.

27. In order to do equal justice to all accused persons, in the conduct of criminal proceedings, the State Attorney shall cause the service of the indictment mentioned in Art. 25 to be effected upon all prisoners and persons accused of crimes, without distinc-

All prisoners entitled to due service of indictment.

Indictment to be explained by an interpreter.

tion of persons, consequently also upon free blacks or Kaffirs, and if they cannot read, the indictment shall be read out and explained by one of the officials, or if necessary by an interpreter, which fact shall be duly recorded in the minute book, as otherwise the progress of the case might be stopped.

State Attorney to take care that all witnesses have been summoned.

28. The State Attorney shall see that all witnesses, both for the prosecution and for the defence of the accused, shall be duly subpoenaed for the day fixed for the trial.

State Attorney or his representative entitled to enquire into criminal cases.

29. The State Attorney or his representative shall have the right, and shall be obliged to enquire into all cases of a criminal nature submitted to him, and, if necessary, to obtain affidavits in regard thereto.

Minutes of State Attorney *ex officio*. He is responsible to State President.

30. The minutes of the State Attorney with regard to proceedings taken by him *ex officio* shall in all cases mentioned in the previous articles be accepted as legal proof of acts done by him; and he shall be responsible for such acts to the State President.

Arrests and Preparatory Examinations.

State Attorney Landdrost and Justices of the Peace may arrest, or cause the arrest of, criminals.

31. The State Attorney, Landdrosts and Justices of the Peace shall have the power, if such is necessary under special circumstances, to personally arrest a criminal, or by word of mouth order his arrest, and the persons receiving such verbal order shall be bound and obliged to obey the same, and they may execute such order out of the presence of the Justice (*sic*).

Of arrests by Sheriff, deputies, Field-Cornets, police constables &c.

32. The Sheriff, and his deputies, Field-Cornets and police constables, etc., shall have the right, upon receipt of credible information that any crime or disturbance of the peace has been committed, to arrest the culprit and to bring him before the nearest competent official to be dealt with according to law.

When State Attorney, Landdrost and J.P. may issue a warrant of arrest.

33. The State Attorney, Landdrosts and Justices of the Peace may, upon receipt of any written application in which the alleged crime is stated, and upon information given under oath, and if there are reasonable grounds for suspicion against any criminal, issue a warrant, signed by one of them, for the apprehension of such criminal. Provided, however, that a warrant signed by the State Attorney may be executed within the boundaries of this Republic, whereas warrants issued by Landdrosts or Justices of the Peace shall be valid only in the districts in which they have jurisdiction, and if it should happen that any criminal against whom a warrant has been issued by such Landdrost or Justice of the Peace has fled into any other district, the warrant shall also be countersigned by the Landdrost or Justice of the Peace of such other district in order to make it effective.

Landdrost of other district must countersign warrant.

Every warrant serves for the arrest and

34. Every warrant, as mentioned in the preceding article, shall serve for the arrest of the person against whom the same has been issued, and for his examination by any Landdrost or Justice of the

Peace, and any official or private person authorised to arrest any criminal shall have the right, when executing such warrant, to forcibly open the doors of any house in which such criminal may be concealed, and to search such house if the criminal is in it, or if he is suspected of being in it, provided, however, that free access to such house has been first refused him.

examination
of criminal.

A house may
be forcibly
entered.

35. When a person has been arrested upon a warrant as hereinbefore set forth, the person charged with the execution of the warrant shall bring the arrested person with all possible despatch before the official mentioned in the warrant, or if the warrant is general, before the Landdrost nearest to the place where the warrant was executed.

The prisoner
must be
brought
before
the Land-
drost as
speedily as
possible.

36. All officials and officers of this Republic shall be bound and obliged, upon the production of a legal warrant of arrest, to cause the person or persons against whom the warrant is issued, to be apprehended without delay if he or they are residing or staying in their district, and to deliver him or them to the proper official or his lawful representative, and all burghers shall be obliged, if required to do so, to render the necessary assistance to the official or officer in the execution of his duty.

Officials are
obliged upon
production of
warrant to
cause the
arrest and
delivery of
the accused.

Burghers
obliged to
render
necessary
assistance.

37. The police officers shall not only have the power, but they shall be obliged, if in the district under their charge any crime or offence has been committed, when the arrest of the person who has committed such crime is necessary, in the interest of the public safety, to immediately apprehend him *flagrante delicto*, i.e., if caught in the act or immediately after it, without applying or waiting for any previous authorisation by legal warrant.

Police officers
may arrest
any person
*flagrante
delicto* with-
out warrant.

38. Notice of such apprehension *flagrante delicto* shall, however, be given within 24 hours by the officer to the State Attorney, and in the districts where he is not present, to the Landdrost or the person charged with the prosecution of criminal cases, and the criminal shall be handed over and a statement of the circumstances of the case, and of the names of the persons who are able to give evidence as to the truth of the matter shall be sent, so that the arrest may be confirmed or dealt with in such manner as may be found consistent with law.

Notice of
such appre-
hension shall
be given to
the State
Attorney or
Landdrost
within
24 hours.

39. The criminal not being caught *flagrante delicto*, may not be arrested except under a warrant of the State Attorney, and in the districts where he is not present of the Landdrost or Justice of the Peace of such district, who shall grant the warrant upon the application of the officer, or issue the same *ex officio* if it is certain or highly probable that the crime has been committed by the suspected person.

A person not
caught in the
act may not
be arrested
without a
proper
warrant.

40. If, however, the delay occasioned by the previous application to the competent Justice for the necessary warrant should give reason to apprehend that the proper maintenance of the law may be endangered, the officer may arrest the suspected person and keep

Exception to
this rule.

him in *civil* custody, provided that notice thereof be given to the competent Justice within 24 hours, as provided in Art. 38 in the case of arrests *flagrante delicto*.

Who may be arrested without a warrant.

41. The police officers shall not require a legal warrant for the apprehension of persons not being burghers or Christian inhabitants, or people of the same class; such persons shall be liable to be arrested and kept in safe custody by order of the respective law officers upon suspicion or accusation of having committed any crime without any warrant.

Notice hereof must be given to the Justice within 24 hours.

42. The officer shall, in such case, also be obliged to give notice of the arrest within 24 hours to the Justice under whose jurisdiction the arrest has been effected, together with a report of the crime committed and of the circumstances connected therewith, and which have convinced him that the arrested person or persons is or are the actual offenders, with a request that the arrest by him effected may be deemed to have been proper and lawful.

Information to be gathered by State Attorney, his representative or Landdrost.

43. In all cases of alleged crimes which require the detention in custody of the person accused, or the service upon him of a summons for his personal appearance in case he has been admitted to bail, it shall be the duty of the State Attorney or his representative, or of the Landdrost, to gather such evidence or information at the place where the crime has been committed as may be necessary to enable the competent Justice to cause such person or persons to be arrested or summoned to appear in person before a competent Court.

Preparatory examination required if alleged crime is subject to jurisdiction of Court of Landdrost and Heemraden.

44. When any person charged with the prosecution of criminal cases shall receive information of any crime committed he shall be bound and obliged—if the crime is subject to the jurisdiction of the Court of Landdrost and Heemraden—to institute forthwith a preparatory examination before the Landdrost or in his absence before a Justice of the Peace within whose jurisdiction he is competent to act, and he shall make application for a warrant against the person against whom there may appear reasonable suspicion of having committed the alleged crime, and for the summoning of such witnesses as it may be necessary to examine in such case.

Local inspection.

45. Immediately after the commission of a crime shall have been brought to the notice of the Justice or one of the officials, the necessary local inspection (if required) shall be held by a commission consisting of the State Attorney, or in his absence his representative, or by the Landdrost of the district, or by the State Attorney, Landdrost or the person charged with the prosecution of criminal cases in person, either separately or together, assisted (in cases of bodily injuries or homicide) by an admitted medical practitioner, under the direction or in the presence of the officer who has given the information, or his representative; and the medical practitioner or the persons holding the inspection shall

Medical assistance.

draw up and sign a report thereof, containing an exhaustive statement of the nature of the crime, and full details of all circumstances connected therewith and noticed by them. Report.

46. After the inspection has been held, the preliminary information collected, and the warrant of arrest or summons for personal appearance has been issued, the State Attorney, his representative, or the person charged with the prosecution of criminal cases, shall proceed with the preparatory examination to be held as herein provided. Preparatory examination takes place after inspection and collection of preliminary information.

47. In all cases where a crime has come or been brought to the notice of the officials and any doubt may exist regarding the extent or seriousness of the crime, the person charged with the prosecution of criminal cases shall be bound and obliged to hold a preparatory examination before the Landdrost, his representative or any Justice of the Peace, in order to be the better enabled to ascertain the extent or seriousness of the crime, and to deal with such preparatory depositions as hereinafter provided under Art. 56. When there is doubt as to the seriousness of the crime, a preparatory examination shall be held.

48. When a criminal is brought before any Justice the latter shall convince himself before proceeding with the examination that the criminal is in his sound and sober senses. Before proceeding with examination the Justice must be sure that accused is of sound mind.

49. Where there is any danger that delay may defeat the ends of justice any Justice of the Peace shall be competent to hold a preparatory examination, but he shall be obliged to forward the depositions without delay to the person charged with the prosecution of criminal cases. [1] Justices of the Peace authorised to hold preparatory examination.

50. Every officer conducting a preparatory examination shall be obliged to examine every person able to give evidence or information regarding the crime committed. Persons to be examined at preparatory examinations.

51. In all preparatory examinations, without exception, the evidence shall be taken upon oath that the witness will speak the truth, the whole truth, and nothing but the truth, and the deposition of each witness shall be taken separately. The deposition shall be taken down in writing in the presence of the accused person, who shall be entitled to examine the witnesses, and such deposition shall be signed by the witnesses and by the Landdrost, or if the former are unable to write, then by two persons who were present when the evidence was taken and by the Landdrost. And if any person shall fail to appear, when required, to give evidence, he shall be liable to arrest on a warrant, and if he shall obstinately refuse to give evidence, he may be kept in custody until he shall comply. The Landdrost or Justice of the Peace shall have the right to order any person to give security for his future appearance as witness at Manner of taking evidence. Persons refusing to appear to give evidence may be arrested, ordered to give security for their future appearance.

¹ *Vide* Art. 15 of Law No. 3, 1883.

any trial, and upon refusal such person may be detained in custody.

Taking statement of accused.

52. After the Justice has heard the evidence of any preparatory examination of any case, he shall ask the accused whether he has anything to say or to bring forward, but he shall at the same time warn him that he is not obliged to say anything which may incriminate him, and that anything he may say may thereafter be used as evidence against him. The Justice shall then record anything the accused may have to say, which shall be signed by the accused, and if the accused shall refuse or be unable to sign his statement, it shall be signed by the Justice and any other person who has been present, it being understood that any accused person shall have the right to call witnesses for his defence at such preparatory examination, in order to clear himself of the charge if possible, and it shall be the duty of the State Attorney or his representative carefully to examine such witnesses also.

Accused may call witnesses at the preparatory examination.

Accused may be admitted to bail.

53. The State Attorney or his representative shall have the right to admit any accused person to bail until he shall be called upon to stand his trial, provided that such bail bond shall be duly signed by two good sureties who shall be liable as co-principal debtors *in solidum* for the amount of money which they have bound themselves to pay upon the non-appearance of the accused on the day on which his presence may be required.

If there are good grounds for trial accused may be committed to gaol.

54. If it shall appear to any Justice that there are sufficient grounds for the detention for trial of any accused person brought before him, he may for that purpose commit such person to gaol under a warrant, which warrant shall contain a clear statement of his crime, to be detained in prison until he is called upon to stand his trial or is discharged according to law.

Accused may be admitted to bail unless accused of capital crime.

55. The Justice shall have the power and shall be obliged to admit any person to bail during the preparatory examination or at the conclusion thereof, if such is demanded by the accused, unless he is charged with a capital crime.

The depositions forwarded to State Attorney.

56. When any preparatory examination has been held by any Landdrost or Justice of the Peace in the absence of the State Attorney or other person charged with the prosecution of criminal cases, such Landdrost or Justice of the Peace shall be obliged to forward the depositions to the State Attorney, or in the districts where he is not present, to the person charged with the prosecution of criminal cases in such district, and the persons charged as aforesaid shall be bound and obliged to forward true copies of each deposition to the State Attorney for his consideration.

State Attorney may discharge accused, order further

57. When the State Attorney shall have examined and considered all the depositions forwarded to him he shall have the power to discharge the accused entirely from further prosecution, or to order further investigation to be instituted, or to forthwith

take such measures and give such directions as he may deem necessary for the trial of the accused before any competent court, in order to expedite the determination of such case and to secure the punishment of the accused according to law as speedily as possible.

examination or commit for trial.

58. Repealed by Art. 3 of Law No. 7, 1896.

Bail.

59 to 70. Repealed by Art. 2 of Law No. 7, 1896.

Trial.

71. The respective Landdrosts and persons charged with the prosecution of criminal cases in country districts shall immediately upon receiving information of the commission of any crime give notice thereof to the State Attorney.

Crimes committed in country districts to be immediately communicated to State Attorney.

72. In cases of minor importance the trial shall not be delayed longer than 14 days calculated from the day in which a judicial decree has been granted against the accused, unless there be some legal excuse, whereof at all times a proper record shall be kept.

Trial of cases of minor importance not to be delayed longer than 14 days.

73. When the prisoner or the person summoned personally appears before the Judge on the day of trial, and the Court has been opened with the customary solemn rites, the State Attorney or his representative shall present the indictment signed by him, and also the information collected and prepared by him, and a detailed list of all the witnesses, for the prosecution as well as for the defence, as far as the same are known to him, and in addition thereto the questions at the trial which in his opinion ought to be put to the accused personally.

Duties of State Attorney at the trial.

74. The President of the Court shall cause the indictment to be read aloud to the accused by the Registrar or Clerk of such Court, and when this has been done, the President shall ask the accused whether he is guilty of the crime with which he is charged or not. The accused shall, before he answers, have the right, either personally or through his attorney or agent, to make any exceptions of law, whereof the State Attorney shall immediately reply, and if the exceptions are not upheld the President of the Court shall have the right forthwith to amend the indictment, whereby the question of exception shall be deemed to have been concluded.

Indictment to be read out to accused.

Before answering the accused may make exceptions.

75. Upon the conclusion thereof neither the State Attorney nor the accused shall have the right to delay the further progress of the trial, either by giving the names of further witnesses or in any other manner, unless it is permitted by the Judge for substantial reasons, whereof in that case record shall be made.

Progress of trial not to be stopped except for important reasons.

76. If the exception is dismissed by the Judge the trial of the case shall proceed in the same manner as if no exception had been

When exception is dismissed.

trial continues.
Objection thereto to be recorded.

Every accused entitled to assistance of an attorney, except in preparatory examinations. Trial to proceed in presence of accused.

An accused obstinately refusing to plead to the indictment may be punished. Such refusal is equal to denial.

When accused admits crime, and this is supported by the preparatory examination, the case shall be declared closed.

Accused has the right to submit his defence against demand of State Attorney.

If accused denies charge witnesses shall be examined.

Witnesses to give evidence under oath in presence of accused.

raised by the accused, and if the accused considers himself to be prejudiced by the dismissal of the exception he shall be allowed to have the fact noted on the minute book of the Court.

77. In the course of the criminal proceedings as heretofore set forth, any accused shall have the right (except at the preparatory examination) to avail himself of the services of an attorney to assist him, and such accused shall further have the right to entrust all questions of law which may incidently occur, as also the pleas in his defence in the principal action entirely to such attorney, provided that the trial shall proceed in the presence of the accused.

78. In case of the obstinate refusal of the accused to answer to the question put to him whether he is guilty or not of the crime laid to his charge, such refusal shall be considered as a contempt of the judicial authority and shall render the accused liable to imprisonment during the whole period of his trial, but such obstinate refusal shall not prevent the continuance of the trial, but shall on the contrary be recorded as a plea of not guilty, and the Court shall proceed against the accused in the same manner as if he had expressly denied the charge brought against him.

79. If the accused admits the charge, *i.e.* both the fact of the commission of the crime and that it is deserving of punishment, and the admission is supported by proof of the fact of the crime having been committed, and by the evidence taken at the preparatory examination, the Court shall immediately proceed with the reading of the evidence taken as aforesaid, after which the case shall be declared closed, with instructions to the State Attorney forthwith to demand condemnation and to close the case. [1]

80. The accused shall have the right to submit his defence against such demand either orally or in writing, and after such defence, or after he has declared that he has nothing more to say in his defence or excuse, the Judge shall forthwith proceed to sum up the case, and to pronounce such sentence therein as the nature of the case may demand in accordance with law.

81. If the accused shall deny the charge wholly or in part, or if, while admitting the commission of the act, he alleges that he has not acted unlawfully in so doing, the Court shall, after the accused has pleaded to the indictment, forthwith proceed with the examination of the witnesses, both those who have been examined at the preparatory examination and those who have been called for the defence.

82. In the first place all the witnesses for the prosecution (including those examined at the preparatory examination) shall

¹ *Vide* Art. 124.

appear separately before the Court, and in the presence of the accused, after having taken a solemn oath before the Court that they will state the truth, the whole truth and nothing but the truth, they shall be examined with regard to all circumstances having reference to the case pending, for which purpose the State Attorney shall have the right to put to the witnesses such questions as he may deem relevant to the case. After such examination the accused shall have the right and be at liberty to put all such questions in cross-examination to the witness as he shall consider likely to support his defence.

Accused has the right to cross-examine.

83. When all witnesses for the prosecution have been heard, the witnesses for the defence shall appear separately before the Court and after taking the oath as aforementioned, the accused shall be at liberty to put to them any questions having reference to the circumstances of the case, whereupon the State Attorney shall then have the right to cross-examine the witness in such manner as he may deem necessary.

Accused has the right to call and examine witnesses.

84. When a jury has been empanelled it shall be competent for any member of the jury, as well as for the Judge, to put such questions to any witness during the trial as he may deem likely to tend to the discovery or elucidation of the truth, provided that such questions shall be put after the State Attorney and the agent of the accused shall have finished their examination.

Members of jury have the right to cross-examine.

85. After the witnesses on both sides shall have been examined as aforesaid, and there is nothing more to enquire into relevant to the case, the State Attorney or his representative shall forthwith proceed to explain the case in detail to the Court, after which the accused or his advocate or agent shall have the right to reply in defence; and after hearing the addresses on both sides the Judge shall, if the accused be found guilty of the crime with which he is charged, immediately proceed to decide the case and pass sentence. If he finds at the trial that the innocence of the accused sufficiently appears, he shall forthwith proceed to discharge the accused from personal appearance and all further prosecution in regard to the matter set forth in the indictment.

After examination of witnesses State Attorney and agent of accused address the Court. If accused found guilty Court delivers sentence. If accused found not guilty he is forthwith discharged.

86. The sentence, after having been signed by the Judge, shall forthwith be read out and made known to the State Attorney or his representative and to the accused in Court.

Sentence to be signed and made known.

87. All sentences in criminal cases shall be executed at the place of residence of the Landdrost of the district in which the crime was committed. The State Attorney shall, however, be competent upon production of satisfactory reasons, with the consent of the Executive Council, to cause the execution in the interests of justice to take place at any other locality.

Sentences where executed.

88. In the case of a death sentence the time for the execution thereof shall at least 24 hours previously be communicated to the

Time for execution of a death sentence to be communicated

to condemned
by Judge.

condemned person by the Judge in the presence of the State Attorney or his representative.[¹]

Sentences of
death or
banishment
require con-
firmation by
Executive
Council.

89. No sentence of death or banishment delivered by the High Court shall be carried out until previously approved and confirmed in writing by the Executive Council, for which purpose the sentence shall be submitted without delay by the President of the High Court to the Executive Council, so that that body may determine the place and day of execution, and of every sentence passed by the High Court a report signed by the presiding Judge shall be made to the Executive Council by the Registrar of such Court.

Advocate or
agent of
accused must
be admitted.
Can only be
dismissed by
the Judge at
the request of
the accused.

90. The advocate or agent chosen by the accused for his assistance shall have been admitted by the Government, and when he has undertaken the case he shall not be discharged from his duty of assisting the accused during the whole course of the trial, except at the request of the accused, or with the express consent of the Judge.

Admittance
to criminal
prisoners
before and
after trial.

91. Admittance to criminal prisoners shall, until the trial has been concluded, not be allowed, except with the permission of the State Attorney or his representative, and subject to such provisions as he shall deem necessary, provided, however, that any attorney or agent required by the accused shall have free access to such accused upon application to the Landdrost, but when the prisoner shall have been tried the admission to him of friends, relatives and advisers shall not be refused, provided always that the chief gaoler shall be competent to maintain proper order amongst the prisoners entrusted to his care, or cause such order to be maintained, in accordance with his regulations.

Upon non-
appearance of
person
summoned, a
warrant
issued and
bail bond
declared
executable.

92. When a person having been summoned shall fail to appear personally on the appointed day, a warrant for his arrest shall be issued against him, and the bail bond passed for his appearance at the first summons shall forthwith be executed against him and his sureties.

Witnesses
summoned
and failing to
appear.

93. When a person has been duly summoned by the Messenger of the Court to appear as a witness in a criminal case and shall refuse to appear or shall be unwilling to give evidence, his conduct shall be considered by the Judge as a public contempt of the judicial authority, and such persons shall not only be liable to a fine of £100, but shall also be liable to imprisonment, and may for that purpose be arrested under a warrant.

Proceedings
once com-
menced shall
be continued.

94. All proceedings in criminal cases shall be conducted without the least interruption. When the proceedings have once been opened or commenced, the Judge shall be obliged to continue the same or cause the same to be continued until sentence has been passed. If any case cannot be concluded at one sitting the Judge

¹ See V.R.R. Art 315, dated 30th May, 1892.

shall resume the same on the following day (Sundays and holidays excepted) and shall continue in this manner every day until the case shall be concluded.

95. When, through the absence of witnesses or other unforeseen circumstances, the regular course of the proceedings as prescribed in the foregoing article shall be prevented, the fact shall be minuted for the exoneration of the Judge and State Attorney concerned, provided always that if, in the absence of such witness or witnesses, the State Attorney or his representative shall make application to that effect before the commencement of the trial, the case, if pending in the Court of a Landdrost or in a Court of Landdrost and Heemraden, may be postponed until the next succeeding session, and, if such case is pending in a High Court, it may, in the absence of such evidence, be referred for trial to any other High Court in this Republic on application to the Court by the State Attorney, notwithstanding anything to the contrary contained in Art. 70 hereof, it being, however, distinctly understood that in such case the accused may be admitted to bail.

Case postponed before commencement on account of absence of witnesses.

96. An accurate record shall be kept of all proceedings, showing the day on which the same were commenced, the days on which the same were continued, the Judge before whom the trial took place, the State Attorney who conducted the prosecution, and the name of the accused; further all the proceedings, commencing with the indictment and ending with the sentence passed after the trial of the case.

Record kept of all proceedings.

97. If the case is concluded at one sitting the proceedings of the Court shall be closed at the end of each sitting and shall be signed by the Judge or President of the Court and the Secretary. The minutes shall be kept with the necessary exactness and clearness, and shall more especially show the consecutive order in which the proceedings were conducted.

Proceedings of Court to be closed at the end of each sitting.

98. When the accused is without means, or if he is so circumstanced that his income ceases entirely during his imprisonment, the Executive Council or the Court shall grant him the assistance of an advocate or agent *pro Deo* (or free of charge).

Destitute persons entitled to assistance of advocate or agent *pro Deo*.

99. Any accused person or persons may, at the request of the State Attorney made to the State President or the Executive Council, by order of the State President or the Executive Council, be transferred for trial before the High Court from one district to another, and such trial of such accused person or persons shall be as lawful and effective as if the trial had taken place in the district in which the crime was committed.

Any accused may be transferred for trial by the High Court from one district to another.

100. In cases of prosecution the prosecutor shall be deemed to be a formal party, and shall be subject to all consequences of regular legal proceedings.

In cases of prosecution the prosecutor shall be a formal party.

101. (Left out in the Dutch.)

If prosecutor fail to appear on the day fixed,

State Attorney may continue case on behalf of Government.

If the accused fails to appear the case shall proceed.

Witness failing to appear.

Refusal of witness shall not stop progress of trial.

Repeal.

Only a lawful objection can excuse a person from giving evidence.

No lunatic &c. can give evidence.

Children when incompetent to give evidence.

102. If the prosecutor should fail to appear in Court on the day and hour fixed for the hearing of his case, the case shall be dismissed and he shall be condemned in all costs incurred, and his complaint shall not be heard again until all the costs incurred in consequence of his complaint shall have been paid. If the prosecutor fail to appear the second time he shall lose his right, together with the costs. The State Attorney shall, however, not be prevented thereby from continuing any action which he may consider he has against the accused on behalf of the Government.

103. If the accused should fail to appear the prosecutor (if there be one) and the witnesses shall be heard in his absence, and if there are grounds for an action the State Attorney or Landdrost shall issue a warrant of arrest against the person of such accused as having been guilty of public contempt of Court; and an execution for the costs incurred in such proceedings shall be forthwith issued and carried into effect against the goods of the accused.

104. A witness duly summoned and failing to appear shall be liable to a heavy fine, but if he shall refuse to appear in Court he shall be deemed to have been guilty of public contempt of the Government, and may be kept in custody for any period. A Judge may in the same manner dispose of a person who shall appear in Court to give evidence of the truth, and who shall obstinately refuse to give such evidence.

105. If, under the circumstances set forth in the foregoing article, the witness has been placed in custody, but shall persist in his refusal to give evidence of the truth, the trial of the case shall be continued without such witness; and, if sufficient evidence can be produced, the Judge shall be competent to proceed with his final decision without waiting for the evidence of an unwilling witness.

106 to 110. Repealed by Art. 1 of Law No. 7, 1896.

111. It is hereby lastly declared that the laws, proclamations, regulations, etc., relating to crimes and offences, in so far as they conflict with these regulations, shall henceforth be of no force and effect.

112. No person shall be exempted from giving evidence in any Court unless there be a lawful excuse, with regard to which the Court shall decide.

113. No person deprived of his senses by intoxication or any mental aberration or lunacy shall be allowed to give evidence while he is suffering from any of the said ailments.

114. A child shall be competent to make any declaration under oath in any Court provided he shall understand the importance and religious significance of an oath; but it shall in no case be lawful for any Court to accept a sworn declaration of any child who does

not understand the importance and religious significance of an oath as aforesaid.

115. Before any witness is examined in any Court, the President of such Court shall cause him to be duly sworn; but a person who does not understand the importance and religious significance of an oath shall in no case be sworn in. Provided, however, that no President of any Court shall refuse the evidence of any witness on account of the faith which he may hold, and in which he may differ from that recognised by the State, but such person shall on the contrary be entitled, in accordance with the laws of all civilised countries, to give evidence.

Swearing-in
of witnesses.

116. If it shall appear to the President of the Court that any witness is not properly acquainted with the importance and religious significance of an oath, he shall instruct such witness in regard to the true significance thereof, and impress it in the fullest sense of the word upon his mind and conscience.

President of
Court shall if
necessary enlighten
witness
regarding
importance of
oath.

117. The form of the oath to be taken by any witness before giving evidence shall be as follows:—"I swear that the evidence which I shall give in this case will be the truth, the whole truth, and nothing but the truth—so truly help me, God."

Form of oath.

118. If it should be necessary at the trial of any case that the deposition be taken of a person who does not understand or feel the importance and true significance of an oath, the Judge may allow him to make the deposition without requiring him to take an oath. Provided always that the Judge, before proceeding to take the deposition of such person, shall be obliged to caution and exhort him to adhere strictly to the truth in making his deposition, and he shall strongly remind such witness that if he should at any time depart from the truth in making his deposition, he will be guilty of the crime of perjury, and be liable to the punishment provided for that crime.

Persons not
understanding
the nature of
an oath may
make affirma-
tion without
being sworn,
under caution
from the
Judge.

Such persons
making false
declarations
are guilty of
perjury.

119. Persons who by their religious convictions are prohibited from taking an oath shall, without being sworn, make an affirmation to the following effect:—"I declare and affirm, truly and faithfully, that in the case now before the Court I shall declare the truth, the whole truth, and nothing but the truth," and such affirmation shall be deemed and taken to be the same as if it had been sworn to, and if false it shall entail the same punishments as in the case of perjury.

Persons whose
faith forbids
them may
make solemn
affirmation
without being
sworn.

Such affirma-
tion, if false, is
punishable as
perjury.

120. Any person, whether he is concerned in a crime or is the principal criminal, shall be competent to be heard as a witness in a criminal case. If any such accessory shall submit to give evidence, and it shall appear to the Judge that the evidence so given is true, such person shall be entirely exempted from prosecution for the crime with regard to which he has given his evidence. Provided always that the person so called upon to give evidence shall not be

Any person,
including the
chief offender,
is competent
to give
evidence in a
criminal case.

Questions which such person is not obliged to answer.

False declarations of such person render him guilty of perjury.

Assaulted person is competent witness.

The admission of a crime by a person shall be evidence against him.

A person can be convicted on his own confession if other evidence shall prove the commission of the crime.

Confession to be used against another person.

Accused may be condemned upon evidence of one person except in case of perjury.

Accused has the right to adduce evidence of good conduct.

Depositions made at preparatory examination may be used as lawful evidence.

Questions which a witness is not obliged to answer.

Witnesses may be called to disprove

obliged to answer questions in answering which he might incriminate himself with regard to any of the crimes set forth in the indictment against him, unless he shall have previously received his discharge in writing from the State Attorney in respect of the accusation made against him, whereof a record shall be kept; and if such person shall make a false deposition, he shall be deemed to be guilty of perjury, and shall be liable to the punishment for such crime.

121. Repealed by Law No. 1, 1895, Art. 2.

122. Any person upon whom any crime or assault has been committed shall be competent to give evidence in regard thereto.

123. If a person shall admit the commission of a crime upon his arrest or during the preparatory examination, such admission may be accepted as evidence against him, provided such admission has been made voluntarily and without compulsion.

124. Any person may be tried for the crime laid to his charge upon his own confession, provided the commission of such crime be proved clearly and conclusively by evidence other than the bare confession of the criminal.

125. The confession by any criminal of any crime may not be taken as evidence against any other person.

126. The evidence of one person shall be sufficient in any criminal case to try and condemn any criminal, provided that the Court shall be fully convinced of the credibility of such person; but a person accused of perjury shall in no case be condemned upon the evidence of one person only.

127. It shall be competent for any criminal to call witnesses in his case who may be able to give evidence as to his good conduct and his career, which evidence shall be taken into consideration by the Judge in passing sentence.

128. Any deposition made at any preparatory examination may be used as lawful evidence in any Court in any case, provided it can be proved that the deponent is deceased, or that he has left the Republic, or cannot be found, or if it can be proved that the deponent is restrained or kept out of the way by the criminal, or through his influence, so that he may not be able to give evidence in such case.

129. No witness shall be obliged to answer any questions in Court which might make him liable or subject to fine, punishment, or criminal prosecution, or which might tend to injure his fair name and character.

130. At the trial of any case it shall be competent for any person to call one or more witnesses to throw suspicion or discredit

upon the credibility of the witnesses produced against him or their evidence, but the Judge alone shall be competent to decide with regard thereto. the credibility of other witnesses or their evidence.

Thus revised and approved by the Volksraad, at Pretoria, on the 27th October, 1866.

M. J. VILJOEN,
Acting State President.

(By order) J. W. SPRUIT,
Government Secretary.

Government Office, Pretoria,
15th January, 1867.

GOVERNMENT NOTICE, No. 51.

By order of the State President the following instructions for the Sheriff, enacted by Volksraad Resolution, dated September 25th and 26th, 1866, Arts. 200 to 238, are published for general information.

(By order) J. W. SPRUIT,
Government Secretary.

Government Office, Pretoria,
15th May, 1867.

INSTRUCTIONS FOR THE SHERIFF.

1. The Sheriff shall be appointed by the State President. Appointment.
2. The Sheriff shall keep a copy of all matters handed over to him by the Landdrost to execute. Copies kept.
3. He shall execute all judgments in accordance with the decision of the Court. Execution of judgments.
4. He shall provide for the service in the most judicious manner of all orders given him by the Court, whether they be writs or demands, and shall carry out his work calmly and circumspectly, but zealously and firmly. Service of writs, &c.
5. He shall charge one per cent. on every sale of fixed property and two per cent. on every sale of movable property, half of which charge shall be paid into the public treasury and the other half of which shall go to the Sheriff.^[1] Percentage on sales.
6. He shall keep a roll of every sale and shall be bound to report to the Landdrost on all sales within 24 hours after his return home, without any delay as to which the Landdrost shall be the judge, and the roll shall be approved by the latter. Roll of sales.
7. The Sheriff shall adhere to the tariff mentioned in Art. 10 of Ordinance No. 2, 1866, fixing and providing for licences, stamp Tariff to be adhered to.

¹ See Rules of Court.

dues, Office and other fees, to which the various persons appointed or admitted by the Government shall be entitled.[¹]

Service of
summonses,
&c.

8. The Sheriff shall serve and make his return on all summonses sued out before a High Court, and shall execute all judgments given and delivered to him to execute, whether they be of the Higher or Lower Courts, while the messenger shall serve and make his return on all summonses before the Lower Courts.

Appointment
of deputies.

9. If the Sheriff should happen not to be able to effect the service of any summons or the execution of any writ on or against any person he shall be at liberty to appoint deputies to act in his stead, which deputies he shall be bound to pay and for whose actions he shall be responsible.

Accounts
taxed.

10. All accounts of the Sheriff shall, before being paid, be taxed and approved by the Landdrost of the district or member of the Court commissioned to do so.

Security.

11. Every Sheriff shall, on undertaking his duties, give proper security to the satisfaction of the State President and the Executive Council.

Operation.

12. The instructions for the Sheriff are adopted and approved with the amendments made therein and shall have force of law immediately after publication in the *Staatscourant*.

GOVERNMENT NOTICE No. 77.

The following Law is published for general information in accordance with Art. 69 of the Grondwet.

M. J. VILJOEN,
Acting President.

(By order)

H. v. d. Linden,
Government Secretary.

Government Office,
Pretoria, July 23rd, 1866.

Slave trade.

WHEREAS it is desirable to revise the Law for the prevention of the slave trade, on the ground that the people of the South African Republic desires to strictly adhere to the Sand River Convention of January 16th, 1852, between Her Majesty's Commissioners and the Emigrant Boers to the north of the Vaal River (Art. 4), and to avoid even the appearance of slave trading, now, therefore, the Volksraad enacts as follows:—

Guardians
over native
orphans.

1. The persons with whom native orphans live shall, in future, be considered as guardians, the Government being the supervising guardian, and being bound to be careful in seeing that no registration or transfers take place unless the guardian dies, in which case the child shall remain under the supervision of the female guardian of the heirs, or if there should happen to be no female

¹ See Law No. 2, 1871.

guardian the Government shall appoint another guardian, the Government remaining supervising guardian.

2. Native orphans, who have to be maintained, shall be dealt with in accordance with the above-mentioned provision.

Native children who are maintained.

3. All officials and officers are strictly enjoined to carry out as strictly as possible the Law preventing and prohibiting hunters, traders, or any person whomsoever, visiting Kaffir tribes, from bringing any native child from there into the Republic, with the exception of those mentioned in Art. 2.

Maintenance of the Law.

4. If any official or officer is negligent in the carrying out of the provisions of Art. 3 he shall be punished with a fine of Rds. 2,000, or, in default of payment, with two years' imprisonment, and any official or officer being accessory to the contravention of the provisions for the prevention of the slave trade shall be punished with the same penalties as the principal offender.

Penalty for neglect of duty by officials.

5. Any contravention of these provisions shall be punished with a fine of Rds. 6,666 5 sch. 2 st., or £500 sterling, half of which shall go to the informant; in default of payment the offender shall be punished with five years' imprisonment with hard labour.

Penalty for contravention.

6. All Laws or provisions not in conflict herewith shall remain in full force.

Operation.

This Law shall come into operation one month after publication, in accordance with Art. 69 of the Grondwet.

The Commission aforementioned.

(Signed)

J. P. KLEIN,
Chairman.
J. J. MEINTJES,
B. C. E. PROES,
Secretary.

On August 3rd, 1866, were published regulations relating to vacancies in the Dutch Reformed Church, approved and accepted by the General Church Meeting in the South African Republic held at Pretoria on November 20th, 1865 and following days (Statute Book, p. 233).

Regulations for Dutch Reformed Church.

VOLKSRAAD RESOLUTION, September 22nd, 1866.

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

21, age of majority.

VOLKSRAAD RESOLUTION, October 23rd, 1866.

514. The Raad resolves that no land belonging to public out-spans shall be sold.

No sale of outspan ground.

VOLKSRAAD RESOLUTION, October 25th, 1866.

Quitrent
from when
payable.

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

VOLKSRAAD RESOLUTION, October 26th, 1866.

Burgher-
rights to
obtain land.

566. Resolved that, as misuse is made of public land by new comers, no burgher-right to obtain a farm shall be granted to any new comer, and that the State President be instructed to publish a draught law regulating the manner in which burgher-rights are to be obtained.

1867 and 1868.

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

Town com-
monage.

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

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

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

The Commission recommends the Volksraad to fix:

Tax on free-
hold farms.

- (a.) The tax on freehold (eigendoms) farms registered in the different Landdrost offices according to Volksraad Resolution of 1858 at 10s. per annum.
- (b.) [Relates to loan farms (recommendation not accepted by the Volksraad)].

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

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

- (a.) The burghers, who according to the said Laws are entitled to a freehold farm, are to furnish their names to the Landdrost of the district, and to furnish proof of their claims as may be deemed necessary.
- (b.) That in terms of this Law they shall be entitled to a freehold farm, and,

- (c.) That they are immediately to register the farm which they desire to have as a freehold farm; for each such registration 5s. shall be paid.

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

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

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

VOLKSRAAD RESOLUTION, 27th November, 1868.

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

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

LAW No. 1, 1869.

INSTRUCTIONS FOR THE AUDITOR GENERAL OF THE SOUTH AFRICAN REPUBLIC.

(Superseded by the General Instructions of January 27th, 1882.)

LAW No. 2, 1869.

POUNDS.

(Superseded by Law No. 2, 1882.)

LAW No. 3, 1869.

INSTRUCTIONS FOR THE INSPECTORS OF FARMS to be observed by them when inspecting farms in the South African Republic, as revised by the Executive Council and approved by Volksraad Resolution, dated March 16th, 1861, Arts. 453 and 454, and Volksraad Resolution, dated June 18th, 1869, Art. 240.

1. Superseded by Beacon Commission Instructions, October 20th, 1885, Art. 5.

2. Superseded by Beacon Commission Instructions, 1885, Art. 10.

3. (*sic*) If a farm has sufficient ground on three sides, such ground being more or less square in shape and being provided with water from outside, and if there are two springs on it situated half-an-hour from one another, the ground may be divided between them. If the first application was that of the nearest farm, such

Division of ground and water for farms.

farm shall get its ground as above-mentioned first, if the applicant so desires; the other farm or farms may, if desired, get the other remaining ground, but if complaints arise they must be communicated immediately.

Open ground may be obtained by first applicant.

4. (*sic*) If all the farms are well supplied with water from outside and are situated on a river, and if there is any open ground on either side of such farms, such open ground shall be obtainable by the first applicant if he so desires.

Open ground adjoining one or more sides of a farm.

5. If there is open ground adjoining one or two sides of a farm, it shall be stated what extent of ground belongs to the owner of such side or sides, otherwise the four corner beacons shall be pointed out.

6. Superseded by Beacon Commission Instructions, 1885, Art. 11.

7. Superseded by Beacon Commission Instructions, 1885, Art. 12.

First applicant may have farm measured.

8. Although the distances between farms are not herein defined, the farms may nevertheless, provided the parties agree, be measured, provided, however, that the first applicant shall always retain the right to have the farm measured as hereinbefore provided, if no special agreement exists.

Abandoned farms inspected for Government.

9. It shall be lawful for any person who is not satisfied with his farm to immediately abandon it, in which case such farm shall be inspected for the Government.

Equality of rights.

10. The inspectors shall endeavour to give equal rights to different persons, as far as such is possible.

11. Superseded by Beacon Commission Instructions, 1885, Art. 9.

12. Repealed by Volksraad Resolution, September 9th, 1884, Art. 431.

13. Superseded by Beacon Commission Instructions, 1885, Art. 9.

Inspection reports.

14. The reports of the commissions shall include the correct names of the occupiers or applicants, the name of the farm, the reason for the claim or right of possession, an accurate description of the country, as regards its situation, its estimated extent and fitness for pasture and arable land, and as regards its water, &c. They shall also recommend the amount of the annual quitrent, and, in the event of disputes, also a short but accurate statement of such disputes, and also the decision of the Land Commission and the reasons therefor.

Sketch.

15. For greater accuracy in the description of the inspected land, the commission shall, as accurately as possible, draw a sketch

and attach it to the report, showing the different boundaries, springs, or other streams, hills and other characteristic marks, the adjoining farms or Government lands, the roads and the situation of the homestead. For drawing every such sketch the commission may jointly charge 10s. sterling, in addition to the £1. 3s.

16. [1] *After sending in such reports the commission shall frame a list of the names of persons for whom such land has been inspected, with the names of the farms and the ward in which they are situated, which list shall be published in the Staatscourant with a notice that, unless valid reasons are adduced within the period of three months after the date of the first publication, the title deed or deed of ownership will be signed by the State President, and be obtainable from the Landdrost on payment of the sum of one pound sterling.*[2]

Publication of list of inspected farms, &c.

Granting of title deeds.

17. The title deeds shall be made out in duplicate, one copy thereof shall be registered and deposited in the office of the registrar for safe keeping.

Title deeds in duplicate.

18. The inspectors shall not be entitled when engaged in inspecting to undertake agencies for the purpose of obtaining farms.

Inspectors may not act as agents.

Oath to be taken by Inspectors.

“ We the undersigned swear that we shall perform our duties as Inspectors faithfully and honourably and to the best of our ability, that we shall act in accordance with law and equity in terms of the provisions of our instructions, without respect of persons, that we shall not be induced by bribery, gifts or favours, or partiality to lose sight of the importance of our functions, but that we shall act according to our consciences, equitably and in pursuance of our instructions.
“ So truly help me God Almighty.”

Oath.

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

Operation

M. W. PRETORIUS,
State President.

(By order) C. B. E. PROES,
Government Secretary.

Government Office,
Pretoria, June 24th, 1869.

LAW No. 4, 1869.

POST OFFICE LAW.

(Superseded by Law No. 7, 1873.)

¹ Amended by Law No. 22, 1894, Art. 14.

² Amended by Law No. 2, 1871, Art. 7.

LAW No. 5, 1869.

ORPHAN CHAMBER LAW.

(Superseded by Law No. 12, 1870.)

VOLKSRAAD RESOLUTION, June 5th, 1869.

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

Deeds of grant
for loan-farms.

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

VOLKSRAAD RESOLUTION, June 5th, 1869.

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

FORM OF TITLE DEED FOR FREEHOLD FARM.

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

Form of deed
of grant for
freehold farm.

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

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

State President of the South African Republic.

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

Registrar of Deeds.

LAW No. 1, 1870.

MARRIAGE ORDINANCE.

(Superseded by Law No. 3, 1871.)

LAW No. 2, 1870.

GRASS BURNING.

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

1. It shall be lawful for any person to set fire to the grass on his farm or farms within this State, provided that he takes care that the veld of his neighbour is not thereby set on fire, or damage occasioned thereby to the latter's farm or property, in which latter case the person who is the cause of such damage shall be fined an amount not less than £5 and not exceeding £20 sterling, or be imprisoned, with or without hard labour, for a period not exceeding three months.

Grass
burning.

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

Penalty if
other than
owner of
farm fires
the grass.

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

Penalty.

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

M. W. PRETORIUS,
State President.

By order,

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

Government Offices,
Pretoria,
8th June, 1870.

LAW No. 3, 1870.

FOR THE SUPPRESSION OF LUNG-SICKNESS.

Approved and enacted by Volksraad Resolution, Art. 63-75, of
11th May, 1870.

Segregation
of infected
cattle in
villages
without
municipality.

Fine or
imprisonment
in case of
contravention
or neglect.

Regulation
re infected
cattle on
farms.

Punishment.

Penal
regulation
regarding
infected
cattle allowed
to graze on
commons.

Penal
regulation
regarding sale
of meat of
infected
animals.

Penal
regulation
regarding
cattle left
without
caretaker.

Cattle dying
must be
buried or
burned; con-
travention
punishable.

1. The owner of cattle ("which shall be deemed to include any bull, ox, cow, heifer or calf") infected with lung-sickness, or showing symptoms of that disease, shall be bound and obliged to shut up such cattle in a kraal or other enclosed place. This provision shall be applicable in villages which have no municipality.

Whenever such cattle shall either intentionally or negligently be allowed by the owner or his servants to pass out of such kraal or enclosed place without being led by a halter, the owner shall be liable to a fine not exceeding £7. 10s. sterling, or in default of payment to imprisonment for a period not exceeding one month.

2. Every person on whose farm lung-sickness shall make its appearance shall be obliged to keep his cattle on his own ground, and he shall inform his neighbours and travellers of the fact: any contravention hereof shall be punished with a fine not exceeding £7. 10s. sterling, or, in default of payment, with imprisonment for a period not exceeding one month.

3. Any person leading or driving any such animal on or along any public road towards or to any public crossing ground or outspan, and allowing it to remain there, shall be liable to a fine not exceeding £7. 10s. sterling, or, in default of payment, to imprisonment for a period not exceeding one month.

4. Any person selling or offering for sale any meat of an animal which has died of lung-sickness, or which after having been slaughtered shall show signs of having suffered from the disease, shall be liable to a fine for each contravention not exceeding £25, or imprisonment for a period not exceeding one year.

5. Any person having the care or custody of cattle suffering from lung-sickness, and leaving the same without appointing another person to look after the same, shall be liable to a fine not exceeding £7. 10s. sterling, or, in default of payment, to imprisonment for a period not exceeding one month.

6. Any person having the care or custody of any animal dying of lung-sickness, or which is killed while suffering from the disease, shall be obliged forthwith to bury the carcase to a depth of not less than three feet, or to burn it, or to take such other measures as shall prevent sound cattle from coming in contact therewith, in default whereof he shall be liable to a fine not exceeding £7. 10s. sterling, or shall be sentenced to imprisonment for a period not exceeding one month.

- 7.** Any cattle showing symptoms of lung-sickness and straying on any person's farm may be killed by or on behalf of such person, who shall be obliged to burn or bury the carcase in accordance with the condition of Art. 6 hereof, it being further provided that the owner of such animal shall be bound and obliged to refund the costs incurred by its destruction. Straying cattle may be killed.
- 8.** Any person driving any sick or infected cattle along any public road, shall be bound and obliged to engage the services of so many persons as guards as may be required to prevent such cattle from coming in contact with sound cattle found grazing along the road: any contravention hereof shall be punished with a fine not exceeding £7. 10s. sterling, or, in default of payment, with imprisonment for a period not exceeding one month. Contact between infected and sound cattle in public roads must be avoided; contravention punishable.
- 9.** Any person wilfully selling or offering for sale any cattle infected with lung-sickness or coming from a herd among which the disease is prevalent, to any person who is ignorant of such fact, shall be liable to a fine of not less than £5 sterling, and not exceeding £25 sterling, or to imprisonment for a period not less than one month and not exceeding three months. Sale of infected cattle punishable with fine or imprisonment.
- 10.** The provisions referring to entire farms shall apply also to portions of farms. Law is applicable to portions of farm.
- 11.** Persons who, by inattention or neglect, cause the spread of lung-sickness or the infection of sound cattle, shall be liable to payment of damages over and above the fine imposed. Payment of damage required apart from fine.
- 12.** Any person giving information establishing the guilt of such offender or offenders shall be entitled to receive one-half of the fine, while the other moiety of the said fine shall be paid into the public treasury. Informers entitled to half the fine.
- 13.** This Law shall come into operation immediately, in accordance with Clause 12 of the Constitution. Operation.

M. W. PRETORIUS,

State President.

By order,

B. C. E. PROES,

Government Secretary.

Government Office,
Pretoria,
8th June, 1870.

LAW No. 4, 1870.

LAND COMMISSION.

(Superseded.)

LAW No. 5, 1870.

SURVEYOR GENERAL
(Superseded.)

LAW No. 6, 1870.

GRONDBRIEVEN. (Deeds of Grant.)
(Superseded.)
See LAW 4, 1883.

LAW No. 7, 1870.

FIELD-CORNETS
(Superseded.)

LAW No. 8, 1870.

FORESTS.
(Superseded.)

LAW No. 9, 1870.

NATIVE PASSES, &c.
(Repealed.)

LAW No. 10, 1870.

GAME LAW.
(Superseded.)

LAW No. 11, 1870.

GOVERNMENT NOTES.

(Bluebacks.)

(Obsolete.)

Page 392 L.L., 1870.

LAW No. 12, 1870.

REGULATING THE ORPHAN CHAMBER AND THE
ADMINISTRATION OF ESTATES.

Approved and provisionally put into operation for one year by Volksraad Resolutions, dated May, 1870, Art. 115 to 122 inclusive, and Art. 205, dated 21st June, 1870.

(See First Volksraad Resolution, 2nd May, 1876, Art. 6.)

CHAPTER I.

The Orphan Master.

1. There shall be an Orphan Master, whose office shall be established at the seat of Government under the name of "The Orphan Chamber." Orphan Master.
2. The Orphan Master shall be appointed by the State President, subject to confirmation by the Volksraad. How appointed.
3. The Orphan Master shall, before he is sworn in by the State President, furnish two sureties in £500 each, to the latter's satisfaction. Security.
4. The Orphan Master shall be charged with the management of estates in the manner described in this Law. Duties of Orphan Master.
5. In all case, where the parties interested consider that they are inequitably dealt with by the Orphan Master, they may complain to the Executive Council, which shall inquire into and decide the matter, after first hearing the Orphan Master. Any claim for damages and costs shall be decided judicially. Appeal to Executive in certain cases.

CHAPTER II.

Testate Estates.

6. Upon the decease of any person, leaving a testament, the spouse or nearest relative, or the person at whose house the death occurred, shall within fourteen days thereafter notify such decease to the Field-Cornet of the ward. Notice to Field-Cornet of decease.

Death notice.

7. The Field-Cornet shall, within fourteen days after receipt of such notice, proceed to the house where the death occurred and there frame a death notice, in the form set out in Schedule A, and shall send in such death notice, signed by himself and such surviving spouse, nearest relative or person at the place where the death took place, to the Orphan Master or his representative, and the testament of such deceased person shall be produced to the Orphan Master or his representative by the Field-Cornet or the surviving spouse within a period of four weeks.

Filing of copy of testament.

8. The Orphan Master shall, after such receipt, and upon approving of the testament, sign the original as approved, and make and keep a copy thereof, and return the original together with letters of administration, (see form B) to the executor appointed by the testament, upon payment of stamps according to the tariff in Schedule F, annexed hereto.

Inventory.

9. The executor shall, without delay, and at latest within six weeks, frame an inventory of the estate, in the presence of two witnesses, showing all assets belonging to the estate at the time of the decease, and shall transmit such inventory signed by himself and witnesses to the Orphan Master or his representative, whereafter he shall receive back a copy thereof certified as such by the Orphan Master.

Notice to creditors, &c.

10. The executor shall be obliged, within six weeks after receipt of letters of administration, to insert a notice in the *Staatscourant*, as also in such other papers as under the circumstances may be desirable, calling upon all creditors to file their claims, and upon all debtors to come and pay their debts within a time to be fixed by him, and not being less than three months from the date of publication in the *Staatscourant*: a longer period than three months, but not exceeding twelve months, may be allowed if it be necessary by reason of foreign creditors or debtors or special circumstances: such notice as aforesaid shall be accepted by all Courts of Law as sufficient, without proof that any party interested has actually seen the same.

Liquidation in six months.

11. The executor shall, without delay, settle the affairs of the estate, and within a period of six months after his appointment by the Orphan Master, shall lodge with the Orphan Master a proper account of the administration of the estate, with the necessary vouchers, together with a plan of distribution of the nett proceeds of the estate amongst the creditors and heirs, and a list of all as yet unpaid claims, specifying which are good and which are bad, as also a list of all assets not yet realised, and setting out the reasons why the same have not yet been realised.

The executor shall give notice in the *Staatscourant* that such account of administration and distribution is lying for inspection at the office of the Orphan Master for a period of six weeks, in order that persons interested may file objections to the same with the Orphan Master or his representative.

12. If, by reason of any special circumstances, the executor is unable to comply with the requirements of the preceding Article within the time fixed, he shall apply, in writing, to the Orphan Master or his representative for an extension, at least fourteen days before the time fixed shall have expired, and he shall, at the same time, submit an affidavit, setting out the reasons which have prevented him, and thereupon the Orphan Master shall grant such postponement as may seem necessary to him, and shall give notice thereof in the *Staatscourant*; further extensions of time may be granted in the same manner and for the same reasons.

Extension of time for filing account.

13. Should no objections against the accounts of administration and distribution of the estate be lodged within the time fixed, the Orphan Master shall, if such accounts are according to law, confirm the same, and order payment to be made accordingly; the executor shall immediately give notice thereof in the *Staatscourant*. As and from such publication all claims against the estate, which have not been accepted, shall lapse.

Confirmation of accounts.

14. If objections are lodged against the accounts of administration and distribution of the estate, within the time fixed, the party objecting shall (if the matter cannot be amicably settled) be obliged to take out a summons in one of the Courts of Law of this State against the executor within six months; should he fail so to do, his objections shall lapse.

Summons ensuant on objections.

15. No payments may be made by the executor before the accounts are confirmed, except in respect of:—

No payments until account confirmed.

(a) Costs of the last illness and burial of the deceased; and

(b) Government charges.

Failing observance thereof, the executor shall be personally liable, in case there are not sufficient funds to pay all the debts of the estate in full.

16. Should it appear that all the debts of the estate cannot be paid in full, the distribution shall be made *pro rata*, after satisfying the preferent claims, under which Government fees and all legal charges shall be included.

Pro rata distribution.

17. After all the debts of the estate shall have been paid, the executor shall pay out the portions of the major heirs, and lodge the portions of the minors with the Orphan Master, unless it shall be otherwise provided by testament.

Heirs.

18. The executor shall finally hand over all documents relating to the estate to the Orphan Master, who shall grant the executor his discharge.

Discharge of executor.

19. No executor may be sued after he has been granted his discharge, unless it shall appear that he has committed some unlawful act.

Remuneration of executor.

20. The remuneration of an executor for all his work in connection with any estate shall be five per cent. upon all movable assets and two-and-a-half per cent. upon all immovable assets.

Where more than one.

21. Should there be more than one executor in an estate, they shall share the remuneration mentioned in Art. 20 among them.

Responsibility of joint executors.

22. Should there be more than one executor in an estate, any one of them shall be responsible to the extent of the full value of the estate, for the actions of the other of them.

Foreign executors testamentary.

23. Should the assets or any portion of the assets of any person who has died in a foreign country, be within this Republic, such assets or portion thereof as aforesaid shall be dealt with according to the provisions of this Law. Powers granted by foreign executors shall, in order that the same may be acted upon in this State, be countersigned by the Orphan Master.

Exclusion of Orphan Master.

24. Should any provisions be made in the testament with reference to the administration of any estate, or any guardianship, or the inheritances of the heirs, excluding the Orphan Master and other officials from interfering with the same; the Orphan Master shall only be competent to call for the death notice and the testament, and, after taking a copy of the latter, shall issue letters of administration and take care that security is duly given for the inheritance of any minor heirs, in accordance with the provisions of the testament. The provisions relating to the filing of the inventory mentioned in Art. 9 shall not be applied in respect of such testament.

For the rest, the Orphan Master shall not concern himself with the administration of such estate.

Minors.

25. Should it be provided in a testament that the inheritances of any minor heirs shall remain in the hands of their surviving parents, the Orphan Master shall require security for the inheritances of such minor heirs, either by notarial Deed of *Kinderbewijs* with two good sureties, or by first mortgage upon fixed property in this State, in either case to his satisfaction, except in cases where the nature of the security is defined in the testament.

Deposit of inheritance with Orphan Master.

26. Should it be provided in the testament that the inheritances of the minor children shall remain in the hands of the survivor, the latter shall none the less be entitled to deposit the same with the Orphan Master, in which case the same course shall be adopted as if such provision had never been made in the testament.

Neglect of estate affairs.

27. Should it appear that any estate, from the control whereof the Orphan Master and other officials are by testament excluded, is being wilfully or evidently neglected, the next of kin, and in default of any such, the Orphan Master or his representative, shall be entitled to report the matter to the Court, and the Court shall,

upon the Orphan Master's recommendation, appoint curators to take whatever steps may be necessary in order to preserve the estate.

CHAPTER III.

Intestate Estates.

- 28.** Should any person, whose estate is wholly or in part situate in this Republic, die in this Republic without leaving a testament, the spouse, nearest relative, or the person at whose house the demise took place, shall within fourteen days thereafter notify such decease to the Field-Cornet of the ward. Notice of death within 14 days.
- 29.** The Field-Cornet, together with two impartial and competent persons appointed by him, shall make up an inventory of the estate and value the same, *i.e.* assess the value thereof. Such inventory shall be signed, and, if required, confirmed under oath by the Field-Cornet and witnesses. Field-Cornet shall make up death notice and value estate.
- 30.** The Field-Cornet shall forward a death notice and inventory to the Orphan Master or his representative within fourteen days. Field-Cornet shall forward death notice and inventory to Orphan Master.
- 31.** It shall be lawful for the Orphan Master to object to the valuation either at the instance of the heirs, or *suo motu*, should he consider that the valuation has not been effected according to law, and in any such case it shall be lawful for him, if no arrangement in regard thereto has been arrived at with the Field-Cornet and witnesses, to have the estate again valued by two sworn appraisers. Orphan Master empowered to object to valuation and to have estate re-valued.
- 32.** If a person whose estate is situate wholly or in part within this State shall happen to die abroad, notice of such decease shall be given by some interested person to the Field-Cornet, and the matter shall forthwith be dealt with as is provided in Artt. 29 and 30. Notice of death abroad shall be given by parties interested.
- 33.** The Orphan Master or his representative shall within fourteen days after receipt of the death notice publish a notice in the *Staatscourant* and in such other newspaper as may be deemed desirable under the circumstances, calling upon the surviving spouse (if any) next of kin, creditors of the deceased and other interested persons, to appear at his office at the time fixed in such notice, not being within six weeks of, nor later than three months after, such publication. The notice shall state the full name and christian names of the deceased, as also the place and time of his demise. Orphan Master shall call upon interested parties within 14 days to elect executors.
- Such persons shall elect one or more executors and recommend the same to the Orphan Master or his representative.

Estates of less than £25 may be administered by person appointed by Orphan Master.

34. If it shall appear from the death notice that the value of the estate is less than £25, it shall be lawful for the Orphan Master or his representative to appoint the Field-Cornet or any other person to administer the estate without complying with the customary forms, provided that a report of such administration be made to the Orphan Master or his representative.

Surviving spouse shall have preference.

35. In the election of an executor the preference shall be given first to the surviving spouse, than to the heirs, after them to the next of kin, and creditors: the latter persons may be elected jointly with other persons.

Executor shall give security.

36. If the Orphan Master or his representative has no reasonable objection to the executor elect, the latter shall give security to the satisfaction of the Orphan Master or his representative, who shall be responsible for any shortfall in the administration of the estate by the executor, should the same not be covered by the security.

Orphan Master shall issue Letters of Administration.

37. After security has been given and approved of, the Orphan Master or his representative shall grant Letters of Administration, in the form of annexure C, to the executor dative.

Provisions apply to executors dative.

38. The provisions regarding testamentary executors set forth in Artt. 17-22 shall also apply to the executors dative.

CHAPTER IV.

Guardians.

Guardian.

39. Should any person other than the surviving spouse be appointed in the testament of the deceased to be the guardian of the minor heirs, an appointment shall be issued to him by the Orphan Master in the form set out in Schedule D.

Report of guardianship.

40. Every guardian shall, unless the testament shall contain a provision to the contrary, be obliged to make a report of his guardianship to the Orphan Master, to whom the superintendence of the administration is entrusted, and who shall see that the guardian conducts himself strictly according to the provisions of the testament.

Election of guardian.

41. Should the deceased not have left any testament, or not have appointed any guardian in his testament, the provisions relating to the election and appointment of an executor dative shall be as nearly as possible adapted to meet the case of the election of such guardian.

Misconduct of guardian.

42. In the event of misconduct, neglect or default, of the guardian the Orphan Master shall, after proper enquiry held by himself or his representative (of which the latter shall send him a written report), dismiss the guardian from his office.

CHAPTER V.

Legal proceedings affecting Estates.

- 43.** In all proceedings taken by an executor both in and out of Courts of Law, a copy of the Letters of Administration signed by the Orphan Master shall be a sufficient authority for him. Letters of administration.
- 44.** The Orphan Master shall without further authorisation have a *locus standi in judicio* in regard to all estates under his administration, and may appear personally or through an attorney. *Locus standi* of Orphan Master.
- 45.** No legal proceedings may be instituted against any estate before the liquidation account shall be lying for inspection as mentioned in Article 11. Law suits stayed.
- 46.** Should a law suit be pending, the executor shall intervene in the place of the deceased, and all terms in a pending law suit shall be extended by so much time as shall elapse between the time of decease and the granting of Letters of Administration. Pending law suits.

CHAPTER VI.

Deposited monies.

- 47.** Whenever the Orphan Master has sufficient available funds on hand, the same shall be invested in the following manner :—¹ Investment of orphan funds.
- 48.** The Orphan Master shall without delay notify what amount is available to two Members of Commission, whom he shall call up to form a Commission along with himself. Commission of three.
- 49.** These two Members of Commission shall, to that end, be appointed by the Volksraad, and should any vacancy occur, or one or both of them be absent during the current year, the State President shall appoint some person or persons to act in their stead. How appointed.
- 50.** This Commission shall resolve by a majority of votes to call for tenders for such amount by notice signed by the Orphan Master and published in the *Staatscourant*, which notice shall specify the amount of money, the security required, and the day on which the tenders have to be sent in. Tenders called.
- 51.** The Commission shall not be bound to accept the highest tender, should the security accompanying a lower tender, in its discretion, be better, but the interest shall not be less than six per cent. Highest tender.
- 52.** No monies falling under the terms of this law may be advanced to the Orphan Master or to any of the two Members of Commission. Who may not take loans hereunder.

¹ See Article 1381, Volksraad Resolution, 17th August, 1894.

- Security.** **53.** All monies advanced by the Commission aforesaid shall be secured by first bond on fixed property in this State, provided always that the property offered as security shall have been assessed by a sworn appraiser at a value of at least three times the amount of money which is applied for as a loan thereon.
- Costs.** **54.** All costs of investment shall be paid by the person taking the loan, inclusive of the costs to be paid the two Members of Commission at 15s. per meeting.
- Interest.** **55.** The interest on the monies invested shall be paid to the Orphan Master yearly in advance.
- Bonds.** **56.** All deeds of security shall be made out in the name of the Orphan Master of the South African Republic, without mentioning the name of this official, and shall set out that the capital and interest shall be payable at the Orphan Chamber on due date, that if the interest be not paid at due date, the capital may be called up after a three months' notice, and that the debtor shall pay a commission of five per cent. for collection, besides all law costs.
- Debtor's default.** **57.** Should the debtor neglect to pay the interest, or the capital with the interest upon due date, the Orphan Master shall within eight days convene a meeting with the two other Members of Commission mentioned in Art. 48, in order to decide how to act with reference thereto, and no action shall be instituted or proceeded with except by resolution of the majority of the Members of Commission, proof whereof shall appear from the record in Court.
- Proceedings in Court.** **58.** All proceedings both in and out of Courts of Law affecting the Orphan Chamber, shall, upon pain of nullity, be conducted in the name of the "Orphan Master of the South African Republic," without specifying the name of that officer.
- Interest payable annually.** **59.** The Orphan Master shall annually, from the interest received upon the monies invested in terms of this Law, pay out the interest at the rate of six per cent. to the persons entitled thereto according to law.
- Unclaimed interest.** **60.** Should there not be any person known, who is entitled to receive such monies known, the Orphan Master, acting in conjunction with the remaining Members of Commission aforesaid, shall invest the total amount of such interest either with other monies, or separately, but each time not for a longer period than one year.
- List of unclaimed monies.** **61.** The Orphan Master shall once every twelve months publish in the *Staatscourant* a list of all estates, on which capital or interest have accrued, mentioning the name of the person who has left the inheritance, the place and date of his decease, the amount of the monies deposited, and calling upon the parties entitled thereto to prove their claims.

62. Any amount which shall have been so advertised for a period of thirty years in the *Staatscourant*, without anyone having proved or commenced to prove his claim thereto, shall, together with the interest accrued thereon, be paid into the State Treasury, and no one shall thereafter be entitled to claim any such monies, unless a decree of the High Court shall so determine.

Unclaimed inheritances after 30 years' advertising go to State.

CHAPTER VII.

Appraisers.

63. Appraisers shall be appointed in each district by the State President upon recommendation of the Orphan Master, and shall take the oath mentioned in Schedule E before the Landdrost of the district in which they reside, and thereafter their appointment shall be published in the *Staatscourant*.

Appraisers.

64. The oath taken in terms of Schedule E shall be transmitted by the Landdrost to the Orphan Master.

65. (Duties of Appraisers :—superseded by Law No. 5, 1896.)

CHAPTER VIII.

Orphan Master's Book-keeping.

66. The Orphan Master shall be obliged to keep the following books :—

Books to be kept by Orphan Master.

(a.) A day book, containing a record of all official transactions.

(b.) A register, in which all death notices shall be entered.

(c.) A ledger, containing :—

(1.) All estate accounts with the separate debit and credit account of each interested party.

(2.) All receipts for account of, and payments on behalf of the Government.

(3.) Record of monies invested.

(d.) A cash book.

(e.) A letter book.

(f.) A register of testaments lodged, and a register of Letters of Administration granted.

(g.) A register of letters received with particulars as to what has been done with reference thereto.

(h.) A minute book of the proceedings of himself and the members of commission, the minutes wherein shall be signed at every meeting by all the members present.

CHAPTER IX.

Responsibility of the Orphan Master.

Monthly returns.

67. The Orphan Master shall send in monthly returns to the Auditor General of all monies received and paid out by him on behalf of the Government.

68. The Orphan Master shall pay in monthly to the Treasurer General the monies received by him on behalf of the Government.

Office inspection.

69. The State President and any one or more persons thereto appointed by him, shall at all times have the right to inspect all books, papers and safes or chests belonging to the Orphan Chamber.

Yearly report.

70. The Orphan Master shall once in each year, four weeks prior to the ordinary sitting of the Volksraad, send in to the State President a written report of his proceedings, and those of the Commission appointed by Arts. 49 and 50 of this Law, and such report shall, together with the President's remarks thereon, be laid before the Volksraad during the first week of its annual session.

CHAPTER X.

Representative of the Orphan Master.

Representative of the Orphan Master.

71. The Landdrost of each district, with the exception of the Landdrost at the seat of government, (unless for special reasons, upon recommendation of the Orphan Master, some other person is appointed by the State President) shall be representative of the Orphan Master.

Documents.

72. In the cases mentioned in Art. 6 of this Law the representative of the Orphan Master shall transmit to him certified copies of the documents received by him mentioned in the said article. Should there be a doubt or any question as to the validity of any documents exhibited to such representative, the originals shall be sent up to the Orphan Master.

Further duties.

73. It shall be lawful for the Orphan Master, upon his responsibility however, to entrust his representative with additional duties.

CHAPTER XI.

The Lodging of Testaments.

Testaments lodged with Orphan Master for safe keeping.

74. It shall be lawful for any person to lodge any testament with the Orphan Master, or leave it in the care of the representative of the Orphan Master upon a receipt being granted him therefor.

75. Upon receipt of such testament, the Orphan Master shall record such receipt in the register, mentioned in Art. 66, Letter F, stating whether such will is closed or open.

76. Upon receipt of the death notice the Orphan Master shall deal with such testament as if it had been received with the death notice, and should it be closed, it shall be first opened.

How such testaments dealt with on filing of death notice.

77. Any such testator shall have the right during his life, to require the Orphan Master to certify and approve of such testaments as being executed according to law.

Certificate of Orphan Master.

CHAPTER XII.

Penalties.

78. Any contravention of Arts. 6, 7, 28 or 30 shall, in the event of mere negligence, be punished by a fine of from £1 to £50 and in default thereof, by imprisonment from one to eight days, but, in the event of any wilful contravention, by a fine of from £50 to £250 and, in default of payment, by imprisonment for a period of from eight days to three months.

Penalties.

79. The executive Council may, in the event of any neglect or contravention of this Law by the Orphan Master, withhold the latter's salary for any period from one to three months.

Withholding salary of Orphan Master.

80. In the event of the application of any penalty, the defaulter shall in addition be liable to compensate the estate for all loss occasioned by his neglect or wilful act.

Compensation.

CHAPTER XIII.

Derelict Estates.

81. The following shall be deemed to be Derelict Estates, viz:—

Derelict estates.

The estates of absent persons, of lunatics, of minors, of persons placed under curatorship, and estates which have been abandoned, and with regard to which no provision has as yet been made.

82. Each Field-Cornet shall be obliged, as soon as he shall be notified of any derelict estate in his ward, to act in the same manner as is provided in Artt. 29 and 30 of this Law in respect of the estates of persons who have died without leaving testaments.

Duty of Field-Cornet.

83. The Orphan Master shall, in respect of estates described in this chapter, assume the title of "Orphan Master charged with the administration of Derelict Estates."

Title of Orphan Master.

84. The Orphan Master or his representative shall thereupon take steps for the election and appointment of curators to such estate in the same manner as is provided in Artt. 33, 35 and 36 in respect of an executor dative.

Curators.

- Security. **85.** The curators shall be appointed after security has been given, by letters of administration issued by the Orphan Master or his representative in the form as per Schedule C.
- Instructions. **86.** The curators shall receive their instructions from the Orphan Master as to the manner in which the estate is to be administered.
- Yearly report. **87.** The curators shall report yearly to the Orphan Master, should the latter require it.
- Remuneration. **88.** The remuneration of curators shall be the same in respect of derelict estates as that provided for executors, and for the annual administration, should such be necessary, a sum shall be fixed by the Orphan Master.
- Dismissal. **89.** Curators shall be dismissed, and new curators appointed in their place in the same way as is provided in respect of guardians in Art. 42.

CHAPTER XIV.

Miscellaneous Provisions.

- Transitional provisions. **90.** Within the time of four weeks, after publication of this Law, all Orphan Masters and Landdrosts at present acting as Orphan Masters, shall transmit to the Government an inventory of all documents in their offices having reference to estates, which documents shall be handed over to the Orphan Master when appointed, upon his granting receipt therefor.
- Inventory of old records. **91.** Immediately after notification of the receipt of the inventory, all books and papers therein mentioned shall, together with the monies deposited, be sent up to the Government, which shall in its turn hand over the same to the Orphan Master, who shall grant a receipt therefor. Any person being negligent herein shall be punished by a fine of from £5 to £500, recoverable by bodily constraint: in such case the Executive Council shall have the right also to bring such negligent or offending person to trial before the High Court beyond the limits of the district where the offence has been committed.
- Old records and books to be odged with Orphan Master. **92.** The Orphan Master shall, as and from the day of this Law coming into operation, assume *ipso jure*, the rights and duties of the Orphan Chamber at present existing, and of the Orphan Masters and Landdrosts who at present act as such, without there being any necessity for specially referring to or notifying the same in any particular case.
- Orphan Master's powers.

FORM A.

DEATH NOTICE.

In terms of the Law of 10th November, 1869, relating to the Orphan Chamber :

1. Name of the deceased.
2. Birth of do.
3. Name of parents.
4. Age.
5. Calling.
6. Married or unmarried.
Widow or widower.
7. Date of decease.
8. Where deceased.
9. Whether a testament is known to exist.
10. Whether there are movable or immovable goods, or both, left.
11. Is it estimated that the estate exceeds £25 in value.
12. Names of the children of the deceased majors or minors.

SCHEDULE B.

LETTERS OF ADMINISTRATION.

A. B. is hereby appointed as executor testamentary, and is accordingly authorised to settle the estate of the late

Orphan Master's Office,
South African Republic.

, *Orphan Master.*

The

SCHEDULE C.

LETTERS OF ADMINISTRATION.

A. B. is hereby appointed as executor dative, and as such is authorised to settle the estate of the late

Orphan Master's Office,
South African Republic.

, *Orphan Master.*

, 18

SCHEDULE D.

APPOINTMENT OF GUARDIAN.

A. B. is hereby appointed guardian over minor child (or children) of the late

Orphan Master's Office,
South African Republic.

, *Orphan Master.*

, 18

SCHEDULE E.

OATH OF APPRAISER.

I, _____, by occupation _____, residing at _____, swear that, as appraiser for the Orphan Chamber of the South African Republic, without favour or partiality, I shall appraise each estate according to the true value thereof according to law, to the best of my knowledge and ability.

Signed _____
Sworn before me this _____ day of _____, *Landdrost.*

SCHEDULE F.

(Superseded by Paragraph 9, Law No. 2, 1871.)

LAW No. 13, 1870.

TRAVELLERS.

(Repealed by No. 23, 1892.)

LAW No. 14, 1870.

JUSTICES OF THE PEACE.

(Superseded.)

VOLKSRAAD RESOLUTION, 9th June, 1870.

172. The Raad, in accordance with Article 98 of the Criminal Procedure, disapproves of the payment by the Government of attorneys in *pro Deo* cases.

VOLKSRAAD RESOLUTION, 21st June, 1870.

211. Costs in criminal cases.

Resolved:—That in criminal cases the costs shall be borne by the Government, unless it is otherwise provided by judgment of the Court.

LAW No. 1, 1871.

GOLD LAW.

(Superseded by Law No. 2, 1872.)

LAW No. 2, 1871.

ORDINANCE

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

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

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

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

1. This Ordinance shall come into operation immediately after publication, and the hereinafter-mentioned monies for licences, stamp dues, office fees and charges, shall thereupon be levied by the official authorised to do so. Operation.

2. Superseded by Law No. 17, 1899, Art. 2.

3. Superseded by Law No. 17, 1899, Art. 3.

4. Superseded by Law No. 17, 1899, Art. 11.

5. Superseded by Law No. 2, 1881, Arts. 1 and 2.

6. Superseded by Law No. 2, 1881, Art. 4.

STAMP DUES.

7. The transfer of houses or other immovable property passed by the Registrar of Deeds or the Landdrost, when the amount does not exceed £15, 1s. 6d.— Transfer of houses, &c.

Above	£15 and not exceeding	£25	£	s.	d.
	£25	£25	0	2	0
"	" " "	£50	0	4	0
"	" " "	£75	0	6	0
"	" " "	£150	0	12	0
"	" " "	£300	1	0	0
"	" " "	£400	1	5	0
"	" " "	£500	1	10	0
"	" " "	£700	2	5	0
"	" " "	£1,000	3	0	0
"	" " "	£1,500	3	10	0
"	" " "	£2,000	4	0	0
"	" " "	£2,500	5	0	0

For every £500 or part thereof in excess of £2,500, 10s. On Bonds.
Bonds, when the amount does not exceed £15, 2s.—

Above	£15 and not exceeding	£20	£	s.	d.
	£20	£20	0	3	0
"	" " "	£25	0	4	6
"	" " "	£50	0	5	0
"	" " "	£75	0	7	6
"	" " "	£100	0	15	0
"	" " "	£150	1	0	0
"	" " "	£200	1	5	0
"	" " "	£300	1	10	0
"	" " "	£400	2	0	0
"	" " "	£500	2	10	0
"	" " "	£750	3	0	0
"	" " "	£750	3	10	0

			£	s.	d.
Deeds of Grant.	For deeds of grant under the great seal, without diagram	- - - - -	1	0	0
	For deeds of grant with diagram, not exceeding 500 morgen-	- - - - -	1	2	6
	Above 500 and not exceeding 1,000	- - - - -	1	5	0
	" 1,000 " " " 2,000	- - - - -	1	10	0
	" 2,000 " " " 3,000	- - - - -	2	0	0
	" 3,000 " " " 6,000	- - - - -	3	0	0
" 6,000 - - - - -	- - - - -	3	15	0	
Bonds and deeds of security before notaries.	On bonds and deeds of security passed before notaries not exceeding £10, 1s.—		£	s.	d.
	Above £10 and not exceeding £20	- - - - -	0	2	0
	" £20 " " " £30	- - - - -	0	3	0
	" £30 " " " £40	- - - - -	0	4	0
	" £40 " " " £75	- - - - -	0	5	0
	" £75 " " " £150	- - - - -	0	9	0
	" £150 " " " £300	- - - - -	0	18	0
	" £300 " " " £500	- - - - -	1	10	0
	" £500 " " " £750	- - - - -	2	0	0
	" £750 - - - - -	- - - - -	3	0	0
Kinderbewijs.	[¹] On a deed of Kinderbewijs, not exceeding £50, 2s.—				
	Above £50 and not exceeding £100	- - - - -	0	3	0
	" £100 " " " £150	- - - - -	0	5	0
	" £150 " " " £300	- - - - -	0	10	0
	" £300 " " " £500	- - - - -	0	15	0
	" £500 " " " £750	- - - - -	1	0	0
" £750 - - - - -	- - - - -	1	10	0	
Antenuptial contracts.	On antenuptial contracts when the sum or value agreed upon does not exceed £100	- - - - -	0	10	0
	Above £100 and not exceeding £400	- - - - -	1	0	0
	" £400 " " " £800	- - - - -	3	0	0
	For every additional £400	- - - - -	1	0	0
	On agreements passed before notaries	- - - - -	0	3	0
	On general powers of attorney granted to persons abroad	- - - - -	0	5	0
	On general powers granted to persons within the State	- - - - -	0	2	6
	Special powers to persons abroad	- - - - -	0	3	0
	" " " within the State	- - - - -	0	1	6
	On deeds of substitution, assumption, surrogation, &c.	- - - - -	0	3	0
On protests	- - - - -	0	5	0	
On copies of deeds passed before notaries	- - - - -	0	2	6	

¹ That portion of Art. 7 dealing with testaments, donations *mortis causa*, inventories and liquidation accounts is repealed by Law No. 15, 1899.

On the following documents used in connection

with Courts of Law and public offices, viz:— £ s. d.

A translation	-	-	-	-	0	1	0
An affidavit	-	-	-	-	0	2	0
A copy of any document	-	-	-	-	0	2	6 [1]
A deed of <i>venia actatis</i>	-	-	-	-	1	10	0
A deed of <i>venia agendi</i>	-	-	-	-	0	2	6

No stamps are necessary for criminal cases heard in Court.

On deed of appointment as civil servant, the

salary being £50 and not exceeding £100 0 10 0

Above £100 and not exceeding £150 - - 1 0 0

„ £150 „ „ £200 - - 2 0 0

„ £200 „ „ £300 - - 3 0 0

„ £300 - - - - 6 0 0 [2]

Appointment
of civil
servants.

8. See Law No. 5, 1882, Schedule.

Copy of diagram - - - - 1 1 0

DEPARTMENT OF THE ORPHAN CHAMBER.

9. Registration of any testament or codicil - 0 5 0

Inspection of any documents - - - 0 2 6 [3]

Copy of 100 words or less - - - 0 5 0

For every additional 100 words - - - 0 2 6

Letters of Administration - - - 0 5 0

Attending meeting of next of kin or creditors
before the Landdrost or Orphan Master - 0 10 0

Appointment as guardian - - - 0 5 0

Drawing up an edict - - - 0 5 0

Acceptance of security offered by executors,
and certificate accordingly - - - 0 5 0

Registering liquidation accounts, inventory
or other deeds, each - - - 0 5 0

Taxing the accounts of executors regarding
their administration, 4 p.c. on their remuneration - - - 0 5 0

Notice in newspaper - - - 0 5 0

Registering an order of the Court - - 0 5 0

Registration on *kinderbewijs* in Orphan
Chamber - - - 0 5 0

Approval of inventory with valuation - - 0 5 0

Copy and registration thereof - - - 0 10 0

Certificate to re-marry - - - 0 5 0

Registration of death notice - - - 0 2 6

Orphan
Chamber.

10. Superseded by Law No. 8, 1883.

11. Superseded by Law No. 13, 1880.

¹ Stamp dues on documents filed with Registrar of the Court superseded by provisions of Law No. 8, 1883.

² Stamps on admission of Advocates, &c., superseded by Law No. 8/1883.

³ Altered to 5s. by Volksraad Resolution, 6th June, 1876, Art. 113.

12. Superseded by Law No. 8, 1883.
 13. Superseded by Law No. 8, 1883.
 14. Superseded by Law No. 8, 1883.
 15. Superseded by Law No. 8, 1883.
 16. Notaries Public.

Notaries
public.

	£	s.	d.
Drawing up and making fair copy of bond			
without security - - - - -	0	10	6
Ditto with security - - - - -	0	15	0
Drawing up and passing a will for one person	0	7	0
Ditto for an ordinary mutual will - - - - -	0	10	6
Ditto for an extraordinary mutual will (one- third more if done at night) - - - - -	1	1	0
Copy of a sealed will - - - - -	0	5	0
Deed of gift <i>mortis causa</i> - - - - -	0	15	0
General power of attorney - - - - -	1	1	0
Special power of attorney from 2s. 6d. to - - - - -	0	10	6
General power of attorney for persons abroad from £1. 1s. to - - - - -	2	2	0
Special power of attorney from 10s. 6d. to - - - - -	1	1	0
Bills of exchange - - - - -	0	7	6
Deed of surrogation and substitution from 10s. 6d. to - - - - -	2	2	0
Deed of sealing - - - - -	0	5	3
Inventory of estates, first page - - - - -	0	10	0
Every following 30 lines of 30 letters to the line - - - - -	0	1	6
Contracts of purchase, lease or otherwise from £1. 1s. to - - - - -	2	2	0
Accounts of estates, protests, assignation, revocations, deed of grant, written decla- rations and certificates from £1. 1s. to - - - - -	5	5	0
Signature or authorisation of any document, with or without witness from 1s. to - - - - -	0	5	0
All other deeds not above mentioned according to the length thereof from 10s. 6d. to - - - - - (This includes the necessary copies, but does not include the stamps or the costs of attendance or travelling expenses when the deeds are not passed at the office of the notary).	3	3	0
For a journey within the town or village- - - - -	0	5	0
Ditto outside the town or village per hour, there and back - - - - -	0	5	0
Ditto ditto at night, double.			
Horse hire, per day of 6 hours - - - - -	0	15	0

The accounts of the notaries shall, if so desired, be taxed by the Landdrost of the district where they reside.

SWORN TRANSLATORS.

	£	s.	d.	
17. Translating ordinary acknowledgment of debts - - - - -	0	2	6	Sworn translators.
Translating a letter or other document, of one page of 100 words or less - - - - -	0	4	6	
Every following page - - - - -	0	1	0	
Acting as interpreter in any matter, per hour	0	4	6	
Not to exceed per day - - - - -	1	1	0	
No translation shall be delivered by a sworn translator without a stamp of - - - - -	0	0	9	

18. Superseded by Law No. 8, 1881.

19. [1] Allowance for various persons :

Hire of a wagon with eight horses, per day of 6 hours, from £1 to - - - - -	1	2	6
Hire of a wagon with oxen and leader and driver, per day of 8 hours, from 12s. to	0	15	0
Hire of a riding horse per hour - - - - -	0	2	0
Hire of a man on horseback per hour - - - - -	0	2	0
Conduct of arrested criminals on foot, for each man per hour, from 1s. 6d. to - - - - -	0	3	0
Ditto ditto on horseback per day - - - - -	0	12	0

D. J. ERASMUS,

Acting State President.

By order,

N. J. R. SWART,

Government Secretary.

Government Office,

Pretoria,

15th December, 1871.

LAW No. 3, 1871.

MARRIAGE ORDINANCE.

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

1. No marriage shall be solemnized except after publication of banns, either in public in the ordinary manner on three successive Sundays during religious service in any church or other recognised building used for public worship, or by posting them up, during the same time, on the door of the office of the Landdrost in whose circuit or jurisdiction each of the parties, or both of them, reside, Publication of banns.

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

unless a special licence has been granted. Before the solemnization of the marriage, the bride and bridegroom shall appear before the Landdrost of the district, who, as marriage commissioner, shall inquire whether the provisions of the civil law have been complied with, and shall, if necessary, grant a certificate.

Appearance before the Landdrost.

Landdrosts and specially authorised ministers of religion may solemnize marriages.

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

Marriage by special licence.

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

Provisions regarding marriage by special licence.

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

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

Prohibited degrees.

Under the prohibited degrees of relationship are included:—

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

Persons who have not resided one year in the State shall not be joined together in matrimony unless they produce a certificate or certificates from some proper official or minister of religion at their last place of residence from which it appears that there are no objections to such marriage.

Persons who have not resided in this State for one year.

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

Power of Landdrost in doubtful cases.

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

Minutes. Report to Government Secretary.

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

When marriage not solemnized within three months.

8. If any person acknowledges that he or she is a minor, or if from any other information there is good reason for considering him or her to be such, and he or she cannot produce the consent of either father or guardian, or in case a widower or widow wishes to remarry and there are minor heirs with regard to whose father's or mother's portion of the inheritance proper proof shall not have been given according to law, by certificate from the orphan master or other official authorised by law thereto, or if it shall be known that the persons who seek to be joined together in matrimony are related to one another within the prohibited degrees of blood relationship, or that they have come from beyond the borders of this State for the express purpose of being married here because they would not have been able to effect a valid marriage in the place where they are domiciled, or the publication of the banns shall not have taken place, or a special licence shall not have been granted as provided by law, or if it shall be known or, either by inquiry in the manner provided by Art. 5 or in other lawful manner, it might have been learned (*sic*)^[1], in all such cases it shall not be lawful for the Landdrosts to grant marriage certificates to such persons, or to solemnize their marriage, on pain of a fine of not more than £50 or less than £10 sterling.

When Landdrost may not solemnize marriage.

9. No widower may marry within three months after the decease of his wife and no widow within three hundred days after the decease of her husband, unless the Government should grant dispensation from this article in special cases.

Widows and widowers.

¹ The words here omitted are probably "that the bridegroom has not yet reached the full age of 18, and the bride the full age of 15 years," as this Article corresponds with Art. 13 of Law No. 26, 1899, of the Orange Free State.

Bigamy.

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

Penalty on Landdrost.

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

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

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

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

Formula to be used.

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

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

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

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

Hours for marriage.

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

Signature of register.

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

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

Certified copy of register sufficient proof of marriage.

15. Marriage solemnized at district of

in the Form of certificate.

FORM.

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

This marriage was entered into between us
 solemnized by me, Landdrost
 or minister of the gospel at on the
 day of
 In presence of the undersigned witnesses.

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

When consent of parents or guardians cannot be obtained.

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

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

Marriages solemnized abroad.

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

Fees.

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

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

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

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

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

Penalty for destroying, &c., register.

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

Marriages solemnized before the coming into operation of this ordinance.

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

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

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

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

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

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

D. J. ERASMUS,
Acting State President.

By order,

N. J. R. SWART,
Government Secretary.

Government Office,
Pretoria,
13th December, 1871.

LAW No. 4, 1871,

REGULATING THE ELECTION OF A STATE PRESIDENT OF THE SOUTH AFRICAN REPUBLIC.

In pursuance of Art. 61 of the Grondwet, amended by Volksraad Resolution, dated November 6th, 1871, Art. 280; approved and enacted by Volksraad Resolutions, November 23rd, 1871, Art. 370, and November 28th, 1871, Arts. 382-390.

This Law is not translated, being rendered obsolete by change of circumstances.

LAW No. 5, 1871.

EXTRADITION OF CRIMINALS.

(Superseded by Law No. 9, 1887.)

LAW No. 6, 1871.

INSTRUCTIONS FOR THE TREASURER GENERAL.

(Superseded by the General Instructions of January 27th, 1882.)

LAW No. 7, 1871.

ORDINANCE REGULATING THE EXCHANGE OF THE NEW
GOVERNMENT NOTES.

(Not translated. This Law was passed for a special purpose, and cannot be considered of any further interest.)

VOLKSRAAD RESOLUTION, September 25th, 1871.

Coloured
persons
may not
congregate
on erven
in towns.

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

VOLKSRAAD RESOLUTION, November 29th, 1871.

Kaffir chiefs.

401. Kaffir chiefs shall not be punished with lashes.

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

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

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

Libel.

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

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

LAW No. 1, 1872.

XANTHIUM SPINOSUM.

(Amended by Law No. 2, 1892, and repealed by Law No. 4, 1897.)

LAW No. 2, 1872.

GOLD LAW.

(Superseded by Law No. 7, 1874.)

LAW No. 3, 1872.

ISSUE OF PASSES TO NATIVES IN THE SOUTH AFRICAN REPUBLIC.

(Superseded by Law No. 4, 1873.)

LAW No. 1, 1873.

FOR THE APPREHENSION AND EXTRADITION OF CRIMINALS.

Approved and enacted by Volksraad Resolution, dated February, 28th, 1873, Arts. 9-14.

WHEREAS persons who have committed crimes within the territory or jurisdiction of the Colonies of the Cape of Good Hope and Natal sometimes flee to this State, and it is necessary to provide for the apprehension of such criminals in this State, in order that they may be returned to the territory where such crimes may have been committed to be dealt with there according to law, now therefore it is enacted as follows:—

1. If at any time a requisition shall be made by the Government of the Colony of the Cape of Good Hope or of Natal for the surrender of any person who shall be accused of having committed any of the hereinafter mentioned crimes, such as murder, attempt to murder, arson, rape, robbery, theft, fraud, or falsity, within the jurisdiction of the said Colony of the Cape of Good Hope or of Natal, and who shall be found within the territory of this State, it shall be lawful for the State President or other official, charged with the Government of this State, if he shall deem fit, but not otherwise, to signify by a warrant under his hand and seal that such requisition has been made, and to command that all Landdrosts, Justices of the Peace and other officers of the law, within their various and respective jurisdictions, shall act accordingly, and it shall be lawful for any Landdrost or other qualified official in this State to examine any person or persons under oath with regard to the truth of such charge and on such evidence as by the law of this State would justify the apprehension and committal for trial of the person so accused, if the crime or offence whereof he or she shall be so accused had been committed within this State, to issue his warrant for the apprehension of such person and to cause him to be committed to gaol to remain there until he shall be surrendered by order of the State President, as aforesaid.

Crimes for which extradition is allowed.

Copies of statements made accepted.

2. Provided always that in every case copies of the statement or statements upon which the original warrant for the apprehension of the criminal, issued by the magistrate or his subordinate in the Colony of the Cape of Good Hope or of Natal, was granted, certified under the hand and seal of the office of the officials in the Colony of the Cape of Good Hope or of Natal, making such requisition, may be accepted as proof of the guilt of the person so apprehended.

(*Sic*) Quære Landdrost.

When President may order surrender.

3. On the certificate of such (?) (*sic*) *Resident magistrate* or Justice of the Peace that such a suspected criminal has been committed to gaol it shall be lawful for the State President or other official, charged with the government of the South African Republic, by warrant under his hand and seal to command that the person thus committed to gaol be surrendered to such person or persons as shall be authorised by a warrant under the hand of the official of the said Colony of the Cape of Good Hope or of Natal, making the requisition, to receive the person so committed to gaol, and to carry him to the borders of the said Colony, and such person shall in accordance therewith be surrendered. And it shall be lawful for the person or persons authorised as aforesaid to detain such person in custody, and to carry him or her to the borders of the aforesaid Colony, and if the person so accused shall escape from such custody into which he or she shall have been given as aforesaid, it shall be lawful to re-arrest such person in the same manner as any person accused of the same crime within this State would be re-arrested after escaping.

Within what time surrender must take place.

4. If any person who shall be committed to gaol under this Law for the purpose of being surrendered according to requisition as aforesaid is not surrendered in pursuance thereof and conveyed out of this State within two months from the date of his or her apprehension, it shall in every case be lawful for any Landdrost, on application made to him by or on behalf of any person so committed to gaol, and on production of proof to him that due notice that such application would be made has been given to the State Attorney or his representative, to order that the person so committed to gaol be discharged, unless sufficient reason be shown why such Landdrost should not discharge such person.

Repeal.

5. This Law shall come into operation after promulgation thereof, all Laws in conflict therewith being hereby repealed.

THOMAS BURGERS,
State President.

By order,

N. J. R. SWART,
Government Secretary.

Government Office,
Pretoria,
28th February, 1873.

LAW No. 2, 1873.

FOR THE CREATION OF A SINKING FUND FOR THE REDEMPTION OF A LOAN OF £60,000 CONCLUDED WITH THE CAPE COMMERCIAL BANK, CAPE TOWN.

Approved and enacted by Volksraad Resolution, dated March 1st, 1873, Art. 16.

(This Law is not translated, because it was passed for a special purpose, and cannot be said to be of any further interest.)

LAW No. 3, 1873.

REGULATING THE EXCHANGE OF GOVERNMENT NOTES OF THE SOUTH AFRICAN REPUBLIC.

Approved by Volksraad resolution, dated March 6th and 8th, 1873, Arts. 25, 26 and 29.

(This Law is not translated, because it was passed for a special purpose, and cannot be said to be of any further interest.)

LAW No. 4, 1873.

FOR THE ISSUE OF PASSES TO NATIVES IN THE SOUTH AFRICAN REPUBLIC.

(Repealed by Law No. 6, 1880.)

LAW No. 5, 1873.

TO INCORPORATE THE TRANSVAAL MINING COMPANY, LIMITED, AND TO SECURE CERTAIN PRIVILEGES TO THE SAID COMPANY.

(This Law is not translated, because it was passed for a special purpose, and cannot be said to be of any further interest.)

LAW No. 6, 1873.

FOR THE BETTER REGULATION OF THE TRADE IN FIREARMS AND AMMUNITION IN THE SOUTH AFRICAN REPUBLIC.

Approved and enacted by Volksraad Resolution, dated May 29th and 30th, 1873, Arts. 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51.

Whereas it is necessary, for the better regulation of the trade in firearms and ammunition in the South African Republic, and for

the prevention of irregularities, that better provision should be made in the management and in the regulation of the said trade. Be it therefore enacted as follows:—

Trade in ammunition in hands of Government.

1. From and after January 1st, 1874, the trade in ammunition, viz., gunpowder, lead and caps, with the exception of cartridges for breech-loading guns, shall be exclusively in the hands of the Government, and from and after the said date it shall not be lawful for any person to carry on any trade in the aforesaid articles within the limits of the South African Republic, on penalty of a fine of not less than £25, and not more than £50 sterling for each offence. Half of the fines shall go to the informants.

Import duty of 10/- on every gun barrel.

2. For the future, an import duty of 10s. per barrel shall be levied on every firearm imported into the South African Republic.

Permit to buy or sell firearms.

3. For the future no person shall have the right to buy or sell any firearms without a permit or permits from the Landdrost of the district, on penalty of a fine of not less than £25 and not more than £50 sterling for every offence. Half of the fine shall go to the informant.

Who may obtain permits.

4. Such permits shall be given to burghers of the State by the Landdrosts or other officials specially appointed for the purpose on payment of 1s. for each permit.

When person not a burgher.

5. Persons who are not burghers of the State may obtain similar permits on payment of 1s. for each permit only, on production of a recommendation in writing from a burgher of the State who is a householder and resides in the district in which the permit is asked for.

Form of recommendation.

6. Such recommendation shall be to the following effect:—

I, the undersigned burgher of the S. A. Republic, residing at _____ hereby solemnly declare that the person residing at _____ is well known to me and to the best of my knowledge is a fit person to obtain a permit for _____

(Signed)

Permit must state quantity required.

7. Each permit shall contain a clear and accurate statement of the number of firearms or the quantity of ammunition, &c., desired.

Landdrosts may refuse permits.

8. The Landdrosts shall have the right in doubtful cases, to refuse permits even when a recommendation in writing is produced, and are hereby charged to be very careful that no improper persons obtain such permits.

Repeal.

9. All previous resolutions of the Raad and legal provisions in conflict with this Law are hereby repealed.

10. This Law shall, in accordance with Art. 12 of the Grondwet, immediately come into operation.

THOS. BURGERS,
State President.

By order,
SWART,
State Secretary.

Government Offices,
Pretoria,
June 3rd, 1873.

LAW No. 7, 1873.

POST OFFICE LAW.

(Superseded by Law No. 1, 1886.)

On page 484 of the Statute Book, 1849-1885, appear the Laws and Regulations for the Dutch Reformed Church in the South African Republic passed by the General Church Meeting at Heidelberg on November 29th, 1869, and the following days.

Regulations
D.R. Church.

VOLKSRAAD RESOLUTION of June 5th, 1873.

105. Resolved that no farm shall be sold in execution by any Sheriff for less than the upset price due by the owner of such farm to the Government.

Sale in
execution.

LAW No. 1, 1874.

REGULATING THE MANNER OF PROCEDURE IN CIVIL AND CRIMINAL CASES BEFORE THE COURTS OF LANDDROST AND HEEMRADEN IN THE SOUTH AFRICAN REPUBLIC.

Finally enacted by Volksraad Resolution, Art. 119, dated 13th October, 1874.

WHEREAS it is advisable to make certain necessary amendments in the Regulations relating to the Judicial Procedure in civil or criminal cases before the Courts of Landdrost and Heemraden in the South African Republic :

Be it hereby accordingly enacted by the Volksraad of the South African Republic as follows :—

IN CIVIL CASES.

1. (Amended and superseded by V.R. Resolution, Art. 216, dated 14th June, 1876.)

Admission of agents.

2. Any person who shall be desirous of being admitted to practise as agent before any Landdrost Court or Court of Landdrost and Heemraden, shall to that end apply to the Landdrost of any district and such Landdrost shall give at least one month's previous notice of such application, by publication of a notice in the *Staatscourant* and also by affixing such notice to the outer door of the Court or Public Offices, and upon such person having been examined by the Board of Examiners in Law with regard to his fitness to be admitted as such agent and having been approved of by them, and upon a satisfactory certificate of good character having been produced to the said Board, or the Board being satisfied from its personal knowledge that he is such a person of good character, he may be admitted by the State President as such agent and such admission shall be published in the *Staatscourant*, and upon the required licence being taken out such agent shall be entitled to practise as such before the said Courts in any district within this Republic.

Attorneys admitted to practise before the inferior courts shall not be required to take out any licence as agent.

Striking agent from roll.

3. The name of any such agent may be erased from the roll by the Landdrost, for any dishonourable or shameful act or other misconduct before the Court, or in any other respect, and such agent shall as a result thereof forfeit his licence, or otherwise he may be punished by fine or imprisonment, according to the nature of the offence, but he shall be at liberty to appeal to any competent Court in the manner provided by law in respect of appeals.

Jurisdiction.

4. The Courts of Landdrost and Landdrost and Heemraden shall have jurisdiction according to enactments already made or which may hereafter be made.

(NOTE.—The Court of Landdrost and Heemraden no longer exists).

5. & 6. Oaths of Registrar and messengers of the Landdrost Courts.

(Superseded by Law No. 11, 1892, Schedule C.)

7. & 8. Superseded—see Arts. 6 & 10, of Law No. 11, 1892.

Errors in summons.

9. Whenever any error may occur in the summons, with regard to the form thereof, the Court may amend and redress the same, provided that it is not an error by which the defendant is prejudiced, and further upon such conditions as to payment of costs as the Court may deem fit.

Form of Summons.

10. Superseded. See par. 10, Law No. 11, 1892.

Service.

11. Should the messenger not be in a position to effect the service of any summons or other writ in person, he may employ a deputy in his stead, who shall however, where possible, be

previously approved by the Landdrost, and for whose actions the messenger shall be responsible. The messenger shall pay his deputy himself.

12. Manner of serving summons superseded—Art. 11, Law No. 11, 1892, and High Court Rule No. 20.

13. Service upon one of the partners of any partnership who are being jointly sued shall be sufficient. Partnership.

14. The messenger shall make his return in writing at the foot or on the back of the summons, or by attaching such return to the summons before the day fixed for the appearance of the parties. Return.

15. A plaintiff or defendant may entrust the conduct of his case in court to any person to whom he shall grant a power of attorney in due form. Attorney.

16. Proceedings on return day. See now Art. 22, Law No. 11, 1892, and Rules of High Court.

17. Should the defendant deny the claim or put in a claim in re-convention the plaintiff shall forthwith produce his evidence, and thereafter the defendant shall produce his in order that the same may be adjudged of by the Court. Evidence.

18. Form of subpoena. See now Arts. 93 and 97 of Law No. 11, 1892, and Rule No. 55 of High Court Rules, and Art. 18, Law No. 3, 1883.

19. Should any witness be required to produce any deed, instrument or writing which may be in his possession, he shall be notified in the said subpoena that such will be required of him. Subpoena
duces tecum.

20. The party who takes out the subpoena shall hand the messenger a copy thereof for each witness, to be delivered to such witness, together with such sum of money as is to be paid or tendered him by the messenger for his travelling expenses. Service of
subpoena.

And should any person who has been duly subpoenaed to give evidence in any case and to whom a reasonable amount has been paid or tendered for travelling expenses refuse or neglect to appear or to give such evidence, without having any sufficient excuse for such refusal or neglect, such person shall forfeit a fine not exceeding five pounds sterling, and in default of payment shall be imprisoned for a period not exceeding fourteen days, over and above his obligation to make good the damage which he may by his default have occasioned to the party who has subpoenaed him as a witness (See also Art. 40, Law No. 11, 1892).

(N.B. The following Article is the same as Art. 39, Law No. 11, 1892).

21. Where a witness having been duly subpoenaed does not appear, and it shall appear to the Court upon oath of the party or Postponement
on witness not
appearing.

his agent who has taken out the subpoena that he is an important witness in the case, the court may postpone the case or otherwise examine the witnesses present and postpone the further hearing of the case to another day; and the Registrar shall record such postponement in the minutes of the Court.

Examination. **22.** Both the plaintiff and the defendant, or either of them, may be examined under oath, should either or both of the parties desire it:—

In open Court. **23a.** Any witness who shall be examined before the Court shall be examined in open Court in the presence of the party or parties, after having been duly sworn according to law.

23b. [1]

Com. de bene esse. *Where by reason of extreme age or dangerous sickness or other impediment, it is impossible for a witness to appear before the Court to be examined there, it shall be allowable for the Court to have such witness examined outside of the Court, subject to such conditions as the Court may deem fit, in order to assure itself of the accuracy and genuineness of the evidence, but always in the presence of someone thereto specially appointed by the Court, and in the presence of the parties or their representatives.*

Court records. **24.** Should it be necessary during the course of the enquiry into any case to refer to any minutes of the Court, or documents referred to therein, it shall not be necessary to produce any authenticated copy thereof; but the Registrar of the Court shall, upon request of one of the parties, produce the original.

Minutes. **25.** All evidence shall be duly, accurately, and immediately minuted by the Registrar of the Court.

Judgments. **26.** All judgments or decrees of the Court shall be pronounced, and the grounds on which they are based duly enumerated in public in the name and on behalf of the people of the S.A. Republic, and the Registrar of the Court shall forthwith minute the same.

Non-appearance of plaintiff. **27.** Where, upon any case being called up, the defendant or his agent shall appear, but neither the plaintiff nor his agent be present, the defendant may demand absolution from the instance, unless it shall appear to the Court that there are good grounds for postponing the case, or of making some other order with reference thereto; but should absolution be granted, the plaintiff shall not be at liberty to take out a fresh summons against the defendant in the same case until he shall first have paid the costs incurred by the defendant on the first summons.

Non-appearance of defendant. **28.** Where upon any case being called, the plaintiff or his agent shall appear, but the defendant, having been duly cited, shall not appear either in person or through an agent, then unless it shall appear to the Court that there are good grounds for directing a fresh citation, or for making some other order with reference thereto, the Court shall proceed to hear the plaintiff and his

¹ See also Art. 41, Law No. 11, 1892.

witnesses, and to grant judgment thereupon, but in any such case, such judgment shall have the effect only of a provisional sentence, and may be executed in the same way as in the case of a provisional sentence.

29. Any provisional sentence or decree “*namptissement*” having the effect of a provisional sentence, and which shall be put into execution, shall become final upon the expiration of six months after such execution, unless within the said time legal steps shall have been taken and proceeded with (in the manner hereunder provided) to have such sentence set aside or altered, or unless appeal shall have been noted and proceeded with.

Provisional sentence.

30. Irrespective of the provisions contained in the two last preceding articles, it shall be open to any party, who shall have obtained a provisional judgment or decree having the effect of a provisional judgment, to apply for an order declaring such judgment or decree final, and cancelling any security *de restituendo* which may have been given, provided that the person against whom such final judgment is desired, shall have been duly cited to show cause why such application should not be granted, and why, if he shall not appear, or upon appearing, shall not show sufficient cause, the decree prayed for should not be granted.

Final judgment.

31. Any person against whom any provisional judgment or any decree having the effect of a provisional judgment shall have been given, may at any time before the same shall have become final, obtain a decree for the cancellation or amendment of such judgment or decree, provided that the party against whom such decree shall be sought, shall have been duly cited to appear before such Court, and show cause why such decree shall not be granted, and that the party thus cited shall not have appeared, or not have shown cause to the satisfaction of the Court why such decree should not be granted, but no such judgment shall be granted, cancelled or amended by reason of any question as to a matter of form, where it shall appear to the Court, that such judgment accords with what is just and equitable, and if the Court shall grant such decree it may do so upon such conditions as the Court shall deem it fit to lay down.

Setting aside provisional judgment.

32. Any summons to set aside any provisional judgment or decree shall set out the grounds, concisely and clearly, upon which such application is made.

Summons to re-open cases.

33. Should any case be brought before the Court, either to have a provisional judgment declared final or amended or set aside, the Court shall act in the hearing and trial thereof, and give judgment or any other order therein, in the same manner as is provided by Arts. 16, 17, 21, 22, 23, 25, 26 and 27 of this Law, and any judgment so given shall be final.

Procedure in making provisional judgments final.

34 and 35. Appeal.

Superseded by Art. 85 and 86 of Law No. 11, 1892.

36. [Time of prosecution of appeal, obsolete and superseded.
See now Rule No. 97, High Court Rules.]

37. [Taxation of costs.
Superseded by Arts. 13 and 17 of Law No. 12, 1899.]

38. [Execution of judgments.
Superseded by Art. 58 and following articles Law No. 11, 1892
See also High Court Rules.]

Execution.

39. Where the movable property of any party shall be found to be insufficient for the recovery of the amount of the debt with costs, the messenger shall make a return thereof, and the plaintiff or the party in whose favour the writ of execution shall have been granted, shall apply to the Landdrost, and the latter shall grant a writ of execution for the amount of the shortfall as aforesaid addressed to the sheriff, against any land or fixed property, in possession of the debtor, and such execution shall thereupon be further given effect to according to law.

Superannua-
tion of
judgment

40. A writ of execution shall not be issued upon any judgment after the expiration of twelve months, reckoned from the day that such judgment shall have been pronounced, until such judgment shall first have been renewed upon a new citation issued against the debtor to that end, for the purposes of which renewal, however, no new proofs of debt shall be required.

Writs of execution of any judgment, once issued, remain in force, and such judgment may be executed thereunder at any time and from time to time until the whole judgment shall have been satisfied without the necessity of being renewed.

41. Execution of Landdrost Court writ in another district.
Superseded Art. 63, Law No. 11, 1892.

42. Execution of Judgment in Appeal.
Superseded Art. 65, Law No. 11, 1892.

Writs.

43. The writ of execution shall be issued and signed by the Landdrost of the Court and shall be directed to the messenger of the Court and shall be made out as nearly as possible in the following form:—

“ C.”

“ Court of the Landdrost or Landdrost and Heemraden for the
District of
To G. F., Messenger of the Court.

WHEREAS in certain case heard in this Court, in which A. B. of
was plaintiff, and C. D. of was
defendant (properly describing the parties), the said A. B. on

the by judgment of this Court obtained judgment against the said C. D. for the payment of the sum of sterling, with and besides the sum of £ as costs incurred thereon by him, and which judgment was confirmed in appeal on the (if such is the case) with the further sum of £ as costs thereon, as appears from the records of the proceedings before the Court. Now, therefore, you are hereby commanded to attach the goods and chattels of the said C. D. which may be found in this district, and to raise therefrom by public sale the said sum (or sums) owing, together with the costs besides your costs thereby occasioned.

Pay further to the said A. B. the sum and costs due to him as aforesaid, and make your return thereon to the Landdrost of this Court.

For which this writ shall be your authority given under my hand at on the Landdrost of the Court aforesaid."

D. E. F. G.

(NOTE.—See Form C and Art. 60 Law No. 11, 1892.)

44. In all provisional cases or judicial orders, having the effect of a provisional sentence, the writ of execution shall also contain the command, that the party in whose favour it is issued shall give security *de restituendo* in case such provisional sentence may be altered or cancelled by final decision, and the deed of such security shall, as nearly as possible, be made out in the form given in Art. 35, and passed before the Registrar of the Court, unless the party against whom judgment shall have been pronounced shall waive his right to such security. (See Art. 66, Law No. 11, 1892.)

Condition in writ on provisional sentence.

45. Upon receipt of a writ of execution the messenger shall without delay proceed to the dwelling or abode of the person against whom it is issued, and then and there demand payment of the debt or damage, with the costs, or otherwise demand that such goods be pointed out as the messenger shall consider sufficient for the satisfaction of the said writ, which request being complied with the messenger shall frame an inventory thereof and attach the same, but in case of a refusal the messenger shall immediately attach and frame an inventory of so much movable property belonging to the debtor as he may find and shall deem sufficient; but in case the writ shall point out any special goods for attachment, he shall attach the same first.

Messenger duty.

46. The messenger of the Court shall give a copy of the said list or inventory, signed by him, to the debtor, but should the latter refuse to receive the same, the messenger shall leave the copy

Notice of attachment.

posted against the house or on the ground. A notice shall be attached to the said inventory according to the following form:—

C.

Notice of Attachment.

In the Court of the _____, for the _____ district
sitting at _____

In re

A. B.,
Plaintiff.

Contra

C. D.,
Defendant.

To the said defendant, C. D.,

Residing at _____

Take notice that I have this day laid an attachment on the articles specified in the above inventory, being thereto commanded by writ directed to me, under the hand of _____ of _____ and dated _____ for the recovery of certain judgment to the amount of £ _____ together with and besides the sum of £ _____ as costs recovered by A. B., as plaintiff against you as defendant before the Court of the Landdrost (or Landdrost and Heemreden), and also for recovery of the amount of my costs incurred in consequence thereof.

The _____ day of _____ 18 _____

J. R.,

Messenger of the Court.

(See Art. 71, Law No. 11, 1892.)

47. (Form of security for production of goods attached. Super-
seded by Art. 72 and annexure D of Law, No. 11, 1892, and by
Rule No. 66 and annexure K, High Court Rules).

48. Where the debtor does not give sufficient security in terms of the last preceding rule the messenger may remove the goods attached to any convenient place for safe keeping, or if live stock is attached, or goods which cannot be conveniently removed, he may leave the same at the place where they are until the day of sale under protection and in charge of any person or persons thereto appointed by him, the messenger. (Note—See Art. 73, Law No. 11, 1892).

Care of
attached
goods.

49. Where any one shall have removed or have disposed of any attached article as above in any fraudulent manner he may be apprehended and placed in gaol under writ of the Landdrost or Justice of the Peace, and prosecuted according to law. (See Art. 79, Law No. 11, 1892.)

Wrongful
removal of
goods
attached.

50. The sale of any goods attached as aforesaid shall be effected by public auction by the messenger, or his approved deputy,

Sale of goods
attached.

except where it may be otherwise determined by law, and the goods shall be knocked down to the highest bidder for cash payment. Such a sale shall be held at or near to the place where the goods were attached, as may best be arranged, and the messenger shall advertise the sale which is to be held in the *Staatscourant*, and by posting a notice on the office door and on the door of the house, or other public place near the house or the place where the sale is to be held, at least ten days prior to the sale, where the judgment does not exceed the sum of £15 (exclusive of costs), and at least three weeks where it does exceed this sum, and the day of sale shall in the former case not be fixed within 14 days, and in the latter case not within three weeks, reckoned from the day that the goods shall have been attached. No officer executing a judgment shall, either directly or indirectly, be a purchaser of such goods. (See Art. 82 of Law No. 11, 1892.)

51. (Repealed by Law No. 3, 1895).

52. (Records on appeal. Superseded by Art. 86, Law No. 11, 1892, annexure F to that Law.)

53. All fines, fees, or office charges shall be received by the Landdrost, and accounted for monthly. Fines.

54. The Registrar shall see and take care that no documents which are subject to the payment of stamp duty are accepted by the Court, if the provisions of the law in this respect have not been or are not immediately complied with. Stamps.

55. Upon petition of any creditor, accompanied by an affidavit from him, stating that his debtor, through his actions, is jeopardising the interests of the creditor, the Landdrost shall in his district have the right for account and risk of the petitioner to grant, confirm, or discharge arrests, or interdicts against persons or goods, for any claim or debt within his jurisdiction, and shall cause such arrests or interdicts to be executed by the Sheriff of the district. Interdicts.

56. Should it be found that any particular case has not been provided for by regulation, the Court shall at once report any such defects or requirements to the Government, in order that provision may be made with reference thereto according to law. Cases omitted.

PART II.

IN CRIMINAL CASES.

1. The Courts of Landdrost, or of Landdrost and Heemraden shall have jurisdiction in criminal cases according to the provisions of the Grond Wet and the Ordinance regulating Criminal Procedure. Jurisdiction.

2. Should the State Attorney or Public Prosecutor, by virtue of his office, decide to prosecute any person criminally for any crime or offence committed within the jurisdiction of the Landdrost Indictment.

Court, or of the Landdrost and Heemraden of any district in this Republic, he shall file with the Registrar of the Court a written complaint against the accused, describing him as nearly as he may be able to by his name and surname, residence and calling, and shortly but clearly setting out the nature of the crime or offence with which he is charged, and the time when, and place where the same was committed.

Private
prosecution.

3. Should a private person prosecute, he shall in like manner file a complaint, which shall be signed by him, or otherwise the Registrar shall make a note thereof in his presence, except in respect of petty cases upon complaint of the police, or of a master against his servant, or such like cases, in respect of which no formal summons need be taken out.

Minute books

4. The Registrar of the Court shall keep two minute books, one for criminal cases which shall be brought before the Landdrost alone, and the other for all cases which shall be brought before the Landdrost and Heemraden, and he shall submit these books to the Landdrost each court day, with all proceedings duly minuted therein up to the close of the business of the last preceding court day.

Speedy trial.

5. The trial of an accused, shall, if possible, always be held on the first ensuing court day after his arrest, or after the accusation shall have been laid against him, but should it appear to the Court that the trial cannot be proceeded with on the appointed day without incurring the risk of defeating the ends of justice, the trial may be postponed to any later court day, and such postponement shall be recorded in the minutes.

Indictment
and
subpœnas.

6. The summons against the accused and subpœnas of witnesses shall be made out and signed by the State Attorney or his representative, as also a copy for each person summoned or subpœnaed, and shall be served by the messenger of the Court.

The summons against an accused shall be as nearly as possible made out in the following form :—

“ Court of the Landdrost (or Landdrost and Heemraden), of
the district of the South African Republic.

To the Messenger, J. P.

Summons C. D. of

(describing him accurately),

that he appear personally before the Court of Landdrost
at on the day of , 18 ,

at 9 o'clock in the forenoon, and attend there until he shall
be called up, then and there to answer upon the complaint
and information of E. F., State Attorney, or his representative
acting on behalf of the Government of the South African
Republic (or of G. H., of &c., accurately
describing him), that the said C. D., on or about the

day of last, did violently assault and beat the
said G.H., and he thereupon prays the judgment of the
Court.

Summon also such witnesses as the said C.D. shall desire to have heard on his behalf.

Give a copy hereof to the accused, and make your return to this Court, upon the day of sitting aforesaid.

Given under my hand this day of 187 .

J.M.,

State Attorney or his Representative."

7. Any party who may desire to subpoena any witness to give evidence in any criminal case, shall take out a summons or subpoena through the Landdrost, and should the accused person be unable to pay the expenses of the summoning of his witnesses, and the State Attorney or his representative find that such witnesses are important and necessary for his defence, the State Attorney or his representative shall also issue such subpoena, and cause it to be served at the public expense, and such subpoena shall as nearly as possible be issued in the following form:—

"Court of the Landdrost (or Landdrost and Heemraden), of the district of the South African Republic.

To the Messenger of the Court, J.P.

Summon A.B., of , C.D., of , and E.F., of , (describing them as nearly as possible) that they and each of them personally appear before the Court of the Landdrost (or of the Landdrost and Heemraden) at on the day of , 187 , at 9 o'clock in the forenoon (and there attend until they shall be called up or dismissed), in order to give evidence of the truth of everything known to them concerning certain accusation laid by the State Attorney or his representative against J.A., of (describing him), in respect of the crime of

Give to each of them, the said A.B., &c., a copy of this summons, and make your return to the court upon the day of sitting aforesaid.

Given under my hand, at this day of 187 .

(Signed) L.M.,

Landdrost."

8. Should the accused, after having been duly summoned, not appear on the day fixed, and should he not have been prevented by illness or other unavoidable and serious circumstances, to be adjudged by the Court, the Landdrost shall upon request of the complainant, issue a writ for his arrest, and shall also, should he deem fit so to do, fine the accused for his default in a sum not exceeding five pounds sterling.

Arrest of accused for non-appearance.

9. Should the complainant not appear upon the day fixed for the sitting, his complaint shall be dismissed, and should he be a private person, the Court may, upon request of the accused, award

Complainant in default.

the latter such costs against the complainant (should he not be able to adduce any of the excuses mentioned in the preceding paragraph) as it may deem fit.

Non-appearance of witnesses.

10. Any person duly subpoenaed to give evidence in any criminal case and not appearing may, if he can adduce no lawful excuse to the satisfaction of the Court be fined in the same manner as is provided with regard to civil cases; and it shall be lawful for the Court upon affidavit of the State Attorney or his representative, or the accused or his agent, that such person is an important witness in the case, to postpone the case in terms of Art. 21 of the "Civil Procedure."

Summary hearing.

11. Upon request, or with consent of parties, the Court may try a case summarily without a summons having been issued.

Trial.

12. Upon the day that the case is to be tried before the Court, the Registrar shall read out the complaint, thereafter ask the accused what he has to say thereon, and should the accused deny, or defend, the Court shall proceed with the examination and trial; first taking the evidence and proofs of the complainant, and thereafter that of the accused, and the Landdrost shall himself minute the same in a book to be kept by him for that purpose.

Sentence.

13. When the trial is finished the Court shall publicly pass sentence, and the Registrar shall immediately record the same; and in case the Court shall by any special provision of law have jurisdiction for the passing of any sentence in excess of the ordinary jurisdiction granted to such Court in general, the Registrar shall make a note in the minutes of such special provision of law, and shall also note in general terms the grounds and reasons of the judgment.

Examination of witnesses.

14. The hearing and examination of witnesses shall be conducted in the same manner as is provided in that respect in the regulations for civil cases.

Acquittal.

15. Should an accused be acquitted of the crime or offence with which he was charged, or should the case be dismissed by reason of the non-appearance of the complainant, the accused shall be immediately discharged.

Imprisonment.

16. Any person who shall have been condemned by the Court to imprisonment or corporal punishment, shall be committed to prison under a writ, signed by the Landdrost, as nearly as possible in the following form:—

"Court of the Landdrost (or of the Landdrost and Heemraden)
for the district of _____ South African Republic.
To the gaoler or custodian of the prison at _____ .

WHEREAS the undermentioned prisoners were this day respectively declared before this Court to be guilty of the various undermentioned offences, and have been condemned by the Court to undergo the punishments specified for each of them opposite his or her name: Now therefore you are hereby directed to take

and keep the said prisoners in your custody until they shall have undergone the said punishments, or shall be otherwise lawfully discharged or released therefrom.

Names of Prisoners.	Of what crime found guilty.	Judgment.
T. F.	Theft.	
C. D.	Assault.	
E. F.	Drunkenness, &c.	

Given under my hand at this day of 187 .

T. L.,
Landdrost.
 M. L.,
Registrar of the Court."

17. In all cases of offences or contraventions which may be brought into review or appealed from according to law, the Registrar of the Court shall, at the charge of the party who is bringing such case into review or appeal (unless he shall have obtained leave to sue *pro Deo*) transmit certified copies of the records to the Registrar of the Superior Court in the same manner as is provided by the regulations in civil causes, and the appellant, as also in case of review, shall, with reference to the time limits and in all other respects, be bound by the regulations in that respect existing with regard to civil cases.

Revision or appeal.

18. All indictments in criminal cases shall be served by the Messenger of the Court or his lawful deputy in the same way as is provided in that respect by the regulations in civil cases.

Service of process.

19. Should it be found that these regulations make no provision for any particular case, the Court shall immediately report such defects or requirements to the Government, in order that provision may be made therein according to law.

Causa ommissi.

20. All Laws and provisions in conflict herewith are hereby repealed and declared null and void.

Repeal.

21. The preceding regulations, both in civil and criminal cases, shall come into operation and have the force of Law as and from the publication thereof, according to Art. 69 of the Grondwet.

THOS. BURGER,
State President.

By order,
 SWART,
State Secretary.

Government Offices,
 Pretoria,
 12th December, 1874.

LAW No. 2, 1874.

WEIGHTS AND MEASURES.

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

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

Repeal.

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

Standard models to be procured.

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

The standard models deposited with the Treasurer General.

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

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

Each Landdrost shall have a set.

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

Landdrost's duties to preserve a set of weights and measures.

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

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

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

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

Old system of weights and measures abolished.

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

Inspection of weights in use.

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

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

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

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

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

Fraud.

¹ See Law No. 6, 1896.

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

Jurisdiction.

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

Destruction of unjust weights, &c.

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

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

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

Lead and pewter weights not allowed.

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

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

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

Standard fixed.

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

Imprisonment.

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

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

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

THOS. BURGERS,

State President.

By order,

SWART,

State Secretary.

Government Office,

Pretoria,

14th December, 1874.

LAW No. 3, 1874.

TO PROVIDE FOR THE ADMISSION OF CONVEYANCERS.

Enacted by Volksraad Resolutions, dd. 17-21 October, 1874, Arts. 135, 136, 143, 146, 147 & 148.

WHEREAS it is necessary to more accurately define the duties of officials and other person, in respect of the drawing of bonds and transfers, be it hereby enacted:—

1. Each burgher shall be entitled to draw up his own transfers or bonds. Henceforth no official shall be entitled to do any private work during office hours. Should any one desire to practice in this way (*sic*) he shall take out a proper licence therefor and the tariff shall not be more than 2s. 6d. (*sic*).

Each person may pass his own deeds.

2. Any person entrusted by the Government with and examined in regard to the drawing of transfers and bonds shall be provided with a licence of £5 sterling, with this exception that persons who make out their own transfers or bonds need not take out any licence therefor.

Conveyancer's licence.

3. The examination referred to in the preceding article shall be conducted by the Board of Examiners. The applicant shall pay an examination fee of £10, half of which shall go to the Treasury and half be divided amongst the members of the Commission of Examiners in Law.

Examination.
Fee.

4. All Laws and provisions in conflict with the above are hereby repealed.

Repeal.

Operation.

5. This Law shall come into operation three months after promulgation thereof in terms of Art. 69 of the Grondwet.

THOS. BURGERS,
State President.

By order,

SWART,
State Secretary.

Government Office,
Pretoria,
3rd November, 1874.

LAW No. 4, 1874.

EDUCATION.

LAW No. 5, 1874.

TO LIMIT THE LIABILITY OF MEMBERS OF CERTAIN COMPANIES.

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

Preamble.

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

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

Meaning of
the term
company.

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

How limited
liability may
be obtained
by future
companies.

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

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

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

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

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

How with companies already established.

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

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

5. If such company do not paint and keep affixed its name in the manner aforesaid, each of the directors thereof shall be liable to a penalty not exceeding five pounds sterling for this omission, and for every day as long as the omission lasts; and if any director or subordinate official of the company, or any other person on its

Penalties for non-observances of regulations.

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

Increase of nominal capital to be registered.

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

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

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

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

Return to Registrar of Deeds.

8. In the months of January and July in every year, the directors of every such company, which has obtained a certificate of registration with limited liability, shall make or cause to be made, the following return to the Registrar of Deeds, namely:— A return, according to the schedule hereunto annexed, containing the particulars therein set forth of every transfer of any share in such company, which shall have been made in the share transfer

list, or book kept by the said company, and also of the changes in the names of all shareholders of such company, whose name may have been changed by marriage or otherwise since the last preceding six-monthly return, or since the registration of the company, by the Registrar of Deeds, as the case may be.

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

Penalty for default.

Copy of return to be sent to the Landdrost.

Penalty.

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

Return of single transfer may be made.

11. Every person shall be at liberty to inspect the returns, deeds, registers, and indexes kept by the said Registrar of Deeds and the Landdrost, in pursuance of the provisions of this Act, or to demand a copy or extract of any such return or deed, certified by the said Registrar of Deeds, and for such inspection, certified copy or extract there shall be paid such fees as the President, with the advice and consent of the Executive Council, may appoint from time to time in that behalf, not exceeding one shilling [¹], for each such inspection, and ninepence for each page of such copy or extract [²], and in all Courts of this Republic every such copy or extract, so certified, shall be received in evidence without proof of the signature or of the seal of office affixed thereto.

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

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

Fees for registration of Company.

When the nominal capital shall be five thousand pounds sterling or under, the sum of ten pounds.

When the nominal capital shall exceed five thousand pounds, and not exceed twenty thousand pounds sterling, the sum of twenty pounds.

When the nominal capital shall exceed twenty thousand pounds, the sum of thirty pounds sterling.

¹ Search fee at all offices exclusive of the High Court, fixed at 5s., by Volksraad Resolution of 6th June, 1876, Art. 113.

² Copies of documents (Law No. 5 of 1882) are now stamped 5s. for the first 100 words and 1s. for every following 100 words.

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

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

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

Effect of execution against a company.

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

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

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

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

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

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

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

17. Payments shall be made only in cash.

Cash payments only.

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

Repeal.

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

Short title.

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

Operation.

THOMAS BURGERS,
State President.

By order,

SWART,
State Secretary.

Government Office,
Pretoria,
18th December, 1874.

SCHEDULE.—(See Section 8).

Return made in accordance with "The Limited Liability Companies Act," No. 5, 1874.

TRANSFER OF SHARES.

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

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

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

Date _____

Signature _____

LAW No. 6, 1874,

(FOR THE INCORPORATION OF COMPANIES.)

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

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

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

THOS. BURGERS,
State President.

By order,

SWART,
State Secretary.

Government Office,
Pretoria,
18th December, 1874.

VOLKSRAAD RESOLUTION, dated 8th October, 1874.

91. Grant of 18 orven for a Botanical Garden at Pretoria.

LAW No. 1, 1875.

POWDER MAGAZINES IN THE SOUTH AFRICAN REPUBLIC, AND
INSTRUCTIONS FOR THE MASTER OF THE POWDER MAGAZINE.

Enacted by Volksraad Resolution, dated 31st May, 1875, Art. 172.

1. Every powder magazine or building for the storage of ammunition in each district used for that purpose by the Government, shall stand under the immediate supervision of the Government.

Powder
magazines
under
Government
supervision.

2. In order that danger may be avoided, no person shall be permitted to keep more than 5 lbs. of powder in any private house, or store in places where a building such as is mentioned in Art. 1 exists.

Only 5 lbs.
of powder
may be stored
in private
house.

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

Charge for storage.

3. The importers of ammunition shall have the right to keep in the magazine, such quantity as the space available there shall permit of, upon payment of 2s. 6d. per 100 lbs. per month.

PROVISIONS RELATING TO AND SUPERVISION OF POWDER MAGAZINES.

Magazine master.

4. An overseer, or powder magazine master, shall be appointed by the Government for every such magazine or building, with a salary of £ per annum, after sufficient security or sureties shall have been given to the satisfaction of the Government, for his administration and the fulfilment of his instructions.

Opening of magazine.

5. The magazine master shall be obliged to open the powder-house, should he be asked so to do, every day, Sundays and holidays excepted, in the morning from 8 to 10 o'clock and in the afternoon from 4 to 6 o'clock, for the receipt and issue of powder.

Substitute magazine master.

6. In the absence of the powder magazine master, he may appoint someone to act in his stead, but shall be responsible for the actions of such person.

Opening of magazine for Government.

7. The powder magazine master shall be obliged to open the magazine at any time upon order of the Government.

Receipt of gunpowder.

8. Upon arrival of ammunition, which it is intended shall be stored in the magazine, the magazine master shall be obliged to open the magazine immediately upon notice received.

Charge for storage of powder in transit.

9. If powder intended for transmission to private persons, at any other place, has temporarily to be stored in the magazine or building, 2s. 6d. per 100 lbs. shall be paid for such storage for each period of thirty days or portion thereof.

Magazine master must exercise utmost care.

10. The magazine master shall exercise every possible care of the powder under his charge in the magazine, so that damage and loss may be avoided; if he be negligent he shall be responsible.

Airing the powder barrels, &c.

11. The magazine master shall, as often as necessary, properly air and turn over the powder on a suitable day, and exercise every precaution to avoid accidents.

Books.

12. The magazine master shall be obliged to keep books giving a proper record of all the powder stored in the magazine, as well that stored on behalf of the Government as that stored by private people.

Monthly statement to Auditor.

13. The magazine master shall balance his books monthly in due form, and transmit an extract thereof to the Auditor General, and shall pay in monthly to the Landdrost of his district, all monies received by him from private persons for the storage of powder.

General Monies.

14. Upon application of the Auditor General the magazine master shall be obliged to furnish him with such copies as he may require and to grant him an inspection of the books.

15. Before assuming office the magazine master shall take the following oath before the Government or any other official, thereto appointed by the Government, to wit :—

“ I promise and solemnly swear to be faithful to the people
 “ of this Republic, honourable, just and fair in the exercise
 “ of my function and office, without respect of persons,
 “ according to law, and that I shall act according to the best
 “ of my knowledge and conscience; that I shall truthfully
 “ report on all matters with reference to which I am
 “ addressed; that I shall obey the commands of those
 “ placed over me, according to law, and properly account for
 “ all monies entrusted to me, where and whenever the
 “ same shall be required of me. So truly help me God
 “ Almighty.”

16. This Law shall come into operation immediately after publication.

P. J. JOUBERT,

Acting State President.

By order,

SWART,

State Secretary.

Government Office,

Pretoria,

20th September, 1875.

LAW No. 2, 1875.

REGULATIONS FOR THE STAMP MASTER AND DISTRIBUTORS OF
 STAMPS IN THE SOUTH AFRICAN REPUBLIC.

Enacted by Volksraad Resolution, dd. 31st May, 1875, Art. 173.

1. All postage or other stamps of the South African Republic shall be manufactured by a commission appointed by the Government and shall be handed over by such commission to the Treasurer General, duly sealed for safe keeping. Manufacture of stamps.

2. The printing press for stamps, ink, &c., shall be kept under seal in the Executive Council rooms. Custody of dies, &c.

3. The postage and other stamps shall be received only by the distributor of stamps against his receipt, and shall be issued by him only to the various departments, thereto appointed by the Government in each district, upon obtaining receipts therefor. How stamps distributed.

Monthly reports.

4. He shall hand in a monthly report thereof to the Auditor General.

Monies.

The various distributors of stamps appointed by the Government shall send in monthly to the Auditor General a return of the stamps sold by them, and shall pay in the proceeds monthly to the Treasurer General.

Operation.

5. This Law shall come into operation immediately after publication. [¹]

P. J. JOUBERT,

Acting State President.

By order,

H. STIEMENS,

Acting State Secretary.

Government Offices,
Pretoria,

14th July, 1875.

LAW No. 3, 1875.

POSTAGE STAMPS.

(Repealed.)

LAW No. 4, 1875.

INSTRUCTIONS FOR THE LAND COMMISSION.

Amended and enacted by V.R. Resolution, dd. 1st June, 1875, Art. 173.

Land commission in each district.

1. There shall be in each district a land commission consisting of three members to be appointed by the State President upon recommendation of the Landdrost; such land commission shall appoint one of its number to be chairman and one to be secretary.

Provisional appointments.

2. The Landdrost shall have the right to make provisional appointments subject to the approval of the State President.

3. Superseded by Art. 1 of Law No. 6, 1885.

Meeting of commission.

4. It shall be the duty of this commission to meet upon the request of any burgher, and it shall always consist of three members. The commission shall in the first instance try and settle the dispute amicably between the parties.

¹ See Law No. 13, 1898.

- 5.** Should one or more of the members or one of his or their relations by blood or affinity within the third degree have an interest in the matter in dispute, or should one or more of the members be prevented from acting, the remaining member or members shall with the consent of parties elect one or more intelligent burghers to act for the time being under these instructions after being duly sworn in by the chairman. How, if a member be interested.
- 6.** Should any person desire to call in the commission, he shall apply in writing to the chairman of the commission, who shall thereupon convene a meeting of the commission on a day and place to be appointed by him within a period of one month. How land commission called in.
- 7.** The commission shall elect one of its number to be chairman of the commission, and notification thereof shall be given to the public by means of advertisement in the *Staatscourant*. Chairman.
- 8.** The commission shall be obliged to keep a list of the dates of the applications sent in to it, and shall, as near as may be, observe the order as established by such lists, so that the person who shall have the first applied may also be first served. Roll of cases.
- 9.** The commission shall be obliged to enquire whether any previous agreements or settlement exist, and shall be bound to observe the same. Agreements.
- 10.** In respect of witnesses, a letter from the chairman shall have the same effect as a lawfully issued subpoena, and all provisions relating to witnesses in civil cases before Courts of Law, shall apply to witnesses thus cited by letter to appear. Witnesses.
- 11.** It shall be the duty of the commission to hear and carefully note evidence tendered by the parties, or which they shall desire to have recorded, and upon request of any one of the parties to have the same duly sworn, and to keep a note of the documents put in. Records.
- 12.** The chairman of each land commission shall, in the exercise of his function, be a Justice of the Peace. Chairman is ex officio Justice of the Peace.
- 13.** If requested so to do by the parties or one of the parties, it shall be the duty of the commission to ride along the lines of the farm, according to the instructions issued to inspectors, and the commission shall see that the horses which are being used do not proceed at a greater pace than 300 Rhineland feet in one minute. Inspection in loco.
- 14.** The chairman of the land commission shall, immediately after the case is finished, transmit all original documents, or the entire record of the case, to the Landdrost office of the district to which they are attached. Lodging of records with Landdrost.

Report lying
for inspection.

15. The Landdrost shall notify in the *Staatscourant* that such commission report will lie at his office during two months for the inspection of all concerned; the names of the respective parties, of the farms, erven or pieces of land, with particulars of the situation of the same and the ward, shall be accurately stated in such advertisement.

Appeal.

16. It shall be open to the parties during a period of two months from the date of such publication to note an appeal at the Landdrost office against the decision of the land commission, upon payment of the costs of appeal to the Court of Landdrost and Heemraden.

17. Should no appeal have been noted within the said two months, the decision of the land commission shall become final.

Prosecution of
appeal.

18. Should appeal be noted, the same shall be prosecuted at the first ensuing session of the Court of Landdrost and Heemraden, for that district, due regard being had to the provisions of the law.

(See par. 8, Law 6, 1885.)

Members
appointed for
two years.

19. The members of the commission shall be appointed for the period of two years.

Pay.

20. Each member of the commission shall receive 21s. per diem during the time he shall be kept away from his other work, and 15s. per diem as wagon hire.

Costs.

21. The losing party shall pay the costs.

Execution.

22. If the party adjudged by the commission to pay costs shall neglect to pay such costs within two months after the decision, whether appeal shall have been noted or not, the decree awarding such costs may be executed by the sheriff in the same manner as a judgment of court, upon application made by the chairman of the commission to the Landdrost, who shall instruct the sheriff.

The costs shall first be taxed and certified according to law by the Landdrost of the district concerned.

23. (Repealed by Art. 8 and sub d. of Art. 2, Law No. 6, 1885.)

Citation.

24. Each party shall be summoned by letter in the manner and subject to the provisions contained in Art. 10.

Jurisdiction.

25. Should questions arise as to beacons of farms which extend beyond the boundary of one district into another, such questions shall be decided by the judge of the district in which the farm of the defendant is.

26. These instructions shall come into operation, in terms of the provisions of Art. 69 of the Grondwet.

P. J. JOUBERT,
Acting State President.

By order,

H. STIEMENS,
Acting State Secretary.

Government Offices,
Pretoria,

23rd June, 1875.

VOLKSRAAD RESOLUTION, dd. 20th May, 1875.

96. The Raad resolves to authorise the Government to levy a tax on every male person, above the age of 16 years, white as well as coloured, of 2s. 6d. per annum, intended exclusively for the maintenance and improvement of the public roads in this Republic, so that no item need be brought up in respect thereof in the estimates. This resolution shall come into operation immediately in terms of Art. 12 of the Grondwet. Road rates.

VOLKSRAAD RESOLUTION, dd. 11th May, 1875.

44. The Volksraad resolves that :—

That for the present it does not consider it advisable to compel Kaffirs to wear clothes.

Clothing of
Kaffirs.

GOVERNMENT NOTICE.

No. 1998 L. Laws 1875, page 633.

Draft ordinance relating to Tenders and Procedure in calling for same. Tenders.

VOLKSRAAD RESOLUTION, 2nd June, 1875.

183. The Raad resolves :—

That the Registrar of Deeds shall endorse on every diagram which deed of transfer it belongs to.

Diagrams.

VOLKSRAAD RESOLUTION, dd. 22nd May, 1875.

114. On the order "stamps on contract" (excluding contracts with servants).

1 per cent.

The Raad resolves to approve of the stamping of contracts as recommended by the commission. Stamps on
contracts.

On the order "stamps on promissory notes" (bills or acknowledgements of debt).

(a.) Not exceeding £10 - - - - £0 0 6

This is approved of with the addition of the words "only upon their being negotiated."

In like manner are approved:—

		£	s.	d.
	(b.) Above £10, and not exceeding £25 - -	0	1	0
	(c.) " £25 " " £50 -	0	1	6
	(d.) " £50 " " £100 -	0	2	0
	(e.) " £100 " " £200 -	0	2	6
	(f.) " £200 " " £500 -	0	3	6
	(g.) " £500 upwards - - -	0	5	0
Surveys &c.	On the order "stamps on appointment of surveyors, &c." - - - -	15	0	0
Doctors.	Approved, as also "admission of doctors" -	10	0	0
Apothecaries.	Approved by majority, on the order "admission of apothecaries" - - - -	5	0	0
	Unanimously approved of, as also "admission of doctor and apothecary" - - - -	12	10	0

(See F.V.R.R. 22nd, July, 1895.)

Stamps only on cheques.

On the order "stamps on every order on a bank (cheque)" for whatsoever amount, excepting those which are issued on behalf of the Government, shall be provided with a stamp of 1d. (one penny).

Approved by a majority.

(Memo. : Portions of above resolution relating to stamps on deeds of grant and diagram and superseded respectively by Laws No. 5, 1882, and No. 9, 1891, are omitted).

VOLKSRAAD RESOLUTION, 24th May, 1875.

Poll taxes.

147. The Raad resolved to adopt the recommendation of the Commission "that such persons as are owners of erven in a village where a municipality has been established shall also be liable for poll taxes, as well as those who have no ground or only one freehold (eigendoms) farm.

(See V.R.R. Art. 1311, dd. 27th July, 1887.)

VOLKSRAAD RESOLUTION, dd. 2nd May, 1876.

Orphan Chamber Law.

6. The Volksraad resolves that, inasmuch as a misconception may arise as to the heading of the Orphan Chamber Law, from which it might be implied that the said Law was only brought into

operation for one year, it is hereby declared that the said Law has already been in operation since 1870, and is and shall continue in force as such.

GOVERNMENT NOTICE.

No. 2,139.—EXECUTIVE COUNCIL RESOLUTION, dd. 17 Nov., 1875.

238. Resolves, that it must be clearly understood, that head officials, sheriffs and salaried clerks are strictly forbidden to undertake any agencies, to be executor datives in the estate of any stranger, to hold auctions, or to do anything which is of the nature of an agency, until the Volksraad at the first ensuing ordinary session shall make further provision with reference hereto.

Officials may not undertake agencies.

(See V.R.R., Art. 733, dd. 3rd October, 1884.)

GOVERNMENT NOTICE.

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

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

Legalisations.

VOLKSRAAD RESOLUTION, dd. 4th and 5th June, 1876.

102. The Volksraad resolves with regard to Road taxes to amend V.R. Resolution, Art. 96, of 20th May, 1875, in such wise, that the tax shall be levied only upon all male persons above the age of 21, with the exception of servants; such tax shall be paid every year on the 1st June.

Road rates.

VOLKSRAAD RESOLUTION, 5th June, 1876.

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

Land tax.

This resolution shall apply both to loan and freehold farms.

VOLKSRAAD RESOLUTION, dd. 7th June, 1876.

Taxes on
freehold
farms.

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

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

VOLKSRAAD RESOLUTION, dd. 7th June, 1876.

Searches.

113. On the order "Inspections made at any office," 5s.

Stamps on appointments by orphan chamber, 2s. 6d.

Approved.

(Repealed by Law No. 5, 1882, as regards the deeds office.)

Tax on
advertising.

115. On the order, recommendation of the commission:—

The commission recommends that one shilling shall be levied for the benefit of the Government on every advertisement appearing in newspapers issued in this State. Yearly standing advertisements only 1s. per quarter.

The recommendation was accepted and confirmed.

(See Note.—Further confirmation by V.R.R., Art. 205, dd. 13th June, 1876, text of which is not given.)

VOLKSRAAD RESOLUTIONS, 7th June, 1876.

Marriage
fees.

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

Confirmed.

Railway tax.

118. On the order supplementary estimates, to provide interest on the railway loan:—

"The Commission adopts the proposal of the State President, viz., that in order to provide for interest on the railway loan,

the extra contributions should be increased to £1. 10s., instead of £1, on all loan farms in this State, and, further, that a like amount shall be paid by each burgher, who is not the owner of a loan farm, inasmuch as £1, as fixed by V.R.R., dated 16th November, 1874, is not sufficient to cover the interest on the railway loan.

“In conclusion, the Commission wishes to remark in this connection that it recommends that the income and expenditure relating to this tax shall be kept separate, and not be mixed up with the ordinary estimates of income and expenditure.”

The Raad resolves to approve of the Commission report. Confirmed.

VOLKSRAAD RESOLUTION, 12th June, 1876.

201. Resolved that in future (the Government) should not pay for any translation work, except the same be made by licensed translators. Sworn translators.

216. Dated 14th June, 1876.

The Volksraad resolves that Art. 1 of Law No. 1, 1874, shall be amended to read as follows:—

“No one shall be entitled to appear before any court as attorney as agent for any party, unless he shall have been duly admitted as an attorney to practise in the higher courts or as agent in the lower courts. It shall, however, be free to any person to conduct his own case.” Advocates, attorneys, and agents.

VOLKSRAAD RESOLUTION, dated 14th June, 1876.

219. The Volksraad resolves that Art. 50 of Appendix III. shall read as follows:—

“It shall not be permitted (upon pain of a fine of £7. 10s. for each contravention) that any person should in any way whatsoever assume the title of advocate, attorney, notary or agent for the lower courts who shall not be the holder of a proper certificate of admission from the Executive Council.” Advocates, &c.

222. On the order request of the Executive Council for authority to grant concessions on terms the most profitable to the country, to persons who wish to put up mills on the town lands of towns where as yet no municipality has been established. Flour mills.

The Raad resolves “to authorise the Government to grant such concessions on profitable terms to any persons who shall apply for leave to put up mills on town lands.”

LAW No. 1, 1877.

(FOR THE PUNISHMENT OF ALL EVILLY DISPOSED PERSONS, WHO MAY SEEK TO UNDERMINE THE INDEPENDENCE OF THE STATE.)

(Enacted by Volksraad Resolution, dated 8th March, 1877, Art. 35.)

WHEREAS it is necessary that decisive measures be taken and provision made to prevent and punish the efforts whereby certain evilly disposed persons continuously seek to undermine the independence of the State and to bring about a state of unrest and insurrection :

Now therefore the Volksraad resolves :—

Crime against the independence of the State.

Applications, &c., to foreign power.

Inciting inhabitants to co-operate in petitioning foreign power.

Circulating writings, &c.

Treason.

Previous Laws.

The following persons shall be guilty of a crime against this State, viz :—

1. Inhabitants, who, without having first obtained leave of the Volksraad shall apply to a foreign power or its administrators or agents with the object of in any respect depriving the State of its freedom and independence, or bringing it under the control, authority or influence of such foreign power.

2. Inhabitants who shall incite or induce other inhabitants by word, in writing or in print to co-operate or assist in the advancement or attainment of the object aforesaid, or who shall with that object in view offer them petitions and such like documents for signature.

3. Inhabitants who shall prepare, print or circulate any writings, printed matter and petitions, as referred to in the previous article.

4. Persons, who shall be guilty of one or more of the above-mentioned acts, shall according to the circumstances under which the acts were committed be guilty of the crime of high treason, or treason and shall be liable to the penalties provided therefor.

5. Nothing contained in the preceding articles, shall be deemed to modify, supersede or repeal the existing laws, relating to the crime referred to in the preceding article.

This law shall come into operation immediately.

THOS. BURGERS,
State President.

SWART,
State Secretary.

Government Office,
Pretoria,
12th March, 1877.

1878 & 1879. There were no laws passed during these two years.

LAW No. 1, 1880.

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

(TO MAKE PROVISION IN THE ABSENCE OF A PUBLIC SEAL FOR THE TRANSVAAL PROVINCE, FOR THE USE OF THE PRIVATE SEAL OF THE OFFICER ADMINISTERING THE GOVERNMENT THEREOF.)

WHEREAS there is at the present time no public seal for the Transvaal Province: Preamble.

And whereas, from time to time, public documents requiring to be sealed with the public seal of the Province have been signed by and, in the absence of such public seal, have been sealed with the private seal of the officer administering the Government of the said Province:

And whereas in the absence of any instruction or order appointing and directing the use of any particular seal as the public seal of the Transvaal province, it has been deemed advisable to make provision in reference to documents and things which have been or which may hereafter be sealed with the private seal of the officer administering the Government of the said Province, such seal being used as the public seal of the said Transvaal Province:

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

1. All deeds, proclamations, appointments, and all public documents of what nature or kind soever: and all things which have been signed by the officer administering the Government of the Transvaal Province, and sealed by him in such capacity with his private seal in the absence and in the stead of a public seal, shall be as valid and effectual to all intents and purposes as if they had been sealed with a public seal appointed by competent authority for the sealing of all things whatsoever that should pass the seal of the said Transvaal Province.

Validating public documents sealed in the absence of a Public Seal with the Private Seal of Officer administering the Government.

2. Until further provision shall have been made in this behalf, the private seal of the officer who, from time to time, shall administer the Government of the Transvaal Province, shall be to all intents and purposes the public seal of the said Province, and the officer administering the Government of the Transvaal Province is hereby authorised and empowered to keep such private seal and to use the same as the public seal of the said Province, and all things whatsoever which shall pass and be sealed by the said private seal shall be as valid and effectual to all intents and purposes as if they had been sealed by and with a public seal duly appointed for use in the said Transvaal Province for the sealing of all things whatsoever that shall pass the seal of the said Province.

Constituting Private Seal of Officer administering the Government, the Public Seal of the Province and making provision for its use.

3. For all purposes, whatsoever, the said private seal of the officer administering the Government, shall, as regards the past

Said Private Seal may be referred to as Public Seal.

and future use thereof, be rightly designated, known, and referred to as the public seal of the Transvaal Province.

Commence-
ment of Law.

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

Given at Government House this eleventh day of March, 1880.
By command of His Excellency the Administrator.

(Signed) GEORGE HUDSON,
Colonial Secretary.

LAW No. 2, 1880.

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

(TO REPEAL THE LAW ENTITLED THE "OORLOGS WET".)

Preamble.

WHEREAS it is expedient to repeal the Law entitled the "Oorlogs Wet," which was passed and confirmed by the Honourable the Volksraad on the twelfth and thirteenth days of March, 1866 :

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

Oorlogs Wet
of 1866
repealed.

1. That the Law entitled "The Oorlogs Wet," passed and confirmed by the Honourable the Volksraad on the twelfth and thirteenth days of March, 1866, shall be, and the same is hereby, repealed.

Commence-
ment of Law.

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

Given at Government House this ninth day of April, 1880.
By Command of His Excellency the Administrator.

(Signed) GEORGE HUDSON,
Colonial Secretary.

LAW No. 5, 1880.

INDEMNITY RE SEKUKUNI WAR.

(Obsolete).

LAW No. 4, 1880.

FINANCE.

(Obsolete).

LAW No. 5, 1880.

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

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

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

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

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

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

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

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

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

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

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

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

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 6, 1880.

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

(TO ALTER AND AMEND IN CERTAIN RESPECTS CERTAIN LAWS ENACTED AND RESOLUTIONS PASSED BY THE VOLKSRaad OF THE LATE SOUTH AFRICAN REPUBLIC, AND TO ALTER THE PRESENT RATE OF TAXATION UPON NATIVES IN THIS PROVINCE.)

Preamble.

WHEREAS it is expedient to alter and amend in certain respects, the Laws enacted, and Resolutions passed by the Volksraad of the late South African Republic, relating to the tax on native huts or dwellings, and to impose a general and uniform tax on native huts or dwellings throughout the Province of the Transvaal: And whereas it is desirable to impose certain office fees upon natives passing through or travelling in this Province:

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

Repeal of all resolutions and Laws repugnant to, or inconsistent with this Law.

Law No. 4, 1873, and portions of Law No. 3, 1876, repealed.

A tax of 10s. for the year 1880, imposed on each native hut or dwelling.

An annual tax of 10s. imposed on each native hut or dwelling from and after 1st January, 1881.

By whom, to whom, and when the aforesaid tax is payable.

1. Any Resolutions passed, and Laws enacted by the Volksraad of the late South African Republic, in so far as they may be repugnant to, or inconsistent with any of the provisions of this Law, shall be, and the same are hereby repealed.

2. Law No. 4 of 1873, entitled "Law for the taking out of passes by natives in the South African Republic, approved and confirmed by Volksraad Resolutions dated 5th and 6th of August, 1872, Arts. 184, 189, and amended by Volksraad Resolutions dated 10th March 1873, Art. 33, and Sections 4, 5, 6, 7, 8, 9, 10, 16 and 17, of Law No. 3 of 1876, entitled "Laws concerning Natives" approved and confirmed by Volksraad Resolutions dated 9th June, 1876, Art. 143, shall be and are hereby repealed.

3. An annual Tax of ten shillings sterling shall become due and is hereby made payable in respect of every hut or dwelling occupied by a native within this Province: and shall be levied for the period commencing on the 1st day of January and ending on 31st day of December, one thousand eight hundred and eighty (1880), on and after any date to be hereafter fixed by proclamation of the officer administering the Government.

4. From and after the first day of January 1881, the said annual tax of ten shillings sterling shall become due and is hereby made payable in respect of every hut or dwelling occupied by a native within this Province: and shall be levied at any such date, on and after the first day of January in each and every succeeding year, as may be directed by the Administrator or officer administering the Government.

5. The aforesaid tax shall be paid by the native occupying, using or claiming such hut or dwelling as aforesaid, during the year or at the time of the collection of the tax for the year in

respect of which such tax shall be payable: and shall therefore be paid by the native liable to pay the same, to such officer as shall be duly authorised, as hereinafter mentioned, to collect and receive the same, at such time and place as the Administrator or officer for the time being administering the Government of this Province shall appoint for that purpose.

Administrator to appoint collectors.

6. The Administrator or officer for the time being administering the Government may from time to time appoint such persons as he may think fit, to be collectors of the aforesaid tax. The cost of the collection of the said Native Hut or Dwelling Tax shall be defrayed by the authority of the said Administrator out of the General Revenue: provided, however, that the total expenditure so authorised shall not exceed a percentage of 5 per cent. upon the whole amount collected.

Cost of collection not to exceed 5 per cent., to be defrayed out of the general revenue of the Province.

7. Every foreign native, entering any district of this Province, shall be bound to apply to the Landdrost of the district first entered by such native, or to such other officer as may be appointed for the purpose of granting such passes, for a pass. The Landdrost or other officer as aforesaid shall be bound to grant such pass on application, and is hereby authorised to charge a fee of one shilling to every native so requiring a pass: any such foreign native found travelling in any part of the Transvaal Province, and being requested thereto by any burgher, failing or refusing to produce such pass, shall, on conviction before the Landdrost of the district, or other officer having jurisdiction therein, be liable to be fined in any sum not exceeding £1 “(one pound sterling),” and in default of payment thereof to be imprisoned for any period not exceeding ten days, with or without hard labour.

Foreign natives must procure passes.

Landdrost must grant pass.

Any foreign native travelling in the Province without a pass may, on conviction, be punished.

8. Every native of this Province desiring to travel from one district to another of this Province shall be bound to apply to the Landdrost or Native Commissioner of his district, or to such other officer as may be appointed for the purpose of granting such passes, for a pass. The Landdrost, Native Commissioner, or other officer as aforesaid shall be bound to grant such pass on application: provided, however, that the applicant prove that his hut, or dwelling tax for the year, has been duly paid.

Provincial natives must procure passes before travelling from one district to another.

9. The Administrator or officer for the time being administering the Government may, with the advice of his Executive Council, make and frame such rules and regulations, and give such orders, and in the case of non-payment of the Hut or Dwelling Tax, or of evasion of any of the provisions of this Law, impose such fines and penalties as he may deem expedient for carrying out the provisions of this Law: and he may from time to time, with advice of his Executive Council, alter, vary, amend or annul such rules, regulations and orders, and all such rules, regulations and orders shall have the same force and effect as if they had been enacted and formed part of this Law; provided, however, that the fines or penalties to be imposed for the breach of any of the said rules or regulations, or for the contravention of any such orders as aforesaid,

How rules may be made for enforcing and better carrying out provisions of this Law.

How rules may be altered.

Penalties not to exceed £10 fine or three months' imprisonment.

shall not exceed a fine of ten pounds sterling (£10), or imprisonment with or without hard labour, for a period not exceeding three months.

Definition of term "Native."

10. The word "Native" in this Law shall mean any person belonging to or being a descendant of any of the Native Tribes of South Africa.

Commencement of Law.

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

Given at Government House this Ninth day of April, 1880.
By command of His Excellency the Administrator.

(Signed) GEORGE HUDSON,
Colonial Secretary.

(Signed) W. OWEN LANYON,
Administrator.

PROCLAMATION.

By His Excellency WILLIAM OWEN LANYON, Colonel, Companion of the Most Honourable Order of the Bath, and Companion of the Most Distinguished Order of St. Michael and St. George, Administrator of the Government of the Province of the Transvaal, in South Africa.

WHEREAS by the Ninth Section of Law No. 6 of 1880, intituled "Law to alter and amend in certain respects certain Laws enacted and Resolutions passed by the Volksraad of the late South African Republic, and to alter the present rate of taxation upon natives in this Province," it is provided that the Administrator of the Government of the Transvaal Province, with the advice and consent of this Executive Council, shall be empowered to make and frame such rules and regulations, and give such orders, and in cases of non-payment or evasion of any of the provisions of the said Law, to impose such fines and penalties not exceeding the sum of £10, or imprisonment, with or without hard labour, not exceeding three months, as he may deem expedient for the due collection of the Native Hut Tax, and for the due carrying out of the provisions of the said Law: and whereas it is also provided in the said section of the said Law that all such rules, regulations, and orders shall have the same force and effect as if they had been enacted and formed part of the said Law.

Now, therefore, I do hereby proclaim and make known that, with the advice and consent of the Executive Council, I have made and framed the following rules, regulations and orders which are herewith published for general information.

GOD SAVE THE QUEEN.

Given under my hand and the Public Seal of the Province of the Transvaal, this 15th day of April, 1880.

By command of His Excellency the Administrator,

GEORGE HUDSON,
Colonial Secretary.

RULES, REGULATIONS AND ORDERS FRAMED UNDER THE 9TH
SECTION OF LAW No. 6, 1880.

1. The Administrator or Officer for the time being administering the Government shall fix upon the time each year when the tax imposed by Law No. 6, of 1880, is to be collected, and shall, through the Secretary for Native Affairs, inform the several Collectors accordingly at least one month before such time. Time for payment of taxes
2. The Collector shall on receipt of such notice at once inform all the Chiefs and Headmen in his district that on a certain day or days, and at a certain place or places, to be fixed by him, as soon as may be after the date named by the Administrator or Officer for the time being administering the Government, he will be present to receive the taxes; and that said Chiefs or Headmen must attend then and there with their people for the purpose of paying. Notice to native chiefs.
3. The tax to be collected is 10s. for each and every hut or dwelling and is payable by, and to be demanded from, the occupier or owner of said hut or dwelling, and when practicable should be paid through or in the presence of the Native Chief or Headman; provided, however, that no hut or dwelling shall be occupied by more than one wife. Tax, how paid.
4. This tax shall be due and payable within one month of the date notified by the Collector to the Chief or Headman for the payment of the same by his people. When tax due.
5. Any owner or occupier of any hut or dwelling not paying within one month as aforesaid shall incur a penalty of 1s. on every hut or dwelling so unpaid for in addition to the payment of the tax. Penalty for default in payment.
6. The Chief or Headman shall attend the Collector with that portion of the tribe resident in the district in which he resides, and may depute the Induna or Headman resident with the other portion of the tribe to represent him before the Collector in the other district. Chiefs to attend on Collector.
7. In case of non-payment of this tax or any evasion of the provisions of the Law No. 6, of 1880, the Collector shall have power to enquire into and decide summarily upon the case and shall be authorised to impose a fine not exceeding £10, or imprisonment, with or without hard labour, for any time not exceeding three months, for each and every such offence: provided that no fines shall be imposed in the case of a Native Chief or Headman until the proceedings have been submitted to and the sentence confirmed by the Secretary for Native Affairs, and no sentence of imprisonment shall be passed upon any Native Chief or Headman. Penalties.
8. Should it be proved to the satisfaction of the Collector that the Chief or Headman was cognizant of, or conniving at, such Ditto.

non-payment or evasion, he shall then and there be empowered to inflict a fine not exceeding £10 upon such Chief or Headman: such fine, however, shall not be enforced until the proceedings have been referred to, and confirmed by, the Secretary for Native Affairs.

Passes for
foreign
natives.

9. It shall be the duty of the Landdrost or other officer appointed for the purpose to issue passes upon demand to every foreign native entering or being found in any district of this Province, for which a fee of 1s. shall be charged.

Travelling
passes.

10. The Landdrost, or the officer appointed for the purpose, shall be bound to issue on application, free of charge, a pass to any native of this Province desirous of travelling from one district to another.

Penalty on
Native with-
out Pass.

11. Any such foreign native found in any district of the Province, or any native of this Province found in any district other than that in which he usually resides, by any burgher or Police Officer, without such pass, and brought before the Landdrost, or other officer appointed for the purpose, shall, on conviction, unless he can satisfactorily account for the non-possession of the pass, be liable to a fine not exceeding £1, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding ten days.

By order,

H. C. SHEPSTONE,

Secretary for Native Affairs.

Office of the Secretary for Native Affairs,
Transvaal, 15th April, 1880.

(Signed) W. OWEN LANYON,
Administrator.

PROCLAMATION.

By His Excellency WILLIAM OWEN LANYON, Colonel, Companion of the Most Honourable Order of the Bath, and Companion of the Most Distinguished Order of St. Michael and St. George, Administrator of the Government of the Transvaal Province in South Africa.

Date when
Native Hut
Tax falls
due.

WHEREAS by the Third Section of Law No. 6, of 1880, intituled a "Law to alter and amend in certain respects certain Laws enacted and Resolutions passed by the Volksraad of the late South African Republic, and to alter the present rate of taxation upon natives in this Province," authority is given to the Administrator of the Government of the Transvaal Province to fix the date upon which the tax imposed by the said Law shall become payable:

Now, therefore, I do hereby proclaim and make known that the said tax shall be due and payable on and after the date hereof.

GOD SAVE THE QUEEN.

Given under my hand and the Public Seal of the Province of the Transvaal, this 15th day of April, 1880.

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 7, 1880.

EXTRADITION.

(Application of Imperial Parliament's Acts to Transvaal—Lapsed upon Retrocession.)

LAW No. 8, 1880.

DEEDS OFFICE.

(Repealed by Volksraad Resolution 288, 1881.)

LAW No. 9, 1880.

TELEGRAPHS.

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

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

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

2. It shall be lawful for the officer administering the Government of the Transvaal Province, with the advice of the Executive Council thereof, to establish and construct such line or lines of electric telegraph as he may think fit, and for the purpose of facilitating the construction and maintenance of such line or lines of electric telegraph, the person or persons authorised by him, Right to enter lands, &c.

may enter into and upon such lands as may be required for the construction of any line of communication by electric telegraph, and any other works incident or relative thereto: and may erect, set up, and maintain all necessary poles or structures for the supporting of any cord or wire in the ground: and may dig, get, and carry away any stone, clay or other materials which may be required.

Crossing
roads.

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

Regulations.

4. It shall be lawful for the officer administering the Government of the Transvaal Province, with the advice of the Executive Council thereof, to make rules and regulations appointing the amount of fees, rates, or dues, to be demanded or received for the transmission or conveyance of any despatch, message, or communication, and also for the transmission and conveyance of all despatches, messages or communication, by means of any such line, and for the payment of such fees, rates, and dues, and generally for the conduct, management, working and maintenance, of any such line of communication; and any such rules or regulations to repeal, alter or vary, and make such other rules or regulations as may be deemed expedient; and such rules and regulations shall, after having been made by the officer administering the Government with the advice of the Executive Council, be published for general information, and shall take effect from and after the date of such publication in the Government Gazette; and all such fees, rates, or dues as aforesaid, shall be at all times charged equally to all persons and no reduction or advance in any such fees, rates, or dues, shall be made in favour of, or against any particular company or person for whom any despatch, message or communication, may be transmitted or conveyed by

means of any such line; and all despatches, messages and communications shall be sent for all persons alike in regular succession without delay, favour or preference; provided that any despatch, message or communication, in relation to the preservation of the tranquillity of the Province or of the adjacent territories, to the arrest of criminals, the discovery or prevention of crime, or any other matter connected with the administration of justice, and urgent matters pertaining to the Government of the Province, shall take precedence of any other despatch, message, or communication, and until it shall have been transmitted the transmission of all other messages shall be suspended: provided also that no person shall be permitted to occupy the telegraph by sending messages, despatches, or communications of unreasonable length, so as to impede the speedy transmission of other messages, despatches, or communications.

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

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

7. It shall be lawful for any person or persons who may witness the commission of any such offence, as in the last preceding section mentioned, to apprehend the offender, and by the authority Apprehension without warrant.

of this Law and without any warrant to deliver him to any Field-Cornet, constable or peace-officer to be kept in safe custody in order to be dealt with according to law.

Negligently
damaging
line.

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

Unlawfully
entering
office, &c.

9. Any person who shall, without permission, enter any telegraph office, or refuse to quit the same when requested so to do by the person in charge of such office, or who shall wilfully obstruct or impede any officer or servant employed upon any telegraph line in the discharge of his duty, shall be liable to a fine not exceeding fifty pounds sterling, or to imprisonment, either with or without hard labour, for any term not exceeding three calendar months, or to both such fine and imprisonment.

Fraud of
employee, &c.

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

Fraud of
transmitter,
&c.

11. Any person who shall transmit by electric telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the proprietor or proprietors of such telegraph, or shall fraudulently or maliciously transmit, or cause to be transmitted, any message or intelligence which he knows to be false, shall, upon conviction, be liable to a fine not exceeding one hundred pounds sterling, or to be imprisoned, with or without

hard labour, for a period not exceeding six calendar months, or to both such fine and such imprisonment.

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

Locus standi
of Inspector.

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

Definition.

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

Title.

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

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

By command of His Excellency the Administrator,

GEORGE HUDSON,
Colonial Secretary.

LAW No. 10, 1880.

EDUCATION.

(Superseded by Law No. 1, 1882.)

LAW No. 11, 1880.

TRANSFER DUTY.

(Superseded by Law No. 7, 1883.)

LAW No. 12, 1880.

CUSTOMS.

(Superseded by Law No. 2 B, 1881.)

LAW No. 13, 1880.

MASTER AND SERVANTS' LAW.

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

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

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

Repeal.

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

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

Interpretation
of terms.

- 1st. The word "Administrator" shall mean the officer lawfully administering the Government of this Province.
- 2nd. The word "Servant" shall be construed and understood to comprise any person employed for hire, wages, or other remuneration, to perform any handicraft or any other bodily labour in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation of a like nature :
- 3rd. The word "Apprentice" shall be construed and understood to comprise any person indentured or bound by any contract of apprenticeship made according to law as apprentice to any other person :
- 4th. The word "Master" shall be construed and understood to comprise any person, whether male or female, employing for wages, hire, or other remuneration any persons falling within the before-mentioned definition of the word "servant," or to whom any person falling within the before-mentioned definition of the word "apprentice," shall have been indentured or bound by any contract of apprenticeship made according to law.
- 5th. The words "Contract of Service" and "Contract of Apprenticeship," shall respectively be construed and understood to comprise any agreement, whether oral or written, whether expressed or implied, which any person falling within the before-mentioned definition of the words "servant" or "apprentice," shall respectively have entered into or made according to law with any person falling within the before-mentioned definition of the word "master," for performance of any work or labour of any kind hereinbefore-mentioned.

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

CHAPTER 1.

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

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

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

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

CHAPTER II.

Foreign
contracts.

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

Must be
confirmed by
Landdrost.

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

European
contracts.

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

Contracts
entered into
in any British
possessions.

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

Approval by
Landdrost.

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

Office fee.

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

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

Appeal.

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

Contract deemed to be subject to one month's notice, unless otherwise specified.

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

Oral contracts.

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

Written contracts.

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

Time limit for written registered contracts.

Form of
contract.

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

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

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

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

(Signed)

A.B.
C.D.

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

(Signed)

E.F.

Landdrost.

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

Notice.

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

Waiver.

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

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

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

Food and
lodging.

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

Landdrost's
discretion as
to rate of
wages.

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

Sickness.

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

Servant's
wife and
children.

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

Death of
servant.

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

Wife and
children of
servant.

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

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

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

Duties in war time, &c.

CHAPTER III.

Apprenticeship of Children.

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

Apprenticeships.

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

Time limits.

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

Children apprenticed until majority.

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

Trade
apprentices.

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

Ex officio
guardians.

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

Destitute
children.

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

Procedure
re destitute
child.

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

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

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

Provisions of contract in case of destitute children.

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

Form of Contract.

District of

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

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

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

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

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

Ex officio
guardianship.

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

Contracts in
duplicate.

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

Assignment
of contract.

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

CHAPTER IV.

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

Decease or
insolvency of
master.

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

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

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

Refund of
Premium in
certain cases.

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

Death or
insolvency of
master of
destitute
apprentice.

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

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

Death of
servant, &c.

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

Change of
residence.

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

Change of
residence
(continued).

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

Journeys.

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

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

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

Servant not compelled to leave Province.

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

Where Contract terminated by change of residence.

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

Special conditions as to change of residence.

Marriage of
female
servants, &c.

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

Ditto.

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

CHAPTER V.

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

Jurisdiction.

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

Ditto.

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

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

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

Penalties,
Class I.
Agricultural
or farm
servants.
(See Art. 8.)

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

Second
Conviction.

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

Penalties,
Class II.
Agricultural
or farm
servants.
(See Art. 8).

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

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

away or otherwise become irrecoverably lost, could not, under the circumstances of the case, have become irrecoverably lost without his act or default.

4. If, being employed in any capacity other than that of a herdsman, he shall allege the loss of any property placed in his charge by or for his master, and it shall be made by his master to appear that the property in question could not have been lost without his act or default.
5. If he shall, without lawful cause, depart from his master's service with intent not to return thereto.
6. In case of a second conviction under the last preceding section, or of more such convictions than a second, within the space of six months next after any former conviction, the offender may, in regard to such second or any further conviction, be fined any sum not exceeding five pounds sterling, and in default of payment thereof, may be imprisoned and kept at hard labour for any period not exceeding three months, or may be imprisoned, without the infliction of any fine, at the discretion of the Landdrost, with or without hard labour, for any period not exceeding three months, and shall be liable during such imprisonment, as in this section is mentioned, or so much thereof as the convicting Landdrost shall adjudge, to be kept in solitary confinement, with or without spare diet, or on spare diet, with or without solitary confinement, subject as hereafter mentioned: and upon conviction under the second section of this Law, followed within six months by a conviction, under the last preceding section, the offender shall be liable to the like punishment, as if both convictions had been had under the last preceding section.
7. No fine paid or period of imprisonment undergone, under this Law, by a servant or apprentice shall have the effect of cancelling the contract of service or apprenticeship.

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

Penalties,
Class III.
Domestic
servants.

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

3. If he shall, during working hours, unfit himself for the proper performance of his work by becoming or being intoxicated.
4. If he shall neglect to perform any work which it was his duty to have performed, or if he shall carelessly or improperly perform any work which from its nature it was his duty, under his contract, to have performed carefully and properly.
5. If he shall, without leave, or for his own purposes, make use of any horse, vehicle or other property belonging to his master.
6. If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
7. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, do any act tending to the immediate loss, damage or serious risk of any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.
8. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness refuse or omit to do any lawful act proper and requisite to be done by him for forwarding in safety any property placed by his master in his charge for delivery to or on account of his master.
9. If he shall use any abusive or insulting language to his master, or to his master's wife, or to any person placed by his master in authority over him, calculated to provoke a breach of the peace :
 be fined any sum not exceeding two pounds sterling, and in default of payment be sentenced to be imprisoned, with or without hard labour, for any period not exceeding one month ; but if it shall appear that such servant or apprentice is able to pay the damage caused by such act or default as in this section aforesaid, it shall be competent for the Landdrost, whether the master shall agree thereto or not, to proceed under section twelve of this chapter.

Resumption
of service
after punish-
ment.

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

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

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

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

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

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

Loss of master's property, &c.

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

Cancellation of contract.

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

Landdrost's
discretion in
cancelling
contract.

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

Time limits
for
complaints.

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

Warning to
appear in
Court.

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

Complainant
not appearing.

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

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

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

Servant or
apprentice
not
appearing.

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

Servant
leaving
service to
lodge
complaint.

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

Conviction
under Act 3
on charge
under Act 5,
and *vice versa*

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

Withholding
wages.

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

Unlawful
deduction of
servant's
property.

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

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

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

Master failing to supply food, &c.

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

Cancellation of contract.

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

Costs of witnesses, &c.

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

Wrongful assault by master.

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

Wrongful detention of child.

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

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

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

Apprehension of servant.

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

Apprehension of servant on desertion.

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

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

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

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

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

CHAPTER VI.

Respecting Characters given by Masters to Servants and Apprentices.

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

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

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

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

CHAPTER VII.

Respecting the Constraints of Masters, Servants and Apprentices.

Intimidation
and threats,
&c.

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

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

Inducing
servant to
leave
another's
service.

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

Lawful
unions.

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

Short Title.

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

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

By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 14, 1880.

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

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

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

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

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

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

Short Title.

1. This Law may for all purposes be cited and referred to as the “ Gaol Law, 1880.”

Repeal.

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

Power to
frame regula-
tions.

3. It shall and may be lawful for the officer administering the Government of the Transvaal Province, with the advice and consent of the Executive Council thereof, to make such rules for the government of the several gaols of this Province respectively, and for the duties to be performed by the several officers of the same as the said officer administering the Government, with the advice of his Executive Council as aforesaid, may deem expedient, and such rules from time to time to alter and amend, and all such rules so made shall be binding upon the keeper of the gaol, and all other persons therein : provided always that all such rules shall be consistent with the provisions of this Law, and that no such rules shall, except so far as by this Law provided, be competent to impose any punishment or penalty for or on account of any breach thereof by any person whomsoever, save by stoppage of pay, to an amount not exceeding twenty shillings for each contravention of any such rule, in the case of persons employed in Her Majesty's service, or by dismissal from office.

Gaoler.

4. The keeper of every gaol shall be appointed by the officer administering the Government, and shall be under the immediate authority and superintendence of the Landdrost of the district in which the gaol in question shall be situated ; and shall in virtue of his office be a constable, and possess all the powers by law belonging to the office of constable, and shall reside within the prison of which he is keeper, and shall not employ himself in any other occupation.

Gaoler may
not have any
interest in
gaol contracts.

5. Neither the keeper of any prison, nor any other officer in any prisons, shall sell, nor shall any person in trust for or employed by him sell, or have any benefit or advantage from the sale of any articles to any prisoners, nor shall he directly or indirectly have any interest in any contract or agreement for the supply of the prison to which such keeper or other officer shall belong, and any person contravening any of the provisions of this section shall be liable to forfeit any sum not exceeding one hundred, and not less than five pounds sterling.

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

Male and female wards.

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

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

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

Prison journal.

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

Supplies.

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

Cleanliness

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

Gaoler may not decree punishments.

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

Inspection of gaols.

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

Refractory prisoners.

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

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

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

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

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

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

Liquors, &c.
(continued.)

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

Gaming.

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

Gratuities.

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

Periodical
returns to
Governor.

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

Aiding escape.

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

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

Rescue, &c.

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

Spirituous
Liquors, &c.

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

Penalty of
prisoners
found with
liquor.

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

Liquor, &c.
(continued.)

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

Constable's
responsibility

if prisoner
intoxicated.

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

Introducing
articles into
gaol unlaw-
fully.

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

Rules.

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

Resignation,
&c., of
officers.

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

Inspector of
Prisons.

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

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

Sentences passed by Inspector of Prisons.

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

English and Dutch languages.

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

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

By Command of His Excellency the Administrator. [1]

GEORGE HUDSON,
Colonial Secretary.

LAW No. 15, 1880.

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

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

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

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

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

Repeal.

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

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

Licence.

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

Penalty.

Exception from penalty.

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

Fires.

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

Damage by fire.

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

Knowingly receiving timber unlawfully cut.

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

Common Law not affected.

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

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

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

Employer's liability for acts of servant.

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

Term "Tree."

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

Conservators of Forests.

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

Bye-laws.

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

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

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

Short Title.

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

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

(Regulations published in 1881. See page 200.)

Given at Government House this 24th day of June, 1880.
By command of His Excellency the Administrator.

GEORGE HUDSON,
Colonial Secretary.

LAW No. 16, 1880.

MUNICIPALITIES.

(Repealed by No. 11, 1883, and No. 10, 1886).

LAW No. 17, 1880.

AUCTIONS.

(Superseded by Law, No. 1, 1885).

LAW No. 18, 1880.

PENSION SIR THEO. SHEPSTONE.

(Lapsed on Retrocession.)

LAW No. 19, 1880.

DIVISIONAL COUNCILS.

(Repealed by Law No. 6, 1883.)

LAW No. 20, 1880.

TRANSVAAL POLICE.

(Superseded by Law No. 5, 1881.)

LAW No. 21, 1880,

INSOLVENCY ORDINANCE.

(Superseded by Law, No. 13, 1895.)

1881. (SET A.)

LAW No. 1, 1881.

LIQUOR LAW.

LAW No. 2, 1881.

EXTRADITION ORANGE FREE STATE.

(Superseded by Law No. 5. 1885.)

LAW No. 3, 1881.

PRESS LAW.

(Repealed by Volksraad Resolution, Art. 723, 1886.)

LAW No. 4. 1881.

PENSION FUND.

(Superseded, or Repealed, by Law No. 9. 1883.)

LAW No. 5, 1881.

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

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

WHEREAS it has been found necessary to provide for the levying of fees for certain duties imposed upon and discharged by the Master of the High Court in Insolvency and other matters:—

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

Repeal.

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

Tariff

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

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

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

SCHEDULE.

Insolvency and Law Jurisdiction.

	£	s.	d.
For every attendance of the Master in matters referred from the Court, or by the Judges, or either of them, (except in insolvent cases,) not exceeding two hours - - - -	1	1	0
Exceeding two hours, in the discretion of the Master, subject to taxation by the Court or a Judge thereof - - - -			

	£	s.	d.
Every report (except in insolvent cases) in the discretion of the Master, subject to taxation as above	-	-	-
Every other report, not exceeding	1	1	0
Every search	0	2	6
Office copy of documents not exceeding a folio of 100 words	0	2	0
Exceeding 100 words, at the rate of per folio	0	0	6
On all money received, paid and distributed by the Master in pursuance of any order of the Court, 1 per cent.	-	-	-
For making entry and filing office copy of return of process	0	7	6
Drawing advertisements for meeting of creditors or sale of real property	0	2	6
Making entry of return of the Registrar of Deeds of mortgage bonds and hypothecations	0	7	6
Attending meeting in respect of sale of immovable property	1	1	0
For summoning creditors to attend each meeting, each summons	0	2	0
For settling and publishing Conditions of Sale	1	1	0
Certificate of process being withdrawn or of deficiency	0	10	6
Drawing out the account with order of preference and plan of distribution (except by leave of the Court or Judge thereof) not exceeding	1	1	0
Drawing the order and attending the transfer of any immovable property	1	1	0
Filing any rule or Order of Court	0	2	0
Filing an order or provisional order of sequestration	0	7	6
Drawing advertisement for meeting of creditors in insolvent cases	0	2	0
Summoning creditors to attend such meeting, each summons	0	2	0
For attending meeting of creditors, or at the sale of any insolvent's immovable property	0	10	6
For recording decree of confirmation of trustee and certificate	0	5	0
Every affidavit	0	2	0

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

Liquidation Account.

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

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

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

GEORGE HUDSON,
Colonial Secretary.

LAW No. 6, 1881.

CRIMINAL PROCEDURE.

(Repealed by Volksraad Resolution, Art. 354, 1881.)

LAW No. 7, 1881.

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

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

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

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

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

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

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

GEORGE HUDSON,
Colonial Secretary.

LAW No. 8, 1881.

MEDICAL PRACTITIONERS.

(Amended by Law No. 2, 1886, and Superseded by Law No. 12, 1886.)

LAW No. 9, 1881.

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

(FOR RELIEVING THE LANDDROST OF PRETORIA OF CERTAIN DUTIES IMPOSED UPON HIM BY LAW.)

WHEREAS it is desirable to relieve the Landdrost of Pretoria of the duty of collecting taxes, and of certain other duties connected with and incidental to the collection of and accounting for the public revenue of the district :

And whereas it is desirable to make other provision for the discharge of the aforesaid duties :

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

1. All taxes due and payable, and all sums of money due and owing to the Government of this Province, and all such taxes and sums of money as may be made payable by any Laws, Ordinances, and Volksraad Resolutions, to the Landdrost of any district shall, in the district of Pretoria, be payable to the Treasurer at his office in Pretoria. All the powers which may be exercised, and all the privileges which may be enjoyed by Landdrosts in reference to the collection of taxes and incidental to the receipt of and accounting for public revenue, are hereby conferred upon the Treasurer of the Province, and shall be exercised and enjoyed by him in regard to all taxes hitherto payable to the Landdrost of Pretoria. Provided, however, that the Landdrost of Pretoria shall, as heretofore, discharge all the duties imposed upon him in connection with the granting of Passes under the provisions of Law No. 6, of 1880.

Pretoria
Landdrost
relieved of
duty of
receiving
taxes.

2. The Landdrost of the district of Pretoria shall be known and designated as "Resident Magistrate," and, save as is by this Law provided, the Resident Magistrate of the district of Pretoria shall exercise all the powers, discharge the duties, and enjoy all the privileges which are now, or may hereafter be exercised and enjoyed by Landdrosts in this Province : and wherever in any Law, Ordinance or Volksraad Resolution now in force the term Landdrost is used, this term shall be deemed and construed to mean, in the case of the district of Pretoria, the Resident Magistrate thereof.

Resident
Magistrate of
Pretoria.

3. So much of any Ordinance, Law, or Volksraad Resolution as may be inconsistent with or repugnant to any of the provisions of this Law shall be, and the same is, hereby rescinded and repealed.

Repeal.

4. This Law shall commence and take effect from and after a date to be fixed by proclamation of the Officer Administering the

Government of the Transvaal Province, such proclamation to be published in the Transvaal Government Gazette.

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

GEORGE HUDSON,
Colonial Secretary.

LAW No. 10, 1881.

BUDGET BILL.

LAW No. 11, 1881.

NATIVE COURTS.

(Repealed by Law No. 4, 1885.)

GOVERNMENT NOTICE No. 5, 1881.

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

By command of His Excellency.

GEORGE HUDSON,
Colonial Secretary.

Colonial Secretariat,
Transvaal, 17th January, 1881.

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

General duties
of Forest
Officers.

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

Licence to cut
or saw timber.

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

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

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

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

Penalty for infringement of foregoing Sections.

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

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

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

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

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

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

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

Impost liable on timber removed from forest limits.

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

Transit permit to be granted on payment of impost.

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

Penalty for non-production of transit permit.

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

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

Timber removed from private forests

also to be covered by pass.

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

Definition of the term timber.

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

Penalty in respect of private timber not covered by pass.

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

Government reserves, Penalties for trespassing on the same.

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

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

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

Grant of plots of land for resident sawyers.

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

Building sites for residence of traders or others.

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

Removal of buildings.

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

Squatting of natives and establishment of mealie gardens prohibited.

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

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

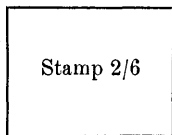
Fees, with exception of ground rents, to be levied in stamps.

SCHEDULE I.

Counterfoil.

Licence to Cut and Saw Timber.

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

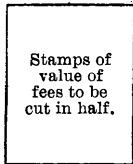
SCHEDULE II.

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

12

SCHEDULE III.

<i>Counterfoil.</i>	<i>Transit Pass.</i>
No. To whom granted.	No. Permission is hereby given to
Nos. of Licences under which cut and names of forests.	to remove the below-mentioned quantity and description of timber felled and sawn under Licenses Nos. in the Forest (or reserve).
Description and quantity of timber.	Fees amounting to £ s. d. have been paid this date on account of such timber, which is intended for removal to the district of
Fees paid.	Description and quantity
Destination.	Forest Officer.
Date.	
Signature of Officer.	
	Date.



GOVERNMENT NOTICE No. 26, 1881.

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

By command of His Excellency.

C. E. STEELE,

Finance and Revenue Commissioner.

Pretoria, 4th March, 1881.

DEPARTMENTAL INSTRUCTIONS FOR THE GUIDANCE OF FOREST OFFICERS.

Working Lots.

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

Size.

2. The size of the sections must necessarily vary in extent; they should, however, be made as small as practicable. In all probability it will be found that blocks having a bottom width of 500 yards, or thereabouts, will be the most convenient.

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

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

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

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

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

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

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

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

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

A revised statement of this nature should be furnished quarterly.

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

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

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

Deposit of
fees, &c.

11. The fees to be collected on timber cut or removed from the forests being leviable in stamps, it will be incumbent on Forest Officers to keep, for the convenience of the public, a stock of stamps for sale.

Conservators'
commission.

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

C. E. STEELE,

Finance and Revenue Commissioner.

Pretoria, 4th March, 1881.

Laws.

1881. SET B.—(AFTER RETROCESSION.)

1011.

PROCLAMATION BY THE STATE PRESIDENT REPRESENTING THE TRIUMVIRATE.

WHEREAS according to enactment of the Volksraad dd. 7th March, 1877 (appendix to Grondwet), a High Court consisting of a Chief Justice and two Puisne Judges, and a Circuit Court with one Judge, was established in and for the South African Republic; and whereas it is requisite and necessary for the due and effectual administration of Justice that immediate provisions should be made to carry the said enactment into effect. I hereby proclaim and make known as follows:—

Kotze
appointed
Chief Justice.

1. John Gilbert Kotze, of the Inner Temple, Member of the Bar, graduate in Law of the University of London, &c., is hereby appointed to be Chief Justice of the said High Court.

Puisne
Judges.

2. Until the Puisne Judges, referred to in the said Law of 7th March, 1877, shall have been appointed, the Chief Justice shall take cognizance of all civil and criminal cases as is more specifically set out in this proclamation, and he shall as often as the occasion shall demand also discharge the duties of a Circuit Judge.

Sittings.

3. The Chief Justice of the said High Court shall hold sessions in Pretoria, or such other place as the State President by proclamation may from time to time determine.

Seal.

4. The said High Court shall have and use a seal as the occasion demands bearing the device and stamp of the Coat of Arms of the South African Republic surrounded by the following motto "High Court of the South African Republic," and such seal shall be handed over to and be kept in charge of the Chief Justice.

Officials.

5. The following officials shall be attached and belong to the said Court, viz. :—

The Master and the Registrar of the said Court; the Sheriff of

the said Court and such other officials as may be found to be necessary for the due administration of its business.

6. The said High Court shall approve of and admit to practice as advocates, attorneys, notaries, or conveyancers, all persons who at the time of publication of this proclamation shall already have been admitted to practise as advocates, attorneys, notaries or conveyancers, provided that they shall take the usual and necessary oaths. The same provision shall also apply to sworn translators. Practitioners.

7. All persons approved, enrolled or admitted in the said Court, whether as advocates, attorneys, notaries public, conveyancers or sworn translators, may (none the less) be suspended or precluded by the said Court from their privileges or the office they hold under such Court, provided that lawful cause be shown or shall appear to the said Court. Practitioners of former Courts.

8. No person shall be allowed to appear in the said Court, to plead or to act for and on behalf of a suitor in the said Court, who shall not have been so approved, admitted and enrolled as an advocate or an attorney. Only admitted practitioners may appear.

9. The High Court shall take cognizance of all pleadings and shall have jurisdiction in all actions, whether civil, criminal or mixed, arising or which have arisen and are now pending in the South African Republic, and shall have jurisdiction over all persons whomsoever residing or being within this State. Jurisdiction.

10. The said High Court shall be competent to review the proceedings of and to hear appeals from the Lower Courts within this State, in all cases. Review and Appeal.

11. All proceedings of the High Court shall be conducted and the documents written (records kept) in the Dutch language. Official language.

But in order to avoid unnecessary inconvenience and expense, all documents and records written or printed in English and already registered or filed in the former "High Court of the Transvaal" in any case still pending, shall be and be deemed to be, in force in the same manner as if the same had been written or printed in the Dutch language.

12. The pleadings and proceedings of the High Court of the South African Republic shall be conducted, and the judgments, decisions, decrees and orders thereof shall be pronounced and be declared of effect in open Court. In all criminal cases the witnesses shall give their evidence verbally (*viva voce*), and in open Court. Proceedings in open Court.

13. All criminal cases before the said Court shall be tried and decided by the said Chief Justice and a jury of nine persons, Crime cases.

whose verdict must be unanimous, and shall be declared in open Court by the foreman of the said jury, and all civil suits or actions pending in the High Court of the South African Republic shall be tried and decided by the said Chief Justice alone without a jury.

Rules of Court.

14. The rules and regulations of procedure in all cases, both civil and criminal, which have up to the present existed and been accepted in the Transvaal, shall, *mutatis mutandis*, and, in so far as serviceable, continue to be in force as the rules and regulations of procedure in the said Court

Death sentence.

15. No sentence in any criminal case, whereby any person shall be condemned to death, shall be carried into effect before a report of the proceedings, and a copy of the evidence given at the trial, shall have been submitted by the Chief Justice to the State President, and not until the execution of such sentence shall have been authorised and confirmed according to Law.

Cases pending before former High Court.

16. It shall be lawful for the Chief Justice to take cognizance of and decide all cases and proceedings which, prior to the 8th August, 1881, were still pending in the former High Court of the Transvaal, and to take all such steps as to him shall appear lawful and necessary in order to give effect to or execute the judgments, orders, rules or decrees of the said former High Court of the Transvaal.

New rules.

17. The High Court of the South African Republic may, with the approval of the State President, from time to time draw up, frame and fix, alter or amend general rules regulating the time and place of holding of the said Court, and the manner and form of procedure which shall be therein observed. And further regulating the conduct of and pleading in all actions, suits and other cases, both civil and criminal, the appointment of Commissioners to take security, to examine witnesses, the examination of witnesses "*de bene esse*," giving the effect of evidence thereto, &c., and generally all other matters and things necessary for the better conduct of the business of the said High Court.

S. J. P. KRUGER,
Vice President,

M. W. PRETORIUS,
P. J. JOUBERT,

Members of the Triumvirate representing the State President.

W. EDUARD BOK,
State Secretary.

Government Offices,
Pretoria, 9th August, 1881.

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

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

Both sets of these laws figure in the Statute Book.

B.

LAW No. 1, 1881—OF THE RETROCESSION—(VAGRANCY).

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

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

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

THE STATE PRESIDENT,
Represented by the Triumvirate.

On their behalf
S. J. P. KRUGER,
Vice President.

By order, W. EDUARD BOK,
State Secretary.

Government Office,
Pretoria, 22nd October, 1881.

B

LAW No. 2, 1881.

LICENCE LAW.

(Superseded.—See now No. 4, 1894.)

LAW No. 3, 1881.

APPENDIX TO GRONDWET.

(Superseded by later Grondwet.)

LAW No. 4, 1881.

ARTILLERY LAW.

(Superseded.)

LAW No. 5, 1881.

MOUNTED POLICE.

(Superseded.)

GOVERNMENT NOTICE No. 50 Loc. LAWS 1881, PAGE 1014.

Prohibiting Native Tribes from beyond the Borders from squatting in the South African Republic.

VOLKSRAAD RESOLUTION, dd. 6th OCTOBER, 1881.

1015.

72. THE RAAD RESOLVES :—

To authorise the Government to take such steps in the interest of the country and the inhabitants (especially those directly interested therein) as it shall deem serviceable and necessary regarding the leasing of forests.

VOLKSRAAD RESOLUTION, dd. 18th OCTOBER, 1881.

127. Empowering the Government to lease Government ground.

(Loc. Laws 1881, page 1015.)

LAW No. 1, 1882.

EDUCATION.

(Superseded.)

LAW No. 2, 1882.

POUND LAW.

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

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

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

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

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

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

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

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

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

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

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

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

- 7.** The Pound-master shall be entitled to demand and claim :—
- Charges. (1.) Fines :—
- | | | | | | |
|--------|----------------------------------|---|---|---|-----|
| Fines. | Donkeys, Mules, Horses, per head | - | - | - | 9d. |
| | Horned Cattle | " | " | - | 6d. |
| | Sheep or Goats | " | " | - | ½d. |
- Tending. (2.) Herding and Tending :—
- | | | | | | |
|--|----------------------------------|---|---|---|-----|
| | Donkeys, Mules, Horses, per diem | - | - | - | 3d. |
| | Horned Cattle, per head | - | - | - | 3d. |
| | Sheep and Goats | " | " | - | ½d. |
- But for stock impounded in the afternoon after five and released in the morning before 8 o'clock no charge shall be made for herding and tending.
- Mileage. (3.) Mileage or Drivers' fees :—
- | | | | | | | |
|--|----------|---|---|---|---|-----|
| | Per mile | - | - | - | - | 6d. |
|--|----------|---|---|---|---|-----|
- But this mileage shall only be brought into account for one person, no mileage shall be charged for any distance over twenty miles; nor shall any charge be made for the return to his home of the person who has brought the stock to the Pound. If required, the Pound-master shall immediately pay the mileage to the person who delivers the stock to him.
- Release of stock. **8.** Stock which has been impounded may be released by the owner upon payment of the sums named in the previous article, plus the costs of advertisement, if such stock shall already have been advertised for public sale.
- The Pound-master shall grant a properly specified receipt and shall produce to the person who releases the stock the receipt for the mileage advanced by him. He shall, however, not charge for more than 42 days' tending.
- Penalty if Pound-master contravenes Articles 7 & 8. **9.** The Pound-master, who shall contravene the provision of the two preceding paragraphs shall upon a first offence be punished by a fine of £10 or one month's imprisonment, and should the offence be repeated he shall in addition lose his appointment as Pound-master.
- Splitting up stock into different batches to increase mileage prohibited. **10.** It shall not be lawful to separate stock into separate batches and to send the same to the Pound at different times, with the object of thereby increasing the charges for driving or bringing such stock to the Pound.

¹ See now Law No. 1, 1893.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pound-master receives cattle.

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

And carefully looks after the same.

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

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

Pound Kraal.

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

Pound-master's substitute.

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

Pound-master may not himself impound cattle in his Pound.

22. No Pound-master may impound stock which strays on to the farm or place where the Pound is, nor may he allow the same to be there impounded, but shall send the same to the nearest Pound.

Security.

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

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

Books.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Cattle brought to Pound may not be ridden, &c.

35. No one who brings stock to the Pound may ride or use it, nor may he drive the same unduly hard upon penalty of a fine as hereinafter specified, over and above the obligation to make good the damage thereby occasioned to the owner.

Nearest Pound.

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

Stray stock.

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

Time within which stray stock must be impounded.

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

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

Illegal sale of strange stock.

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

Pigs and poultry.

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

General penalties.

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

Jurisdiction.

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

Repeal.

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

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

The State President, represented

By the *Triumvirate*,
On behalf of the latter,
(Sgd.) S. J. P. KRUGER,
Vice President.

By order, W. EDUARD BOK,
State Secretary,

Government Office,
Pretoria, 1st June, 1882.

LAW No. 3, 1882.

TARIFF OF TRAVELLING, EXPENSES FOR OFFICIALS.

(Superseded by Law No. 14, 1887).

LAW No. 4, 1882.

CUSTOMS AMENDMENT.

(Superseded. See Law No. 16, 1887. See new Law No. 4, 1894).

LAW No. 5, 1882.

DEEDS REGISTRY.

(Amended and enacted by Resolution of the Volksraad, Article 704, dated 4th July, 1862.)

WHEREAS it is advisable to make certain amendments in the Ordinance of October, 1866, Article 484 (as again put into operation by Volksraad Resolution of the 2nd November, 1881, Article 288), providing for the establishment of a Deeds Registry

in the South African Republic with rules for the administration of that office. Be it hereby provided and enacted as follows:—

Registration
of Deeds.

1. It shall be lawful for the Registrar of Deeds, and he is hereby directed, to confirm with his signature and to register and attest according to the practice and form usually observed in Deeds Registry Offices, all deeds, bonds, transfers and other writings having reference to persons or properties within this Republic and which shall have been passed before him, or otherwise by lawful authority lawfully passed within this Republic, before any official, notary or other person thereto duly authorised, provided that such deeds are properly executed and are in due form and, where required, written on stamped paper or provided with a stamp, and that they are in all respects suitable for such registration and are submitted to the Registrar of Deeds for the purpose of being so registered, confirmed, and attested.

Landdrosts
may pass
transfers, &c.

2. And be it further enacted, that all deeds of transfer of fixed property, bonds and mortgages, which have been passed before the various Landdrosts or such other officials as shall be thereto authorised by the State President, shall be forthwith sent up in duplicate to the Registrar of Deeds and shall be examined by him, and if he shall find that the same are in due order and are accompanied by the requisite powers of attorney and other documents, he shall register the same, and shall file the duplicate originals thereof of record in his office and return the originals to the Landdrost or other official concerned to be handed over to the person to whom it belongs.

Taxes.

3. No deed of transfer, nor any other record, bond or document affecting the ownerships of land shall or may be passed or registered by the Registrar of Deeds, unless the same shall be accompanied (*a*) by a certificate from the Landdrost of the district in which the ground is situated, that the taxes and other imposts due and leviable on the property to be transferred, mortgaged or bonded have been paid for the current year; (*b*) as also by the declarations of purchaser and seller, attested under oath before a Landdrost, Justice of the Peace or Field-Cornet; (*c*) by a receipt of Transfer duty, (*d*) by the last deed of transfer in favour of the seller or mortgagor, and (*e*) by a power of attorney duly signed by two witnesses, duly authorising and empowering the passing of such mortgage deed, bond or other deed or document; and only such (*sic*) Deeds may be effectively and validly passed and registered by the Registrar of Deeds.

Landdrosts.

4. And be it further provided that the Landdrosts of the various districts in this Republic, or in their absence, the officials who discharge or exercise their functions, shall be entitled and they are hereby empowered and commanded to cause to be passed before them and to subscribe and confirm all deeds of transfer of fixed properties and all mortgages of the same, each such official in respect of his own district, and in so far as such fixed property

shall be situated in the district to which he shall have been appointed; and all such deeds of transfer so passed before any Landdrost as aforesaid shall be deemed to be of the same force and shall enjoy the same privileges as if the same had been passed before the Registrar of Deeds.

(See Volksraad Resolution, 3rd June, 1885, Art. 278.)

5. All transfers, bonds, and other records or documents affecting the ownerships of ground, as also all notarial bonds or documents, such as Bonds to secure the payment of money, surety, bonds, ante-nuptial contracts and kinderbewyzen or documents securing the inheritance of children of a former marriage, and such like deeds, shall be registered and subscribed by the Registrar of Deeds, before the same shall be of force.

What deeds have to be registered.

6. No bonds, deeds of hypothecation, kinderbewyzen or other registered deeds, records or documents which have to be cancelled, may be cancelled in any other way than by the Registrar of Deeds, who shall cause a proper entry of such cancellation to be made in the Official Register.

Cancellation of deeds.

7. It shall not be lawful for the Registrar of Deeds to cancel any deed of transfer except upon an order of the High Court of the South African Republic.

Cancellation of transfer deeds only by High Court.

8. The Registrar of Deeds shall not grant any copy of any deed of grant or transfer deed save upon application of the persons concerned, and upon affidavit that such deed has been lost, and notwithstanding careful search, cannot be found, and that the same has not in any way been pledged or lodged as security with any person.

Lost title deeds.

No such application shall be granted by the Registrar of Deeds, until due notice shall have been given, with full particulars of such deed and the property thereby affected, and shall have been published at least four times in the *Staatscourant* at least three months prior to the making of such application.

9. The Registrar of Deeds shall give notice of all transfers, bonds or other deeds having reference to or affecting the ownership of ground, and passed before and by him to the Landdrost of the district in which such ground is situated, and such Landdrost shall, upon receipt of such notice, make the necessary entry in the Land Register of his district.

Registrar notifies passing of transfers, &c., to Landdrost of district.

10. And be it further enacted that the various Landdrosts shall regulate and conduct themselves according to such rules as from time to time may be prescribed for them by the Registrar of Deeds with regard to the keeping of the Land Registers.

Rules to be observed by Landdrosts.

11. And be it further enacted that the Landdrosts of the various districts in this Republic shall be competent, and they are hereby authorised, in all cases, where no notary is reasonably

Landdrost may act as notary in certain cases.

accessible to cause any deed or writing to be passed before them, which might otherwise have been passed before such notary, such as general bonds, kinderbewyzen and other deeds of acknowledgment of debt, whereunder fixed property is not bonded, antenuptial-contracts, deeds of agreement, &c., and all such deeds passed under the said circumstances before such Landdrost, subscribed by him and upon his certificate that no notary was procurable, shall be of the same force and effect and may be registered in the same manner as if the same had been passed before and subscribed by a notary.

12. Superseded by Art. 10, Law No. 22, 1894.

Exchange of
transfer deed
for deed of
grant.

13. Any owner of a deed of transfer of fixed property may upon request exchange the same for a deed of grant, upon payment of the ordinary tariff for grants and upon surrender to the Registrar of Deeds of the deed of transfer so to be exchanged.

Stamps, &c.

14. And be it further enacted, that the Registrar of Deeds shall be entitled to levy such charges for the registration, passing and cancellation of any deed, which shall be passed and registered by him by virtue of this Ordinance or for the transaction of any other work, within the province of the Deeds Registry as in the annexed tariff are already or shall hereafter be allowed and provided, and the whole or such portion thereof as may be provided by the said tariff shall be accounted for to the State Treasury.

General
Rules.

15. It shall be lawful for the State President, with the consent of the Executive Council, after having obtained the advice of the Registrar of Deeds, from time to time to frame or cause to be framed such rules and regulations as shall be requisite in order to give due effect to the provisions of this Law, and to provide for the due administration thereof, provided that such rules and regulations do not conflict with this or any other Law.

Responsibility
of officials,
notaries, &c.

16. In all cases, where it shall appear to be due and lawful, officials, notaries and conveyancers may be adjudged by the High Court to make good to the parties concerned, costs, damages and interest should any deeds passed before them, by reason of a defect in the form thereof, be cancelled by order of any competent Court, or be adjudged to be valid merely as underhand deeds, provided that nothing herein contained shall exempt such officials, notaries or conveyancers, from any civil or criminal responsibility, should they have been guilty of any fraud or deceit.

Repeal.

17. The Ordinance of October, 1866, Art. 484 (amended by Volksraad Resolutions, Art. 199, June, 1870; Art. 114, May, 1875; Art. 111, 112, 113, June, 1876) reintroduced by Volksraad Resolution, Art. 288, November, 1881, and all other Ordinances, Laws or Articles, provisions of Ordinances or Laws or Volksraad Resolutions which shall or may conflict with the provisions of this Law, are hereby repealed.

18. This Ordinance shall have the force of law from and after the publication of the same in the usual manner in the *Staatscourant*, according to the requirements of the Grondwet.

SCHEDULE A.

Tariff.

	£	s.	d.
For the passing of any deed of transfer, hypothecations or other deed of acknowledgment of debt - - -	1	1	0
For the registration of each deed - - -	0	5	0
For inspection of books or deeds - - -	0	5	0
For every cancellation - - -	0	7	6
” ” certificate - - -	0	7	6
For a copy of a document 100 words or less - - -	0	5	0
For every 100 words following - - -	0	1	0
For a copy of deed of grant, transfer deed, bond or other deed of acknowledgment of any debt - - -	2	2	0
Stamp on every deed of grant, over and above the stamps fixed by Law No. 2, 1871 - - -	1	0	0
Stamps on each duplicate deed registered (not notarial) - - -	0	5	0
Stamp on declaration of purchaser - - -	0	1	0
Stamp on declaration of seller - - -	0	1	0

All these amounts shall be paid in stamps.

The State President, represented by the
Triumvirate,

On its behalf,

S. J. P. KRUGER,

Vice-President.

By order,

W. EDUARD BOK,

State Secretary.

Government Offices, Pretoria,
1st August, 1882.

LAW No. 6, 1882.

LICENCES.

(Superseded. See Law No. 13, 1887.

See now Law No. 17, 1899.)

LAW No. 7, 1882.

FRANCHISE.

(Superseded.)

LAW No. 8, 1882.

ARTILLERY.
(Superseded.)

VOLKSRAAD RESOLUTION, Art. 248, 31st May, 1882.
AMAJUBA DAY DECLARED A PUBLIC HOLIDAY.

VOLKSRAAD RESOLUTION, Art. 255, 31st May, 1882.
WARM BATHS AT WITRIVER DECLARED PUBLIC.

VOLKSRAAD RESOLUTION, dated 7 and 8 JULY, 1882.

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

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

(b.) *Instruction for Inspectors.*—Resolved: That in future the inspection commissions shall be accompanied by a Surveyor as member of the commission, in cases where the Government shall deem it necessary.

The farms shall not be greater in extent than 3,750 morgen.

LAW No. 1, 1883.

GOLD LAW.
(Superseded.)

LAW No. 2, 1883.

MARTIAL LAW.
(Superseded by Law No. 20, 1898).

LAW No. 3, 1883.

(PROVIDING FOR THE PROPER CONSTITUTION OF THE HIGH COURT, THE CIRCUIT COURTS, THE RIGHT OF APPEAL, AND FOR THE FRAMING OF RULES REGULATING THE PROCEDURE IN THE SAID COURTS).

WHEREAS it is necessary to make provision with reference to the constitution of the High Court and the Circuit Courts of the South African Republic, as constituted by Law, as well as with regard to the rules of procedure to be observed in such Courts, it is hereby enacted and provided as follows:—

1. The proclamation of the 9 August, 1881, relating to the High Court and issued by the Triumvirate, representing the

Proclamation of Triumvirate in 1881 confirmed.

President, is hereby confirmed and declared of full force, saving such provisions in the aforesaid proclamation contained, as may be in conflict with the provisions of this Law.

2. The following provisions under the heading "Judiciary," in the Appendix to the Grondwet, as fixed by the Volksraad in its session of October 1881, are hereby amended and shall read as follows:— Judiciary.

JUDICIARY.

1. The People commits the administration of Justice to

- (a) A High Court consisting of two or three judges with a jury in civil cases, should one of the parties require it. The judges of the High Court shall with the consent of the State President, be competent, from time to time, to frame and make rules providing for the due summoning and constitution of the jury, the arranging of the points which the jury is to decide, the number of jurymen, what majority there shall be, the fine to which a juryman shall be subject, if he, being duly summoned, shall not appear, and further all such other rules and provisions as may be necessary for the due exercise by the jury of its functions.
- (b) Both Courts shall give their decision as soon as possible after the case has been closed.
- (c) The Chief Justice and the puisne judges shall be persons duly graduated in Law.

3. The High Court shall consist of the Chief Justice and two puisne judges, and shall hold its sessions at the place where the seat of Government is, with this proviso, however, that in all cases, of whatsoever nature, two judges of the High Court shall constitute a quorum competent to exercise all rights and powers of the full Court. In the event of a difference of opinion between two such judges, the decision of the Court shall stand over until such time as three of the judges shall be present. High Court Sessions.
Quorum.

The decision of two judges concurring with each other, or of the majority of the three said judges, shall, in the event of a difference, be deemed to be the decision of one full Court. In vacation, however, one judge shall in the absence of one or both of the other judges, be competent to sit at Pretoria, on the provisional days hereinunder mentioned, in order to hear and decide all provisional cases, motions and applications, subject, however, in such case to the right of appeal, in terms of what is hereinafter provided with reference to appeal.

4. In any criminal case which shall be brought before the High Court at Pretoria, the hearing shall take place before one of the judges of the said Court and a jury of nine persons, who shall be unanimous in their decision. High Court in criminal cases.

The finding of the jury shall be declared by the foreman in open Court, and shall thereupon be duly recorded by the Registrar.

Points reserved.

The judge may, if he shall think fit, or upon request, reserve any point of Law for consideration by the full Court consisting of two or three judges. It shall also be lawful for him to stay execution of the sentence.

Appeal.

5. The High Court shall be a Court of first instance and of appeal for the whole Republic.

The decrees of the High Court shall be final.

Seal of High Court.

6. The Seal of the High Court shall be given into the charge of the Chief Justice, with full power to hand over the same to any one of the puisne judges for any lawful purpose.

7. (First Clause of this Section superseded by Art. 4, Law No. 1, 1888.)

Circuit Courts.

All criminal cases in the Circuit Court shall be tried by a jury of nine persons, whose verdict shall be unanimous, and declared in open Court. No person, unless the High Court shall make an order to that effect, shall be summoned as a defendant before any Circuit Court holding session for any district other than that in which he resides.

Registrar.

8. In the absence of the Registrar of the High Court, the Clerk of the Judge of the Circuit Court, shall act as Registrar and Taxing Master of the Circuit Court. The rules at present in use in the High Court shall *mutatis mutandis* be applicable in the said Circuit Courts.^[1]

Appeal.

9. An appeal shall lie from the final decree or judgment of the Judge of the Circuit Court, to the High Court, subject to the provisions herein contained relating to appeal.

Points reserved.

It shall also be lawful for the judge to reserve any point of Law in a criminal case for the consideration of the High Court, and also to stay execution of any sentence in a criminal case until the High Court shall have decided the point of Law reserved.

(The rest of this article is superseded by Art. 3 of Law No. 1, 1888.)

Minutes of Proceedings in Circuit Court.

10. The Judge of the Circuit Court shall keep or cause to be kept a proper minute of all the evidence in any civil or criminal case. All documents and other evidence, which are admitted by the Court, shall be properly marked, or certified by the judge or the registrar, all records, documents, &c., which have been offered as evidence, but have not been admitted by the judge, shall (if the party tendering the same shall so require) be marked in like manner, as not admitted, so that the same may be annexed to the other records in the event of appeal.

No evidence, however, which has not been tendered in the lower Court shall be admitted or accepted by the High Court in appeal.

Custody of records.

11. The Registrar of the Circuit Court shall hand over to the Registrar of the High Court all the records of the Circuit Court.

¹ See Rules of Court, 1899.

The Registrar of the High Court shall duly preserve all such records amongst the archives in his office.

12. Any person who is desirous of appealing from any final sentence, decree or order of a Circuit Court, shall be at liberty to note his appeal at any time within one month after the judgment, decree or order which is appealed against was pronounced or granted Appeal.

Within fourteen days after noting of such appeal he shall be bound to give the opposite party due notice in writing thereof. If, upon appeal being noted, no sufficient security (to be fixed by the Circuit Judge or any other judge of the High Court) shall have been given by the party who wishes to appeal, that he will satisfy the said judgment, decree or order in case the same shall be confirmed or the appeal dismissed, together with such further costs as may be granted with reference thereto, execution shall not be stayed. Security.

Appeal may be noted during the session of the Circuit Court, or at the office of the Registrar of the High Court.

13. Any person who shall have noted an appeal against the judgment or decree of any Circuit Court, shall be obliged to prosecute the appeal within three months from the date of the noting thereof, unless upon application to that end made to the High Court the Court shall order otherwise. The latter provision shall also be applicable to all appeals from lower Courts. Appeals must be prosecuted within three months.

14. It shall be lawful for the High Court or Circuit Court for substantial reasons to refer any case whatsoever, civil or criminal, pending before such Court, to any other Circuit Court or to the High Court; and such reference shall be duly minuted by the presiding judge or the registrar upon the record of such case and transmitted to the Court to which it has been referred. Change of venue.

15. A Justice of the Peace appointed for the whole Republic shall be authorised to hold a preliminary investigation in any criminal case and to commit the accused to trial before the Circuit Court or High Court. Justices of the Peace.

16. Any person in whose favour any judgment, decree or order of any Circuit Court has been granted for the payment of money, damages or costs, may take out a writ of execution, signed by the Registrar of the High Court, against any movable or immovable property, wheresoever the same may happen to be or be situate within the limits of this Republic, being the property of the person against whom such judgment, decree or order has been given or granted, subject, however, to the existing rules relating to the attachment of goods. Execution of judgment.

The Registrar of the Circuit Court shall be competent to issue a writ of execution against property situate within the jurisdiction of the Circuit Court which has granted such judgment or decree.

Proof of
documents
filed of
Record.

17. Should it be required to prove any judgment, order or other document filed of record in the Archives of the High Court, a copy of such judgment, order or document authenticated by the signature of the Registrar of the High Court under the Seal of the High Court, shall be admitted and accepted as *prima facie* proof of such judgment, order or other document.

It shall moreover not be necessary to lead evidence to prove the signature of the Registrar.

Subpoenas.

18. Any party, who shall desire to subpoena any person as a witness in any civil case pending before the Circuit Court shall be at liberty to take out a subpoena for that purpose, signed by the Registrar of the said Court, and with reference to the subpoenaing of witnesses resident elsewhere than in the district or districts for which the session of the Circuit Court has been fixed, such Court shall have the same powers as the High Court.

Nothing contained in this Article shall prevent any person from taking out a subpoena at the office of the Registrar of the High Court, in order to secure the attendance of witnesses before any Circuit Court.

Case referred
to High
Court.

19. It shall be lawful for the Judge of the Circuit Court, if he shall deem fit, to refer any civil case or application of whatsoever kind, to the High Court, for argument or decision, or in order to take further evidence which has not been tendered at the sitting of the Circuit Court.

20. (Amendment of Rules of Court 1877; superseded by new Rules of Court).

21. (Repealed by par. 5, Law No. 1, 1888.)

22. This Law shall come into operation in terms of Art. 12 of the Grondwet.

S. P. J. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices.

Pretoria, 23 July, 1883.

LAW No. 4, 1883,

RELATING TO THE TAKING OUT OF TITLE DEEDS OR GRANTS
OF FARMS.

(Approved by Volksraad Resolution, Art. 343, dated 15 June, 1883.)

WHEREAS it has appeared that many inhabitants have neglected to take out the title deeds or grants of the farms inspected for them, notwithstanding the penalties provided by Law No. 6, 1870, for neglecting to do so, and that by Art. 4 the right has been given

to the Government to cause such farms as shall have reverted to the Government to be publicly sold.

Further taking into consideration, that the Government has not availed itself of the last mentioned provision and that for various reasons it cannot but be considered inadvisable to give effect to the said provision.

Be it hereby enacted :—

1. Law No. 6, 1870 is hereby repealed. Repeal.
2. Every person shall be obliged to take out the title deed or grant of his farm within nine months from the date of promulgation of this Law. All grants to be taken out within six months.
3. The Registrar of Deeds shall issue the title deed or grant to the original grantee, upon payment of the quitrent due and a fine of £15. How issued.
4. Within three months after promulgation of this Law, the Registrar of Deeds shall place a notice in the *Staatscourant*, containing a list of the names of farms and the names of the grantees, calling upon them to comply, within a period of six months, with the requirements of Art. 2. Notice in *Staatscourant*.
- The Government shall at the same time see that such notice shall be published as widely as possible through the Landdrosts and Field-Cornets.
5. Superseded by Law No. 10, 1892.
(The original paragraph 5 reads :—
After the expiration of the nine months, mentioned in Art. 2, the Government shall summon the persons in question before the Circuit Court, to fulfil the obligation prescribed in Art. 2.)
6. Any person, against whom a judgment of the Court shall have been given in terms of Art. 5, and who shall not comply therewith within the time fixed by the Court, shall forfeit his right to the ground allotted to and inspected for him, and the Government shall, without taking any further steps, cause such ground to be publicly sold for the benefit of the State Treasury, and the person entitled to the farm shall in addition thereto be liable for the costs incurred. Forfeiture of title.
7. The persons, whose ground shall have been inspected for the first time only after the introduction of this Law, shall be exempted from the fine mentioned in Art. 3, provided that they comply with the provisions of Art. 2, within six months after the date of inspection. Exemptions from fine.
8. It shall be lawful for the Government to concede any reduction in the payment of this and arrear taxes, due regard being had to the situation of the farm and the circumstances which have occasioned the delay in taking out the grants or title deeds. Reduction of fine, &c.

9. This Law shall come into operation according to the provisions of Art. 12 of the Grondwet and the last par. of Art. 77 of the "Standing Orders."

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices,
Pretoria, 16th June, 1883.

LAW No. 5, 1863.

MARKET LAW.

(Superseded by Law No. 8, 1888.)

LAW No. 6, 1883.

DIVISIONAL COUNCILS.

(Superseded by Law No. 1, 1887.)

LAW No. 7, 1883.

TRANSFER DUTY.

(Superseded by Law No. 20, 1895.)

LAW No. 8, 1883.

BILLS OF COSTS.

(Superseded by Law No. 19, 1894, and later Laws.)

LAW No. 9, 1883.

PENSION LAW.

(Superseded by Law No. 6, 1888.)

LAW No. 10, 1883.

LAW ON GUNPOWDER AND EXPLOSIVES FACTORIES.

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

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

Interpretation Clause—

Interpretation of terms.

“ Dangerous House ” shall signify

- (a.) Every building in which explosives, or the constituents thereof, are made, worked, stored or packed, and all powder magazines.
- (b.) Any office immediately adjoining any of the above-mentioned buildings.
- (c.) Any office which shall be less than fifty yards removed from any of the above-mentioned buildings.

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

“ Lights ” shall signify all such means of lighting as shall not be approved of by the committee of management as being reliable means of safety lighting. Lights.

“ Explosives ” shall signify :—

Explosives.

- (a.) Gunpowder, ammunition, nitric acid compounds, nitric acid powders, chlorate compounds, and all other sorts of explosives.
- (b.) Charcoal, ground or otherwise, oiled cotton, oiled hemp and oiled waste and every article liable to self-ignition.

“ Employee ” shall signify each and every person working in or connected with the factory. Employee.

“ Stranger ” shall signify any person who is not employed in or by the factory. Stranger.

“ Factory ” shall signify all the premises, buildings, &c., within its beacons (*sic*). Factory.

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

CHAPTER I.

Strangers.

Intruders.

1. Any person or stranger, who shall cross the boundaries of the factory premises, without a written permit from one or more of the directors, or the oral consent of the manager of the factory, shall be punished by a fine not exceeding £100 or by imprisonment, with or without hard labour, for a period not exceeding two years, and in addition thereto, every such person or stranger, who shall refuse or neglect to leave the factory when requested so to do, may be ejected or arrested.

Iron imple-
ments, &c.

2. Every stranger, who enters the factory whether with or without leave, having with him a weapon or implement of steel or iron, explosives, lucifers or matches, shall be liable to the same penalties as are set out in Art. 1.

Search of
visitors.

3. Every permit granted to strangers, to visit the factory, shall contain a clause which shall provide, that they are to allow themselves to be searched, in order to see if they have explosives, lucifers or matches, liquor, &c., with them, before they shall be permitted to approach within fifty yards of a "Dangerous House."

Intoxicated
strangers.

4. No stranger in a state of intoxication shall have access to the factory, and any person found within the bounds of the factory premises in an intoxicated condition, shall be immediately arrested and punished as an intruder (by fine or imprisonment) as is set out in Art. 1.

CHAPTER II.

Copy of law
posted in
factory.

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

Employees
and lights, &c.

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

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

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

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

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

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

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

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

LAW No. 11, 1883.

TOWN COUNCILS.

(Lapsed—See Laws No. 10, 1886 superseded by Law No. 17, 1898.)

VOLKSRAAD RESOLUTION, dated 4th July, 1883.

570. Regarding the salary of the State Attorney the Raad is of opinion, that in future this office should be filled only by a properly qualified and duly graduated lawyer, who shall have made a special study of law, and resolves to grant to such person as State Attorney a yearly salary of £1,000, with this proviso however that he shall not carry on any private practice. State Attorney.

VOLKSRAAD RESOLUTION, dated 13th July, 1883.

Gaols.

752. The Volksraad resolves to instruct the Government to order the respective public prosecutors in the State to visit the gaols in their districts at least twice a month, at unexpected times, in order to enquire into the treatment of the prisoners by the gaol officials, the rations of the prisoners, the sanitary condition of the gaols, &c. Also to see that no gaoler or other gaol official shall be the purveyor of food or other necessaries for the gaols. And further that the Court shall from time to time where necessary appoint commissions of enquiry for gaols.

 PROCLAMATION and V. R. RESOLUTION *re* MAPOCH
tribe and apprenticeship of its members.

(Loc. L. 1883—pages 1220 and 1221).

 GOVERNMENT NOTICE No. 211, dd. 1st October, 1883.

(Loc. L.—1883, page 1233).

Departmental
Correspondence.

Correspondence with Government Departments, must be direct with the Heads of such Departments, and not via State Secretary's Office.

 GOVERNMENT NOTICE No. 214, dated 1st October, 1883.

10 p.c. com.
on ammunition.

Reduction of 10 per cent. given to merchants who buy ammunition, &c., from Government in quantities of not less than 100 bags powder, 500 tins powder, or 10,000 cartridges.

 LAW No. 1, 1884.

CONTAGIOUS DISEASES.

(Superseded by No. 11, 1886, which in its turn is superseded by No. 4, 1887, and No. 12, 1895.)

 LAW No. 2, 1884.

GENERAL SURVEY.

(Superseded by Law No. 9, 1891.)

LAW No. 3, 1884.

TELEGRAPH SERVICE.

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

CHAPTER 1.

Regulations for the Telegraph Service.

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

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

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

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

Offices.

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

Secretary.

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

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

Access to operating rooms.

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

Office hours.

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

Telegraph office.

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

Classification of telegrams.

(a) Government telegrams are such as are sent by the Government; such telegrams shall be signed by the head of the department.

(b) Service telegrams are such as relate exclusively to the telegraphic service.

(c) Special telegrams may be sent by any private person upon payment of the fixed tariff.

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

Government telegrams.

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

Languages.

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

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

Incoherent wires.

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

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

Clear writing.

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

Telegrams for places off the line.

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

What telegrams may be refused.

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

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

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

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

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

Government and service wires.

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

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

- 16.** The Government shall from time to time fix the amount to be charged for the transmission of inland telegrams; for foreign telegrams the charge shall be regulated by the Conventions or Agreements concluded with the respective states or countries. Tariff.
- 17.** At every office the tariffs shall be open to public inspection.
- 18.** Any transmitter of a telegram may prepay the answer that he requests his correspondent to send, specifying the number of words for which he prepays. Reply prepaid.
- 19.** The sender of a telegram may claim that the time of delivery to his correspondent shall be communicated to him by wire. For such communication he shall pay the price of a telegram of ten words. Notification of delivery.
- 20.** The payment for all special telegrams shall be made at the office of transmission in postage stamps, which shall be cancelled by the official before transmission. Unless this is done the telegram shall not be transmitted. How payment made.
- 21.** Where an office, by reason of interruption of communications, shall not be in connection, the telegram shall be sent to the nearest office which is in connection, and from thence be sent on by the first post; should such interruption be known to the official in such office at the time of transmission, he shall be obliged to notify the transmitter thereof. Interrupted communications.
- 22.** Receipts for charges paid, shall be furnished upon payment of sixpence for each receipt, which amount shall be paid by the transmitter in stamps, which shall thereupon be duly cancelled by the Telegraph Official. Receipts.
- 23.** Should it subsequently appear that the transmitter of a telegram has been charged too little for the cost of transmission, he shall be obliged to pay up the deficit. Under-charges.
- 24.** The transmitter may within 72 hours after transmission and the recipient within the same time after receipt of a telegram require a correction of any expressions which are unintelligible to him. The question and the answer relating to the correctness of unintelligible expressions shall in transmission be considered and dealt with as being service telegrams; should it thereon appear that the fault is that of the transmitter, payment shall be made for the transmission again just as if for a "special" telegram. Corrections.
- 25.** Certified copies of telegrams handed in for transmission or received, shall be furnished to the transmitter or recipient upon application made by him, provided that the exact time of transmission or receipt be stated when application is made, and that the telegram be yet in hand. The price of a copy shall be one shilling for every hundred words or portion thereof. Certified copies.
- The copies so provided shall be provided by the applicant with stamps for the full amount due in respect thereof, and these stamps shall be cancelled by the official who furnishes the copy.

Tapes, &c.

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

CHAPTER II.

Chief.

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

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

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

Director of telegraph offices.

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

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

Records.

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

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

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices,
Pretoria, 10th November, 1884.

LAW No. 4, 1884.

FOR THE PREVENTION OF SMUGGLING OF GUNS, AMMUNITION, &C.
(Approved by Resolution of the Volksraad, Art. 1,118, dated
31st October, 1884.)

1. The trade in ammunition and all sorts of firearms shall be exclusively in the hands of the Government. Trade in
ammunition.

2. It shall not be lawful for any person, unless authorised so to do by the Government, to sell or in any way exchange any gunpowder of whatsoever kind, within the limits of this State, whether to a burgher or white inhabitant, or to a coloured person within this State, or to convey any gunpowder or other ammunition or weapons across the borders of this State, in order to sell or in any way whatsoever trade or make over the same upon any pretext whatsoever to any coloured person, where it is apparent that such making over has not been made in good faith, but for some profitable consideration. Restrictions.

In this regard the provisions of Law No. 6, 1873, shall remain in force.

3. No one shall be permitted to sell or in any other way trade or give to any coloured person within this State, any gun, pistol or other firearm, powder, lead, flints or percussion caps. The Government shall alone have the right so to do. The regulation hereof shall be left in the hands of the Government. Coloured
persons.

4. It shall be lawful for the Government to grant to loyal native chiefs or allies such quantities of ammunition and firearms as it may deem fit, subject always to the obligation to report to the Volksraad. Native chiefs.

5. Superseded by Art. 5, Law No. 22/1894.

6. It shall be lawful for any Landdrost, Justice of the Peace, Field-Cornet or any other official of this State, if he have good reason to believe that any quantity of powder or other war-materials are concealed or stored on any wagon, cart or vehicle, horse or other animal, or are being conveyed in conflict with the provisions of this Law, to search the same, and if he shall find such powder or other war materials, it shall be lawful for him to attach the same and to arrest the person or persons under whose supervision or in whose custody the same shall be found, and forthwith bring him before the Landdrost of the district. Powers of
search.

7. Every person who shall be found guilty of contravening any of the provisions of this Law shall be subject to a fine or penalty not less than £10, and not exceeding £1,000, or to imprisonment with or without hard labour for a period not less than one month and not exceeding fifteen years, coupled with a forfeiture of all war materials seized and the means or medium whereby or wherein the same was being conveyed.^[1] Penalty.

8. The half of any fine, which shall be levied under the provisions of this Law, shall be paid out by the Landdrost or Judge who Conveyance.
Informant's
reward.

¹ Cf. V.R.R. Art. 971, page 1228 L.L. 1883.

shall receive the same, on behalf of the Government, to the person who shall have given the earliest information which shall have led to the conviction of the offender, provided that such person claims the same within three months after the date of sentence.

Procedure.

9. A preliminary examination shall be held in respect of every contravention of this Law and the documents sent to the State Attorney, in order that he may decide before which Court the case shall be brought or otherwise.

Repeal.

10. All Laws, Ordinances, or provisions in conflict with this Law are hereby repealed.

Operation

11. This Law shall come into operation immediately after publication.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary

Government Offices, Pretoria,
24th November, 1884.

FORESTS.

1243.

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

Tax on the
hewing of
forest wood.

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

SCHEDULE II.

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

GOVERNMENT NOTICE.

No. 174 (LL. 1884, page 1,245).

As to "Inspection" of farms.

GOVERNMENT NOTICE.

No. 182 (LL. 1,884, page 1,247).

Instruction to Inspectors to see the farms occupied by natives are inspected for Burghers.

VOLKSRAAD RESOLUTION.

427. Resolved:—The last 17 words of Art. 13 of Law No. 3, 1869, beginning with the word "If" are declared lapsed and repealed.

(*Memo*: there are 43 words in the said article.)

VOLKSRAAD RESOLUTION (dd. 19th September, 1884).

515. The Raad unanimously approved of the item "Stamps £21,300," and assented to the recommendation of the Estimates Committee, that Foresters shall for the future not receive a fixed salary, but shall receive a percentage on the amount of taxes for wood cutting which they shall collect, and that they shall at the same time be charged with the duty of seeing that the forests are not destroyed. And further that a fine shall be inflicted for any evasion of the tax, or the removal of wood by any other road than has been prescribed by the Government.

Forests.

VOLKSRAAD RESOLUTION (dd. 20th September, 1884).

522. Resolved:—That natives shall be bound to pay road rates, in terms of the provisions of the Law.

525. Resolved:—That natives shall not be liable to pay railway tax.

VOLKSRAAD RESOLUTION (dd. 18th October, 1884).

952. The Raad approves of the recommendation of the Commission, and instructs the Government to cause a proper inventory of all Government goods to be kept by the Inspector of Public Works, in so far as no provision has yet been made therein.

VOLKSRAAD RESOLUTION (dd. 30th October, 1884.)

1110. The Raad resolves:—To reduce the railway tax by 10s. This provision to come into operation from the commencement of the new service year.

(See Government Notice No. 20, dd. 26th January, 1885.)

GOVERNMENT NOTICES.

(Pages 1,308 and 1,309 Local Laws 1884.)

- (a) *Re* Cape measure to be used by Surveyors.
- (b) Surveyors' tariff for curved lines.
- (c) Form of diagrams and particulars which are to be filled in by the Conveyancer.

GOVERNMENT NOTICE No. 127, 1884.

LEGALISATION OF SIGNATURES.

WHEREAS much confusion and uncertainty exists as to the manner in which documents should be sent in to this office for legalisation of the signature of officials, Justices of the Peace, Notaries and others, it is hereby notified for general information:—

Legalisation
of signatures
of J. P.'s, Law
Agents, &c.

1. That the signatures of Justices of the Peace, agents of the lower Courts or private persons, and all officials exclusive of heads of departments, ought to be subscribed in the presence of, and legalised by the Landdrosts of the respective districts in which the officials or other parties above-mentioned reside. Before effecting such legalisation, if it affects the acknowledgment or confirmation of any official appointment, the Landdrosts shall duly ascertain, that the person who desires such legalisation, possesses the qualification as alleged by him.

Landdrosts.

2. That the Landdrosts shall further, if required, as is mostly deemed necessary in cases of transmission of documents to foreign countries, send in their own signature, appearing on such document or documents as above mentioned, with a covering letter to this office.

Heads of
department.

3. That heads of department in so far as the legalisation of their signature may be required as above set out shall send up the documents for that purpose to this office with a covering letter.

Notaries.

4. That Notaries, Attorneys, Sworn Translators, &c., are requested to apply to the Registrar of the High Court, who shall legalise in the manner prescribed in par. 1, and who, if required, shall further send in his own signature for legalisation to this office in the manner set out in paragraph 2.

5. That the person desiring to have any signature legalised at this office is requested to enclose with his application an amount of 10s. 6d. in stamps, as payable in respect thereof. Fee.

6. That the form of legalisation at this office shall be as follows :— Form.

To all whom it may concern.

Greeting!

I, William Eduard Bok, State Secretary of the South African Republic, hereby certify that _____, whose signature appears upon the annexed document (s), marked A. (B. C. etc.), has been duly _____ (Appointed _____)

(Admitted and sworn _____)

_____ as _____ in this Republic, and that all deeds, documents, writings signed by him in his aforesaid capacity are accepted in all respects as reliable and valid documents both in and out of the Courts of Law of this State. Given under my hand and seal at Government Offices, Pretoria, this _____ day of the month of _____, A.D. 18 _____.

State Secretary.

7. That if at all possible, the documents shall be sent in for legalisation some days before the departure of the various mails, rather than on the post day itself as now often happens. Time.

By order.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
29th April, 1884.

LAW No. 1, 1885.

FOR THE REGULATION OF AUCTION SALES.

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

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

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

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

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

Sale of
Government
movable
property.

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

Master and
High Sheriff
do not require
licences.

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

Messengers of
the Court.

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

Market-
masters.

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

Bazaars.

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

$2\frac{1}{2}$ per cent. on
movables and
per cent. on
immovables.

8. From and after the coming into operation of this Law, a tax of $2\frac{1}{2}$ pounds sterling shall be levied on every hundred pounds sterling of the purchase price of all movable property sold by auction within this Republic, and a tax of 1 pound sterling on every hundred pounds of the purchase price of all immovable property sold by auction within this Republic, save in the case of the exemption mentioned in Artt. 3, 6 and 7, and these taxes of $2\frac{1}{2}$ per cent. on movable, and 1 per cent. on immovable property shall be accounted for to the Government by the auctioneer: provided always that the charges levied, imposed and recovered on the purchase price of any property, movable or immovable, sold by public auction in the estate of any deceased person, shall not exceed a tax of 1 pound sterling for every hundred pounds sterling of any such purchase price.

- 9.** No auctioneer's licence, as mentioned in Art. 2 of this Law, shall be granted unless the person applying for such licence shall have first passed a surety bond before a Landdrost for the sum of £1,000 for himself and shall have obtained two sufficient sureties, inhabitants of this State and possessors of fixed property equal in value to the amount of such surety bond, each in the sum of £500, and such surety bond shall be as nearly as possible in the form annexed marked "A." Security.
- 10.** The auctioneer shall be bound to forward a report every month to the Landdrost of the district in which he carries on his business with regard to all auction sales held by him, written in ink, and if necessary certify the correctness of the same on oath, and pay into the treasury the taxes due to the Government. Report
Taxes to be paid.
- 11.** No auctioneer shall be entitled to sell any wine, distilled or fermented liquor, for which a liquor licence is required by Law, and if he does so he shall be guilty of selling such liquor without licence and shall be liable to the fines provided by Law therefor, except in cases where estates are being realised. Auctioneer may not sell liquor.
- 12.** The State attorney or any other qualified official shall be entitled to indict and prosecute for any contravention of this Law or of the conditions of the surety bond required by Art. 9. State attorney may prosecute.
- 13.** All Laws, regulations and Volksraad resolutions in conflict or incompatible with the provisions of this Law shall be and are hereby repealed. Repeal.
- 14.** This Law shall come into operation immediately after publication in the *Staatscourant*. Operation.

FORM "A."

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

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

Thus done at _____ on the date aforementioned.

(Signed) A. B.

” C. D.

” E. F.

Before me

Landdrost.

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

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

LAW No. 2, 1885.

INSTRUCTIONS FOR FIELD-CORNETS AND ASSISTANT FIELD-CORNETS.

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

Field-Cornet
and Assistant
Field-Cornet.

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

Appointed for
three years.

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

Assistant
Field-Cornet
to act in
absence of
Field-Cornet.

Where there
is no
Assistant.

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

Account.

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

Assistance.

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

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

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

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

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

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

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

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

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

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

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

and to
commandant.

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

Fine.

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

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

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

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

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

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

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

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

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

Field-Cornet
may examine
wounded
person.

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

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

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

Jurisdiction of Field-Cornet or Assistant Field-Cornet.

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

House-breaking, &c.

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

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

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

Warrant required for arrest.

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

Vagrancy Law.

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

How prisoner sent to gaol.

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

Report to Landdrost except in urgent cases.

Postal and
telegraph
service.

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

Transmission
of official
letters, &c.

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

Public Roads.

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

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

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

Settlement of
disputes.

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

Must be
impartial.

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

Commando
service.

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

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

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

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

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

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

37. Their oath shall be as follows :—

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

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

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office,
Pretoria, 3rd June, 1885.

LAW No. 3, 1885.

COOLIES, ARABS AND OTHER ASIATICS.

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

To whom law applies.

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

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

Burgher rights.
Owners of fixed property.

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

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

This provision shall not be retrospective.

Registration.

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

On such registration, which shall be effected within eight days after arrival, a sum of £25 sterling shall be paid.^[1]

Penalty.

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

Time for registration.

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

Locations, &c.

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

Exception.

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

Operation.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 10th, 1885.

¹ See amendment of this Law by Proclamation dated 24th January, 1897, in Appendix.

LAW No. 4, 1885.

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

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

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

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

2. The laws, habits and customs hitherto observed among the natives shall continue to remain in force in this Republic as Native laws, &c., remain in force.

long as they have not appeared to be inconsistent with the general principles of civilization recognised in the civilised world.

Native Commissioners.

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

Jurisdiction.

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

Appeal.

What law applicable.

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

Jurisdiction over what crimes.

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

Maximum penalties.

President may review decisions.

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

President shall make

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

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

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

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

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

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

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

14. The State President shall have the power, with the advice and consent of the Executive Council, to make and frame such President may make

regulations for the administration of this Law.

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

Repeal.

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

Operation.

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

SCHEDULE.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
July 1st, 1885.

LAW No. 5, 1885.

FOR THE EXTRADITION OF CRIMINALS TO THE ORANGE FREE STATE.

(Approved and enacted by Resolution of the Volksraad, Art. 519, dated June 22nd, 1885.)

WHEREAS it is necessary to provide for the apprehension and extradition to the Orange Free State of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said Orange Free State, the Volksraad resolves as follows:—

Application.

1. This Law shall apply to the offences specified in the first Schedule hereto.

Extradition of criminals to Orange Free State.

2. Any person accused or convicted of having committed any one of the crimes or offences mentioned in this Law in the Orange Free State, and any fugitive criminal hereinafter mentioned who shall have left the Orange Free State and be found in this State, shall be liable to be apprehended and returned to the said Orange Free State, in manner provided by this Law, whether the crime in respect of which the surrender is sought was committed before or after the passing of this Law.

3. A requisition for the surrender of a fugitive criminal for whose apprehension a warrant has been issued in the said Orange Free State, and who is or is suspected of being in this State, shall be made to the State Secretary of this State. Upon receipt of such requisition, the State Secretary shall by order under his hand, signify to any Landdrost or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

Requisition made to State Secretary.

4. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, may be issued :

Warrant for apprehension.

(a.) By a Landdrost or acting Landdrost, or any person acting as such or any Justice of the Peace, on receipt or upon publication in the *Staatscourant* of the said order of the State Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the criminal had been convicted in this State, and

(b.) By a Landdrost or acting Landdrost, or any person acting as such, or any Justice of the Peace, on such information or complaint, and such evidence or after such proceeding as would, in the opinion of the person issuing the warrant justify the issue of a warrant if a crime had been committed or the criminal convicted in this State.

Any person issuing a warrant under this Article without an order of the State Secretary as aforesaid, shall forthwith send to the latter a report of the fact of such issue, together with the information or complaint, or certified copies thereof, and the State Secretary may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended to be discharged.

5. Any warrant for the apprehension of any fugitive criminal shall command that he be brought before some Landdrost. Where the warrant has been issued without the order of the State Secretary, the Landdrost, acting Landdrost, or any person acting as such, shall order the discharge of the fugitive criminal unless, within such time as having reference to the circumstances of the case, he may consider reasonable, the said Landdrost receives from the State Secretary the order mentioned in the third article of this law,

When warrants may be cancelled.

6. When a fugitive criminal is brought before the Landdrost, the said Landdrost shall hear the case in the same manner, and have the same jurisdiction and powers as near as may be as if the prisoner were brought before him charged with an indictable offence committed in this State.

What warrants of apprehension shall command.

7. In the case of a fugitive criminal accused of the commission of any crime to which this law applies, if the warrant of the said Orange Free State making the requisition is duly authenticated, and such evidence is produced as (subject to the provisions of this law) would according to the law of this State justify the committal for trial of the prisoner if the crime of which he is accused had

Landdrost to exercise jurisdiction as if offence committed in this State.

been committed in this State, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

When Landdrost may order committal or discharge.

In the case of a fugitive criminal alleged to have been convicted of the commission of any such crime, if such evidence is produced as (subject to the provisions of this law) would according to the law of this State prove that the prisoner was convicted of such crime, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

To what gaol committed person to be sent.

8. If the fugitive criminal is committed to prison he shall be committed to the principal gaol of the district, there to await the warrant of the State Secretary for his surrender. The Landdrost shall forthwith send a certificate of the committal to the State Secretary with such report thereon as he may think fit.

Upon committal President may order offender's surrender to Orange Free State.

9. Upon production of the certificate of committal it shall be lawful for the State President, by warrant under his hand and the public seal of this State, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorised by the said Orange Free State from which the requisition for the surrender proceeded, to receive the fugitive criminal, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for the person to whom such warrant is directed to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the said Orange Free State to which he has been surrendered.

Expenses of detention.

The gaoler, or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

Escape of prisoner from custody.

If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of this State may be retaken.

Proceedings in regard to persons committed but not given up within two months.

10. Where any person who shall have been committed under this law to remain until delivered up pursuant to requisition, shall not be delivered up pursuant thereto within two months after such committal, it shall in every case be lawful for the High Court of this State, or any judge thereof, or any Circuit Court, if such person be imprisoned within the jurisdiction of such last-mentioned Court, upon application by or on behalf of any person so committed, and after notice of the intention to make such application has been given to the State Attorney, to order the person so committed to be discharged out of custody unless sufficient cause is shown to the contrary.

Depositions, &c., to be received in evidence.

11. Depositions or statements on oath taken in the aforesaid Orange Free State, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or

statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this law.

12. Warrants of the said Orange Free State and depositions or statements on oath and copies thereof shall be deemed duly authenticated for the purposes of this law, if authenticated in manner provided for the time being by law, or if authenticated as follows:—

How warrants of the Orange Free State to be authenticated.

1. If the warrant purports to be signed by a Judge, Landdrost, or other officer of the Orange Free State where the same was issued authorised by law to issue warrants.
2. If the depositions or statements on oath, or the copies thereof, purport to be certified under the hand of a Judge, Landdrost, or other officer of the said Orange Free State, to be the original depositions and statements, or to be true copies thereof, as the case may be.
3. If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Landdrost, or other officer of the said Orange Free State where the conviction took place; and if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of some officer of the Government of the said Orange Free State from which the requisition for surrender proceeded; and all Courts of Justice and Landdrosts shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

13. The forms set forth in the second schedule to this law, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

Forms of warrants.

14. This law shall take effect as soon as the State President shall by proclamation in the *Staatscourant* of this State declare and make known that the said Orange Free State has made due provision for the surrender of fugitive criminals who have escaped thither from this State. [1]

When law to take effect.

15. The word or term "Landdrost" appearing in this law shall also be taken to signify and include an Assistant Landdrost or any person for the time being acting as Landdrost or Assistant Landdrost.

Landdrost.

16. This law shall be cited as "The Law No. 5, 1885, for the extradition of criminals to the Orange Free State."

Title.

¹ This law came into operation on July 22nd, 1885, in accordance with a proclamation of that date.

List of crimes.

FIRST SCHEDULE.

Abduction.
 Abortion.
 Arson.
 Assault, including indecent assault on the person of a girl under the age of twelve years.
 Assault with intent to do grievous bodily harm.
 Bigamy.
 Child stealing.
 Culpable homicide.
 Coining, or uttering counterfeit or altered coin.
 Deserting from any police or defensive force.
 Falsity, forgery or uttering a forged document.
 Fraud.
 Offences under any law relating to the dealing in gunpowder, lead or firearms.
 Housebreaking (including the breaking into any office, store or hut) with intent to commit any crime.
 Incest.
 Offences by insolvents against insolvency laws.
 Malignant injury to property.
 Murder, or attempt to commit murder.
 Perjury or subornation of perjury.
 Rape and assault to commit rape.
 Any act done with intent to do injury to person or property on any railway.
 Robbery.
 Public violence.
 Theft, including theft by means of false pretences, and theft by means of embezzlement.
 Being accessory to the commission of any of the aforesaid crimes or offences.

SECOND SCHEDULE.

Form of Order for Issue of Warrant of Apprehension.

To the Landdrost (or Justice of the Peace) for the district of

WHEREAS, in pursuance of an agreement with the Orange Free State, to which reference is made in the Proclamation of His Honour the State President, dated the 22nd day of *July*, 1886, a requisition has been made to the Government of the South African Republic by the Government of the Orange Free State, for the surrender of _____, late of _____, accused (or convicted) of the commission of the crime of _____ within the jurisdiction of the said Orange Free State; Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said _____ provided that the conditions of the Law No. 5, 1885, for the extradition of criminals to the Orange Free State, relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Pretoria, this _____ day of _____ 18____.

State Secretary.

Form of Warrant of Apprehension by Order of the State Secretary.

To the Field-Cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

WHEREAS His Honour the State Secretary by order under his hand has signified to me that requisition has been duly made for the surrender of
late of _____, accused (or convicted)
of the commission of the crime of _____ within the jurisdiction
of the Orange Free State : This is therefore to command you in the name of
His Honour the State President, forthwith to apprehend the said
_____ pursuant to Law No. 5, 1885, for the extradition of criminals
to the Orange Free State, wherever he may be found within the limits of this
State, and bring him, or cause him to be brought, before the Landdrost of the
district of _____, to show cause why he should not be surrendered
in pursuance of the said Law No. 5 1885, for which this shall be your warrant.
Given under my hand at _____ this _____ day of _____
18 _____.

*Landdrost (or Justice of the Peace)
for the District of _____.*

Form of Warrant of Apprehension without Order of the State Secretary.

To the Field-Cornets, Constables, Police Officers, and other Officers of the Law, proper to the execution of Criminal Warrants.

WHEREAS it has been shown to the undersigned
Landdrost (or Justice of the Peace) for the district of _____
that _____ late of _____ is accused
(or convicted) of the commission of the crime of _____ within
the jurisdiction of the Orange Free State : This is therefore to command you
in the name of His Honour the State President, forthwith to apprehend the
said _____, and to bring him, or cause him to be brought,
before the Landdrost of the district of _____ to be further
dealt with according to law : for which this shall be your warrant.
Given under my hand at _____ this _____ day of _____
18 _____.

*Landdrost (or Justice of the Peace)
for the district of _____.*

Form of Warrant of Committal.

To the Gaoler of the _____ Gaol.

BE IT remembered that on this _____ day of _____
18 _____ late of _____, is brought before me
Landdrost of the district of _____ to show cause why he should
not be surrendered in pursuance of Law No. 5, 1885, on the ground of his
being accused (or convicted) of the commission of the crime of _____
within the jurisdiction of the Orange Free State, and forasmuch as no
such sufficient cause has been shown to me why he should not be surrendered
in pursuance of the said Law.

This is therefore to command you, the said Gaoler, to receive the said
_____ into your custody, and him there safely to keep until he
is thence delivered pursuant to the provisions of the said Law No. 5, 1885,
for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____
18 _____.

Landdrost of the District of _____.

Form of Warrant of the State President for Surrender of Fugitive Criminals.

WARRANT

by His Honour the State President of the South African Republic to the Gaoler of the Gaol and to (a).

WHEREAS late of accused (or convicted) of the commission of the crime of within the jurisdiction of the Orange Free State, was delivered into the custody of you (b) the said Gaoler by warrant dated (c) pursuant to Law No. 5, 1885.

Now therefore I, the State President of the South African Republic, do hereby, in pursuance of the said law, order you, the said gaoler, to deliver the body of the said (a), and I command you the said (a) to receive the said into your custody, and to carry him within the jurisdiction of the said Orange Free State, and there place him in the custody of any person or persons appointed by the said Orange Free State to receive him, for which this shall be your warrant.

Given under my hand and the public seal of the South African Republic, at this day of 18 .

State President, S.A.R.

State Secretary.

(a) Insert name of person authorised by the Orange Free State to receive the criminal.

(b) Insert name of Gaoler.

(c) Date of warrant of committal.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
July 1st, 1885.

LAW No. 6, 1885.

(FOR MAKING THE NECESSARY AMENDMENTS IN THE EXISTING LAWS REGARDING THE COURTS OF JUSTICE IN THE SOUTH AFRICAN REPUBLIC.)

(Approved and enacted by resolution of the Volksraad, Art. 952, dated 22nd July, 1885.)

Preamble.

WHEREAS it is desirable and necessary to amend the laws regarding the Courts of Justice of this Republic, be it hereby enacted as follows :—

Amendment
of Law No. 4,
1875, Art. 3.
Jurisdiction
of Land
Commission.

1. The Land Commission Law No. 4, 1875, Art. 3, is hereby amended as follows :—

The Land Commission shall examine and decide all questions relating to beacons, boundaries and division of farms or land, as also protests against published diagrams.

2. The provision of the Constitution, Art. 150, with reference to the jurisdiction of the Landdrost Court is hereby amended as follows :—

Amendment of Jurisdiction of Landdrost in civil cases.

In Civil cases the Landdrost shall be competent to decide.

(a.) All cases of a liquid nature, such as acknowledgments of debt and acceptances, to an amount of Five Hundred Pounds (£500), and where judgment is given on a bond the Landdrost may declare the property thereby specially mortgaged executable. The sale shall, however, be effected by the Master of the High Court under existing regulations.

In liquid case to an amount of £500.

Property to be declared executable.

To be sold by the Master.

(b.) All other cases where the claim or the value of the thing in dispute does not exceed the sum of One Hundred Pounds (£100).

In all other cases not to exceed in value £100.

(c.) The granting of arrests and interdicts against persons and movable property ; provided that where the debt or the amount is above the jurisdiction of the Landdrost, the arrest or interdict shall only be provisional and subject to confirmation by the High Court or one of the judges of such Court.

Granting of arrest and interdicts against persons and movable property.

If amount above jurisdiction, arrest or interdict shall be provisional.

(d.) All questions of ejection from land or buildings situate within his district, or registered in the books of his district, provided that where the right of ownership is in dispute between the parties, the value of the property shall not exceed £100. The power of the Landdrost granted under Law No. 4, 1875, Art. 23 (known as the Land Commission Instructions), is hereby withdrawn.

In questions of ejection from land, provided the value does not exceed £100.

Repeal of Art. 23 of Law No. 4, 1875.

The Landdrost shall be competent in any criminal case to impose a fine not exceeding the sum of Seventy-Five Pounds (£75) on the accused person.

Jurisdiction of Landdrost *re* fine.

3 and 4. Repealed by Law 1, 1888, Art. 2.

5. Repealed by Art. 5 of Law 1, 1888.

6. Any final judgment may be revoked and set aside if it is proved to the High Court :—

Final judgments may be cancelled if parties have committed fraud or have forged documents.

(a.) That the judgment is based upon a fraud committed by one of the parties, which fraud has subsequently been discovered.

(b.) That judgment has been given upon documents which after judgment have been acknowledged or declared to be forged, falsified or invalid.

7. The High Court or the Judge sitting by virtue of Art. 3, or the Circuit Court, may refer any question of dispute as to the beacons or boundaries of a farm or piece of land to the Land Commission of the district for investigation.

Court or Judge may refer questions of beacons to Land Commission.

8. From the judgments of the Land Commission and the Landdrost Court there shall be an appeal to the Circuit Court or

Appeal against judgments of Land Commission and Landdrost Court.

drost Court to
Circuit Court or
Judge sitting
by virtue of
Art. 3. and from
thence to High
Court.

Repeal.
Operation

to the Judge sitting by virtue of Art. 3, and from thence to the High Court, unless both parties have agreed in writing to bring the appeal direct before the High Court.

9. All Laws in conflict with these provisions are hereby repealed. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office,
Pretoria, 30th July, 1885.

LAW No. 7, 1885.

SURETY BONDS.

(Repealed by Law No. 2, 1899.)

LAW No. 8, 1885.

GOLD LAW.

(Repealed by Law No. 8, 1889.)

LAW No. 9, 1885.

REGULATING THE ISSUE OF TREASURY BILLS BEARING INTEREST.

(Approved and enacted by Resolution of the Volksraad, Art. 1,110, dated August 1st, 1885.)

This Law is not translated as it authorised the raising of a loan of £45,000 by the issue of Treasury Bills bearing interest, 15 years ago, and may therefore be considered to be of no further interest.

LAW No. 10, 1885.

DIRECT TAXES.

(Superseded by Law No. 11, 1896.)

GOVERNMENT NOTICE, No. 137, 1885.

REGULATIONS FOR THE TRANSIT OF GOODS THROUGH THE SOUTH AFRICAN REPUBLIC.

WHEREAS by Volksraad Resolution, Art. 1285, dated November 10th, 1884, an Appendix to Law No 4, 1882, was enacted, which reads as follows :—

Appendix to Law No 4, 1882.

1. All goods not of Portuguese origin cleared at Lorenzo Marques may be conveyed in transit through the territory of the South African Republic, on payment of a transit duty of 3 p.c. *ad valorem*, on the following conditions :—

Transit duty
3 per cent.
ad valorem.

(a.) That the Portuguese Government of Lorenzo Marques shall secure the S. A. Republic by demanding that security should be lodged by two persons of good name and repute, before the goods above referred to leave the customs office at Lorenzo Marques.

(b.) Such security shall be lodged to an amount equal to five times the amount of the customs duty, which would be claimed by the S. A. Republic if the goods were intended for the Republic itself.

Amount of
security.

(c.) The return of such security shall be claimed within a period of 5 months to be reckoned from the date that the goods left the customs office at Lorenzo Marques, and shall be returned or cancelled on production of a certificate that the above-mentioned goods have passed through to a specified State or country to be stated by the Portuguese Consul in the S. A. Republic, which certificate shall be countersigned by the Inspector General of Customs or by some other official appointed for the purpose by the Government. If this is not done within the said 5 months the security lodged shall be forfeited in favour of the S. A. Republic, unless the Government of the S. A. Republic for reasons of equity should grant dispensation.

2. The entire further regulation of such transit shall be effected by the State President with the advice and consent of the Executive Council.

Further
regulations.

3. The time when this appendix shall come into operation shall be fixed by the State President and be published in the *Staatscourant*.

Coming into
operation.

4. This appendix shall remain in force only so long as an arrangement exists in the Portuguese Province of Mozambique whereby the fulfilment of the conditions mentioned in Art. 1 is guaranteed.

How long to
remain in
operation.

5. The Government shall have the power, if it should appear to be in the interests of the country, to allow transit on payment of

Through
transit of

goods from
other places.

a similar percentage to that mentioned in Art. 1 in respect of goods brought from elsewhere than the Province of Mozambique.

NOW THEREFORE I, STEPHANUS JOHANNES PAULUS KRUGER, State President of the South African Republic, with the advice and consent of the Executive Council, in pursuance of Artt. 2 and 3 of the above-mentioned Appendix to Law No. 4, 1882, provide and enact as follows :—

What goods
allowed
through
transit.

(1.) All merchandise from whatever source, with the exception of that mentioned in Art. 2, may be conveyed in transit through the territory of the South African Republic to any country beyond, on payment of transit duty of 3 per cent on the value.

Exemption
from transit
duty.

(2.) The produce of the ground and industry of the Portuguese possessions in Mozambique shall not be liable to any transit duty.

Security.

(3.) To insure the fulfilment of the provisions laid down regarding transit security shall be lodged, either at Lorenzo Marques or in the South African Republic, as follows :—

At Lorenzo
Marques.

(a) At Lorenzo Marques security shall be lodged to the satisfaction of the Consul of the South African Republic residing there, and in the absence of such Consul, to the satisfaction of the Governor of Lorenzo Marques.

In the South
African
Republic.

(b) In the South African Republic the security shall be lodged with the Landdrost to the satisfaction of such Landdrost and of the Inspector General, and such security shall be registered at the office of the Registrar of Deeds.

The security shall be lodged by two persons known to be of good fame and repute, who in every respect constitute sufficient security.

The security shall be in the form specified in Schedule "A."

Amount.

(4.) The amount of the security shall be equal to five times the amount of the customs duty which would be claimed by the South African Republic if the goods were intended for the Republic itself.

Transit duty
prepaid.

(5.) The transit duty shall be paid before the goods leave Lorenzo Marques, either to the Consul of the South African Republic at Lorenzo Marques, or in the South African Republic to the Landdrost of the district where the consignor of the goods resides or where security has been given.

Receipt.

The receipt which is issued by the Landdrost for such transit duty shall be forwarded together with the deed of security to the Inspector-General at Pretoria.

Consent of
Consul before
goods leave.

The Director of the State Depôt at Lorenzo Marques shall not allow the goods, cleared for transit through the South African Republic to countries beyond, to leave the Customs office, unless the Consul of the South African Republic at Lorenzo Marques has expressly signified his consent.

- (6.) The consignor of the goods shall, if the goods come from the State Depôt at Lorenzo Marques, produce the certificate of the Director of such State Depôt in regard to the value of the goods, or otherwise shall make an affidavit in regard thereto. Certificate *re* value.
- (7.) On compliance with the aforementioned provisions the Consul for the South African Republic at Lorenzo Marques shall issue a certificate of transit, which shall contain the name of the consignor, the name of the consignee and their places of abode, as well as the nature and the marks of the goods. Certificate of transit.
- (8.) Such certificate of transit shall serve as a free passport for the goods in transit in the territory of the South African Republic, and shall be exhibited at the request of any Landdrost or Customs Officer. Such certificate serves as free passport.
- Should there be any reasonable ground to suspect that the law is being evaded, any Landdrost or Customs Officer shall have the right to have the cases or parcels opened. When cases may be opened.
- (9.) After receiving the goods the consignee shall certify the same on such certificate, which shall also be countersigned by the Landdrost, Magistrate or Justice of the Peace of the district where the goods are offloaded. Thereupon such certificate shall be forwarded to the Inspector-General at Pretoria, who, on finding it in order, shall countersign it and deliver it to the Portuguese Consul at Pretoria to be signed by him also. The certificate shall thereupon, if necessary, be forwarded to the Consul of the South African Republic at Lorenzo Marques. Certificate of receipt of goods. Forwarded to Inspector General.
- (10.) The deed of security lodged shall, on compliance with the aforementioned provisions, be given back, on request made to the Consul of the South African Republic at Lorenzo Marques or to the Inspector-General at Pretoria. Deed of security returned.
- (11.) If the certificate of receipt mentioned in Art. 9 and the request for the return of the security are not sent in within five months from the date on which the certificate of transit was granted, the security lodged shall be forfeited in favour of the State. The Government may, however, grant dispensation if good grounds exist for doing so. When security forfeited.
- (12.) The appendix to Law No. 4, 1882, and these regulations shall come into operation 14 days after publication. Operation.

SCHEDULE "A."

Deed of Security for the Transit of Goods through the South African Republic.

BE IT KNOWN to all whom it may concern that on this _____ day of _____
 the month _____ in the year of Our Lord _____
 we _____ residing at _____ as principal debtor, and
 _____ residing at _____ as sureties have bound

ourselves *in solidum* to pay to Willem Eduard Bok, in his capacity of State Secretary of the South African Republic, or his lawful successor, as such representing the Government of the South African Republic, renouncing for that purpose the exception of the *beneficium ordinis seu excussionis et divisionis*, with the meaning whereof we declare ourselves to be fully acquainted, the sum of _____ being five times the amount of the customs duty which would have to be paid if the following goods were imported into the South African Republic :—

Description of Goods.	Marks of Cases and Parcels.

for the due and lawful payment of which we hereby bind ourselves and each of us, our heirs, executors and administrators.

Whereas the above-mentioned _____ has signified his intention to convey the above-mentioned goods from _____ to _____ through the territory of the South African Republic and to obtain a certificate of transit therefor in accordance with appendix to Law No. 4, 1882, and the regulations drawn up in terms thereof, now therefore the following are the conditions of this bond :—

1. That the Government, without further action or notification, may apply to have this deed of security declared executable on the persons and goods and property of the persons who have signed the same, the signatories hereby renouncing the legal exceptions against such execution ;

If :

- (a) It appears that the above-mentioned goods or any portion thereof (if a certificate of transit has been issued for the same) have not been conveyed through to the place mentioned in such certificate of transit ;
- (b) If within the period of five months, reckoned from the date on which the certificate of transit was issued, proof that the goods mentioned in the certificate of transit have arrived at the place of destination mentioned in such certificate has not been produced in the manner provided in Art. 1 (c) of the appendix to Law No. 4, 1882, and further described in the regulations drawn up in terms thereof.

2. That this bond shall be null and void if none of the above-mentioned contingencies happen.

Thus done and signed at time and place afore-mentioned, in the presence of the undersigned witnesses.

Persons who bind themselves.

Witnesses.

Thus done before me

Landdrost.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
July 30th, 1885.

GOVERNMENT NOTICE No. 212.

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

By Order,
W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
October 20th, 1885.

GENERAL INSTRUCTIONS FOR THE BEACON COMMISSION.

1. A Commission which shall be styled "The Beacon Commission" shall be appointed by the Government for every ward, in pursuance of Art. 18 of Law No 2, 1884, which reads as follows:—"The Government shall appoint commissions in each ward and provide them with instructions, in order to regulate all matters relating to beacons and boundaries preparatory to the general survey."* Appointment of Beacon Commission.
2. The Beacon Commission shall consist of three members of whom the Field-Cornet shall be *ex-officio* chairman. How constituted.
3. It shall be the duty of the Beacon Commission merely to inspect open ground, or to re-erect as nearly as possible in accordance with the inspection reports farm beacons which have disappeared, provided always that in no case shall any existing established beacons be interfered with. The Beacon Commission shall not have the power to cite witnesses; only the Arbitration Commission shall have that power. See Volksraad resolution, Art. 989, published in the *Staatscourant* No. 237, August 5th, 1885. Duty.

No power to cite witnesses.
- In the event of disputes relative to beacons the Beacon Commission shall have no power to decide thereon, but the procedure specified by Art. 8 of these instructions shall be adopted. No power to decide disputes.
4. The Beacon Commission shall, where the beacons of a farm are unknown or have disappeared, re-inspect such farm and erect the beacons, always bearing in mind that, if the owners of adjoining farms shall be in a position to point out their beacons and to establish the same through the old inspectors, or by means of affidavits of persons who have been acquainted with such beacons, everything being in conformity with the inspection report, such beacons shall in any case be respected, and shall not be interfered with. New Inspection.

* See Law No. 9, 1891.

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

- Size of farm.** **5.** No farm shall upon being inspected be allowed to be of greater size than 3,750 morgen, or one hour this way and that; but if the farm cannot be made square, its dimensions shall be equal to those of a farm of the above extent, that is to say, farms which have not already been inspected and been given a greater extent by the inspection report.
- Existing Beacons.** **6.** The Beacon Commission shall in no case interfere with the beacons of any farm, unless called upon by the owner to put up beacons which have disappeared or unless it be suspected that there is still open Government ground between the farms, provided always that due regard be had to Art. 3 of these instructions.
- Surveyed farms.** **7.** In no case shall the Beacon Commission in any way interfere with the beacons of farms surveyed by duly admitted surveyors.
- Field-Cornets mediate in disputes.** **8.** All disputes as to beacons between owners shall first of all be submitted to the mediation of the Field-Cornet. If that cannot be done, the procedure shall be in terms of Art. 26 of Law No. 2, 1884, reading as follows:—[These provisions are superseded by Arts. 23 and 24 of Law No. 9, 1891.]
- Government Grounds.** **9.** All open ground, found by the Field-Cornet to exist in between already inspected farms, shall be inspected for the Government by the Commission.
- Farm of an irregular shape.** **10.** No farm shall be inspected so as to be of a greater length than 45 minutes' riding reckoned from the centre point mentioned in the application, unless such farm be a remnant or strip of ground left open between other farms.
- Beacons.** **11.** The Commission shall at the time of the inspection point out the beacons of the farm to the owner or his representative. If by reason of any insurmountable obstacle it shall be found impossible to ride off the distance in any direction the beacons may be approximately located. Such beacons shall in any case be erected according to law.
- Centre point.** **12.** It shall not in every case be necessary to take as the centre point of the farm the local feature by which the farm is characterised in the extract securing the right to such farm; the centre point may be taken to be anywhere within a distance of six hundred yards of such local feature.
—The spot applied for shall in any case be made to fall within the boundaries of the farm.

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

Inspection Reports.

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

Pointing out beacons to surveyor.

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

Number of farms pointed out to Surveyor.

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

Beacons—
Position of

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

Kaffir kraals.

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

Fees of Beacon Commission.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
15th October, 1885.

VOLKSRAAD RESOLUTIONS.

VOLKSRAAD RESOLUTION, May 12th, 1885.

91. Empowers the Government to admit doctors and attorneys qualified to practise in Stellaland.

Stellaland doctors and attorneys.

VOLKSRAAD RESOLUTION, May 23rd, 1885.

204. Empowers the Government to issue permits for the removal of firewood. No firewood shall be removed from Government land unless the person removing it is in possession of a permit for which 5s. has been paid in stamps. In no case shall green wood or timber be cut.

Permits for the removal of firewood.

VOLKSRAAD RESOLUTION, June 3rd, 1885.

Landdrosts
empowered
to execute
deeds of
transfer.

278. Approves Law No. 5, 1882, Art. 4, with the following amendment:—

Instead of "cause to be executed before the Landdrost" to read "to be executed by the Landdrost himself, under the tariff fixed for the execution of transfer deeds for the benefit of the public treasury."

VOLKSRAAD RESOLUTION, June 10th, 1885.

Lists of
burghers
qualified to
serve as
jurymen.

360. Lays down that in future Landdrosts and Field-cornets shall make up a list of all burghers qualified to act as jurymen in Courts of Law and forward such lists to the High Sheriff, to enable the latter to subpoena jurymen from such list when their services are required.

VOLKSRAAD RESOLUTION, August 1st, 1885.

Force of legal
or tacit
hypothee in
acknowledg-
ments of debt.

1108. The Raad resolves to approve Art. 9, of the Report on the order, and resolves further that the legal (tacit) hypothee reserved in the acknowledgments of debt referred to by the Volksraad Resolution, Art. 942, dated July 21st last, in connection with Art. 4 of the supplementary report of the Estimates Commission, which acknowledgments of debt do not entail a novation or renewal of debt, shall be understood in this sense that it has preference over all other rights, even over pledge or hypothee; that it exists under all circumstances on fixed property on which the arrear tax is due which is acknowledged in the acknowledgment of debt, and also on all property belonging to the person who has signed such acknowledgment.

The Registrar of Deeds shall refuse to grant transfer of such property unless the arrear tax due thereon has been paid.

EXECUTIVE COUNCIL RESOLUTION, dated January 7th, 1885.

Reduction of
Railway Tax,
when it takes
effect.

4. At the request of the Auditor General for an explanation of Volkraad Resolution, Art. 1110, dated October 30th, 1884, it is resolved to explain the Resolution in such manner that the reduction of the Railway tax shall begin from January 1st, 1885, and to inform the Auditor General accordingly.

EXECUTIVE COUNCIL RESOLUTION, dated June 11th, 1885.

Instruction to
Auditor and
Treasurer
General.

228. Resolved to instruct the Auditor and Treasurer General not to pass any accounts of, or to pay any monies to, persons who owe anything to the State.

LAW No. 1, 1886.

POST OFFICE.

(Repealed by Law No. 18, 1898.)

LAW No. 2, 1886.

MEDICAL PROFESSION.

(Superseded by Law 12, 1886.)

LAW No. 3, 1886.

VALIDITY OF SERVITUDES.

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

1. If before the coming into operation of this Law a servitude has been granted in any contract of purchase or other written document such servitude shall be valid, provided the document or a copy thereof, duly certified by the Registrar of Deeds, be registered or attached to the deed of transfer of the property on which the servitude exists in the registry office within the period of two years, even if the deed of transfer itself makes no mention of the said servitude. Registration of servitudes.

Oral contracts whereby servitudes have been granted shall, within the above-mentioned period, be put into writing and filed at the registry office. Oral contracts.

2. No servitude granted after publication of this Law shall be valid as against third persons unless, in the deed of transfer of the property on which the servitude exists, such servitude is duly mentioned and described. Servitude to be mentioned in transfer deed.

3. This Law, which shall be applicable only to servitudes created by contracts, shall come into operation six months after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 19th, 1886.

LAW No. 4, 1886.

ARTILLERY AND POLICE.

(Superseded by Law No. 15, 1894.)

LAW No. 5, 1886.

(TO AMEND THE EXISTING TARIFFS FOR THE COURTS OF THE SOUTH AFRICAN REPUBLIC.)

(Approved and enacted by Resolution of the Volksraad, Art. 594, dated June 21st, 1886.)

WHEREAS it is desirable and necessary to amend the existing tariffs, as provided by Law No. 8, 1883, under which the bills of costs in cases heard in different courts of the South African Republic are taxed, it is hereby enacted and provided as follows :—

1. Superseded by Law No. 19, 1894.

Witness expenses.

2. The provision in Law No. 8, 1883, under the heading "Witness expenses in Civil Cases," Art. 1 is hereby repealed. Every white witness shall be entitled to 10s. per day; coloured persons to 1s. 6d. per day.

3, 4, 5 and 6, superseded by Law 19, 1894.

Operation.

This Law shall come into operation from the date of publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 30th, 1886.

LAW No. 6, 1886.

DIRECT TAXES.

(Superseded by Law No. 11, 1896).

LAW No. 7, 1886.

(TRAVELLING AND PERSONAL EXPENSES OF CIVIL SERVANTS.)

Superseded by Law No. 14, 1887.

LAW No. 8, 1886.

(OCCUPATION OF GOVERNMENT LAND SITUATED IN THE DISTRICT OF ZOUTPANSBERG AND A PORTION OF WATERBERG.)

(Approved and enacted by Resolution of the Volksraad, Art. 821, dated July 3rd, 1886.)

Inspection of Government land.

1. In the district of Zoutpansberg and, if deemed necessary by the Executive Council, also in the North Eastern portion of the

district of Waterberg, the Government land pointed out for that purpose by the Executive Council shall be inspected for farms and already inspected farms belonging to the Government shall be divided into smaller farms.

- 2.** These farms and portions of farms referred to in Art. 1 shall average from 500 to 1,500 morgen in extent. Extent.
- 3.** For the inspection of these farms a Commission shall be appointed by the State President. This Commission shall consist of three members, one of whom shall be a surveyor. Commission.
- 4.** The remuneration of this Commission shall be according to law. Remuneration.
- 5.** The State President shall afford the Commission such protection as may be deemed necessary to enable it to perform its duties without let or hindrance. Protection.
- 6.** When the land referred to in Art. 1 is pointed out large forests shall be reserved. Forests.
- 7.** The Commission shall erect beacons to indicate the boundaries of the farms and land inspected by it. Beacons.
- 8.** The Commission shall make two separate plans and inspection reports of all farms and land inspected by it, the form of which shall be prescribed by the State President, as well as a general plan. Plans and inspection reports.
- 9.** The Chairman of the Commission shall forward the plans and inspection reports as soon as possible to the State Secretary, who shall deal with them according to law. Plans sent to State Secretary.
- 10.** The farms referred to in Art. 1 shall be granted free of payment under the conditions hereinafter mentioned. Farms granted free.
- 11.** The State President shall cause a notice to be inserted in the *Staatscourant* and also in such other newspapers as he may deem expedient, calling upon all persons who desire to obtain a farm to apply in writing to the State Secretary within a time to be fixed by him. Notice in *Staatscourant*.
- 12.** The farms shall be allotted in the following order :—
 (a.) To burghers of the South African Republic.
 (b.) To persons who have come into, or who shall in future come into, the South African Republic, even though they have not yet become burghers. Order of allotment.
- 13.** The farms shall, as soon as possible be allotted by the Executive Council to the persons who have applied for the same, in so far as they may appear to be entitled to the same, due regard being had to the order laid down in Art. 12. Allotment by Executive Council.
- 14.** Such allotment shall, however, not take place until the applicants have been called upon by the State President by notice What must be done before allotment.

in the manner provided in Art. 11 to represent on certain days to be fixed by him, either in person or by an agent appointed in writing or by letter to the Executive Council, their interests with regard to the choice of any particular farm in preference to others, and the persons next whom they desire to live or in any other respect.

Performance
of conditions.

15. Every person who receives a farm shall bind himself in writing to strictly perform the conditions on which the same is granted, a copy of which shall be attached to every title deed.

Continuous
occupation.

16. Every farm shall be continuously occupied by the person to whom the same is allotted, either in person or by an able bodied white substitute. To no person shall more than one farm be allotted.

Commence-
ment of
occupation.

17. The occupation shall begin within a time to be fixed by the State President, which shall at an early date be made known as widely as possible.

Later
occupation.

18. Any person who is prevented from beginning to occupy his farm within the time fixed by the State President shall obtain leave from the latter to do so at a subsequent date.

Taxes.

19. Every farm shall as a loan farm be subject to the taxes in accordance with the laws of the land.

Title deed.

20. Every person to whom a farm has been allotted shall be bound to receive a title deed for his farm, and on receipt thereof to pay the expenses of inspection and of the title deed.

Original
conditions to
be observed.

21. Every new owner of a farm shall be bound to strictly observe the conditions under which the farms were originally allotted.

Forfeiture
of farm

22. If the owner of a farm does not strictly and continuously observe the conditions contained in Arts. 16, 17, 18, 20 and 21, he may be declared by resolution of the Executive Council to have forfeited his right of property therein and all claim to compensation for the improvements effected thereon.

Notice to
owner to
appear.

23. Such forfeiture shall not be declared until the owner shall have been called upon in writing by the State Secretary to appear, on a day to be fixed by the State President, in person or by an agent appointed in writing before the Executive Council in order to have his case heard.

Further
notice in
Staatscourant.

In addition to the written summons a summons shall be published in the *Staatscourant*, and these two summonses shall be considered sufficient to entitle the Executive Council to declare a farm forfeited when there are good reasons for doing so, even if it appear that the written summons did not reach the person interested. The person interested shall be at liberty, if he chooses, to lay his case in writing before the Executive Council.

24. If the owner of a farm has been declared to have forfeited his right of ownership therein, the same may be allotted again, due regard being had to the provisions contained in Arts. 11, 12, 13 and 14. Forfeited farm again allotted.

25. The Executive Council shall in such case have the power to decree that the new owner shall pay a certain sum of money for the improvements effected on the farm, and that such sum shall be deposited, wholly or in part, in the public treasury or be awarded to the previous owner. Compensation for improvements.

26. The Executive Council shall frame such instructions and make such regulations as are necessary for the proper administration of this law. Executive Council frames regulations.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
14th July, 1886.

LAW No. 9, 1886.

CUSTOMS.

(Superseded by Law No. 13, 1887, with the exception of Article 2, which is superseded by Law No. 4, 1894.)

LAW No. 10, 1886.

TOWN COUNCILS.

(Superseded by Law No. 19, 1892.)

LAW No. 11, 1886.

CONTAGIOUS DISEASES.

(Superseded by Law No. 4, 1887.)

LAW No. 12, 1886.

(TO MAKE PROVISION FOR THE ADMISSION OF DULY QUALIFIED PERSONS TO PRACTISE IN THIS REPUBLIC AS PHYSICIANS, SURGEONS, ACCOUCHEURS, APOTHECARIES, CHEMISTS AND DRUGGISTS, AND FOR THE BETTER REGULATION OF THE SALE OF DRUGS AND MEDICINES.)

(Approved and enacted by Resolution of the Volksraad, Article 1,313, dated 5th August 1886.)

Preamble.

WHEREAS it is desirable that persons requiring medical assistance shall be enabled to distinguish between qualified and not qualified medical practitioners, and that for the safety of the inhabitants provision should be made for the sale of poison in the Republic, and also for the admission of duly qualified persons in this Republic to practise as physicians, surgeons, accoucheurs, apothecaries, chemists and druggists, and for the better regulation of the sale of drugs and medicines. And whereas it is further desirable to repeal Schedule No. 18, (Physicians and Surgeons) —of the Ordinance No. 2 of 1871, called “Determination of and provisions for Licences, Stamp Dues, Office and other Fees, to which the various persons and professional bodies appointed or admitted on behalf of the Government are entitled, enacted by Resolution of the Volksraad, Art. 305, dated 8th November, 1871.”

Be it therefore enacted as follows:—

Repeal of
Schedule 18,
Ordinance
No. 2, 1871.

1. The Schedule numbered:—“Eighteen—Physicians and Surgeons,” of the Ordinance No. 2 of 1871, entitled:

“Determination of and provisions for Licences, Stamp Dues, Office and other Fees to which the various persons and professional bodies appointed or admitted on behalf of the Government are entitled, enacted by Resolution of the Volksraad, Art. 305, dated 8th November, 1871, by which certain monies, costs and fees for Physicians and Surgeons are provided for and determined shall be and is hereby repealed, provided that such repeal shall not affect any act done or permitted or any right or privilege obtained, or duty or responsibility imposed or caused, or remuneration assured before the passing of this Law, under and by virtue of the Schedule hereby repealed.

Medical
Board.

2. The State President shall have the right to appoint a board, consisting of three or more persons properly qualified to practise medicine or to dispense medicines, to be called “Medical Board of the South African Republic,” which shall have the supervision of the civil medical interests in the Republic, and shall be subject to the provisions hereinafter set forth; and the State President shall have the power at his discretion to dismiss any members of such board, and in the case of the resignation, removal, absence, incompetence or death of one or more of them, to appoint another or others in his or their places.

Power of
State
President
regarding
same.

3. Any person hereafter desiring admission to practise as physician, surgeon or accoucheur, or to dispense or sell medicines or drugs as apothecary, chemist or druggist, shall for that purpose obtain a licence from the State President. Any person desiring to practise as above shall, for the purpose of obtaining such licence, produce his diploma or other certificate for examination and approval by the said board, in order to prove that he is really qualified, as he states, in the branch or branches of the medical profession which he desires to practise.

Medical men and apothecaries must be licensed.

Production of certificate or diploma.

4. Any person rendering medical aid as physician, surgeon or accoucheur without being in possession of a licence, who demands payment for his or her services, shall not have the right to claim the protection of the law for the recovery of his or her fee.

Unlicensed person cannot recover fee for services.

5. Any person having served not less than four years as apprentice to a duly licensed apothecary in this State shall be able to obtain a licence to practise as apothecary after passing an examination before the said board to the satisfaction of the members thereof.

Examination and admission of apprentices as apothecaries.

6. It shall be the duty of the Medical Board of the South African Republic as soon as possible after the passing of this Law to compile a list of all persons who have before the coming into operation of this Law been admitted to practise as physicians, surgeons or accoucheurs or to dispense or sell medicines or drugs as apothecaries, chemists or druggists in this State. It shall also be the duty of the said Medical Board to keep a register of all persons who have been admitted under the provisions of this Law to practise any branch of the medical profession, and to prepare a copy of the said list for publication in the *Staatscourant* at least once during the month of January in every year.

List of medical men and apothecaries already admitted, compiled by medical board.

Such list or register shall be framed and kept as far as possible in accordance with the form given in the Schedule annexed to this Law, or to the same effect.

Register of medical men and apothecaries admitted under this Law. Annual publication in *Staatscourant*.

7. Any person wilfully causing himself to be admitted and registered under this Law or attempting to do so by making or producing false or fraudulent representations either orally or in writing, and any person helping or assisting him therein, shall for such offence be deemed guilty of a misdemeanor or offence, punishable by fine or imprisonment, and upon conviction shall be sentenced to a fine not exceeding Twenty-five pounds sterling, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

Penal regulations regarding persons making false representations in order to be admitted or registered as medical men, apothecaries, &c.

8. If a registered practising medical man, duly admitted under the provisions of this or any previous Law to practise any branch of the medical profession, shall be found guilty of any misdemeanor or crime, or if he shall be found guilty, upon due inquiry by the Medical Board appointed by law, of dishonourable conduct in his capacity of medical practitioner, the Board shall recommend to the State President that the licence issued to such

Licences already granted may be withdrawn.

Notice in the
Staatscourant.

person be withdrawn and cancelled. The State President shall thereupon have the power to withdraw and cancel the said licence if he shall deem it advisable, and give notice thereof in the *Staatscourant*. The name of such medical practitioner shall thereupon be struck off the register.

Bottles or
packages
containing
poison must
be marked
as such.

Storage and
sale of poison.

9. Every apothecary, chemist, druggist and seller of medicine shall properly mark all bottles or packages containing ratsbane, opium or such like powerful medicine, commonly called poison, with the name of the contents and the word *Poison*, and shall keep the same in a safe place, under lock and key, and he shall take care that the same is not sold in any dangerous quantity or measure without the written permission of the Landdrost or the prescription of a recognised medical practitioner. If it should appear that an apothecary or seller of medicine leaves such poisonous or dangerous substance without taking due precautions, or sells the same in dangerous measure or quantity, without a written permit or prescription as aforesaid, or keeps spoiled medicine or drugs with the intention of selling the same, he shall upon conviction be punished with a fine of not less than five pounds sterling, and not exceeding twenty-five pounds sterling, and in default of payment he shall be imprisoned with or without hard labour for a period not exceeding six months.

Penalty.

Penalty for
supplying
poison to
children under
10 years of
age.

10. An apothecary, chemist, druggist or seller of medicines, who shall sell any preparation of ratsbane, opium, or other powerful and therefore dangerous medicine, commonly called poison, to a child under ten years of age, or who shall give to such child such preparation to carry, shall forfeit a fine not exceeding ten pounds sterling, and of not less than one pound sterling, for each offence.

Book to be
kept of sale of
poison.

11. Every apothecary, chemist, druggist or seller of medicines, shall keep a special book, in which he shall record the name of any person to whom poison has been sold or supplied in a quantity or of a kind dangerous to life, and also the name and quantity of the poison, and the date of sale; in default of which he shall upon conviction be punished with a fine not exceeding ten pounds sterling, and of not less than five pounds sterling.

Penalty.

Which phar-
macopœia to
be used.

12. All apothecaries, chemists and druggists, and sellers of medicines shall prepare their medicines according to the Pharmacopœia prescribed by the medical practitioner in his prescription.

Collection
of fines.

13. Fines imposed under this Law shall be recovered in the Landdrost Court of the district in which the offence has been committed.

Informant to
receive half
the fine.

14. Any person giving information of any contravention of the provisions of this Law shall be entitled to one half of the recovered fine; the other half shall be paid into the public treasury, and shall, if not refunded, be at the disposal of the Government.

15. No provision of this Law shall have the effect of dis-qualifying any person who has been hitherto practising medicine under a licence or permit granted under the provisions of any Law in force in this State. Law not retrospective.

16. This Law shall for all purposes be cited as the "Law regarding the Medical Profession, 1886." Title.

17. All Laws and Resolutions of the Volksraad incompatible with the provisions of this Law shall be and they are hereby repealed. Repeal.

18. This Law shall commence and come in operation after the date of promulgation in the *Staatscourant*. Operation.

SCHEDULE.

Name.	Residence.	Qualification.	Remarks.
A. B.	Potchefstroom .	Member of the Royal College of Surgeons	
C. D.	Pretoria . . .	Graduate in Medicine of the University of	

S. J. P. KRUGER,
State President

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
25th August, 1886.

LAW No. 13, 1886.

BOARD OF EXAMINERS.

(Superseded by Law No. 6, 1895.)

LAW No. 14, 1886.

(FOR THE EXTRADITION OF CRIMINALS TO THE COLONY OF THE
CAPE OF GOOD HOPE.)

WHEREAS it is necessary to provide for the apprehension and extradition to the Colony of the Cape of Good Hope of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said Colony, the Volksraad resolves as follows:—

1. This Law shall apply to the offences specified in the first Application.
Schedule hereto.

Extradition of criminal to Cape of Good Hope.

2. Any person accused or convicted of having committed any one of the crimes or offences mentioned in this Law in the Colony of the Cape of Good Hope, and any fugitive criminal hereinafter mentioned, who shall have left such Colony and be found in this State, shall be liable to be apprehended and returned to the said Colony, in manner provided by this Law, whether the crime in respect of which the surrender is sought was committed before or after the passing of this Law.

Requisition made to State Secretary.

3. A requisition for the surrender of a fugitive criminal for whose apprehension a warrant has been issued in the said Colony, and who is or is suspected of being in this State shall be made to the State Secretary of this State. Upon receipt of such requisition the State Secretary shall by order under his hand signify to any Landdrost or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

Warrant for apprehension.

4. A warrant for the apprehension of a fugitive criminal whether accused or convicted of crime, may be issued:—

- (a.) By a Landdrost or acting Landdrost, or any person acting as such or any Justice of the Peace, on receipt or upon publication in the *Staatscourant* of the said order of the State Secretary, and on such evidence as would in his opinion justify the issue of the warrant if the criminal had been convicted in this State, and
- (b.) By a Landdrost or acting Landdrost, or any person acting as such, or any Justice of the Peace, on such information or complaint and such evidence or after such proceeding as would in the opinion of the person issuing the warrant justify the issue of a warrant if a crime had been committed or the criminal convicted in this State.

Any person issuing a warrant under this Article without an order of the State Secretary as aforesaid shall forthwith send to the latter a report of the fact of such issue, together with the information or complaint, or certified copies thereof, and the State Secretary may, if he think fit, order the warrant to be cancelled, and the person who has been apprehended to be discharged.

When warrants may be cancelled.

5. Any warrant for the apprehension of any fugitive criminal shall command that he be brought before some Landdrost. Where the warrant has been issued without the order of the State Secretary, the Landdrost, acting Landdrost, or any person acting as such, shall order the discharge of the fugitive criminal unless, within such time as having reference to the circumstances of the case he may consider reasonable, the said Landdrost receives from the State Secretary the order mentioned in the third Article of this Law.

What warrant of apprehension shall command.

6. When a fugitive criminal is brought before the Landdrost, the said Landdrost shall hear the case in the same manner, and have the same jurisdiction and powers as a court of law, as if the

prisoner were brought before him charged with an indictable offence committed in this State.

7. In the case of a fugitive criminal accused of the commission of any crime to which this Law applies, if the warrant of the said Colony making the requisition is duly authenticated, and such evidence is produced as (subject to the provisions of this Law) would according to the law of this State justify the committal for trial of the prisoner if the crime of which he is accused had been committed in this State, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

Landdrost to exercise jurisdiction as if offence committed in this State.

In the case of a fugitive criminal alleged to have been convicted of the commission of any such crime, if such evidence is produced as (subject to the provisions of this Law) would according to the law of this State prove that the prisoner was convicted of such crime, the Landdrost shall commit him to prison, but otherwise shall order him to be discharged.

When Landdrost may order committal or discharge.

8. If the fugitive criminal is committed to prison he shall be committed to the principal gaol of the district, there to await the warrant of the State Secretary for his surrender. The Landdrost shall forthwith send a certificate of the committal to the State Secretary with such report thereon as he may think fit.

To what gaol committed person to be sent.

9. Upon production of the certificate of committal it shall be lawful for the State President, by warrant under his hand and the public seal of this State, to order the fugitive criminal to be surrendered to such person as may in his opinion be duly authorised by the Colony from which the requisition for the surrender proceeded to receive the fugitive criminal and such fugitive criminal shall be surrendered accordingly.

Upon committal President may order offender's surrender to Colony demanding it.

It shall be lawful for the person to whom such warrant is directed to receive, hold in custody, and convey the criminal mentioned in the warrant within the jurisdiction of the said Colony to which he has been surrendered.

The gaoler or other chief officer of any gaol, on request of any person having the custody of a fugitive criminal under such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive criminal and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

Expenses of detention.

If the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of this State may be retaken.

Escape of prisoner from custody.

10. Where any person who shall have been committed under this Law to remain until delivered up pursuant to requisition, shall not be delivered up pursuant thereto within two months after such committal, it shall in every case be lawful for the High Court of this State, or any judge thereof, or any Circuit Court, if such person be imprisoned within the jurisdiction of such last mentioned Court, upon application by or on behalf of any person so committed,

Proceedings in regard to persons committed, but not given up within two months.

and after notice of the intention to make such application has been given to the State Attorney, to order the person so committed, to be discharged out of custody unless sufficient cause is shown to the contrary.

Depositions,
&c., to be
received in
evidence.

11. Depositions or statements on oath taken in the aforesaid Colony, whether taken in the presence of the fugitive criminal or not, and copies of such original depositions or statements, and certificates of or judicial documents stating the fact of conviction may, if duly authenticated, be received in evidence in proceedings under this Law.

How warrants
of the Colony
to be authen-
ticated.

12. Warrants of the said Colony and depositions or statements on oath and copies thereof shall be deemed duly authenticated for the purposes of this Law, if authenticated in manner provided for the time being by law, or if authenticated as follows:—

- (1.) If the warrant purports to be signed by a Judge, Landdrost, or other officer of the Colony where the same was issued authorised by law to issue warrants.
- (2.) If the depositions or statements on oath, or the copies thereof, purport to be certified under the hand of a Judge, Landdrost, or officer of the said Colony, to be original depositions and statements, or to be true copies thereof as the case may be.
- (3.) If the certificate of a judicial document stating the fact of conviction purports to be certified by a Judge, Landdrost, or officer of the said Colony where the conviction took place; and if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness, or by being sealed with the official seal of some officer of the Government of the said Colony from which the requisition for surrender proceeded; and all Courts of Justice and Landdrosts shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Forms of
warrants.

13. The forms set forth in the second schedule to this Law, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

When Law to
take effect.

14. This Law shall take effect so soon as the State President shall by proclamation in the *Staatscourant* of this State declare and make known that the said Colony of the Cape of Good Hope has made due provision for the surrender of fugitive criminals who have escaped to such Colony from this State.

Landdrost.

15. The word or term “Landdrost” appearing in this Law shall also be taken to signify and include an Assistant Landdrost or any person for the time being acting as Landdrost or Assistant Landdrost.

16. This Law shall be cited as "The Law No. 14, 1886, for the Title.
extradition of criminals to the Colony of the Cape of Good Hope."

17. This Law shall come into operation, and shall remain in Operation.
force for not more than two years, from the date of publication.

FIRST SCHEDULE.

Abduction.	List of crimes.
Abortion.	
Arson.	
Assault, including indecent assault on the person of a girl under the age of twelve years.	
Assault with intent to do grievous bodily harm.	
Bigamy.	
Child stealing.	
Culpable homicide.	
Coining, or uttering counterfeit or altered coin.	
Deserting from any police force.	
Falsity, forgery or uttering a forged document.	
Fraud.	
Offences under any law relating to the dealing in gunpowder, lead or firearms.	
Housebreaking (including the breaking into any office, store, or hut) with intent to commit any crime.	
Incest.	
Offences by insolvents against insolvency laws.	
Malicious injury to property.	
Murder, or attempt to commit murder.	
Perjury or subornation of perjury.	
Rape and assault to commit rape.	
Any act done with intent to do injury to person or property on any railway.	
Robbery.	
Public violence.	
Theft, including theft by means of false pretences, and theft by means of embezzlement.	
Being accessory to the commission of any of the aforesaid crimes or offences.	

SECOND SCHEDULE.

Form of Order for issue of Warrant of Apprehension.

To the Landdrost (or Justice of the Peace) for the district of .

WHEREAS, in pursuance of an agreement with the Colony of the Cape of Good Hope, to which reference is made in the Proclamation of His Honour the State President, dated the day of , a requisition has been made to the Government of the South African Republic by the Government of the said Colony, for the surrender of late of , accused (or convicted) of the commission of the crime of within the jurisdiction of the said Colony. Now I hereby, by this my order, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of the said , provided that the conditions of the Law No. 14, 1886, for the extradition of criminals to the Colony of the Cape of Good Hope, relating to the issue of such warrant, are in your judgment complied with.

Given under my hand at Pretoria, this day of

18 .

State Secretary.

Form of Warrant of Apprehension by Order of the State Secretary.

To the Field-Cornets, Constables, Police Officers and other Officers of the Law proper to the execution of Criminal Warrants.

WHEREAS His Honour the State Secretary by order under his hand has signified to me that requisition has been duly made for the surrender of
late of _____, accused (or convicted)
of the commission of the crime of _____ within the jurisdiction
of the Colony of the Cape of Good Hope; this is therefore to command you
in the name of His Honour the State President, forthwith to apprehend the
said _____, pursuant to Law No. 14, 1886, for the Extradition
of Criminals to the Colony of the Cape of Good Hope, wherever he
may be found within the limits of this State, and bring him, or cause him to
be brought, before the Landdrost of the district of _____, to
show cause why he should not be surrendered in pursuance of the said Law
No. 14, 1886, for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____ 18 .

Landdrost (or Justice of the Peace) for the District of _____ .

Form of Warrant of Apprehension without Order of State Secretary.

To the Field-Cornets, Constables, Police Officers, and other Officers of the Law proper to the execution of Criminal Warrants.

WHEREAS it has been shown to the undersigned Landdrost (or Justice of the Peace) for the district of _____ that _____ late
of _____ is accused (or convicted) of the commission of
the crime of _____ within the jurisdiction of the Colony
of the Cape of Good Hope. This is therefore to command you, in the name
of His Honour the State President, forthwith to apprehend the said
_____, and to bring him, or cause him to be brought, before the
Landdrost of the district of _____ to be further dealt with
according to law: for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____ 18 .

Landdrost (or Justice of the Peace) for the District of _____ .

Form of Warrant of Committal.

To the Gaoler of the _____ Gaol.

Be it remembered that on this _____ day of _____ 18 , late
of _____ is brought before me _____, Landdrost of the
district of _____ to show cause why he should not be surrendered in
pursuance of Law No. 14, 1836, on the ground of his being accused (or convicted)
of the commission of the crime of _____ within the jurisdiction
of the Colony of the Cape of Good Hope, and forasmuch as no sufficient
cause has been shown to me why he should not be surrendered in pursuance to
the said law:

This is therefore to command you, the said gaoler, to receive the said
_____ into your custody, and him there safely to keep
until he is thence delivered pursuant to the provisions of the said Law No. 14,
1886, for which this shall be your warrant.

Given under my hand at _____ this _____ day of _____ 18 .

*Landdrost of the district
of _____*

*Form of Warrant of the State President for Surrender of
Fugitive Criminals.*

WARRANT.

By His Honour the State President of the South African Republic to the Gaoler of the _____ Gaol, and to []

Whereas _____ late of _____ accused (or convicted) of the commission of the crime of _____ within the jurisdiction of the Colony of the Cape of Good Hope, was delivered into the custody of you [²] the said gaoler by Warrant, dated [³] pursuant to Law No. 14, 1886.

Now, therefore, I, the State President of the South African Republic, do hereby, in pursuance of the said Law, order you, the said gaoler, to deliver the body of the said _____ into custody of the said [¹] and I command you the said [¹] to receive the said _____ into your custody, and to carry him within the jurisdiction of the said Colony, and there place him in the custody of any person or persons appointed by the said Colony to receive him; for which this shall be your warrant.

Given under my hand and the public seal of the South African Republic, at _____ this _____ day of _____, 18 _____.

State President S. A. R.

State Secretary.

¹ Insert name of person authorised by the Colony of the Cape of Good Hope to receive the criminal.

² Insert name of gaoler.

³ Date of warrant of committal.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
February 1st, 1887.

APPENDIX TO LAW No. 8, 1885, dated 7th March, 1886.

(GOLD LAW.)

and

AMENDMENT OF LAW No. 8, 1885, dated 29th July, 1886.

(Both superseded by Law No. 8, 1889.)

VOLKSRAAD RESOLUTION, 19th May, 1886.

226. The Raad authorises and directs the Government to dismiss all officials who are obliged to find sureties and who do not do so within three months. The Raad resolves further to direct the Government to have this Resolution published in the *Staatscourant* for general information whereupon it shall immediately have the force of law. Sureties for civil servants.

VOLKSRAAD RESOLUTION, 31st May, 1886.

Extradition.

384. The Volksraad resolves to adopt the Law for the extradition of criminals to the Colony of the Cape of Good Hope, and directs the Government to submit to the Volksraad during the following year a draft Law authorising the Government to conclude Extradition Treaties etc. with other States in which treaties the mode of criminal procedure in the Republic shall be more closely observed than in the present Law.

VOLKSRAAD RESOLUTION, 28th June, 1886.

Repeal of Law
No. 3, 1881.

723. Repeals Law No. 3, 1881.

VOLKSRAAD RESOLUTION, 7th July, 1886.

Volksraad
members .
reduction.

877. The number of Volksraad members for the districts of Pretoria, Potchefstroom, Lydenburg, and Rustenburg reduced to three each, and of the other districts to two each.

VOLKSRAAD RESOLUTION, 29th July, 1886.

Financial
year.

1228. The financial year to end on December 31st.

VOLKSRAAD RESOLUTION, 29th July, 1886.

Retirement of
members of
Volksraad.

1231. Resolved that members of the Volksraad should retire in rotation.

VOLKSRAAD RESOLUTION, 30th July, 1886.

Representa-
tion of the
goldfields.

1240. Representation of the Goldfields in the Volksraad considered desirable.

VOLKSRAAD RESOLUTION, 4th August, 1886.

War tax.

1304. Amendment of Art. 14 of Law No. 2, 1883, on the payment of the War Tax on farms.

N.B. The above mentioned Law was superseded by Law No. 24, 1896.

VOLKSRAAD RESOLUTION, 9th August, 1886.

1344. Volksraad Resolution of June 27th, 1882, Art. 526, re Security, shall be applicable to all Advocates, Attorneys and Agents, including those already admitted at that date. Security for advocates, &c.

Government may refuse a licence to those who have not given sufficient security.

VOLKSRAAD RESOLUTION, 10th August, 1896.

1391. No officials in future to be allowed to tender for Government contracts. Civil servants cannot tender for Government contracts.

VOLKSRAAD RESOLUTION, 12th August, 1886.

1422. The Raad approves Executive Council Resolution, Art. 157, dated 9th August, 1886, reading as follows:— Grant of rights to minerals must be notarially drawn.

“That all agreements with regard to the grant of rights to mine, which do not comply with the conditions mentioned in the first paragraph of Art. 14 of Law No. 7, 1883, shall be *ab initio* void, and that no person shall have any action whatever on such agreement.”

VOLKSRAAD RESOLUTION, 12th August, 1886.

1423 and **1424**, “The Volksraad resolves to empower and authorise the Government to make provisions and regulations in regard to all matters for which no provision has been made by the Volksraad and which are of so pressing a nature that they cannot wait until the next session of the Volksraad, and resolves that such regulations shall have the force of law until further decision thereanent by the Volksraad. Government empowered to make provisions and regulations which shall have the force of law until next session of Volksraad.

“The Government shall report thereon at the next ensuing session of the Volksraad.”

LAW No. 1, 1887.

DIVISIONAL COUNCILS.

(Approved and enacted by Resolution of the Volksraad, art. 211, dated May 23rd, 1887.)

For the carrying out of Articles 11–13 of Law No. 3, 1881 (Appendix to the Grondwet); and to repeal Law No. 19, 1880; it is hereby enacted:—

1. In each district there shall be a Divisional Council, consisting of as many members as there are Field-Cornets in the district. Divisional Council

Chairman and Secretary.

2. The Landdrost shall be chairman and member of the Divisional Council. The Divisional Council shall be entitled to nominate one of the clerks of the Landdrost office as first Secretary at a fixed salary.

Who eligible.

3. In order to be entitled to vote or to be eligible for election a person shall comply with the requirements of the general franchise Law, shall not be insolvent and shall possess fixed property in the district registered in his own name or be lessee of fixed property at a rental of at least £50 a year, and shall be resident in the district. The members of Divisional Councils shall be selected by majority of votes and be duly sworn in.

Contractor.

4. No person who has entered into any contract with the Divisional Council shall be eligible for election as a member thereof.

Field-Cornets.

The Field-Cornet may not be a member of the Divisional Council.

Duration.

5. The members shall sit for three years.

Fresh elections.

Provision shall be made for fresh elections from time to time and as required by the Government.

First election.

7. The first elections for Divisional Councils shall take place in each district, where necessary, at such time and in such manner as shall be provided by separate proclamation by the State President.

List of burghers.

8. The lists of burghers kept by the Field-Cornet shall be the basis for the election.

Complaints against election.

9. Complaints against the election or voting, shall within six weeks after the publication of the result of the election be forwarded in writing to the Landdrost of the district.

Court for hearing complaints.

10. The Landdrost together with the Field-Cornets of the district shall constitute the Court which shall, within 14 days after the time mentioned in Art. 9, inquire into and decide such complaints in the presence of the parties and in open court.

Appeal.

11. From the decision there shall be an appeal to the Executive Council, whose decision shall be final.

Duties.

12. It shall be the duty of the Divisional Council to maintain and to superintend the maintenance of all public roads in the district; to improve the same and to establish public communication by the construction of bridges.

Road money.

13. To cover the cost thereof the Government shall place at the disposal of the district the road money paid by the inhabitants of the district according to law.

If insufficient.

14. If such money is not sufficient the Volksraad shall make further provision for the purpose.

Yearly estimates.

15. The estimates of the revenue and expenditure shall be forwarded annually to the Government before being fixed by the Divisional Council, in order to enable the former to judge whether

they contain anything in conflict with the general law or with this Law. If this should prove to be the case the Government shall withhold its approval.

16. It shall be lawful to make payments and to impose taxes only when the estimates have been approved and published. Estimates approved and published.

17. The road money mentioned in Article 13 shall continue to be payable to the Landdrost and shall be deposited by him with the Treasurer General. The Government shall, at the request of the Divisional Council, make such payments therefrom to the latter as may be necessary for the financial administration of the district. Where road money payable.

18. The account of revenue and expenditure shall also be forwarded yearly to the Government, before being fixed, for the same purpose and for the exercise of the same power by the Government as laid down in Art. 15 of the estimates. Income and expenditure.

19. The Divisional Council shall once every three months hold an ordinary meeting in the town where the Landdrost resides. Special meetings may be held as often as may be necessary. Sitting.

20. The members shall be entitled to remuneration for travelling and personal expenses. Expenses.

21. Two members shall, with the Landdrost, constitute a quorum. Quorum.

22. This Law shall come into operation on August 1st, 1887. Operation.

Government Office, Pretoria,

31st May, 1887:

S. J. P. KRUGER.

State President.

W. EDUARD BOK.

State Secretary.

LAW, No. 2, 1887.

COPYRIGHT LAW.

(Approved and enacted by Resolution of the Volksraad, Article 283, dated May 23rd, 1887.)

Definition and scope of Copyright.

***1.** The right to publish writings, engravings, charts, musical works, plays, and oral lectures, by means of printing, as also the right to perform or exhibit dramatic-musical works and plays in public shall belong exclusively to the author and those obtaining their rights from or through him. Right of author to writing, etc.

Every performance or exhibition, to which access is once or oftener obtainable upon payment of a certain sum or any other What amounts to performance or exhibition

*See First Volksraad Resolution, dated June 20th, 1895, Article 420.

valuable consideration, shall be deemed to be a performance or exhibition in public, even in cases where, in addition to such price or consideration for admission, a ballot is required.

Who deemed to be on the same footing as authors.

2. The following shall be deemed to be and are placed on the same footing as authors:—

(a.) Those who undertake any of the works mentioned in Article 1, comprised of contributions from different collaborators.

(b.) Public institutions, associations, establishments and partnerships in respect of the works published by them.

(c.) Translators in respect of the translations made by them.

In the case of works comprised of contributions from different collaborators, each such collaborator shall moreover, in so far as no stipulation to the contrary exists, retain the copyright of that part which is contributed by him.

Anonymous works, and works under an assumed name.

3. In the case of works published without mention of the author's name, or under an assumed name, the publisher, or, if his name does not appear on the title page, or in default thereof on the cover, the printer, shall be deemed to be the author until another person shall have made himself known as the person entitled thereto in the manner determined by Articles 10 and 11 save as to the term of filing as per Article 10.

No copyright in respect of Laws, etc.

4. Except in the special instances that may be determined on by the Government with advice and consent of the Executive Council, there shall not be any copyright of Laws, resolutions, ordinances and whatsoever further orally or in writing is brought to the public notice by or on behalf of any public authority.

What included in copyright.

5. Copyright shall secure to an author the exclusive right to publish by means of printing translations of:—

(a.) His works not yet published by means of printing, his oral lectures being included thereunder.

(b.) His works already published by means of printing, provided that he has with the first issue on the title page, or in default thereof on the cover of the work, reserved to himself the sole right in respect of one or more specially mentioned languages and within three years after the first issue shall have published or caused to be published his translation by means of printing.

In the case of works which consist of separate volumes or numbers this term shall be reckoned to run separately in respect of each volume or number.

Simultaneous issue in different languages.

6. In the case of the issue of the same work at the same time in different languages only one such issue shall be deemed to be the original work and all the others shall be deemed to be translations.

The author shall be entitled to point out on the title page, or in default thereof on the cover, which issue he considers to be the original.

If he fail to do so the issue which is in the mother language of the author shall be deemed to be the original work.

7. The copyright of works published by printing shall not operate to prevent quotations being made therefrom in other works for the purposes of announcements or reviews. Quotations by others no infringement of copyright.

Provided the source from which they are derived is mentioned it shall further be lawful to publish by means of printing reports and articles taken from daily, weekly, and monthly papers, except in cases where the copyright is specially reserved at the head of such report or article and the further steps are taken in terms of Art. 10.

8. The copyright of oral lectures shall not preclude the giving of a report of whatever has taken place at a public meeting. As also is not the publishing of reports of meetings.

9. The copyright shall be deemed to be movable property. It may be wholly or in part ceded, and shall pass by way of succession to the author's heirs. Copyright is *res mobilis*.

It cannot be taken in execution.

Conditions under which the copyright in respect of works published by printing is to be exercised.

10. The copyright in respect of a work published by means of printing shall lapse if the author (or his assign), the publisher or printer, do not file with the Registrar of Deeds, within two months after the issue thereof, three copies of the work all bearing the autograph of the author or his assign, or the printer or publisher, mentioning his residence and the date of issue, due regard being had in so far as translations are concerned to the term mentioned in Art. 5 (b). When copyright lapses.

Upon lodging of the copies aforesaid a sworn declaration made by the printer to the effect that the "work" has been printed at his printing house in this Republic shall be produced. Affidavit by printer.

11. The Registrar of Deeds shall give the person filing the copies of the books a duly dated certificate of the receipt thereof. Certificate of Registrar of Deeds.

Of these certificates duplicates shall be kept in his department in a register which each member of the public may inspect free of charge, and of which he may at his own cost obtain an extract or copy.

The form of certificate and register shall be determined by the Government.

A monthly statement of works and translations sent in shall be published in the *Staatscourant*. Monthly statement in *Staatscourant*.

12. The exclusive right to perform or exhibit dramatic-musical works or plays shall lapse as soon as these works are published by Copyright of play ceases on publication

unless specially reserved.

printing, unless the author in the original issue on the title page, or in default thereof on the cover, expressly reserves to himself this right.

Duration of Copyright.

Copyright lasts for 50 years.

13. The copyright of works published by means of printing shall last for fifty years after the first issue, to be reckoned from the date of certificate mentioned in Art. 11.

When for lifetime.

Should the author outlive this term and not at any time have ceded his right to another he shall retain the copyright during the term of his natural life.

This provision shall not apply in respect of the persons enumerated in paragraph 2, sections A and B.

Copyright of unpublished works.

14. The copyright of works not published by means of printing, oral lectures being included thereunder, shall last during the term of the natural life of the author, and for thirty years after his decease.

Dramatic works, etc.

15. The exclusive right to perform or exhibit dramatic-musical works or plays shall last :—

1st. In respect of works not published by means of printing during the lifetime of the author and thirty years thereafter.

2nd. In respect of works published by means of printing, where such exclusive right was reserved, during a term of ten years reckoned from the date of the certificate referred to in Art. 11.

Translations.

16. The exclusive right to publish translations of any work by means of printing shall last :—

1st. In respect of works not already published by means of printing, oral lectures being included thereunder, for so long as the copyright exists.

2nd. In respect of works published by means of printing, during five years reckoned from the date of the certificate mentioned in Art. 11.

Works issued in different parts.

17. In the case of works, consisting of different volumes or numbers, the term of the copyright shall be separately reckoned in respect of each volume or number.

Proceedings in vindication of the Copyright.

Civil action for infringement of copy right.

18. Any person who infringes the copyright of another, or who sells, imports, distributes, publicly offers for sale, or has in his possession for the purposes of selling, a work, whereby an infringement is made upon the copyright of another, shall be held liable in a civil action for damages to be instituted by the author or his assigns.

Right to attach pirated editions.

19. Authors or their assigns may seize copies of works which, in contravention of their exclusive right, are published by means

of printing, and may claim that such copies be delivered to them or destroyed.

This right of taking possession shall however not be exercised in respect of a single copy of a work which may be in possession of a person, who does not trade in such articles, and who has obtained such copy for his own use.

Miscellaneous provisions.

20. No copyright of any work, published by means of printing before this Law shall have come into operation shall be exercised, unless the author (or his assign), publisher or printer, within six months after this Law shall have come into operation, shall lodge with the Registrar of Deeds three copies, all of them signed in original on the title page, or in default thereof on the cover, mentioning his dwelling place and the date of the original publication.

How to act in regard to works published before the passing of this Law.

The last-mentioned date shall, subject to proof to the contrary, be taken as the point from which the duration of the copyright is to be calculated.

A declaration as mentioned in the second paragraph of Art. 10 shall also in this case be sent in.

21. The Registrar of Deeds shall give the depositors a dated certificate of receipt.

Certificate by Registrar of Deeds.

A duplicate of such certificate shall be kept in his department in a register which each member of the public may inspect free of charge, and of which he may at his own charge obtain extracts or copies.

The Government shall determine the form of certificate and register.

A monthly statement shall be published in the *Staatscourant* of the declarations and works sent in, mentioning the date stated by the depositors to be the date of the original issue of the work sent in.

Monthly returns in Gazette.

Concluding Provisions.

22. Of the three copies to be sent in to the Registrar of Deeds in terms of Arts. 10 and 20, one shall remain in his office and one shall be placed in the State Library.

Destination of copies of works filed.

The Government shall decide what is to be done with the third copy.

[¹] **23.** This Law shall come into operation three months after publication in the *Staatscourant*.

Taking effect.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
31st May, 1887.

¹ See First Volksraad Resolution dated June 20th, 1895, Art. 420.

LAW No. 3, 1887.

(APPOINTING A SPECIAL COMMISSION FOR THE DISTRICT OF WATERBERG).

(Approved and enacted by Resolution of the Volksraad, Art. 379, dated May 27th, 1887.)

WHEREAS some inspections in the district of Waterberg have not been made either wholly or in part with such precision as to give sufficient security as regards situation, extent and boundaries of all farms; and whereas in some instances different inspections do not agree with one another; and whereas, further, some of the beaconing off has not been done according to the reports, in consequence of which overlapping has occurred. It is hereby enacted and provided as follows:—

Special
Commission.

1. A Special Commission shall be appointed by the Government consisting of three persons whose duty it shall be to put in order the inspections made for the district of Waterberg, that is to say, to locate on the ground described the farms for which title deeds have been issued, in so far as such is practicable; to fix, determine or assign the situation, extent and boundaries of such farms, when the same cannot, according to the old inspection reports, be clearly made out, or are not consistent with one another; to erect beacons; to frame, if necessary, new inspection reports, and in general to do everything which may be necessary or advisable to put an end to all uncertainty and confusion as regards situation, extent and boundaries of the said farms.

Duties.

2. The Special Commission shall, as far as possible, follow the old inspection reports and recognise lawful beacons. It shall also take into consideration approved diagrams.

This shall not, however, deprive the Commission of the right to set aside such reports and diagrams and to substitute for them new inspection reports if the old reports and diagrams are incorrect either in themselves or in relation to others or do not agree with one another, or wholly or in part refer to the same piece of land, or if a report and the corresponding diagram indicate different pieces of land.

Old reports
followed
where
possible.

Further
Commissions.

3. The Government shall, if necessary, appoint more than one such Special Commission. In such case all the provisions in this Law relating to the Commission shall apply to all such Commissions.

Surveyor.

On every Commission there shall be at least one qualified and sworn surveyor.

Field-Cornet.

Every Field-Cornet of the district of Waterberg shall also have a seat on every Commission engaged in his ward.

One or more of the old inspectors shall, if possible, be put on the Commission to assist in its work in so far as their respective inspections are concerned. Old inspectors.

4. Old inspections of the district of Waterberg may be wholly or in part withdrawn from the scope of the Special Commission by the State President, with the advice and consent of the Executive Council. Old inspections may be unaffected.

5. The Special Commission shall have the right, for the purposes of this Law, to summon witnesses and examine them under oath, and, in the event of their not appearing, to impose a fine of from five to fifty pounds sterling, according to the nature of the case, and such fines shall be recoverable by the respective Landdrosts. The witnesses shall be entitled to remuneration in accordance with the tariff for witnesses in civil cases. Witnesses.

6. The expenses of the special inspection shall be advanced by the Government, but shall be repaid *pro rata* by the owners of the farms. Expenses.

Such monies shall be recoverable in the same manner as the district taxes.

On payment of such monies the new inspection report, if one is made, shall be issued to the owner. New inspection report.

7. Every owner shall be entitled, in accordance with regulations to be hereafter made by virtue of Art. 12, to lay his case or cause it to be laid before the Commission either orally or in writing. Owner entitled to state case.

8. All open land shall be divided into farms and inspected for the Government by the Commission. Unoccupied land.

9. The Commission shall frame for the Government a general compilation plan, showing the situation of the farms, mountains, rivers, roads, etc., and giving their respective names. General compilation plan.

10. From the decision of the Commission there shall be an appeal only to the Executive Council, whose decision shall be final. Appeal to Executive Council.

The judgments, decisions and findings of the Commission, or, in case of appeal, of the Executive Council, shall hold good in law.

11. No diagrams of farms included in the inspections mentioned in this Law shall be approved and signed until the State President shall have announced by proclamation in the *Staatscourant* that the labours of the Commission have ended. When diagrams approved.

12. The State President is hereby empowered and authorised, with the advice and consent of the Executive Council, to take such measures, to make such provisions and to issue such regulations (with regard to costs or otherwise) as may appear to him to be necessary or useful for the carrying out of this Law. State President may make regulations.

Operation.

13. This Law shall come into operation immediately after publication in the *Staatscourant*, and shall be made applicable to such other districts as it may be required for.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
May 28th, 1887.

LAW No. 4, 1887.

(TO PREVENT THE SPREAD OF INFECTIOUS AND CONTAGIOUS DISEASES.)

(Superseded by Law No. 12, 1895.)

LAW No. 5, 1887.

LIQUOR LAW.

(Superseded by Law No. 12, 1891.)

LAW No. 6, 1887.

PATENT LAW.

(Superseded by Law No. 12, 1897.)

LAW No. 7, 1887.

(REGULATING THE SALE OF PROPERTY IN EXECUTION OF A JUDGMENT OF THE LANDDROST COURT.)

(Approved and enacted by Resolution of the Volksraad, Art. 463, dated June 6th, 1887.)

WHEREAS it is desirable to make better provision for the declaring executable of fixed property in execution of a judgment given by the Landdrost Court, the Volksraad resolves to provide and enact as follows:—

1. The provision appearing in Law No. 8, 1883, under the head of "Tariff for the Messenger of the Court," whereby the Messenger of the Landdrost Court is prohibited from selling fixed property in execution, is hereby repealed.

2. The Landdrost shall be entitled to grant a writ of execution against the immovable property in execution of a judgment given

Messenger
tariff in Law
No. 8, 1883,
repealed.

Writ of
execution.

by him, provided such immovable property, after proper valuation, does not exceed £150 in value. The debtor shall, however, be at liberty to consent in writing to his immovable property being declared executable, even if the value thereof does exceed the sum of £150.

3. The valuation shall be effected by the Field-Cornet of the ward or the town in which the immovable property is situated. He shall without delay forward to the Landdrost a certificate of valuation signed by him. If the Landdrost is of opinion that the property has been properly and fairly valued, he shall sign an endorsement to that effect on the certificate. If the Landdrost is convinced that the valuation has not been made properly or fairly, he shall request the nearest sworn appraiser of the Orphan Chamber to value the property and forward a proper certificate thereof to him. The Landdrost shall endorse on the certificate that the valuation has been made according to law.

Valuation of fixed property by Field-Cornet.

4. The Field-Cornet who makes the valuation shall receive 20s. for valuing the property, and in addition thereto travelling expenses according to tariff, and the sworn appraiser shall receive remuneration according to the tariff already provided, to be paid by the creditor or his agent, who shall be reimbursed the said amount out of the proceeds of the sale.

Fee for valuing.

5. After the Landdrost has endorsed the certificate of valuation the Messenger of the Court shall duly advertise the sale in the *Staatscourant*, stating the place, time and conditions of sale. He shall also placard a copy of such advertisement on the door of the Landdrost office. The publication and placarding of the advertisement shall be effected at least six weeks before the day of sale.

Advertisement of sale.

6. Written notice of the sale, stating the place, time and conditions of sale, shall be duly given, at least six weeks before the sale, by the judgment creditor or his agent to the debtor and any bondholder.

Notice of sale to debtor.

If the debtor resides abroad or if his residence is unknown, the notice shall be addressed to the holder of his general power of attorney. If there is no such authorised representative the notice shall be published in the *Staatscourant*.

When debtor resides abroad, etc.

7. The conditions of sale shall be framed in writing subject to the supervision and with the consent of the Landdrost.

Conditions of sale in writing.

8. The property shall in every case be sold by the Messenger of the Court by public auction and without reserve.

Sale in public auction, etc.

9. Unless any well founded complaints against the confirmation of the sale are lodged with the Landdrost within seven days, he shall of his own accord confirm the sale, whereupon transfer shall be granted by the Messenger of the Court to the purchaser.

Confirmation of sale.

Payment to
creditor.

10. After deduction of the lawful expenses of execution and sale of the property, the Messenger of the Court shall pay, on obtaining a proper receipt, the amount of the judgment and the costs to the creditor or his authorised representative. Any balance which may be over shall be handed by the Messenger of the Court to the debtor or his authorised representative on obtaining a receipt therefor.

Balance.

Operation.

11. These provisions shall come into operation immediately after publication.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
June 25th, 1887.

LAW No. 8, 1887.

(INSTRUCTIONS FOR THE STATE ATTORNEY AND THE PUBLIC
PROSECUTORS IN THE S. A. REPUBLIC.)

The State Attorney.

State
Attorney
prosecutes,
etc.

1. The State Attorney shall be charged with the conduct of all criminal cases in this Republic, and shall have the power to prosecute therein or to cause somebody else to prosecute, or to dismiss the case, as he may deem fit.

Accountable
to President.

2. He shall be bound to render an account of his actions only to the State President, who may from time to time, whenever he considers such necessary, demand a report from him.

State
Attorney
appears in
Court for
Government.

3. The State Attorney shall appear in Court in all civil cases in which the Government of this State is concerned, whether as plaintiff or defendant, without any special authorisation for the purpose being necessary, and he shall in such case be entitled to payment according to tariff. He shall, however, not be entitled to charge any fees against the State.

Obedience to
State
Attorney.

4. In the discharge of his official duties all officials and burghers shall be bound to obey him, but he shall nevertheless be liable to render an account as aforesaid.

J.P.

5. The State Attorney shall, *ex officio*, be a Justice of the Peace for the Republic.

Prisoners and
police

6. The State Attorney shall have the supervision of the gaols and the police, and may, when visiting towns or villages in this State, require the Public Prosecutors to report to him thereanent, and if he discovers any defects in the prison establishments or in the treatment of prisoners or in the police department he shall report thereon to the State President.

7. The State Attorney shall prosecute personally only in cases heard in one of the Higher Courts of Justice and shall appear in the Lower Courts only when he himself considers it necessary to do so in the interests of justice or when he is ordered by the State President to do so.

When he shall appear personally.

8. He shall have the right, by virtue of Art. 11 of the Ordinance No. 5, 1864, [1] to appoint persons to prosecute on his behalf.

May appoint persons to act for him.

9. The State Attorney shall be bound to advise the Executive Council when required to do so, and, when requested in writing, to give all officials advice in writing in regard to the law in matters which they require to know in their official capacity.

Must advise Executive Council and officials.

Public Prosecutors.

10. The Public Prosecutor shall represent the State Attorney in the Lower Courts, and shall prosecute on his behalf, and shall appear in such Courts in both Criminal and Civil cases which concern the Government of this Republic, unless the State Attorney himself appears.

Public Prosecutors represent State Attorney.

11. The Public Prosecutors shall be, *ex officio*, Justices of the Peace for the respective districts in which they are appointed.

J.P.'s.

12. They shall be bound to render an account of their work to the State Attorney and shall report to him monthly thereon.

Must report to State Attorney. Hold inquiry.

Whenever a charge is laid the Public Prosecutors shall be bound to immediately institute a proper inquiry in accordance with the existing laws, and to forward a copy thereof without delay by the first post to the State Attorney with their remarks and advice.

They shall be liable for all costs which may be caused by their neglect or negligence.

Responsibility.

They shall immediately forward to the State Attorney a copy of all judgments or sentences of the Courts in which appeal has been noted or revision applied for, together with copies of all statements of witnesses and of the documents filed in the case.

Must send documents to State Attorney.

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

Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
August 8th, 1887.

¹ Now called No. 9, 1866.

LAW No. 9, 1887.

(REGULATING THE GENERAL CONDITIONS ON WHICH, IN REGARD TO THE EXTRADITION OF CRIMINALS, TREATIES MAY BE CONCLUDED WITH FOREIGN STATES OR COLONIES.)

(Approved and enacted by Resolution of the Volksraad, Art. 424, dated June 1st, 1887.)

Conclusion of
Treaties.

1. The State President is hereby empowered and authorised, with the advice of the Executive Council, to conclude treaties for the extradition of criminals, provided the provisions of this Law be observed.

What
criminals
may be
extradited.

- 2.** Persons shall be extradited only for the following crimes :—
- Murder, parricide, infanticide, poisoning, manslaughter, culpable homicide.
 - Assault on the life of the Sovereign, of members of the Royal House or of the Head of a Republic.
 - Wilful procuring of abortion of a pregnant woman, either by herself or by others.
 - Incest.
 - Assault, wilful wounding, beating or pushing, with intent to do grievous bodily harm.
 - Indecent assault on the person of a girl under the age of 12 years.
 - Rape, assault with intent to commit rape, and any other violent assault on chastity.
 - Bigamy (marriage with two or more persons).
 - Child stealing, kidnapping, carrying off, concealing, making away with or substitution of a child.
 - Abduction.
 - Counterfeiting, falsifying, mutilating or defacing of coins, or knowingly circulating counterfeit, false, mutilated or defaced coins.
 - Fraud, abuse of a blank document which has been signed.
 - Falsity, forgery or uttering any false or forged document, forgery of bank notes and paper money, stamps and dies.
 - Perjury or subornation of perjury.
 - False witness.
 - Bribery of witnesses.
 - Bribery of public officials.
 - Extortion.
 - Embezzlement or appropriation by officials entrusted with the receipt or custody of monies.
 - Arson.
 - Malicious injury to property.
 - Wrongfully and wilfully sinking or stranding, destroying or rendering useless, ships and other vessels.
 - Mutiny and resistance of passengers against or to the captain of a ship, and of subordinate sailors towards their superiors.

Wilfully causing danger to a railway train or tram.

Any act done with intent to do injury to person or property on any railway or tramway.

Robbery.

Public violence.

Theft, including theft by means of fraud, and theft by means of false pretences or swindling.

Housebreaking (including breaking into any office, store or hut) with intent to commit any crime.

Offences under any law relating to the dealing in gunpowder, lead, other ammunition or fire-arms.

Desertion from any military or police force.

3. It shall make no difference by what names the crimes mentioned in Art. 2 are designated in foreign countries. Foreign name of crime.

4. A person may be extradited not only for committing the crime, but also for attempting to commit, or being an accomplice in such crime, in so far as such attempt or complicity is punishable also in this country. Attempts. Complicity.

5. Extradition shall not be allowed as long as the person whose extradition is applied for is being prosecuted in this country for the crime for which his extradition is sought, or if he has stood his trial for such crime in this country and has been either convicted or acquitted. When no extradition

6. Extradition shall not be allowed for crimes for which the prosecution or the punishment inflicted has been prescribed by lapse of time according to the Law of this State before the arrest in this country, or, if no arrest has yet been made, before the issue of a warrant to arrest. Prescription

7. If a person is being prosecuted or is undergoing punishment in this country for another crime than that for which his extradition is sought, the extradition shall not be granted until after the termination of the prosecution instituted in this country and after he shall have undergone the punishment inflicted on him, or until he shall have been pardoned. When person has committed another crime in this country.

This provision shall not prevent such person from being extradited for a time in order to stand his trial in the foreign State on condition that he be sent back after the termination of such trial.

8. Extradition shall not be allowed except on condition that the person extradited shall not be prosecuted or punished for any crime not mentioned in the treaty committed before his extradition unless he shall, for a month after his extradition, have been at liberty to leave the country again. Condition of extradition.

9. A requisition for extradition of an escaped criminal, who is or who is suspected to be within this State, shall be made diplomatically in manner to be more fully set out in the treaty. Request for extradition made diplomatically

On receipt of such requisition the State President, or, in his absence, the State Secretary, may by order under his hand inform any Landdrost or Justice of the Peace that such requisition has been made and order him to issue his warrant for the arrest of the escaped criminal.

Provisional
arrest.

10. In anticipation of such diplomatic requisition, a person whose extradition may be asked for may, on the order of a Landdrost or Justice of the Peace, be provisionally arrested at the request of the authority in the foreign State or Colony competent to arrest and indicated as such in the treaty, or on such evidence under oath as would justify the arrest of such person if the crime had been committed in this State.

Seizure of
things found.
Landdrost.

The things found on him or in his possession may be seized.

The person arrested shall, as speedily as possible, be placed at the disposal of the Landdrost of the district concerned.

Warrant.

A warrant to arrest shall be served on the person detained within 48 hours.

Notice of
arrest.

The Landdrost shall, as speedily as possible, give notice of such provisional arrest to the State Secretary and the State Attorney.

When no
request for
extradition
made.

11. In the case mentioned in Art. 10, if no requisition for extradition has been communicated to the Landdrost within a reasonable time to be defined in the treaty, he shall recommend the immediate discharge of the arrested person (unless there is any other reason why he should remain in prison), and the return of the things seized (unless there is any other reason why they should be detained).

If the requisition for extradition is made within the period fixed the following procedure shall be followed :

What docu-
ments must
accompany
request.

12. The requisition for extradition made by the foreign Government shall be accompanied by the original or by an authenticated copy of either the sentence condemning the criminal, or the warrant to arrest him, or by some document equivalent thereto used in the foreign State and indicated as such in the treaty, as well as such other documents as may be agreed upon in the treaty.

In the treaty shall further be defined what is to be understood by authenticated copy.

Inquiry by
Landdrost.

13. If the requisition for extradition and the documents appertaining thereto are in accordance with the provisions of the treaty, the Landdrost of the district in which the arrest has been made (or the Mining Commissioner, as the case may be) shall institute an inquiry against the person whose extradition is sought.

This inquiry shall be held in the presence of the Public Prosecutor.

The person whose extradition is sought shall have the right to be assisted at such inquiry by an Advocate or Attorney.

Evidence
required.

14. Extradition shall not be allowed unless, where the person whose extradition is sought is accused of a crime, the evidence adduced would, according to the Law of this State, justify the

prisoner being committed for trial if the crime had been committed in this country; and unless, where sentence has already been passed on the person whose extradition is sought, it is proved that the prisoner is the same person who was sentenced abroad.

Identity.
Committal or
discharge.

If such evidence as aforementioned is adduced the Landdrost shall commit the prisoner to gaol for the purpose of being extradited, but otherwise he shall order him to be discharged unless there is some other reason why he should remain in prison.

In either case he shall immediately report to the State Secretary.

15. In the inquiry to be held by the Landdrost the documents to be mentioned in the treaty in accordance with Article 12 of this law shall be accepted as evidence.

Documents.

16. When a prisoner has been committed to prison for the purpose of being extradited the State President shall have the right to order him to be extradited, and to cause steps to be taken for the purpose.

President
orders
extradition.

17. The Government may allow a person whose extradition has been granted by one foreign State (or Colony) to another foreign State (or Colony) to be conducted over the territory of this Republic under escort of officials of this Republic, provided an extradition treaty has been concluded by this Republic with the State (or Colony) to which the person is extradited and the crime for which he is extradited is mentioned in such treaty.

When person
extradited by
one foreign
State to
another may
cross this
Republic.

18. Persons who are being provisionally detained in this country or have undergone punishment may, on the order of the Government, be sent temporarily to a foreign State or Colony for the purpose of being confronted with others or for the purpose of making statements in criminal cases pending in such foreign State or Colony. If such persons are undergoing punishment in this country the period of their imprisonment shall not be considered to be interrupted by such temporary transmission.

Persons may
be sent to
foreign
country to
make state-
ments, &c.

19. All extradition Laws in force at the time of the coming into operation of this Law shall remain in force until such time as the State President, in consequence of the conclusion of extradition treaties in terms of this Law, shall by proclamation suspend such Laws wholly or in part.

Existing
extradition
Laws.

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

Operation.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
August 10th, 1887.

LAW No. 10, 1887.

AMENDMENT OF LAW No. 8, 1885.

GOLD LAW.

(Amended by Law No. 9, 1888 ; and repealed by Law No. 8, 1889.)

LAW No. 11, 1887.

SQUATTERS LAW.

(Repealed by Law No. 21, 1895.)

LAW No. 12, 1887.

REPRESENTATION OF THE PUBLIC DIGGINGS IN THE VOLKSRAAD.

(Approved and enacted by Resolution of the Volksraad, Art. 1266, dated July 25th, 1887.)

The Volksraad, seeing the necessity for a new arrangement in regard to the representation in the Volksraad of the inhabitants of the public diggings situated in this State, resolves to enact the following rules and regulations in regard thereto.

Diggings
declared
electoral
division.

1. One or more proclaimed public diggings may be declared a separate electoral division where such may be deemed necessary by the State President with the advice and consent of the Executive Council. The State President shall moreover have the right, with the advice and consent of the Executive Council, to annex existing public diggings or such as may be proclaimed in future to such an electoral division, or to separate the same therefrom and to annex them to another such electoral division.

Boundaries.

2. The boundaries of such an electoral division shall be made known by the State President by proclamation in the *Staatscourant*, as well as the alterations in such boundaries which may from time to time be made.

One member.

3. The burghers of such an electoral division, who are according to law entitled to vote, shall be entitled to elect one representative in the Volksraad, which representative shall possess the qualifications required by law for election as such.

Qualifications.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
August 11th, 1887.

LAW No. 13, 1887.

LICENCES, CUSTOMS, &c.

(Superseded by Law No. 3, 1890 (Customs), and Law No. 21, 1898 (Licences).)

LAW No. 14, 1887.

AMENDMENT OF LAW No. 3, 1882.

(TARIFF OF TRAVELLING AND PERSONAL EXPENSES OF CIVIL SERVANTS IN THE S. A. REPUBLIC.)

(Approved and enacted by Resolution of the Volksraad, Article 1323, dated July 28th, 1887.)

I.—*Personal Allowance for Living while Travelling.*

1. To the State President, £2 per day.

2. To the members of the Executive Council, the Judges, the Heads of Departments, and the Landdrosts, when they go out of their district, £1 per day.

3. To the members of the Volksraad for the holding of their meetings, £1 per day.

4. To other officials, 15s.

No hotel accounts shall be allowed.

This allowance shall begin from the day that an official leaves his residence and shall continue to the day of his return or arrival at the place of destination, both such days included.

This allowance shall, however, not be granted to an official unless the journey undertaken compelled him to be absent one night, nor shall it be granted for any day unnecessarily spent on the journey.

II.—*Remuneration for the hire or use of horses, cart or wagon, and also to members of the Volksraad for the holding of their meetings.*

1. The following tariff shall be allowed :—

	£	s.	d.
For use or hire of horses, for each horse per day	0	7	6
For forage for horses, per day - - -	0	3	0
For cart or wagon " - - -	0	5	0
For hire of wagon and oxen, including leader and driver, per day - - - - -	1	0	0

Payment for more than two horses shall not be allowed except on special authorisation by the Executive Council.

Special
authorisation
required.

2. If an official has been compelled to hire cart horses with or without a driver at a fixed price for the journey per day he shall obtain special authorisation therefor, and the expenses shall be refunded to him on his producing and submitting the account showing that such amount, if fair and reasonable or according to agreement, has actually been paid.

What is a
day's journey.

3. A day's journey on horseback or with a cart and horses shall be reckoned at 36 miles or 6 hours per day, and with an ox wagon 24 miles or 8 hours per day. The cause of any delay or deviation therefrom shall be stated in the certificate attached to the account.

III.—General Rules.

Official may
recover cost of
conveyance by
post cart.

1. An official who has to travel in the post cart or in a passenger cart or in any other public means of conveyance shall be reimbursed the cost of conveyance of himself and his luggage on producing and submitting the account paid by him.

Removal of
furniture, &c.

2. An official who, owing to his being removed to another place or otherwise, is obliged to convey his family or furniture shall be assisted by payment for wagon hire for each day's journey of 24 miles the sum of £1. 10s.

No extras.

3. No hotel accounts for expenses for wine or other extras incurred on the journey shall be refunded.

Certificate.

4. No account shall be paid unless a certificate is attached to the following effect :—

"I certify that I, in accordance with the letter attached hereto left _____ on the _____ day of the month _____ 18____ and arrived at (or returned to) _____ on the _____ day of _____; that the time occupied in the journey was _____ days, inclusive of a delay at _____ of _____ days (giving the reason for the delay); that I travelled _____ (specify how the journey was made) on an average _____ hours a day (with the exception of the days of the delay). I certify, further, that such expenses as are charged in this account, and which are not regulated by fixed tariff, are fair and reasonable and were authorised on (here state the date of the authorisation)."

Procedure
when special
authorisation
required.

5. If any expenses have been incurred which, under the foregoing rules, require the special authorisation of the Government, the account shall, before being transmitted to the Auditor's office, be forwarded to the State Secretary in order to obtain special approval by Resolution of the Executive Council.

Accounts—
how to make
out.

6. All accounts for travelling and personal expenses shall be made out and sent in according to Article 31 of the General Instructions.

7. The above rules and tariff shall not apply to constables, gaolers or any other public servants, &c., of the same rank, or to officials with regard to whose travelling expenses special regulations exist or with whom special agreements have been made thereanent.

Persons to whom this Law does not apply.

8. The word "luggage" mentioned in Part III., General Rules, Article 1, shall be taken to mean the extra luggage, not exceeding five pounds in weight, calculated over and above the weight of luggage allowed by a post contractor to a passenger for his personal conveyance.

Luggage.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
August 18th, 1887.

LAW No. 15, 1887.

PENSION LAW.

(Superseded by Law No. 6, 1888.)

LAW No. 16, 1887.

CUSTOMS.

(Superseded by Law No. 4, 1894.)

LAW No. 17, 1887.

(REGULATIONS FOR THE FARMS ON SCHOONSPRUIT AND
INSTRUCTIONS FOR THE WATER-FISCAL).

(Approved and enacted by Resolution of the Volksraad, Art. 696,
dated June 25th, 1887.)

1. The regulations and settlement framed and agreed to on January 13th, 1887, by the delegates of the Government, C. J. Joubert and J. H. M. Kock, and the Committee chosen by the interested parties, consisting of P. A. Cronje, B. H. Swart, S. J. Ijssel and P. L. Bezuidenhout, which regulations and settlement are attached hereto as Schedule A., are hereby fixed and confirmed.

Confirmation
of arrange-
ment *re*
Schoonspruit.

Constructions
on the
Schoonspruit.

2. All cultivated land along the Schoonspruit, with all water furrows in existence leading out of the Schoonspruit, may remain exactly as it is in its present condition, provided that the water shall be used in accordance with the regulations and settlement mentioned in Art. 1.

Schoonspruit
to be kept
open by
owners.

3. The source of the Schoonspruit and the whole course thereof up to its junction with the Vaal River shall always be kept properly opened and kept open by all owners of or persons interested in arable lands which are irrigated from the Schoonspruit, due regard being had to the regulations and settlement mentioned in Art. 1, and more especially Art. 5 thereof.

Changing
course.

If it shall be necessary to change the course of the Schoonspruit on any farm, this shall be effected with the help of the same persons and in means as above provided.

Maintenance
of dams and
furrows.

4. All owners of and persons interested in farms and arable lands along the Schoonspruit shall be bound to put their dams and water furrows into proper order and to maintain them in that condition.

The dams shall not be too high. They shall be constructed in such a way as to prevent the water from flowing out of the spruit or the water furrows into marshes and in such a way that the free flow of the water in the stream may not be obstructed.

Leakage.

The furrows shall be kept properly watertight so that no leakage of any importance may take place.

Discharge
water furrow.

In connection with every water furrow the owners of or persons interested in the arable land, &c., for which the water furrow is used shall be bound to construct a proper discharge water furrow leading to the channel of the stream and to maintain it in proper order so that the surplus water may flow without obstruction into the channel of the stream.

The night and Sunday water shall always be duly returned to the stream along these discharge water furrows in accordance with Art. 3 of the regulations and settlement mentioned in Art. 1.

The night shall in this connection be taken to mean the time from sundown to sunrise.

Penalties.

5. Contravention of Art. 2 (that is to say, use of water in conflict with the therein mentioned regulations and settlement) shall be punished with a fine of at least 5 shillings and not more than £2. 10s.

Contravention of Art. 3 shall be punished with a fine of 5 shillings for every working day per workman.

Contravention of Art. 4 shall be punished with a fine of at least 5 shillings and not more than £2. 10s.

Destination
of.

Half of all fines shall go to the State Treasury, while the other half may be used for the hire of labourers or for the purchase of the necessary implements for opening and keeping open the Schoonspruit.

6. A Water-Fiscal shall be appointed by the Government for Schoonspruit at a yearly salary of £150. Water fiscal

7. The rights and duties of the Water-Fiscal for Schoonspruit shall be as follows :— Rights and duties.

(a.) He shall see that the water of the Schoonspruit is used in a proper manner and that these regulations and the regulations and settlement mentioned in Art. 1 are strictly complied with.

He shall have the power to inspect the water furrows of Ventersdorp and Klerksdorp, in order to secure the observance by the Water-Fiscal of both towns of the said regulations and settlement.

(b.) He shall at least once every two months visit and inspect all water furrows and discharge water furrows and dams along the whole course of the stream and at least twice every year the whole course of the stream. He shall moreover, whenever a complaint is lodged with him, inquire into and decide such complaint.

(c.) The Water-Fiscal shall inflict all the fines provided in this Law, and from his decision an appeal may, within eight days, be made to the Landdrost of Potchefstroom. The Water-Fiscal shall monthly deposit all fines received by him with the Landdrost of Potchefstroom and shall moreover forward a proper account thereof to the Auditor General.

The half of the fines recovered under Art. 5 which can be used for the payment of hired labourers or the purchase of necessary implements may be drawn by the Water-Fiscal, if required for the said purposes, from the Treasurer General. The Water-Fiscal shall be bound to render a proper account of such monies.

The Water-Fiscal shall give notice to the Landdrost of Potchefstroom of every case of unwillingness or neglect to pay any fine inflicted by him.

The Landdrost shall, on the expiration of the time fixed for appeal, summarily recover the fine.

(d.) The Water-Fiscal shall, as soon as these regulations come into force, call upon all interested parties to open the Schoonspruit and to put it in order.

(e.) Once every year the Water-Fiscal may call upon the inhabitants to maintain the channel of the stream in good order in accordance with these regulations, and besides this he may do so whenever he discovers any obstruction to the free flow of the water.

(f.) The Water-Fiscal shall have the supervision of the whole stream and shall also fine offenders without any form of process after giving such offenders written notice of the nature of the offence and after giving them an opportunity of redressing the grievance.

Operation. - 8. These regulations shall come in operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK.
State Secretary.

Government Office, Pretoria,
September 5th, 1887.

SCHEDULE "A."

MINUTES OF THE MEETING of the Committee representing the owners of and persons interested in farms on the Schoonspruit, and the Members of the Commission, on Thursday, January 13th, 1887.

Present: Messrs. P. A. Cronje, B. H. Swart, Sarel Ijssel, and P. L. Bezuidenhout, representing the owners of and persons interested in Schoonspruit, and C. J. Joubert and J. H. M. Kock, Members of the Commission.

The Committee, having considered the regulation of the water in the Schoonspruit stream, proceeds in accordance with instructions, and after consultation in the matter, to discuss the best way in which this can be effected. After mature consideration, the following regulations and settlement are framed:—

Where there are five furrows.

1. On farms where there are five furrows all the furrows may be used for leading water at the same time, provided however that more water shall not be diverted into the furrows than is reasonably, regard being had to the rights of others, necessary for the irrigation of the arable lands.

Three furrows.

2. On farms where there are not more than three furrows the same provision shall apply as in Article 1.

Night and Sunday water.

3. On all farms the night and Sunday water shall be returned to the stream by means of proper discharge water furrows.

Source to be opened.

4. The source of the Schoonspruit shall be properly opened, so as to increase the supply of water, and in places where there are marshes a new channel shall be made, either through the marsh or by a circuitous course, so that the free flow of the water may not be obstructed.

Duty of owners, &c.

5. Every interested person shall be bound to do his share of such work subject to the following provisions:—

(a.) The persons interested in and owners of farms on Schoonspruit, below Sterkstroom, shall co-operate in the work of opening and cleaning the course of the stream, as provided in Article 4, beginning at Klerksdorp, or such other place as may be deemed necessary.

(b.) The persons interested in Boven Sterkstroom shall do the work on the stream from that farm to the source, as provided in Article 4, provided that all the work on Schoonspruit up to and including the source of the stream shall be done jointly by the persons interested.

Ventersdorp.

6. Ventersdorp shall be entitled to water from the stream under the same conditions as are set out in Article 1.

Klerksdorp.

7. Klerksdorp shall be entitled to three-quarters of the water flowing in the stream.

Furrow on "Oog van Schoonspruit."

8. On the farm "Het Oog van Schoonspruit," the furrow at present in existence shall remain, but the quantity of water allowed to flow along such furrow shall not, however, exceed the quantity required for the irrigation of the arable lands at present under cultivation.

Where cleaning of the source interferes with water supply of the owner.

9. If, through the cleaning or opening of the source, the water in the furrow of the owner thereof is interfered with, his interests in the matter shall be considered as equity demands.

10. This document shall operate as a settlement between the owners of and persons interested in farms on Schoonspruit from the source to its junction with the Vaal River, and for this purpose it has been signed by the four Members of the Committee chosen by the owners and interested persons. Settlement between the owners.

Thus done and agreed on the farm Palmietfontein, ward Schoonspruit, district Pôchefstroom, on the date above mentioned.

P. A. CRONJE.
B. H. SWART.
S. J. IJSSEL.
P. L. BEZUIDENHOUT.

Done with our co-operation—

C. J. JOUBERT.
J. H. M. KOCK.
G. H. J. VAN DAM, *Secretary.*

LAW No. 18, 1887.

BOARD OF EXAMINERS.

(Superseded by Law No. 6, 1895.)

VOLKSRAAD RESOLUTION, MAY 4TH, 1887.

30. Fixes a period for the filing of claims for compensation for farms which, in consequence of the London Convention of 1884, fell outside the limits of the S. A. Republic. It also recognises titles to land granted by the Government of Stellaland in so far as such land falls within the limits of the S. A. Republic. Compensation for farms. London Convention.

VOLKSRAAD RESOLUTION, MAY 4TH, 1887.

35. Declares that Theodor Doms shall not be entitled to certain farms in the district of Bloemhof or to compensation therefor. Theodor Doms.

VOLKSRAAD RESOLUTION, MAY 7TH, 1887.

49. The Raad resolves to again reduce the railway tax by 10s., to date from the financial year 1888. Reduction of railway tax.

VOLKSRAAD RESOLUTION, MAY 7TH, 1887.

51. The Raad resolves to authorise the Government to grant permission for the construction of local tramways on and near public diggings. Tramways on public diggings.

VOLKSRAAD RESOLUTION, MAY 9TH, 1887.

Stellaland
burghers.
London
Convention.

57. The Raad resolves that the inhabitants of that part of Stellaland which by the London Convention of 1884 fell within the S. A. Republic shall be enfranchised burghers of the S. A. Republic.

VOLKSRAAD RESOLUTION, JUNE 16TH, 1887.

Destruction of
dogs on farms,
&c.

567. The Volksraad, considering the great trouble and damage in many cases caused by dogs, resolves as follows:—"If dogs, belonging to white or coloured persons living on a farm, location or place, do harm or cause damage to stock or other property of the owner or the occupier of such farm or the adjoining or neighbouring farms or to the game on such farms, the person who suffers any damage or harm from such dogs shall have the right, after having once called upon the owner or the holder, if he can find him, of such dogs to abate the nuisance, in the event of a repetition thereof, to give the Field-Cornet notice of the fact. The Field-Cornet shall then have the right to kill such dogs or cause them to be killed."

VOLKSRAAD RESOLUTION, JULY 27TH, 1887.

Poll tax
10s.—by
whom paid.

1311. The Volksraad, taking into consideration the desirability of making clear provisions for the levying of poll taxes, resolves:—

"All male persons of full age shall pay the poll tax of 10s. sterling per year, with the exception of:—

- (a.) The owners of two or more freehold farms.
- (b.) The owners of three or more erven not built upon.
- (c.) The owners of at least two erven not built upon besides at least one freehold farm.
- (d.) The owners of one or more loan farms.
- (e.) Persons who pay in the aggregate at least £1. 10s. annually for quit rent or land tax whether on freehold farms or loan farms or erven or portions thereof."

"Farm";
"erf."

2. "Farm" or "erf" shall in the meaning of this resolution also include a portion of a farm or erf if on such portion a tax is paid as in the case of a whole farm or erf.

LAW No. 1, 1888.

CONTAINING AMENDMENTS OF EXISTING REGULATIONS RELATING TO THE PROPER CONSTITUTION OF THE HIGH COURT OF THE SOUTH AFRICAN REPUBLIC.

(Approved and enacted by Volksraad Resolution, Art. 337, dated June 1st, 1888.)

WHEREAS it is desirable to make certain amendments in and additions to Law No. 3, 1883, and Law No. 6, 1885, with reference to the High Court and Circuit Court. It is hereby enacted by the Volksraad, upon recommendation of the State President, as follows :—

1. The High Court shall consist of the Chief Justice and two puisne Judges, and, if required, and the State President with the advice of the Executive Council shall so direct, the number of Judges of the High Court shall be increased by the appointment of one or two more puisne Judges, both of whom shall be persons who have graduated; provided always that not more than three Judges shall sit in the High Court at the same time, and that in all cases two Judges of the High Court shall be a competent quorum. High Court.

In the event of a difference of opinion between two such Judges, the decision of the Court shall be postponed until such time as three Judges shall be present.

2. The amendment of Art. 3, Law No. 3, 1883, made by Art. 3 of Law No. 6, 1885, is hereby repealed; as also the amendment made in Art. 5 of Law No. 3, 1883, by Art. 4, Law No. 6, 1885. Repeal.

Further, there shall be no appeal in the case of purely provisional sentences given by one Judge.

3. The last Clause of Art. 9 of Law No. 3, 1883, whereby it is provided that the Judge whose judgment is appealed against shall sit in the Court of Appeal, is hereby amended as follows :— Judge of Lower Court sitting in appeal.

“The Judge whose judgment is appealed against shall be competent to sit in the Court of Appeal, but shall have no voice in the decision of the appeal.”

4. The first Clause of Art. 7 of Law No. 3, 1883, is hereby amended as follows :— Circuit Court.

“A sitting of the Circuit Court for the hearing of civil and criminal cases shall be held before one of the Judges of the High Court twice a year or as often as may appear to be necessary, always for one or more districts or proclaimed goldfields, at such times and places as shall be fixed by the State President by proclamation.”

5. Art. 21 of Law No. 3, 1883, and Art. 5 of Law No. 6, 1885, whereby the terms of the High Court and the Criminal Sessions at Pretoria and the Circuit Court Sessions are fixed, are hereby repealed; Provision shall be made in this behalf by regulation of the judges of the High Court with the approval of the State President. Terms and sessions.

6. All enactments in conflict herewith shall lapse.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
June 6th, 1888.

LAW No. 2, 1888.

SUNDAY LAW.

(Repealed by Law No. 28, 1896.)

LAW No. 3, 1888.

CONTAINING PROVISIONS AGAINST THE ILLTREATMENT OF ANIMALS.

(Approved and enacted by Volksraad Resolution, Art. 268, dated May 29th, 1888.)

WHEREAS it is desirable to prevent the illtreatment of animals and to provide penalties in respect thereof, it is hereby provided and enacted as follows:—

Penalty for
cruelty to
animals.

1. Any person who wilfully treats any animal in a cruel manner shall be punished by imprisonment with or without hard labour for a period not exceeding three months or a fine not exceeding twenty-five pounds sterling.

If the offence has been committed in public, imprisonment with or without hard labour for a period not exceeding four months or a fine not exceeding forty pounds sterling may be inflicted.

Imprisonment with or without hard labour may be inflicted as an alternative in the event of a fine not being paid.

Further
penalties.

2. The following persons shall be punished by imprisonment for a period not exceeding one month or by a fine not exceeding ten pounds sterling, to wit:—

- (a.) Any person who shall cause any animal to pull or draw a burden which is obviously in excess of its powers.
- (b.) Any person who shall cause any conveyance by means of draught animals or beasts of burden to take place in an unnecessarily painful or vexatious manner.

(c.) Any person who shall convey cattle or stock in a needlessly painful or vexatious manner.

Imprisonment may be alternatively inflicted in the event of non-payment of the fine.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
11th June, 1888.

LAW No. 4, 1888.

MEDICAL MEN.

(Superseded by Law No. 4, 1895.)

LAW No. 5, 1888.

(PROVIDING PENALTIES FOR CERTAIN OFFENCES AND MIS-
DEMEANOURS.)

(Approved and enacted by Resolution of the First Volksraad, Art. 302, dd. 30th May, 1888).

WHEREAS it has appeared desirable to make certain acts punishable, or to establish beyond question the fact that they are punishable, it is hereby enacted and provided as follows:—

1. Any person who shall wrongfully intrude in or upon any dwelling or any enclosed place, erf, stand or werf (grounds about a homestead) which is in the use of another person or who shall wrongfully remain there, and not immediately take himself off upon request made by or on behalf of the person entitled to the property intruded upon, shall be punished by imprisonment with or without hard labour for a period not exceeding six months, or by fine not exceeding £75 sterling.

Penalty for
Intrusion in
private
houses, &c.

In addition to such imprisonment lashes to a number not exceeding twenty-five, may be inflicted.

Any person who shall have effected such entrance, by means of breaking or climbing in, or by means of skeleton or false keys or other implements not intended for the opening of the dwelling, place or erf, the stand or werf, or by means of a forged order or disguise, or who without the previous knowledge of the person entitled to the property intruded upon or in any way other than as the result of mistake, shall have entered upon and be found therein or thereon during the time intended for the night's rest, shall be deemed to be an intruder.

Definition of
Intruder.

Use of
Threats.

If he shall have uttered threats, or have availed himself of means calculated to intimidate, he shall be punished by imprisonment for a period not exceeding one year with or without hard labour, and with or without lashes to a number not exceeding twenty-five.

The penalties provided in the first and third paragraphs may be increased by one-third, where two or more associated persons have committed the offence.

Intrusion in
public places.

2. Any person who shall wrongfully intrude in, on or upon any place appointed for the public service, or wrongfully remaining there, shall not at once upon request of or on behalf of any competent official take himself off, shall be punished by imprisonment with or without hard labour for a period not exceeding three months, or a fine not exceeding seventy-five pounds sterling.

In addition to such imprisonment, lashes to a number not exceeding twenty-five may be inflicted.

Any person who shall have effected such entrance by means of breaking or climbing in, or by means of skeleton or false keys or other implements not intended for the opening of the place, or by means of a forged order or any disguise, or who without knowledge of the official and otherwise than as the result of mistake shall have entered into and be found in or on such place during the time intended for the night's rest, shall be deemed to be an intruder.

If he shall have uttered threats, or have availed himself of means calculated to intimidate, he shall be punished by imprisonment for a period not exceeding one year with or without hard labour and with or without lashes to a number not exceeding twenty-five.

The punishments provided in the first and third paragraphs may be increased by one-third where two or more associated persons have committed the offence.

Name of
Offence.

3. The offences mentioned in Art. 1 and 2 shall be referred to under the name of "Trespass or Intrusion with Breach of the Peace."

Onus.

4. The onus of proving the previous consent of the person entitled to the property intruded upon or of the competent official or that a pure mistake was made shall lie on the accused.

Term
"Climbing
in."

5. The term "climbing in" shall include cases where the means of entrance is by "undermining" as also where trenches, canals, or water furrows serving as a partition, are crossed.

Further
penalties.

6. The following persons shall be punished by a fine not exceeding twenty-five pounds stg. or in default of payment thereof by imprisonment with or without hard labour for a period not exceeding three months, viz:—

Burgling
implements.

(a.) Any person who shall have in his possession or custody without lawful excuse (the onus of proving which shall lie on the

accused) any implement or instrument intended or suitable for burglary.

(b.) Any person who shall be found during the time intended for the night's rest with his face blackened or painted, or disguised in any other way, with criminal intent. Disguises.

(c.) Any person who shall be found during the time set aside for the night's rest armed with a gun, pistol, dagger or other weapon, with criminal intent, or who shall not be able to give a valid and satisfactory explanation of his being so armed. Arms.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
18th June, 1888.

NOTE TO ART. 1, LAW NO. 5, 1888.

See Criminal procedure 1866, Art. 6, Lawbook 1849-1885, page 272; Law No. 14, 1880, Art. 14; also Volksraad besluit, dd. 30th May, 1888, which reads as follows:—Art. 304. "The Raad, having regard to the memorials V.R.R. 147/88, V.R.R. 254/88, 243/88, resolves whilst sending memorialists a copy of Law No. 5, 1888, to inform them that the Raad, especially with regard to the present circumstances of the country, has considered it inadvisable to erase from the Law the punishment by lashes, and further that the Law makes a sufficient provision, and upon being strictly applied will leave no opening, for the infliction of lashes, where not absolutely required."

(See Judgment of Judge E. J. P. Jorissen in *re State vs. Venter*, delivered January, 1891).

LAW NO. 6, 1888.

CONTAINING PROVISIONS AS TO WHEN AND TO WHOM PENSIONS SHALL BE GRANTED.

(Approved and enacted by Resolutions of the Volksraad, Art. 1170/1172, of 20th July, 1887.)

(As modified by Resolutions of the Volksraad, Art. 370 and 374, of 5th June, 1888.)

1. There shall be a Pension Fund, out of which allowances shall be paid to persons wounded and mutilated in war or on commando Preamble.

service, and to widows and orphans of persons who have fallen in war or on commando service.

Revenues of
the Pension
Fund.

2. This fixed fund shall be formed from:—

- (a) The moneys now in hand.
- (b) A fixed contribution from every white inhabitant of the country, who is of age, of one shilling per annum.
- (c) A contribution from the Government Officials with fixed salaries *pro rata*; those receiving a salary of less than £50 to pay one shilling per annum, those receiving a salary of £50 to £100, two shillings and sixpence; and for every further £100, one shilling.
- (d) For every certificate from exemption issued by a competent medical practitioner or by a Field-Cornet and two impartial witnesses, an amount of one pound one shilling shall be paid to this fund. This amount shall be affixed in stamps to the certificate.

The total amount of such stamps shall be repaid by Government into the treasury of the fund.

Each such certificate must expressly state that the person to whom it is issued is unfit for any service, and that the person issuing the same is willing to substantiate it on oath.

- (e) Voluntary contributions.
- (f) A contribution from the Public Treasury, in order to provide for any shortfall. This shortfall shall be annually ascertained by a Commissioner in accordance with Art. 6 of this Law.

Contributions
of inhabitants
and Govern-
ment Officials
to be paid to
Landdrost.

3. The monies referred to in sub-sections (b) and (c) of Art. 2 shall be paid to the Landdrost in the same way as ordinary taxes, and he shall remit the same to the Treasurer-General, who shall pay the said monies over to the Orphan Chamber on behalf of this fund every month.

Orphan
Master
administers
fund.

4. The administration of this fund shall be entrusted to the Orphan Master, assisted by a Secretary.

Orphan
Master
renders
annual report
to Govern-
ment.

5. The Orphan Master shall annually, after the books of this fund have been audited by the Auditor-General, forward a report to the Government to be submitted to the Volksraad.

Volksraad
elects annual
Commission
to fix
pensions.
Orphan
Master
to act in
unforeseen
cases.

6. The Volksraad shall annually elect a Commission consisting of three of its members to frame in conjunction with the Orphan Master a scheme for the granting of allowances; which scheme shall be submitted to the Volksraad for approval. In cases not provided for the Orphan Master shall have the right to grant allowances *pro rata* until the following session of the Volksraad.

- 7.** The Government shall have the right to grant to any person pensioned under this Law, a piece of ground instead of a pension if such person desires it, not exceeding about one thousand morgen, in proportion to the amount of the pension; The transfer of such ground shall be effected free of charge. The pension shall thereupon cease immediately. Should widows desire to have ground in lieu of a pension, the ground shall also forthwith be transferred free of charge to the names of the children of the deceased father if there are children. The widows shall however retain the usufruct of the ground until their demise or re-marriage.
- 8.** Should widows, who have lost their husbands during or since 1880, re-marry, a pension of one pound sterling per month shall be granted to the children of their deceased husbands until they marry or come of age.
- 9.** If there are children whose mothers have lost their pensions through re-marriage, such children shall receive a pension in the manner provided in Clause 8, until they come of age or previously marry.
- 10.** The provisions of Clauses 7 and 8 shall apply only to men who were wounded, and to the widows and orphans of men who fell during the years 1880 to 1886 inclusive, and with regard to later cases the Volksraad shall decide as regards thereto.
- 11.** The Landdrosts of the different districts, assisted by the Field-Cornets, shall be bound and obliged to report in the month of April of each year to the Administrator of the fund with regard to the condition of the wounded, and the widows and orphans of the killed in their various districts.
- 12.** The money now in the treasury shall be deposited in a Bank to be appointed by Government.
The monies not required for the ordinary payments shall be invested by the Commission referred to in Clause 6 on first mortgage on immovable property, which shall be of at least double the value of the money invested in the name of the Orphan Master as Administrator of the fund.
- 13.** The Commandant-General shall be obliged immediately after the conclusion of a war to give the necessary information to the Orphan Master, or cause such information to be given, together with a list of the killed and wounded.
- 14.** The allowances referred to in Clause 1 shall be paid out, for the district of Pretoria at the office of the Orphan Master, and for the other districts by the Landdrosts by cheques issued by the Orphan Master. The Landdrosts shall render accounts monthly to the Orphan Master of the moneys remitted to them.
- 15.** All cheques or orders for the payment of moneys out of this fund shall be signed by the Orphan Master and the Secretary.

Government may grant ground instead of pension.

Registration *re* free transfer of such ground.

Pension to children whose mothers re-marry.

Landdrosts report each April *re* wounded, widows and orphans.

Government appoints place of deposit of money.

Regulations *re* investment of money.

Commandant-General furnishes list of killed and wounded after war.

Allowances payable by Orphan Master or Landdrosts.

Cheques to be signed by Orphan Master and Secretary.

Repeal. **16.** All former enactments and resolutions in conflict with this Law, and in particular Law No. 9, 1883, are hereby repealed.

Operation. **17.** This amendment of Law shall come in operation on the 1st June, 1888.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria,
18th June, 1888.

LAW No. 7, 1888.

TRAVELLING AND PERSONAL EXPENSES FOR WITNESSES IN
CRIMINAL CASES.

(Approved and enacted by resolution of the First Volksraad
Art. 296, dated 30th May 1888.)

WHEREAS it is desirable to establish a proper tariff for the payment of travelling and personal expenses to witnesses in criminal cases, it is hereby enacted as follows :—

Witnesses' fees in criminal cases.

1. Witnesses in criminal cases shall be entitled to a personal allowance of

- (a.) for white witnesses (10s.) per diem.
- (b.) For coloured witnesses (2s.) per diem.

The witness shall receive this allowance :—

- (a.) For the days that his presence is required at the place where the Court shall be sitting ; and
- (b.) For each day's travelling there and back.

A distance of 36 miles or six hours on horseback shall be reckoned to be one day's travelling.

For distances less than 36 miles but over 18 miles, the personal allowance as and for the whole day shall be paid.

Travelling expenses.

2. White witnesses in criminal cases shall be entitled to travelling expenses at the rate of four shillings for every six miles or hour on horseback.

Witnesses, who reside within a distance of six miles, or one hour on horseback, from the place where the Court is sitting, shall not be entitled to any travelling expenses.

Witnesses who make use of the mail coach, or any other public means of conveyance, shall in lieu of the travelling expenses aforesaid, upon production of a receipt receive a refund of the fare paid by them.

Coloured witnesses shall receive two shillings per diem as travelling expenses.

3. Officials living at the place where the Court sits, or within six miles thereof, shall not be entitled to the allowance mentioned in Art. 1. Civil servants.

4. The Government shall have the power to make special arrangements for the payment of travelling and personal expenses of witnesses who reside abroad. Foreign witnesses.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK.
State Secretary.

Government Offices, Pretoria,
18th June, 1888.

LAW No. 8, 1888.

MARKETS.

(Approved by Volksraad Resolution, Art. 358, dated 16th June, 1883, as amended by Volksraad Resolution, Art. 481, dated 15th June, 1888.)

1. Market shall be held on the Market square of every town by the Market-master appointed by the Government, except in cases where a Town Council has been established, in which case the appointment shall be made by the Town Council. Holding of Market.

2. Market shall be held one hour after sunrise every day of the year, with the exception of Sundays and Church holidays. The first bell shall be rung half-an-hour after sunrise. Hours.

The market shall continue until everything that is brought to market shall have been offered for sale.

3. It shall not be lawful for any person during the market hours to ride about amongst, and to the hindrance of those who are attending the market, or amongst the goods which are being sold. No riding about on Market square allowed to the inconvenience of persons attending market.

4. The auctions shall be conducted in the Dutch language. Dutch language.

5. The Market-master personally shall neither bid nor purchase for himself, nor for any other person. Market-master.

6. The entries made of the sale as well as the market notes shall be written in ink. Entries.

7. The Market-master shall sell all goods brought to the market by public auction, to the highest bidder. The sales shall be for cash. Highest bidder.

Market note.

8. The Market-master shall hand the seller a market note, which shall set out in columns :—The name of the seller, the name of the purchaser, the articles purchased and the price; and one column shall be left open on such market note in which column upon delivery of the article purchased, the purchaser or person who receives the same for him, shall sign his name.

Upon exhibition of the market note so signed the seller shall be entitled to receive the amount from the Market-master.

(See Form "A" of market note annexed hereto.)

Purchasers.

Purchasers shall pay the Market-master on the day of sale before 12 o'clock noon, at his office; in default whereof they shall pay 5 per cent. for collection.

The Market-master shall see that payment for the purchases is made (to him) in the ordinary course.

And it shall be lawful for him, to decline to accept a bid from any purchaser who has refused to pay.

10. The Market-master shall keep proper books (in such form as may be prescribed for him) of all Government dues to be paid in by him, payable upon the articles sold on the market, which dues shall amount to $2\frac{1}{2}$ per cent., except in respect of wines, spirituous liquors, &c., which come from beyond the limits of this State. (See Art. 15, par. *m*.)

Unsold articles.

11. Where an article which is put up for sale is not sold, the owner or person acting in his stead shall pay a sum of 2s. 6d. to the Market-master on behalf of the Government on every wagon, or vehicle, or otherwise upon the article put up.

Owner's consent.

The Market-master shall not knock down to the bidder the article put up, without obtaining the consent of the seller thereto; and in the event of a dispute between purchasers, the Market-master shall again put up the article.

Government dues.

12. The Market-master shall weekly pay in to the Landdrost of the district, all monies which shall accrue to the Government from the proceeds of the market, and shall at the same time submit his books for examination and approval.

13. The Market-master shall as far as possible prohibit all sales which are not permissible in terms of this Law.

Restrictions upon out of hand selling.

14. No person, after having brought his products on to the market square, shall have the right to sell the same, before he shall first have put the same up to auction on the market, and until he shall have done so, no person shall have the right to purchase the same.

How articles are sold.

15. Products, &c., shall be sold as follows :—

- (a.) Meal, wheat, per muid of 200 pounds.
- (b.) Mealies, bread mealies, pan salt, barley, oats, rye, kaffircorn, beans, lentils, lime : per bag of 8 buckets.
- (c.) Potatoes, sweet potatoes, onions :—per bag of 8 buckets or submultiple thereof.

- (d.) Wool, ivory, ostrich feathers, butter, pork and salt meat, dry fruits, &c., per pound.
- (e.) Oats and green forage, per bundle, chaff, per bale or bag.
- (f.) Firewood, per load.
- (g.) Coal, per 100 pounds or submultiple thereof.
- (h.) Yellow-wood planks, beams and all sorts of timber, also wood for wagons, doors, windows, lintels and testers or hoods by the foot, per piece or by the lot; spars per piece; poles, Spanish reeds per 100; thatching, per 100 bundles, with a diameter of 6 inches.
- (i.) Oranges, apples, &c. per 100.
- (k.) Vegetables, in batches as the seller may desire.
- (l.) Eggs by the dozen.
- (m.) Wine and spirituous liquors, per gallon. Import duty shall be paid on such liquors if imported from abroad, unless they are products of the Orange Free State. Such liquors may not be sold on the market before such import duty shall have been paid.
- (n.) Horses, large stock (cattle), sheep, goats, pigs, poultry, &c., per head.
- (o.) Any articles not mentioned here shall be sold as the Market-master may elect.

16. Every person who shall bring meal, grain, oats, butter, sweet potatoes, wool, vinegar, potatoes, wine, spirituous liquors, &c., to market, shall if required before the sale furnish the Market-master with a sample for comparison with what is offered for sale. Samples.

This sample need not be larger or greater than is required to enable a judgment to be formed of the quality of that particular kind.

No purchaser shall be obliged to take delivery of what is sold if it is worse than the sample.

In the event of dispute the Market-master shall decide, the losing party shall pay the Market-master's costs therein not exceeding 10s. (ten shillings).

An appeal may be made to the Landdrost, who shall summarily decide.

17. All products or things sold on the market shall be delivered by the seller at the house of the purchaser or at his place of business within the town. Immediately after the purchase, the purchaser shall be obliged and bound to point out in clear terms or cause to be pointed out to the seller the house or place within the town, where the products or goods are to be off-loaded or delivered. Delivery.

Should the purchaser not be present to take delivery of what is sold, it shall be off-loaded in the presence of competent witnesses or off-loaded at the market house for account of the purchaser.

18. The Market-master shall be entitled to decline to sell if he has reasonable grounds to suspect that what is brought to market is not the property of the person who offers it for sale.

The sale may however be effected upon condition that the proceeds shall remain for a certain time in the hands of the Market-master, or otherwise as the Landdrost shall deem fit.

He shall in such case immediately give written notice to the Landdrost, who shall without delay institute the necessary enquiry.

Salary of
Market-
master.

19. The Market-master shall receive a fixed salary from the Government, and shall give security for the due fulfilment of his duties.

He shall over and above the salary receive $2\frac{1}{2}$ per cent. of the market dues.

Spoilt wares.

20. Spoilt wares or wares deleterious to health, sick live stock, or horses with glanders brought to market shall upon complaint of the Market-master or any other person be immediately removed from the market by the owner or person in charge thereof, and in the event of refusal or negligence, such person shall be punishable according to the provisions of this Law.

Certificates to
be produced
by sellers not
being land-
owners.

21. All persons not being landowners bringing articles to market and more especially firewood and lime, shall be obliged to exhibit a written pass from the owners of the farms, from which the said articles come, and upon non-compliance therewith the articles shall be declared forfeited.

Penalty.

22. Any person who shall contravene one or more of the articles of this Law shall be liable to a fine not less than 7s. 6d. and not exceeding seven pounds ten shillings sterling, to be imposed by the Landdrost according to the nature of the case or in default of payment to imprisonment for a period not exceeding one month.

If delivery
cannot be
pointed out.

23. If the purchaser shall not duly point out the place of delivery in terms of Article 17 to the seller and the latter cannot find the purchaser, the seller shall be entitled to bring back the products or goods sold and not received to the market house; and if the purchaser shall not put in an appearance before 1 o'clock p.m., the Market-master shall receive the goods sold from the seller, and pay out the value thereof to the seller who shall then be entitled to off-load the products or goods sold at the market house for account and risk of the purchaser, in presence of the Market-master, or his lawful representative.

In such case the Market-master shall again offer the goods for sale the first ensuing market day, and the difference (if any) between the first and second sale and all damages and further costs thereby occasioned or connected therewith shall be made good by the first purchaser.

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

25. This Law shall come into operation immediately after publication.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
21st June, 1888.

FORM "A."

MARKET BRIEF.

No.	No.			
Date	Town	Date		
Seller	Seller			
	Purchaser.	Article.	Price.	Received by.
Purchaser				
Article				
Amount				

LAW No. 9, 1888.

GOLD LAW AMENDMENT.

(Superseded.)

LAW No. 10, 1888.

MAKING THE USE OF THE DUTCH LANGUAGE COMPULSORY.

(Enacted and approved by Resolutions of the Volksraad Artt. 1017 and 1027, dated 13th July, 1888, and Artt. 1026 and 1027, dated 14th July, 1888, and Art. 1030, dated 16th July, 1888.)

1. The Dutch language shall be the official language of the Country. All other languages are foreign languages.

Dutch is the official language.

Official documents, &c.

2. All official documents, notices, departmental correspondence and other writings of officials shall be drawn and written in the Dutch language. They may be accompanied by a translation in a foreign language. Such translations shall, however, be marked as such.

Correspondence with foreign countries may be conducted in a foreign language.

Courts.

3. In all Courts of the State the Dutch language shall always be used by all the officials. The officials shall at the same time see that all pleadings are conducted in the Dutch language.

Market.

4. The Market-masters shall conduct all auctions in the Dutch language.

They shall, however, have the right to repeat in a foreign language what has previously been said by them in the official language.

Penalty.

5. Officials, who do not observe the provisions of Artt. 2, 3 or 4 of this Law shall be liable to be punished by the Government with a fine to be fixed by the Government according to the circumstances, however, not exceeding the sum of £10 for each contravention coupled with suspension or dismissal.

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

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Offices, Pretoria,
30th July, 1888.

VOLKSRAAD RESOLUTION, dated 9th May, 1888.

Art. 41.

Re proposed Coolie Law and Alteration of Convention with Great Britain.

(See pages 37 and 38 L.L. 1888.)

SALE OF ERVEN IN TOWNS.

(L.L. 1888, page 41.)

VOLKSRAAD RESOLUTION, 29th May, 1888.

279. The Raad resolves: To authorise the Government to act as suggested by the Acting Surveyor General, and, if the Government after enquiry finds it necessary, to cancel the admission of any surveyor for a definite or indefinite time.

VOLKSRAAD RESOLUTION, 8th June, 1888.

418. Refusal of request made by Coolies to be allowed in the Street after nine o'clock at night.

(Page 50 LL, 1888.)

TREATY S.A. REPUBLIC AND NEW REPUBLIC.

(Page 60 LL, 1888.)

VOLKSRAAD RESOLUTION, 5th July, 1888.

899. The Raad having regard to Art. 4 of the Report of the Estimates Commission now on the order; to V.R. Resolution Art. 415, dated 8th June, 1888; to V.R. Resolution dated 9th May 1888, Art. 41; having regard to the object of Law No. 3, 1885, as amended by Art. 1419, of the Volksraad Resolutions of the year 1886 and to the instructions and provisions therein contained, the Raad feeling that it in all respects conflicts with the maintenance of proper sanitary measures, that the races referred to in Law No. 3, 1885 should be permitted to live in business places, which do not happen to be in the locations; having good reasons to believe that this rule is not given effect to, and being of opinion that not doing so is in conflict with the spirit and the letter of the said law, resolves:—

To instruct the Government to institute an enquiry, and if possible, to prohibit the living in such business places.

The Raad further instructs the Government, should it appear after enquiry has to that end been made, that the further dealing and mode of life of the said races conflict with the interests of the white inhabitants, especially in so far as the maintenance of the sanitary condition in the towns is concerned, in such case to take steps to have the law amended in all such respects as may be necessitated.

VOLKSRAAD RESOLUTION, 21st July, 1888.

Gunpowder.

1076. Resolved:—In the interests of the general safety of the country the Raad resolves:—

It shall not be lawful for anyone to import into the country or convey through the country any gunpowder or other explosives, cartridges and other ammunition, save under permit from the State President, which permit may be given or refused by him and shall contain such conditions and provisions as to the State President with the advice and consent of the Executive Council shall appear to be in the interest of public safety and further of general interest.

For the mere conveyance of powder and cartridges for the personal use of one person, such person shall not require a permit for powder and cartridges intended for his own use, up to a quantity not exceeding fifteen pounds of powder and fifteen hundred cartridges.

VOLKSRAAD RESOLUTION, 24th July, 1888.

Australian
Bug.

1094. The Volksraad resolves to authorise the Executive Council to frame regulations and provisions for the chopping down and destruction by the owner of trees and plants, infected by the Australian bug or other noxious insects, and if the owner is negligent the Government shall do such chopping or destroying at the cost of the owner; the owner shall in none of these cases be entitled to claim compensation.

LAW No. 1, 1889.

(Approved and enacted by Volksraad Resolution, Art. 146, dated 17th May, 1889).

WHEREAS it is desirable to limit the use of trumpets and other such like instruments by coachmen and drivers, and to confine the use thereof solely to the coachmen and drivers of mail carts or coaches, be it hereby enacted and provided as follows:—

Use of bugle
prohibited:

1. It shall not be lawful for coachmen and drivers, or other persons riding in or on passenger coaches or other means of conveyance, to use a bugle, horn, trumpet or other similar instrument.

The coachmen or drivers of mail coaches or other means of conveying mails shall be the only exceptions to this rule.

Penalty.

2. Any contravention of Art. 1 shall be punished by a fine not exceeding £5 or imprisonment for a period not exceeding one month

If the offender is a coloured person, he may in lieu of the imprisonment also be punished by lashes not exceeding 25 in number.

3. The penalties mentioned in Art. 2 may be inflicted by the Judicial official, within whose jurisdiction the person against whom the charge is laid, for the time being is, irrespective of whether the contravention was or was not committed within his jurisdiction.

4. This law shall come into operation from and after the 1st June, 1889.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
20th May, 1889.

LAW No. 2, 1889.

ARTILLERY.

(Superseded.)

LAW No. 3, 1889.

TAXES.

(Superseded.)

LAW No. 4, 1889.

FENCES ACROSS ROADS.

(Repealed by Law No. 9, 1893.)

LAW No. 5, 1889.

CENSUS.

(Approved and enacted by Resolution of the First Volksraad, Art. 296, dated 29th May, 1889.)

WHEREAS it appears necessary from time to time to take a census of the white inhabitants of the South African Republic, it is hereby provided and enacted as follows:—

All inhabitants to give information for census purposes.

1. On or before the first day of February 1890, every Landdrost and Mining Commissioner shall have notices posted within the limits of his district or field at the various Courts and at other conspicuous places, whereby it shall be made known that every owner, occupier or inhabitant of any fixed property, erf house, or dwelling as also every Custodian of any gaol, hospital or institute for lunatics or any boarding school or other public or charitable institution shall be required on a day to be appointed by the State President by Proclamation in the *Staatscourant* and to fall between the 15 March and the 15 April, to be prepared to furnish all such returns as are required in the annexed schedule marked "A" to the persons who shall be appointed in terms of this law to obtain the same.

Ditto.

2. Every owner, occupier or inhabitant of any fixed property, erf, stand, house or other dwelling as also every superintendent or keeper of any gaol, hospital or institute for lunatics or any boarding school or other public institution, who shall be resident within this State on the day hereafter to be fixed in terms of Art. 1 of this law, for the holding of the census, shall be obliged to furnish the particulars required according to the annexed Schedule marked "A," in so far as concerns himself, and all members of his family and all white persons, including visitors, who shall be staying at his house during the night which immediately precedes the day so to be fixed. If the head of the household or institution is a female, she shall have the same obligations in respect of this law that a male person would have.

Instructions to census takers.

3. The State President shall appoint one or more fit and proper persons in each district or diggings to be enumerators for the purposes of this law in each ward, division or town.

The State President and Executive Council shall frame the necessary instructions, for the guidance of such enumerators in their work.

Absentees.

4. Every person who has no fixed place of abode or who is absent from his house or dwelling the night preceding the day fixed by the proclamation, shall upon that day or as soon as possible thereafter, appear before the Landdrost of the district or the Field-Cornet, Assistant Field-Cornet, Resident Justice of the Peace or Enumerator of the ward or the place or the Mining Commissioner of the fields where he may happen to be, in order to make a proper return in terms of this law.

If a Landdrost or other official shall receive such a return from any person not residing in his jurisdiction, he shall transmit the same to the official in whose jurisdiction such person ordinarily resides.

5. In order to enable the Landdrosts, Mining Commissioners, and enumerators to obtain these returns they are hereby authorised in so far as such may be necessary for the purposes of this law to put to the persons who shall be resident or sojourning within their respective districts or field, such questions concerning themselves, and the number, relationship, age, origin and occupation of the persons who constitute their household as shall enable the Landdrosts, Mining Commissioners or enumerators to fill in the afore-said schedule, and concerning all other particulars which it shall be necessary to insert in the schedule.

Questions may be put to enumerators.

Any person who shall refuse to answer such question or questions, or who shall wilfully give a false answer, or who shall wilfully frame a wrong or false return, shall be punished by a fine not exceeding £25, or imprisonment with or without hard labour, for a period not exceeding three months.

Penalty for refusal to give information.

6. Any enumerator who shall be wilfully negligent in the performance of his duties in terms of this law, or the instructions framed under this law, or who shall wilfully frame or accept a false return, shall be punished by a fine not exceeding £25, or imprisonment with or without hard labour, for a period not exceeding three months.

Penalty for any neglect by enumerator.

7. The enumerators shall without delay hand in the returns collected by them to the Landdrost of the district in which, or the Mining Commissioner of the fields on which they have been working.

Returns how sent in.

The Landdrosts and Mining Commissioners shall upon the receipt of the returns examine the same and assure themselves that no portion of their district or field has been overlooked. They shall send in the same to the State Secretary within fourteen days after receipt with their remarks thereon.

If however, they find that any return is faulty or incomplete, they shall return it to the enumerator concerned for amendment.

8. The State President is authorised to appoint a commission to collect and arrange all the returns sent up to the State Secretary.

Commission to frame final return.

This commission shall thereafter frame a general return thereof in a form to be approved of by the State President.

9. Superseded by V.R.B. 78/1891.

10. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS.
State Secretary.

Government Offices, Pretoria,
31 May, 1889

District _____ SCHEDULE "A," LAW No. 5, 1889. Field _____ CENSUS. Ward _____ Town _____ Division _____								
Names.	Sex.	Age.	Country and Place of Birth.	Residence (Farm or erf).	Position or calling.	Enfranchised or not.	If entitled to Vote. In which way, and for what.	Remarks.

LAW No. 6, 1889.

GAMING.

(Approved and enacted by First Volksraad Resolution, Article 304, dated 31st May, 1889).

WHEREAS it is necessary in the interest of public morality, to suppress the keeping and visiting of gambling houses and gaming tables, and also to suppress gambling itself; it is hereby provided and enacted as follows:—

1. It shall be unlawful to keep or visit a gambling house or gaming table within the South African Republic.

It is unlawful to keep any gaming-house.

2. It shall be lawful for any Public Prosecutor, Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or white constable, or any person duly authorised under signature of the Public Prosecutor with such assistance as he shall deem necessary at all times, to enter and search any house, tent, room, vehicle or other place of meeting, which he has good reason to believe is a gambling house, and if, upon request made by such Public Prosecutor, Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or constable or other person so authorised, specifying his name, capacity, and the reasons why he wishes to be admitted into such house or other place, such house or other place is not forthwith opened, it shall be lawful for such officer or constable to break open such house or other place or cause it to be broken open, and to enter and search the same by force, and the owner or occupier of such house or other place, who, for whatever reason shall not open or shall refuse to open such house or other place, upon request made in the manner prescribed, by such officer, or constable or other person so authorised as aforesaid, may upon conviction thereof, be punished by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months, in addition to any further punishment which such person may be liable to undergo, as is by this law provided.

Right to enter and search houses, &c.

3. Every house, tent, room, vehicle or other place of meeting shall be deemed to be a gambling house, in which, and every article or thing shall be deemed to be a gaming table, on which gaming appliances shall be found, or in which or whereon it shall appear that a bank is being kept, that is to say, in which or whereon the players stake money against the money of the occupier or owner of the house or the table or against money supplied by any person, bank or firm or mutual association, as a fund or as capital for the purpose of gambling, or in which or on which Rouge et Noir, Roulette, Faro or any other game is being played, by which the owner or occupier of the house or the table of any person, or bank

Term, gambling house, &c.

or firm, or partnership with shares, stakes money against the money of the players.

Who is deemed to be a keeper of a gambling house.

4. Every holder of a gambling house, whether as owner, holder, attendant or in any other capacity whatsoever; every person charged with the supervision or the direction of the play, or acting as banker, dealer, croupier, or in any other capacity, and every person acting as porter, doorkeeper, or servant, or filling any other office in any gambling house, or at any gaming table, shall be deemed and taken to be the keeper of a gambling house or gaming table.

Visitors.

5. Every person found in a gambling house or at a gaming table, and who is not the holder of a gambling house or gaming table, shall be deemed and held to be visiting such gambling house or gaming table with the object of playing.

Powers of arrest.

6. It shall be lawful for the police or for persons duly authorised by the Landdrost of any district or the Special Landdrost, Assistant Landdrost, or Mining Commissioner, of any public diggings (see Law 7, 1894, Art. 15, for words inserted here), to arrest, without warrant, all persons, whomsoever, found in any gambling house or at any gaming table, and to seize all cards, dice or other gambling requisites and monies found in any gambling house or on any gaming table.

Penalties against keeper of a gambling house.

7. Any person who shall be convicted of keeping a gambling or a gaming table shall be punished for the first offence by forfeiture of all monies, gaming tables, implements and appliances found in such playhouse or in the possession of any keeper thereof, "besides a fine of £5 or in default of payment by imprisonment for a period not exceeding one month" (the portion in inverted commas is repealed by Law No. 1, 1892, q.v.); for the second offence by imprisonment with hard labour for a period not less than three nor exceeding twelve months, in addition to the forfeiture hereinabove described; for a third or subsequent offence by imprisonment for a period not exceeding three years with hard labour, in addition to the forfeiture hereinabove described.

Penalties on persons visiting gambling house.

8. Any person who shall be shown to have visited a gambling house or gaming table with the object of playing shall be liable to the following fines:—

For the first offence £5 or in default of payment one week's imprisonment; for the second offence a fine of £10 and in default of payment two weeks' imprisonment; for a third or subsequent offence a fine of £20 and in default of payment imprisonment for six weeks, with or without hard labour.

9. Superseded by Law No. 1, 1892, Art. 3.

10. The Landdrosts, Special Landdrosts or, where such are appointed, the Assistant Landdrosts and the Mining Commissioners on the public diggings where no special Landdrosts have been appointed, shall in their respective districts or public diggings have special jurisdiction in all cases falling under this Law. Jurisdiction.

11. Any person who gives such information as shall lead to conviction and to the infliction of any fine or forfeiture under the provisions of this Law, shall be entitled to receive the half of the monies forfeited or fines inflicted and received. Informant.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
4th June, 1889.

LAW No. 7, 1889.

ON THE MAKING AND MAINTENANCE OF ROADS.

(Approved and enacted by Resolution of the Volksraad, Art. 485, dated 21st June, 1889.)

1. The Government shall have the right to take from every farm or piece of land or to cause to be taken therefrom, any stones, ground and gravel required for making and maintaining the roads within the limits of such farm or piece of land. Right to take materials for road repairs.

2. If a farm or piece of land does not contain a sufficient supply of materials, the Government shall be entitled to take and bring over such materials from the adjoining or any other farm, on which the same shall be obtainable in sufficient quantity.

3. The owner or occupier of a farm or piece of land shall have the right to point out a place where the materials mentioned in Arts. 1 and 2 shall be taken from, provided such place is equally suitable and as easily accessible as regards distance as that which has been selected by or on behalf of the Government. In the event of dispute, the nearest official, who is not concerned in the case, and two impartial persons to be appointed by him shall decide the matter. Owner may point out a suitable place.

4. The Government shall not be entitled to take possession of any material, on which the owner has expended any manual labour, except in exceptional cases, and in such case for reasonable consideration to be previously fixed by mutual agreement, with the owner or lessee.

Differences.

In the event of a difference of opinion in such case between the owner or lessee and the Government, the compensation shall be assessed by arbitrators.

5. The Government shall however in no case have the right to take stones from house, kraal or boundary walls.

Penalty for obstructing repairs, &c.

6. Any person who wrongfully prevents, obstructs or opposes the making, repairing or maintaining of ways or roads, by refusing to allow the use of materials or otherwise, shall be responsible for all cost which may be incurred in respect thereof.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

LAW No. 8, 1889.

GOLD LAW.

(Superseded by Law No. 10, 1891.)

VOLKSRAAD RESOLUTIONS.

(L.L., 1889, page 140. Application of D. R. Church Ministers to be appointed marriage officers refused.)

[¹] CRUELTY TO ANIMALS.

VOLKSRAAD RESOLUTION, 20 June, 1889.

Jury.

474. Resolved:—That one pound sterling per diem shall be paid to members of the jury for personal expenses.

VOLKSRAAD RESOLUTION, 18 July, 1889.

Extradition.

1042. Resolved:—That in the first paragraph of Art. 9 of 1887 the words “shall be made diplomatically, in manner to be more fully set out in the Treaty” shall be superseded by the words “shall be made in such manner as the treaty shall more fully set out.”

2. In Art. 10 of the said Law the words “diplomatic application” shall be superseded and replaced by the words “application referred to in the preceding articles.”

¹ See V.R.R., 8th May, 1889, Article 44, in Appendix.

LAW No. 1, 1890.

POSTAL DEPARTMENT.

(Repealed by Law No. 18, 1898.)

LAW No. 2, 1890.

TO COMPEL RESIDENTS OF THIS REPUBLIC TO APPEAR AS WITNESSES IN THE COURTS OF LAW OF THE ORANGE FREE STATE.

(Approved and enacted by resolution of the Volksraad, Art. 132, dated 17th May, 1890.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts (of Law) of the Orange Free State.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated.

And whereas it is desirable to make the attendance of such persons before such Courts compulsory.

It is hereby provided and enacted as follows :—

1. Where a subpoena purporting to be issued by the proper officer of any competent Court in the Orange Free State for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to the Landdrost of the district within which the person, whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court, or to his lawful substitute, or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein.

Subpoena to be endorsed by Landdrost and served by messenger, &c.

Provided always that the necessary expenses of such service, and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena, and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as shall, from time to time, be framed by the Executive Authority, shall be transmitted to the said Landdrost, together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Conduct money.

2. Every person who shall have been served with a subpoena as in the previous section mentioned shall be bound to attend on the day and at the place therein named; and in case he shall fail so to

Penalty.

do and shall also fail to prove any lawful and valid excuse for such non-attendance he shall be liable to a penalty not exceeding one hundred pounds sterling, which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

The fact that in addition to the time fixed by law for the appearance of witnesses in this State, the subpoena was not served on the witness at least fourteen days prior to the time the said witness would have to leave home, shall be deemed to be such legal and valid excuse as is referred to in this article.

How penalty recovered.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal excuse for his default, shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

Witnesses free from arrests for other causes.

4. No person resident in the Orange Free State who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any legislative enactment of the Orange Free State, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

This Act to be proclaimed of force upon reciprocity legislation.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that the Orange Free State has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in the Orange Free State.

6. All enactments in conflict herewith are hereby repealed.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 25th May, 1892.

(For tariff of witnesses subpoenaed under this law, see Government Notice published in L.L., 1891, page 369.)

LAW No. 3, 1890.

CUSTOMS.

(Superseded by Law No. 4, 1894.)

LAW No. 4, 1890.

LAW ESTABLISHING THE SECOND VOLKSRAAD.

LAW No. 5, 1890.

FRANCHISE LAW.

(Superseded.)

LAW No. 6, 1890.

MODIFICATIONS OF GRONDWET.

(Superseded by Law No. 2, 1896.)

LAW No. 7, 1890.

(AGAINST THE HOLDING OF LOTTERIES.)

(Approved and enacted by Resolution of the First Volksraad,
Art. 593, dated 5th July, 1890.)

WHEREAS it is desirable to prevent and enact penalties against the holding of lotteries. Be it hereby provided and enacted as follows:—

1. Any person who, either personally or by his duly authorised representative, or as the representative of some other person or persons, whether known or unknown, shall Penalty against lotteries.

(a.) Establish or start a lottery, or be concerned therein as a participator in the profits thereof, whether as a partner or in any other way.

(b.) Manage, conduct, or in any way whatsoever help in the management or conduct thereof.

(c.) Sell or dispose of any ticket in a lottery, or offer to sell or dispose of or take or purchase or have any share therein.

(d.) Knowingly permit any house, room or other place under his supervision to be used for the management or conduct of a lottery, or for any object in connection therewith, shall be guilty of a contravention of this Law, and shall upon conviction be punished for the first offence by a fine not exceeding two hundred pounds sterling, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding six months, and for every repetition of the offence by a fine not exceeding five hundred pounds sterling, or by imprisonment with or without hard labour for a period not exceeding twelve months, or by both such fine and imprisonment.

2. It shall not be lawful for any publisher or owner, or other person, who has the control and administration of a newspaper or Lotteries may not be advertised

public print, or for the owner, or other person, who has the management or control of a printing press, to print or publish as an advertisement, or in any other manner, either in such newspaper or public print or otherwise, any notice of a lottery to be held in this Republic or elsewhere.

Contravention of this article shall be punished by a fine not exceeding fifty pounds sterling, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding one month.

3. Any person who, personally or by a servant or agent, shall circulate, or deliver, or cause to be circulated or delivered, in this Republic, any bills or other documents which contain, either in print, writing, or in any other way, a notice of or information concerning any lottery, shall be punished by a fine not exceeding fifty pounds for each offence, or, in default of payment, by imprisonment with or without hard labour for a period not exceeding one month.

Subscriber has no action in law.

4. A subscriber to a lottery shall not be entitled to take any legal steps for the obtaining of transfer, delivery or payment of any prize, and no transfer of immovable property won as a prize at a lottery shall be lawful or be permitted by the Registrar of Deeds.

Responsibility.

5. No person shall, by reason merely of the fact that such lottery is held either wholly or partially beyond the limits of this Republic, be deemed to be exempted from liability in any proceeding, whether criminal or civil, under the provisions of this law, in respect of any act or deed done by him, or which he may have caused to be done, with reference to or in connection with any lottery.

Interpretation of term lottery

6. In this law the following terms shall have the following meanings, to wit :—

“Lottery” shall mean any lottery in the general and accepted meaning of that word, which is founded on subscription, and more especially any scheme, institution, system, plan or design by means of which a prize or prizes shall or may be won, or drawn, or awarded according to what may be determined by lot, or by a throwing of dice, or by any other method of selection by chance, irrespective whether the happening of any accidental occurrence other than the result of the application or use of such dice, or other methods of selection by chance, be an element in determining such award or selection, or not.

Prize.

“Prize” shall mean money or any other matter, object or thing, including land, houses, goods, wares or other property movable or immovable, and including any right to claim money and any right to property, user, usufruct or occupation of lands, houses, goods, wares or other properties.

To subscribe to.

“To subscribe” shall mean to pay or deliver, whether through the intervention of any agent or not, to any person whomsoever,

any sum of money or any article, matter or thing, movable or immovable, whether such article or thing has any money value or not, for and in consideration of and with the object of obtaining from any person or persons whomsoever, any right or the acknowledgment of any right to participate in or to secure any chance of winning any prize in a lottery.

“Subscription” shall mean the money, article or thing so subscribed, including the proceeds of such article or thing if sold or disposed of for money, and including any other article or thing received in exchange therefor or otherwise. Subscription.

7. Lotteries of erven or ground held by the Government, as also lotteries by means of which the exercise and fitness of horses determines the result, shall not fall under the provisions of this Law, so long as they do not partake of the nature of a gamble. Exemption.

8. The Courts of Landdrost, special and assistant Landdrosts shall have special jurisdiction in all cases falling under this Law.

9. A third of all fines recovered under this Law shall be paid over to the informant.

10. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
19th July, 1890.

LAW No. 8, 1890.

AMENDMENT OF GOLD LAW.
(Superseded).

VOLKSRAAD RESOLUTION, dated 10th May, 1890.

Art. 58, relating to Boxing.

The Volksraad resolves as follows:—

1. Boxing contests, whether for money, for prizes or otherwise, shall be prohibited. Boxing contests prohibited. Penalty.

2. Any person who participates in any such match as is mentioned in Art. 1, whether as one of the fighters or as a second or spectator, shall be punished by a fine not exceeding £100 or imprisonment with or without hard labour for a period not exceeding twelve months, or both fine and imprisonment.

3. The Courts of Landdrost, special and assistant Landdrosts and Mining Commissioners, shall have special jurisdiction for the infliction of penalties under this Law. Jurisdiction.

Arrest.

4. Police Agents, Field-Cornets, Justices of the Peace, and other officials charged with the administration of justice, shall have the right without any writ or warrant to apprehend offenders caught red-handed, and to bring them to the nearest Court to be dealt with according to law.

5. This resolution shall have the force of law immediately after publication in the *Staatscourant*.

By VOLKSRAAD RESOLUTION, Art. 58, dated
10th May, 1890.

The following resolutions of the Executive Council obtained the force of law in the South African Republic, viz. :—

1. Executive Council Resolution, Art. 786, dated 18th December, 1889.

The Executive Council resolves :

No registra-
tion of inland
companies in
certain cases.

That no registration of inland companies shall take place when the articles of association have reference to the erection or institution of mints, railways, tramways, telegraph lines, etc., and further that no registration of any inland company shall take place otherwise than subject to this special condition, that there shall be no carrying into effect of such of the articles of association as may appear to be opposed to the interests of the country. This resolution shall not derogate from any of the other provisions of Law No. 5 of 1874.

2. Executive Council Resolution No. 746, dated 29th November, 1889.

Resolved that :—

No registra-
tion of foreign
companies
unless incor-
porated under
Law 6 of
1874.

As and from this date no foreign company shall be registered in this Republic unless it be incorporated in manner as provided in Law No. 6 of 1874.

VOLKSRAAD RESOLUTION, dated 16th May, 1890.

Art. 128. Amendment of Art. 2, par., 1, letter *c*, of Law
No. 3, 1885.

(Asiatics).

The said Art. 2, par. 1, letter *c*, of Law No. 3, 1885, shall be amended as follows :—

Coolies.

Such coolies, Asiatics, etc. as establish themselves in the Republic to carry on business or otherwise, shall be enregistered in a separate register, to be kept therefor by the Landdrosts of the respective districts or other officials who may be thereto appointed by the Government, according to a model to be prescribed by the Government.

VOLKSRAAD RESOLUTION, Art. 145, dated 19th May,
1890.

Resolves as an Amendment of Art. 2, par. 2, of Law No. 2, 1882, as follows :—

Pounds.

It is hereby further provided : That pounds shall not be established at a less distance from each other than 18 miles, unless the

Executive Council for special reason should deem it necessary either in any public diggings or in towns to allow such pounds to be established within a less distance from each other.

VOLKSRAAD RESOLUTION, Art. 150, dated 20th May, 1890.

Resolved as follows:—

1. That no person, whomsoever, shall have the right to construct and exploit within the limits of this State any rail or tramways propelled by other than animal power, without having thereto obtained the express consent of the Volksraad or the Executive Council or the Government thereto authorised by the Volksraad. Railways and tramways.

2. That the Government be authorised, with advice and consent of the Executive Council, to frame such regulations (imposing penalties) and to take such measures as may be necessary and desirable in order to carry into effect and maintain the provisions of Art. 1.

VOLKSRAAD RESOLUTION *re* Construction of Railways.

(See Art. 150, p. 54, L. L. 1890.)

VOLKSRAAD RESOLUTION, Art. 174, dated 24th May, 1890.

The Raad resolved unanimously to approve of the reduction of the railway tax by the sum of 5s., the reduction to date from 1st January, 1891. Railway tax.

VOLKSRAAD RESOLUTION, Art. 184, dated 27th May, 1890.

Resolved: In all cases where a servitude shall have been tendered to and noted by the Registrar of Deeds within the two years mentioned in Law No. 3, 1886, in terms of Art. 1 of the said Law, but not registered against the transfer deed of the servient tenement as provided by the said Art. 1, the Registrar shall be and is hereby empowered *suo motu* or upon request of the parties interested to insert such servitude in or register it against the transfer deed of the servient tenement provided that such property has not yet been transferred away to third persons, free from such servitude. Servitudes.

FIRST VOLKSRAAD RESOLUTION, Art. 1215, 8th August, 1890. [¹] Fees on liquidation of estates.

FIRST VOLKSRAAD RESOLUTION, Art. 1222, 8th August, 1890. [²] Attestation of wills.

¹ See Appendix.

² See Appendix.

LAW No. 1, 1891.

BEING A SUPPLEMENT TO LAW No. 5 OF 1874.

LIMITING THE LIABILITY OF MEMBERS OF CERTAIN COMPANIES.

(Dealt with by Second Volksraad Resolution, Arts. 67, 70 and 72, dated 14th May, 1891; Art. 76, dated 15th May, 1891; Art. 142, dated 20th May, 1891; and amended and enacted by First Volksraad Resolution, Art. 134, dated 25th May, 1891.)

Preamble.

WHEREAS it is desirable that Law No. 5 of 1874 should be supplemented :

It is hereby enacted and provided as follows:—

1. The following new articles shall be inserted after Art. 1 of the said Law, to wit:

Civil liability of directors, &c., for damage suffered by third parties in consequence of false representations in prospectus.

1. (a.) Where, after the passing of this amended law, the public shall be requested by means of any prospectus or notice to subscribe for shares in, or debentures and securities of, any Company, every person who is a director of the Company at the time of the issue of such prospectus or notice, and every person who, having authorised his nomination as such, is named in the prospectus or notice as a director of the Company, or as having consented to become a director of the Company, whether immediately or after the lapse of a certain time, and every promoter of the Company, and every person who has authorised the issue of the prospectus or notice, and every person who has made any untrue report or memorandum which is attached to such prospectus or notice, shall be answerable to all persons who, on the faith of the statements contained in such a prospectus or notice, may have obtained any shares, debentures, or securities, and shall be liable for any damage or loss which such persons may have sustained by reason of any untrue statement in the prospectus or notice, or in any report or memorandum attached thereto, endorsed thereon, or by way of reference forming part thereof, or issued therewith, unless it can be shown :

Exceptions.

- (a.) With reference to every such untrue statement, not purporting to have been made upon the authority of an expert or upon that of an official public document or statement that, after a reasonable and proper enquiry, he had reasonable grounds to believe, and until the time of the allotting of the shares, debentures, or securities, as the case may be, verily believed that the statement was true, and
- (b.) With reference to every such untrue statement, purporting to be a statement made by or purporting to be contained in what purports to be a copy of, or extract from a report or estimate of an engineer, appraiser, accountant or other expert, that such statement actually represents the statements made by such engineer, appraiser, accountant, or other expert, or that it was a true and

faithful copy of or extract from such report or estimate, provided always that notwithstanding that such untrue statement may correctly reproduce the statement made by such engineer, appraiser, accountant or other expert, or that it may be a true and faithful copy of, or extract from the report or estimate, such director, or person named as such in the prospectus as aforesaid, promoter or other person or persons who may have authorised the issue of such prospectus or notice aforesaid, shall be liable to make compensation as aforesaid, if it can be shown that he had no reasonable grounds to believe that the persons making such statements, reports, or giving such estimate were competent to make or give the same.

- (c.) With reference to every such untrue representation purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from an official public document that it is a true and faithful reproduction of such statement or copy of or extract from such document, or unless it can be shown that, having consented to become a director of the Company, he withdrew his consent prior to the issue of the prospectus or notice, and that the prospectus or notice was issued without his authority or consent, or that the prospectus or notice was issued without his knowledge or consent, and that upon becoming cognisant of such issue he immediately thereafter gave reasonable public notice that it had been issued without his knowledge and consent, or that after the issue of such a prospectus or notice and before the allotment thereunder he, becoming cognisant of any untrue statement therein contained, withdrew his consent and gave reasonable public notice of such withdrawal and the reasons therefor.

1. (b.) A person shall be deemed and taken to be a promoter in terms of this section, who was a party to the drawing of the prospectus or notice, or any portion thereof containing such untrue statement, provided always that this definition shall not be held to include the case of a person who acted in his professional capacity for other persons engaged in effecting the flotation of the Company.

What is understood by "promoter."

1. (c.) Where any Company already existed at the time of the passing of this amendment of the law, which Company shall have issued shares or stock and shall be desirous of raising further capital by subscription for shares or stocks and to that end shall issue a prospectus or notice, no director of such Company shall be responsible with reference to any statement therein contained, unless he shall have authorised or approved of the issue of such prospectus or notice, or have ratified the same.

No director of any Company existing at the time of the passing of this Law is responsible for any prospectus issued unless he authorised or approved of it.

What is understood by "expert."

1. (d.) The word "expert" shall include any person whose profession lends authority to a statement made by him.

Liability of directors of Company towards person who has incorrectly been put down as a director, or who has not authorised or approved of the issue of any prospectus.

1. (e.) Where any prospectus or notice as aforesaid shall set out the name of any person as a director of the Company, or as one who has agreed to become a director thereof, and if such person has not thereto consented or shall withdraw before the issue of such a prospectus or notice, and has not consented to or authorised the issue thereof, the directors of the Company, with the exception of those without whose knowledge or consent the prospectus or notice was issued, and any other person who has authorised such issue shall be answerable and held liable to make good to the person so named as director of the Company, or as having agreed to become a director as aforesaid, all damage, costs, and losses for which he may be held or be liable, by reason of his name being placed in the prospectus or notice, or in respect of the defence of any action or lawsuit brought against him concerning the same.

A director who has been called upon to make any payment has recourse against others who are also liable.

1. (f.) Any person who is a director, or nominated to be director, or who, having agreed to become a director or having consented to the issue of a prospectus or notice, shall have become responsible for any payment under this amended Law, shall be entitled as in the case of contracts to recover his contribution from any other person who, if he had been separately sued, would have been responsible for the same payment.

Addition to Art. 2, par. 1.

2. The words "and a prospectus (if there be one) as to how and what the Company is floated on," shall be added to Art. 2, par. 1, after the word "liability."

Compulsory return of names of directors and secretary.

3. To Art. 8 shall be added the following:—"A statement mentioning in full the names of the directors, trustees and secretary who on the date of filing thereof are in office or service of the Company and who shall be deemed to be in such service or office until the names of the newly elected directors, trustees or secretaries are properly registered at the Registration Office.

Compulsory notification of liquidation and amalgamation penalty for contravention.

The directors of a Company shall further be obliged forthwith upon any Company entering into liquidation, or upon its being dissolved or amalgamated with others, and at latest within three months thereof, to give notice thereof to the Registrar of Companies.

For contraventions of this article (Art. 8.) the directors and each of them separately shall be liable to a fine of from £15 to £100 sterling (not exceeding £100), or to imprisonment for a term not exceeding six months, according to the nature of the case, and any Court of this Republic shall have jurisdiction therein."

Summonses against Companies and service thereof.

4. At the end of Art. 15 c, under par. (d), following shall be added:—

"Any Company registered in this Republic or incorporated under some definite name may be cited by such name in any

Court of Law, notwithstanding any stipulations to the contrary in the articles of association of such Company or other provisions therein contained, with this proviso, that all summonses or orders of Court shall be properly served on the person representing the Company, or at the registered office of the Company or in such other manner as the Court may direct."

5. In any articles of Law 5 of 1874, where the words "Registrar of Deeds" appear, there shall be read, in lieu of these words, the following "Registrar of Companies and Patents at the office of the Registrar of Deeds."

Registrar of Companies.

6. The amendment of this law shall come into operation three months after publication in the "Staatscourant."

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 25th May, 1891.

LAW No. 2, 1891.

ON MASKS, FALSE BEARDS OR OTHER DISGUISES.

(Approved and enacted by Second Volksraad Resolution, Art. 263, dated 29th May, 1891; noted and accepted by First Volksraad Resolution, Art. 302, dated 5th June, 1891.)

WHEREAS it has appeared that by the use of masks, false beards or other disguises, fraud has more than once been committed, the public being thereby led to believe that it has to deal with another person than is actually the case, and

Whereas disguises are also made use of by fugitives, who by such means endeavour to escape prosecution :

Be it hereby enacted and provided as follows :—

1. The wearing or use of masks, false beards or other means whereby disguises are effected, in public roads or other public places is forbidden.

2. Disguises at theatrical displays or other diversions, the holding of masked balls at places to which the public have access, shall not fall under this law. The masked or disguised persons may, however, not show themselves in the public streets, except in special cases as in the case of processions and such-like proceedings where the Landdrost or any other competent official in the district, where such procession occurs, has granted permission thereto.

3. Any contravention of this law shall be punished by a fine not exceeding £5 or, in default of payment, by imprisonment for a period not exceeding fourteen days.

4. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. J. W. LEYDS,
State Secretary.

Government Offices,
Pretoria, 16th June, 1891.

LAW No. 3, 1891.

DOG TAX.

(Approved and enacted by Resolution of the First Volksraad, Art. 313, dated 6th June, 1891.)

WHEREAS it appears that the amount of game, large and small, in the South African Republic yearly diminishes, and that this is attributable principally to the large number of kaffir dogs which roam about in the veldt.

The Volksraad deems it necessary to enact as follows:—

Tax on dogs
of natives.

1. A coloured person shall pay 10s. per year for every dog owned by him or in his possession.

Badges to
have
distinctive
numbers.
Die.

2. Tin badges bearing the name of the kraal or of the chief, location, or mission station where the owner of the dog or dogs resides, shall be supplied to Field-Cornets, Native Commissioners and Sub-Commissioners in order to be by them issued to the natives upon payment of the tax.

Each badge shall be stamped with a distinctive number, and the number of the year.

Killing of
stray dogs.

3. The said officials shall be furnished with a stamp by means of which they may be able to print the numbers on the badges.

4. The said officials and all other persons shall have the right to kill, or to cause to be killed, any stray dogs running about without a badge; dogs which are doing any damage may also be killed although they carry badges.

Penalty on
coloured
person found
with dog not
having a
badge.

5. A coloured person found with a dog not bearing a badge shall be fined 10s., or, in default of payment, sentenced to ten lashes, and such coloured person shall have the right, after payment of the fine, or receipt of the lashes, to take out a ticket for his dog upon payment of 10s., in default whereof such dog shall be killed.

Receipts.

6. The said officials shall be obliged to give such coloured person, upon payment, for each dog, a receipt on the prescribed printed form.

These forms shall be bound together in books, and provided with counterfoils, which shall be of the same tenor as the receipts.

7. Each white person residing on a farm, or in a town, and being a householder, shall be entitled to keep one dog free of payment, where such dog is used as a watch-dog, for each additional dog 10s. per annum shall be paid. White house-holders.

Tin badges, bearing the name of the town and the number of the year, shall be supplied to Landdrosts, Mining Commissioners and Resident Justices of the Peace, and at places where a Civil Commissioner is, also to such official, in order that the same may be issued to the owner of the dog upon payment of the tax.

[¹] Each badge shall bear a distinctive number.

8. The badges for dogs, which are free from the tax in terms of Art. 7, shall be supplied by the officials mentioned in paragraph 2 of Art. 7 of this Law, upon payment of one shilling sterling for each badge. Such badge shall be permanently valid and of effect. Free badges in certain cases.

9. The officials shall be provided with a stamp, by means of which they may imprint the numbers. Die.

10. The said officials shall be obliged, upon payment for each dog, to give the owner a receipt in the prescribed printed form. Receipt.
Paragraph 2 of Art. 6 shall apply.

11. Dogs found roaming about in the towns without being provided with a badge, shall be caught by the police or killed, and the dogs so caught shall, two days thereafter, be publicly sold on the market. Stray dogs in town.

The owner of a dog so caught, may, within two days, get back the dog upon payment of a fine of 10s., and taking out a badge for it.

12. The owner, lessee or occupier of a farm who finds a dog thereon, which is not provided with a badge in terms of Art. 2, shall have the right to kill such dog; he may also kill dogs bearing a badge if they do damage. Killing of stray dogs on farms.

13. If a dog is provided with a false badge, the owner shall be punished by a fine of from £10 to £37. 10s. for each offence, and, in default of payment, by imprisonment with hard labour for a period not exceeding six months. False badges.

13a. Any person manufacturing or selling false badges shall be punished by imprisonment with hard labour for a period of from 12 months to three years.

(See first Volksraad Resolution, Art. 114, dated 17th May, 1893).

¹ First Volksraad Resolution, Art. 1257, dated 23rd August, 1892. Resolves: That the words "Both male and female" be inserted after the word "person" in Art. 7 of Law No. 3, 1891.

14. All laws and resolutions conflicting with this Law are hereby repealed.

15. This Law shall come into operation as soon as the Government shall notify by proclamation that the said badges are obtainable.

(See proclamation, dated 28th March, 1893, R. 1090a/91.)

The Raad resolves further that this Law shall not be brought in operation before the 1st January, 1893.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 20th June, 1891.

LAW No. 4, 1891.

FOR THE PREVENTION OF STOCK THEFTS AND THE PROTECTION OF OWNERS OF CATTLE.

(Approved and enacted by Art. 505, dated 24th June, 1891, of the First Volksraad)

The Volksraad of the South African Republic, taking into consideration, that especially in latter times, stock thefts are greatly on the increase in the country parts, and the owners of such stock have had to suffer much inconvenience and damage, provides and enacts as follows:—

Conditions to be observed in selling stock.

1. No cattle or stock shall be sold on any market or at any public auction, unless one or other of the following conditions shall have been complied with.

No market master or auctioneer shall sell any cattle or stock, and no butcher shall buy any cattle or stock, unless there shall have been handed over to him:—

(a.) A certificate from the Field-Cornet or two burghers of substantial means of the ward, where the person, who offers the cattle or stock for sale lives, showing that the possessor of such cattle is the lawful owner thereof, (see Schedule I.) or has the right to sell or cause such cattle or stock to be sold.

(b.) A deed of security signed by two burghers of substantial means, who declare, that such seller is the owner of, or is entitled to sell or cause such cattle or stock to be sold.

(see Schedule II.), or,

(c.) A deed of security signed by two other persons, known to and approved of by the auctioneer or market master, who shall declare and bind themselves to be responsible as against the owner of, or person who has a right in such

cattle or stock, for the full value thereof, in case it should subsequently appear, that the seller of such cattle or stock had stolen the same, or was not entitled to sell the same.

(see Schedule III.).

2. If the above-mentioned conditions cannot be complied with the auctioneer or market-master shall not have the right to sell such cattle.

3. If any auctioneer or market-master sells cattle without the above condition being complied with, he shall be personally responsible to the owner of, or person who has any right in such cattle or stock for the full value thereof, besides damages, and he shall besides be subject to a fine not exceeding £50, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding six months.

Responsibility
of auctioneer.

3a. Any person, travelling about and buying up or bartering for cattle, shall be obliged to obtain a certificate from every person from whom he buys or exchanges cattle, specifying the sort of cattle or stock, the colour, the mark and number, and the seller shall be obliged to furnish him with such a certificate, which the purchaser shall exhibit to the Field-Cornet, whenever he leaves the ward, in order by means thereof to get from the Field-Cornet a certificate as to the total number of cattle and stock in his possession.

Stock buyers
and traders.

No one may buy or barter for cattle or stock from coloured or unknown persons without a certificate from a Field-Cornet or two burghers of substantial means. This provision shall not apply to burghers who reside permanently in their districts in respect of exchanges or sales amongst themselves.

Natives.

4. If cattle or stock are stolen from any person, he shall have the right to take the same wherever he may find the same, with this proviso, that such person shall be bound, immediately after taking such cattle or stock, to proceed to establish his right of property in the court of the nearest Landdrost or Field-Cornet.

Stolen stock.

5. All laws and provisions in conflict herewith are hereby repealed.

6. This Law shall come into operation from 1st January, 1892.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 3rd July, 1891

SCHEDULE I.

The undersigned hereby certifies that
residing at _____ is the lawful owner (or is entitled to sell)
"cattle, horses, mules, sheep, goats," of the following description:—

(Name) .
Field Cornet of
Asst. " "
or two burghers of
substantial means.
(See Art. 1, sub. sec. a.)

Residence
District.

SCHEDULE II.

Appeared before me, M.M. _____ (market-
master or auctioneer) at _____ A.B. personally, (fill in
calling and place of residence), who declared that he was the lawful owner
of (or is entitled to sell) _____ of the following description,
and to bind himself in the sum of £ _____ in favour of me
(the market-master or auctioneer.)

And further appeared before me C.D. and E.F., burghers of this State,
residing at _____ who declared that they bind themselves
together with the said A.B., as sureties and co-principal debtors *in solidum*
in the aforesaid amount of £ _____

The condition of this obligation is, that if within six months from this
date it should appear that the said oxen, &c., were not the property of the
said A.B., or that he was not entitled to sell the same, this obligation shall
remain of full force, but otherwise be null and of no value.

Thus done and signed at _____ this
in presence of the subscribing witnesses:—

G.H.,
Market-master.

(Signed) A.B.,
C.D.,
E.F.,
as witnesses.

SCHEDULE III.

Appeared before me, N.N. (market-master or auctioneer) at
A.B. personally, (calling and place of residence to be filled in) who declared
that he was the lawful owner of (or entitled to sell)
described as follows _____ and that he bound himself
in the sum of £ _____ in favour of me, (the market-master or
auctioneer).

And further appeared before me C.D. and E.F., residing at
respectively known to me and approved of by me as sureties *in solidum*, who
declared that they bound themselves together with the said A.B. as sureties
and co-principal debtors *in solidum* for the said amount of £ _____

The condition of this obligation is, that if within six months from this
date it should appear that the said "oxen, &c.," were not the property of
the said A.B., or that he was not entitled to sell the same, this obligation
shall be of full force and effect, but otherwise shall be null and of no value.

Thus done and signed at _____ on this
the _____ in presence of the undersigned witnesses.

G.H.,
Market-master.

Witnesses:—
A.B.
C.D.
E.F.

LAW No. 5, 1891.

LAW *re* STAMPS ON RECEIPTS.

(Approved and enacted by First Volksraad Resolution, Art. 546, dated 26th June, 1891.)

WHEREAS it is desirable, under the head of stamp duty, to levy a tax on documents which serve as proof of the receipt of monies, or of the whole or partial discharge of a debt. Be it hereby provided and enacted as follows :—

1. All receipts and other unilateral acts or writings, granted by anyone engaged in the carrying on of any trade or business, and containing an acknowledgment by or on behalf of the creditor of the whole or partial discharge of a debt for a sum exceeding £1, shall be subject to a fixed stamp duty of 1d. for every £10 or portion thereof, without regard being had to the form in which such documents may be drawn.

This provision shall not apply to the receipts for amounts paid for Government or local taxes, or receipts for salaries to be paid out by the Government to officials, and on receipts for monies transmitted by one official to another.

2. The creditor shall pay the duty provided in the previous Article.

3. The payment of such duty shall be made by using stamped paper to be issued therefor on behalf of the Government, or by affixing a revenue or postage stamp before execution, which stamp shall be cancelled in ink, or by means of an inked stamp, by the party signing.

If this provision is not observed, the creditor shall forfeit a fine not exceeding £5, or in default of payment, be condemned to imprisonment for a period not exceeding fourteen days.

4. All provisions of previous Laws relating to the manufacture and issue of stamps, as also the penalties for making, forging, or destroying stamps, shall be of application for the purposes of this Law.

5. All documents or receipts referred to which are undated shall, subject to proof to the contrary, be deemed to have been passed after the time of the coming into operation of this Law.

6. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
3rd July, 1891.

LAW No. 6, 1891.

GAME LAW.

(Superseded by Law No. 5, 1894.)

LAW No. 7, 1891.

PETTY DEBTS.

(Repealed by Law No. 10, 1897.)

LAW No. 8, 1891.

LIQUIDATION OF COMPANIES.

(Repealed by Law No. 1, 1894.)

LAW No. 9, 1891.

AMENDMENT OF LAW No. 2, 1884.

(General Survey.)

Revised by the Commission appointed by Volksraad Resolution, Art. 441, dated 19th June, 1891.

Approved and enacted by Resolution of the First Volksraad, Art. 1,075, dated 23rd July, 1891.

General
survey.

1. An immediate commencement shall be made with the General Survey of this Republic under Government supervision.

Appointment
of surveyors.

2. The Surveyor-General shall, with the approval of the Government, appoint the surveyors for the general survey, give them the necessary instructions for the due execution of their work, and see to the examination of the general plans or diagrams and field work handed in by them.

Distribution
of work.

3. In order that the survey may be effected in the fairest manner possible, a separate portion of country shall be pointed out to each land surveyor employed, which shall be surveyed by him, and called a survey division.

4. (This Article is superseded, see Law 7 of 1897.)

Inspectors of
farms.

5. Inspectors of farms shall be obliged at all times, when such is required of them, to point out the beacons and boundaries of the farms inspected by them, and if they do not comply with a proper summons so to do shall be liable for costs and damages.

Acknowledged
beacons are
inviolable.

6. All beacons acknowledged as lawful shall be inviolable. A diagram shall in all cases conform to these beacons. If at any survey it should appear that the diagram does not accurately locate the said beacons such diagram shall be amended, in order to bring it into agreement with the beacons, at the cost of the surveyor by whom the farm was surveyed and the faulty diagram prepared, should it appear that he is responsible for the fault.

7. (This Article is superseded, see Law 7, 1897.)

8. At each survey, and in the framing of each diagram, the Cape or existing measure shall be used. Cape measure.

9. The Surveyor-General or persons appointed by him, or their employees, shall be entitled in the carrying out of this Law to enter on any farm or piece of land with their wagons, horses, draught cattle, &c. Right to enter on farms, &c.

They shall at the same time have the right to make use of the materials found on the land for the erection of beacons, or for other purposes of this Law. It is, however, not the intention of this provision that the said persons should be entitled to damage any artificial works of whatsoever kind, or to cause any damage thereby.

10. Anyone who intentionally obstructs or hinders the Surveyor-General, or any person or persons mentioned in Art. 9, in the carrying out of their duties, or prohibits them from having access to any land, which access it is necessary that they should have for the purposes of this Law, shall be punished by a fine not exceeding the sum of £20, or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding two months. Penalties for obstruction.

11. Anyone who wilfully damages or destroys either a beacon or a surveyor's flag or trigonometrical station, shall be punished by a fine not exceeding £100 sterling, or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding twelve months. Wilful damage.

12. As soon as the surveyor has prepared the diagram and the Surveyor-General has approved of it, the owner shall be obliged at once to deposit the half of the survey money with the Government, or any official to be thereto appointed by the Government, which deposited monies shall, upon order of the Government, be paid out to the Surveyor. The second half shall be paid by the owner as soon as the diagram has been signed by the State President, and shall thereafter be paid out in the same manner as the first half to the surveyor. Payment of costs.

13. Owners of farms who do not in due time pay up the costs of the survey of their farm or farms in accordance with the provisions of this Law, shall, if they reside beyond the limits of this State, be summoned by Government notice in the *Staatscourant*, and, if resident within the State, a demand shall be directed to them in either case to pay up the costs of survey within a period to be fixed by the Government. Should such costs not be paid within the appointed time, a writ of summary (*parate*) execution shall be issued in terms of Law No. 10, 1885, and Law No. 6, 1886. Costs of survey.

14. Each surveyor shall be obliged to erect in his survey district, in consultation with the Surveyor-General, such survey stations or beacons at fixed points as may thenceforth serve the purposes of a trigonometrical survey, and he shall at the same time be obliged to use them as bases of connection in his surveys. Trigonometrical stations.

Only admitted
land-
surveyors
may survey.

15. No land surveyor shall be permitted to survey any grounds or farms, unless he has been duly admitted as such by the Government.

Contravention of this Article shall be punished by a fine not exceeding £100, and, in default of payment, by imprisonment for a period not exceeding twelve months, with or without hard labour.

Beacon
Commission.

16. The Government shall appoint a beacon commission in each ward, and frame instructions for its guidance, in order to regulate all matters relating to the beacons and boundaries preparatory to the general survey.

Owners to
erect beacons
3 feet high.

17. All owners of surveyed as well as unsurveyed farms, shall be obliged, without delay, as and from the date of publication of this Law, to erect or cause the beacons of their farms to be erected and raised to a height of at least three feet, under penalty, in case of default, of a fine of £1 sterling in respect of each beacon which shall not have been so erected and kept in repair.

This fine shall be repeated as often as after the lapse of a month the erection or repair above referred to shall not have been effected.

18. Owners of unsurveyed farms, the beacons of which are unknown to them, shall be obliged as soon as possible to call in the services of the Beacon or Special Commission in order that they may get their beacons erected.

Owners to
point out
beacons.

19. Every owner of land shall be obliged to point out his beacons or pegs to any person thereto appointed by the Government.

New inspection
in
certain cases.

20. Where several farms adjoin each other, the beacons of which farms are unknown, the Beacon Commission shall inspect the same anew and define the beacons thereof, with the exception of cases in which provision is made by Law No. 3, 1887, in which case the owners shall be obliged to apply to the Special Commission.

(See Law No. 3, 1887).

Penalty for
breaking, &c.,
beacons.

21. Any person, who is guilty of destroying, breaking down or removing any beacon of an unsurveyed farm, referred to in Arts. 16 and 17, shall forfeit a fine of £10, or, in default of payment, be punished by imprisonment for a period not exceeding one month.

Arbitration.

22. (Superseded by Law No. 7, 1897).

23. Should differences regarding beacons and lines arise between owners of adjoining farms, which differences can not be amicably adjusted, the parties concerned on each side may nominate an arbitrator, and also an umpire. in order to have such dispute decided by them, after a Deed of Submission shall have been signed in the presence of two witnesses.

Deed of
Submission.

A form of Deed of Submission shall be prepared by the State Attorney, approved of by the Government and printed at the latter's expense.

24. If one of the parties concerned is desirous of electing an arbitrator, and of proceeding in terms of Art. 23, the other party shall be obliged to arbitrate, and should he refuse to do so, the Beacon Commission shall appoint an arbitrator in accordance with what is provided with reference thereto in Volksraad Resolution, Art. 184, dated 21st May, 1885, and such other party shall be obliged to submit thereto.

If, however, the Beacon Commission, or one of the members thereof, is concerned or interested in the dispute, the Executive Council shall act instead of the Beacon Commission, in so far as the appointment of arbitrators referred to in the previous paragraph is concerned.

(Executive Council Resolution, Art. 373, dated 21st June, 1889, Volksraad Resolution, Art. 481, dated 21st June, 1889).

25. If the arbitrators, appointed in terms of Art. 23 aforesaid, shall agree in their award concerning the dispute submitted to them by the Deed of Submission, such decision shall be final and binding on the parties concerned, who shall not be entitled to appeal therefrom. Award.

26. If the arbitrators, appointed by the parties, do not agree in their award, the person named in the Deed of Submission as umpire shall give the final decision, from which there shall be no appeal. Umpirage.

27. If both parties decline to proceed in terms of what is provided in Arts. 23, 24 and 25, but desire to have their case heard in any Court in this State, they shall be entitled so to do, provided that both parties declare in writing that such is their desire, and at the same time state which Court they wish their case to be tried before. When the matter may be referred to a Law Court.

28. Farms, which have not yet been inspected, or the beacons of which are unknown, shall not, when inspected, be made greater in extent than 3,750 morgen. Size of farms inspected again.

28a. No private surveys shall be permitted during the general survey, as and from the date of the publication of this Law. Private surveys.

The Government may grant leave, but only in urgent cases, to the owners of farms, or their agents, to survey or have their farms surveyed by private survey.

29. All previous Laws and Volksraad Resolutions conflicting herewith are hereby repealed.

30. This Law shall be of force immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 20th July, 1891.

ANNEXURE No. 1 TO LAW No. 9, 1891.

Surveyors'
tariff.

		£	s.	d.
For the survey of each separate piece of 1 and less than 10 morgen in extent - - - - -		3	0	0
For the subdivision of any piece of land into separate portions of less than 10 morgen each—				
For two lots together - - - - -		3	15	0
,, three „ „ - - - - -		4	10	0
,, four „ „ - - - - -		5	5	0
,, five „ „ - - - - -		6	0	0
,, each further lot not being a square lot - - - - -		0	10	0
,, „ „ „ „ being a square lot of from—				
5 to 50 lots - - - - -		0	9	0
50 „ 100 „ - - - - -		0	7	6
100 „ 200 „ - - - - -		0	6	0
200 upwards - - - - -		0	5	0
For each piece of land of from 10 to 25 morgen - - - - -		4	0	0
,, „ „ „ „ „ „ „ 25 „ 75 „ - - - - -		5	0	0
For each piece of land of 100 morgen - - - - -		5	4	0
,, „ „ „ „ „ „ 125 „ - - - - -		5	8	0
,, „ „ „ „ „ „ 150 „ - - - - -		5	12	0
,, „ „ „ „ „ „ 175 „ - - - - -		5	16	0
,, „ „ „ „ „ „ 200 „ - - - - -		6	0	0
,, „ „ „ „ „ „ 225 „ - - - - -		6	4	0
,, „ „ „ „ „ „ 250 „ - - - - -		6	7	0
,, „ „ „ „ „ „ 275 „ - - - - -		6	10	0
,, „ „ „ „ „ „ 300 „ - - - - -		6	13	0
,, „ „ „ „ „ „ 325 „ - - - - -		6	16	0
,, „ „ „ „ „ „ 350 „ - - - - -		6	19	0
,, „ „ „ „ „ „ 375 „ - - - - -		7	2	0
,, „ „ „ „ „ „ 400 „ - - - - -		7	5	0
,, „ „ „ „ „ „ 425 „ - - - - -		7	8	0
,, „ „ „ „ „ „ 450 „ - - - - -		7	11	0
,, „ „ „ „ „ „ 475 „ - - - - -		7	14	0
,, „ „ „ „ „ „ 500 „ - - - - -		7	17	0
,, „ „ „ „ „ „ 525 „ - - - - -		8	1	0
,, „ „ „ „ „ „ 550 „ - - - - -		8	4	0
,, „ „ „ „ „ „ 575 „ - - - - -		8	8	0
,, „ „ „ „ „ „ 600 „ - - - - -		8	12	0
,, „ „ „ „ „ „ 625 „ - - - - -		8	15	0
,, „ „ „ „ „ „ 650 „ - - - - -		8	19	0
,, „ „ „ „ „ „ 675 „ - - - - -		9	2	0
,, „ „ „ „ „ „ 700 „ - - - - -		9	5	0
,, „ „ „ „ „ „ 725 „ - - - - -		9	9	0
,, „ „ „ „ „ „ 750 „ - - - - -		9	12	0
,, „ „ „ „ „ „ 775 „ - - - - -		9	15	0
,, „ „ „ „ „ „ 800 „ - - - - -		9	18	0
,, „ „ „ „ „ „ 825 „ - - - - -		10	1	0
,, „ „ „ „ „ „ 850 „ - - - - -		10	4	0

						£	s.	d.
For each piece of land of	875	morgen	-	-	-	10	7	0
"	"	"	"	"	"	10	10	0
"	"	"	"	"	"	10	13	0
"	"	"	"	"	"	10	16	0
"	"	"	"	"	"	10	19	0
"	"	"	"	"	"	11	2	0
"	"	"	"	"	"	11	7	0
"	"	"	"	"	"	11	12	0
"	"	"	"	"	"	11	18	0
"	"	"	"	"	"	12	3	0
"	"	"	"	"	"	12	8	0
"	"	"	"	"	"	12	13	0
"	"	"	"	"	"	12	18	0
"	"	"	"	"	"	13	2	0
"	"	"	"	"	"	13	7	0
"	"	"	"	"	"	13	11	0
"	"	"	"	"	"	13	16	0
"	"	"	"	"	"	14	0	0
"	"	"	"	"	"	14	5	0
"	"	"	"	"	"	14	9	0
"	"	"	"	"	"	14	13	0
"	"	"	"	"	"	14	17	0
"	"	"	"	"	"	15	2	0
"	"	"	"	"	"	15	6	0
"	"	"	"	"	"	15	10	0
"	"	"	"	"	"	15	13	0
"	"	"	"	"	"	15	17	0
"	"	"	"	"	"	16	1	0
"	"	"	"	"	"	16	5	0
"	"	"	"	"	"	16	9	0
"	"	"	"	"	"	16	13	0
"	"	"	"	"	"	16	16	0
"	"	"	"	"	"	17	0	0
"	"	"	"	"	"	17	3	0
"	"	"	"	"	"	17	7	0
"	"	"	"	"	"	17	11	0
"	"	"	"	"	"	17	14	0
"	"	"	"	"	"	17	17	0
"	"	"	"	"	"	18	1	0
"	"	"	"	"	"	18	4	0
"	"	"	"	"	"	18	8	0
"	"	"	"	"	"	18	11	0
"	"	"	"	"	"	18	14	0
"	"	"	"	"	"	18	18	0
"	"	"	"	"	"	19	1	0
"	"	"	"	"	"	19	4	0
"	"	"	"	"	"	19	10	0
"	"	"	"	"	"	19	17	0
"	"	"	"	"	"	20	3	0
"	"	"	"	"	"	20	9	0

							£	s.	d.
For each piece of land of	3,500	morgen	-	-	-	-	20	15	0
"	"	"	"	"	"	"	21	1	0
"	"	"	"	"	"	"	21	6	0
"	"	"	"	"	"	"	21	12	0
"	"	"	"	"	"	"	21	18	0
"	"	"	"	"	"	"	22	3	0
"	"	"	"	"	"	"	22	9	0
"	"	"	"	"	"	"	22	14	0
"	"	"	"	"	"	"	23	0	0
"	"	"	"	"	"	"	23	5	0
"	"	"	"	"	"	"	23	10	0
"	"	"	"	"	"	"	23	15	0
"	"	"	"	"	"	"	24	1	0
"	"	"	"	"	"	"	24	6	0
"	"	"	"	"	"	"	24	11	0
"	"	"	"	"	"	"	24	16	0
"	"	"	"	"	"	"	25	1	0
"	"	"	"	"	"	"	25	6	0
"	"	"	"	"	"	"	25	10	0
"	"	"	"	"	"	"	25	15	0
"	"	"	"	"	"	"	26	0	0
"	"	"	"	"	"	"	26	5	0
"	"	"	"	"	"	"	26	9	0
"	"	"	"	"	"	"	26	14	0
"	"	"	"	"	"	"	26	18	0
"	"	"	"	"	"	"	27	3	0
"	"	"	"	"	"	"	27	8	0
"	"	"	"	"	"	"	27	12	0
"	"	"	"	"	"	"	27	16	0
"	"	"	"	"	"	"	28	1	0
"	"	"	"	"	"	"	28	5	0
"	"	"	"	"	"	"	28	10	0
"	"	"	"	"	"	"	28	14	0
"	"	"	"	"	"	"	28	18	0
"	"	"	"	"	"	"	29	2	0
"	"	"	"	"	"	"	29	7	0
"	"	"	"	"	"	"	29	11	0
"	"	"	"	"	"	"	29	15	0
"	"	"	"	"	"	"	29	19	0
"	"	"	"	"	"	"	30	3	0
"	"	"	"	"	"	"	30	7	0
"	"	"	"	"	"	"	30	11	0
"	"	"	"	"	"	"	30	15	0
"	"	"	"	"	"	"	30	19	0
"	"	"	"	"	"	"	31	2	0
"	"	"	"	"	"	"	31	7	0
"	"	"	"	"	"	"	31	11	0
"	"	"	"	"	"	"	31	15	0
"	"	"	"	"	"	"	31	19	0
"	"	"	"	"	"	"	32	2	0

	£	s.	d.
For each piece of land of 8,500 morgen -	32	6	0
” ” ” ” ” ” 8,600 ” -	32	10	0
” ” ” ” ” ” 8,700 ” -	32	14	0
” ” ” ” ” ” 8,800 ” -	32	18	0
” ” ” ” ” ” 8,900 ” -	33	1	0
” ” ” ” ” ” 9,000 ” -	33	5	0
” ” ” ” ” ” 9,100 ” -	33	9	0
” ” ” ” ” ” 9,200 ” -	33	12	0
” ” ” ” ” ” 9,300 ” -	33	16	0
” ” ” ” ” ” 9,400 ” -	34	0	0
” ” ” ” ” ” 9,500 ” -	34	3	0
” ” ” ” ” ” 9,600 ” -	34	7	0
” ” ” ” ” ” 9,700 ” -	34	10	0
” ” ” ” ” ” 9,800 ” -	34	14	0
” ” ” ” ” ” 9,900 ” -	34	17	0
” ” ” ” ” ” 10,000 ” -	35	1	0

For any number of morgen between 75 and 10,000, for which the aforesaid tariff does not fix a price, the price fixed in the tariff for the number of morgen nearest in number to the amount actually surveyed shall be paid.

For any number of morgen in excess of 10,000 the price shall be computed by multiplying the square root of the number of morgen by 0.3505. The product will constitute the amount in pounds, shillings, &c., to be paid.

SCHEDULE “A.”

(FOR FIGURES OF MORE THAN 4 SIDES.)

[This Schedule is repealed by F.V.R.R., Art. 892, dated 17th July, 1894, which adopts a Commission report, reading as follows:— Page 271.

“Your Commission recommends:—

“1. That Schedule ‘A’ of (Annexure to) Law No. 9, 1891, be declared lapsed.

Surveyors’ tariff not affected by number of sides surveyed.

“Surveyors shall accordingly be obliged to survey according to the existing tariff, without being entitled to claim any extra payment *pro rata* to the number of sides of the figure on the diagram.

Line beacons.

“2. That it be provided, in conjunction with the commission report, approved by F.V.R.R., Art. 441, dated 14th June, 1892, that the Surveyor shall be obliged, if thereto requested by the owner or his representative prior to or at the time of the survey, to point out to such owner some mark on each boundary line about halfway between each two corner beacons; and the Surveyor shall be obliged at such distances or places as the owner or his representative may, prior to or at the time of the survey have requested, to point out further marks along each line upon payment as follows:—

“For the first extra mark along any line, £1, and for each following mark along the same line, 5s. less, with a minimum of 5s. per mark for the fourth and following marks along the same line.

Tariff for line beacons.

“Further, that, should such extra marks be pointed out at the request of the owners of two adjoining farms or pieces of land, the cost thereof shall be borne by the owners, each paying one-half thereof.”

[F.V.R.R., Art. 441, 1892, above referred to, reads as follows:—“At the survey of a farm, the Surveyor shall be obliged to point out each line to the owner or his representative, if requested so to do.”]

SCHEDULE "B."

(FOR IRREGULAR BOUNDARIES.)

Irregular
boundaries.

[As amended F.V.R.R., Art. 439, dated 14th June, 1892.]

For a distance of 200 roods (= 800 yards), £1, calculated according to an imaginary straight line.

SCHEDULE "C."

(FOR DIAGRAMS AND GENERAL PLANS.)

		£	s.	d.
Surveyor's	For each diagram of a "lot" of less than 10 morgen	-	-	0 6 0
tariff for	" " " " " " " " from 10 to 75 "	-	-	0 15 0
diagrams and	" " " " " " " " exceeding 75 "	-	-	1 1 0
general plans	For a general plan of "lots" of less than 10 morgen each:—			
	For each lot from 1-10 morgen	-	-	0 4 0
	" " " " " " " " 10-50 "	-	-	0 3 0
	" " " " " " " " 50-100 "	-	-	0 2 0
	" " " " " " " " over 100 "	-	-	0 1 0
	For each general plan of "lots" of 10 morgen and upwards:—			
	For each figure of 10 morgen and upwards	-	-	0 5 0
	" " " " " " " " 75 " " "	-	-	0 7 0

SCHEDULE "D."

(ERECTION OF BEACONS.)

Tariff for
erection of
beacons.

For the erection of beacons on any "lot" less than 10 morgen,	-	-	-	0 2 6
per beacon	-	-	-	0 15 0
Ditto for each "lot" of 10 morgen and upwards	-	-	-	0 15 0

Where several "lots" are surveyed together and adjoin each other, the cost of the erection of beacons shall be proportionately distributed.

ANNEXURE No. 2.

INSTRUCTIONS FOR THE SURVEYOR GENERAL.

Surveyor-
General's
department.

1. There shall be a Surveyor General, and Assistant Surveyor General and as many surveyors as shall be admitted by the Government upon recommendation of the Surveyor General.

2. The Surveyor General shall be responsible to the Government and shall receive his instructions from the Government.

Duty of
Surveyor-
General.

3. The Surveyor General is charged with the regulation of everything appertaining to the surveying and charting of land, and the surveyors shall be obliged to follow the instructions of the Surveyor General.

Examination
of diagrams.

4. The Surveyor General is charged with the duty of examining all inspection reports and general plans sent in to the Executive Council, and shall report thereon to the Executive Council.

5. In every survey, and in the framing of each diagram, the Cape or existing standard measure shall be used, and the standard shall be deposited and always kept at the office of the Surveyor General. Cape measure.

6. The Surveyor General shall report yearly in the month of February to the Executive Council concerning the survey and whatever appertains thereto. Yearly reports.

7. The Surveyor General and all surveyors shall each of them give security to the satisfaction of the Government in the sum of £500, and be sworn in according to the Law of this Republic. Security.

8. The time for the survey of any farm shall, in terms of Art. 7 of the Beacon Law, be made known to the owners of the adjoining farms. If all the owners cannot be found the surveyor shall give due notice at least fourteen days prior to the time of survey, both by publication in the *Staatscourant* and by posting on the door of the Landdrost Office in the district where the farm is situate. Notice of survey.

9. Where any farm or piece of land is surveyed by a surveyor, the diagrams thereof shall be sent in triplicate to the Surveyor General. How diagrams sent in.

The Surveyor General shall then examine these diagrams and, if found correct, they shall be signed by him; thereafter he shall cause a notice to be inserted in the *Staatscourant* to the effect that such diagrams have been approved by him, and that, if within three months after such publication no protest shall have come in against the said diagrams, the same will be signed by the State President.

The diagrams signed by the State President shall be deemed to be a lawful and unimpeachable document.

10. In every case of a protest against a diagram such protest shall be valid if, within three months after the date of publication, it shall be followed up by the taking out of a summons. Protest.

If such summons is not taken out the protest shall lapse, and upon a certificate from the Landdrost of the district in which the farm is situate, or of the Registrar of the High Court, that no such summons has been taken out, the diagram shall be signed and thereafter issued by the State President.

11. The Surveyor General shall take care that the diagrams be so framed as to accord with judicial decree affecting the same, which shall be final. Judicial degree.

It shall be the duty of the Surveyor General to show the deduction of all subdivisional diagrams of such farms upon the original diagrams of farms, as well as upon the owner's original copy as upon the original copy which is in the possession of the Government, and for such deduction a stamp duty shall be paid according to the tariff hereinunder stated.

The diagrams of these subdivisions shall be signed only by the Surveyor General after he has examined and approved of the same, and need not be published.

Cape measure. **12.** All surveys of grounds shall be made in the Cape Measure, and the diagrams be scaled in morgen, square roods, &c.

The Surveyor General shall not confirm any diagrams which are framed on the survey of land surveyors, who have not, upon his recommendation, been admitted by the Government.

Regulations. **13.** The Surveyor General shall be instructed to lay down regulations regarding dividing lines of districts, wards and farms, and the condition or capacity of the farms, particulars of which the surveyor's diagrams sent in from time to time shall specify.

It shall be noted on the diagram how far the farm surveyed is situate from the nearest town, or from any well-known place.

If only one portion of a farm is being surveyed, or different portions of two or more farms, and it is intended to form such portion or portions into a new farm with a new name, the names of the adjoining farms shall be so specified or referred to that the diagram shall in itself explain what has taken place: Provided always that such separate portions of two or more farms shall not, when taken together, be greater in extent than a full farm of 3,750 morgen, unless in cases where the portions of ground referred to originally formed part of one farm granted under a single burgher-right, in which case the provisions of Volksraad Resolution, Art. 739, dated 6th July, 1882, shall apply, or the special approval of the Government shall have to be obtained.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 18th August 1891.

SCHEDULE TO ANNEXURE No. 2.

(INSTRUCTIONS TO SURVEYOR GENERAL.)

TARIFF OF STAMP DUTY ON DIAGRAMS.

(Note.—See tariff in Instructions to Surveyors.)

Stamp duty.

The following Stamp Duty shall be paid:—

For examining any diagram in order to test the calculation of the extent, angles, sides, &c.

	£	s.	d.
For each diagram, containing 3 angles	0	15	0
” ” ” ” 4 ”	1	0	0
” ” ” ” 5 ”	1	5	0
” ” ” ” more than 5 angles, for each additional angle	0	2	6
” each certificate endorsed on any diagram	0	2	6
” each other certificate	0	1	6
” a copy of a diagram of any farm	1	1	0
” ” ” ” erf	0	6	0
” inspection of any Surveyors' diagram for the purposes of any lawsuit	0	2	6

The stamps for the examination of any diagram, on which two or more farms or portions thereof, or also two or more pieces of land are shown, the dividing lines between which are shown, and with regard to which separate data are furnished, shall be equal in amount to what would have had to be paid if each such farm or portion of land had been represented on a separate diagram.

If any diagram shall be found to represent more than 8,000 morgen, and not show any subdivision into farms, the charge for examination of every 1,000 morgen shall be increased by 2s. 6d.

	£	s.	d.
For careful examination of the inspection reports of each farm			
or piece of land - - - - -	0	1	6
„ stamp on surveyors' diagram of any farm or portion thereof	1	0	0
„ stamp on surveyors' diagram of any erf or portion thereof -	0	10	0
„ publication of any diagram - - - - -	1	0	0
„ deduction from „ „ - - - - -	0	15	0
„ publication of any protest - - - - -	2	0	0
„ stamp on any protest - - - - -	0	5	0

ANNEXURE No. 3 TO LAW No. 9, 1891.

INSTRUCTIONS FOR SURVEYORS IN THE SOUTH AFRICAN REPUBLIC.

1. It shall not be lawful for any person to act as a surveyor or to make any survey in this Republic unless he shall have been admitted as a surveyor by the Government and have furnished approved security in the sum of £500. Surveyor must be an admitted surveyor.

2. No diagram shall be approved at the Surveyor General's office which has not been signed by a duly admitted surveyor, who shall have taken out a licence for the year during which such farm was surveyed. Licence.

The surveyor shall, as soon as he has taken out a licence, notify the Surveyor General thereof and furnish him with a copy of such licence.

Should such licence not have been taken out the diagrams shall be returned to the surveyor.

3. No diagram shall be confirmed unless the farm or piece of land thereby represented was actually surveyed according to the beacons as erected by the surveyor who has signed the diagram. Beacons.

4. It shall be the duty of every surveyor employed by private persons to give written notice of the survey at least eight days prior to the commencement of the survey to all neighbouring owners, and if it be not possible to communicate with such owners, the surveyor shall publish a notice of such survey in the *Staatscourant*, and shall also affix such notice to the door of the Landdrost Office of the district where the farm is situate at least fourteen days prior to the commencement of the survey. Notice of survey.

The diagrams shall not be confirmed unless it be certified thereon that the provisions of this article have been complied with.

Should such surveyor be employed by the Government he shall arrange with the Surveyor General as to the date on which the survey is to commence, and the Surveyor General shall give notice thereof in the *Staatscourant*.

Field-Cornet's certificate.

5. The surveyor shall, upon commencing any survey, obtain from the Field-Cornet of the ward a certificate that there are no disputes existing as to the beacons of such farm.

It shall be the duty of the Field-Cornet to grant such certificate.

Inspection report.

6. It shall be the duty of the surveyor at the survey of any farm or piece of land to provide himself with a copy of the inspection report, and to compare the position of beacons pointed out to him with that of the beacons indicated in the inspection report, and to report to the Surveyor General with regard to any discrepancy observed by him.

A copy of the inspection report used by him shall be attached to the diagrams sent in by him.

Title deeds

7. It shall be the duty of the surveyor to inspect at the time of the survey the title deeds of the land.

No farm or piece of land shall be surveyed except for the owner or owners thereof.

Subdivision.

8. Should a farm or portion thereof belong to more owners than one in undivided portions the surveyor shall survey such farm or such portion thereof in its entirety.

Should the owners desire to subdivide, the diagrams of such subdivision shall be accompanied by a proper deed of division entered into in the presence of witnesses by all the parties interested therein.

In the case of a surveyed farm belonging to different owners being subdivided according to existing beacons, the diagrams shall be accompanied by a certificate, signed by all the parties interested, in which they shall declare that they are satisfied with the beacons as pointed out to the surveyor or erected by him.

Pointing out of beacons.

9. It shall be the duty of the surveyors in the survey of farms or pieces of land to have the beacons pointed out to them by persons acquainted with such beacons; as far as practicable, by the old inspectors.

Cases in which the surveyor has to cut off pieces of land of a defined size, and has himself to erect the beacons accordingly, shall be excluded from the operation of the rule aforesaid.

Should any such farm be greater in extent than 3,750 morgen, it shall be a definite requirement that the beacons shall have been pointed out by one or more of the old inspectors, or by other impartial persons, who shall declare under oath that the beacons pointed out are the actual inspection beacons.

An affidavit, to effect that the beacons pointed out to the surveyor are the actual inspection beacons of the farm, shall accompany the diagrams, failing which such diagrams shall not be confirmed.

It shall be the duty of the inspectors at all times to point out the beacons of a farm.

10. No other measure shall be used for the purposes of surveys in the South African Republic than the Cape measure. Cape measure.

Before commencing any survey the surveyor shall compare his chain with the standard measure, obtainable for that purpose upon application at the Surveyor General's office.

11. Each base shall be surveyed at least twice, and should a difference of more than 1 in 7,500 result, the surveyor shall re-survey such base. Base of survey.

The base for the survey of a single farm shall not be less in length than 150 roods, and that for the survey of two or more adjoining farms shall not be less than 250 roods.

In addition thereto it shall be requisite that in the survey of large blocks, a test-base not less in length than 200 roods shall be surveyed.

12. The apexes of all triangles used in any survey for the purpose of calculating any points, shall not be less than 30° , nor greater than 150° . Triangulations.

The apex of a triangle used for testing purposes may indeed be less, but the co-ordinates obtained from such triangles may not be used for the purposes of the computations.

13. It shall be the duty of the surveyors to erect or see to the erection of the beacons of farms or pieces of land surveyed by them, which beacons have not already been erected. Erection of beacons.

Such beacons shall be made three feet high, and built of stone or brick.

No diagram shall be approved, unless it be certified thereon that all the beacons have been properly erected according to law

14. Should one or more boundary lines of a farm about to be surveyed adjoin a previously surveyed farm or farms, the surveyor shall at the survey obtain inspection of the diagrams of such farm or farms, or shall obtain certified copies thereof, in order that he may compare his survey therewith; and should he discover any discrepancy of more than 1 in 1,000 between the results of the two surveys, or in the case of a survey of an irregular boundary, a difference of more than 10 roods in the position of the lines, he shall report such discrepancy to the Surveyor General.

15. All diagrams of original surveys of farms or portions thereof shall be draughted on good draughting paper of a size of about 20 inches by 14 inches. Diagrams Paper.

Diagrams of erven in towns shall be draughted in triplicate on good paper of foolscap size.

16. All diagrams of original surveys of farms or portions thereof, or of erven or pieces of land, shall be draughted in triplicate. Farm diagrams.

Diagrams of portions of farms, pieces of land, or erven already surveyed, shall be draughted in duplicate.

Scale.

17. The scale, according to which diagrams shall be framed, shall be the following, save in cases where, with consent of the Surveyor General, some other scale shall, for some good reason, have been adopted by the surveyor:—

Town erven 100 feet to 1 English inch.

„ plans 200 „ „ „ „
Pieces of land, less in size than 10 morgen, 200 feet to 1 English inch.

Pieces of land—

(a.) 10 to 500 morgen, 100 Cape roods to 1 English inch.

(b.) 500 to 5,000 morgen, 200 roods to 1 English inch.

Pieces of land of a greater size than 5,000 morgen, 400 roods to 1 English inch.

Data.

18. The following data shall be furnished on the diagrams:—

(a.) The length of the lines from beacon to beacon.

(b.) The size of all interior angles.

(c.) The length of the imaginary line connecting two beacons, if the boundary between such two beacons is not a straight line; as also the angles formed by such imaginary line with the other boundary lines.

(d.) The extent of land included within the boundaries. In case the boundary line between any two or more beacons is an irregular line, the extent included between the straight line, connecting such beacons (and the other boundary lines), and also the extent within the actual boundaries.

(e.) The co-ordinates of all beacons obtained from the survey.

Where data written.

19. Such data shall not be inscribed within the figure itself, but shall be specified in a separate place on the diagram.

Angles and sides.

20. The angles shall be stated on the diagram within 10".

The length of the lines shall be calculated to two points of decimals, and stated in Cape roods or feet, according to the scale used in framing the diagram, viz:—

If the piece of land is of less extent than 10 morgen, the lengths aforesaid shall be stated in Cape feet, but if the land is of greater extent, such lengths shall be stated in Cape roods.

Extent.

The extent of pieces of land of less extent than 10 morgen shall be stated in morgen, square roods, and square feet, and that of pieces of land of greater extent only in morgen and square roods.

Colouring.

21. Each figure, representing a surveyed piece of land or farm, shall be coloured some uniform light colour.

Topography.

The topography (roads, spruits, houses, &c.) shall be shown on the diagram in colours different from that of the figure.

22. The topography of the land shall be shown on the diagrams neatly and accurately. Topography.

The true position of the more conspicuous mountains or mountain ranges, and of the houses, fountains, and any conspicuous natural objects, the situation of the principal rivers, spruits, roads, telegraph lines, &c., &c., shall be defined by actual survey in the field.

Should a river, kloof, precipice, wagonroad or footpath, &c., form part of the boundary of a farm, it (such river, &c.) shall be carefully surveyed at all points, and clearly marked upon the diagram.

The topography, especially in the vicinity of the beacons, shall be given as correctly as practicable.

All special landmarks which may serve to designate the place and position of a beacon shall be shown on the diagram.

It shall not be allowable for the purposes of topography, rivers, spruits, roads, &c., to prick through any diagram, but this means of determining a position on any diagram or plan may be applied in the case of beacons or stations.

23. The true north, the direction of the lines of the adjoining farms, where known, the names of the adjoining farms, as also the names of rivers, spruits, mountains, hills, &c., within the limits of the farm, or in the immediate vicinity thereof; the names of the ward and the district in which the farm is situate, of the person by whom the beacons were pointed out, the registered number of the farm, the names of the registered owners and date of survey shall appear upon the diagram and if the diagram represents a portion of a surveyed farm the Surveyor shall fill in the prescribed form. Information to be supplied by diagram.

24. Should any river road, wall, &c., constitute the boundary of any farm or piece of land, it shall be clearly stated on the diagram whether it is the outer or inner side or the middle line thereof which forms the boundary of the farm or piece of land. Rivers, boundaries, &c.

25. No portion of a surveyed farm may be so surveyed as to extend beyond the limits of the original diagram. Sub divisional diagrams.

The data on the new diagram shall accord in all respects with the data of the original diagram (the figures of the data of the new survey may be marked in red ink on the diagram).

In cases in which the discrepancy between the old and the new survey exceeds 1 in 1,000, or if in the case of an irregular boundary line, the discrepancy between the position of such line as shown by the old and that shown by the new line shall amount to more than 10 rods, such discrepancy shall be reported to the Surveyor-General.

26. The plotting of each diagram shall be carefully done, and must accord with the figures given for the sides and angles. Plotting.

All boundaries shall be shown only by a clear broken [1] line. The imaginary lines referred to in Art. 18, letter C, shall be shown by dotted or spaced lines.

¹ Probably "continuous" was meant.

Portions of
several farms.

27. Should a diagram represent portions of more than one farm the different portions of each farm shall be clearly shown.

The extent and all other data with regard to each portion shall likewise be given.

The different portions taken together shall not be greater in extent than a full farm of 3,750 morgen, unless they shall be portions of farms which are themselves greater in extent than 3,750 morgen (*sic.*).

Connections
shown.

28. In framing a diagram of a subdivisive portion of a farm or piece of land not having some portion of its boundary common to the boundary of the whole farm, the Surveyor besides stating on such diagram the data already specified (see Art. 18) shall also furnish the data of a quadrilateral figure formed by two beacons of the piece of land surveyed, and two beacons as shown in the original diagram from which the deduction has to be made.

Should one of the sides of a subdivisive portion form part of the common boundary lines of the original survey, only the distance between the ends of such two sides need be stated.

The data may be stated at the corners and along the lines.

A separate
diagram for
each Deed of
Grant.

29. A separate diagram shall be sent in for each farm or piece of land for which a separate Deed of Grant was issued.

Portions of two or more farms (see Art. 27) may be draughted on one diagram, provided they do not together exceed the extent of a full farm (3,750 morgen).

Erasures.

30. No erasures shall be allowed in any diagram.

General-
plans.

31. A general plan of all surveys of more than one farm, portions of a surveyed or unsurveyed farm or pieces of land made at the same time, shall be filed at the Surveyor General's-Office, duly signed by the Surveyor, and framed on a scale of 400 rods to an English inch, and giving the points of triangulation.

Such general plans shall be neatly executed on good canvas-backed drawing paper.

In addition to the sides, angles and size of the various farms or pieces of land such general plans shall give the rectangular co-ordinates of all points used in the survey.

Topography.

The topography shall be given in such plans in the same manner as in the case of ordinary diagrams.

A general plan or tracing, of all surveys or portions of surveyed farms, showing the situation of the portion or portions surveyed, in relation to the whole farm, shall accompany the separate diagrams of such portions and shall be framed according to the same scale as the original diagram. No topography shall be required in such plan and merely a copy thereof will suffice.

No diagram of any portion of land so surveyed shall be confirmed until such general plan shall have been filed.

General plan,
town surveys.

A general plan of the Surveys of Towns shall be filed in triplicate, on a scale of 200 feet per English inch, and shall be

confirmed before the diagram of any erf so surveyed may be passed.

32. The following rules shall apply with regard to the tabulation of the co-ordinates on diagrams and general plans:—

- (a.) The co-ordinates stated on one and the same document shall consistently refer to the same axes.
- (b.) They shall be expressed in Cape Measures, and in the same units of Cape Measure in which the sides are expressed.
- (c.) The Algebraic signs + or — shall be written in front of each “Y” and “X,” and it shall be clearly stated which co-ordinates are “y” s and which are “x” s.

In tabulating the co-ordinates the “y” s shall always appear in the left, and the “x” s in the right-hand column.

- (d.) The “y” axis shall always be the true north.

In surveys of blocks, farms or pieces of land, the true north shall be defined by astronomical observations, and it is recommended that this should also as far as possible be done in the case of surveys of single farms.

- (e.) The positive directions of the axes, to which the co-ordinates stated on any document are referred shall be such that the positive angles subtend in the same direction as that in which the angles on horizontal theodolite circles of from 0° to 36° subtend.

33. All diagrams shall before being signed by the Surveyor-General be examined as to their consistency by the Examiner of Diagrams.

Inconsistency.

Except in the case of a diagram of a triangular, parallelogram-shaped, or quadrilateral figure with two parallel sides, a diagram shall not be returned by the Examiner of Diagrams as inconsistent, unless such inconsistency shall exceed the following maxima:—

A. *Reciprocal inconsistency of sides and angles.*

The sides and angles of any diagram shall be deemed reciprocally inconsistent, if they make it possible for any beacon on the ground represented by such diagram to be located in two different positions; the extent of such inconsistency shall be denoted by the length of the line which would connect the two different positions, and shall be called the line of displacement.

Sides and angles.

$$l = \frac{\frac{1}{2} p + 200 n}{10,000}$$

where

p = perimeter of the diagram which is being examined.

n = the number of sides shown on the diagram which is being examined, and which shall be calculated in roods or feet according as the lengths of the sides of the diagram are expressed in roods or feet.

Extent.

B. *Inconsistency of extent as stated in the case of rectilineal figures, with the figures as formed by the sides and angles stated for such figure.*

Should the sides and angles of a diagram be inconsistent the application of such diagram to the ground would give a figure which would have $(n + l)$ sides, of which the extra side, will be the line of displacement above referred to, and inasmuch this line could be adjoined to any one of the beacons, various figures of $(n + l)$ sides will be obtained.

These “ n ” figures will have an equal number of different extents, the differences between which will have a limit or maximum size of $\frac{1}{2} p.l'$, in which “ l' ” shall be the line of displacement and p be the perimeter.

Therefore by inconsistency in regard to the extent of a surveyor’s diagram, shall be understood the various differences between it and the “ n ” extents above referred to, and the diagram shall be returned for amendment, should any one of these differences exceed “ s ” as well as s' in the following formula

$$s = \frac{1}{8} pl + n$$

$$s' = \frac{1}{2} pl'' + n$$

where

p = perimeter of the diagram being examined.

l = maximum inconsistency of sides and angles permissible as above.

l' = the actual inconsistency of the sides and angles of the special diagram which is being examined.

n = the number of sides shown on the diagram, and computed as square rods and square feet, according as the lengths of the sides of the diagram shall have been expressed in Cape rods or in Cape feet.

Description of diagram of farm.

34. The following forms shall be used for the description of diagrams :—

“The above Figure A to _____ represents
 containing _____ No. _____
 rods. Situate in the district _____ morgen _____ square
 Ward _____ South African Republic, and
 extending as hereinabove set out.

The beacons were pointed out by _____
 and have been properly erected according to law.

Notice of this survey has been given according to law to all neighbouring land owners.

Distance from the town _____
 about _____ miles.

Surveyed for the _____ owner
 in _____ 18 .
 By me, _____

Surveyor.

"B."

(UPON SURVEY OF A PORTION OF AN ALREADY SURVEYED FARM
OR PIECE OF LAND.)

"The above figure A to portion of the farm represents a Description of sub-divisional diagram.
No. district Ward,
South African Republic, and contains
morgen square roods, and extends as hereinabove shown.

The whole farm was originally granted
{ in eigendom (freehold) }
{ in leening (as a loan farm) } to according to
{ Deed of Grant } No. dd.
{ Deed of Transfer } .
The beacons were pointed out by and
have been properly erected according to law.
Surveyed in 18 .
By me,

Surveyor.

I Registrar of Deeds hereby
certify that this diagram belongs to { the Deed of Grant }
dd. 18 { Deed of Transfer }
favour of this day issued (or passed) in
Deeds Registry Office 18 .

Registrar of Deeds.

"C."

(UPON SURVEY OF TOWN ERVEN OR PIECES OF LAND SITUATE IN
TOWNS.)

The above figure A to Erf No. in extent represents a Description of diagram of Erven.
square roods square feet, situate in the
town district Extending
as above set out.
Surveyed by me in 18 .

Surveyor.

35. It shall be the duty of every Surveyor in respect of all surveys made by him to preserve the following documents in a clear and intelligible form, and to produce the same to the Surveyor-General, upon the latter's request, to wit:—

(a.) His original Field book or certified true copy thereof.

- (b.) His original working plan or a certified true copy thereof, on which, in addition to beacons, boundaries and topography, the base, test base (if such a base has been surveyed), and all stations, triangulations and traverse lines used by him for the purpose of fixing the position of the beacons and irregular boundaries, shall be shown; The same names, letters or numbers shall be given to the stations and beacons on the working plan as are given in such field book.
- (c.) The surveyed and reduced length of each base and test base (and the computed length of the latter), besides that of all surveyed lines.
- (d.) A list of the average angular readings, used for ascertaining the positions of beacons and the angles of each triangle used in the computation.
- (e.) The co-ordinates of all stations used for determining the position of beacons, where a survey has been done by means of triangulation.
- (f.) His original calculations or certified true copies thereof.

Stamps on
diagrams.

36. No diagrams shall be confirmed at the office of the Surveyor General, unless the following Government charges be paid thereon in revenue stamps affixed thereto:—

	£	s.	d.
(a.) Examination and publication of a diagram of a farm or portion of a farm, figure with 3 sides	3	2	6
(b.) Do. do. " " 4 "	3	7	6
(c.) Do. do. " " 5 "	3	12	6
(d.) For each additional side over and above 5 "	0	2	6
(e.) Examination and deduction of a sub-divisional portion from a surveyed farm, figure with 3 sides - - - - -	2	15	0
(f.) Do. do. figure with 4 sides	3	0	0
(g.) Do. do. " " 5 "	3	5	0
(h.) For each additional side over and above 5 "	0	2	6
(i.) Government charges, &c. On diagrams of erven at Pretoria, Heidelberg, Lydenburg, Middelburg, Marthinus Wesselstroom, Utrecht and Christiana - - - - -	1	12	0
(k.) On erven in other towns - - - - -	1	2	6
(l.) Examination and deduction of portions of surveyed erven - - - - -	1	13	0
(m.) Certificate on diagram - - - - -	0	2	6
(n.) For each other certificate - - - - -	0	1	6
(o.) For inspection of any surveyor's diagram -	0	2	6
(p.) Where a diagram represents more ground than 8,000 morgen, and does not show any sub-division into farms, the Government charges for every 1,000 morgen shall be increased by	0	2	6
(q.) For any diagram representing two or more portions of farms, showing the lines of			

division between such farm, the Government charges shall be paid as if each such portion were draughted into a separate diagram.

Existing lawful beacons. Cancellation of faulty diagram. New diagram.

37. Diagrams which do not accord with existing lawful beacons recognised as such, may be cancelled upon written request of the owner or his agent in terms of Art. 7 of Law No. 9, 1891.

The new diagrams which are to replace the faulty ones shall be accompanied by a declaration and consent paper signed by the neighbouring proprietors.

FORM OF DECLARATION AND CONSENT.

I the undersigned, owner of the farm hereby declare that the beacons as pointed out on the 18 day of , to the surveyor

are the lawful beacons existing between my aforesaid farm and the farm , and are acknowledged by me as such.

I further consent to the cancellation of the existing diagram of the farm and to the framing of a new diagram in lieu thereof in accordance with the aforesaid beacons.

Owner.

Witnesses :—

38. These instructions are brought into effect by virtue of Art. 3 of the Instructions to the Surveyor-General and shall be observed in all surveys, made after all previous instructions are hereby repealed.

Authority for these instructions.

G. R. VON WEILLIGH, Surveyor-General.

Surveyor-General's Office, 10th August, 1891.

ANNEXURE No. 4 TO LAW No. 9, 1891.

First Volksraad Resolution, Art. 1,314, dated 29th August, 1892 (page 631, L.L. 1892).

Resolved—

It shall be the duty of the surveyor who, in the course of the general survey, shall be surveying any farm, registered in the name of two or more proprietors, but which farm has not yet been subdivided, to subdivide such farm in the course of such general survey, should he be requested so to do, by one or more of the owners of such farm.

Sub-divisions of farms in the course of the general survey.

LAW No. 10, 1891.

“GOLD LAW.”

(Superseded.)

LAW No. 11, 1891.

Re "SECOND VOLKSRAAD."

LAW No. 12, 1891.

"LIQUOR LAW."

(Superseded.)

LAW No. 13, 1891.

FRANCHISE LAW.

(Superseded.)

LAW No. 14, 1891.

MINT LAW FOR THE SOUTH AFRICAN REPUBLIC.

(Approved and enacted by Resolution of the First Volksraad,
Art. 1,325, dated 7th August, 1891.)

Preamble.

WHEREAS it is desirable to provide for the manufacture of gold,
silver, and bronze coins for the South African Republic.

Be it enacted as follows :—

Mint at
Pretoria.

1. A mint shall be established at Pretoria.

By whom to
be worked.2. The mint shall be worked by the National Bank of the
South African Republic (Limited), in accordance with Article 30
of the Concession, dated Pretoria the 5th day of August, 1890,
and granted by Special Resolution of the Volksraad, dated
9th August, 1890.Mint of
coinage.3. The unit of coinage in the South African Republic shall be
the pound sterling, divided into twenty shillings of twelve pence
each.Coins to be
manufactured4. The coins to be manufactured and issued by the mint shall
be the following only :—*Gold Coins.*A coin of one pound sterling, the standard weight of which
shall be 7·98805 gram.A coin of half of one pound sterling, the standard weight of
which shall be 3·99402 gram.*Silver Coins.*A coin of five shillings, the standard weight of which shall be
28·2759 gram.A coin of two shillings and sixpence, the standard weight of
which shall be 14·13795 gram.

A coin of two shillings, the standard weight of which shall be 11·31036 gram.

A coin of one shilling, the standard weight of which shall be 5·65518 gram.

A coin of sixpence, the standard weight of which shall be 2·82759 gram.

A coin of threepence, the standard weight of which shall be 1·41379 gram.

Bronze Coins.

A coin of one penny, the standard weight of which shall be 9·44984 gram.

A coin of one half-penny, the standard weight of which shall be 5·66990 gram.

5. Each coin of one pound shall contain 7·3224 gram of pure gold, and each coin of half of one pound shall contain 3·6622 gram of pure gold, so that the fineness of the gold coins shall be more than $\frac{1}{2}$ fine gold, and less than $\frac{1}{2}$ alloy. The fineness of the silver coins shall be $\frac{3}{4}$ fine silver and $\frac{3}{4}$ alloy. The bronze coins shall be of mixed metal, copper, tin, and zinc. Fineness of coins.

6. The following variations shall be allowed, viz.: in the weight of a pound piece, an excess or a deficiency not exceeding 0·01296 gram, or 0·2 grains; in the weight of a ten-shilling piece, an excess or a deficiency not exceeding 0·00648 gram, or 0·1 grains; and in the fineness of all gold coins, an excess or a deficiency not exceeding 2·1000 parts; in the weight of a five-shilling piece, an excess or a deficiency not exceeding 0·11781 gram; a half-crown piece, an excess or a deficiency not exceeding 0·05890 gram; a two-shilling piece, an excess or a deficiency not exceeding 0·04712 gram; a shilling piece, an excess or a deficiency not exceeding 0·02356 gram; a sixpenny piece, an excess or a deficiency not exceeding 0·02000 gram; a threepenny piece weighed by the pound, an excess or a deficiency not exceeding $\frac{3}{1000}$ parts; and in the fineness of all silver coins, an excess or a deficiency not exceeding $\frac{3}{1000}$ parts. Variations allowed.

7. The coins struck and issued by the said mint shall be current in the South African Republic and shall be legal tender for all purposes, as follows, viz.: The said gold coins up to any amount; the said silver coins up to an amount of forty shillings for each payment; and the said bronze coins up to an amount of one shilling for each payment. The current silver and bronze coins shall be accepted in the Government offices of the South African Republic up to any amount. Up to what amount these coins shall be legal tender.

8. Gold coins issued by the mint shall remain current unless depreciated fraudulently or by cutting or boring so long as the deficiency in weight does not exceed $\frac{5}{1000}$ parts.

Gold coins issued by the mint which have become depreciated in circulation to a greater degree than $\frac{5}{1000}$ parts shall be called in to be recoined at the expense of the Republic. Any coin so When gold coins depreciated in circulation—shall be called in.

depreciated shall be taken in payment at all offices of the Republic as if of full value, but shall not be reissued from such offices.

Coins depreciated by fraud.

Coins issued by the mint which have been depreciated by fraud or by cutting or boring, and which are presented at any office of the National Bank of the South African Republic, Limited, shall be locked up and kept by the bank, and payment of the real value of such coins shall be made to the person offering the same after the real value thereof has been ascertained.

Administration of mint decides as to depreciation.

The decision of the administration of the mint as to whether coins issued by the mint have been depreciated by fraud, or by cutting or boring, and to what extent, shall be final.

Coining gold for private persons.

9. Private persons shall have the right to bring to the mint, gold, which the administration of the mint shall coin into pounds and half pounds at a mintage charge of not more than three per cent., subject to the following provisions:—

Regulations therefor.

(a.) If the mint is fully occupied in coining, the administration of the mint may, subject to the approval of the Government, postpone coining for private persons.

(b.) Any gold which is not of the fineness of $\frac{1}{12}$ pure gold and $\frac{1}{12}$ alloy, and any gold which is unsuitable for minting, may be refused coinage by the administration of the mint.

(c.) If the administration of the mint is of opinion that the issue of gold coin in the Republic is excessive, the Government may declare that mining both for the State and for private persons shall be stayed for a certain time to be fixed by the Government.

Government shall issue further regulations.

10. The Government shall, with advice and consent of the Executive Council and subject to the approval of the Volksraad, issue further regulations as to the coinage of gold tendered for this purpose by private persons.

Right to coin money belongs solely to the mint.

11. No gold, silver, copper or bronze coin or coin of other metal, shall be made or bought into circulation as a coin, or as a means of exchange, except by the mint. (It is further prohibited to make or bring into circulation any coin, medal or ornament in gold, silver, copper, bronze, or other metal, which looks similar to a coin manufactured by the mint.)

Penalty for contravention.

Every contravention of the provisions of this article shall be punished with a fine of not more than one thousand pounds sterling or imprisonment, with or without hard labour, for a period not exceeding five years, or with both fine and imprisonment, as mentioned above.

Exchange of gold and silver coins.

12. The Government shall appoint offices where gold coin shall be given in exchange for silver coin issued from the mint, but silver to the value of £5 shall be the least amount which may be tendered for exchange.

Government determines shape, &c., of coins.

13. The shape, design and inscription of the coins shall be determined by the Government.

14. The Government shall appoint the officials required for supervising the works of the mint, define their duties, and fix their salaries, subject to the approval of the First Volksraad. The said officials shall have access to the mint and coining, and to such books of the National Bank of the South African Republic, Limited, as relate to the mint, and exercise an effective control over the mint.

Government appoints officials to supervise the works of the mint.

15. The Government may enter into negotiations and conclude, subject to the approval of the First Volksraad, agreements with the Government of any foreign State or Colony for securing the acceptance as legal tender within such foreign State or Colony of the coins minted in accordance with this Law, and for securing the acceptance as legal tender within this Republic of coins made in such foreign State or Colony, and with a view thereto may agree to allow Commissioners of such State or Colony to be appointed to supervise the operations of the said mint jointly with the officials mentioned in Art. 14.

Treaties with foreign States and Colonies with regard to acceptance of coinage.

16. For the purpose of ascertaining whether coins issued from the mint have been manufactured in accordance with the provisions of this Law, a trial may be ordered whenever the Government shall think fit.

Trial may be ordered by Government.

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

Taking effect.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Office, Pretoria,
August 20th, 1891.

SECOND VOLKSRAAD RESOLUTION, Art. 38, dated
11th May, 1891.

Noted and accepted by First Volksraad Resolution, Art. 55, dated 14th May, 1891.

Resolved that the following be added as supplementary articles to Law No. 7, 1889:—

1. The Government shall not be responsible for any damage, injury or loss arising from the tumbling or falling of persons, animals or vehicles or other things into or by reason of drainage furrows or the prolonged open portion of uncovered sluices, or drains, or into any excavations of whatsoever kind, made at the side of or outside the road, for leading off water or for draining roads or obtaining materials.

Public roads—liability.

2. The Government shall not be responsible for any damage, injury or loss, occasioned by or suffered on public roads, unless it

Cases in which Government is responsible.

be by reason of holes made in such roads on behalf of the Government and left without protection or warning signs.

3. This Resolution shall come into operation immediately after publication in the *Staatscourant*.

FIRST VOLKSRAAD RESOLUTION, Art. 78, dated 20th April, 1891.

Resolved to alter Art. 8 of Law No. 5, 1889, so that it shall read as follows:—

Census.

9. In the year 1901 and every tenth year thereafter a similar census shall be held and the State President shall, to that end, have the power, with a due regard to such alterations as the circumstances shall demand, to make the necessary provisions in terms of this Law.

FIRST VOLKSRAAD RESOLUTION, 22nd May, 1891.

Beer
breweries.

109. It is resolved that it shall not be permitted to erect beer breweries in towns, except only with the special consent of the Executive Council, and as much as possible in the outskirts of the town, and subject to such conditions as the Executive Council may deem necessary and serviceable.

REGULATIONS OF JOHANNESBURG TRAMWAY
COMPANY.

(See Local Laws, 1891, p. 281.)

FIRST VOLKSRAAD RESOLUTION, 10th June, 1891.

Natives not to
squat on
Government
farms.

359. Resolved to instruct the Government to instruct the Commissioners and Sub-commissioners for Natives through the Superintendent of Natives to see that henceforth no natives shall reside on Government ground which is not intended for location purposes, on pain of such fines and penalties as the Government may deem necessary.

FIRST VOLKSRAAD RESOLUTION, 21st July, 1891.

Costs of
general
survey.

1040. Resolution with regard to Arts. 12 and 13 of Law No. 9, 1891, as follows:—

Resolved, in case it should appear to the Government that the owner of a farm or any piece of land is not able to pay the cost of survey at the time, and in accordance with the provisions of Law

No. 9 of 1891, the Government is authorised in such case to assist such owner temporarily, if the State finances permit of it, by finding the money upon security of the farm or piece of land of such owner, and in such manner as the Government may deem of service to him.

FIRST VOLKSRAAD RESOLUTION, dated 3rd August, 1891.

1232. It is resolved to instruct the Government to have the Native Locations, which are not yet beacons off, forthwith beacons off, in accordance with Sub-section 2 of Art. 19 of the Convention of 1884, and according to the provisions agreed upon with the former British Resident regarding the size of the locations to be granted.

POSTAL CONVENTION, NATAL.

(Local Laws, 1891, p. 337.)

(TARIFF FOR WITNESS SUMMONED TO APPEAR BEFORE THE FREE STATE COURTS IN TERMS OF LAW No. 2, 1890.)

(See p. 369, Local Laws, 1891.)

LAW No. 1, 1892.

(AMENDMENT OF LAW No. 6, 1889.)

“GAMES OF CHANCE.”

As dealt with by Resolutions of the First Volksraad, Arts. 86 to 97 inclusive, dated 11th May, 1892, and accepted and ratified, unaltered by Art. 147, dated 14th May, 1892, of the said Raad.

1. In Art. 7 of Law No. 6, 1889, the words “in addition to a fine of £5, or in default of payment, imprisonment for a period not exceeding one month,” shall be superseded by the words “in addition to a fine of not less than £5, and not exceeding £50, according to the nature of the case, or in default of payment of the fine, by imprisonment for a period not exceeding three months, with or without hard labour.”

Amendment of Art. 7, re penalty.

2. Two new Articles, 7a and 7b, of the following tenour, shall be inserted between Articles 7 and 8 to wit:—

“Art. 7a: Any person, who by fraud or any illegal trick, pretext or artifice of whatsoever kind, with cards, tables or any other game, shall win any money or any article of value from any person or persons; or any person who shall, in any way whatsoever, conspire with others to induce another person or persons to commence play, in order by so doing to win their money or articles of value, by any sort of illegal game, shall be deemed to have committed the offence of obtaining money or goods under false

Penalty for fraudulent artifices.

State
evidence.

“pretences, and shall be sentenced, for the first offence, to three months’ imprisonment with hard labour; for the second offence, to six months’ imprisonment with hard labour, and for the third offence, to two years’ imprisonment with hard labour, with this proviso, that the State Attorney or his lawful representative, shall, at all times, have the right to take the person, who has lost at such play, or one or more of the accomplices as State evidence, in terms of Art. 120 of the Criminal procedure, although they may have joined in the play.”

Games of
skill.

“Art. 7b: It is hereby expressly enacted that it shall, in every case, be left to the competent Courts to decide whether the game, with reference to which complaint is made, is a game of chance, or one to be decided by science or skill, and where it shall appear that a game of science or skill is played in such a manner that the amount played for is unreasonably high, the Court shall declare such games illegal, and deem the same in all respects to be a game of chance for the purposes of this law.”

3. Art. 9 of Law No. 6, 1889, shall be amended as follows:—

“Where a licensed dealer in spirituous liquors, his substitute or subordinate, whether with or without his knowledge, allows any apartment whatsoever in his building or buildings to be used for any sort of unlawful game, as described in this law, his licence shall be immediately declared forfeited and cancelled. The Court that gives sentence shall, at the same time, order that no licence for the sale of spirituous or malt liquors shall be granted for the same buildings for the period of two years in succession, reckoned from the date of the sentence.”

4. A new Art. 9a shall be inserted between Articles 9 and 10 of Law No 6, 1889, of the following tenour:—

“Art. 9a: Where a licence is declared forfeited in terms of Art. 9, and the licensed holder shall note appeal, the licence shall, notwithstanding such appeal, be deemed to be forfeited until the Court of Appeal shall decide, and the building or buildings shall be immediately closed, and the sale of spirituous or malt liquors prohibited.”

5. This amendment of law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 21st May, 1892.

LAW No. 2, 1892.

(Repealed by Law No. 4, 1897.)

LAW No. 3, 1892.

TO OBLIGE RESIDENTS OF THIS REPUBLIC TO APPEAR AS
WITNESSES IN THE COURTS OF LAW OF ZULULAND.

(Approved and enacted by Resolution of the First Volksraad,
Art. 149, dated 14th May, 1892.)

Whereas the testimony of persons residing in the South African Republic is frequently required in the Courts "of Law" of Zululand.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated :

And whereas it is desirable to make the attendance of such persons before such Courts compulsory : It is hereby provided and enacted as follows :—

1. Where a subpoena, purporting to be issued by the proper officer of any competent Court in Zululand, for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named ; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Courts, or to his lawful substitute, or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein.

Subpoena to be endorsed by Landdrost and served by messenger, &c.

Provided always that the necessary expenses of such service, and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena, and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as may from time to time be framed by the Executive authority, shall be transmitted to the said Landdrost, together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Conduct money.

2. Every person who shall have been served with a subpoena, as in the previous section mentioned, shall be bound to attend on the day and at the place therein named ; and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance, he shall be liable to a penalty not exceeding one hundred pounds sterling, which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

Penalty.

The fact that in addition to the time fixed by law for the appearance of witnesses in this State the subpoena was not served on the witness at least fourteen days prior to the time the said

witness would have to leave home, shall be deemed to be such a legal and valid excuse as is referred to in this Article.

How penalty recovered.

3. The return of the person authorised to serve such subpoena as in the first article of this Law provided, showing that such service has been duly made, and a certificate under the hand and seal of the presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon, and did not establish any valid or legal excuse for this default, shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

Witnesses free from arrests for other causes.

4. No person resident in Zululand, who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any legislative enactment of Zululand, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

This act to be proclaimed of force upon Zululand reciprocity legislation.

5. This law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that Zululand has made due provision to compel the attendance as witnesses before the Courts of this Republic, of persons resident in Zululand.

6. All enactments in conflict herewith are hereby repealed.

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 25th May, 1892.

“For tariff of witnesses subpoenaed under this law, see Government notice published in L.L. 1891, page 725.

LAW No. 4, 1892.

FOR THE PUNISHMENT OF MOTHERS FOR CONCEALMENT OF BIRTH OF CHILDREN.

(Approved and enacted by Resolution of the First Volksraad, Art. 199, dated 18th May, 1892.)

WHEREAS the concealment by mothers of the birth of their children is an act of very suspicious nature; and whereas such act is not deemed to be punishable according to the laws in force in this State, and whereas it is necessary that the same should be made punishable, it is hereby provided and enacted as follows:—

Crime of concealment of birth.

1. Every unmarried woman or deserted wife, who gives birth to a child, and who by secret burial or in any other way

removing the dead body of the child out of the way, endeavours to conceal the birth thereof, shall be guilty of the crime of concealment of the birth of her child.

2. This crime shall be punished by imprisonment, with or without hard labour, for a period not exceeding two years. Punishment.

3. At the trial of a woman for the crime, mentioned in Art. 1, it shall not be necessary to prove that the child died before, at, or after its birth. What proof required.

4. If a woman is brought to trial for the murder of her child, and the jury find her not guilty of that crime, it may, if sufficient evidence with reference thereto has been produced to the Court, find her guilty of the crime of concealment of the birth of her child, and upon such finding the Court shall be competent to pass such sentence upon her as could lawfully have been passed had she been brought to trial on a charge of having committed such crime. On indictment for murder jury may bring in a verdict under this law.

5. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 21st May, 1892.

LAW No. 5, 1892.

REGULATING THE PRODUCTION IN THE COURTS OF THE SOUTH AFRICAN REPUBLIC OF DOCUMENTS FROM THE OFFICE OF THE REGISTRAR OF DEEDS, CHIEF OF THE MINING DEPARTMENT, SURVEYOR-GENERAL AND OTHER PUBLIC OFFICES.

(Dealt with by Resolutions of the Second Volksraad, Arts. 86, 88, 90, 91, and 92, dated 11th May, 1892, and Art. 112 dated 13th May, 1892.)

(Amended and approved by the Resolution of the First Volksraad, Art. 202, dated 18th May, 1892.)

WHEREAS it has appeared, that in handing over registers, transfer and letter books, and other documents from the offices of the Registrar of Deeds, Chief of the Mining Department, Surveyor-General and other public offices, in order to serve as proof in civil or criminal suits, great danger exists that such like important documents may be lost or disfigured, and it is detrimental to the general course of business in such offices. It is hereby enacted and provided as follows:—

1. Original documents from the offices of the Registrar of Deeds, the Chief of the Mining Department, Surveyor-General or How production of original

documents
secured in
Court.

other public offices, which have to serve as documentary proofs in civil or criminal suits before any of the Courts of the South African Republic shall, where the case is of a civil nature, be produced only upon the express order of the Court before which the case is pending, by or on behalf of one of the heads of these departments or offices, and in criminal cases only upon order of the State Attorney.

Certified
copies and
extracts.

2. Unless thus ordered by the Court, or requisitioned by the State Attorney, it will suffice if the Registrar of Deeds, or the other heads of the said departments or offices grant a certified copy or certified extracts of the documents required.

Stamp.

3. In civil cases, a stamp of five shillings shall be paid by the parties concerned for the delivery of such certified copies or extracts.

The stamps shall be affixed to the copy or the extract, and be cancelled by the head of the department or office who certifies the document as such copy or extract.

4. The copies or extracts so certified by any of the heads of such departments or offices, shall be lawful evidence, and of like value before any Court as the original documents.

5. It shall not be necessary for any of the heads of such departments or offices to appear in person to produce such original documents, but it shall be deemed sufficient if a clerk of such office produce them to the Court.

With regard to copies or extracts, it shall be sufficient and permitted that these be handed in to Court by a party to the suit.

6. This law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
21st May, 1892.

LAW No. 6, 1892.

CONTAINING REGULATIONS FOR THE TRADE MARKS ON GOODS AND MANUFACTURES IN THIS REPUBLIC.

(Amended by Arts. 126, 130, 134, 135, 142, 146, 153, and confirmed by Art. 163, dated 16th May, 1892, by the Second Volksraad; noted and accepted by First Volksraad Art. 222, dated 20th May, 1892).

Filing of
copies, &c., of
trade mark
with State
Attorney.

1. A person or firm desiring to secure the right to the exclusive use of a mark, which is placed on his or their goods or manufactures, or on the packages, to distinguish the same from those of others,

shall send to the office of the State Attorney, three signed copies, with distinct drawing and accurate description of the mark, with a statement in the description of the kind of goods for which the mark is intended.

A person residing outside the Republic can make application through an agent residing within the State, authorised thereto in writing, with which agent such a person must choose domicilium.

Foreigner can make application through agent residing within the State.

2. The mark may not consist exclusively of ordinary letters, figures, or words, nor may it contain the coat of arms of the South African Republic, or words or mottoes offensive to public decency or morality.

What the trade mark may not consist of.

3. A public register for trade marks shall be opened and kept at the office of the State Attorney wherein immediate record shall be kept of every application.

Public register of trade marks at office of State Attorney.

If the application is made through an agent, the power of attorney must be attached to the register.

4. The State Attorney shall give to the applicant, or his agent, a dated receipt of the registration, and shall authenticate the deposited copies by adding the date and number in the register under which the record is placed.

Certificate of registration.

5. The State Attorney is required to see that, immediately after receipt of an application, the description and, if the party concerned has provided a stereotype plate, an impression of the marks sent in shall appear in three successive issues of the *Staatscourant*, with a statement of the kind of goods for which the marks are intended. Within 30 days after application a similar notice shall be inserted by the party concerned in one of the newspapers in the town or district within this Republic where he resides; and if there be no such newspapers, then in one of the newspapers published in Pretoria.

Publication of description.

6. If the mark sent in is like to, or is not sufficiently distinguished from, an already existing mark for the same kind of goods, the party entitled to such existing trade mark, or his agent, can within six months after the first publication in the *Staatscourant*, send in a petition to the State Attorney, praying that final registration of the mark be refused.

Protest against final registration to be made within six months of first publication.

The State Attorney shall at once investigate the matter and either grant or refuse the petition.

State Attorney decides.

If the party interested is dissatisfied with the decision of the State Attorney, he can bring the case before the High Court.

Appeal to High Court.

It remains, however, a case *inter partes*, with which the State Attorney is not bound to interfere.

State Attorney not a party to appeal.

7. If within six months after the first notice in the *Staatscourant* no written application shall have been received by the State Attorney to forbid registration, the mark shall be inscribed

In absence of protest, trade mark registered.

in the appointed public register at the request of the party concerned, who shall produce a copy of the newspaper in which the advertisement appears.

Publication of registration.
Not binding against third parties before publication.
Limitation of use of trade mark to specific kinds of goods.
Registers public.

8. The registration shall be made known in the first issue of the *Staatscourant* following thereafter, and shall be inserted in three successive issues.

Before the registration has been published once, it shall not be valid against third parties.

The right shall thereafter be considered to have been acquired only with regard to that kind of goods for which the mark is intended, according to the description supplied.

Transfer of registration.

10. The registration of a trade mark may be transferred after notice has been previously given to the State Attorney of such transfer.

Stamps, costs of publication, &c., to be borne by party concerned.

11. Stamps to the value of £2 10s. shall be affixed to the application for final registration of a mark, as stated in Art. 1. Stamps to the value of £5 shall be affixed to the application for final registration in terms of Art. 7.

All costs of publication mentioned in this Law must be borne by the party interested.

Charge for inspection, &c., of registers.

12. For every inspection of the registers, and for each extract or copy, 2s. 6d. shall be charged.

Alteration of registers by order of Court.

13. If it be necessary to alter, supplement or rectify the registers, this can only be done by order of the High Court.

Liability on infringement of trade mark.

14. He who falsely or illegally makes use of another's registered trade mark, besides being liable to criminal prosecution, exposes himself to a civil action for damages at the instance of the person entitled to the mark or his assigns.

Penalty for infringement.

15. He who designedly imports into this Republic, sells, tenders for sale, distributes, delivers or has in stock for sale or distribution, goods which bear, or are covered by wrappers which bear the trade mark, or any slight deviation from the trade mark, to which another has acquired the right, is liable to a fine not exceeding £200, or in default of payment to imprisonment for a term not exceeding six months, with or without hard labour.

Taking effect.

16. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Office,
Pretoria, 31st May, 1892.

LAW No. 7, 1892.

FOR THE TRANSFER OF SHARES IN COMPANIES.

(Approved and enacted by resolution of the First Volksraad,
Art. 248, dated 24th May, 1892.)

WHEREAS it has appeared that numerous transfers of shares in gold and other companies in this Republic take place and that no regulations exist with regard to stamp duties due to the Government on the transfer or alienation of such shares: Now, therefore, it is hereby enacted and provided as follows:—

Preamble.

1. Every deed of sale, acquittance, account, broker's note or any other writing showing the alienation, transfer, or sale of any share or shares in any gold or other company, after such share or shares shall have been issued by the Company (to which the same belongs) shall be subject to a fixed stamp duty of sixpence. The affixing of ordinary postage stamps to the value of sixpence on such deed of sale, acquittance, account, broker's note, or other writing, showing the alienation, transfer or sale, shall be sufficient, and such stamp shall be cancelled by the signatory with ink or an ink stamp.

Stamp duty on the transfer of shares.

2. This regulation shall apply not only with regard to shares and debentures of Companies falling under Law No. 5, 1874, and No. 6, 1874, but also with regard to Companies without limited liability, and those which are not incorporated under Law No. 6, 1874.

This regulation applies to Companies with or without limited liability, and whether incorporated or not.

3. If the writing mentioned in Art. 1 showing the alienation, transfer or sale of shares or debentures is not provided with the aforesaid stamp, the person who has signed it shall be liable to be condemned by any of the lower Courts to pay a fine not exceeding £5, or to be imprisoned for a term not exceeding 14 days.

Penalty for not complying with the regulation *re* stamp duty. Jurisdiction.

4. All documents mentioned in this law which are not dated, and which are subject to the abovementioned stamp duty, shall, subject to proof to the contrary, be considered to have been drawn up after the date of the taking effect of this law.

Undated transfers are considered to have been made after the taking effect of this law, subject to proof of the contrary, taking effect.

5. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS.
State Secretary.

Government Office, .
Pretoria, 30th May, 1892.

LAW No. 8, 1892.

REGULATING THE EDUCATION OF THE WHITE POPULATION IN THE SOUTH AFRICAN REPUBLIC, AND REPLACING LAW No. 1, 1882.

(This Law replaces Law No. 1, 1882 (page 1,069 L. W., 1849–1885). It was again amended by Law No. 8, 1893. So with reference to this Law see “The General Regulations” upon examination and admission approved by First Volksraad Resolution, dated 18th July, 1887, Art. 1145, and as amended by First Volksraad Resolution, dated 2nd June, 1892, Art. 356, and dated 30th August, 1893, Art. 1241).

(Approved by Resolution of the First Volksraad, dated 2nd June, 1892, Art. 362.)

1.—*General Provisions.*

Limits of Government interference in education

1. The Government of the South African Republic, proceeding on the principle that it is the duty of parents to provide for the education and instruction of their children, limits its interference with educational matters—

- (a.) To the encouragement and support of individual enterprise among the burghers by pecuniary contributions in support of schools;
- (b.) To the supervision of schools, as far as they consider themselves called upon to take precautions that their future burghers receive the requisite Protestant Christian training; and
- (c.) To the establishment of an institution for higher education, principally for the training of civil servants and teachers, in accordance with regulations hereinafter specified:

Duties of aided schools with relation to religious education.

2. Recognising that dogmatic religious education belongs as such to the Church, and not to the State, the Government merely demands that, in all schools supported by Government, instruction should be given in the various subjects:—

- (a.) In a Protestant Christian sense;
- (b.) This comprises the opening and closing of the school with prayer, reading God’s Word, and teaching Bible History during the schools hours,
- (c.) While the definitely dogmatic instruction is left to the respective Church authorities,
- (d.) Wherein the various school authorities shall only assist as circumstances may allow by placing schoolrooms, &c., at their disposal.

Allowance to school how calculated.

3. The Government desires, as far as possible, by its support to make education accessible to all burghers and other white inhabitants of the South African Republic, especially the farm population living far from each other, and for that purpose offers a quarterly allowance for all schools which comply with the requirements of this law and the standards appointed by the Super-

intendent-General of Education. Such contribution shall be calculated—

(a.) In proportion to the standard of instruction in the respective schools.

(b.) In proportion to the joint amount of the school fees paid, and of the voluntary contributions in aid of the school funds, as hereafter provided and determined in Art. 17, letters (a) and (b), excepting voluntary contributions for the building of schoolrooms.

(Amended by Art. 12, Law 14, 1896.)

4. The system of education is divided into—

(a.) Lower Education, comprising Bible history, reading, writing, arithmetic and singing, including church music, the principles of Dutch grammar, and those of the history of the South African Republic, as hereafter detailed in the Standards 1, 2 and 3, mentioned in Art. 3.

Scope of Lower education.

(b.) Intermediate Education, including, besides the continuation and extension of the subjects mentioned in "Lower Education," a thorough knowledge of the grammar of Dutch, and also, where desired, of another living language, the principles of geography and history, both general and that of South Africa, and the South African Republic in particular; the principles of "Vormleer," all as further detailed in the said Standards 4, 5 and 6. As special subjects the following are recommended:—drawing, book-keeping, physics, botany and natural history, and plain and fancy needle-work for girls.

Scope of Intermediate education.

(c.) Higher Education in accordance with the provisions to be made hereafter.

Higher education.

5. There shall be a Superintendent of Education appointed by the Government, who shall reside at the seat of Government. He shall submit proofs, to the satisfaction of the Government, of his scientific qualifications, orthodoxy, blamelessness in conduct, and shall also be a member of a Dutch Protestant Church.

Appointment and requirements of Superintendent of Education.

He shall be charged with the supervision of schools and teachers, with the regulation of education and the maintenance of the law, and all regulations relating to education, with due regard to the provisions in Art. 48 with reference to the curatorium of the gymnasium. He shall receive and examine the reports of the various schools and of the Inspectors of schools, and shall as often as, and wherever it is necessary, inspect personally.

Duties.

The superintendent shall be obliged to refuse the Government subsidy to any school which does not comply with the requirements of this law. The School Boards affected may, if they consider themselves aggrieved, apply to the Government.

The Superintendent of Education shall report annually, in the month of March, to the Government on the general state of education, which report shall be published in the *Staatscourant*.

Yearly reports.

His secretary
and clerks.

6. The Superintendent of Education shall be assisted in the administrative portion of his official duties by a secretary and as many clerks as are requisite for the work to be done.

Duties of
Inspectors.

7. In investigating the condition of education and the supervision of schools and teachers, the Superintendent shall be assisted by Inspectors of Schools, each of whom shall have his appointed circuit, in which they shall as far as possible examine all schools twice in the year, and in which they shall endeavour to make themselves acquainted with local conditions so that they may be able to advise both the Superintendent and the respective school Boards and teachers within their circuits in order to secure the progress and prosperity of education.

The Inspectors shall at stated times report in writing on their proceedings and inspections to the Superintendent, who shall collect therefrom the data for his annual report.

The Inspectors shall be bound at all times to act in pursuance of the instructions of the Superintendent.

Their appoint-
ment.

8. The Inspectors and the officials of the Department of Education shall be appointed by the Government on the proposal of the Superintendent, subject to the approval of the Legislature.

The Inspectors must produce evidence of their scientific qualifications to the satisfaction of the Government, of blamelessness of character and must be members of a Dutch Protestant Church.

2.—*Special Provisions affecting Lower and Intermediate Education.*

A.—ESTABLISHMENT OF SCHOOLS, AND THE SCHOOL MANAGERS.

Powers of
Government
to grant land
for schools.

9. Where it appears desirable and necessary the Government has the power, on application by school committee for the establishment of town schools, to grant a piece of ground 100 feet square, and to grant district schools a monthly allowance for rent up to ten shillings. [1]

No subsidy
allowed to
superfluous
schools.

10. When the existing school or schools in a town, in the opinion of the Superintendent of Education, provide sufficiently for the local requirements, no subsidy shall be granted to any other school or schools unless good reasons shall be adduced for the establishment of the same.

Subsidy only
granted to
schools
managed by
committees.
Composition
for Com-
mittees of
district
schools.

11. The Government shall only grant a subsidy to schools which are subject to the supervision and under the responsibility of a commission which consists of:

- (a.) For district schools at least three members elected as far as possible on the proposal of, or in consultation with, one or more of the members of the Church Council, the Field-Cornet, or the Justice of the Peace of the district, by and from among the persons entitled to vote therefor, and [2]
- (b.) For town schools at least five members elected either by the Church Council, or on the proposal of, or in consultation

Composition
for Com-
mittees of
town schools.

¹ Amended by Art. 1 of Law No. 8 of 1893.

² Amended by Art. 2 of Law No. 8 of 1893.

with the Landdrost, the Field-Cornet, or the Justice of the Peace of the place, by and from among the persons entitled to vote therefore.

Those entitled to vote for the election of school managers are, all fathers of families who live within a reasonable distance of the school concerned, and further all such persons who by a contribution to the school funds to the satisfaction of the majority of the aforesaid persons entitled to vote, shall have earned such right to vote.

Their election.

12. The Committee shall choose from among its number a chairman, a secretary and treasurer, both which latter offices may be united in one person, and shall inform the Superintendent of Education of its intention to found a school, who shall thereon transmit a form of "Application for Subsidy." The letter shall be re-transmitted to him properly filled in and signed. Thereon the Superintendent shall decide, if necessary in consultation with the Government, whether a Government subsidy can be granted to the said school or not.

Manner of application for subsidy by school committees.

13. No teacher may be a member of the School Board, but where it is desirable, the committee of a school has the right to appoint its teacher as secretary of the Committee.

Teacher may be secretary but not member of school committee.

14. Every school Committee shall provide a proper building with furniture and further appliances to the satisfaction of the Government, due regard being had to local conditions.

Committee shall provide building.

15. A School Committee shall have the right to appoint its teacher on its own conditions, subject to the approval of the Superintendent of Education.

Committee appoints teacher subject to approval of Superintendent.

The Department of Education shall not interfere with differences of a private nature between the teacher and his committee which have no connection with education.

16. The further duties of the School Committee are defined in Arts. 20-23.

Further duties of committee.

3. School Subsidies.

17. Where a school complies with the requirements of this law, either in respect of order and discipline, or the suitability of schoolrooms, furniture, etc., the Government shall grant a quarterly allowance subject to the following provisions:—

Amount of quarterly allowance.

- (a.) The subsidy granted by the Government shall be calculated on the basis of the total amount of the school fees received together with any voluntary contributions in aid of school fees, all duly accounted for in terms of Arts. 21 & 22.

Amended by First Volksraad Resolution, 6th September, 1894, Article 1605.

- (b.) For every two pounds sterling received and accounted for as above by the Committee the Government shall give a subsidy of five pounds sterling, the Government allowance thus amounting to two and a half times as much as the joint amount of the school fees received

and voluntary contributions, with this proviso, that the average quarterly contribution of the Government shall in no case amount to more than 25/- for each pupil in receipt of lower education, and 35/- for each pupil in receipt of intermediate education.

Subsidy for free scholars withdrawn. Amended by Art. 3 of Law No. 8, 1893.

When allowance paid out.

18. The Government shall henceforth provide no more extraordinary allowances for free pupils, it being left to the respective School Boards in consequence of the increased State allowance themselves to regulate the school fees in accordance with local conditions.

19. The allowances mentioned in Art. 17 shall be paid out quarterly, after the expiration of each school-quarter, when the quarterly statements and attendance registers for the past quarter which the teachers have to send in, have been found in order by the Superintendent of Education, and when moreover the Superintendent is convinced by the inspections held that the respective schools are complying with the requirements of the law, or where such instructions may not have taken place has at least no reason to suppose that the requirements of the law are not being complied with.

No subsidy paid out unless all Committees' arrangements approved by Superintendent.

20. No school Committee may claim the Government allowance before its arrangements with reference to teacher, school-rooms, school furniture and appliances, as also its standing regulations, as further specified on the aforesaid application for subsidy have been approved by the Superintendent of Education.

All monies of Committees to be applied in aid of education. Quarterly financial report.

21. All monies received by a School Commission, including fees, voluntary contributions, and Government subsidies must be spent on behalf of education, either on salaries for teachers, or the maintenance, extension, or improvement of school buildings, furniture, school requisites, etc. The Committee shall report quarterly on the administration of such finances to the Superintendent of Education on a quarterly statement form issued by the Department for that purpose.

Who shall sign quarterly statements.

22. All quarterly statements shall be signed by the Head of the School and by two members of the School Committee.

Where Committees responsible for repayment of allowances.

23. School Committees which have acted in a manner plainly in conflict with the provisions of this law, and have drawn a subsidy from the Government under false pretences, or on untrue data may be made liable for the monies thus obtained.

C. Instruction.

Dutch is the medium of instruction.

24. All instruction shall be given in the Dutch language. Only in the case of instruction in foreign languages is the teacher allowed to make use of the language which he is teaching.

Hours allowable for instruction

25. In lower education only in the third standard, if required, may three of the twenty-five hours per week demanded by the

Government, be bestowed on instruction in a modern foreign language. in a foreign language.

13 (a). In Intermediate Education, where the parents so desire, four out of the twenty-five hours per week required by the Government (see Article 26) may be bestowed on instruction in a modern foreign language, but in the remaining hours required by law all instruction must be given by means of and in the Dutch language. Hours allowable for intermediate education.

26. At every Government-aided school instruction shall be given for five hours every day for five days in the week in the subjects appointed by the law, apart from the liberty granted in the previous article. Minimum school hours per week.

27. All school books shall be written in the Dutch language, except those used in instruction in a foreign language. School books in the Dutch language.

28. School Committees and teachers are entirely free in the choice of school books, but for their convenience, and in the interests of uniformity in the use of school books, the Superintendent of Education shall from time to time issue a list of books recommended by the Department, which shall be obtainable at the Department of Education at stated prices. Committees free to choose school books.
Superintendent recommends and supplies certain books.

Teachers and Pupil Teachers.

29. After the coming into operation of this law only properly qualified teachers shall be admitted at Government-aided town schools, and they shall be subject to the following provisions:— Only duly qualified teachers allowed to teach in town schools.
Qualifications.

(a.) The Principal of a school for Intermediate Education shall be in the possession of a diploma of the Second Class Teachers' Examination.

(b.) The Principal of a school for Lower Education shall be in possession of a diploma of the Third Class Teachers' Examination.

(c.) An assistant Teacher at a school for Intermediate Education shall be in possession of a diploma of the Third Class Teachers' Examination.

(d.) As assistant in a school for Lower Education, and, when necessary, also in Standard 4 (Intermediate Education), the Principal of a School may make use of the help of a Pupil-teacher as further defined in Art. 37, subject to the provisions of Art. 36.

See also Law 7, 1898.

30. No person under age shall be recognised as Principal of a school, and no pupil-teacher under 14 shall, in calculating the subsidy, be reckoned as an Assistant. Where it appears desirable and necessary, the Superintendent of Education shall have the right to make exceptions to the provisions of this rule in the case of district schools. No minor may be principal of School, no pupil teacher below 14 years of age.

Foreign
certificates

31. Persons who have obtained elsewhere a certificate of competence for the giving of instruction, and who wish to apply for an appointment at a Government-aided school in this Republic, shall submit their certificate or certificates

(a.) For town schools to the judgment of the Board of Examiners.

(b.) For district schools to that of the Superintendent of Education.

Superintendent may dispense with Art. 29 under conditions.

Conditions

32. When this law comes into operation the Superintendent of Education shall have the power to grant special permission for the giving of instruction in town schools to persons who have not passed any examination, subject to the following conditions:—

(a.) They shall be thirty years of age or over.

(b.) Before the passing of this law they must have acted for at least three years as subsidised teachers in this Republic.

(c.) They shall produce sufficient proofs of good moral conduct.

(d.) The inspector of Schools to whose circuit they belong shall give a written declaration that they are competent teachers and that their school is in good order in every respect.

Religion and moral conduct of teachers.

33. All teachers in Government-aided schools, before they can be recognised as such, shall furnish the Superintendent of Education with proof that they are members of a Protestant Christian church, and are at the same time of good moral character.

Quarterly statements.

34. It is the duty of the principal of every Government-aided school to fill in properly and accurately the statements and forms supplied him by the Department of Education, and to transmit the same at the end of every school quarter, signed by himself and two members of the school committee, to the secretary of the Department of Education.

Proportions of pupils to one teacher.

35. There shall be one competent teacher in every school for every thirty pupils, and he shall teach at least twenty-five hours in the week in the same school. Where a teacher is only occupied a portion of that time in a school on special subjects, there shall be another competent teacher who shall make out his time.

Appointment of pupil teachers.

36. When the number of pupils is less than 46, the committee of a school shall have the right to appoint a pupil-teacher to help the teacher; and where the number of pupils exceeds 45 but is less than 60, unless an assistant teacher is appointed, at least two pupil teachers shall be appointed, and in these cases the ordinary subsidies shall be granted.

Who may be pupil teachers.

37. Only those who have obtained the diploma of the elementary examination (school wedstrijd) may be taken on as pupil teachers. Under special circumstances the Superintendent of Education shall have the right, where it appears to him desirable and

necessary, to make an exception to this rule in the case of district schools.

38. The principal of a school who has trained such a pupil-teacher, and who has given him regular instruction for two years, shall receive from the Government a fee of £20 sterling for every pupil-teacher who has passed the third class teachers' examination. This fee shall only be paid out on a declaration in writing of all the committee members of the school, certified by the local Landdrost or field-cornet, that the teacher can actually claim such fee in the terms of this Article.

Amount of allowance for pupil teachers.

39. It shall be lawful for the Government to grant to teachers who have faithfully served the cause of education in this Republic to the satisfaction of the Government for a fixed term of years, a yearly good service allowance in terms of the tariff appointed in Annexure A. to this law.

Good service allowance for long and faithful service.

40. Wherever in this law the words "teacher" or "pupil teacher" are used, they shall apply to female as well as male persons, and where it is not expressly so stated it is the intention of the law that the persons shall belong to a Protestant Christian Communion.

Teacher and pupil teacher includes women.

Vacations.

41. School vacations may not exceed eight weeks in the year. They shall be fixed by the Superintendent of Education, who shall, as far as possible, take account of local conditions, such as celebrations of the Communion, harvesting, &c. Such appointed vacations may only be departed from in exceptional cases, and only after obtaining the approval of the Superintendent of Education. The vacations shall be made known at the beginning of every year.

Length and arrangement of vacations.

Admission of New Pupils.

42. New scholars who have not received before sufficient instruction to enable them to be placed in an existing class of a subsidised school may only be admitted at the beginning of every new quarter.

Admission of new scholars.

Trade (Technical) Schools.

43. Schools for Intermediate Education may have a trade (technical) class attached, in which the pupils shall receive instruction in some handicraft under the supervision and guidance of some competent expert to the satisfaction of the Government.

Technical classes.

44. The Government shall grant a quarterly allowance of 20 shillings for every pupil who has followed a course in terms of Article 43, and attended at least four-fifths of the lessons.

Government allowance for same.

45. No pupil shall be admitted to such a course in terms of Article 43, who has not passed through the three standards of "Lower Education."

What pupil may be admitted thereto.

3. *Special Provisions with reference to Higher Education.*

Limits of State aid in higher education.

46. The Government of the South African Republic considers itself called to further higher education by—

- (a.) Establishment of an institution for higher education at the seat of Government, in accordance with the following provisions:—
- (b.) Granting certain allowances to girls' higher schools, which comply with the conditions hereafter set forth.
- (c.) A board of examiners, as appointed by Law No. 13, 1886.

A. Provisions for an Institution for Higher Education.

Objects of State school.

47. This establishment, being the only proper State School in the South African Republic, has as its object—

- (a.) The preparation of youths for university education proper.
- (b.) The scientific training of youths for legal, commercial and civil service appointments.
- (c.) The training of teachers.
- (d.) The training of scientific agriculturists.

Board of Management.

Amended by Art. 13 of Law No. 14, 1896.

48. The management of this institution shall be vested in a curatorium of seven members, of which the Superintendent of Education shall be ex-officio chairman, and the Chief Justice and the Landdrost of the seat of Government shall be ex-officio members, while the Government and the Volksraad shall each nominate two members, who shall serve for a period of one year, and shall be thereafter re-eligible.

Departments of gymnasium.

49. The said institution, which shall be called the Gymnasium, shall, in pursuance of its fourfold purpose, as stated in Article 47, consist of the following departments:—

- (a.) A classical department.
- (b.) A scientific department.
- (c.) A training school department or normal class.
- (d.) An agricultural department.

Curriculum amended by Art. 4, Law 8, of 1893.

50. The course of study for the various departments of the gymnasium shall be framed by the Council of Docenten, subject to the approval of the curatorium.

Who shall be admitted as pupils.

51. Only those who have passed the entrance examination shall be admitted to the classes of the gymnasium, and such examination shall be founded upon standard 6 of the lower and intermediate education. The time and manner thereof shall be further fixed by the curatorium.

Who shall be admitted to the normal class.

52. Only those who are in possession of the diploma of the third class teachers' examination, shall be admitted to the training department (the normal class).

53. A beginning shall be made with instruction in the various departments, as soon as there are in the judgment of the curatorium, subject to the approval of the Government, a sufficient number of applicants for each of the respective departments.

When various departments shall begin instruction.

54. Instruction in the gymnasium shall be given by the rector, assisted by as many docenten in the various subjects, as the curatorium shall judge necessary subject to the approval of the Volksraad.

Teachers.

55. The rector shall be a graduate of a recognised European University.

Qualifications for rector.

He must be a man of proved capacity, of practical skill in higher education, be at least thirty years of age and be a member of a Dutch Protestant Christian Communion.

56. The rector and the other docenten shall be appointed by the Government on the proposal of the curatorium.

Appointment of rector and docenten.

57. The regulation of the work and the maintenance of order are entrusted to the Council of Docenten, in which all regular docenten shall sit, and of which the rector is *ex officio* chairman, with a casting vote, in case of an equality of votes.

Board of docenten.

58. The salaries of the respective docenten shall be fixed by the Government subject to the approval of the Volksraad. The salary of a special docent shall be calculated in proportion to the number of hours given by him.

Salaries of.

59. The number of teaching hours given by each docent may not be less than twenty in the week.

Minimum teaching hours for docenten.

60. It shall be the duty of all docenten of the gymnasium to deliver a quarterly report of their work and classes to the superintendent of education, who shall determine the form of such report together with the curatorium.

Quarterly report by docenten.

B. Provisions for Girls' High Schools. Amended by First Volksraad Resolution, 6th September, 1894, Art. 1605.

61. For the support and encouragement of high education for girls, the Government shall grant a quarterly allowance of forty-five shillings per pupil subject to the following provisions:—

Allowance to girls' high schools.

62. Where such a girls' high school is desired, and where the Superintendent of Education, in consultation with the Government, considers it desirable and necessary, a committee of seven shall be formed, in the same manner and on the same conditions as set forth in the articles for lower and intermediate education dealing with this subject, who shall make themselves responsible for the proper management of the school and the finances, subject

Committee for such school.

to the same provisions as those relating to lower and intermediate education.

Scope of
education.

63. Instruction in such a Girls' High School shall comprise.

- (a.) Bible and church history and ethics.
- (b.) The Dutch language and literature.
- (c.) The English language and literature, either or both.
- (d.) The German language and literature, either or both.
- (e.) The French language and literature, either or both.
- (f.) Arithmetic.
- (g.) Book-keeping.
- (h.) Physics.
- (i.) Natural history.
- (j.) History (general and Transvaal).
- (k.) Geography (general and that of South Africa).
- (l.) Domestic economy and sanitation.
- (m.) Plain and fancy needlework.
- (n.) Drawing and painting.
- (o.) Singing, including church music and music.

Dutch the
medium
instruction.

64. Of the number of subjects mentioned in the previous article at least eight shall be taught by means of the Dutch language, and those mentioned under *a*, *b*, *h*, *i*, *j*, and *l*, shall be so taught without option. Singing shall be taught by means of Dutch at least partially.

Who admitted
as pupils.
Amended by
Art. 5 law No.
8 1893.

65. No pupil shall be admitted to such a Girls' High School who has not passed the School Elementary Examination (School wedstrijd).

Lady prin-
cipal.

66. A lady principal shall be at the head of such an institution, who must be equal in rank to a first class teacher according to the programme of the Board of Examiners.

Appointment
of Lady
principal and
head teacher.

67. The lady principal and the other teachers shall be appointed by the School Committee itself, subject to the approval of the Superintendent of Education.

Inspection.

68. The Girls' High Schools, equally with all schools for Lower and Higher Education, are subject to the inspection of the Superintendent of Education or his deputies, the Inspectors of Schools.

General Provisions affecting Higher Education.

Length of
vacations and
how settled.

69. Vacations at institutions for Higher Education may not exceed three months in the year, and shall be, as far as the gymnasium is concerned, regulated by the superintendent in consultation with the curatorium of the gymnasium. The vacations for Girls' High Schools shall be appointed by the Superintendent of Education.

Provisions for a Board of Examiners.

Board of
Examiners.

70. The composition and powers of the Board of Examiners are defined by Law No. 13, 1886.

Special Provisions.

- 71.** The school hitherto known as Preparatory School, in connection with the existing gymnasium, remains the model school under the direct management of the Government, and supervised by the curatorium of the gymnasium, and shall as soon as a training department has been set on foot in connection with the gymnasium be brought into relation therewith. Model school as preparatory school.
- 72.** At the head of the model school shall be a head teacher, who shall be charged with the regulation of the work and the maintenance of order. Principal of model school.
- 73.** The head teacher as also the other teachers required for this model school shall be appointed by the Government on the proposal of the curatorium, subject to the approval of the Volksraad. Appointment of teachers by Government.
- 74.** An institute for the blind and deaf-mutes shall be established under the management of the curatorium of the gymnasium as soon as not less than ten applicants for either of the two divisions of this institute apply. Until such number has been reached, the already existing class for deaf-mutes, under the guidance of a teacher appointed by the Government, shall remain a portion of the model school. Blind and deaf-mutes' institute.
- 75.** The model school and the blind and deaf-mute institute shall be subject to the inspection of the Superintendent of Education or his deputies, the Inspectors of Schools. Inspection.
- 76.** All former laws and provisions in conflict with this Law are hereby repealed. Repeal clauses.
- 77.** This Law shall come into operation on the 1st January, 1893. Operation.

S. J. P. KRUGER,

President.

Dr. W. J. LEYDS,

State Secretary.

Government Offices,
Pretoria, 14th June, 1892.

AMENDED BY ART. 12, LAW 14, 1896.

ANNEXURE A.

Provisions, relating to Teachers' Good Service Allowance.

- 1.** The good service allowance mentioned in the law shall not be calculated solely by the teacher's period of service; but principally by the standard of his teaching, the manner in which he has discharged his duties, and by the general condition of his school, Good service allowance.

as such appear from the reports of the Superintendent of Education or the Inspectors of Schools.

Calculation of service if teacher out of a position.

2. If a teacher loses his appointment through no fault of his own, but immediately places himself at the disposal of the department of Education in order to obtain a new appointment, the time during which he has thus been out of an appointment shall be subtracted from his period of service, but his previous period of service shall not be considered to have lapsed.

How allowance calculated on promotion.

3. If a teacher is promoted to a higher appointment, he shall remain in receipt of the allowance which he already enjoyed in his previous appointment, until he has occupied his new post long enough to be able to claim the allowance attached thereto.

Conditions of receipt of allowance.

4. No teacher shall be taken to have a claim to any fee unless the following results were obtained at the last inspection of the school.

For lower education.

(1.) Elementary Education : 60 per cent of the total of the pupils must have passed each in his own standard, and at least 40 per cent. of the pupils of standard 3, must have been approved for standard 4^[1].

For intermediate education.

(2.) Intermediate Education : 60 per cent. of the total of the pupils must have passed, each in his own standard and at least 40 per cent. of the pupils in standard 5, and 6, must have complied with the requirements appointed therefor^[2].

Scale of good Service Allowance.

Scale of good service fees.

1. Elementary Education : (a) Head Teachers, after three years' service, £10, after ten years' service, £15, after fifteen years' service, £20. (b) Assistant Teachers, after three years' service £5, after ten years' service, £10, after fifteen years' service, £15.

2. Intermediate Education : (a) Head Teachers, after three years' service, £25, after ten years' service, £37 10s., after fifteen years' service, £50 ; (b) Assistant Teachers, after three years' service, £15, after ten years' service, £22 10s., after fifteen years' service, £30.

N.B. Wherever the word teacher is used in the above provisions the provisions of Art. 40 of this Law apply.

¹ Amended by F.V.R.R., 8th September, 1894.

² Amended by F.V.R.R., 8th September, 1894.

LAW No. 9, 1892.

LAW ON POST OFFICE SAVINGS BANKS.

(Approved by Resolution of Second Volksraad, Art. 221, dated 20th May, 1892, noted and accepted by First Volksraad, Art. 359, dated 2nd June, 1892.)

WHEREAS it has appeared necessary to provide facilities for the inhabitants of this State to deposit their savings in a safe and profitable institution, and thereby advance diligence and thrift, and judging that such an institution can be established under control of the Postal Department, it is hereby determined and enacted as follows:—

1. The Post Office Savings Bank of the South African Republic shall be under the management in chief of the Postmaster General, and further under the management of a Controller, who shall be charged with the control of the receipts and payments, and the general administration connected therewith.

Management
of Post Office
Savings Bank.

2. The Postmaster General shall, in consultation with the Government of the South African Republic, establish Post Office Savings Banks at such places in this State as he may deem necessary, and may at the same time commission such Postmaster, or other postal officials as he may deem fit, to receive deposits for transmission to the General Post Office, and to pay out withdrawals to depositors, under such conditions and regulations as shall from time to time be laid down by the Government of the South African Republic, and published in the *Staatscourant*, which conditions or regulations shall be binding for depositors, just as if they constituted part and portion of this law.

Branches.

3. Any payment or deposit received by any official of the Post Department, appointed for that purpose, shall be immediately entered by him in the "Deposit Book" of the depositor, and such entry shall be signed by such official, and an impression of the date stamp of his office affixed thereto, and such signed and stamped entry shall be sufficient evidence of any payment or deposit.

Deposit book.

4. Deposits from one shilling, or any number of shillings, or pounds and shillings, shall be received from any depositor at any Post Office Savings Bank, established as aforesaid, provided that not less than one shilling, nor more than £25 be deposited in the course of one day, or not more than £100 in one year, "reckoned from 1st January to 31st December" by one person, and provided the whole amount to the credit of any one person does not exceed £300, exclusive of interest. As soon as the capital with the interest together make up an amount of £400 no further interest shall be paid or added, as long as the amount stands at £400.

Deposits.

5. The interest payable to depositors shall from time to time be fixed by the Government of the South African Republic, but shall not in any case be more than five per cent. per annum; such

Interest.

interest shall be computed only on full pounds, or the multiples thereof, and only as and from the first day of the month, following on that in which the payment shall take place, and shall cease to be computed on the first day of the month in which the sum in respect of which it runs shall be withdrawn.

No interest shall be paid if an amount has not been deposited during at least three months.

How interest is computed.

6. Interest on deposits shall be computed up to the 31st December of each year and shall then be added to the capital sum and form part thereof, unless the whole amount standing to anyone's credit shall have been withdrawn with interest in the course of the year, in which case the interest shall be calculated up to the first day of the month of withdrawal, and paid out.

Declaration and certificate.

7. Each depositor shall, in making the first deposit, mention his full name, calling and place of abode to the official who receives the deposit, and shall hand in a declaration bearing his signature, in the form which is attached to this law as Schedule A. The official who receives the deposit shall also sign such declaration as a witness, or it shall be signed in the presence of a Landdrost, Justice of the Peace or Minister. If the person who makes the payment or deposit, can not write, he shall affix his mark and such affidavit shall then be signed by at least two witnesses, to one of whom the depositor must be known.

Books of account.

8. The Controller shall keep separate accounts and books of all the monies received and paid out under and by virtue of this law, and as soon as it appears to the Postmaster General that there are monies which ought to be invested, he shall convene a meeting of a Commission, consisting of the Treasurer General, the Auditor General and himself or the Controller of the Post Office Savings Bank, in order to consult as to the manner in which such money is to be invested, and at what rate of interest.

Minutes of their meetings shall be regularly kept.

Upon any resolution as to the investing of money, such resolution shall first be approved of by the Government. The investment of monies shall be so arranged, that the amount may be reclaimed upon short notice.

The Government, if it wishes to borrow money, shall have a preferent right so to do.

In case a repayment has to be made, after such investment, and there are not sufficient funds on hand in the Treasury of the Post Office Savings Bank, a temporary advance from the State Treasury shall be made disposable for that purpose.

Profits.

9. Any profit made by the Post Office Savings Bank Department shall, after the books for the last preceding year are closed off and the balance sheet revised and approved of by the Auditor General, be paid into the State Treasury as a source of revenue.

Withdrawals.

10. If the depositor, or anyone thereto duly empowered by him, applies on a form to be prescribed for that purpose, for the

repayment of any deposit or portion thereof, the order to pay out shall, as speedily as possible, be sent by the Postmaster General to the depositor, who, upon receipt thereof, can receive the amount.

11. No official employed in the Post Office Savings Bank Department shall give any information whatsoever to anyone concerning any account in the Post Office Savings Bank, unless he shall first have obtained the written authorisation thereto of the Postmaster General, or Controller of the Post Office Savings Bank, save only to a depositor with regard to his own account at the office where such depositor has paid in money. Secrecy.

Nothing contained in this Law, shall, however, preclude the Auditor General, or any other person whom the Government shall appoint for the purposes of inspection, from demanding any information.

12. Deposits may also be made by or for the benefit of persons under 21 years old, and repayments can be made to minor depositors, provided that they are over seven years of age, and that they have made the deposits themselves. Deposits by minors.

In cases where the moneys are deposited for children under seven years by their parents or guardians, such moneys may be withdrawn only after such minors shall have attained the age of seven years, and with the written consent of the parent or guardian, who shall sign the receipt together with the minor.

13. Any Post Office official shall be entitled, under authority of the Postmaster General, or the Controller of the Post Office Savings Bank, to pay out to any married woman, or to any woman who may become married after any deposit or deposits have been made by her, the amount of the deposit or deposits made by her. Married women.

14. All depositors' accounts (save deposits made by minors), which remain unaltered in the books during a term of seven or more years, whether by reason of no further deposits being made, or no withdrawal of moneys taking place, (the addition of interest not being allowed to affect the question), shall be closed off, and the amount thereof be transferred to a separate account in the books under the heading of "Unclaimed Deposit Fund," and thenceforth no further interest shall be reckoned thereon. Such amount, shall, however, be paid out to the persons entitled thereto, after application has been made therefor in the ordinary way. Accounts not operated on are closed after seven years.

15. The Postmaster General shall do everything in his power to prevent fraud, and shall, through his subordinates, always endeavour to ascertain beforehand whether the person who applies for payment, and produces the deposit books, is really entitled thereto, but in case it should happen that any person with a fraudulent object should represent himself to be a depositor, send in the notice of withdrawal of the deposit, and, thereafter, upon production of the deposit book, and after having complied with all the rules, receive Government not liable for frauds.

the money, the Postmaster General or Government shall not be responsible for the money.

Trustees,
executors, &c.

16. Should any dispute arise between the Postmaster General and a depositor in the Post Office Savings Bank, or any executor, administrator, or next of kin of such depositor or any trustee, acting on behalf, or in the name of any depositor, who shall have been declared insolvent, or any person representing himself to be next of kin, executor, administrator, or trustee of a depositor, or a person representing himself to be a depositor, the matter in dispute shall in any such case be submitted in writing to the summary decision of one of the Judges of the High Court, and such Judge shall enquire into the case and give his decision, which decision shall be final and binding on both parties.

Nothing shall, however, prevent the Judge from making such order as to further enquiry or conduct of the case as he shall deem fit or judge necessary.

Government
may not
deduct any
claims against
depositor.

17. No deposit made under the provisions of this Law shall be used by the Government of the South African Republic to cover any claim or demand which it has or hereafter may have against any depositor, whether for taxes or otherwise.

Yearly return
of deposits
and repay-
ments.

18. A yearly return of all deposits and repayments made under the provisions of this Law, and of the costs incurred in conjunction with the administration of the Post Office Savings Bank, together with a statement of the total amount to the credit of depositors at the end of the year, shall be laid before both Volksraads at the commencement of their yearly meetings, or within at least fourteen days thereafter.

Operation.

20. This Law shall come into operation on the 1st January, 1895.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 31st July, 1893.

SCHEDULE A.

Deposit Book , G.P.O.
No. S.B. 1.

DECLARATION OF DEPOSITOR.

UPON FIRST DEPOSIT BEING MADE:

I, [full name,] residing at [residence and calling] hereby declare to the Postmaster General, that I am desirous on my own behalf of becoming a depositor in the Post Office Savings Bank. I declare that I am neither directly nor indirectly entitled to any sum or sums of money standing in the books of the said Post Office Savings Bank, either in my own name or in the name of any other person or persons; and I

hereby agree that my deposit shall be administered in the said Post Office Savings Bank in accordance with the Laws and Regulations thereof.

Given under my hand on this the _____ day of _____, 189 _____.

Signed by the said depositor
In my presence.

If the depositor cannot write, the certificate on the other side hereof must be filled in and signed by two witnesses above the age of 16 years.

If the amount is deposited for the benefit of a minor, under the age of seven years, this declaration shall be signed by one of the parents or guardians on behalf of such minor.

The date on which such minor shall have attained the age of seven years shall be here inserted.

“Seven years old on the _____ day of _____, before which date no deposit may be withdrawn.”

CERTIFICATE.

We, the undersigned, hereby certify that the declaration printed on the other side hereof was read out in presence of the depositor and ourselves, and that the depositor declared that he understood the same.

Signature.
Calling.
Signature.
Calling.

LAW No. 10, 1892.

AMENDMENT OF LAW No. 4, 1883.

(Approved and enacted by Resolution of the First Volksraad,
Art. 424, dated 11th June, 1892.)

WHEREAS it has appeared that the collection of the amounts, with fines, &c., for Land Grants, which have not been taken out by the persons for whom the ground was inspected, cannot be effected under Art. 5 of Law No. 4, 1883, it is hereby enacted and provided as follows:—

1. Article 5 of Law No. 4, 1883, is hereby amended as follows:—

“After the lapse of the nine months mentioned in Art. 2, the collection of the amounts due, with fine and the costs of the special inspection, shall be effected in the same way as is provided by Law No. 10, 1885,^[1] relating to direct taxes against the persons for whom the properties were inspected.”

Parate
Executie.

2. This Law shall come into operation on the 1st January, 1893.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
14th June, 1892.

¹ See now Law No. 11, 1896.

LAW No. 11, 1892.

RULES AND REGULATIONS FOR THE LANDDROST COURTS IN THE SOUTH AFRICAN REPUBLIC.

(Approved and confirmed by Resolution of the Second Volksraad, Art. 467, dated 13th June, 1892, noted and accepted by the First Volksraad, Art. 558, dated 27th June, 1892.)

Sittings of Court.

1. The Court of Landdrost shall sit every day from 1st April to 30th September, from 10 to 3, and from 1st October to 31st March, from 9 to 2 o'clock, "Sundays and public holidays excluded," in so far as the business of the Court may necessitate it, and at all times with the right of adjournment.

Jurisdiction.

2. The jurisdiction of the Landdrost Court shall be from time to time fixed by law.

Acting-Landdrosts.

3. Where the Landdrost is absent from the chief town of his district, or for any other reason is unable or incompetent to sit, the official immediately under him shall, unless other provision is made by the Government, forthwith act as Acting Landdrost for the time being.

Appointments by wire.

4. In case the circumstances demand it, an appointment as Landdrost or Acting Landdrost, or to any other position in the office of a Landdrost, may be made by wire from the State Secretary on behalf of the State President, but the appointment shall as soon as possible be published in the usual form in some issue of the *Staatscourant*.

Provisional interdicts.

5. Where the Landdrost grants an interdict or arrest, which according to law is only provisional and subject to confirmation by the High Court or a judge of that Court, he shall only do so in very urgent cases, and the Registrar of the Landdrost Court shall be bound forthwith to transmit duly certified copies of such provisional interdict or arrest, and the documents whereon it is granted, to the Registrar of the High Court at Pretoria. Such copies must be supplied gratis to the Registrar of the Landdrost Court by the applicant or his agent who has obtained the interdict or arrest.

Roll book.

6. The registrar of the Landdrost Court shall keep a roll-book in due order, wherein he shall note the name and the number of each case, the proper date, the nature of the claim, the agents or attorneys of the parties, the day of hearing, and further, such remarks as may be deemed necessary.

Demand.

7. No one shall be summoned to appear before the Landdrost Court unless a proper letter of demand in writing shall have been addressed to him by the plaintiff or his agent. Such demand shall be personally delivered or transmitted through the local post office by registered letter.

8. Every person shall be entitled to assume the conduct of his own case; he may also authorise an admitted attorney or agent by power of attorney so to do. Conduct of case.

9. An advocate may also appear in the Lower Court, provided that he is instructed thereto by an admitted agent or attorney. Advocates.

10. The summons shall contain a concise and succinct statement of the nature of the plaint and the claim, and shall be signed at the foot thereof by the registrar and the plaintiff, or his agent, and have their address endorsed thereon, and shall then be handed over by the plaintiff or his agent to the messenger of the Court, together with the copies referred to in Art. 11, whereupon, if the matter is not settled, the registrar shall note the case in the roll-book. Summons.

The form of the summons shall be, as nearly as possible, in the form as shown in the Annexure A.

11. In serving the summons, of which the messenger of the Court shall be obliged to have the original with him, he shall hand the defendant a copy of the said summons, as also copies of the documents or accounts on which the claim is based, or in the absence of the defendant, the said copy and the said copies of the documents and accounts aforesaid shall be left at his dwelling-house or place of residence in the hands of one of the household or inmates, or, if these cannot be found, or refuse to accept the same, then by posting the copy or copies of the summons on the door or the window of the house, at least 48 hours' prior to the time fixed in the summons for the defendant's appearance, where the latter resides within a distance of six miles, or one hour on horseback from the place where the Court is to sit; but if the defendant resides at a greater distance, one day in addition shall be granted for every additional twelve miles. Service of summons.

12. If the person who is summoned has chosen *domicilium citandi* within the town or the village where the Court is to sit, the service of the summons shall be effected at the domicile so chosen. *Domicilium citandi.*

13. No one may be summoned to appear as defendant in the Landdrost Court, except only in the district wherein he resides, or if resident in another district with reference to landed property situate in the district in which the summons is issued, unless in one or other special case it is otherwise provided by law. Ditto.

14. Where the defendant has his place of residence within the jurisdiction of a certain Landdrost Court, and is temporarily absent, or beyond the limits of the country, a copy of the summons shall be sent to him immediately after the issuing of the summons per registered letter. Where, however, the address or place of abode of such absentee is unknown to the plaintiff, the messenger shall affix the summons to the door of the Court, and the Where defendant is absent.

summons shall be published at least once in the *Staatscourant* not less than six weeks before the day of hearing.

Defendant
out of the
State.

15. If the defendant is beyond the limits of the State and his temporary abode is known, a reasonable time shall be allowed him to make his appearance.

Syndicate.

16. Where two or more persons, or members of a syndicate are cited together in one summons, the same shall be served on each of them in the manner hereinabove set out, save in the case of married persons not separated either *a mensa et thoro* or in respect of their goods. When the names and addresses of members of a syndicate are unknown to the plaintiff and the secretary, manager or any member thereof to whom the names and addresses of the remaining members are known, refuses to give the plaintiff information with reference thereto, an order may be obtained from the Landdrost Court obliging such secretary, manager, or member to furnish the plaintiff with a list of the names and addresses of the members of such syndicate.

17. Further, all summonses and all other services shall be effected in the following manner:—

Service.

(a.) With regard to local boards (administrations), public institutions or charitable or religious corporations (in so far as not otherwise provided by law), at the place where the administrators of the same meet or have their office, on the secretary or the head of the administration, or if neither of these can be found, by affixing the process to be served to the door of the said office, or if no office can be found, the service shall be effected at the residence of the secretary or the head of the administration, by way of affixing as herein-above set out.

(b.) With regard to a partnership at its joint office, and if there is none such, on one of the partners in person or at his residence; and after dissolution of the partnership, where there are liquidators or trustees, on one of such liquidators or trustees in person or at the dwelling of one of them.

(c.) With regard to trustees of insolvent estates, executors, curators, or guardians of minors, and suchlike persons, personally or at the office of one of them.

Sundays, &c.

18. No service of a summons shall be made on a Sunday or public holiday; and no service of a summons shall be made more than one hour before sunrise or more than two hours after sunset.

Messenger
return.

19. The messenger of the Court shall write the return of what has been done by him in respect of the summons at the foot, or on the reverse side thereof, or on a piece of paper attached thereto, and shall subscribe the same, specifying the hour, day, month, or year, and the manner of, or the person on whom, and the place

where the service was effected, as also, if possible, specifying the distance of such place from the Court-room; and he shall thereafter return the summons to the Registrar.

If the defendant cannot be found, or the summons cannot be served, a return must be made to that effect.

20. The return of the messenger is accepted as correct, reserving the right to the parties to prove that the same is incorrect. Return.

21. If a service be declared void through the fault of the messenger, he may, at the hearing of the case, be condemned in the costs of the service, and of the proceedings thereby vitiated; as also to make good the damages and loss of the party, according to circumstances. Void service.

22. On the day fixed for the appearance of the parties, "unless the case be withdrawn," the Registrar shall call up the parties, and when they appear in person or by an agent, he shall record it. Thereupon he shall read out the summons and record any exception or the answer of the defendant; and where the defendant has a counterclaim, the Registrar shall also record it. Appearance.

23. In case the parties do not appear the case shall be struck off the roll, and such non-appearance shall be recorded, except the Court thinks fit to postpone the case. In the event of a case being struck off the roll, a new summons shall be taken out. Non-appearance of parties.

24. If the plaintiff does not appear on the appointed day, nor anyone on his behalf, but the defendant does, the defendant shall upon his request be absolved from the instance, with condemnation of the plaintiff in the costs incurred, unless it appears to the Court that valid reasons exist for postponing the case, or for making any such other order as may seem just in the circumstances. Non-appearance of plaintiff.

25. In the event of absolution from the instance being granted, the plaintiff may not take out a fresh summons until the taxed costs of the defendant, in the case wherein absolution from the instance was given, have been paid to the latter. Absolution from the instance.

26. The defendant, in whose favour a judgment of absolution from the instance is granted, shall be obliged to have his bill of costs taxed within one month after such judgment, and to claim payment thereof from the opposite party. If he does not do so, the plaintiff shall be entitled to take out a fresh summons against him. Effect thereof.

27. If, on the day of trial, the plaintiff appears, but not the defendant, nor anyone on his behalf, the defendant's name shall be called out loudly three times by the messenger in front of the door of the Court, and if the defendant still does not appear, and it appears from the return of the messenger that he has been duly summoned, then, unless sufficient reasons appear to the Court to grant a postponement, or to make any special order with such decree as to costs as to the Court may Non-appearance of defendant.

appear reasonable, the Court shall proceed with the hearing of the case in the manner as further provided in these regulations.

28. If the defendant appears and makes a defence, the Court shall have the power to postpone the case upon request made. Where a case is postponed *sine die*, whether at request of the parties or by the Court, the party who wishes to place such case again on the roll shall give the other party at least 48 hours' previous written notice thereof.

29. If the defendant excepts, the exception or objection shall be first dealt with, and the leading of evidence, "if there is any," shall be first proceeded with on the part of the excipient, and thereafter on the part of the other party.

30. The Court may at any time in the course of the case, on request of either plaintiff or defendant, amend the form or substance of the summons, or any other pleading, should it clearly appear that any error or defect occurs therein, provided that neither of the parties is materially prejudiced thereby.

31. The plaintiff is allowed to reply specially to the exceptions, defences or other proceedings instituted by the defendant.

32. When the pleadings are before the Court, evidence shall be read, the Court having the right to recall any witness, or to allow one of the parties to again call witnesses to rebut the evidence of the other party on points which have arisen during cross-examination of the witnesses of such other party.

33. Unless the onus of proof lies on the defendant, the plaintiff shall first submit his proofs, and cause his witnesses to be duly called by the messenger of the Court and sworn, and thereafter the defendant shall produce his proofs and witnesses in the same way.

34. Any witness, who for good reasons refuses to take an oath, shall none the less be permitted to give evidence of the truth under solemn promise that he will speak the truth, and such solemn promise shall be of the same force and effect, as far as concerns the punishment in the event of perjury, as if the witness had taken an oath.

35. The witness shall take the oath, and any witness, who declares that according to his religious convictions, it is not permitted to take an oath, shall affirm as follows:—

I swear, (or I declare solemnly that according to my religious convictions, it is not permitted to take an oath, and I solemnly affirm,) that my evidence before this Court shall be the truth. So truly help me God Almighty. (Or, that I affirm).

36. If it appears to the Landdrost, during the hearing a case, that a witness is not speaking the truth, he shall have the right to order the immediate arrest of such witness, of which arrest the

Registrar shall immediately give notice to the representative of the State Attorney, who shall be obliged to proceed with the case within 48 hours, in default whereof the arrest shall be provisionally suspended.

37. The witness shall be examined by the party who calls him, and then by the opposite party; then again by the first named party on points raised by the cross-examination of the opposite party; and thereafter there shall be no further examination or cross-examination or re-examination, unless by leave of the Court. The Court has the right to examine and recall witnesses.

Examination.

38. The Court may, on request of one of the parties during the hearing, order that all or some of the witnesses shall leave the Court-room until they shall be called up.

Witnesses ordered out of Court.

39. Where a witness being duly subpoenaed does not appear, and it shall appear to the Court, upon oath of the party or his agent, who has taken out the subpoena, that he is an important witness in the case, the Court may postpone the case or otherwise examine the witnesses present and postpone the further hearing of the case to another day; and the Registrar shall record the same in the minutes of the Court.

Non-appearance of witness.

40. Where anyone having been duly subpoenaed to give evidence in any case, and a reasonable payment having been made or tendered for his travelling expenses, shall refuse or neglect to appear or to give evidence, he shall, unless he has a valid excuse, be mulcted in a fine not exceeding twenty pounds, and, upon non-payment, may be imprisoned for a period not exceeding thirty days, in addition to his obligation to make good the damage which he may have occasioned by such default to the party who has subpoenaed him.

Penalty for non-attendance of witness.

The Court may, for substantial reasons, relieve any witness who has been fined, from any fine inflicted upon him.

41. Where by reason of extreme age, or dangerous sickness, or other impediment, it is impossible for a witness to appear before the Court to be examined there, it shall be lawful for the Court to have such witness examined outside the Court, subject to such conditions as the Court may deem fit, in order to assure itself of the accuracy and genuineness of the evidence, but always after due notice to the parties.

Commission *de bene esse*.

The Court may likewise appoint a commission, where it appears that such evidence will otherwise be lost, before the case already commenced shall be able to be heard.

42. After all the evidence has been heard, the plaintiff, or his agent shall argue the case from his side: thereafter the defendant or his agent: thereafter the first named party: and again the second named party, if the Court gives leave thereto, but only in respect of new points raised by the other party.

Order of arguments.

Record.

43. The Registrar shall keep a proper record of all the proceedings and judgments in any case, he shall also duly mark any document which is put in and shall duly note such mark in the record: he shall in like manner mark each document which is tendered as evidence, but which has not been admitted as such by the Court, and shall provisionally place it with the records of the case.

Proceedings
in open Court.

44. All proceedings shall take place, and all judgments or verdicts of the Court, shall be given in open Court, with enumeration of the reasons on which they are based. The Court shall however have the right, in the interest of public order and morality, to order a case to be heard with closed doors.

Leave to
intervene.

45. In case any person has an interest in a lawsuit between other persons, he may apply for leave to intervene, or be ordered to intervene either joining with or being substituted for one of the original parties, or he may apply for leave to defend instead of the original defendant: and the Court, after hearing the petition, as also the parties with reference thereto, may make such order as the circumstances may require.

Decease of
one of the
parties.

46. In case one of the parties dies or becomes incompetent to proceed with the case, the case shall be stayed until such time as the executor, trustee, guardian or other competent person is appointed, or until the incompetency has ceased to exist.

Roll.

47. Upon the day of hearing, the Registrar shall call up the cases in the order in which they are placed on the roll, unless the Court finds fit to direct otherwise.

Cases
standing
over.

48. If a case, placed on the roll for a certain day, cannot be heard on such day, it shall stand over until the cases which precede it are disposed of, or to such other day as the Court may direct, and a partially heard case may in like manner stand over.

Security.

49. If the plaintiff is not domiciled in this State, or is declared insolvent, the defendant may require him to find security for the costs of suit, before the case is proceeded with. So also may security be demanded in the case of a claim in re-convention.

Costs.

50. The party, against whom the decision is given, shall, as a rule, be ordered to pay the costs, but the Court may for sufficient reasons make any other order as to costs. Such reasons shall be then and there stated in writing.

Taxation.

51. All bills of costs shall be taxed by the Registrar according to tariff and the Court may allow such other and unavoidable costs as are not provided for in the said tariff.

Any party who objects to the Registrar's taxation, may bring the same free of charge into revision before the Landdrost, and the latter's decision may be brought into revision by way of application before any competent Court of Appeal, after due notice to the opposite party.

52. In cases where practitioners are admitted, the fees and disbursements accruing to them according to tariff are included in the judgment as to costs, unless the judgment itself expressly states the contrary. Costs.

53. Where the Court is of opinion, that more witnesses have been subpoenaed by a party than were necessary, the Court may order that the losing party shall only in part bear the costs of witnesses. Witnesses.

Nothing shall be allowed for a witness not called, except there were reasonable grounds to suppose that he would be an important witness in the case.

54. If a witness be subpoenaed in more than one case heard, or to be heard on the same day, he shall only be entitled to witness expenses as if he had been subpoenaed in one case, and his expenses shall be equally apportioned as between such cases. Witness expenses.

55. Where two or more summonses or subpoenas, whether at the instance of one or more plaintiffs, shall have been served, or in the opinion of the Court ought to have been served, upon one and the same journey, the costs of horse hire shall be equally and in proportion to the distances apportioned as between the different cases. Costs of service of two or more summonses on same journey.

56. The Court may, upon application made and submission of proof of poverty, grant leave to any person to substitute or defend an action free of costs, "*pro deo*," and to that end may charge one of the agents or attorneys practising in such Court with the conduct of the case. *Pro deo* suits, &c.

57. Persons, who proceed "*pro deo*," shall be exempt from the payment of stamps, charges and fees, but where they prove to be the winning parties at the hearing of the case, the value of charges, stamps and fees which according to law should have been paid, shall be recoverable from them when received from the losing party, and the Court shall in its judgment frame its order accordingly. When fees recoverable.

58. The party in whose favour any judgment or decision shall be given, may through the Registrar of the Court take out a writ of execution against all movable property, and in cases provided for by the local law, also against the immovable property of the debtor, unless appeal shall have been noted. Writs of execution.

59. Where in any case appeal shall have been noted, the appellant shall, unless he satisfies the judgment, be bound to give security for the payment of the debt with costs, in case the judgment should be either wholly or in part confirmed in appeal, and Appeal.

where no appeal is noted, or being noted, no sufficient security is given, the execution of the judgment shall not be stayed.

Writs.

60. The writ of execution shall be issued and signed by the Registrar of the Court, and shall be directed to the messenger of the Court.

The writ shall be issued as nearly as possible in the form of Annexure C.

Alternative judgments.

61. If an alternative judgment is given, ordering the party against whom directed to do something, or else to pay a definite sum of money, the other party may, if the judgment is not complied with in either respect, only take out a writ in respect of the sum of money for which judgment was given, by leave of the Landdrost, after filing affidavit that the judgment has either not at all, or only partially been satisfied.

Super-annuation of judgment.

62. After lapse of twelve months, calculated from the day that judgment is pronounced, no writ of execution may be issued, but the judgment shall first be revived, upon a fresh citation issued against the debtor for that purpose, but in that case no new proofs of debt shall be required.

Writs of execution once issued remain of force and a judgment may be executed under the same at any time, without having to be revived, until such time as the judgment shall have been satisfied.

Execution in other districts.

63. A writ of execution issued by the registrar of one district against the goods of any person, may be executed in another district, where any goods of the debtor are to be found, but such judgment or writ of execution shall be first confirmed and handed over to the messenger of such other district by the Landdrost of that district. Such writs shall be sent over by the one messenger to the other for execution.

Edict.

64. In all cases where it may be necessary to sue anyone by edict, the plaintiff shall be obliged first to apply to Court for leave so to do, and if such is granted, the Court, taking the circumstances into consideration, shall determine the manner in which the summons is to be served, as also the date of appearance. The summons with annexures belonging thereto shall be served in the manner fixed by the Court, but in case no appearance shall be made by the defendant, judgment shall not be given against him, unless a sworn declaration shall be made, or handed in to Court, to the effect that reasonable and proper efforts have been made in order to serve the summons on the defendant personally.

Execution judgments on appeal.

65. All judgments, or decrees of any High Court pronounced in appeal, or by way of revision, shall be executed under writ of the Lower Courts in the same manner as in the case of any original judgment or decree of the Lower Court, provided that such judgment of the High Court be produced to the Landdrost.

66. In all provisional cases, “*namptissement*” the writ of execution shall also contain the command that the party in whose favour it is issued, shall give security “*de restituendo*” in case such provisional sentence may be altered or cancelled by final decision, which security shall, however, not be required by the messenger, unless demanded by the defendant.

Writs in provisional sentences.

67. Upon receipt of an order or writ of execution, the messenger shall, within twenty-four hours, proceed to the dwelling or abode of the person against whom it is issued, in cases where the same may be in the town or village in which the Court held its sitting, or within forty-eight hours, where such person lives beyond the limits of such town or village, but within a distance of five miles, or if residing at any greater distance, then within as many days as are calculated according to distance in the case of a summons, and then and there demand payment of the debt or damage, with the costs, or otherwise demand that such goods be pointed out, as the messenger shall consider sufficient for the satisfaction of the said writ, which request being complied with, the messenger may attach the same, but in case of a refusal, the messenger shall immediately attach so much movable property belonging to the debtor as he may find and shall deem sufficient; but in case the writ shall point out any special goods for attachment, he shall attach the same first.

Messenger's duty.

68. The person against whom the writ is executed shall be obliged to point out sufficient realisable assets, if he possesses the same, to satisfy the judgment. If he declares to the messenger of the Court or his lawful substitute that he possesses no property, or not sufficient, or shall not point out the same, although actually possessing such, he shall be subject to a fine not exceeding £50, or in default of payment, to imprisonment for a period not exceeding six months, with or without hard labour.

Penalty for concealing assets.

69. Unless the owner points out the same for execution, execution may not be levied:—

Goods exempted from execution.

- (a.) On the necessary bed or beds and bedding or clothes of the persons against whom the execution is levied, and of their children.
- (b.) On the equipment of persons according to the Military or Commando Law.
- (c.) On the tools of tradesmen and workmen, or the tools necessarily used in the cultivation of land, in so far as the same do not exceed the value of £25.
- (d.) On the supply of food and drink in the house, sufficient for the needs of the family during one month.
- (e.) On books, documents or instruments of any professional persons, except in so far as they may not (*sic*) exceed the value of £25.

70. The messenger of the Court shall prepare and sign a list of the goods attached by him, carefully describing the same, and

List of Goods attached.

stating, so far as possible, the number, weight and measure of the same, according to the nature thereof.

Copy of
Inventory.

71. The messenger of the Court shall give a copy of the said list or inventory, signed by him, to the debtor, but should the latter refuse to receive the same, the messenger shall post the copy against the house or leave it on the ground.

A notice shall be attached to the said inventory according to the form as per Annexure F.

Security.

72. Where the person whose goods are taken in execution is willing to give security that the same will be produced on the day of sale, such security (if sufficient) shall be accepted, and in such case the messenger shall not remove the said goods. The deed of security shall be as nearly as possible in the form of Annexure D.

Care of
attached
goods.

73. Where the debtor does not give sufficient security in terms of the last preceding rule, the messenger may remove the goods attached to any convenient place for safe keeping, or hand the same over to the plaintiff for safe keeping, provided he gives security, or if live stock is attached, or goods which cannot be conveniently removed, he may leave the same at the place where they are until the day of sale, under protection and in charge of the plaintiff under security as aforesaid, or in charge of any suitable person or persons thereto appointed by him, the messenger, upon his own responsibility.

Messenger
may break
open doors.

74. If the messenger finds the doors of the debtor's house locked, or if admission thereto or the opening of any room or piece of furniture is refused him, or if no one can be found who represents the debtor, the messenger may, if he feels himself obliged to do so under the circumstances, open the doors and the furniture, and in that case use force for the purpose; and in case of opposition, the person who offers it shall be liable to prosecution for contempt of court, which contempt of court shall be punishable by a fine not exceeding £50, or, in default of payment, by imprisonment, with or without hard labour, for a period not exceeding three months.

In respect of what is thus done, the messenger shall make a due return upon the writ.

Ready cash.

75. Where ready cash is found whilst the attachment is being made, the number and kinds thereof shall be specified, and any papers which are attached shall be duly specified, and in both cases shall be sealed up and conveyed to the town or village where the Court holds its sittings.

Caretaker.

76. The caretaker may not use, let or lend the attached goods, nor permit them to be used, let or lent, nor may he in any way do anything which will decrease the value of the attached goods, on pain of forfeiture of his remuneration, and of having to make good the damage and loss.

77. If the goods attached shall have produced any profits or income, the messenger shall in like manner, as is provided in the preceding rule, be responsible therefor. Increment on goods attached.

78. The messenger shall see that all orders and writs placed in his hands by the Court, are served and executed in the best advised manner, and he shall in all matters proceed with calmness and discretion. Messenger's duty.

79. Where any one shall have removed, or have disposed of, any attached article as above in any secret or fraudulent manner, he may be apprehended and placed in gaol under writ of the Landdrost, or Justice of the Peace, and prosecuted according to law. Wrongful removal of goods attached.

80. In case any third person alleges that he is owner of, or entitled to any of the attached goods, or any portion of any such goods, alleging that the same are not subject to execution, he shall immediately have notice thereof served on the execution creditor, fixing a day on which the latter shall appear to show cause why the opposition to the execution shall not be declared valid, and whether the goods are subject to execution or not; and upon the appointed day the enquiry into the matter shall be dealt with just as in the case of a lawsuit, the parties having also the right to subpoena the necessary witnesses. Third party claiming goods.

81. If the writ is executed in another district to that in which the judgment was given, this enquiry shall be held in the district where the goods are situate, provided always that with consent of parties the Court may refer the enquiry to the district where judgment was given. Writs executed in other districts.

82. The sale of any goods attached as aforesaid shall be effected by public auction by the messenger, or his approved deputy, except where it may be otherwise determined by law, and the goods shall be knocked down to the highest bidder against cash payment. Such a sale shall be held at or near to the place where the goods were attached, as may best be arranged, and the messenger shall advertise the sale which is to be held in the *Staatscourant*, and by posting a notice on the office door, on the door of the house or other public place near the house, or the place where the sale is to be held, at least ten days prior to the sale, where the judgment does not exceed the sum of £15 (fifteen), exclusive of costs, and at least three weeks where it does exceed this sum, and the day of sale shall, in the former case, not be fixed within fourteen days, and, in the latter case, not within three weeks, reckoned from the day that the goods shall have been attached. Sale of goods attached.

No officer executing a judgment shall either directly or indirectly be a purchaser of such goods.

83. [Repealed by Law No. 3, 1895.]

84. Where the Court has given judgment against a defendant, and it appears from the return of the messenger, or the declara- Payment of instalments by defendant.

Civil
imprisonment.

tion of the plaintiff, or some other person, that he has no goods, or not sufficient to cover the judgment, and if it further appears from proof furnished to the Court, that the defendant has employment and earns sufficient thereby, to enable him to pay off the plaintiff in instalments, it shall be free to the Court to order the defendant to pay off the plaintiff, on account of the judgment, a certain portion to be fixed by the Court, either weekly or monthly, until the whole judgment shall be complied with. If it is proved that the defendant neglects to pay the plaintiff according to the order of Court, the plaintiff may file an application to the Landdrost calling upon the defendant to show cause why he should not be civilly imprisoned, and if it appears that he has wilfully disregarded the order of the Court, he may be civilly imprisoned for a period not exceeding six months, and such further order may be made as to payment of the judgment and costs of maintenance by the plaintiff as the Court may deem fit. Such imprisonment may, upon application, coupled with proof of supporting facts, be renewed.

Noting
appeal.

85. The party against whom a final judgment shall be given shall, if he intends to appeal against it, note such appeal with the Registrar within eight days after such judgment or decree shall have been given.

The Registrar shall record the noting of such appeal, and the appellant shall immediately deposit in his hands security for the costs of appeal.

Where appeal has been noted in any case, in case the amount of the judgment, exclusive of costs, exceeds the sum of £15, the appellant shall be obliged to give security to the satisfaction of the Landdrost for the payment of the debt with costs, in case the judgment shall be confirmed, whether wholly or partially, but should he neglect to give security within the time of forty-eight hours after noting of the appeal, or in case the amount of the judgment, apart from costs, shall not exceed £15, the Landdrost shall grant execution of the judgment, but in that case security shall be given by the person in whose favour such execution shall be taken out, together with one other person approved by the Landdrost for the restitution of the amount which may be *recovered* in execution in case such judgment shall be set aside, or altered upon appeal, as well as for the satisfaction of such further judgment, order or decree as may be given with regard to such appeal.

Transmission
of copy of
record on
appeal.

86. Where appeal is noted in any case and recorded, and the requirements in that respect have been complied with, the Registrar of the Court shall immediately thereafter send the copies of the documents of the case, prepared by the applicant, or his agent, and duly certified by the Registrar as correct, to the Registrar of the Court of Appeal. The form of certificate by the Registrar of documents in appeal cases shall, so far as possible, be in the annexed form F.

87. Where a dispute arises as to handwriting, and by reason thereof, or for any other reason, the production of an original document is required in the Court of Appeal, such original document shall also be transmitted to the Registrar of the Court of Appeal. Disputed hand writing, &c.

88. In the event of appeal, the Landdrost, before whom the case in the first instance was tried, shall be obliged forthwith to put in writing the grounds and reasons of the Court for its judgment or decision, and shall cause the same to be annexed to the copies of the documents in the case or other proceedings. Grounds of judgment.

89. Notice of appeal shall be given to the opposite party, fixing the day of hearing of the case in appeal (unless parties shall otherwise agree in writing with reference thereto), at least eight days prior to the hearing of the appeal. Notice of appeal.

90. Notice of appeal shall be served in the same manner as in the case of a summons, unless the parties have made a written agreement to the contrary, in which case such written agreement shall be annexed to the documents in the appeal case. Service of same.

91. Where the party against whom the appeal is noted also feels himself aggrieved by the judgment or decision of the Court, he may institute a cross appeal at the hearing of the appeal, but shall give written notice thereof to the appellant at least forty-eight hours before hearing of the appeal. Cross appeal.

92. On request of a creditor, accompanied by a sworn declaration from him, setting out and showing that his debtor, by his actions, is imperilling the interests of such creditor, the Landdrost of the district shall have the right, for account and upon responsibility of the applicant, to lay, confirm, or discharge arrests or interdicts on persons or goods for any claim or debt within his jurisdiction, and shall cause such arrests or interdicts to be executed by the messenger. Interdicts.

93. Subpœnas shall be served on witnesses personally or at their place of residence within a reasonable time before the hearing of the case, but not more than four names of witnesses may be included in the one subpœna. Subpœnas.

No witness shall, however, be obliged to appear unless his travelling expenses to the Court and back shall be tendered him.

The form of subpœna shall be as near as possible in the form set out in Annexure B.

94. A copy of the subpœna shall be served on the witness in the same manner as a summons on defendants. Service of subpœna.

95. If a witness who is subpœnaed for the second time neglects to appear, he shall be punished and condemned for the second time in terms of Art. 39, but may in such case be more heavily fined in a sum not exceeding £75, or, in default of payment, may be imprisoned for a period not exceeding three months. Defaulting witnesses.

Arrest of
defaulting
witness.

96. The Court may order that a witness who has not appeared, although duly subpoenaed, be arrested by the messenger of the Court, who shall be provided with a proper writ to that effect, and such witness may be brought before the Court in order to fulfil his obligation as witness.

Service on
witnesses in
other districts.

97. A subpoena may be served on any witness who is resident in the State, although he does not reside within the jurisdiction of the Court before which he has to appear; and such subpoena shall be served either by the messenger of such Court or by the messenger of the district where the witness lives, according as it may appear to be most advantageous to the parties concerned.

Return on
subpoena.

98. The messenger of the Court shall make on the subpoena a due and full return of what he has done.

Refractory
witnesses.

99. Where a witness appearing, or brought before the Court, refuses without lawful ground to take the oath, or to promise that he will declare the truth, or refuses to give evidence of the true facts, the Court may order such a witness to be taken into custody until he shall have complied with his obligation.

Suspension of
agents, &c.

100. The Landdrost is empowered, for misconduct in Court, or for any proved offence, or other dishonourable or scandalous act or conduct on the part of any agent, to suspend such agent or strike him off the roll, whereupon such agent shall forfeit his licence.

The Landdrost may also punish according to law any agent who is guilty of contempt of court.

It is open to the agent, subject to the rules relating to appeal, to betake himself to a higher Court against any order granted against him under this Article by the Landdrost. In the case of attorneys and advocates practising in his Court, the Landdrost is empowered, for proved misconduct or otherwise, to refuse to allow them to carry on their practice in his court, subject, however, to the right of appeal.

Practitioners.

101. No person who does not produce a proper certificate that he has passed a satisfactory examination in law and practice, and who does not further deliver satisfactory proof of good conduct, shall be permitted to practise as agent in the Court of Landdrost or any lower Court.

Courts with
like jurisdic-
tion.

102. All provisions of these rules and regulations relating to Landdrosts and Landdrosts' Courts are also applicable to all other officials with like jurisdiction and their Courts.

Operation.

103. These rules and regulations shall come into operation the 1st September, 1892.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
4th July, 1892.

A.—FORM OF SUMMONS.

MESSENGER :

Summon C.D. (describing him so accurately that the messenger may know where to find him) that he appear before the Court of the Landdrost of the district sitting at _____ on the _____ day of _____ this year, at nine o'clock in the forenoon, and that he shall be present there throughout the sitting of the Court, until he shall be called up, with his witnesses, if he have any, to show cause why he shall not be adjudged to pay to A.B., of _____ the sum of _____ pounds sterling, together with interest thereon at _____ per cent. per annum, reckoned from the _____ to date, which sum is owing by him to the said A.B., according to a written document dated the _____ (or whatever else the cause of the debt may be).

Serve upon the said C.C. a copy of this summons, together with a copy of the said written document or acknowledgment of debt (or of any other document in cases where the action shall be founded upon any written document, or a copy of any account of a book debt or the like), and return at the said time and place what you have done hereon.

Witness :

S. M.

Registrar of the Court.

K. L.

Plaintiff "or his Attorney or Agent."

B.—SUBPŒNA.

A subpoena to compel anyone to appear as witness in any case before the Court, shall be issued and signed by the Registrar, directed to the Messenger of the Court, and shall be served and return thereof sent in in the same manner as in the case of an ordinary summons. The names of not more than four witnesses may be included in one subpoena, which shall, as far as possible, be in the form hereunder set out.

Landdrost Court :

For the District

Messenger of the Court.

Summon A.B., of _____, C.D., of _____, and E.F., of _____, &c., that, laying aside all excuses, they and each of them appear in person before this Court at _____ on the _____ day of the month _____ next at 9-10 o'clock in the forenoon, and remain there present during the sitting of the Court, until they shall be dismissed, in order to give evidence of the truth of everything which may be known to them regarding certain case pending before this Court, between J K. as

Plaintiff, and N.O. as Defendant, being thereto required by the Plaintiff (or Defendant). Neglect hereof shall be at their responsibility and risk.

Give to each of them a copy of this subpoena, and pay to the said A.B. the sum of £ , to the said C.D. the sum of £ , and to the said E.F. the sum of £ for their travelling expenses, and make your return to this Court.

Issued at the

L. M.

Registrar of the Court.

C.—FORM OF WRIT OF EXECUTION.

Writ of
Execution.

Landdrost Court for the district of

To E.F. messenger of the Court.

Whereas in certain case heard in this Court, in which A.B. of was Plaintiff and C.D. of was Defendant (properly describing the parties), the said A.B. on the by judgment of this Court obtained judgment against the said C.D. for the payment of the sum of sterling, with and besides the sum of £ as costs incurred thereon by him, and which judgment was confirmed in appeal on the (if such is the case), with the further sum of £ as costs thereon, as appears from the records of the proceedings before the Court.

So it is, that you are hereby commanded to attach the goods and chattels of the said C.D. which may be found in this district, and to raise therefrom by public sale the said sum (or sums) owing together with the costs, besides your costs thereby occasioned.

Pay further to the said A.B. the sum and costs due to him as aforesaid, and make your return hereon to the Landdrost of this Court.

For which this writ shall be your authority.

Given under my hand at

on the

Landdrost of the Court aforesaid.

D.E.F.G.

D.—FORM OF DEED OF SECURITY.

Deed of
Security.

The

day of

A.B. of

Plaintiff

versus

C.D. of

Defendant.

Whereas the said A.B. on the judgment in the Court of the Landdrost at against the said C.D. for the sum of £

obtained

besides the

further sum of £ for costs, and whereas acting
 under a writ dd. under the hand of
 and directed to the messenger of the Court, he, the said messenger,
 has attached the under-mentioned movables, viz. : horses
 oxen, chairs, tables, &c. So it is that the said
 C.D. and L.M. of farmer, as surety for him,
 bind themselves to and in favour of the said messenger of the
 Court, and the said C.D. promises that the said goods shall not be
 made away with or be disposed of, but shall remain in the posses-
 sion of him, the said C.D., by virtue of the said attachment, and
 that the same shall be exhibited to the said messenger and
 delivered to him on the next (being the day fixed
 for the sale thereof), or on any other day, when the same shall be
 required, in order to be publicly sold in execution of the judg-
 ment aforesaid, and the costs in case the same shall not previously
 have been paid, failing which, the said E.M. binds himself for and
 in the place of the said C.D., to pay and make good the amount
 of the judgment and all costs and damages thereon.

Thus done and signed by the said C.D. and L.M. on the date
 as above.

C.D.,
 L.M.,
 E.F., *Messenger of the Court aforesaid.*

E.—NOTICE OF ATTACHMENT.

In the Court of the sitting at for the district Notice of attachment.
 in re A.B. plaintiff
 contra C.D. defendant.

To the said defendant C.D. residing at .
 Take notice, that I have this day laid an attachment on the
 articles specified in the above *inventory*, being thereto commanded
 by writ directed to me, under the hand of
 of and dated
 for the recovery of certain judgment to the amount of
 £ together with and besides the sum of
 £ as costs recovered by A.B. as plaintiff
 against you as defendant before the said Court, and also
 for recovery of the amount of my costs incurred in consequence
 thereof.

The day of 18 .
 J.K.,

Messenger of the above-named Court.

F.—FORM OF CERTIFICATE BY REGISTRAR OF DOCUMENTS IN APPEAL CASES.

the 18 .

Registrar's
Certificate on
appeal.

I, L.M., Registrar of the Court of the Landdrost for the district of _____ in the South African Republic, certify and declare herewith, that the above copies are true copies of all the documents of the process in the matter of A.B. *versus* C.D., and that they also contain a true record of all the evidence accepted by the said Court, or against which objections were made, or which was tendered by one or other of the parties and refused by the Court at the hearing.

(Signed) L.M.
Registrar of the Court.

G.—FORM OF OATH FOR THE REGISTRAR AND MESSENGER.

Messenger's
Oath.

I, A.B., solemnly swear, that I shall discharge the duties of my office as Registrar (or as Messenger) of the Court of the Landdrost with all faithfulness and diligence, and without fear, favour or prepossession for any one, and that I shall neither myself nor through anyone else demand or accept for my own benefit or use, any fees or reward for anything that shall be done by me in my said office, and that I shall not myself take or permit anyone else under me to take, any other fees or office dues or remuneration than such as shall be allowed by Law, and that I shall render faithful account thereof.

So truly help me, God Almighty.

LAW No. 12, 1892.

“ASSURANCE COMPANIES.”

(Repealed by Law No. 8, 1898).

LAW No. 13, 1892.

“LIQUOR LAW.”

Repealed.

(See Law No. 19, 1898).

LAW No. 14, 1892.

POLICE LAW FOR RAILWAYS AND STEAM TRAMWAYS.

(Approved and enacted by the First Volksraad, Art. 994, dated 30th July 1892.

1. Any person who, without being authorised so to do, walks or rides on any rail or steam-tramway shall be punished by a fine not exceeding £1 or, in default of payment, by imprisonment for a period not exceeding two days. Penalty for trespassing on track.
2. Any person who, without being authorised so to do, drives cattle and sheep or any other animals on to any railway or steam-tramway, shall be punished by a fine not exceeding £3 or, in default of payment, by imprisonment for a period not exceeding six days. Penalty for unlawful driving of stock on to line.
3. Any person who drives flocks of sheep or goats, herds of cattle or droves of horses or mules which are under his charge across a railway or steam-tramway, and does not in good time before the arrival of a train get them clear of the line, shall be punished by a fine not exceeding £3, or, in default of payment, by imprisonment for a period not exceeding six days. Penalty for allowing flocks of sheep, &c., to block the railway.
4. Any person who drags, ploughs, harrows, tree trunks and heavy objects, or such as are difficult to move, over crossings or rails of a railway or steam-tramway, shall be punished by a fine not exceeding £2 or, in default of payment, by imprisonment for a period not exceeding four days. Penalty for dragging trunks across rails.
5. Any person who, without being authorised so to do, lays any object on a rail or steam tramway, which shall tend to obstruct the traffic, shall be punished by a fine not exceeding £15 or, in default of payment, by imprisonment for a period not exceeding thirty days. Penalty for obstructing the way.
6. Any person who erects any building or other high object or plants any trees which grow to a considerable size, within a distance of twenty-five feet of a rail or steam-tramway, and where the way makes a curve, within a distance of 120 feet of the inner side of such curve, shall be punished by a fine not exceeding £4 or, in default of payment imprisonment not exceeding eight days. Penalty for building or planting trees near the line.
7. Any person who, within a distance of twenty feet from a rail or steam-tramway, makes any excavation, shall be punished by a fine not exceeding £3 or, in default of payment, by imprisonment for a period not exceeding six days. Penalty for excavating near the line.
8. Any person who puts up any reed or thatch roof, or deposits any easily inflammable stuffs within a distance of sixty feet from a rail or steam tramway, shall be punished by a fine not exceeding £2, or, in default of payment, by imprisonment for a period not exceeding four days. Penalty for deposit of inflammables near line.
9. The distances referred to in Arts. 6, 7, and 8, in respect of which the Executive may, after hearing the rail or steam-tramway, How the distances are to be measured

within which no building, &c., may be put up.

Powers of railway officials to remove erections near line.

Penalty for alighting, &c., from train in motion.

Penalty for defacing, &c., posters.

Penalty for wilfully false alarms.

Intoxicated persons, &c., may be removed.

Penalty for unauthorised entrance into rooms, &c., reserved for travelling public.

Penalties for travelling without a ticket, &c.

grant exemption, shall be measured, where a railway or steam-tramway embankment is made, from the foot of the slope of such embankment, and where an excavation has been made for the line, from the upper lines of the excavation slopes.

10. Anything erected, deposited, planted or excavated in conflict with the provisions of Artt. 6, 7, and 8, may, after written warning to the parties interested, be removed or closed up by the rail or steam-tramway management.

11. Any person, who gets in or out of a carriage, before a train or steam-tram has come to a standstill, shall be punished by a fine not exceeding £1 or, in default of payment, by imprisonment for a period not exceeding two days.

12. Any person, who unlawfully and wilfully tears off, defaces or damages any notice posted up at any station or elsewhere in the public interest by and on behalf of a rail or steam-tramway undertaking, shall be punished by a fine not exceeding £5 or, in default of payment, by imprisonment for a period not exceeding ten days.

13. Any person, who wilfully disturbs the service by false alarms or signals, shall be punished by a fine not exceeding £10 or, in default of payment, by imprisonment for a period not exceeding twenty days.

14. (Repealed by Law No. 27, 1896).

15. Any person, who is clearly in an intoxicated condition or suffering from an infectious disease, or who for other reasons is, or would be a source of danger to his fellow passengers, shall not be permitted to enter the stations or carriages of a railway or steam-tramway undertaking, and should the facts only become disclosed during the journey, he shall be removed therefrom.

16. Any person, who, without being thereto authorised, enters any places or carriages specially intended for a portion of the travelling public, shall be punished by a fine not exceeding £2 or, in default of payment, by imprisonment for a period not exceeding four days.

17. Any person who :—

1. Without being provided with a proper ticket, takes a seat or remains in the train, or in the steam-tram without being authorised so to do,
2. Rides further than the place for which his ticket is issued,
3. Mutilates, forges or defaces a ticket, or
4. Refuses upon being thereto required to show his ticket, and at the end of the journey to surrender it to a competent rail or steam-tramway official,

shall be obliged forthwith to pay to the manager of the rail or steam-tramway, or their duly appointed officials, the amount of the fare, increased by an amount equal thereto as a fine, but in any case such fine shall not be less than £1.

If he refuses to pay the above, he shall be prosecuted and be condemned to pay the fare for the benefit of the proprietors of the rail or steam-tramway, and also to pay a fine, amounting to twice the amount of the fare, but in any case not being less than £2 and, in default of payment, to be imprisoned for a period not exceeding four days.

18. Any person who takes a seat or remains in a carriage of a higher class than that for which he has a ticket, shall be obliged to give immediate notice thereof to the competent rail or tramway official, and to pay the higher fare for his seat as provided according to tariff.

Travelling in higher class than what ticket is for.

If he does not forthwith give notice thereof, and the fact is discovered by such official, he shall pay to the proprietors of the rail or steam-tramway, or the official thereto by them appointed, the increased fare, plus an amount equal thereto as a fine, but not in any case being less than £1.

If he refuses to pay the amounts mentioned in paragraph 2, he shall be prosecuted and condemned to pay the higher fare for the benefit of the proprietors of the railway or steam-tramway, and a fine amounting to twice the amount of the higher fare, but in any case not being less than £2, and, in default of payment, to imprisonment for a period of four days.

19. Any person who wilfully damages the inside of the rail or steam-tramway cars shall be punished by a fine not exceeding £2, or, in default of payment, by imprisonment for a period not exceeding four days, and shall in addition thereto be bound to make good the damage done.

Penalty for wilful damage to inside of carriage.

If, however, the infliction of such damage, or the damage to other property of a railway or steam-tramway, such as goods appearing on the inventory, rolling stock, superstructures, buildings or other erections, has not been wilfully occasioned, the person to whose act such damage is attributable shall only be obliged to make good the damage done.

20. Any person, who, save in the case of a well-grounded suspicion of danger, whether for the train or for the passengers thereon, applies or brings about the application of the brakes, shall be punished by a fine not exceeding £4, or, in default of payment, by imprisonment for a period not exceeding eight days.

Wrongful use of brakes.

21. Any person who wilfully and unlawfully injures, renders useless or destroys any work used for public traffic along a rail or steam-tramway shall be punished by imprisonment for a period not exceeding six years, and shall besides be bound to make good the damage done.

Penalty for destroying works relating to public traffic.

Any person to whose neglect such act is attributable shall be punished by imprisonment for a period not exceeding one year.

22. If the offence described in paragraph 1 of Art. 21 is committed by two or more associated persons, the punishment provided in the said paragraph may be increased by one-third.

Joint offenders.

Penalties for endangering traffic.

23. Any person who wilfully endangers the traffic by steam power on a rail or steam-tramway shall be punished by imprisonment for a period not exceeding twelve years.

If his act has resulted :

- (a.) In anyone being wounded or bodily harmed, the offender shall be punished by imprisonment for a period not exceeding twenty years.
- (b.) In the death of any person, the offender shall be punished with life-long imprisonment.

Negligence causing injury.

24. Any person who is to blame for the traffic by steam power on the rail or steam-tramway being endangered shall be punished by imprisonment for a period not exceeding six months.

If the same has resulted in :

- (a.) The injury or bodily harm of anyone, imprisonment for a period not exceeding nine months may be inflicted.
- (b.) The death of anyone, imprisonment for a period not exceeding one year may be inflicted.

Penalties for violently compelling officials to any act.

25. Any person who by violence or threats compels a rail or steam-tramway employee or official to perform any official act, or to leave undone any lawful official act, shall be punished by imprisonment for a period not exceeding three years.

If the violence used results in :

- (a.) The injury or bodily harm of anyone, the offender shall be punished by imprisonment for a period not exceeding seven years.
- (b.) The death of anyone, the offender shall be punished by imprisonment for a period not exceeding fifteen years.

Associated violence.

26. If the violence mentioned in Art. 25 is committed by two or more associated persons, the punishment prescribed by the said Article may be increased by one-third.

Resisting an official in the course of his duty.

27. Any person who by violence or threats resists a rail or steam-tramway officer in the lawful execution of his duty shall be punished by a fine not exceeding £100, or in default of payment, by imprisonment for a period not exceeding one year.

If the resistance results :

- (a.) In injury or bodily harm of anyone, the offender shall be punished by imprisonment for a period not exceeding four years.
- (b.) In the death of anyone, the guilty person shall be punished by imprisonment for a period not exceeding twelve years.

Associated resistance.

28. If the resistance mentioned in Art. 27 is offered by two or more associated persons, the punishment prescribed by that article shall be increased by one-third.

Penalty for neglect to comply with orders of railway officials.

29. Any person who wilfully does not comply with a request made, or order given him by or on behalf of a competent rail- or steam-tramway official, in the interest of public safety or order, shall be punished by a fine not exceeding £10, or in default

of payment, by imprisonment for a period not exceeding twenty days.

[30 to 34 Repealed by Law No. 27, 1896.]

35. Any person, who, in conflict with the provisions of the regulations relating to explosives and easily ignitable substances, packs, or places together, offers for conveyance, or causes to be conveyed as ordinary goods under a wrong name, any of the easily ignitable substances and dangerous articles, which by virtue of the regulations are admitted to traffic, shall be punished by fine not exceeding £75, or in default of payment, by imprisonment for a period not exceeding five months.

Conveyance
of explosives.

36. The station-masters and station officials, the road inspectors and overseers, as also the ticket inspectors and guards, and all suchlike officers of the railway who shall be appointed by the management in consultation with the Government, shall in respect of this Law have the rights and duties of special constables.

Railway
officials are
special
constables for
the purposes
of this Law.

37. Any person who removes, displaces, renders useless or destroys beacons, furrows or other means of defining the course of the railway, or pointing out the works, shall be punished by a fine not exceeding £5, or by imprisonment for a period not exceeding eight days.

Penalty for
removing
signs, &c.

38. The imprisonment provided by virtue of the provisions of this Law shall be as follows:—

Hard labour.

The imprisonment provided by Art. 21 par. 1, Artt. 22, 23, 25, 26, 27 and 28 shall be with hard labour. The imprisonment provided by the remaining articles shall be with or without hard labour as the Judge may deem fit.

39. Any person who is condemned for contravention of this Law shall, in addition to the punishment inflicted, be answerable for all damage which has been occasioned to the rail or steam-tramways by reason of such contravention

Liability for
damages
occasioned
by unlawful
act.

40. This Law shall be applicable in its entirety both to railways and steam-tramways which are being run, and to such as are used for the purposes of construction.

Application
of Law.

Articles 6, 7, 8, 9, 10, 12, 27, 28, 36, 37, 38, and 39 shall be applicable whilst surveys are being made, and rail or steam-tramways are being built.

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

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
12th August, 1892.

LAW No. 15, 1892.

(Superseded by Law No. 6, 1899.)

LAW No. 16, 1892.

FOR THE CONVEYANCE OF DANGEROUS GOODS OVER RAILWAYS
AND STEAM TRAMWAYS.(Approved and enacted by First Volksraad Resolution, Arts. 936
to 952 inclusive, dated 26th July, 1892.)

Artt. 1 to 20 [Repealed by Law No. 27, 1896].

Provisions
relating to
easily igni-
tible goods.

21. The conveyance of substances or goods which are easily inflammable, or liable to self ignition and dangerous, and which are specified in Artt. 22, 24 and 26, or which may be hereafter specified by the Government on proposal of the rail or steam tramway management, may take place only on due observance of the following provisions relating thereto.

Matches and
fusees.

22. Matches and fusees shall be packed in strong well-closed cases, so that the contents are filled up on all sides and cannot shake.

The contents shall be specified on at least one of the sides of the case.

Matches and fusees may not be packed in one and the same box.

23. The loading shall be effected in closed trucks; and these articles may not be loaded in one and the same truck with the goods specified in Artt. 24 and 26.

Petroleum,
how packed.

24. Refined petroleum or parafine oil, gasoline, turpentine and suchlike substances shall be accepted for conveyance:

1. In strong well-closed casks.

2. In tins packed in strong well-closed wooden boxes.

Unrefined petroleum shall not be accepted for carriage.

How
conveyed.

25. The petroleum when being conveyed in casks shall be placed in open wagons, without a covering cloth, in the back portion of the train.

Petroleum in sealed tins may be conveyed in closed trucks in small quantities.

Petroleum may not be loaded into one and the same truck with the mineral acids mentioned in Art. 26.

Packing of
sulphuric
acid, &c.

26. Mineral acids, such as sulphuric acid (oil of vitriol), nitric acid, or aqua fortis and hydrochloric acid shall be accepted for conveyance, either in strong glass bottles, well packed in interwoven baskets or strong casks, or in strong stone jars, on which the contents are clearly designated.

They shall be loaded in closed or covered trucks, and may not be loaded in one truck with other chemicals.

27. Hay, straw, reeds and lime shall be loaded in open trucks placed at the hindmost end of the train, and shall be efficiently covered by tarpaulins to be furnished by the proprietors of a rail or steam-tramway undertaking. Hay, &c.

28. The provisions of this Law prohibiting the loading in one and the same trucks, and providing whether the loading is to be in open or closed trucks, or in separate trucks, shall not apply to cases where the quantity offered for conveyance does not exceed^[1] :— Small quantities.

100 lbs. weight in the case of matches, and in the case of fuses;

500 lbs. weight in the case of refined petroleum or paraffine oil; gasoline, turpentine, and such like substances stored in sealed tins.

100 lbs. in the case of mineral acids.

29. The substances and goods mentioned in this Law may be conveyed only from and to such stations as shall have been appointed and opened therefor. Conveyance from and to appointed stations.

30. Should it appear necessary in order to obviate danger, the Government shall be competent, upon recommendation of the management of a rail or steam-tramway undertaking, at all times to lay down further rules (subject to confirmation by the First Volksraad) relative to the conveyance, packing, loading and off-loading of the dangerous articles mentioned in this Law. Power of Executive to frame further rules.

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

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
12th August, 1892.

LAW No. 17, 1892.

THE SUMMONING OF MEMBERS OF THE FIRST OR SECOND VOLKSRAADS.

(Approved and accepted by Art. 918, dated 28th July, 1892, of the Second Volksraad, noted and accepted by the First Volksraad, Art. 1,107, dated 11th August, 1892).

1. No Member of the First or Second Volksraad of the South African Republic may, at any time during the sitting of one of these two bodies or during fifteen days previously, be summoned Summons and subpoenas on Volksraad members.

¹ Certain references to dynamite occurring here are repealed by Law No. 27, 1896, and are accordingly omitted.

to sit as member of a jury, or to appear as witness in any Court other than the High Court of the South African Republic, in any civil action or proceeding, and a case or proceeding in which any member of the First or Second Volksraad of the South African Republic is defendant, shall not be heard in any Court save in the High Court of the South African Republic, during the sitting of the First or Second Volksraad of the South African Republic.

Certificate of
Chairman of
Volksraad.

2. The certificate of the Chairman of the First or Second Volksraad shall in all cases which occur be deemed sufficient proof that such a member is attending the session aforesaid.

Operation.

3. This Law shall come into operation as and from the 1st January, 1893.

S. J. P. KRUGER,
State President.
DR. W. J. LEYDS
State Secretary.

Government Offices, Pretoria,
15th August, 1892.

LAW No. 18, 1892.

GOLD LAW.
(Repealed.)

LAW No. 19, 1892.

TOWN COUNCILS.
(Repealed by Law No. 17, 1898.)

LAW No. 20, 1892.

CUSTOMS.
(Superseded by Law No. 4, 1894.)

LAW No. 21, 1892.

ESTABLISHING THE PRINCIPLE THAT WHITE PERSONS MAY ALSO
BE LASHED.

(Approved and confirmed by Art. 163, dated 16th May, and
Art. 1258, dated 23rd August, 1892, of the Resolutions of
the First Volksraad).

WHEREAS it is provided by the last paragraph of Art. 127 of
the Grondwet, that white persons may be condemned to corporal
punishment by lashes where such is specially provided by law :

And whereas this is at present only done by Art. 12 of Law No. 14, 1880, and by Arts. 1 and 2 of Law No. 5, 1888 :

And whereas it has appeared necessary also to inflict lashes upon white persons for certain crimes or offences :

Be it hereby provided and enacted as follows :—

1. Under special circumstances, in the discretion of the High or Circuit Court of this Republic, lashes may also be inflicted on white persons, to a maximum of 50 lashes, for the offences of assault whereby grievous bodily harm has been occasioned, robbery, housebreaking, rape, sodomy, and the repeated commission of cattle thefts.

For what offences white persons may be lashed.

2. In no case shall a coloured person be appointed to administer any lashes, to receive which a white man shall in terms of the preceding Article have been condemned.

Coloured person may not inflict such lashes.

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

Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
31st August, 1892.

LAW No. 22, 1892.

BANKS.

(Superseded by Law No. 2, 1893.)

LAW No. 23, 1892.

OUTSPANS.

(Superseded by Law No. 1, 1893.)

CAPE COLONY POSTAL CONVENTION.

L.L. 1892, page 594.

Postal
Convention.

SECOND VOLKSRAAD RESOLUTION, Art. 289, dated 28th May, 1892; noted and accepted by First Volksraad Resolution, Art. 315, dated 30th May, 1892.

Re EXECUTION OF DEATH SENTENCE.

Resolves:—That the words “the Judge” used in Art. 88 of Ordinance No. 5, 1864, on the criminal procedure, be superseded and replaced by the words, “one of the judges thereto appointed by the Government.”

Execution of death sentence.

AMENDMENT OF EDUCATIONAL REGULATIONS.

L.L. 1892, page 605.

CLOSING OF FORESTS.

Closing of
Forests.

(Second Volksraad Resolution, Art. 313, dated 2nd June, 1892; noted and accepted by First Volksraad Resolution, Art. 420, dated 10th June, 1892.)

The Raad resolves to close all forests in this State, exclusive of such forests as, in the interests of the burghers of the State, ought to be thrown open by the Government, and instructs the Government to apply Law No. 15, 1880, and the regulations framed in terms of Sec. 11 of Law No. 15, 1880, and Art. 832 of 1890 in respect of all forests, until such time as the special circumstances may necessitate alterations, whereupon the same shall be submitted to the Second Raad.

LEGALISATION OF FOREIGN DEEDS

Legalisation.

BY THE CONSULAR OFFICIALS OF THE SOUTH AFRICAN REPUBLIC,
L.L. 1892, page 617.

Witness fees
in Criminal
Cases.

FIRST VOLKSRAAD RESOLUTION,
Art. 1040, 3rd August, 1892.[¹]

FIRST VOLKSRAAD RESOLUTION,
Art. 1072, dated 5th August, 1892.

The First Volksraad, having regard to the memorials First Volksraad reports 582, 631, 155, and 843, 1892, with the Commission Report:—

Having regard to the instructions given to the Government by Art. 134 of 1890, and Art. 630 of 1891:

Coolies.

Further, having regard to the fact that Coolies or Asiatics still continue to open stores and trade in towns in the names of white persons, and that thereby the object of paragraph 4 of Art. 2 of Law No. 3, 1885, is defeated:

Resolves to instruct the Government to take stringent measures in order to prevent Coolies, Chinese, or Asiatics from trading within the towns, and to cause all Coolie shops which were opened subsequently to 1889 to be removed out of the town, and as soon as the contracts which were concluded before 1889 shall have expired, in like manner to have the Coolies, Chinese, or Asiatics holding under such contracts removed out of the town.

Incorporated
Law Society.

REGULATIONS OF THE INCORPORATED LAW
SOCIETY.

Page 718, L.L., 1892.

¹ See Appendix.

AMENDMENT OF THE DEPARTMENTAL REGULATIONS OF THE
BOARD OF EXAMINERS, SOUTH AFRICAN REPUBLIC.

Page 606, L.L. 1892.

COMPANY LAW.

SHARES TO BEARER.

UNDER AUTHORITY GRANTED BY VOLKSRAAD BESLUIT, ART. 1331,
DATED 29TH AUGUST, 1892, THE FOLLOWING RESOLUTION
8908-92 WAS TAKEN BY THE EXECUTIVE COUNCIL AND
PUBLISHED IN THE *Staatscourant*, 1ST DECEMBER, 1892.

The Executive Council in pursuance of Resolution of the First
Volksraad, Art. 1331, dated 29th August, 1892, resolves :—

That upon a company having been registered with limited
liability, under Law No. 5 of 1874, such company shall be allowed
to issue fully paid-up share warrants payable to bearer, which
may at any time be exchanged for share certificates, in manner
provided in the articles of association originally or as modified by
special resolution of the company.

Issue of fully
paid-up share
warrants to
bearer by
Company
with limited
liability.

[By Resolution of the Second Volksraad, dated 17th May,
1894, the provisions of above Executive Council's Resolution were
again confirmed and extended, and made to apply to companies
incorporated and registered under Law No. 6 of 1874, as well as
those registered under Law No. 5 of 1874.]

FIRST VOLKSRAAD RESOLUTION, 1st June, 1892.

343. The draft resolution was adopted by 22 votes to 1 as a
resolution of the First Volksraad.

Registration
for subsidy to
schools where
Dutch is not
the medium
of instruction

The said Draft Resolution reads as follows :—

The First Volksraad, considering that the Dutch language is, as
the official language, the medium of instruction, and considering
that it is desirable to afford facilities to the children of parents who
are not Dutch Afrikaners or Dutch as soon as possible to master
the official language, and thereby to enable them to share in the
privileges of education as subsidised according to law,

RESOLVES :

In places where the Government thinks it desirable, to schools in
which the medium of instruction is not the Dutch language as
required by law, a certain State allowance shall also be granted,
with due observance of the following provisions :—

1. Instruction in such schools may be given by means of a
language other than the Dutch ; but in other respects such schools

Schools must
satisfy all
other require-
ments of Law.

shall strictly comply with the provisions laid down by law, and the Superintendent of Education.

Dutch language must be taught.

2. The pupils of such schools shall receive instruction in the Dutch language from competent teachers who have been approved by the Superintendent of Education.

Superseded by F.V.R., 5th August, 1893.

3. The Inspectors of Schools shall at their visit to such schools take note of the general condition and tone of the school, but in other respects shall confine themselves to an examination into the pupils' knowledge of the Dutch language.

Manner of examination.

4. The pupils' knowledge of the Dutch language shall be judged by the [1] ordinary standards of education fixed by the Superintendent of Education with reference to the practical and theoretical knowledge of the Dutch language.

Manner of examination.

5. After the general inspection of such schools, the pupils for whom the hereinafter-mentioned subsidy is desired shall be divided into different classes corresponding to the standards on the basis of their knowledge of the Dutch language, and so submitted to examination by the Inspectors.

Manner of examination.

6. If a pupil does not pass the standard for which he has been brought up, he may be brought up again for the same standard; but if he does so pass the standard, he shall at a subsequent inspection be brought up for a higher standard.

Tariff for subsidy, superseded by F.V.R., 5th August, 1893.

7. A subsidy calculated at so much per head shall be awarded for each pupil who has passed the standard for which he was submitted to the Inspector of Schools, according to the following tariff :

In Standard I.,	for each pupil	20s.
„ „	II., „ „ „	22s. 6d.
„ „	III., „ „ „	25s.
„ „	IV., „ „ „	27s. 6d.
„ „	V., „ „ „	30s.
„ „	VI., „ „ „	32s. 6d.

Children of foreigners only eligible.

8. Only children of foreigners who do not know the official language are eligible for this subsidy. In the event of differences on this point between the Superintendent of Education and the School Committees, the Government shall decide.

Manner of payment of subsidy. See F.V.R., 7th September, 1894.

9. Such subsidy may only be paid out not more than twice in the year, and each time after inspection, and then only for those pupils of a school who shall appear from the school registers, corroborated by the formal declaration of the head of the school, to have attended such school for three months successively at the time of the inspection.

These provisions last for three years.

10. The provisions contained in this Resolution shall only be considered as transitional, and have force of law for a period of three years, to be calculated from the 1st July, 1892.

¹ See F.V.R.R., 5th October, 1895.

LAW No. 1, 1893.

REGULATIONS FOR TRAVELLERS, TRANSPORT RIDERS
AND TREKKERS.

(Approved by Resolution of the First Volksraad, Art. 183, dated 25th May, 1893).

1. Every farm shall be subject to a servitude of one outspan. Each farm has one outspan.
 Farms adjacent to a proclaimed transport road shall be subject to a servitude of an outspan to be beacons off by the owner or lessee in a practicable place.
2. The size of an outspan shall be determined according to the size of the farm, estimated on the basis that a full farm of 3,750 morgen shall be subject to an outspan 50 morgen in extent. Size of outspan.
3. The transport roads shall be proclaimed by the Government. Proclaimed roads.
 The width of a proclaimed road shall be 30 feet, with this proviso, that transport riders shall, where required and where the circumstances make it necessary, have the right to turn out of the road 30 yards to the one side or the other at their own responsibility however, and provided that they occasion no damage to fences or other constructions or to cultivated land.
4. Each traveller and transport rider shall be obliged to keep within the 30 feet of proclaimed transport road, except in cases provided for in Art. 2, and shall at the same time be bound to keep strictly within the limits, as defined in Art. 1 of the outspans along proclaimed transport roads. Travellers must keep to the road.
5. It shall not be lawful for transport riders to travel with or without laden wagons, along roads other than those proclaimed, unless such a transport rider is obliged to leave the road in order to get to his place of abode. Transport riders must keep to the proclaimed roads.
6. No one shall be permitted to delay longer than 24 hours at an outspan, unless he is altogether prevented by accidents, swollen rivers, or other unforeseen circumstances, from proceeding further. Only 24 hours' delay at outspans.
7. Every contravention of the above articles shall be punished by a fine not exceeding £5, in addition to his liability to compensate the owner or lessee, to whom also the half of the fine levied and paid shall be awarded. Penalties.
8. Every owner of ground adjoining a road (trek pad) (which is not a proclaimed transport road), shall be bound to allow an outspan for trekkers (people moving from one farm to another with their cattle or goods—Trans.) on the basis of 100 morgen (that is a square whose base is about 1,000 yards) for each full farm of 3,750 morgen, to be decreased according to the size of the farm, as also facilities for the grazing or trekking of stock running loose along any such road to a distance not exceeding 300 yards, per full farm of 3,750 morgen, to be reduced in Outspans for trekkers.

proportion to the size of the farm, but in any case the width shall not be less than 150 feet on the one side or the other of the road, such side, if need be, to be pointed out by the owner (in case of dispute between the owner and trekkers, the Landdrost, Field-Cornet, Assistant Field-Cornet, or resident Justice of the Peace, shall decide); and also to allow cattle to drink in any river, stream, or pool, situated in or alongside the trek path, artificial dams used for the irrigation of gardens and arable lands being excepted.

Live stock running loose.

8. No live stock running loose shall be driven along the veld of any farm. It shall, however, be permissible for cattle and stock to proceed across any farm slowly grazing, provided they keep within the limits prescribed by Art. 7, alongside some public road, which side the owner or lessee may cause to be pointed out, if he shall so choose, and provided that not longer than a day is taken to trek (proceed) a distance of two hours on foot, and provided that no damage shall be occasioned to any dam or waterfurrow, garden or arable lands, by any stock trekking outside the road.

Intermingling of stock.

9. Such stock shall not be allowed to intermingle with any stock of the owner or lessee, which may be grazing on such farm.

Owner's stock may be driven off outspan.

Trekkers or travellers shall, however, have the right to drive out of the way such of the owner's stock as may be grazing on the outspan or within the limits defined by Art. 7.

Penalty.

Upon contravention hereof, the owner of the stock so trekking shall be responsible for such damage as may accrue to the owner or occupier of the ground, to be assessed and awarded by the local official, and shall be liable to a fine not exceeding £7. 10s. according to the nature of the case.

The half of the fine inflicted and paid shall be awarded to the owner or lessee of such farm.

Fencing of gardens, &c., within the 300 yards limits.

10. In cases where arable lands, gardens or orchards are or shall be laid out within the limit of 300 yards, mentioned in Art. 7, the owner, lessee or occupier of the ground shall be obliged to have the same enclosed properly, in default whereof he shall not be entitled to compensation for damage occasioned by the stock whilst proceeding and grazing as it proceeds along the trek road.

Altering route of trek-road.

11. The owner or lessee shall be entitled to alter the route of the public trek-road across his farm, provided that such trek-road (as diverted) does not entirely diverge from the direction it is the object of the trekkers to proceed in, and is not impracticable for the trekkers, as being across mountains or stretches of veld difficult to travel along and injurious to stock.

In the event of dispute, the Government shall decide. [¹]

Trekkers along transport road.

12. Trekkers with cattle and stock, proceeding along a proclaimed transport road, shall enjoy the same privileges as are defined in Art. 7 of this law.

¹ See Amendment made by Paragraph 4, Law 22, 1894.

- 13.** The owner, lessee, or occupier of a farm, shall be obliged to allow free watering for trek stock along rivers, streams or pans, situated within 300 yards of one or other side of the trek-path or road. Drinking
- 14.** No trekker shall be permitted to remain longer than 24 hours at an outspan, without leave of the owner or occupier, unless he is unable to proceed further by reason of any accident, swollen rivers, or other unforeseen circumstances; upon contravention hereof, his stock may be sent to the pound. Delay at outspan.
- 15.** In respect of the trekking with cattle or stock over town or village lands, as also in respect of transport riders and travellers, the Government (or town boards where such have been established) shall be obliged and bound to make sufficient provision for trekkers, transport-riders and travellers, as regards roads and outspans. Trek path over town lands.
- 16.** The Landdrosts, special Landdrosts, Field-Cornets, Assistant Field-Cornets, and resident Justices of the Peace, shall have jurisdiction and decide in respect of all offences falling under the provisions of this Law. Jurisdiction.
- 17.** Law No. 13, 1870, and all previous resolutions concerning outspans, in conflict with this law are hereby repealed. Repeal.
- 18.** This Law shall come into operation on 1st November, 1893.
- S. J. P. KRUGER,
State President.
- DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
2nd June, 1893.

ACT No. 2, 1893.

CONCERNING THE BANKS WITHIN THE SOUTH AFRICAN
REPUBLIC.

(Approved and enacted by Resolution of the first Volksraad
Art. 216, dated 29th May, 1893.)

- 1.** Every bank, doing business in the South African Republic on the date of this Law coming into operation, shall be entitled to a permit from the Government authorising it to issue bank notes, subject to the provisions of this Law. Every bank already doing business in South African Republic entitled to a permit authorising issue of bank notes.
- 2.** No bank, which shall be established in the South African Republic after the date of this Law coming into operation, nor any private person shall be entitled to make or circulate its or his own Banks established after date of Law, and private

persons
require per-
mission from
Government.

bank notes without having previously obtained permission to do so from the Government, which shall make the necessary regulations for obtaining such permits.

The Government shall have the right to refuse such permits.

When right
to issue bank
notes shall
cease.

3. Whenever any bank in the South African Republic ceases to issue bank notes or fails to pay its bank notes in legal coin, the right of such bank to issue bank notes shall immediately determine and shall in the last case not be renewed.

Maximum
amount of
bank notes.

4. The total amount of bank notes circulated by any bank shall not exceed its paid-up capital.

What bank
notes shall
not be brought
into circula-
tion.

5. Bank notes of banks carrying on business in the South African Republic, which bank notes are not payable at Pretoria or at any other place in the South African Republic, shall not be made or circulated.

No bank note
for less than
£1.

6. No bank notes shall be made or brought into circulation in the South African Republic for any amount less than £1 sterling.

How and
where bank
notes are
payable.

The bank notes shall always be made payable at sight in legal coin at the head office, branches and agencies of the respective banks in the South African Republic. The payment of notes may be postponed by the branch offices and agencies, with exception of the Pretoria office, and the place where the bank notes are payable, until specie can be received from the head office, or from Pretoria, in case the bank has no head office in the South African Republic.

Reserve to
cover bank
notes issued.

7. Every bank, which issues or shall have issued bank notes in the South African Republic, shall at all times have in hand at its head office in this Republic, or both at its head office and branch offices in this Republic, a reserve in legal coin equal to $33\frac{1}{3}$ per cent. of the total value of all bank notes in circulation at the time, and assets in this Republic for the balance.

Record of
notes issued.

8. Every bank, which issues or shall have issued bank notes, shall keep a proper record of the numbers and value of the same.

Inspection of
such record
by Govern-
ment officials.

9. Every bank shall submit to the officials, to be appointed by the Government, all account books concerning the issue of bank notes and the specie-reserve, and shall allow such officials at all reasonable times to inspect the said books and to examine the specie-reserve.

Stamp on
notes.

10. Every bank note made or circulated in the South African Republic shall be provided with a stamp of one penny, to be paid by the bank which makes or circulates such note.

Penalties.

11. For contravention of the provisions of this Law the following fines shall be inflicted :—

(a.) For making or circulating bank notes not in accordance with the provisions of this Law, and for neglecting to

stamp the same as prescribed hereby a fine not exceeding £100 sterling for each such note.

- (b.) For not having in hand a specie-reserve of the fixed amount, a fine not exceeding an amount equal to the amount of the deficit for every day or part of a day during which the specie-reserve is less than the fixed amount.
- (c.) For making incorrect statements of the amount or the value of notes in circulation, or of the amount of the specie-reserve in gold, a fine not exceeding £100.
- (d.) For making intentionally false or misleading statements of the amount or of the value of notes in circulation, or of the amount of the specie-reserve in gold; every person who makes or signs such statements shall be punished by imprisonment, with or without hard labour, for a term not exceeding three years.
- (e.) For submitting to the Government a false statement (other than the cases mentioned in the two preceding subsections), or for contravention of any other provision of this Law, a fine of from £10 to £500, or imprisonment, with or without hard labour, for a period not exceeding one year.
- (f.) Besides the fines and punishments aforesaid the Government shall have the power to withdraw the right to issue bank notes from the bank concerned.
- (g.) The Government shall have the right to pay out of the recovered fines a reward to informants.

12. Every bank shall from time to time furnish the Government with the name of a responsible person or responsible persons at each of its branches and other offices, whose duty it will be to supply the different statements, tables, and the balance-sheet mentioned in this Law, and he or they shall provide the same with his (or their) signature.

Bank must furnish Government with name of person responsible for statements, &c.

If any bank does not comply with the regulations of this article, the Government shall have the right to cancel the permission for the making and circulating of bank notes, after having called up and heard the bank.

13. For the purpose of this resolution, the word "bank" will include any company, partnership, firm or person doing any business which is usually done by bankers; and the word "issue" or "circulate" shall include, *inter alia*, the payment or the depositing as security of any bank note by the bank responsible for the payment of the amount thereof, or by any other bank, or by any agent of a branch office or official of such bank, irrespective of such note ever having been issued before or not at the same or at any other place.

Meaning of certain words.

14. All bank notes which are in circulation on the day of promulgation of this Law may remain in circulation until they are

Regulations with regard to bank notes already in circulation.

deposited at, or received by, the bank which is bound to pay the amount thereof, or by any other bank, or by any branch office, agent, or official of such bank. No such notes shall be again brought into circulation by the said banks, branch banks, agents or officials; provided that nothing in this article contained shall prohibit the circulation of such note, if by its tenour it is made payable in this Republic, and stamped in accordance with the provisions of this Law.

Regulations with regard to bank notes already in circulation.

15. All bank notes now in circulation which have not been issued in accordance with the provisions of this Law shall be withdrawn after a certain day to be fixed by Government notice in the *Staatscourant*.

Bank notes not received in payment in Government offices.

16. No bank notes circulated by any institution established or represented in the South African Republic shall be accepted in payment in the Government offices.

Filing and publication of condensed balance sheet.

17. As soon as possible after the expiration of each month, fortnight, or week, as the Government may deem fit, every bank shall send in to the Government a summarised balance-sheet, containing such particulars of the transactions of its offices or branch offices in the South African Republic, and framed in such manner as shall be approved of by the Government. Moreover, every bank shall, as soon as possible after expiration of its financial year, send in to the Government a balance sheet, a profit and loss account, and a report for the past half-year. These documents shall be substantiated by proofs to the satisfaction of the Government, and shall be duly authenticated. The Government shall have these balance sheets, profit and loss accounts, and reports published in the *Staatscourant* at the cost of the bank concerned.

Penalty.

In case of contravention of any provision of this article, the defaulting bank shall pay a fine of £500 sterling, and shall forfeit its permit mentioned in Arts. 1 and 2 of this Law, as may be deemed fit by the Government.

This Law does not apply to the National Bank of the South African Republic, Limited.

18. None of the provisions of this Law shall be applicable to "The National Bank of the South African Republic, Limited," or to bank notes issued or to be issued by it; and the said bank shall be governed by the terms of concession of the ninth day of August, 1890, and the special law for the said bank.

Taking effect.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,
2nd June, 1893.

LAW No. 3, 1893.

MINING REGULATIONS.

(Repealed.)

LAW No. 4, 1893.

PERJURY IN CONNECTION WITH AFFIDAVITS.

(Approved and enacted by Resolution of the first Volksraad, Art. 631, dated 11th July, 1893.)

WHEREAS it has appeared necessary to make certain provisions with regard to the commission of the crime of perjury in certain cases, it is hereby provided and enacted as follows:—

1. Anyone who whether in or out of a Court of Justice shall make an affidavit or other solemn declaration declared by the law to be the equivalent of an affidavit, before a Landdrost, Justice of the Peace, Field-Cornet, or any other thereto competent person, which affidavit or declaration shall appear to have been falsely made and at variance with the truth, and maliciously or with the intention of injuring another person or benefiting himself, shall be deemed to have thereby committed the crime of perjury, and shall be punished as a perjurer. Perjury.

2. This law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
18th July, 1893.

LAW No. 5, 1893.

AMENDMENT OF INSOLVENCY LAW.

(Superseded by Insolvency Law No. 13, 1895.)

(LAW No. 6, 1893.)

Amendment and addition to Law No. 9, 1892.

POST OFFICE SAVINGS BANK.

(Approved and enacted by the second Volksraad, Art. 475, dated 30th July, 1893, noted and accepted by the first Volksraad, Art. 861, dated 24th July, 1893.)

To insert a new article after Art. 4 :—

4a. Secretaries, treasurers, administrators of estates, or other persons acting for and appointed by associations or companies for the advancement of useful or recreative institutions such as reading, singing, gymnastic, or other similar associations or charitable societies, established for the rendering of mutual help and not having as their object the carrying on of trade or of a profitable business, may deposit monies on behalf of such an institution to an amount of £300 in one year, but the whole amount with interest lying to the credit of such association shall not exceed £500. Provided always that the trust deed or regulations of such association shall be first sent to the Postmaster General, who shall thereon decide whether the request can be granted.

Should it be consented to, the full name, Christian names, and capacity of the person by whom the association is represented shall be specified, and such person shall thereupon make a declaration of the following tenor :—

SCHEDULE B.

I _____ being
of the association styled _____
established at _____ in the district of _____
hereby declare to the Postmaster General that I am desirous on behalf of
the said association of becoming a depositor in the Post Office Savings Bank
of the South African Republic.

I declare further that the monies now deposited or hereafter to be deposited
are the exclusive property of the said association, arising from contributions
of its members.

Given under my hand this _____ day of the month _____
Signed in my presence.

To insert two new articles under Art. 8 :—

Investment of
monies.

8a. If the Commission named under Art. 8 resolves to invest monies, all bonds, mortgages or other documents which have to serve as deeds of security shall be made payable and passed in the name and in the favour of the Postmaster General of the South African Republic, his lawful successors or substitutes, who are hereby empowered to keep the same in safe custody and upon whole or partial payment to grant receipts, and in the latter case to consent to the cancellation or cession of any such bond or mortgage, and where the debtor remains in default to pay the bond or mortgage on the due date, the said Postmaster General, his successors or substitutes are hereby empowered, then and there, without any

Power to
cancel bonds.

further power from the Government, to cause the necessary legal steps to be instituted and carried into effect for the recovery of the amount due with interest and costs :—

8b. The Second Volksraad shall yearly appoint out of its own number a commission of three members, who shall carefully enquire into the value of the bonds or other deeds of security in the possession of the Postmaster General as security for the monies invested, and report with reference thereto to the Raad.

Commission of enquiry.

Between Artt. 18 and 19 a new article shall be inserted, viz. :—

18a. All Laws conflicting with the provisions of this Law are hereby repealed.

Repeal.

S. J. P. KRUGER,
State President.
Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
31st July, 1893.

LAW No. 7, 1893.

BOILER LAW.
(Repealed.)

LAW No. 8, 1893.

(Amendment of Law No. 8, 1892.)

REGULATING THE EDUCATION FOR THE WHITE POPULATION
IN THE SOUTH AFRICAN REPUBLIC.

(As approved and enacted by First Volksraad Resolution, Art. 978, dated 2nd Aug., 1893; Arts. 982 and 983, dated 3rd Aug., 1893; Art. 990, dated 4th Aug., 1893; and Arts. 994, 995 and 1000, dated 5th Aug. 1893.)

1. Art. 9 of Law No. 8, 1892, is hereby amended as follows :—

Grant of ground to town schools amended by Art. 5, Law 14, 1896.

“ Where it appears desirable and necessary, the Government shall have the power on application by the school committees to grant a plot of ground in extent 100 ft. square for the erection of town schools, and to grant to district schools a monthly allowance for rent according to the following tariff :—

10s. for a schoolroom suitable for and used by not more than 10 children.

Monthly allowance to district schools.

15s. for a schoolroom suitable for and used by not more than 20 children.

20s. for a schoolroom suitable for and used by not more than 30 children.

Building
loans.

“The Executive Council may also, when circumstances allow of it, advance out of the public treasury a portion, not exceeding a half of the capital required for the building of a school, at a fixed rate of interest, but under proper security and under conditions to be subsequently laid down by it.”

Composition
and election
of school
committees.

2. Art. 11 of the said law is hereby amended as follows:—The Government shall grant subsidy only to those schools which are supervised by a committee and for which such committee is responsible. Such committee shall consist of

(a.) For district schools, at least three members as far as possible elected, on the proposal of, or in consultation with, one or more members of the Church Council, the Field-Cornet or the Justice of the Peace of the ward by and from among those entitled to vote for the same.

(b.) For town schools at least five members elected, on the proposal of, or in consultation with, the Church Council, the Field-Cornet or the Justice of the Peace of the place by and from among those entitled to vote for the same.

Those entitled to vote at the election of school managers shall be all fathers of families who bind themselves in writing to place their child or children immediately after the opening or reopening of the school following the election for at least three months in such school, or whose children have attended such school for at least three months preceding the election, and further all male persons who have earned the right to vote by a contribution in aid of the school funds to the satisfaction of the majority of those entitled to vote as aforesaid.

Subsidy to
needy
scholars.

3. Art. 18 of the said law is hereby amended as follows: The superintendent of education may grant a quarterly subsidy of thirty shillings to children actually in need, on production of a declaration in writing that [1] such child or children are too poor to contribute anything, signed by the Field-Cornet of the ward, and at least three members of the Church Councils belonging to one or more of the three Dutch Protestant churches who reside in the neighbourhood of the school, and in the towns by the Landdrost, instead of the Field-Cornet.

Requirements
for admission
to girls' high
schools.

4. Art. 50 of the said law is hereby amended as follows: “The curriculum for the various departments of the gymnasium shall be framed by the Board of Docenten, subject to the approval of the curatorium.

“Such curriculums and the instruction in general to be given at this institution, shall be in accordance with Artt. 1 and 2 of this law.”

5. Art. 65 is hereby amended as follows: “No pupil shall be admitted to such girls' high school, who has not passed the

¹ The words “the parents or guardians of” inserted here by F.V.R.R. 6th September, 1894.

“examination of the school elementary (school wedstryd).” The Government shall be allowed, as a measure of transition, to suspend the operation of this article for a time. No pupil may, however, be admitted to such a school, who has not satisfied the provisions of Standard IV., and the decisions hereof shall be left with the superintendent of education.

6. This law shall come into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
25th Aug., 1893.

LAW No. 9, 1893.

(Law in substitution for Law No. 4, 1889.)

BEING A LAW RELATING TO THE CLOSING AND OBSTRUCTING OF PUBLIC ROADS OVER FARMS WHICH ARE FENCED IN.

(Discussed and approved of by the First Volksraad, Articles 1038, 1030, 1041, 1042, 1945-1048, 1050-1053, dated 9th August, 1893.

The First Volksraad deeming it desirable, in anticipation of the possible passing of a law for fencing in of farms, to make certain provisions relative to the fencing in or enclosing of farms, arable lands, &c. along or across roads, as also for such fences as may yet be made before a law as above mentioned shall be passed, resolves :—

1. Every landowner or occupier of a farm or piece of land shall be entitled to erect a fence or enclosure on his farm or piece of ground, by means of the ordinary smooth or barbed wire or otherwise, alongside or across a road running over his farm or ground, provided that he leaves the necessary space for public use free and unencumbered, as provided in the law relating to travellers, transport riders and trekkers, and that he puts up a gate as is hereinafter described at the place where such fence crosses the road. Right to erect fences along and across roads.
Gates.

2. Where the road so fenced off crosses arable lands, gardens or orchards, a width of at least 70 feet in the case of a transport road, and at least 30 feet in the case of an ordinary road, shall be kept open; where a transport road or ordinary road goes over homestead ground (werf), in either case a width of at least 30 feet shall be kept open. Width of road.

Gates.

3. Where such fence crosses any recognised public road, a gate shall be placed there allowing an opening at least 15 feet in width, in order to afford to travellers with their conveyances or otherwise a free passage; and the owner or occupant of such farm or piece of land so fenced in or enclosed shall be obliged to maintain such gates in proper order.

These gates may not be locked by a lock, but must be so arranged that they may at all times be easily opened by hand, without the use of a key or any other object or instrument.

Gates at telegraph wire crossing.

4. At places, where such fence crosses a Government telegraph or telephone line, a gate may be put up and maintained on behalf of the Government.

The telegraph department shall be entitled to keep two keys to each such gate.

Gates must be hinged, &c.

5. The gates shall be properly fixed to one or both sides of the gateway to facilitate the opening and the closing, and such gates shall be hinged or pivoted gates of wood or iron, or if of wire, either smooth or barbed wire, the wire shall be interlaced with or fastened on to cross bars, to facilitate the opening and closing; at the side where the gate has to be opened or shut, not more than two hooks or rings may be employed and a strong pole or stone shall be planted in such manner as to catch the eye, at the side of the place of ingress or egress at such gate at least 15 yards from the gate, to which pole, riding or draught animals may be tied whilst the gate is being opened or closed.

Removal of gates erected contrary to law.

6. Fences, gates and other total or partial means of closing and obstruction of roads, placed, erected or closed contrary to the provisions of this law, or contrary to the directions of the Government, may be removed by or on behalf of the Government and destroyed, at the cost of the person who has erected the gate or the enclosure or obstruction, without the Government being held responsible for any damage whatsoever direct or indirect thereby occasioned.^[1]

Penalty.

The person, who has erected or placed such fence, gate or enclosure or obstruction, or the occupier of the ground, or if the ground is not occupied the owner of the ground, shall further be subject to a fine not exceeding ten pounds sterling or in default of payment to imprisonment for a period not exceeding 14 days, without prejudice to any action for damages to which he may have rendered himself liable.

Penalty for not closing gate after use.

7. Any person, not being the owner or occupier of the farm or piece of land so enclosed or his agent, who shall be proved to have opened and passed through one of the gateways as aforesaid without immediately again closing the gate after passing through, as also any person who finds such gate open and does not close it after passing through the gateway, shall be liable to a fine not exceeding five pounds sterling, and in default of payment to imprisonment with or without hard labour for a period not

¹ See Amendment made by Art. 4 of Law 22, 1894.

exceeding 14 days, without prejudice to any action for damages to which such offender may have rendered himself liable.

8. Any person, not being the owner or occupier of the farm or piece of land, on which such gates are, and not acting under instructions from the owner or occupier, who shall be proved to have opened any gate, without any intention of passing through it himself or of letting others pass through, shall be liable to a fine not exceeding ten pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, without prejudice to any action for damages to which such offender may have rendered himself liable.

Penalty for opening gates needlessly.

9. Any person, wilfully or negligently damaging or destroying any fence may be there and then apprehended by the owner or lawful possessor of the enclosed farm or piece of land, their servants or agents, or any person present when the damage is occasioned, and charged before the Landdrost Court, which court may upon conviction of the accused, by way of penalty, inflict a fine of from five pounds to fifteen pounds, or in default of payment imprisonment with or without hard labour for a period of from one to three months, in addition whereto the accused shall be liable to be condemned to pay the amount of damage proved.

Penalty for wilful damage to gate or fence.

10. Gates at rivers or streams shall, as far as possible, be placed only at spots where vehicles and conveyances may be halted without danger.

Gates at rivers.

11. In the event of accidents through colliding or otherwise (*sic*) against any fence or gate mentioned in this law, the owner or occupier of the farm or piece of ground in question shall not be liable for the damage thereby occasioned to persons, or to riding or draught animals, conveyances or otherwise.

Collisions.

12. Law No. 4 of 1889, as also all enactments in conflict herewith are hereby repealed.

Repeal.

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

Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,

Pretoria,

4th, September, 1893.

LAW No. 10, 1893.

TOLLS.

(Repealed.)

LAW No. 11, 1893.

PRESS LAW.

(Repealed.)

LAW No. 12, 1893.

LIQUOR LAW.

(Repealed.)

LAW No. 13, 1893.

BEING AMENDMENT OF ART. 3 AND 4 OF LAW No. 6, 1891.

(Superseded by Law No. 5, 1894.)

LAW No. 14, 1893.

FRANCHISE.

(Superseded.)

FIRST VOLKSRAAD RESOLUTION, dated 16th May, 1893.

Re AUCTION SALES.

Auctioneers.

112. The first Volksraad, having regard to Government note, dated 2nd instant, with Executive Council Resolution, Art. 122, thereby submitted, resolves to confirm the said Executive Council Resolution, and resolves that the following paragraph be added to Art. 10 of Law No. 1, 1885:—

“Should the auctioneer neglect to fulfil this duty, he shall be punished by a fine not exceeding £25, or in default of payment, imprisonment for a period not exceeding one month.”

FIRST VOLKSRAAD RESOLUTION, dated 17th May, 1893.

Dog tax.

114. The Raad resolves to approve of and confirm the following Executive Council Resolution:—

The Executive Council resolves to recommend the First Volksraad to insert a new article, as Art. 13*b*, after Art. 13 in Law No. 3, 1891, of the following tenor:—“A third of the fines inflicted shall be awarded to the informant.”

FIRST VOLKSRAAD RESOLUTION, 13th June, 1893.

313. The Raad notes and accepts Second Volksraad Resolution, Art. 245, dated 5th June, 1893.

The said Second Volksraad Resolution reads as follows :—

The Second Volksraad, having considered the Government note, asking that the action of the Government in the matter of its interpretation of Art. 60 of the Gold Law be confirmed, resolves to confirm the action of the Government, as also, that the mynpachts granted shall likewise be confirmed in terms of the request in the Government note of 2nd June, 1893, extract of which reads :—The Executive Council resolves to propose to the second Volksraad—“That all mynpachts granted by Government up to the present shall be and are hereby confirmed, unless deemed invalid by the Government itself.”

Mynpachts.

FIRST VOLKSRAAD RESOLUTION, dated 5th July, 1893.

539. The First Volksraad, having regard to the memorial and commission report now under discussion, resolves :—

1. To instruct the Government.

Government land.

(a.) Not to lease any further Government ground until such time as the general survey shall be completed, which instruction shall, however, not prevent the Government from leasing or letting such ground from month to month.

(b.) To have regulations drafted in terms whereof such Government land may be leased from month to month, under condition that the lessee shall be bound to occupy the ground leased.

(c.) To submit such regulations to the First Volksraad for approval.

2. To notify memorialists hereof.

RULES OF THE SINKING FUND.

(See Local Laws, 1893, page 824.)

FOLLOWING VOLKSRAADBESLUIT APPROVED BY SECOND VOLKSRAAD RESOLUTION. Art. 584, dated 11th July, 1893, noted and accepted by First Volksraad.

Telegrams.

Art. 921, dated 28th July, 1893.

Resolved, to amend Art. 10 of Law No. 9, 1880, as follows :—

1. After the words “without consent of the person sending or receiving such telegram or despatch,” to insert the words “or making a copy of such telegram in any form, without being thereto instructed by the official placed over him or without it being required for the purposes of the service.”

2. At the foot of the said Article to add the words “the person or persons who by gifts, presents or promises may have induced such clerk, messenger, or other employee to commit any of the offences specified in this article shall be liable to the same punishment.”

This amendment shall be of force immediately after publication in the *Staatscourant*.

VOLKSRAAD RESOLUTION, dated 29th August, 1893.

1213. Accepting the Commission report *re* “Responsibility of Head Officials.”

(L.L. 1893, page 845.)

Recommending certain amendments of Law. As a result whereof see now Law No. 22, 1894.

FIRST VOLKSRAAD RESOLUTION, 5th August, 1893. [1]

Artt. 997, 998, 999, which amend First Volksraad Resolution, Art. 343, dated 1st June, 1892 as follows :—

Section 2 of Resolution of the First Volksraad, Art 343, dated 1st June 1892.

Education.

The pupils of such schools shall be instructed by competent teachers who have been approved by Superintendent of Education, in the Dutch language, the history of South Africa, and in particular that of the South African Republic.

Section 3 of aforesaid Resolution :

Inspectors of schools at their visits to such schools shall take note of the general condition and tone of the school, but in other respects confine themselves merely to the pupils' knowledge of the Dutch language, of the history of South Africa and of the South African Republic in particular, in correspondence with the standards in which the pupils have been placed.

Section 6 of aforesaid Resolution :

A pupil may only be brought up twice for the same standard and receive subsidy in accordance with the tariff of such standard.

Section 7 of aforesaid Resolution :

A subsidy calculated at so much per head shall be awarded for

¹ See F.V.R.R., 7th September, 1894.

each pupil who has passed the standard for which he was submitted to the Inspector of Schools, according to the following tariff :

In standard	I. for each pupil	25s.
" "	II. " "	30s.
" "	III. " "	35s.
" "	IV. " "	40s.
" "	V. " "	45s.
" "	VI. " "	50s.

Art. 1000. The Volksraad resolves that the Resolution taken for the amendment of Law No. 8, 1892, and First Volksraad Resolution Art. 343, dated 1st June, 1892, shall come into operation immediately after publication in the *Staatscourant*.

RESOLUTION OF SECOND VOLKSRAAD, 16th August, 1893, Art. 856. Taken as an addendum to Clause 17 of Law 5, 1874; noted and accepted by First Volksraad, Art. 1219, dated 29th August, 1893.

If any company, with limited liability, has already issued or may at any time hereafter issue shares of such company as fully paid up, in exchange for or in consideration of any property, rights or privileges acquired by such company to the advantage and advancement of its objects of association, or in exchange for or in consideration of services rendered to or for the benefit of such company, and to the advancement of its purposes or otherwise, then all such shares shall be deemed and taken to be actually fully paid up, and no responsibility or liability shall arise or be deduced therefrom as against the person in whose favour such shares are issued, or may be issued, or as against the subsequent holders thereof, other than would have arisen had such shares been actually fully paid up in cash.

Effect of issue by company of shares as fully paid up in exchange for or in consideration of any property, &c.

FIRST VOLKSRAAD RESOLUTION, dated 30th August, 1893.

Art. 1241.

EDUCATION.

(Superseded by Law No. 6, 1895.)

FIRST VOLKSRAAD RESOLUTION,

dated 6th September, 1893.

Art. 1393.

The First Volksraad resolves to instruct the Government :—

Firstly. To offer their locations to all Kaffir tribes for whom locations have yet to be beacons off as was provided in 1891, and should they refuse to accept the same within one year, they shall forfeit all further claim to a location.

Native locations.

Secondly. Not to grant any location on ground which is rich in minerals.

Thirdly. At the commencement of the next ordinary sitting to report to the Raad which Kaffirs may have refused to have their location beacons off.

Fourthly. As far as possible to comply with the request of the memorialists.

SECOND VOLKSRAAD RESOLUTION,

dated 21st July, 1893. Art. 630.

(Noted and accepted by First Volksraad Resolution, Art. 1,323, dated 6th September, 1893.)

Native Chiefs' contracts.

The Second Volksraad, having regard to all the contracts relating to the leases of minerals, metals and precious stones, and prospecting on and of Kaffir locations, now on the order, having regard to the Executive Council Resolution in conjunction therewith (*in re* the terms of the said contracts), as, also, the letter of the head of the mining department as to his refusal to approve of the terms of the said contracts, and having regard to the information, given in this connection by the Government, resolves to agree to the Executive Council Resolution that no contracts of whatsoever kind on and affecting Kaffir locations shall be recognised which are in conflict with Art. 21A of Law No. 18, 1892 (Gold Law).

FIRST VOLKSRAAD RESOLUTION,

dated 8th September, 1893.

Art. 1,353.

The First Volksraad, having regard to the memorials and the two commission reports at present under discussion,

Resolved :—

Coolie law to be strictly applied.

1. That Law No. 3, 1885, as subsequently amended, shall be strictly applied, so that all Asiatics and other persons falling under the said law shall be obliged to confine themselves to the appointed locations both for residence and trade, with the exception of those of them, whose contracts of lease entered into before such locations shall be or were pointed out, have not yet expired, and the Raad resolves further that the First Volksraad Resolution aforesaid shall be strictly enforced.

Chinaman's pass.

2. That every Chinaman shall be bound to provide himself with a special pass, on which a stamp of £25 shall be affixed, and which shall be signed and issued by the Landdrost or mining commissioner concerned and shall be renewed yearly.

Fine.

3. That every Chinaman, who, upon application made by a Justice of the Peace, judicial, or police officer, to him to exhibit

his pass, shall remain in default so to do, shall be arrested and punished by a fine not exceeding £25, and in default of payment by imprisonment with or without hard labour, for a period not exceeding one month, and upon repetition of such default he shall be banished from the Republic.

The enactments relating to Chinese shall come into operation as and from the 1st January, 1894.

REGULATIONS FOR THE MINTING OF GOLD COINS.

L.L. 1893, page 912.

GENERAL RAILWAY REGULATIONS.

N. Z. A. S. M.

L.L. 1893, page 914.

EDUCATIONAL.

WHAT CAPE EXAMINATIONS ARE ACCEPTED IN LIEU OF TRANSVAAL EXAMINATIONS.

L.L. 1893, page 966.

INSTRUCTIONS FOR BOILER,

INSPECTORS.

L.L. 1893, page 972.

(Framed under Law No. 7, 1893, which is repealed.)

See now Law No. 11, 1898.

INSTRUCTIONS FOR CLAIM.

INSPECTORS.

L.L. 1893, page 977.

(Framed under Law No. 3, 1893, which is repealed.)

See now Law No. 12, 1898.

LAW No. 1, 1894.

ON THE LIQUIDATION OF COMPANIES.

(Approved by Resolution of the Second Volksraad, Art. 105, dated 18th May, 1894, which Resolution was noted and accepted by the First Volksraad, in its Resolution dated 2nd June following, Art. 294; being an amendment of Law No. 8, 1891, approved by Resolution of the Second Volksraad, Art. 804, dated 16th July, 1891, and amended by Resolution of the First Volksraad, Art. 1,042, dated 21st July, 1891.)

Preamble.

WHEREAS the desirability has appeared of making provision for the liquidation of companies with shares in cases where it is in the public interest to liquidate such companies, now, therefore, it is hereby enacted and provided as follows:—

Meaning of the word "Company."

1. The word "company" in this Law shall signify every association whereof the capital is divided, or is agreed to be divided, into shares, so that such shares can be transferred without the express consent of all the shareholders, and which, moreover, at its formation, or by subsequent admission, shall consist of not less than 25 members.

Meaning of the word "contributory."

The word "contributory" in this Law shall signify every person who is liable for shares which have not been fully paid up.

When a Company can be placed in liquidation.

2. Any company may be placed in liquidation by order of the High Court, Circuit Court, or of one of the Judges in Chambers:—

- (a.) Upon it being shown that untrue returns, as set out in Art. 1A to 1F of Law No. 1 of 1891, have been made.
- (b.) If the company has taken a special resolution to enter into liquidation.
- (c.) If the company has not commenced its operations within a year after its incorporation, or has suspended its operations for a whole year.
- (d.) If the number of members has diminished to less than twenty-five.
- (e.) If 75 per cent. of the actual paid-up capital has been lost, or has become useless for the business of the company.
- (f.) If the company cannot pay its debts.
- (g.) If the High Court is of opinion that it is advisable, right, and just that the company shall be liquidated.

Method of procedure.

3. Such an order may be granted on an application to Court in the form of a petition, which can be made by the company, if incorporated in this Republic or if not incorporated in this Republic, by any official of the company, qualified and authorised to appear in the name and on behalf of the company, or by one or more creditors or debenture holders of the company, or by one or more shareholders or contributories, and every order for liquidation

granted on such a petition shall, in effect, be of the same force, without taking into consideration on whose petition the order was made.

4. The liquidation shall take effect from the day on which the order is granted.

On the hearing of any petition for liquidation, the Court may refuse the same, with or without costs, or may postpone the hearing, or may make such interlocutory order or cause such investigation and enquiry to be instituted, as the Court may deem just and advisable, or may make the order provisional or final.

The Court may, before or after the granting of such order, appoint provisional liquidators, and after the order the Court may appoint one or more official liquidators to carry out the liquidation.

Upon making such appointment, the Court or judge in chambers may determine what security shall be given by such official liquidator or liquidators, for the proper performance of his or their duties.

5. The liquidators may resign their office upon showing sufficient reason to the Court, and the Court may cancel the appointment on sufficient grounds, and appoint one or more liquidators in their stead.

The liquidators may, with leave of the Court, exercise the following powers, viz. :

- (a) Compromise any claim made by or against the company.
- (b) Institute, defend or continue any action, civil or criminal, in the name and on behalf of the company.
- (c) Continue the business of the company in so far as this may be in the interests and for the benefit of the liquidation of the company.
- (d) Sell the property of the company, and give transfer where necessary.
- (e) Transact all business and sign all documents in the name of the company, make, accept, and endorse bills of exchange and promissory notes as a valid charge upon the company, and borrow money upon security of its assets.
- (f) File any claim in the insolvent estate of a contributory to the company, and receive the dividend.
- (g) Take steps in their official capacity to secure the proper administration of the estate of a deceased contributory, and take any further steps to recover moneys due by a contributory or his estate to the company.
- (h) Take all other steps and transact all other matters which may be considered necessary for the liquidation of the company.

The Court may, on cause shown, by means of any order provide that any of the above-mentioned powers shall be exercised by the official liquidator without further leave or intervention of the Court, and may, in the order appointing any provisional liquidator, define his powers.

From what day the order shall have effect.

Power of judge on hearing of petition.

Appointment of liquidators.

Security.

Resignation and discharge of liquidators.

Powers which may be granted to liquidators.

Fixing the lists A and B of contributories.

6. As soon as possible after an order is granted placing a company under liquidation the Court shall, at the instance of the liquidators, settle a list of contributories and shall have power to amend the register of shareholders in all cases where such shall appear necessary, and shall order that all the assets of the company shall be collected and used for the settlement of the debts of the company. Such contributories shall be ranked in two lists, marked A and B.

What contributories are placed on list A and what on list B.

On the said list A shall be placed all contributories who are such in their own right, and on the said list B shall be placed all contributories who are such as representatives of, or liable for, the debts of others.

Calls.

7. At any time after the order, the liquidators may, after obtaining leave of the Court, make calls, and the Court may order that the same shall be paid by each and every contributory who is placed on the aforementioned lists in so far as he is responsible, to the amount of a sum which the Court may deem necessary in order to settle the debts of the company and to pay the costs of liquidation, and in making such calls the Court shall take into consideration the mutual rights of the said parties and also the possibility and probability that some of these parties may not be able to make the payments either wholly or in part.

Set-off.

The Court may further grant an order allowing a set-off in cases where a company owes any moneys to a contributory on any separate contract or transaction with the company, but not if the moneys due are profits or dividends accruing to such contributory as a shareholder.

Fixing a period for the filing of claims.

8. The Court may fix a day or days on or within which the creditors of the company must send in their claims, or forfeit the privilege of partaking in any distribution that may be made before the filing of such claims.

The Court shall adjust and determine the rights of contributories.

Transactions, &c., after the order of liquidation are void.

9. Upon any company being placed in liquidation in terms of this law, all compromises affecting, and dealings with, the property and effects of the company, and every transfer of shares or alteration in the position of contributories, as also all attachments, sequestrations, arrests and executions made or taken out against the estate of the company after the granting of the order for liquidation shall be null and void, unless the Court shall order otherwise.

Undue preference.

10. Every alienation, transfer, cession, delivery, mortgage or pledge of any property and effects, movable or immovable, personal or real, and every payment which if made by a private person, in case of his insolvency would be an undue preference under the Insolvency Law No. 21 of 1880, shall when made by or against a company if it is being liquidated under this law, be considered to be an undue preference, and shall accordingly be null and void, and for the purposes of this article the presentation of the petition

for the liquidation of a company, and the order thereon, shall be considered as equivalent to the provisional order for the compulsory sequestration of the estate of a private person under Art. 5, Law No. 21 of 1880.

- 11.** Upon the liquidation of a company being entirely completed the Court shall grant an order dissolving the company as and from the date of such order and thereupon the company shall be dissolved. Such order shall be published within 12 days after the granting thereof in the *Staatscourant* and in any newspaper that the Court shall appoint. Dissolution of the Company.
- 12.** The master of the High Court of the South African Republic shall supervise the due liquidation of companies. Supervision of liquidation by master.
- 13.** The liquidators shall be bound to allow the master of the High Court inspection of all original documents connected with the liquidation of companies, and upon the termination of the liquidation they shall deposit all documents relating to the liquidation at the office of the aforesaid official. Master has right to inspect the documents and take charge of them after the termination of the liquidation. Filing of balance sheet with master within six months.
- 14.** And it is enacted that the liquidators of any company within the meaning of this law as soon as possible and not later than six months after the appointment, unless upon request to the High Court on sufficient grounds to the satisfaction of the said Court further time is given for that purpose, shall be obliged to frame and lay before the master of the High Court an accurate statement of accounts and a balance sheet of the estate of such company, setting out what the proceeds of all sales and debts then collected are, and giving an inventory of all property and effects still unsold; and shall likewise specify all amounts due by the said estate, and shall frame a plan for the distribution of the effects of the said estate, specifying, firstly, such creditors as according to law are preferent in the order of their legal preference, and, secondly, the concurrent creditors and the balance that remains over for division among them.
- 15.** The liquidators shall be bound to file a proper account and plan of distribution at the master's office, and to publish the same in the same way as defined by Art. 109 of Law No. 21, 1880. Filing of distribution account and plan.
- 16.** With regard to objections against and confirmation of such documents and plans, the same rules shall be followed as are laid down in Law 21, 1880, Articles 110, 111, 112. Treatment of objections against plan.
- 17.** Further, all regulations laid down in Law 21, 1880, with regard to the distribution of the estate shall be followed. Regulations of the insolvency law applicable.
- 18.** The charges and stamp duties fixed by Law No. 5, 1881, shall be applicable to the liquidation of companies within the meaning of this law. Stamp duties.

Power of the judges to draw up rules.

19. The judges of the High Court may when necessary, subject to the approval of the Government, make such rules and regulations as they may consider advisable and expedient with regard to the procedure according to which a company shall be liquidated.

Such rules and regulations shall have force of law after publication in the *Staatscourant*.

Taking effect.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,
2nd June, 1894.

LAW No. 2, 1894.

FOR EXTENDING THE JURISDICTION OF LANDDROSTS, SPECIAL LANDDROSTS, ASSISTANT LANDDROSTS, AND MINING COMMISSIONERS (AT PLACES WHERE NO SPECIAL LANDDROSTS ARE APPOINTED).

(Approved and enacted by Arts. 160, 161 and 162 of the Resolutions of the Second Volksraad dated 31st May, 1894; noted and accepted by First Volksraad, Art. 461, dated 9th June, 1894).

Landdrosts' jurisdiction in certain criminal cases extended.

1. The Courts of Landdrost, Special Landdrosts, Assistant Landdrosts, and Mining Commissioners (at places where no Special Landdrosts are appointed) shall have a more extended criminal jurisdiction in the following cases and subject to the following provisions, to wit:—

Thefts.

(a.) In the case of any charge of theft or attempted theft of any horse, mule, donkey, bull, ox, cow, heifer or calf or any other sort of cattle, or of any sheep or goat, or of more than one of either sorts of such cattle or stock, or of pigs or of skins or the meat of any such animals, or of receiving such animals or the skins or flesh thereof knowing that the same have been stolen, the Courts aforementioned shall have jurisdiction to try such charge, and if the accused is found guilty shall have jurisdiction to sentence him to imprisonment with or without hard labour for a period not exceeding two years, with or without lashes, not exceeding 25 in number; but no such sentence shall be carried into effect until the proceedings shall have been

Penalty.

Sentence must be confirmed by judge.

submitted to and confirmed by one of the judges of the High Court.

To that end the Registrar of the Lower Court concerned shall forthwith prepare copies of the records of the case, and retaining the same certified as correct at his office, shall transmit the original records to the Registrar of the High Court, Pretoria, for submission to one of the judges of such Court; who shall, at latest within one month of the receipt of such documents, certify thereon that the proceedings and the sentence were substantially in conformity with the requirements of law and justice, and the Registrar of the High Court shall thereupon return the records with such certificate to the Lower Court concerned, in order that the sentence may be carried into effect.

The judge of the High Court to whom the documents are submitted, may in cases of suspected irregularity or of doubt transmit the records to the State Attorney, with instructions to argue the matter before him, and may likewise request an advocate to argue the case on the accused's behalf.

The judge concerned shall have the power to correct, amend and wholly or in part quash (annul) the sentence.

Quashing, &c. sentence.

Power to correct, &c. sentence.

Should it appear that the Landdrost has admitted evidence, which ought not to have been admitted, his sentence shall not be quashed on this ground, if it shall appear from the *records*, that independently of the evidence improperly admitted, sufficient other evidence and proof of the guilt of the accused was before the Court.

How, if evidence improperly admitted.

It shall however at all times be open to any white person, charged with theft, as above specified, to demand that he shall be tried before a judge of the High Court and a jury.

White persons.

In such case, the Landdrost, Special Landdrost, Assistant Landdrost or Mining Commissioner shall hold a preliminary examination in the ordinary way.

Preliminary.

(b.) If the State Attorney considers that a case, in which a preliminary examination has been held, ought to be decided by the Lower Court judge, who presided at the preliminary examination, he shall remit such case for trial to such Lower Court. Should the case be so remitted, it shall not be necessary for such Lower Court to recall the witnesses who previously gave evidence in the presence of the Landdrost, Assistant or Special Landdrost or Mining Commissioner and the prisoner at the preliminary examination, but it shall be sufficient to read out the declarations, previously made; it shall however be open to the public prosecutor and the accused to request, that one or more of the witnesses already heard should be

Case remitted to Lower Court.

recalled and heard or that fresh witnesses should be called and heard.

But if the witness did not give his evidence in the presence of the accused and the official to whom the case is remitted; such witness shall be summoned and called up to give evidence, as if he had never previously given evidence in the case in question.

Cases remitted where accused pleads guilty at preliminary.

(c.) Where at a preliminary examination the prisoner, after the evidence against him has been taken, on being asked if he has anything to say, shall voluntarily acknowledge that he is guilty of the offence charged against him, the State Attorney after having gone into the documents, may remit the case to the Lower Court concerned, to pass sentence, provided always that without taking into consideration the admission of the accused, his guilt shall sufficiently appear from the evidence, and the State Attorney shall in returning the documents endorse thereon that he remits the matter to the Lower Court concerned, to be dealt with under the special jurisdiction granted that Court by section (a) (*sic*) of this Law.

It shall be lawful for the said Court in such case, without any further proceedings, to have the accused brought before the Court and to sentence him to imprisonment, with or without hard labour for a period not exceeding two years and with or without lashes not exceeding twenty-five in number.

In this case also, no sentence, which shall exceed the ordinary jurisdiction of the Lower Courts referred to, shall be carried into effect until after confirmation by one of the judges of the High Court, as mentioned in Section "A" of this law.

Confirming sentence.

2. In confirming any sentence under this Law, whereby a white offender may be sentenced to receive lashes, the judge shall be bound by the provisions of Art. 1 of Law No. 21, 1892.

Repeal.

3. All Laws and provisions conflicting herewith are hereby repealed.

Operation.

4. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government office,
Pretoria,
14th June, 1894.

LAW No. 3, 1894.[¹]

FOR THE ELUCIDATION AND AMENDMENT OF LAW No. 13, 1891,
REGULATING THE GENERAL FRANCHISE LAW OF THE BURGHERS
OF THE SOUTH AFRICAN REPUBLIC.

(Amended and approved on the third reading under Art. 375,
11th June, 1894, by Resolution of the First Volksraad.)

WHEREAS it is desirable that the Franchise Law of the burghers
of the South African Republic be more clearly defined and
described, be it hereby enacted as follows :—

1. To possess the franchise in the South African Republic, a man must be a burgher. In connection herewith the following provisions are in force :—

Franchise
qualifications.

- (1st.) To be a burgher a man must
- (a.) have settled within the Republic before 29th May, 1876.
 - (b.) Have been born within the South African Republic.
 - (c.) Have been an enfranchised burgher in the districts which have been incorporated with the South African Republic by treaty, convention, or agreement, and in consequence have become inhabitants of this State, each in terms of the arrangements in the Volksraad Resolutions having reference to that incorporation and concerned therewith.
 - (d.) Have been naturalised according to the former or now existing laws.
 - (e.) Have been declared an enfranchised burgher in terms of the Resolution of the First Volksraad, Art. 1197, of date July 31, 1891.
- (2nd.) To be an elector one must have reached the age of 16 years.
- (3rd.) Persons not born in the South African Republic, but come in from elsewhere, may obtain the burgher-right, and thus become burghers, when they have taken the required oath, and have obtained letters of naturalisation mentioned hereunder.
- (4th.) Youths not born in this State, and whose fathers have become enfranchised burghers of the South African Republic, before they have reached their sixteenth year, shall have the same right to vote as their fathers, provided they have registered their names for that purpose with the Field-Cornet at sixteen years of age.

¹ NOTE.—This law is superseded, but is given here on account of the references made to it in Law No. 6, 1897 (Ballot Law), which is still in force.

(5th.) Persons intended under sub-section 3 of this Article shall take the following oath before the official appointed thereto:

I to-day born
desiring to become a burgher of the South African Republic, and having complied with all the provisions of the law with reference to naturalisation, disown, renounce and abandon all obedience, allegiance and submission to all foreign princes, chiefs, states, and sovereignties, and in particular the prince, chief, state or sovereignty of which I have been up till now a subject and burgher, and swear as subject the oath of fealty and obedience to the Government and its laws and the people of the South African Republic.

(6th.) Immigrants from elsewhere may be admitted to naturalisation, provided they prove to the Field-Cornet and Landdrost of their ward and district that they had settled as residents of at least two years, and during that time have been loyal and obedient to the laws of the land, and have had themselves registered for at least two years in the lists of the Field-Cornet, and produce a certificate of a qualified official to the effect that they have had no criminal sentence passed to their discredit. Children follow the status of their fathers, and when their fathers are not enfranchised or naturalised they are excluded from the regulation as appearing in section (b) of point 1 of Art. 1 of this Law. The petition for naturalisation is sent up by the Field-Cornet, through the Landdrost with the necessary proofs to the State Secretary, and referred by the latter to the State Attorney, who shall send the documents back, with his advice thereon, to the State Secretary. If there is, according to the advice of the State Attorney, no lawful objection to the issue of the letters of naturalisation, then they may be granted, if no difficulty exists on the part of the Government against such issue. The letters of naturalisation shall be signed by the State Secretary and the State Attorney. The State Secretary shall have the letters of naturalisation issued by the official appointed thereto, and shall have the required oath administered by the latter. The costs of this naturalisation shall be £2.

(7th.) Persons invited under special circumstances by the Government to be naturalised shall not require to have lived two years in the country, or to have been registered with the Field-Cornet in order to be admitted to naturalisation.

Only white persons may be burghers.

2. No one who is not considered as one of the white population of the South African Republic shall be registered as enfranchised burgher according to Art. 9 of the Grondwet.

Registered voters.

3. The burghers mentioned in the above articles, who have obtained the franchise, shall have the right to have their names

registered as voters, with their respective Field-Cornets, upon production of proof that they have the right to vote.

4. The enfranchised burghers, who have obtained the franchise either before the coming into operation of Law No. 4, 1890, or thereafter in virtue of the right arising from birth within the South African Republic according to Art. 1 of this Law, shall have the right to give their vote as follows:—

Burghers
prior to 1890.

- (a.) For the election of a Field-Cornet of the ward, each in his own ward.
- (b.) For each election which affects the whole district or the electoral division in which they reside.
- (c.) For each election which affects the entire South African Republic.

No extension of this franchise may take place unless a proposal to that effect has been published for a year in the *Staatscourant* and at least two-thirds of the said enfranchised burghers have declared for it by memorial.

Enfranchised burghers who have obtained the franchise in virtue of naturalisation after the coming into operation of Law No. 4, 1890, shall have the right to give their vote as follows:—

- (a.) For the election of a Field-Cornet of the ward, each in his own ward.
- (b.) For a member of the Second Volksraad of the district or electoral division in which they reside.
- (c.) For each other election which affects the whole district, or the electoral division in which they reside, and in which they are entitled to vote according to law.

5. No one may take part in an election or give his vote at an election outside the ward in which he lives, to which he is entitled by law, without a certificate from the Field-Cornet of his ward to the effect that he is registered as an enfranchised burgher, and has not as yet voted for the said election. This certificate shall be attached to his voting card.

Voting outside ward
where voter resides.

6. Each enfranchised burgher of a district which is not divided into electoral districts may register his vote for so many candidates as there are vacancies which must be voted for, unless a change is made herein by special laws or resolution of the First Volksraad.

Number of
votes.

7. The votes shall be taken by official or non-official polling officers. The non-official polling-officers shall, under the supervision of the Field-Cornets or other persons specially appointed therefor, be chosen for each election by the majority of the enfranchised burghers who are present at the holding of an election, or by official polling officers who shall be specially appointed by the Government, or designated by the law.

How votes
taken.

8. Each enfranchised burgher who wishes to give his vote for a candidate, must bear in mind the day or days, the hour or hours, and the place of voting, as is fixed by the Field-Cornets in accordance with the conditions prescribed, which may be given by

Every enfranchised
burgher shall appear in person in order to vote.

the Government. The Field-Cornet is bound to have with him at each election a complete and alphabetical list of the voters of his ward, as is mentioned in Art. 13.

Election
Committees.

9. In no case shall election committees at any election or assemblage be allowed, nor the giving of money, nor opening of canteens, and such things for the furtherance of the election of one or other candidate.

Remuneration
of non-official
polling
officers.

10. The non-official polling-officers shall be recompensed for their services as is fixed below in this Law, provided always that the Government shall not be responsible for the costs arising out of the holding of elections, or at more than one place of voting in each town or village, and at more than three places of voting in each ward [1].

Voting papers
forwarded to
Landdrost.

11. The polling officers shall immediately after the close of the election collect all the voting tickets and also all voting lists, which latter shall be properly signed by both of them, and shall forward the same without delay to the Landdrost of the district or Mining Commissioner of the electoral division, who shall, together with the polling officer, inspect and examine the same. As soon as this is done the Landdrost or the Mining Commissioner, together with the polling officers, shall collect and seal all the documents and transmit them without delay to the State Secretary, together with their report containing their remarks on those voting tickets, mentioning which of them they consider unlawful or doubtful.

When the documents relating to the election have been received by the State Secretary, the Executive Council shall inspect and examine the same, and according to the result inform the person or persons elected of the result of the election.

Protest
against
Election.

12. When a protest is made against the result of any election, the protesting party shall send the proofs in to the Government not later than eight days after such election. The Executive Council shall then immediately institute an examination by means of a commission to be appointed for that purpose, or by officials to be indicated for that purpose. If it appears that such a protest is ungrounded or cannot be substantiated, then the protesting person or party shall be answerable for all costs arising out of such examination.

Field-Cornet's
list.

13. Each Field-Cornet shall be bound to frame a list yearly, in the months of October and November, of all the enfranchised burghers in his district, whereby it shall clearly appear which burghers in his ward are entitled to vote for the First Volksraad, and which for the second, and he shall at the same time be bound on request of newly arrived burghers to register them. He shall duly keep a book thereof and send a certified copy thereof to the Landdrost of his district or the Mining Commissioner of his electoral division for the 15th December thereafter following. The books and lists must be so sent in to him

¹ Repealed by Law 6, 1897.

that it may clearly appear therefrom which new voters are registered and which are excluded therefrom by removal or the like. He shall at the same time, at the end of each three months, to be counted from 15th December, send in a supplementary list of new burghers in his ward to the Landdrost of his district, or the Mining Commissioner of his electoral division.

14. The Field-Cornet shall have the right to refuse to register the name of anyone when he thinks he has good reason for so doing, which reasons, however, when the opposite party so desires, shall be left to the judgment of the Landdrost or Mining Commissioner of the electoral division, or, if he so desires, to the judgment of the Executive Council.

Field-Cornet's discretion.

15. The Landdrost of each district, or the Mining Commissioners of each electoral division, shall yearly, before the 15th January, send in to the State Secretary a certified copy of the copies mentioned in Art. 13, and also to the director of the State printing office, for publication in the *Staatscourant*, and he shall also have the lists of the voters affixed to the doors of his office to enable parties to send in their complaints or objections to the proper officer. The same regulation shall hold also for the three monthly supplementary lists as mentioned in the Article quoted.

Duties of Landdrosts, &c., re voting lists.

16. The franchise, when obtained, as in Art. 1, is lost or destroyed, as follows :—

How franchise lost.

- (a.) By forfeiture or loss of burgher-rights, which happens on getting naturalised in another State, or taking the oath of allegiance to another recognised civilized State or Power.
- (b.) By going to live outside the country. On return into this State, the franchise may be made use of by having oneself re-registered with the Field-Cornet of the ward in which one resides, provided that the burgher-right is not forfeited or lost according to section (a) of this Article.
- (c.) By removing or departing from one ward or district or electoral division, when the registration shall take place anew in the ward or district or electoral division, where the person resides.
- (d.) By having a criminal sentence, which carries infamy, passed on one.
- (e.) By acting as mentioned in Articles 17, 18.

17. Anyone may also forfeit his franchise by exercising the same in conflict with this Law.

Ditto.

18. Any person who bribes, or attempts to bribe, anyone to vote for any candidate, or any person who has allowed himself to be bribed, loses his vote, and shall, besides, be punished with a fine not exceeding £25, or imprisonment with hard labour for a period not exceeding three months, according to the nature of the case.

Bribery.

Absentee
burghers.

19. Burghers who are absent from their electoral division in the service of their country on commando, in case of any important election, shall have the right to record their vote with any officer or polling-officer proper for that purpose, at a time and place which shall be duly fixed, if such burghers conform to the other requirements of the law.

Polling
officers.

20. The polling-officers appointed by the law and installed by Government for that purpose shall be sworn beforehand, before a Landdrost, or Justice of the Peace, and the non-official polling-officers shall enjoy the sum of £1 sterling per day as salary when acting as such.

Oath.

21. This oath shall be as follows:—

“As nominated and appointed as polling-officer for the election
“of _____, I promise and swear
“solemnly to be faithful to the people and Government of this
“State, and that in the discharge of the duty laid upon me, I
“shall act in accordance with the law and my instructions.
“That I shall act impartially, without respect of persons, and
“shall give to none of the voters the least signs of approval
“or disapproval of one or the other candidates, nor attempt to
“exercise the least influence on their votes for or against one
“or other of the candidates, and that after the election I shall
“give a clear and exact report thereof to the Government, and
“in everything bear myself as in duty bound. So truly help
“me God Almighty.”

Recording of
votes.

22. All Field-Cornets and persons charged with the duty of recording votes, who fail to carry out strictly the conditions and regulations of this law as prescribed, shall be fined by the Government in a sum not to exceed £50.

General
penalties.

23. Contraveners of this Law shall, in so far as no provision is made in the above Articles, be punished with a fine not exceeding £50, or imprisonment for a period not exceeding three months, according to the nature of the case.

Repeal.

24. All Laws and regulations in conflict with this amendment of the law are hereby repealed except the second paragraph [1], Article 9, Law No. 4, 1890, and this amendment shall immediately after publication have force of law.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
18th June, 1894.

¹ NOTE.—Second paragraph, Article 9, Law No. 4, 1890, reads as follows:—‘The franchise for the First Volksraad may, in addition to this, be obtained by those who have been during ten years eligible for the Second Volksraad, by Resolution of the First Volksraad, and according to rules to be fixed later.’

LAW No. 4, 1894.

CUSTOMS LAW.

(Approved and confirmed by Resolution of the First Volksraad, Art. 502, 18th June, 1894).

1. All merchandise imported from abroad, unless exempted under the provisions of this Law, shall be subject to an Import Duty of $7\frac{1}{2}$ per cent. of its value, which value shall, for the purposes of clearance and the payment of the said duty, be the actual current or cash market value of the goods ready for consignment at the place where they may have been purchased or obtained by the importer for the purpose of importing into this Republic; and in the case of goods imported direct from places in oversea states, territories and colonies outside of South Africa, 20 per cent. shall be added to such value for the purposes of clearance and the payment of import dues, which value shall include the value of all packages in which such goods are sold, such as bottles, tin and iron drums, casks for cement and fluids, paper boxes, cases. The following goods shall be entirely exempted from import duty:—

A duty of $7\frac{1}{2}$ per cent. of the value thereof is imposed upon all imported goods.

Calculation of value.

- (a.) All kinds of live stock, with the exception of oxen, cows, calves, sheep, goats and lambs, which are dutiable as cattle and stock under the last section of Art. 3. Exemptions.

All kinds of live-stock belonging to persons who come to settle with the same in this country, draught cattle in use of travellers and transport riders, live stock which is being removed to the winter veldt, and which subsequently is to return to the Republic and *vice versa*.

- (b.) Banknotes or other negotiable papers and specie, which are admitted in this State as legal tender.
- (c.) Printed books, including music books, maps and printed school requisites, newspapers, pamphlets and periodicals.
- (d.) Articles obtained by burghers of the Republic while hunting in foreign parts.
- (e.) Produce and live stock raised in the Orange Free State and the province of Mozambique, imported under a certificate of origin issued by the Landdrost, Resident Justice of the Peace, or Consul.
- (f.) Wagons and vehicles in the use of persons visiting the Republic, and who intend to return with the same, as also wagons and vehicles used by persons trekking with their establishment in order to settle in the Republic.
- (g.) Seeds of trees, flowers and vegetables. All agricultural seeds and produce specially imported by agriculturists for sowing or planting under a sworn declaration made before a Justice of the Peace or Collector of Customs, with the exception of agricultural produce on which a duty

is specially imposed by law, and grain imported as food-stuff [1].

- (h.) Second-hand furniture and tools of artisans and persons who intend to settle in the Republic.
- (i.) Raw or alluvial gold from the neighbouring gold-producing States.
- (j.) All outside packings which are not sold with the merchandise, and which are not imported for sale but only for the protection of the merchandise during transit.

The import duty on machinery is $1\frac{1}{2}$ per cent. of its value. Definition of machinery

2. All machinery (as specified below) and fencing wire, iron poles and all other materials required exclusively for fencing-in farms and pieces of ground, shall be subject to an import duty of only $1\frac{1}{2}$ per cent. of the value thereof, which value shall be calculated upon the basis set out in Art. 1.

All apparatus used for the production or transmission of power exclusively by mechanical or electrical means.

All appliances intended exclusively for the crushing and grinding of ores, minerals and agricultural produce.

All pumps used exclusively for industrial and agricultural purposes, excepting hand-pumps.

All materials, implements and apparatus intended exclusively for the extraction of metals from ores, and for the analysis and reduction of metals and ores, and for the manufacture of chemicals or acids required for the extraction of gold.

All apparatus and implements exclusively intended for the transport and hoisting of ores and minerals, including rails and trucks which move exclusively on rails.

All metal and earthen pipes exclusively intended for the conveyance of water or tailings from and to gold and other mines, and for agriculture and for waterworks.

All wheels and other appliances for raising and removing water and tailings and other industrial products.

All diamond drills and machines for working wood and iron.

Telephone and telegraph wires and plant.

All machinery for agriculture, trade and industry, such as mowing and threshing machines, sawing apparatus, printing presses, &c.

All reserve and special parts of the above articles.

Large chaff-cutting machines, chaff presses, wool presses and other appliances required in the preparation of merchandise or products for trade or shipment.

Special duty.

3. The following articles shall, in addition to the general import duty of $7\frac{1}{2}$ per cent. as in Art. 1 set forth, be subject to a special import duty as specified for each article. The basis for the calculation of such special duty shall be the invoice or purchase price, which shall be the true current or cash market value as set forth in Art. 1 :—

All printed matter (with the exception of articles exempted under Section "C," Art. 1) - - - - 100 per cent.

¹ See *Staatscourant*, 6th April, 1898, re seed oats.

The following articles shall not be included under printed matter :—

Pictures, prints, chromos, drawings, portraits, photographs, woodcuts, Christmas, New Year and birthday cards, almanacs, day-books, ledgers and pocket-books with printed heads and dates imported for the trade, and such like, which are subject only to the general duty mentioned in Art. 1.

	£	s.	d.
Meat in tins, not otherwise specified - - -	5	per cent.	
Vinegar (acetic acid) per gallon - - -	£0	3	0
Gold, silver and jewellers' articles - - -	12½	per cent.	
Biscuits, in tins or otherwise, per 100 lbs. - - -	£1	5	0
Beer, per gallon - - - - -	0	3	0
Butter, butterine, margarine and ghee, per 100 lbs. - - -	0	5	0
Cement, per 100 lbs. - - - - -	0	3	0
Champagne or sparkling wine, per gallon - - -	0	10	0
Chicory [¹], per 100 lbs. - - - - -	0	7	6
Dynamite and other explosives, not exceeding per lb. - - -	0	0	9
Eggs, per dozen - - - - -	0	0	6
Pastry or cakes, &c., in tins or otherwise, per 100 lbs. - - -	1	5	0
Distilled liquors (all) or liquids, the produce of neighbouring States and Colonies, of 11° to 56° inclusive strength according to Tralles' alcoholometer, per gallon - - - - -	0	6	0
Distilled liquors (all) or liquids sweetened or scented, all liqueurs and cordials, the products of the neighbouring States and Colonies, of a standard alcoholic strength from 11° to 56° inclusive according to Tralles' alcoholometer, per gallon - - -	0	6	0
Distilled liquors (all) or liquids imported from abroad, not being a product of the neighbouring States and Colonies, from 11° to 56° inclusive according to Tralles' alcoholometer, per gallon - - -	0	10	0
Distilled liquors (all) or liquids, sweetened or scented, all liqueurs and cordials from abroad, not being the product of the neighbouring States and Colonies, of a standard alcoholic strength from 11° to 56° inclusive according to Tralles' alcoholometer, per gallon - - - - -	0	10	0
Distilled liquors (all) or liquids of a standard alcoholic strength above proof, or above the standard alcoholic strength represented by 56° measured by the alcoholometer of Tralles, or proof, per gallon - - - - -	1	0	0

All sweetened mixed wines and liquids may be examined by distillation or analysis, and any evasion discovered shall be punished in accordance with the provisions of this Law.

¹ Mixtures shall be liable to the duty charged upon that substance contained therein which is liable to the highest amount of duty.

	£	s.	d.
Seed barley, per 100 lbs. - - - - -	0	5	0
Guns, pistols and revolvers, per barrel - - - - -	0	10	0
Vegetables, fresh, preserved and dried, per 100 lbs. - - - - -	1	5	0
Shot, per lb. - - - - -	0	0	3
Ham, per 100 lbs. - - - - -	4	10	0
Oats, in bundles or bales, per 100 lbs. - - - - -	0	5	0
Seed oats, per 100 lbs. - - - - -	0	5	0
Jams and preserves, per 100 lbs. - - - - -	1	5	0
Cheese, per 100 lbs. - - - - -	0	5	0
Kaffircorn, per 100 lbs.- - - - -	0	2	6
Kaffir hoes and shovels, per piece - - - - -	0	1	0
Cake, in tins or otherwise, per 100 lbs. - - - - -	1	5	0
Coffee, per 100 lbs. - - - - -	0	2	6
Wheat, per 100 lbs. - - - - -	0	7	6
Copper wire, per lb. (unless it is proved that the said wire is imported for electrical purposes or for transmission of power for mines) - - - - -	0	0	6
Beads (all kinds), per lb. - - - - -	0	1	0
Gunpowder, per lb. - - - - -	0	0	6
Sweets, per 100 lbs. - - - - -	1	5	0
Lead, per lb. - - - - -	0	0	3
Meal (all kinds), per 100 lbs. - - - - -	0	7	6
Mealies, per 100 lbs. - - - - -	0	7	6
Malt, per 100 lbs. - - - - -	0	5	0
Cartridges, filled, for breechloaders, per 1,000 - - - - -	0	5	0
Rice and dhall, per 100 lbs. - - - - -	0	1	6
Cigars, per 100 - - - - -	0	15	0
Cigarettes, per 100 - - - - -	0	1	6
For the calculation of the Customs dues it is assumed that 500 cigarettes do not exceed 1 lb. in weight; in case of excess the duty will be proportionately increased.			
Snuff, per lb. - - - - -	0	2	6
Bacon, per 100 lbs. - - - - -	4	10	0
Coal, per 100 lbs. - - - - -	0	7	6
Sugar, per 100 lbs. - - - - -	0	3	6
Tobacco, raw, in leaf or roll, the produce of the neighbouring States and Colonies, and not excluded by treaty, per lb. - - - - -	0	0	6
Tobacco, raw, from abroad, per lb. - - - - -	0	2	6
Tobacco, manufactured, irrespective of the place from which imported, not being cigars and cigarettes, per lb. - - - - -	0	2	6
Tea, per 100 lbs. - - - - -	0	5	0
Uniforms, liveries and second-hand clothing imported for trade, per trousers, jacket, coat - - - - -	0	1	6
Pork, per 100 lbs. - - - - -	4	10	0
Lard, per 100 lbs. - - - - -	4	10	0
Pigs, each - - - - -	4	10	0

	£	s.	d.
Horned cattle, large, <i>i.e.</i> , oxen, cows and calves, per head - - - - -	0	10	0
(Excluded from exemption under Art. 1 of this law.)			
Horned cattle, small, <i>i.e.</i> , sheep, goats and lambs -	0	1	0
(Excluded from exemption under Art. 1 of this law.)			
Fruit, preserves, dried, and fruits of the soil, per 100 lbs. - - - - -	1	5	0
Among dried fruit shall be included such fruit as has undergone a special preparation before drying for preservation.			
Sausage, per 100 lbs. - - - - -	4	10	0
Soap, ordinary, for domestic use, and soft soap, per 100 lbs. - - - - -	0	5	0
Soap, scented, toilet soap and all other kinds, per 100 lbs. - - - - -	0	10	0
Sulphuric acid, per lb. - - - - -	0	0	1
Mining timber, fence and telegraph poles (wood) imported over the northern and north-western frontiers of the Republic, each - - - - -	0	0	3

4. Guns, pistols, revolvers and ammunition may only be imported under a permit granted by the Commandant-General upon payment of a 5s. stamp. Dynamite and other explosives may be imported only under a permit granted by the State Secretary upon payment of 5s. in stamps.

Importation of fire-arms only by permit.

Such permit may be at any time refused without specifying reasons [1].

5. Every white person residing in the Orange Free State and visiting the South African Republic, shall have the right to bring with him for his protection not more than one firearm free of duty, provided that he shall be in possession of a certificate from the Landdrost, Resident Justice of the Peace, Justice of the Peace, or Field-Cornet of his district, that he is the owner thereof, which certificate shall be exhibited by him, upon entering this State, to the Collector of Customs.

Exception.

He shall not be entitled to remain longer than thirty days with such firearm in this State, unless the ordinary import duty has been paid thereon.

Any infringement hereof will be punished according to law.

6. All import dues on goods imported into or passing through the Republic shall be paid, and the goods cleared at the office of the Collector of Customs at the proclaimed custom houses and clearance offices, excepting goods imported by private persons residing in the Republic who are not merchants, transport riders or agents, and who are importing exclusively for their private use or consumption, and not for the purposes of sale or trade, and who

Where imported goods must be cleared and the import duty paid.

Exception.

See page 356, L.L., 1896, for repeal of 3rd paragraph of this article, omitted here.

can produce a certificate from the Landdrost or Collector of Customs of their district, to the effect that they will pay the duty at the office of such official; such persons shall be obliged to give notice of the delivery of such goods and to pay the import duty thereon to such official within one week after the delivery of such goods.

Documents to be produced for the clearance of goods.

7. For the purposes of clearance and the calculation of the import duty payable, the importer or his representative shall produce, together with the clearance papers, all bills of lading, invoices, receipts, and other necessary documents.

The official authorised to collect the import duty shall be entitled to value any goods, imported by whomsoever, of which no invoice or proof of value can be produced, and to assess the import duty payable thereon according to law.

Importation to be effected only through proclaimed ports.

8. No person shall have the right to import any merchandise, articles of trade, or other goods, except through a proclaimed port of entry [¹] appointed by the State President in the *Staatscourant*, with the exception, however, of the private persons residing in the South African Republic, referred to in Art. 6.

Where the notice must be given.

9. A transport rider or other person carrying goods into or through the Republic, either for other persons or for his own use, or for the purposes of trade on his own account, shall, immediately upon entering the territory of this Republic, give notice to the Collector of Customs at the proclaimed ports of entry or clearance offices and pay the proper import duties.

Notice and clearance of such goods and payment of such dues at other than the above-mentioned offices shall not be considered valid.

Exception.

Excepted herefrom are the private persons referred to in Art. 6.

No importation permitted between sundown and sunrise.

No transport rider or other person, excepting railway companies, shall have the right to import goods or to assist in the importation thereof after sundown or before sunrise.

Punishment for incomplete returns.

10. Any transport rider or other person failing to give a full account of all the goods imported by him shall be subject to punishment as hereinafter provided.

Regulations re bills of lading and invoices.

11. The bills of lading shall set forth, plainly and legibly, the marks, number and contents of the cases, bales, &c.

Forfeiture of goods if bills of lading are forged.

The invoices shall show plainly the prices, nature and quantity of the goods, as also the marks of the cases or packages, &c., the place where the articles were purchased for direct shipment or consignment to this Republic, &c. Should it appear that the invoices or bills of lading or certificates or other documents have been forged or falsified, the goods may in addition be declared forfeited.

¹ *Vide* proclamations 28th Nov., 1892, p. 684, L. Laws, 1890-93, 8th Jan., 1894, 30th April, 1894, 2nd May, 1894, and 3rd Dec., 1894.

12. No transport rider or other person importing goods shall be permitted to deliver the same until he shall have exhibited his bills of lading to the Collector of Customs, and shall have received permission thereto in writing from him either by permit or by stamp, and no person shall have the right to receive such goods until such permission shall have been exhibited to him.

No goods to be delivered without permission.

In cases, however, where merchants or importers are residing at a great distance from a Collector of Customs, the latter may issue such permission to the consignee of such goods before the same shall have arrived.

Exceptions.

Private persons, such as are referred to in Art. 6, not being merchants or transport riders, and not resident in towns, who import small quantities of goods for their own consumption, shall not be required to await the permission of the Collector of Customs.

13. Any person, excepting the private persons referred to in Art. 6, conveying goods through the country, shall be obliged on demand to produce to the Collector of Customs, Landdrost, Field-Cornet, Justice of the Peace, Police Officer, or any person authorized to act for him or on his behalf, the proofs of clearance of such goods at the proclaimed ports of entrance or clearance offices, or the receipts of the paid import duty, or the bill of lading stamped by the Collector of Customs.

Proofs of clearance.

A transport rider shall be obliged to produce the permit, the stamped bill of lading, or other proof of declaration to the Collector of Customs.

14. For the registration and issue of a permit for all articles, live stock, &c., which are exempt from duty according to law, by the Collector of Customs, a fee shall be payable, except as regards coal and live stock, of sixpence (6d.) for every 500 lbs. weight or portion thereof, and as regards coal of one shilling (1s.) for every 5,000 lbs. weight or portion thereof. If the undermentioned things are not imported together with other goods, and therefore require to be specially registered, the amount payable for registration of live stock shall be 6d. for every 10 head or less, with the exception of poultry, which shall be paid for at the rate of 6d. per consignment.

Stamp duty on a permit for free importation.

15. After the clearance of goods by the Collector of Customs at the proclaimed clearance offices or ports of entry, and upon security being given, the import dues may be paid at the office of the Landdrost or Collector of Customs.

After clearance and security given payment of import dues may be postponed.

16. When an importer desires to avail himself of this privilege of paying the import dues upon delivery of the goods at their destination, he shall be obliged to pass a bond before the Landdrost or Collector of Customs, approved of by the Inspector-General, in the form hereto annexed, before the goods imported thereunder shall pass the frontier.

Bond or obligation.

No delivery of goods between sundown and sunrise.

17. No transport rider or any other person importing goods, excepting the private persons referred to in Art. 6, resident in the South African Republic, who import for their own consumption, shall have the right to deliver any goods, or cause any goods to be delivered after sundown and before sunrise, and no person shall be entitled to receive such goods between sundown and sunrise.

Provisions for goods sent per post.

18. The import dues payable on goods sent through the post shall be paid at the post office.

The Inspector General or his representative shall, in consultation with the Postmaster General, have the right to cause any parcel, being transmitted by post, to be opened by local officials duly authorized thereto, in order to ascertain whether the import duty has been paid according to tariff, and should it be found that such duty has not or only partly been paid, the sender or consignees shall be liable to punishment in accordance with the provisions of this Law.

Provisions for goods imported by different means of transport.

19. Goods imported by rail, post, or other means of transport, may be handed over by the agents who receive the same, only upon production of a permit of the Collector of Customs, in default whereof they shall be deposited in the Government depot.

False declaration.

20. Any verbal or written declaration, whether sworn to or not, made before a Collector of Customs, which shall appear to be untrue, and made with the intention of evading the Law concerning customs dues, shall be punishable as hereinafter provided.

The importer is civilly and criminally responsible for his agent.

21. The importer of goods shall be responsible and liable to criminal prosecution for any contravention of this Law committed by a person or persons acting in his place or on his behalf whilst at the same time such person or persons shall in like manner be responsible.

Obligatory book-keeping in proper manner by merchants, &c. of imported goods.

22. Merchants or keepers of retail stores, hotels, bars, warehouses, as also companies and manufacturers, who carry on any business in this State, shall keep proper books of their transactions, and they must be prepared to produce the bills of lading, invoices, and other documents containing all particulars regarding imported and sold goods, so that the same may at all times be open for inspection by the Collector of Customs, and that the same may be attached by him if necessary. In default thereof the person or persons concerned shall be liable to punishment as provided in this Law.

Onus of proof of payment of import dues rests on the party who offers goods for sale, &c.

23. Any person offering goods for sale, or removing the same, or having the same in his possession, or having sold the same, or having goods entered in his books, or mentioned in documents as set forth in the last preceding paragraph, shall be obliged, at the request of the Collector of Customs, to produce proofs as to the origin of the goods and as to the place where the import dues thereon have been paid, as also the date of such payment, the marks

and numbers of the cases, packages, bales, &c., which must tally with the documents produced in proof of the payment of import dues.

24. Should any doubt exist regarding the payment of import duty, or the legality of the importation, of goods specified in the book, documents, &c., mentioned in Art. 22, attached or retained on account of non-payment of import duty, or on account of any other act of contravention, the facts shall be proved by the owner, importer or consignee of such goods, and not by the official conducting the investigation or prosecution.

If required to do so, the importer must prove the correctness of his books.

25. Goods imported from abroad, arriving and being off-loaded at any place for forwarding, shall be deposited in the Government depôt, or if such is not available, at a place to be approved of by the Collector of Customs. The person receiving a permit for such temporary storage shall be responsible for the customs duty. For reloading, the permit of the Collector of Customs shall be required.

Storage of goods on which import dues have not yet been paid.

26. Every official charged with the collection shall have the right to detain goods on which the import duty is not paid immediately, and to store the same and charge the person liable for payment of the duty with the cost of storage and custody of such goods.

Storage of goods whereon customs dues have not yet been paid.

27. A charge not exceeding 1½d. per 100 lbs. per day shall be made at places where a Government depôt is established; at other places the charge shall not exceed 5s. per 1,000 lbs. per day, exclusive in either case of the cost of off-loading, stowing, and re-loading. The basis for the calculation of the cost of storage and custody shall be the actual amount paid out therefor.

Costs of storage.

28. The official charged with the collection of import dues shall exercise all possible care for the safe-keeping of such goods, but the parties concerned shall have no recourse against any official or the Government for any damage resulting.

No claim against Government or official for faulty storage.

29. If within two months the customs duty with the cost of storing, &c., is not paid at the office of the official charged with the collection of the customs duty, or if notice has not been received by him that the same has been paid under the provisions of this Law at some other place, then such goods may be sold publicly for account and at the risk of the party concerned for the recovery of the customs duty and all expenses due on the goods so stored, and the residue shall be deposited with the Treasurer General until claimed by the party interested. No interest shall be paid thereon.

Sale of stored goods if import dues are not paid within two months.

Goods of little value, or liable to damage, and of which it is considered that the proceeds would not be sufficient to cover the customs dues and further expenses payable thereon, or goods which the owner or consignee refuses or is unwilling to accept, or the owner whereof has removed, may, if necessary, be immediately sold so as to prevent unnecessary expense. Public notice thereof must, however, be given

Establishment of depôts.

30. The Government shall have the right to erect warehouses or depôts for the purposes of this law, or to enter into contracts for that purpose with private persons, and to fix more detailed tariffs for the cost of storage of various goods in such warehouses, which shall be called Government depôts.

No cases, packages or barrels, &c., stored in the Government depôt may be opened without the consent of the Collector of Customs for the removal of any part of the contents.

Regulations re private depôts.

31. The Government shall permit merchants and storekeepers who are unable to pay the customs duty upon goods imported by them immediately upon arrival thereof, to establish for their convenience substantial and proper stores or bonded warehouses called private depôts, upon their own property and at their own expense, or in places approved of by the Government, where such goods after clearance may be stored at the risk of the merchants or storekeepers until such time as they shall desire to make use of such goods or portions thereof, or to sell or forward the same, whereupon they shall immediately pay the customs dues payable upon such goods or portions thereof as aforesaid.

The said private depôts shall be provided with two locks with different keys, one of which shall be kept by the official appointed for that purpose by Government, and the other by the merchant or storekeeper.

Security shall be given for the due payment of the customs duty to the satisfaction of the Government. If the goods so stored are not taken out of bond within six months from the date of storage, the customs duty on such goods due to the Government shall be paid according to law, and in default thereof, the goods shall be publicly sold after due advertisement, and the purchase price thereof shall, after deduction of the customs duty payable thereon and other expenses, be paid over to the owner of such goods.

Duty on goods in private depôts.

On all goods stored in such private depôts an extra duty of 5 per cent. on the import dues shall be payable when the same are taken out of bond.

Security for the payment of import dues on goods in private depôts.

32. Security for the due payment of the customs duty on goods stored in a private depôt shall be furnished by the applicant and two other persons as sureties for him, each for the sum of £500; the sureties shall be the possessors of landed property of a sufficient value.

If the import duty payable on goods stored in the depôt shall exceed in amount two-thirds ($\frac{2}{3}$) of the amount of the security given, further security shall be given in proportion. The Government shall at all times have the right to withdraw the permit for a private depôt upon proof that the keeper of such depôt has committed any contravention of the law.

Opening and closing private depôts.

33. The keeper of a private depôt shall have the right once a week to have the depôt opened by the Collector of Customs free of charge; for opening the depôt oftener the Collector of Customs may claim a fee not exceeding 1s. for each opening.

The Inspector-General of Customs shall have the right to extend the time of opening as circumstances may require.

Private as well as Government depôts shall, during the summer months, be opened from 7 a.m. to 12 noon and from 2 p.m. to 5 p.m.; and during the winter months from 8 a.m. and from 2 p.m. to 4 p.m., except on Sundays, and church festivals and Government holidays.

34. No cigars may be imported except in boxes of twenty-five or some multiple thereof, but not more than five hundred (500) in a box, and no cigarettes except in boxes or packages of hundred (100) or five hundred (500).

Regulations *re* importation of cigars.

35. No cigars may be sold except in or from boxes, and no cigarettes except in or from boxes or packages provided with a Government band, which shall be supplied gratis by the Collector of Customs upon payment of the customs duty.

Cigar and cigarette boxes.

Such band, marked with a stamp of the date, shall be placed round all cigar boxes and cigarette boxes or packages other than those stored in the depôt, immediately upon delivery thereof, either by or in the presence of the Collector of Customs, and in such manner that the box or package cannot be opened without tearing the band.

36. Any person selling, or having in his possession, boxes of cigars or boxes or packages of cigarettes which are not provided with the Government band, or importing cigars or cigarettes without boxes or packages, or packing or selling cigars or cigarettes in or from boxes or packages previously used and bearing the Government band, or who shall have in his possession or sell any such empty boxes or packages with the Government band, shall be liable to a fine as hereinafter provided.

Penalty for contravention of Art. 35.

All cigars and cigarettes found in possession of any person, without such band, whether in boxes or packages or loose, and whether the same shall have been imported before or after this Law shall have come into operation, shall be liable to the penalties hereinafter provided.

37. The Collector of Customs shall issue bands for cigars or cigarettes of local manufacture upon payment of 2s. 6d. per 100.

Regulations regarding locally manufactured cigars, &c.

Such bands shall be stamped by the manufacturer with his trade mark and with the date of sale.

No locally manufactured cigars may be sold except in or from boxes provided with the Government band.

The use of such bands otherwise than for home manufacture or for imported cigars or cigarettes shall be punished by fine as hereinafter provided, or by imprisonment and forfeiture of the cigars or cigarettes.

38. Perishable goods arriving in a damaged condition shall be exempt from customs duty, provided that immediately on receipt thereof notice shall be given to the Collector of Customs and the goods destroyed in the latter's presence.

Damaged goods are exempt from customs dues.

Customs dues are a preferent debt.

39. The customs duty payable upon imported goods, and the fines imposed thereon, shall be a first charge upon all goods and property of the person liable for the duty, and the Government shall have a preferent right upon all property and goods of the person liable for the duty in respect of which the customs duty is payable.

Regulations for Officials charged with the carrying out of this Law.

Position of the Inspector General.

40. The Government shall appoint an Inspector General, who shall be charged with the general supervision of the regular collection of customs duty. He shall receive all instructions from the Executive Council, and shall be accountable for his administration in accordance with the General Instructions.

Must frame an estimate of his department.

41. The Inspector General shall be obliged to submit to the Treasurer General annually, before the 1st February, an estimate of the probable receipts and expenditure of his department for the current year, together with such suggested alterations or improvements as in his opinion ought to be submitted to the Volksraad.

Relations with his subordinates.

42. The Inspector General or his representative shall at all times have access to the offices and buildings belonging to his department. The officials of his department shall be obliged to submit or forward their books and other documents for inspection if required to do so by the Inspector General.

Inspection of offices.

43. The Inspector General or his representative shall, as often as may be required, visit the several offices and buildings belonging to his department, in order to assure himself that the same are being properly administered.

Collectors of Customs to make monthly returns.

44. The Government shall appoint Collectors of Customs, who shall be subject to the instructions and orders of the Inspector General, and shall render monthly accounts of their administration in accordance with the rules laid down in the General Instructions.

Instructions for Collectors of Customs.

45. The Government shall station Collectors of Customs at places which it considers suitable for such collection, and shall frame instructions for officials charged with the collection.

Improper acceptance of fees.

46. Should any Collector of Customs or any one of his clerks accept any fee or reward (excepting such as he is entitled to by law) as the result of which the Treasury shall suffer any loss, he shall upon conviction be fined in proportion to his offence and dismissed the service.

Punishment of the person giving same.

The person offering or giving such fee or reward for the purpose aforesaid, shall be punished by fine as hereinafter provided.

Mode of forwarding returns, &c., by Collector of Customs.

47. Every official charged with the Collection of Customs duty shall forward monthly through the Landdrost, Civil Commissioner and Mining Commissioner to the Inspector General and Treasurer General, returns of all moneys collected and received by him, and

he shall attach thereto such vouchers as may be necessary for the purposes of information, elucidation or proof:

48. The Inspector General shall frame monthly statistical returns of the quantity and nature of imported goods, which returns shall be published in the *Staatscourant*.

Monthly publication of statistics of Inspector General.

49. Every official charged with the collection of customs duty shall be obliged to keep the following books in proper order:—

Book-keeping of officials.

- (1.) A register of all persons, merchants, transport riders, who import into or convey through this State any goods either for private use or for the purposes of trade, stating the number of wagons carrying merchandise, where the same came from and what their destination is, the number of the bills of lading, the names of the consignor and consignee, the weight and nature of the goods carried, &c.
- (2.) A register of the bills of lading, invoices or receipts exhibited to him, of which he shall make an extract.
- (3.) A book showing all dues and expenses collected and received by him, and all moneys weekly accounted for to the Landdrost, Civil Commissioner and Mining Commissioner of his district at places where there is no bank (where in such case he shall pay in the moneys daily [*sic*]), or accounted for at such place or office as shall be appointed by the Treasurer General. The Collectors of Customs of outlying districts shall pay in the moneys received by them in manner aforesaid monthly on or before the 25th of each month.
- (4.) A register of all bands issued for cigars and cigarettes, stating the date, name of party to whom issued, the number, kind and date of stamping.

The Collectors of Customs in the towns shall issue such bands to the Collectors of Customs in the different wards of the district or goldfields where he resides.

50. The official charged with the collection of customs duty or the supervision thereof, shall stamp all bills of lading, and take a copy or extract thereof, and forward the same immediately to the Landdrost of the district where the consignee of the imported goods resides, or where the goods are to be discharged.

Duties of officials regarding bills of lading.

The Collector of Customs at the frontier shall be on duty from sunrise till one hour after sunset. He shall have two hours at his own disposal, from 8 to 9 and from 12 to 1. During the remaining time he shall be at the service of the public.

Same *re* hours of duty.

51. Upon the arrival of inflammable or explosive substances as specified in Government Notice No. 307, *Staatscourant* of 2nd October, 1889 (regulations *re* storage of same), the Collector of Customs shall give immediate notice thereof to the Landdrost or Mining Commissioner of his district or diggings.

Duties *re* inflammable or explosive substances.

Duties *re*
goods already
imported.

52. Every Collector of Customs or other official charged with the supervision of the regular collection of customs dues, shall demand from any person found in his ward with merchandise imported and intended for persons residing in his ward or in this State, the production or exhibition of the clearance voucher of his stamped bills of lading, or of the receipts or any other vouchers for the value, and upon refusal, or upon finding that they are not stamped by the official appointed thereto by Government, he shall be obliged to immediately bring such transport rider or private person before the Landdrost of the district, and to give information of such contravention, unless he can produce proof as set out in Art. 6. Upon conviction he shall be entitled to a reward in accordance with the provisions of this Law.

Mode of
valuation of
goods the
value of which
appears to be
too low.

53. Should it appear to the Collector of Customs, or should he suspect that the prices of the goods being imported are calculated below the market value at the place of consignment, it shall be competent for him to have the goods valued by two appraisers, one to be appointed by the head of the department, and the other by the importer; and such two persons shall, before entering upon the inquiry, appoint an umpire, whose decision shall be final in case they are unable to agree. If the said two persons cannot agree on the choice of the umpire, the latter shall be appointed by the Landdrost of the district into which such goods have been imported. Should the valuation, owing to the non-appointment of an appraiser by the importer, be delayed for three days after service of notice, the decision of the valuator appointed by the head of the department shall be deemed decisive.

Penal regula-
tions *re*
inaccurate
statement.

Contravention of this article shall be punished as follows:— If the appraisers or the umpire referred to in the Article should assess the value at from 15 to 25 per cent. above the amount declared by the importer, the importer shall pay a fine equal to the amount of duty declared to be payable by the appraisers; if the assessed value is from 26 to 50 per cent. above the amount declared by the importer, the importer shall pay a fine equal to three times the amount of the duty declared to be payable by the appraisers upon the goods; should the assessed value be more than 50 per cent. above the declared value, the fine shall be equal to five times the amount of the duty payable, and the goods shall be confiscated. Upon non-payment, imprisonment with or without hard labour shall be imposed proportionately, as prescribed under letters *a, b, c,* of Art. 64, provided, however, that no such punishment shall be inflicted where the importer is able to prove that the prices declared by him are the prices actually paid by him.

Storage of
such goods in
Government
depôts.

54. He shall deposit the goods in the Government depôt, or other place, and hold them in safe keeping until the customs duty, with costs, shall have been paid.

Right of
examination.

55. The Collectors of Customs shall have the right to examine all goods imported into the Republic, in order to ascertain the

correctness of the declaration. They may, for that purpose, cause the wagons at any time to be off-loaded, but shall be responsible for any damage occasioned whilst off-loading, and if the Collector of Customs should subject any persons to any unfair treatment he may be immediately reported to the Government, and if found guilty, may be punished by a fine not exceeding £25 and dismissed from office.

Penal regulations *re* official abusing this right.

56. The Inspector-General and all Collectors of Customs may, at their responsibility, appoint alternative Collectors of Customs, who shall have the same powers as are conferred upon Collectors of Customs under this Law. This appointment shall be made under the signature and seal of the said official, on a printed form, as per Schedule hereunto annexed marked "A."

Alternative Collectors of Customs.

57. It shall be lawful for them to enter all stores of merchandise and other goods, or any building, room or place where it is suspected that goods are concealed, and to examine the goods, and if any goods are found on which the customs duty has not been paid, they shall immediately attach such goods and take the necessary steps according to law. The proprietor of such store shall be responsible for the goods stored therein, and shall be obliged, immediately, to give all information regarding such goods to the Collector of Customs.

Right to enter stores and searching same.

The Collector of Customs shall have the right to search the clothes of any person if there are any grounds for suspicion that the Customs Law is being evaded. A female shall be searched by a female.

Right to search the clothes of any person.

58. Every official charged with the collection of customs duty shall, in and for the purposes of the exercise of his duties, be at the same time a Justice of the Peace.

Customs officer is Justice of the Peace.

59. The Government may award a part, but not more than one-half, of the fines imposed and paid to the informant [1].

Share of the informer of the fines.

60. The Landdrost, Special and Assistant Landdrosts and Mining Commissioners shall have special jurisdiction in all cases of contravention of this Law. The State Attorney shall, however, be competent to have any contravention of this Law tried directly by any Circuit Court or the High Court of this Republic.

Jurisdiction.

61. The penalties provided by this Law shall not exempt any offender from any criminal prosecution for fraud or neglect, negligence or contumacy on his part in connection herewith.

Payment of fine does not obviate criminal prosecution.

62. This Law shall have no effect upon contracts or treaties with foreign powers, already concluded or still to be concluded.

Treaties with foreign powers.

63. The State President shall have the power to frame rules and regulations, with advice and consent of the Executive Council, for the conduct of affairs referred to in this Law or in connection

Special regulations.

¹ See Amendment of this Article by Art. 9, Law 22, 1894.

therewith, or for the proper carrying-out of the provisions of this Law, provided that such rules and regulations shall not conflict with this or other laws.

When the fine may be accepted without judgment.

The State President, after having heard the State Attorney and Inspector-General, shall have the power to accept the highest fine fixed by law from any party contravening this Law.

Penal regulations *re* contravention of this Law.

64. Contraventions of the provisions of this Law shall be punished as follows:—

- (a.) The contravention of any of the Articles 1, 2, 3, 6, 8, 13, 18, 23, 34, 35, 36, and 57, by a fine equal to five times the amount of the customs duty payable, or in default of payment, by imprisonment with or without hard labour for a period not exceeding twelve (12) months and by forfeiture of the goods.
- (b.) The contravention of any of the Articles 9, 10, 11, 19, 22 and 46, by a fine not exceeding five hundred pounds (£500), and, in default of payment, by imprisonment with or without hard labour for a period not exceeding twelve (12) months.
- (c.) The contravention of any of the Articles 4, 5, 12, 14, 17, 20, 25 and 37, and also all other contraventions for which no special penalty has been provided, by a fine not exceeding fifty pounds (£50), and, in default of payment, by imprisonment with or without hard labour for a period not exceeding one month.

Repeal.

65. All Laws and Ordinances in conflict herewith are hereby repealed.

Operation.

66. The amended and supplementary articles of this Law shall come into operation on the 15th July, 1894.^[1]

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria,
2nd July, 1894.

ANNEXURES TO LAW No. 4, 1894.

Form No. 1.

Consecutive Number.

SOUTH AFRICAN REPUBLIC.

Declaration of Goods (for the payment of Import Duty).
Imported by _____ at _____

¹ Many of the articles are identical with the articles of the previous Law, and so were already in force.

on this _____ day of _____ 19 _____ through [1]
 per _____
 weight _____ the following merchandise, arms
 and ammunition.

(In accordance with Law No. 4, 1894, approved and enacted by
 Volksraad Resolution Clause 502, dated 18th June, 1894.)

Boxes and Packages.			Description of nature and quantity of all goods in the different boxes and packages mentioned below, and whence imported or purchased. In accordance with Clause 1 of Law No. 4, 1894.	Value, Weight, number or gallons.	Amount General and Special Customs Duties.			Total Amount.		
Marks.	Nos.	No. and Description.			£	s.	d.	£	s.	d.
			TOTAL ...							

I, the undersigned _____, importer or agent, in accordance with Clause 21 of Law No. 4, 1894, declare that the above is a true and complete return of all the goods contained in the boxes, packages, &c., mentioned above, and that the values given of the same are the true current or cash market values thereof at the place where the articles were purchased or obtained for importation into this Republic and subject to the provisions of Law No. 4, 1894.

(Signature of importer or agent).

19 _____

I the undersigned declare that the above return was signed in my presence, and has been compared by me with the goods, invoices, accounts and bills of lading having reference thereto, and found correct.

Nos. of permits for off-loading _____

Collector of Customs for _____

Thus done at _____ this _____ 19 _____

(Signature of official charged with the examination of the above-mentioned goods.)

Form No. 2.

Consecutive number
 from Depôt Book.

SOUTH AFRICAN REPUBLIC.

Declaration of goods which are to be put in bond on arrival.

Imported by _____

of _____ on this _____ 19 _____,
 per _____ from _____

¹ Here state name of port or country through which imported.

weight
the undermentioned goods, which please to place in
depôt in accordance with Clauses 29 and 31, Law No. 4, 1894.

Marks.	Nos.	Description and nature of goods.	Weight, number or gallons.	Value.		
				£	s.	d.

I, the undersigned
importer or agent, in accordance with Clause 21, Law No. 4, 1894,
declare that the foregoing is a correct and complete return of the
goods imported by
since the last declaration, with the exception of the goods upon
which import duty was paid immediately upon arrival, or which
were imported by law free from customs duty.

(Signature of importer or agent.)

19 .

Compared with invoices and bills of lading, and found correct.
Permits for discharge were numbered
The above-mentioned goods were deposited in the
depot.

19 ,

Collector of Customs.

Form No. 3.

Consecutive number.

SOUTH AFRICAN REPUBLIC.

Declaration of goods released from
depot.

Imported by _____ of _____
and deposited in _____ depôt, situate
at _____

Cases, packages, &c.		Description and nature of goods.	Weight, number or gallons.	Value as per statement when deposited.		
Marks.	Nos.			£	s.	d.
			TOTAL -			

I, the undersigned importer or agent, in accordance with Clause 21, Law No. 4, 1894, declare that the foregoing is a true and complete return of the weights, nature and value of the goods as placed by me as per statement in depôt on and I request that the above-mentioned goods may be released out of the depôt, situate at

(Signature of importer or agent.)
19 .

Compared with declaration No. 2, invoices, bills of lading, and found correct, and customs dues paid under declaration No. 1, dated

Collector of Customs.

Above-mentioned goods taken out of the above-named depôt on 19 , and written off in the depôt books.

(Signature of official charged with opening depôt.)

Form No. 4.

Consecutive Number.

SOUTH AFRICAN REPUBLIC.

Permit for free importation and discharge in the South African Republic.

Declaration of goods which are imported free of duty by virtue of Clause 1, Law No. 4, 1894. Imported by of on this

19 per weight of the following goods, which are duty free by virtue of Clause 1 of Law No. 4, 1894.

Marks.	Nos.	Description, nature of goods and produce,	Weight, number or gallons.	Value.		
				£	s.	d.
Stamp to be cancelled.		Paid Registration Stamps.				

I, the undersigned importer or agent, in accordance with Clause 21 of Law No. 4,

1894, declare that the foregoing is a true and complete return and that these goods are free from Import Duty by virtue of Clause 1 of Law No. 4, 1894, or that the same may be imported duty free by virtue of a special treaty entered into with the Government of the South African Republic (if produce of the Orange Free State or the Mozambique Colony), and that according to the best of my knowledge and belief they have been produced in that State as declared in the certificate.

(Signature)

19 .

Compared with certificate of free importation, invoices, bills of lading and other vouchers, and found correct.

Permit to discharge is hereby granted against payment of the stamps as provided by Law.

Collector of Customs.

19 .

Form No. 5.

SOUTH AFRICAN REPUBLIC.

Permit for transport within the State of goods on which the Customs Duty has been paid.

Forwarded by _____ (name and residence)

through [1]

to

of

The undersigned, owner or importer, or agent of owner or importer, declares hereby that all import duty and other duty has been paid and defrayed by me on the goods described below, which are being conveyed per _____ (means of transport) under the charge of _____ (name of carrier).

Thus done at

this

19 .

(Signature of importer, &c.)

To the Collector of Customs

office

at

this

Collector of Customs,

Nos. and marks of packages, boxes, &c.	Place of consignment and by whom.	Number, description and particulars of the contents of the boxes, packages, &c.

¹ Name and date stamp of transit port to be filled in if necessary.

I, the undersigned,
 carrier or transport rider of the above-mentioned goods, bind
 myself in accordance with Law No. 4, 1894, not to off-load the
 above goods before I shall have obtained a permit for that purpose
 from the Collector of Customs at the place of destination, and have
 caused such permit to be stamped by the Collector of the transit
 port. [1]

(Signature of carrier or transport-rider.)

Thus done at _____ on this _____ 19____

Form No. 6.

Consecutive Number.

SOUTH AFRICAN REPUBLIC.

*Permit for wagons or other means of transport, conveying goods
 on which the import duty has been paid, and which are to be cleared at
 the place of destination.*

Office _____ Date _____
 Name and residence of owner of means of transport _____
 Name of person who has charge of means of transport _____

Nos. and marks of cases, pack- ages, &c.	Place of con- signment and by whom.	Number and de- scription of cases, packages, &c.	Particulars of the contents of the cases, packages, &c., as known to the carrier.	Name of Im- porter and place of destination.

I, the undersigned, owner or carrier of the above-mentioned
 goods, declare solemnly that as far as I know the above is a true
 and complete return of the goods hereby by me imported or trans-
 ported, and I promise not to discharge any of these goods or load
 any other goods before applying to the Collector of Customs at
 _____ for a permit to discharge and
 if not prevented, to proceed thither by the nearest transport road.

(Signature of owner or carrier of goods.)

Declared before me this _____
 Collector of Customs at _____

(Signature of Collector of Customs.)

I certify that the above goods have arrived in good condition
 and that a permit to off-load has been granted.

(Collector of Customs at place of destination.)

Office of Collector of Customs at _____
 Date _____

¹ Name and date stamp of transit port to be filled in if necessary.

Form No. 7.

BOND.

FOR PAYMENT OF CUSTOMS DUTY IN THE SOUTH AFRICAN REPUBLIC.

Be it hereby made known by these presents :—

That on this the _____ day of the month of _____ in the year of Our Lord one thousand nine hundred and _____ before us the undersigned witnesses appeared residing at _____ who, being desirous of availing himself of the privilege afforded by Clause 15 of Law No. 4, 1894, to wit under sufficient security to pay the customs dues at the place of discharge of the imported goods in accordance with the provisions of Clause 33, declared to bind himself (or themselves), and acknowledged to be indebted to Dr. Willem Johannes Leyds in his capacity as State Secretary of the South African Republic, and as such representing in these presents the Government of the said Republic, in the sum of £ _____ which sum shall be a guarantee to the Government, and with regard to which the Government shall in any case have the right to obtain execution for such amount as may be found necessary to cover the customs duty payable, as well as the fines and costs due upon goods which are conveyed under the privileges above referred to from the boundary of the South African Republic to the place of discharge at his (or their) risk and responsibility.

And binding and engaging himself (or themselves) further on penalty of payment of the said sum of £ _____ not to convey any other or further goods across the border than such as are declared by him (or them) or on his (or their) behalf, nor to discharge such goods or cause the same to be discharged before having obtained a permit for discharge and having paid the import duty payable upon such goods.

Should the said _____ fail to comply with the requirements and conditions of this bond, or contravene any provision of the Law regarding import duty he binds himself (or they bind themselves) to pay to the Government of the South African Republic aforesaid the said sum of £ _____ or any further amount which may appear to be due, he (or they) having further undertaken to give security for the due compliance with this bond, as will appear hereinunder from the signatures of the undersigned sureties.

Signed at _____ on this _____ day of _____

As witnesses :—

We the undersigned, having read this agreement, engage ourselves as sureties *in solidum*, renouncing the *beneficia ordinis seu*

excussionis et divisionis, for the due fulfilment of this bond, as also for all amounts stipulated in the aforementioned bond.

As witnesses :—

Before me

Landdrost or Justice of the Peace.

Form No. 8.

BOND FOR CUSTOMS DUTY IN DEPÔT.

Know all men whom it may concern :

That on this the _____ day of the
month _____ in the year of
our Lord One thousand nine hundred and _____ we

residing at
and _____
importer, or
at _____

merchant,
residing

_____ have bound ourselves severally, and that each of us is hereby held and bound to pay to Dr. Willem Johannes Leyds, in his capacity as the State Secretary of the South African Republic, or his lawful successor, the sum of money hereinafter respectively placed opposite or after our respective names, the first-mentioned in the sum of £500 (five hundred pounds sterling), and the second mentioned in the sum of £500 (five hundred pounds sterling) to Dr. Willem Johannes Leyds, in his capacity as the State Secretary of the South African Republic (renouncing for that purpose the exception of *beneficium ordinis seu excussionis et divisionis*, with the meaning whereof we declare that we are fully acquainted), and for the true and lawful payment whereof we firmly bind ourselves, our heirs, executors and administrators.

Thus done at Pretoria, in the South African Republic, on the _____ day, month, and year aforesaid.

In my presence

Justice of the Peace.

Whereas permission has been granted to the hereinabove mentioned _____ merchant,
importer, or _____ to establish
a depôt for imported goods in the town of _____ in
accordance with Clause 31 of Law No. 4, 1894.

Now therefore the conditions of this bond are as follows :—

1. That the Government, without further action or delay, may have this bond be declared executable against the persons or goods and properties of the persons who have signed the same, the signatories hereby renouncing all lawful exceptions against such execution.

2. Should the aforementioned fail to comply with, or should he contravene the provisions of Law No. 4, 1894, the Government shall have the right to demand the execution of the bond for such amount as may be deemed requisite to cover the customs duty, damage, interest, costs and fine.

3. Failing any such cases, this bond shall be null and void.

Thus done and signed at the place and on the date aforesaid, in presence of the undersigned witnesses.

Before me,

Justice of the Peace.

this 19

SCHEDULE A.

APPOINTMENT OF CUSTOMS OFFICER'S SUBSTITUTE.

The undersigned Collector of Customs for hereby declares in terms of Art. 56 of the Customs Law that he appoints to be his substitute, and to do all and whatsoever a Collector of Customs may do according to law.

Declared and signed at on this the day of 19 under my hand and seal.

As witnesses—

- 1.
- 2.

Seal and signature.

LAW No. 5 of 1894.

(Being amendment of Law No. 6, 1891.)

REGULATING THE SHOOTING AND HUNTING OF GAME, &c.

(Approved and enacted by Resolution of the First Volksraad, Art. 742, dated 9th July, 1894).

WHEREAS it has appeared necessary to amend Law No. 6, 1891 and Law No. 13, 1893. It is hereby provided and enacted as follows :—

1. The hunting and shooting, killing or destroying of elephants and hippopotami, buffalo, elands, camels, rhinoceros and ostriches by whatsoever means is strictly prohibited within the limits of the South African Republic.

Certain game absolutely protected.

Contraveners of this provision shall be punished by a fine not exceeding £150, or in default of payment by imprisonment with or without hard labour for a period not exceeding twelve months.

2. No person shall be entitled to kill, catch or destroy any game or birds, unless he shall be provided with a game licence for hunting and shooting in the South African Republic; and every white person, who wishes to go out shooting or hunting shall be obliged to obtain a game licence from the Landdrost or other official thereto appointed by the Government in the district where he resides, or if he comes from a neighbouring State, from the official of the district where he wishes to commence shooting or hunting.

No one may hunt without a licence.

Such licence shall be available for one year during the open seasons.

3. A licence shall be obtainable for a period as and from the 1st February to 1st August (both days included), in each year:—

Open seasons.

(a.) For hunting and shooting blue wildebeest, koedoes, sable antelope, gemsbok, hartebeest, water buck, quagga and black wildebeest, upon payment of £3 for such licence.

(b.) For hunting and shooting blesbucks, impala, springbuck, rietbuck, bushbuck, rhaebuck, duiker, steenbuck, oribi, klipspringer, warthogs and bush pigs, or other small game of like sort, upon payment of a licence of £1. 10s.

4. (a.) From 15th April to 31st August (both days included), a licence may be obtained for 10s. for hunting and shooting pauw, mahen (Kaffir crane), moscovies, geese, cranes, koraan guinea fowl, ducks, pheasants, partridges, coot, divers and dikkop.

5. No person shall be entitled in any way to kill more game than he absolutely requires for his own consumption, or can load on a wagon, or in case of game mentioned in Art. 3, letter "a," to kill more than 15 head, and in the case of game mentioned in Art. 3, letter "b," to kill more than 20 head, nor shall it be lawful for any such person to kill any game merely in order to obtain the skins, whilst the meat is left lying in the veld.

Quantity of game which may be killed

No person shall take with him more "boys" whilst hunting than are absolutely required for his own attendance. Any such offender shall, for each offence, be punished by a fine not exceeding £25, or in default of payment by imprisonment for a period not exceeding four months with or without hard labour.

6. The licences, specified in Art. 304 of this Law, shall, however, not give anyone the right to hunt on Government grounds, where hunting has been prohibited and also not on private property, without the previous written consent of the owners of such property thereto obtained.

Prohibited areas.

Private grounds.

7. No such written consent or permit shall be issued to any person, unless he shall produce his licence to the person from whom he receives such permit.

Private shooting.

8. Any private owner shall have the right, whilst the shooting seasons mentioned in Arts. 3 and 4 of this Law are open, to hunt on his own property without a licence.

Landowner's privilege.

9. Any private owner shall also have the right during the close season to kill game or birds on his own ground which do damage in his gardens or arable lands.

10. Save within the above-named shooting seasons (Arts. 3 and 4), no one shall be permitted to hunt or shoot any sort of game or birds.

Sale *re* game out of season.

11. Any person who has in his possession, carries, sells, or offers for sale during the period from 2nd August to 31st January (both days included), any of the animals mentioned in Art. 3 of this law; or during the period from 1st September to 14th April (both days included), any of the birds mentioned in Art. 4 of this Law, shall be guilty of a contravention of this Law, unless such person shall prove that such game or birds were killed, taken, sold, or received during the period that such game or birds could lawfully be caught or killed; or that such animals or birds were received from a person living beyond the limits of the South African Republic and were killed or caught beyond the limits of this Republic, or killed under the provisions of Art. 9 of this Law.

Game pits or traps.

12. All persons, who dig game pits or place nooses or traps, or make use thereof for killing or catching game, shall be punished by infliction of the penalties provided in terms of Art. 20 of this law.

Ostrich eggs.

13. It shall not be lawful to remove, sell or exchange ostrich eggs. Any person so doing shall be punished by a fine not exceeding £25 and, in default of payment, by imprisonment for a period not exceeding three months with or without hard labour.

And it shall not be lawful to take out, sell or barter the eggs of other birds mentioned in this Law.

Any person so doing shall be punished by a fine not exceeding £5 and, in default, of payment by imprisonment with or without hard labour for a period not exceeding fourteen days.

A coloured person contravening the provisions of this Article, may in addition to the above punishment be sentenced to receive lashes, not exceeding ten in number.

Kaffir hunters.

14. Any Kaffir, or other coloured person, shooting or hunting game and birds with fire-arms or other weapons or dogs, shall be apprehended and brought before the nearest Judge, to be dealt with according to law. Such fire-arms or other arms or dogs shall be declared forfeited and sold for the benefit of the person who shall have apprehended such Kaffir or coloured person; Kaffirs or coloured persons may however obtain passes from the Commissioner

or sub-commissioner, upon payment of 2s. 6d. as is provided by Art. 4, to kill birds on their locations which do damage in their arable lands.

The above provision shall not apply to cattle herds, or coloured persons who are provided with a pass by their masters, in order that they may shoot game for the master's use.

15. It shall not be lawful for any person to give to any Kaffir or other coloured person residing in a kraal, any firearms or ammunition of whatsoever kind, either as a gift or to use or to keep in custody, in order to enable such Kaffir to hunt or kill game, nor shall such firearms be in any other way placed or left in such Kaffir's possession. Any contravention hereof shall be punished by a fine not exceeding £25 or imprisonment for a period not exceeding three months, with or without hard labour.

Firearms may not be put into possession of Kaffirs, &c., for killing game.

16. Special gamekeepers shall be appointed, to specially guard against the destruction of game in such manner as the Government may hereafter direct. All Commandants, Field-Cornets and Assistant Field-Cornets shall be *ex officio* Government gamekeepers.

Gamekeepers.

17. During the open shooting season the licences granted shall be published monthly by the officials concerned.

Publication of licences.

18. The Executive Council shall have the power on good grounds to provide, that any special game, referred to in the preceding clauses, shall be protected for a certain time, against any particular means of destruction.

Special protection.

Any such provision shall have the force of law and come into operation upon proclamation in the *Staatscourant*.

19. All contraventions of this law so far as white persons are concerned shall be tried by the Landdrost or Residential Justices of the Peace of the district, within which such contravention shall have been committed, and in so far as natives are concerned, such contraventions may be tried by the native Commissioners or sub-commissioners who shall to that end have special jurisdiction and may inflict the penalties prescribed by this Law, unless the contraventions fall under the head of Art. 1 of this Law, in which case the High Court shall try the case.

Jurisdiction.

20. Any contraventions of the provisions of this Law, for which no punishment is already provided, shall be punished by a fine not exceeding £37. 10s., or in default of payment by imprisonment for a period not exceeding 6 months, with or without hard labour; in addition thereto the licence issued to the offender for the current year shall be declared forfeited.

General penalty clause.

21. The Government may award the gamekeeper on whose complaint the trespasser is convicted three-fourths of the fine and in the case of other persons the half of the fine. Application for such reward shall have to be made within eight days after the conviction.

Informants' reward.

Repeal. **22.** All Laws and provisions in conflict with this Law are hereby repealed.

Operation. **23.** This Law shall come into operation on the first day of August, 1894.

S. J. P. KRUGER,
State President.
 Dr. W. J. LEYDS,
State Secretary.

Government Offices,
 Pretoria,
 13th July, 1894.

See *Staatscourant* Proclamation, pages 479/1898, re Game Preserve Area, and Proclamation and page 177/1899.

LAW No. 6, 1894.

ON THE RIGHT OF MEETING AND ASSEMBLING.

Approved and enacted by Resolution of the First Volksraad, Art. 882, dated 17th July, 1894.

WHEREAS it is desirable to make legal provisions concerning the right of persons to assemble and meet.

Be it hereby enacted and provided as follows:—

Public right of assembly. **1.** The right of all inhabitants to assemble and meet is hereby recognised.

2. The exercise of that right may be limited in the interests of public order.

Prohibited assemblies. **3.** Every assembly or meeting of persons contrary to the public order shall be prohibited.

Ditto. **4.** Every assembly or meeting of persons shall be deemed contrary to public order the purpose of which is

(a.) Disobedience to or contravention of any law or legal enactment.

(b.) The disturbance of any person whomsoever in the exercise of his rights.

(c.) The use of means of compulsion and violence, whereby public peace and safety are or may be endangered, or whereby the authority of the appointed powers and officials is attacked.

(d.) The commission of an offence against good morals.

No open air meetings without leave. **5.** Public assemblies and meetings of persons for mutual deliberation; or the delivery of addresses of whatsoever kind, and processions of whatsoever nature and for whatsoever purposes, shall not be permitted in the open air, unless with consent of the Government, or local authority to be appointed by the Government, or unless held in pursuance of some legal enactment.

6. The local and detective police shall have free access to all assemblies and meetings in buildings, to which the public are admitted. Police to have access to all meetings.

Refusal of access shall entitle the police to force an entrance.

The Government shall also have the right to grant the police access to any meeting, if it be suspected that such meeting might tend to the detriment of the independence of the State.

7. Every assembly or meeting of persons, by which public order is disturbed, or which is prohibited and not permitted, shall disperse immediately upon request of the police. Power to disperse meetings.

8. Should such assembly or meeting not immediately thereon disperse, the leader of the police shall by means of a drum or bugle call it to order, and then call out thrice in a loud voice, "Obedience to the law, disperse, otherwise force will be used," and thereafter the police shall have the right to disperse such assembly or meeting by force and violence, if need be by the use of arms. How to disperse meeting.

9. The local authority shall be competent where public peace and safety are endangered or it is expected that it will be endangered, to forbid the assembly in squares and streets of more than six persons together. Such prohibition shall be duly notified at public places and at the corners of the streets. Power to prohibit meetings.

10. Any person participating in a prohibited assembly or meeting such as is mentioned in Art. 4 of this Law, shall be punished by imprisonment for a period not exceeding two years, with or without hard labour. Penalties.

Conveners or leaders of such prohibited assemblies or meetings shall be punished by imprisonment for a period not exceeding five years, with or without hard labour.

11. Contraventions of Art. 5 and Art. 9 shall be punished by a fine not exceeding £50 or, in default of payment, by imprisonment for a period not exceeding six months with or without hard labour. Ditto.

Conveners or leaders of meetings or assemblies prohibited under Arts. 5 and 9 shall be punished by a fine not exceeding £500, or in default of payment by imprisonment for a period not exceeding two years with or without hard labour.

12. As soon as six or more persons collect at one place, it shall for the purposes of this Law be assumed that an assembly or meeting of persons is taking place. What is deemed to be a meeting.

Participants or conveners or leaders of assemblies or meetings prohibited by this Law, who hold any licence requisite for the exercise of any calling in this State, shall over and above the penalties mentioned in this Law forfeit such licence, and no longer be entitled to exercise their calling.

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

S. J. P. KRUGER,
State President.

Government Offices, Pretoria,
17th July, 1894.

DR. W. J. LEYDS,
State Secretary.

LAW No. 7, 1894.

JUSTICES OF THE PEACE AND RESIDENT JUSTICES OF THE PEACE.

(Approved by Second Volksraad, Art. 460; noted and accepted by the First Volksraad, Art. 783 dated, 11th July, 1894.)

WHEREAS it has appeared advisable to codify and revise all provisions relating to resident Justices of the Peace and Justices of the Peace, be it hereby enacted as follows:—

Government
appoints
Justices of the
Peace.

1. When and as the Government deems it necessary, it may with the advice and consent of the Executive Council appoint Justices of the Peace.

Ex officio
Justices of the
Peace.

2. The following are *ex officio* Justices of the Peace:—
The head officials and, in their absence, their substitutes.
The Landdrosts and Special Landdrosts.
The Mining Commissioners and responsible clerks.
The Public Prosecutors and tax collectors.
The Field-Cornets and gamekeepers, and Chairman of Land Commissions.
The Chief Commissioner of Police.
The Chiefs of Police and Detective Police.
The Commissioners and Sub-Commissioners of Natives.
The Registrar and Assistant Registrar of the High Court and the High Sheriff.

Duties of a
Justice of the
Peace.

3. The powers and duties of a Justice of the Peace shall be—
(a.) He shall be competent to administer oaths.
(b.) Where he has caught an offender *flagrante delicto* or where an offender has been handed over to his charge, who according to sworn declarations was taken *flagrante delicto*, such Justice of the Peace shall be competent and is hereby authorised to convey or cause such offender to be conveyed to the seat of the lower Judge, within whose jurisdiction the punishable act shall have been committed, and who has jurisdiction in respect of such punishable act, and then and there to hand over or cause such offender to be handed over to the public prosecutor, or should the punishable act fall under the jurisdiction of the High or Circuit Court such Justice of the Peace may convey or cause such offender to be conveyed to the seat of the Landdrost or official with like jurisdiction in whose district the punishable act shall have been committed, and then and there to hand, or cause such offender to be handed over to the Public Prosecutor.

It shall also be lawful for such Justice of the Peace to lay an attachment upon goods in possession of such offender.

Where, however, in the opinion of the Justice of the Peace the punishable act committed is not of a serious nature, and there is no reason to fear that the accused will take to

flight, it shall be lawful for such Justice of the Peace to release such offender upon his giving bail to the satisfaction of such Justice of the Peace, thereby undertaking to surrender himself, within a time to be fixed by such Justice of the Peace to any Public Prosecutor who shall be named by such Justice of the Peace.

Such Justice of the Peace shall furnish particulars in writing of the punishable act and the circumstances under which it was committed and particulars of the offender and the probable witnesses, to the Public Prosecutor in whose hands the offender shall be placed in terms of this article or to whom such offender shall in terms of the bail bond have undertaken to surrender himself. And such Justice of the Peace shall at the same time transmit such bail bond to such Public Prosecutor, in cases where there has been a release under bail bond.

Detection *flagrante delicto* shall be deemed to have taken place where any punishable act shall have been detected whilst it was being committed or immediately after its commission or where any goods, weapons, instruments or papers have been found upon the accused which tend to show that he is the offender or an accomplice.

(c.) It shall be lawful for a Justice of the Peace under a writ issued by himself where the commission of any punishable act of a serious nature is brought to his notice, and reasonable grounds exist for anticipating the flight of the accused person, to apprehend such accused person or cause him to be apprehended, and to lay an attachment on the goods found in his possession.

In such case he shall as soon as possible bring the suspected person so arrested or cause him to be brought to the seat of Landdrost or official with like jurisdiction in the district in which the accused person was apprehended, and shall hand him over or cause him to be handed over to the Public Prosecutor at such place.

He shall at the same time furnish the said Public Prosecutor with written information concerning the punishable act committed and the circumstances under which committed, and with particulars concerning the accused and the probable witnesses.

(d.) It shall be lawful for him where no Landdrost or official with like jurisdiction similar to that of a Landdrost, or no resident Justice of Peace is present, upon a sworn complaint setting out that anyone has threatened to commit a punishable act against the body, chastity or property of another, after enquiry made to order such accused person if he shall be residing or temporarily sojourning in the ward or in the town where the Justice of the Peace is established, to find security for his quiet and good

behaviour in an amount to be fixed by such Justice of the Peace.

In the event of the person so accused refusing to appear before the Justice of the Peace, or to give the required security, the Justice of the Peace shall have the same powers and duties as are described in Art. 3 (*b.*)

The person so accused, who refuses after due citation, to appear before the Justice of the Peace or to give the required security, shall be punished by the Landdrost of the district or other official having like jurisdiction by imprisonment for a period not exceeding six months or by a fine not exceeding fifty pounds.

(*e.*) He shall have the powers and duties as laid down in Art. 3 Sub. *c.*, in cases where a complaint on affidavit is lodged against a servant or apprentice by his master in respect of any of the offences mentioned in Law No. 13, 1880.

(*f.*) It shall be lawful for any Justice of the Peace and any person thereto authorised by him in writing to demand from the carrier of any goods within this Republic proof that the import dues have already been paid, or will be paid, at the place of destination. (See Art. 13 of Law No. 4, 1894.)

Should such proof not be forthcoming upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b.*

(*g.*) It shall be lawful for any Justice of the Peace, and any person thereto authorised by him in writing, to enter any house or room where wines, spirituous or malt liquors are sold and to demand inspection of the licence.

Should such licence not be produced upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b.*

(*h.*) It shall be lawful for any Justice of the Peace, or any person thereto authorised by him in writing, to demand from any carrier of wood the production of the permits under which the wood is being conveyed in transit.

Should such permit not be exhibited upon application, the Justice of the Peace shall have the powers and duties specified in Art. 3, Sub. *b.*

(*i.*) It shall be lawful for any Justice of the Peace, or any person thereto authorised by him in writing, if he shall have reasonable grounds to believe that powder or other war materials are concealed, or being conveyed contrary to the provisions of Law No. 4, 1884, upon any wagon, cart, vehicle, horse or other animal, to have a search made for the same.

Should it appear, upon such search being made, that the suspicion was well founded, it shall be lawful for such Justice of the Peace to seize the goods referred to in the preceding paragraph of Art. 3, Sub. *i.*, and he shall at the same time, have the powers and duties specified in Art. 3, Sub. *b.*

(*j.*) It shall be lawful for the Justice of the Peace, in any district where goods in transit are being off-loaded, if requested so to do, to countersign the certificate of transit, in accordance with the regulations for the conveyance of goods through the South African Republic.

(*k.*) If a writ issued by the State Secretary for the extradition of any criminal comes to the notice of any Justice of the Peace, he shall have the powers and duties specified in Art. 3, Sub. *c.*

(*l.*) If one of the parties is dissatisfied with any assessment made in terms of Art. 14 of Law No. 2, 1882 (Pound Law), he may appeal to the nearest Justice of the Peace.

In which case such Justice of the Peace shall act as directed in Art. 15 of Law No. 2, 1882.

(*m.*) A Justice of the Peace shall have the power to seize the goods, merchandize, cattle or other live stock or the firearms wherewith any contravention of Art. 1 of Law No. 2, 1888 shall have been committed (Sunday Law).

(*n.*) It shall be lawful for any Justice of the Peace to enter and search, in manner more fully specified in Art. 2 of Law No. 6, 1889 (Gambling), any gambling hell or any house, tent, room, vehicle or other place of meeting which he has reasonable grounds for believing is a gambling hell.

(*o.*) Any Justice of the Peace shall have the power to grant a search warrant, if he has any reasonable suspicion, that in any place, building, room, or in any vehicle whatsoever, wine, spirituous or malt liquors are being sold, or kept there for the purpose of being sold, without the owner or occupier having a license as is more fully specified in Art. 32 of Law No. 13, 1892 (Liquor Law).

(*p.*) It shall be lawful for any Justice of the Peace to apprehend and punish intoxicated persons as specified in Art. 39 of Law No. 13, 1892 (Liquor Law).

4. All Justices of the Peace shall be under the supervision of and shall be obliged to obey the commands of the State Attorney and the Public Prosecutor of their district. Supervision
by State
Attorney.

5. It shall be lawful for the State President, with advice and consent of the Executive Council to appoint any resident Justice of the Peace when and as he may deem it necessary. Resident
Justices of
the Peace.

The limits within which such resident Justice of the Peace shall have jurisdiction shall also with the advice and consent of the Executive Council be made known by proclamation.

Clerk to
resident
Justice of
the Peace.

6. The Government shall have the power, where such appears desirable, to give any resident Justice of the Peace a clerk, who shall at the same time exercise the functions of Registrar and Public Prosecutor for the Court of such resident Justice of the Peace.

Powers of
Public
Prosecutor.

7. The Public Prosecutor of the Court of resident Justice of the Peace shall in respect of such Court have the same powers and duties as the Public Prosecutor of a Landdrost Court. He shall be subject to the commands of the State Attorney and of the Public Prosecutor attached to the Landdrost or official exercising like jurisdiction in the district, of which the ward of such resident Justice of the Peace forms part.

Powers of
resident
Justice of
the Peace.

8. The resident Justice of the Peace shall have the powers and duties set out in Art. 3 of this Law.

Jurisdiction
in civil cases.

9. The resident Justice of the Peace shall within his ward have jurisdiction in all civil cases in which the amount of the claim, should it be a liquid case, does not exceed £100, and should it be an illiquid case does not exceed £35. The costs of proceedings shall not be included in these maxima.

Criminal
jurisdiction.

10. The resident Justice of the Peace shall have jurisdiction in respect of offences committed within his ward, to which no higher punishments are applicable than three months' imprisonment, with or without hard labour, 25 lashes, and a fine of £25, whether separately or jointly.

Special Laws.

11. The resident Justice of the Peace shall furthermore have jurisdiction in respect of all offences committed within his ward, and which are punishable in terms of

(a.) Law No 13, 1880 (Master and Servants Act).

(b.) Law No. 13 1892 as modified by Law No. 12, 1893, (Liquor Law).

(c.) Law No. 20, 1892, now Law No. 4, 1894 approved 18 June, 1894—(Customs).

Offences
against
person or
property.

12. The resident Justice of the Peace shall furthermore have jurisdiction in respect of all offences committed within his ward against anyone's person, honour or property, where such offences are not of a serious nature.

In such case such resident Justice of the Peace may inflict one or more of the following penalties:—

Imprisonment with or without hard labour, for a period not exceeding three months.

Lashes not exceeding 25 in number.

Fine not exceeding £25.

13. The rules of procedure prescribed for the Landdrost Courts shall as far as possible be applicable to Courts of resident Justices of the Peace. Procedure.

14. From the decision of any Resident Justice of the Peace an appeal shall lie to the Court of the Landdrost or other official having the like jurisdiction, within whose district the ward of such resident Justice of the Peace is situate. Appeal.

15. The words "or Resident Justice of the Peace of the ward" shall be inserted in Art. 6 of Law No. 6, 1889 after the words "Mining Commissioner of any Public Diggings." Amendment of Gaming Law.

16. Justices of the Peace, and resident Justices of the Peace shall continue to possess the powers and duties granted them by previous lawful enactments, in so far as not conflicting with the provisions of this law regarding Justices of the Peace and resident Justices of the Peace. Previous Laws.

17. Justices of the Peace and resident Justices of the Peace shall before taking up their duties be sworn in before the Landdrost of the District or other official with like jurisdiction. Oath of Office.

The form of oath shall be :—

"I promise and swear solemnly to be faithful to the people and the laws of this Republic and just and equitable in my office and appointment without respect of persons, and to act according to law and to the best of my knowledge and conscience, and that I shall not accept any gift or favour from anyone, where I have reason to suspect that the same has been given or where it may appear to have been given in order to influence me in my judgment or action in favour of the giver or person rendering such favour. And that in all other capacities than as Judge I shall obey the orders of those placed over me and that I will act according to law and generally shall have no further or other object in view than the maintenance of law, justice and order to the advancement of the prosperity, welfare and independence of Country and People."

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria,
20th July, 1894.

SUPPLEMENT TO LAW FOR JUSTICES OF THE PEACE.

List of Laws under which Resident Justices of the Peace may inflict penalties.

According to Art. 10 of the Law relating to Justices of the Peace and resident Justices of the Peace, the latter may inflict the punishments prescribed in the following laws and resolutions, viz:—

Town regulations, enacted by Government notice, dd. 5th August, 1858, as amended by First Volksraad Resolution, Art. 82 of 1891.

In Art. 1 of Law 2, 1870 (grass-burning).

In Artt. 2, 3, 5, 8 and 9 of Law No. 3, 1870 (lung-sickness, cattle).

In Art. 24 of Law No. 8, 1871 (marriage ordinance).

In Law No. 1, 1872 (*Xanthium spinosum*) as amended by Law No. 2 of 1892.

In Artt. 6, 8, 9, 14 of Law No. 2, 1874 (weights and measures).

In Art. 3 of Law 5, 1874 (Law on companies with limited liability).

In Art. 2, sub. 1 and 2 of Law No. 5, 1880 (fisheries).

Regulations *re* forests. Government notice No. 5, 1881, by virtue of Art. 11, end of Law No. 5, 1880.

In Artt. 9, 19, 25, 33, 37, 38 and 40 of Law No. 2, 1882 (pounds).

In Artt. 9, 12 and 22 of Law No. 2, 1885 (Field-Cornet's instructions).

In Art. 10 of Law No. 1, 1885 (auctions), as amended by First Volksraad Resolution, Art. 112, 1893.

In Artt. 7, 9, 10 and 11 of Law No. 12, 1886 (medical).

In Artt. 16 and 17 of Law No. 4, 1887 (contagious diseases as amended by First Volksraad Resolution, Art. 175, 1893.)

In Art. 3 of Law No. 11, 1887 (Squatter's Law).

In Law No. 2, 1888 (Sunday Law as supplemented by First Volksraad Resolutions, Art. 1,267, 1891, and Art. 1,021, 1893.)

In Artt. 1 and 2 of Law No. 3, 1888 (cruelty to animals).

In Art. 6 of Law No. 5, 1888 (trespass and breach of the peace).

In Art. 22 of Law No. 8, 1888 (markets).

In Law No. 1, 1889 (use of trumpets).

In Artt. 5 and 6 of Law No. 5, 1889 (census).

In Art. 8 of Law No. 6, 1889 (gaming), as amended by Law 1, 1892.

In Art. 3 of Law No. 2, 1891 (masks).

In Art. 3 of Law No. 5, 1891 (receipt stamps).

In Artt. 13 and 15 of Law No. 6, 1891 (Game Law) as amended by Law No. 13, 1893.

In Artt. 10, 17 and 21 of Law No. 9, 1891 (general survey).

In First Volksraad Resolution, Art. 96, 1891, approving of Executive Council Resolution, Art. 662, 1890, and Art. 175, 1891.

In Law No. 14, 1892 (police law for railways), with the exception of the penalties, as per Artt. 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 33, 34 and 35.

In Artt. 7, 43, 62k, 62h, 68, 70, 73, 80, 83, 86, last paragraph ; of Law No. 18, 1892. Gold Law.

Art. 1 of Stonebreaker's Regulations.

Regulations for the use of bridges and ways approved by Volksraad Resolution, Art. 85, 1892.

First Volksraad Resolution, Art. 430, 1892 (killing the secretary bird).

In Law No. 1, 1893 (travellers, transport riders, &c.).

In Art. 12, par. 130, 131 and 132 of Law No. 3, 1893 (mining regulations).

In Artt. 62, 63 and 64 of Law No. 7, 1893 (boilers).

In Artt. 7, 8 and 9 of Law No. 9, 1893 (obstruction of roads).

In Art. 13 of Law No. 10, 1893 (tolls).

In Art. 2 of Law No. 11, 1893 (printers).

In Section 3 of Volksraad Resolution, Art. 1,353, 1893.

In terms of Art. 18 of the Law, the resident Justice of the Peace shall have the powers and duties specified in :—

Art. 5 of Law No. 14, 1870 (oaths).

Art. 1 of Law No. 7, 1885 (suretyship).

Volksraad Resolution, 23rd May, 1885, Art. 204, (chopping of firewood).

Law No. 14, 1880, and Government notice No. 151, 1880, with regard to gaols in his ward.

Artt. 2 and 6 of Law No. 6, 1889 (gaming) as amended by Law No. 1, 1892.

Law No. 13, 1892 (liquor), as also amended by Law No. 12, 1893.

LAW No. 8, 1894.

LAW ON GLANDERS.

Approved by the Second Volksraad, Art. 415, dd. 19th June, 1894, noted and accepted by the First Volksraad, Art. 776, dd. 11th July, 1894.

WHEREAS it is desirable that better provision should be made against the spread of glanders amongst horses, be it hereby enacted and provided :—

1. Any person being the owner of any animal, or, having any animal under his care, which is suspected of being, or which actually is infected, or which exhibits the usual symptoms, according to Schedule A, of the disease called glanders, shall be obliged immediately to segregate such animal, so that it may be unapproachable by any other animal, and shall within forty-eight hours, should the case occur in any town, village or on town lands, and within eight days, should the case occur in the country, after the sickness has broken out, give notice thereof to his neighbours and to the Field-Cornet of his ward, or the Landdrost or resident Justice of the Peace of his district, in order that the matter may be brought to the notice of a Government veterinary surgeon.

Segregation of sick or infected animals.

Should notice be given to a Field-Cornet, he shall be obliged to immediately inform the Landdrost or resident Justice of the Peace thereof, and the latter shall within seven days after receipt of such information see that the infected animal is examined by the Government veterinary surgeon at the place where it is segregated.

Immediately after such examination, the veterinary surgeon shall report in writing to the Landdrost or resident Justice of the Peace with reference thereto, and should the animal examined prove to be suffering from glanders, it shall be lawful for such Landdrost or resident Justice of the Peace to direct that the animal so suffering from glanders be destroyed.

Animals dying of glanders to be immediately burned or buried.

2. All animals which have either died of glanders or been destroyed by reason of their being affected with glanders shall, by or for account of the owner or possessor, be immediately burnt or buried at such place as may be deemed best, provided such place be not within a distance of fifty yards from any dwelling, stable, kraal, river, water-furrow, fountain, dam or road, and that in the case of burial, the animal be covered by at least three feet of soil.

Any animal which has died from or been destroyed on account of glanders in any town, village, or on town lands, shall be buried, at the cost of the owner or possessor thereof, at a spot thereto appointed by the Landdrost or Justice of the Peace.

Any person refusing or neglecting to strictly carry into effect the provisions of this Article shall, upon conviction, be punished by a fine not exceeding £10, or in default of payment, by imprisonment for a period not exceeding one month, together with the cost of burial of the said animal upon order of one of the aforesaid officials (*sic.*)

Report of outbreak to officials.

3. Any person treating any such animals in the South African Republic, whether in consideration of money or goods or free of charge, shall be obliged immediately upon detection of any sign of glanders, as described in Schedule A of this law, to give immediate written notice to one of the afore-mentioned officials. In default thereof he shall be punished by a fine not exceeding £10, and in default of payment be imprisoned for a period not exceeding one month with or without hard labour.

Infected or suspect animal may not be sold or disposed of.

4. If, upon enquiry made by the Government Veterinary Surgeon, referred to in Art. 1, it is suspected that any sick animal is suffering from glanders, it shall not be lawful for the owner, possessor, or for any other person whomsoever, to sell, pledge, lease, exchange, denote, or in any way whatsoever dispose of or drive, lead, use, or convey such animal by rail, or in any other way whatsoever, or to cause any of the above acts to be done; on the contrary such person shall be obliged to segregate such animal immediately in the manner described in Art. 1, should that not already have been done.

In default of a strict compliance with the provisions of this law, such person shall, besides a fine not exceeding £15, or in

default of payment, imprisonment for a period not exceeding six weeks, be obliged to make good to third parties whatever damage may have been occasioned to their property by reason thereof.

5. After the animal suspected to be suffering from glanders, or to have been infected therewith, shall have been segregated, the Government Veterinary Surgeon shall, at his discretion as soon as possible, take all possible measures in order to ascertain whether such animal is really suffering from the aforesaid sickness, and such animal shall be kept segregated and not released until the Veterinary Surgeon shall have authorised the owner or possessor in writing to release it.

Inspection by veterinary surgeon.

6. It shall be lawful for the Government Veterinary Surgeon to cause all animals, which have come or are suspected of having come into contact with animals suffering from glanders, or which are suspected of suffering from glanders, to be segregated by the owner or possessor in such manner as he, the Veterinary Surgeon, may deem advisable.

Segregation of all animals which came into contact with infected animals.

Should the Government Veterinary Surgeon not deem it necessary to segregate such animals, he shall all the same have the right to prohibit the party concerned from disposing of any such animals to any person whomsoever.

In any such case the instructions given by the Veterinary Surgeon shall be continuously observed without interruption until such time as he shall fix.

Should the Veterinary Surgeon concerned advise the Government that it is best in the public interest to destroy any apparently sound animals which, it is suspected, have been infected with glanders, the Government, if such advice be acted upon, shall compensate the owner or possessor of such animals for the full value thereof.

Compensation for destruction of sound animal where infection is probable.

The value of any animal so to be destroyed as aforesaid shall be assessed by two appraisers, of whom each party shall nominate one. In the event of a difference of opinion, the two appraisers shall together elect an umpire.

The appraisers shall be previously sworn in by a competent justice.

7. Should any animal which is suffering from glanders, or which, it is suspected, is so suffering; or should any healthy animal, which it is reasonably suspected, or which it is known, has come into contact with any animal suffering from glanders or suspected to be suffering therefrom, be running at large within the limits of any town or village or town lands, whether on private or public ground or in the streets, squares, market, outspans, commonage, &c., and whether the owner thereof be known or unknown, it shall be the duty of each and every person in this State who may discover the facts, forthwith to notify the same to the Government through some proper official, Field-Cornet, Landdrost or resident Justice of the Peace, and the Government

Infected animals roaming at large on town lands, &c.

shall have such animal removed, segregated and kept segregated, at a place to be appointed on its behalf, in order that such animal may be dealt with in terms of Art. 1.

Infected animals in the country.

Should any of the cases referred to in this Article occur in the country, each and every person who finds any such animal, shall be there and then entitled, in the presence of two witnesses summoned thereto by him, "should they be of the same opinion as he with regard to such case," to destroy such animal.

Costs of interment, &c.

In either case, the cost of removal and interment of such animal shall be borne by the owner or possessor thereof if he be known, and should it happen that such animal was, in the first instance, not killed, but merely segregated, all charges for care-taking, feeding, &c., shall also be borne by such owner or possessor.

Should neither owner nor possessor of such animal be known, the costs aforesaid shall be borne by the State. The owner or possessor shall, in such case, have no right whatever to any compensation, being deemed to have actually contravened the law.

Penalty on owners allowing infected animal at large.

8. Every owner or possessor of any animal which is suffering from glanders, or which it is suspected is suffering therefrom, or of any healthy animal which, by reason of its having come into contact with any such animal as aforesaid, may reasonably be supposed to have caught the infection, shall, if he knowingly or negligently permits such animal to run on the private property of others or on public ground, or refuses or neglects to destroy or segregate the same in terms of the preceding articles, upon conviction thereof, be punished by a fine not exceeding £10, or, in default of payment, by imprisonment for a period not exceeding one month.

He shall besides be obliged to make good all damage occasioned to the property of others by reason of his neglect or default.

No infected animal may be placed with others.

9. All and sundry are prohibited from placing or causing to be placed in any stable or place wherein other animals are, any animal infected with glanders or which it is suspected is so infected.

Should the owner, lessee or person using such place or stable at any time after such animal is placed therein, discover the presence of such animal there, he shall, in addition to his obligations with regard to destruction, segregation, notice, &c., as above specified, be obliged to immediately prohibit the admission of any other animal to such place or stable.

Disinfection.

All stables or places, where any animal which is infected with glanders, or which it is suspected is so infected is or was found, shall be immediately disinfected, together with everything therein, or which was found therein, in such manner as the Government Veterinary Surgeon shall direct. The places where any implements, clothing, fodder or other articles, which are or might be infected are, shall likewise be disinfected.

Notification of infection at stables.

Where any animal infected with glanders, or which it is suspected is suffering therefrom happens to be, or to have been

found at or in any public stable or place, a board shall, even although such animal has been removed, be placed and kept in position directly above the entrance of such public stable or place having the words "Infected with Glanders," legibly and clearly printed thereon, until such time as such stable or place, together with everything therein, or which was found therein, shall have been disinfected.

Should any owner or lessee of, or the person using any such place or stable, wilfully disregard what is hereinabove in this article described, both he and the person who represents him as stable overseer or boy, or in whatsoever other capacity, jointly and separately, the one paying the other to be absolved, shall be responsible for any damage thereby occasioned to the property of others and shall be obliged to make good the same, according to assessment in the manner as already described in this Law, in addition to which they shall be each of them separately punished by a fine not exceeding £5, or in default of payment, by imprisonment for a period not exceeding 14 days.

10. Should the Government Veterinary Surgeon know or suspect that any animal infected with glanders, or which it is suspected is so infected, is confined in any stable or place, he shall have the right to enter any such stable or place and to inspect the same, as also the animals therein being and to see that the law is duly complied with.

Inspection of
stables, &c.

Should the aforesaid infectious disease of glanders be prevalent at or in any locality or localities, each and every stable or place within any such locality, and wherein any animal is kept, or might possibly be kept, as also any animals there being, may be inspected by the Government Veterinary Surgeon on behalf of the Government.

Should the owner, lessee, or any other person whosoever refuse or obstruct the access to or examination of any such place, such Veterinary Surgeon, with the cognisance and assistance of the Landdrost, or resident Justice of the Peace, shall immediately be afforded access to such place and animals through the police or public authority, and the person so refusing or obstructing the access and examination shall be punished by a fine not exceeding £5, or in default of payment by imprisonment for a period not exceeding fourteen days.

11. Should the Government Veterinary Surgeon not be in a position to attend, or be prevented from attending, any case of glanders or suspected glanders within the time fixed by this Law, in order to make the necessary examination and frame his report, &c., it shall be lawful for the Landdrost, or resident Justice of the Peace concerned, to appoint some person recommended to him by the Veterinary Surgeon (who, as certificated expert, may know by experience that such person is fully competent and qualified to act therein) to act in the matter, and do whatever he, the Veterinary Surgeon aforesaid, if he were himself present, might, could or ought to do.

Special
Expert, to
report in
absence of
Government
Veterinary
Surgeon.

Such expert shall, upon being appointed, be sworn in by the Landdrost or resident Justice of the Peace.

Infected clothing &c., to be destroyed or disinfected.

12. All clothing, implements, fodder, &c., having come into contact with, or which it is suspected came into contact with, any animal suffering from glanders or which it is suspected was suffering therefrom, shall be expropriated and destroyed, or in so far as the Government Veterinary Surgeon may deem that the needs of the case are thereby met, disinfected according to such directions as he may prescribe, and such articles or things may in no case be brought to or used for any other animal, and it shall not be lawful to sell, or cause any such articles or things to be sold, leased, donated, pledged, exchanged, conveyed, &c., before the above-mentioned disinfection and cleansing shall have taken place. Upon non-compliance with the provisions of this Article, a fine not exceeding £5, or in default of payment, a sentence of imprisonment for a period not exceeding 14 days shall be imposed, and the guilty party shall, in addition thereto, be bound to make good all damage thereby occasioned to the property of third parties.

Penalty.

Costs and expenses.

13. All fees and costs, inclusive of travelling expenses and costs of inspection of animals, &c., accruing to or incurred by the Government Veterinary Surgeon, or any person acting on his behalf, shall be paid by or out of the State Treasury, in order that the objects of this Law may be the better carried into effect and attained.

Government may frame regulations.

14. It shall be lawful for the Government, after having obtained the advice and consent thereto of the Executive Council, and subject to approval by the Volksraad, to frame such regulations from time to time, as may be deemed desirable for the better carrying into effect and attainment of the objects of this Law.

General penalty clause.

15. Each and every person acting in conflict with the provisions or the regulations of this Law, shall, in so far as no other penalty is provided therefor, be punished by a fine not exceeding £10, or in default of payment, by imprisonment for a period not exceeding one month.

Term "animal."

16. The word "animal," as used in this Law, shall signify any horse, donkey, and any crossbreed from such animals.

Repeal.

17. All Laws and provisions in conflict with this Law are hereby repealed.

Operation.

18. This Law shall come into operation from the 1st January, 1895.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS, *State Secretary.*

Government Offices,
Pretoria,
20th July, 1894.

ANNEXURE A.

GLANDERS IN CASE OF HORSES, MULES, AND CROSSBREEDS
FROM SUCH ANIMALS.

This disease appears in two forms:—

1. The slow or lingering form.

2. The rapid or galloping form.

The slow or lingering form mostly occurs in the case of horses:—
The symptoms are:—

(a.) The nostrils.

A dirty grayish white fluid flows from one or both nostrils or alternately from one or the other.

The flow increases and decreases by turns; sometimes it totally disappears for a while.

At first this fluid will be noticed in small quantities issuing from the animal's nostrils—subsequently it takes on a grayish white or greenish yellow, and it may also be some indeterminate colour, and it then becomes viscid and intermixed with a clear watery or else a yellow fluid.

It frequently happens that this stuff is bloody, and this is often the first recognisable symptom of the disease in its more virulent form.

The appearance of the blood is due to the bursting of small blood vessels, which have been affected by glanderous abscesses.

Abscesses or hard lumps of the size of a small pea often, but not always, at a very late stage of the disease exhibit themselves on the mucous lining of the nostrils, but sometimes they are situate very high up in the nose, by reason whereof they cannot be felt or seen.

Where, however, they appear low down in the nose they can be easily seen and felt. They quickly change into surface or deep-seated abscesses with rimmed excoriations and fatty centres, which pass into radiated starshaped, or it may be elongated scales.

The glands of the throat under the lower jawbones become very swollen.

This swelling is in the beginning soft and spongy, but firm and sensitive. At a later stage it becomes knobby, hard and callous. It appears as a lump at the surface as if it were a growth on the lower jaw, and consequently does not shift its position on pressure. It may, however, be that it attaches itself rather to the skin.

Although to commence with the animal is well in outward appearance, it gradually becomes thinner and will lose its appetite.

Where these three symptoms of the disease appear together, to wit: the flow and abscesses, knobs or scales in the nose, in addition to the aforementioned swelling of

the glands in the throat, whether in a horse, donkey or mule, it may be accepted with certainty that such animal is suffering from glanders.

The knobs, scales and abscesses above described are therefore conclusive proof of glanders.

Should any one or two of the symptoms mentioned here of the disease be present, it must be considered to be a case of suspected glanders.

(b.) The lungs :—

The form of the disease which attacks the lungs is very difficult to diagnose, as the lungs of an animal may be affected by glanders without any definite symptoms being exhibited. Glanders in the nostrils is often coupled with glanders in the lungs of any animal.

It may be suspected that an animal is suffering from virulent glanders in the lungs if :—

- (1.) It suffers from a dry cough with or without painful breathing, or rather, if the breathing is short, and if the animal exhibits a scurvy, dry condition of the hide with hair on end, whilst at the same time the condition of health deteriorates.
- (2.) If such animal came into contact with animals suffering from glanders or which it is suspected were suffering therefrom, and symptoms of shortness of breath subsequently put in an appearance.
- (3.) If a sound animal, which has been standing next to such animal has taken the disease.
- (4.) If the animal, after a suspicious discharge from the nose has set in, subsequently begins to cough, becomes short of breath, &c.
- (5.) If whilst coughing and suffering from shortness of breath, other symptoms of glanders put in an appearance in the animal.

The appearance of only one of the symptoms furnishes only ground of suspicion. As soon as two or more symptoms appear at the same time it may be accepted with certainty that the disease is present.

(c.) The hide :—

In isolated cases (generally in the rapid or galloping form of the disease) lumps or boils of various sizes (from the size of a pea to that of a nut), appear on or under the hide of the animal, and may subsequently in part disappear.

They usually change later into crater-shaped abscesses with incurved edges and discharging a viscid dirty coloured pus, often stained with blood. Although to commence

with they are to some extent sensitive, they subsequently cease to be so.

These symptoms are accompanied by an inflammation of the lymphatic ducts which present the appearance of thin or thick cords or strings perceptible to the touch or sight, running from one lump to another and finally extending to the nearest lymphatic gland.

These boils or lumps mostly show themselves near the hoofs and on the shoulders, chest and belly.

During the course of the disease new lumps continue to appear, always following the course of the lymphatic ducts to the middle of the body (along the neck downwards and from the hoofs upwards). They all take the same course, by reason whereof after the lapse of some time the lumps are found of different sizes.

The affected lymphatic ducts swell up, become hard and may suppurate, and, by reason of the coming and going of these boils or lumps, the animal is temporarily lame and becomes stiff and subject to new swellings in the limbs.

In isolated cases the skin becomes thicker by reason of the disease, and in consequence, *e.g.* the head has the appearance of that of a hippopotamus, being covered with lumps, pleated and hard.

The symptoms of the disease exhibit themselves at the same time with those described under "a" and "b."

Should one or more of these symptoms not appear fully as here described, the animal must be deemed to be suffering from virulent glanders until other symptoms of the disease shall have exhibited themselves, or it can in other ways be accepted that the animal is actually suffering from virulent glanders.

The rapid or galloping form of the disease:—

This form of the disease is seldom found in the case of horses (possibly only from 3 to 10 per cent. of all cases). It is of more common occurrence with donkeys and mules.

If the disease does not immediately exhibit its characteristic symptoms it is the slower lingering form.

During the progress of the disease symptoms of blood poisoning with offensive putrefaction of the mucous membrane, breathing organs, and decomposition of the hide, lungs and other organs appears.

The disease develops suddenly. It begins with shiverings and high fever (to 42° Celsius) 108° Fahrenheit, and the mucous membrane of the eye becomes inflamed. This is accompanied by a slimy and purulent discharge from the nostrils which subsequently becomes bloodstained and offensive, and is often accompanied by saliva and food.

The visible portion of the mucous membrane of the nostrils is covered with knobs and boils which run together, so that finally the whole mucous membrane disappears and is covered with diphtheric layers.

The breathing is difficult, first puffing, then rattling or roaring. Sooner or later the symptoms of glanders in the hide put in an appearance. The capacity of taking food is greatly limited, and the swallow often becomes very troublesome, by reason of inflammation of the larynx. A marked loss of weight ensues, the animals lose flesh visibly and finally fall down dead.

Slow or lingering glanders may continue for weeks, months, even years.

Rapid or galloping glanders may last from four to fourteen days. In either case the disease terminates fatally.

As malignant glanders is also infectious for human beings, the latter have generally, and especially where they have wounds on their hands or other parts of the body, to be very careful in dealing with infected animals or animals which it is suspected are infected.

LAW No. 9, 1894.

TO MAKE PROVISION FOR THE SAFE CUSTODY OF DANGEROUS LUNATICS AND FOR THE CARE AND CUSTODY OF PERSONS OF UNSOUND MIND.

(Approved by the Second Volksraad, Art. 529, dated, 3rd July, 1894, and noted and accepted by the First Volksraad, Art. 818, dated 12th July ensuing.)

Interpretation
of terms.

1. For the purposes of this Law the following terms shall have the meaning herein assigned to them unless there is something in the context repugnant to such construction :—

“Asylum” means the asylum for lunatics now existing, or any institution which may hereafter be declared by the Government as an asylum or place for the reception or detention of lunatics.

“Court” means the High Court and any Circuit Court.

“Criminal Lunatic” means any person for whose safe custody during such time as the State Attorney may deem necessary, the latter is authorised to give order, and any prisoner whom the Executive Council or State Attorney has in pursuance of this or any other law directed to be removed to an asylum or other place for the reception of insane persons.

“Judge,” any judge of the High Court.

“Constable” includes members of the police force and Field-Cornets.

“Lunatic” includes any idiot or person of unsound mind incapable of managing himself or his affairs.

“Local Authority” means Landdrost, Assistant Landdrost, Resident Justice of the Peace, &c., or other officials having jurisdiction.

“Medical Practitioner” means a legally qualified medical practitioner in actual practice within the meaning of any Law now or hereafter in force.

“Prison” means any prison or place of confinement to which a person may be committed, whether on remand or for trial, safe custody, punishment or otherwise, under any other than civil process; and

“Prisoner” means any person so committed.

2. The provisions of this Law shall apply to every person who, at the taking effect thereof, is detained in an asylum or place of confinement for lunatics, and every warrant or order granted for detention of any such person, shall be deemed to have been legally granted until set aside or varied under the provisions of this Law.

Application of Law.

3. If a constable is satisfied that it is necessary for the public safety or the welfare of an alleged lunatic with regard to whom it is his duty to take any proceedings under this Law, that the alleged lunatic should, before any such proceedings are taken, be placed under care and control, the constable may apprehend and convey the alleged lunatic to a prison or hospital, and the gaoler or keeper of the hospital shall, unless there is no proper accommodation in such prison or hospital for the alleged lunatic, receive, take over and detain the alleged lunatic therein, but no person shall be so detained for more than forty-eight hours without the knowledge or authority of the Local Authority.

Constables' powers.

PART I.

Proceedings for restraining Dangerous Lunatics.

4. When any person shall be discovered under circumstances indicating derangement of mind, and a purpose of committing suicide, or some crime or offence for which such person would be liable to be prosecuted, any local authority before whom such person shall be brought may, where practicable, call to his assistance any two medical practitioners (one of whom shall, if practicable, be the district surgeon), and shall examine such practitioners, and any other witnesses, upon oath. Should it not be practicable to obtain the assistance of two medical practitioners for this purpose at such place, one practitioner, if practicable the district surgeon, will suffice.

How local authorities are to act.

5. If on view and examination of the person apprehended or brought before the local authority, and on the evidence of such medical practitioners and others, such local authority is satisfied that

Procedure
after
examination.

such person is a dangerous lunatic, and that the case cannot be adequately dealt with under the provisions of Part III. of this Law, he may, by order under his hand, direct that such person shall be removed to and detained in some hospital or other place of safe confinement until such person shall be lawfully discharged, or removed to some asylum by order of the State Attorney.

Apprehension
of lunatics at
large.

6. Any "local authority," if it shall be made to appear to him on oath that any person wandering at large is deemed to be a dangerous lunatic, may, by order under his hand, require any constable to apprehend and bring such person before any "local authority" having jurisdiction.

Duty of
Constable.

7. Any constable receiving any order from the "local authority," shall forthwith act as therein directed, either in apprehending or removing such lunatic, or supposed lunatic, therein named.

Any person who may by any order of such local authority be directed to receive and detain any such lunatic, or supposed lunatic, shall obey such order.

Discharge of
lunatic.

8. If at any time after the granting of any order or warrant for the detention of a person as a dangerous lunatic, it shall be made to appear to the State Attorney that such a person has ceased to be, or is not, a dangerous lunatic, and that he may be suffered to go at large with safety, the State Attorney may order the discharge of such person from custody, unless he be lawfully detained for some other cause.

Sections 29 to
37 to apply to
orders for the
detention of
dangerous
lunatics.

9. The provisions of the twenty-ninth to the thirty-seventh articles, inclusive, of this Law, shall respectively extend and apply to every order for the detention of a dangerous lunatic granted by any local authority in pursuance of this part of this Law.

PART II.

Provisions relating to Criminal Lunatics.

Insane crim-
inals.

10. When in any indictment or other criminal process any act or omission is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible according to law for his actions at the time when the act was done or the omission made, then, if it appears to the jury before whom such person is tried that he did the act or made the omission charged, but was insane, as aforesaid, at the time when he did or made the same, the jury of such Court shall return a special verdict or finding to the effect that the accused was guilty of the act or omission charged against him, but was insane, as aforesaid, at the time when he did the act or made the omission.

Custody of
criminal
lunatics.

11. Whenever such special verdict or finding shall be returned, the Court shall give an order with reference to the further detention of such person in the asylum, or not, and for how long the detention is to last, or any such like order.

12. Where it appears to the State Attorney that a prisoner, not being under sentence of death, is insane, he shall direct two medical practitioners (one of whom shall, if practicable, be the district surgeon) to examine such person and inquire as to his sanity, and after such examination and inquiry the said medical practitioners may certify, in writing, whether such person is insane or not.

Prisoners who may appear insane to be examined.

13. In the case of a prisoner under sentence of death, if it shall be made to appear to the Executive Council that there is reason to believe such prisoner to be insane, the Executive Council may appoint two or more medical practitioners, who shall forthwith examine such prisoner and inquire as to his insanity, and after such examination and enquiry such practitioners shall make a report, in writing, to the Governor as to the sanity of the prisoner, and they or the majority of them, shall certify whether he is insane or not.

If under sentence of death.

14. When a prisoner is certified as aforesaid to be insane in the case referred to in Art. 12 the State Attorney, if he thinks fit, and in the case referred to in Art. 13, the Executive Council if it thinks fit, may direct such prisoner to be removed to an asylum named in the warrant, and thereupon such prisoner shall be removed to and received in such asylum, and subject to the provisions of this Law relating to discharge and otherwise, shall be detained therein, or in any other asylum to which he may be transferred, as a criminal lunatic, until he ceases to be a criminal lunatic.

Criminal lunatic.

15. When it is certified by two medical practitioners that a person being a criminal lunatic (not being a person with respect to whom a special finding or verdict has been returned that he was guilty of the act or omission charged against him, but was insane at the time when he committed the act or made the omission) is sane, the State Attorney if satisfied that it is proper to do so may by warrant direct such person to be remitted to prison to be dealt with according to law.

When it is certified that a criminal lunatic is sane.

16. The curatorium of the asylum shall make a report to the State Attorney at such times (not being less than once a year), and containing such particulars of the condition and circumstances of every criminal lunatic in such asylum as the State Attorney may require, and the State Attorney shall at least once in every two years during which a criminal lunatic is detained, take into consideration the condition, history and circumstances of such lunatic, for the purpose of determining whether he ought to be discharged or otherwise dealt with.

Report to the State Attorney.

17. The State Attorney may, from time to time, order the transfer to an asylum of any criminal lunatic detained in any other asylum or in any other place, and such criminal lunatic shall accordingly be received and detained in the asylum to which he is so transferred.

Transfer of criminal lunatic.

Discharge
criminal
lunatic.

18. The Executive Council may discharge any criminal lunatic absolutely or conditionally, that is to say, on such conditions as to the duration of such discharge, and otherwise as the Executive Council may think fit.

Conditional
discharge.

19. Where a criminal lunatic is conditionally discharged in pursuance of this Law :—

- (1.) A report of his condition shall be made to the State Attorney by such person and at such times and containing such particulars as may be required by the warrant of discharge, or directed by the Executive Council, or by any general rules or regulations ;
- (2.) If any of the conditions of such discharge appear to the Executive Council to be broken, or the conditional discharge is revoked, the Executive Council may direct him to be taken into custody, and removed to some asylum or place named in the warrant ; and he may thereupon be taken and shall be received and detained in such asylum or place as if he had been removed thereto under the provisions of this Law.

Regulations.

20. The Executive Council may make, revoke and vary regulations for the treatment of persons sentenced to imprisonment who appear, in accordance with the said regulations, to be free from imbecility of mind, either unfit for penal discipline or unfit for the same penal discipline as other prisoners.

PART III.

Provisions relating to Lunatics not being dangerous or Criminal.

Application
by relatives
and friends.

21. It shall be lawful for the curatorium of the lunatic asylum, upon the application of one or more of the relatives or supporters of any insane person (which application must be sanctioned by a local authority), and upon production of the certificates of two medical practitioners, of whom one shall, if practicable, be the district surgeon (where two practitioners are not to be had the certificate of one practitioner, viz., the district surgeon shall be sufficient), in which certificate it shall be declared to the satisfaction of the curatorium, that such practitioner or practitioners has or have examined the person concerned and found that he is a lunatic, to direct that such lunatic be placed and detained in the lunatic asylum.

Persons in
whose charge
lunatic is
may also
apply.

22. Should it appear to the Landdrost, or other official having jurisdiction, to whom any such application shall be submitted that any insane person has no relative or supporter within this State or none who is within reach without inconvenient delay, any society or person in whose charge or care such insane person for the time being may be, shall for the purposes of the preceding Article be deemed to be the supporter of such insane person,

and it shall be lawful for such Landdrost, or other official having jurisdiction, at his discretion to examine the applicant and any other person, under oath, with reference to the facts of any such case, and any wilfully false answer given by any such applicant or other person in this connection shall be deemed to be perjury and punishable according to law.

23. Any local authority upon the information on oath of any person, that a person wandering at large is deemed to be a lunatic, may by order require a constable to apprehend the alleged lunatic and bring him before the local authority making the order, or before any local authority having jurisdiction where the alleged lunatic is.

Apprehension of person wandering at large and deemed to be a lunatic.

24. When under this Law notice has been given to, or an information on oath laid before a local authority that a person wandering at large is deemed to be a lunatic, such local authority may examine the alleged lunatic at his own house, or elsewhere, and may proceed in all respects as if the alleged lunatic had been brought before him.

Examination.

25. Every constable who has knowledge that any person, not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated, or neglected by any relative or other person having the care or charge of him, shall without delay give information thereof on oath before the nearest local authority.

Constable to report.

26. Upon the affidavit or information on oath of any person that a person is deemed to be a lunatic, or that such a person is not under proper care, treatment and control, or is cruelly treated or neglected as aforesaid, any local authority may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he thinks fit (one of whom shall, if practicable, be the district surgeon) to visit and examine the alleged lunatic and to report their opinion of his mental state. In case the services of two medical practitioners shall not be available, or immediately available, the local authority may direct one medical practitioner to perform such duty.

Examination.

27. If upon the report of the medical practitioners or practitioner who examined the alleged lunatic, or after such further or other enquiry as the local authority thinks necessary the latter is satisfied that the alleged lunatic is a lunatic and is not under proper care, treatment or control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, or if the person having the care, treatment or control of the alleged lunatic consents to the issue of the order hereinafter mentioned, the local authority may, by order (in this Law termed a Summary Reception Order) direct the lunatic to be received and detained in some asylum or other place to be named in such order, and any constable whom the local authority

Summary reception order

may require so to do shall forthwith convey the lunatic to the place named in the order.

Detention
thereunder.

28. A summary reception order shall authorise the detention of the person named therein for a period not exceeding one month.

Report to the
State
Attorney.

29. A local authority granting any order for the detention of any alleged lunatic under this Law shall, without delay, transmit a copy thereof with copies of the depositions and medical reports upon which he acted in granting such order, and his own report to the State Attorney. Such local authority shall also within ten days transmit as aforesaid the report of the district surgeon or such medical practitioner as shall have been in attendance upon the lunatic, as to his mental and bodily condition during his detention.

Relatives or
friends.

30. In case of a lunatic as to whom a summary reception order may be made, nothing in this Law shall prevent a relative or friend from retaining or taking the lunatic under his own care, if the local authority having jurisdiction to make the order shall be satisfied that proper care will be taken of the lunatic.

Curators
ad litem.

31. The State Attorney shall be *ex-officio* curator *ad litem* of such persons as may be detained under any order granted by any local authority under this Law, or further detained under a judge's order.

Report to
Judge in
Chambers.

32. The State Attorney upon receipt of any such order, statements and reports as aforesaid from any local authority, shall within a period of one month, lay the same with any further reports, depositions or statements which he may have deemed necessary to call for, before a Judge in Chambers for his consideration.

Court pro-
ceedings.

33. The judge upon consideration of such order, reports, and evidence of lunacy therein appearing, may order as follows :—

- (1.) If satisfied that an order for the further detention of the alleged lunatic may be made forthwith, make such order accordingly, and for such period as he may deem necessary.
- (2.) Direct that a summons be issued and served upon the alleged lunatic and the curator *ad litem*, to appear in the Court to be therein named to show cause why the alleged lunatic shall not be declared lunatic, and a curator appointed for the care of his person, and if necessary, for the care or administration of his property.
- (3.) Appoint a curator bonis for the temporary care or custody of any property of the alleged lunatic, and where it appears to the judge desirable that temporary provision should be made for the maintenance or other necessary purposes or requirements of the alleged lunatic, or any member of his family out of any cash, or available

securities belonging to him in the hands of his bankers, or of any other person, the judge may authorise any such banker or other person to pay to the curator bonis such sums as may be deemed necessary, and may give directions as to the application thereof for the alleged lunatic's benefit, or the relief of his family.

- (4.) Direct that the alleged lunatic be immediately discharged.
- (5.) Direct that any summons or other process be issued, and the proceedings in the case be continued free of any stamp duty or office fee; and order that service of any process under this section be made in such manner as may seem expedient.
- (6.) Generally give such directions as may appear necessary and proper.

34. A copy of any order, such as is referred to in the preceding article shall be immediately sent to the curatorium of the asylum. Copy of order sent to asylum.

35. Nothing in this Law contained shall prevent any husband, wife or other relative of any person deemed to be a lunatic, or any friend of such person who has no husband, wife or near relative at or near the place where such person is residing, from applying by petition directly to any Court or judge for an enquiry into such person's mental condition, whether a summary reception order shall previously have been granted or not, and such Court or judge may order therein as may be deemed fitting. Husband, wife, friend or relative of person deemed to be lunatic may apply directly to any Court for enquiry.

36. Any person detained under the order of any local authority under this Law, or under a judge's order for further detention, granted as aforesaid, may apply to the Court directly or through a curator *ad litem*, for an enquiry into the cause and grounds of such person's detention, and such Court may order therein as may be deemed fitting. Person detained under a summary reception order may apply to Court for an enquiry

37. When any judge has granted an order for the further detention of a lunatic, or when a Court has declared a person lunatic, the State Attorney may by warrant under his hand authorise the removal of such lunatic to some asylum, hospital, or other safe place of confinement, there to be detained until legally discharged or legally removed to some other asylum or place. Removal to asylum.

PART IV.

Provision for the care and administration of lunatic's property.

38. The Court may appoint a curator for the care or administration of the property of any person declared lunatic, or of a person lawfully detained as a criminal lunatic or a dangerous lunatic, with or without security, as the Court may direct, and may confer upon such curator authority to do any specified act, or exercise any Curator over property of lunatic.

specified power, or may confer a general authority to exercise on behalf of the lunatic, until further order, all or any of such powers, without further application to the Court.

- 39.** Where, upon an enquiry, the Court shall be of opinion that the person to whom it relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, such Court may make such order as it thinks fit for the care or administration of the property of the lunatic, including all proper provisions for his maintenance; but it shall not be necessary, unless the Court shall think proper to do so, to make any order as to the custody of his person.
- 40.** When any person being a member of a partnership is declared a lunatic by the Court, the Court may by the same order, or by any order subsequently granted, dissolve the partnership.
- 41.** When a Court has granted an order for appointing a curator for the care or administration of the property of a lunatic an office copy of such order shall forthwith be lodged with the master of the Supreme Court.
- 42.** The master shall grant to such curator a certificate that he has been so appointed, and is authorised as such to have the custody and administration of the lunatic's estate.
- 43.** Every such curator shall be under the like duty and obligation as an executor appointed for the administration of the estate of a deceased person, to lodge with the said master an inventory, or additional inventory of the property of a lunatic and accounts of his administration, and in respect of any such inventory or account the like stamps and fees shall be payable as in the case of the estate of a deceased person.
- 44.** Every such curator shall be allowed the like remuneration, to be taxed by the said master, as in the case of an executor.
- 45.** When any lunatic for the care or administration of whose estate a curator has been appointed shall die intestate, or having left a will there shall be no executor, or none willing to act, such curator shall continue the administration of the estate of such lunatic, and distribute the assets thereof as if he had been appointed an executor dative.
- 46.** The Court may authorise and direct any curator appointed as aforesaid to do all or any of the following things:—
- (a.) Sell any property belonging to the lunatic.
 - (b.) Make exchange or partition of any property belonging to the lunatic, or in which he is interested, and give or receive any money for equality of exchange or partition.

- (c.) Carry on or discontinue any trade or business of the lunatic.
- (d.) Grant leases of any property of the lunatic.
- (e.) Perform any contract relating to the property of the lunatic entered into by the lunatic before his lunacy.
- (f.) Exercise any power or give any consent required for the exercise of any power where the power is vested in the lunatic for his own benefit, or the power is in the nature of a beneficial interest in the lunatic.
- (g.) Raise money on mortgage of the lunatic's property for payment of his debts, or payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit, or payment of, or provision for, the expenses of his future maintenance.
- (h.) Apply any money for or towards the maintenance or the benefit of the lunatic.
- (i.) Make such reports concerning the lunatic's estate to the Court or the master as such Court shall deem fit.

47. Nothing in this Law contained shall be deemed to limit or abridge the power by law possessed by the Court in regard to declaring persons of unsound mind, or to the appointment of curators to the person or property of any lunatic.

Act not to limit power of Court as to declaring persons insane, or appointing curators.

PART V.

Offences and Penalties.

48. Every person who, except under the provisions of this Law, receives or detains a lunatic or alleged lunatic in an asylum, or, for payment, takes charge of, receives to board and lodge, or detains a lunatic or alleged lunatic, shall, upon conviction, be liable to a penalty of fifty pounds, or to be imprisoned with or without hard labour, for a period not exceeding six months.

Penalty for detaining alleged lunatic except under provisions of this Act.

49. Every person guilty of any of the following acts or offences shall, upon conviction, be liable to a penalty not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for any period not exceeding twelve months :—

Penalties for false statements, &c.

- (1.) Making any wilful mis-statement of any material fact in any petition, application, statement of particulars, report or reception order under this Law.
- (2.) Making a wilful mis-statement of any material fact in any medical certificate, or other certificate, or in any statement or report of bodily or mental condition under this Law.
- (3.) Knowingly making in any book, statement or return, any false entry as to any matter as to which he is, by this Law, or by any rules or regulations made under this Law, required to make an entry.

(4.) Wilfully obstructing any magistrate, curator, curator *ad litem*, visitor, medical practitioner, constable, or other person specially authorised by the Governor, or under any order of Court, in the exercise of any of the powers conferred by this Law, or by any rules or regulations made under this Law.

Penalty if nurses, &c., or persons in charge ill-treat lunatic.

50. Any officer, nurse, attendant, servant, or other person employed in any asylum or other place, or any person having the care or charge of a lunatic or alleged lunatic, whether by reason of any contract, or any tie of relationship, or marriage or otherwise, who shall ill-treat or wilfully neglect any such lunatic or alleged lunatic, shall, upon conviction, be liable to a penalty not exceeding fifty pounds, or to imprisonment, with or without hard labour, for any period not exceeding six months.

Penalty for conniving at escape of lunatic.

51. Any officer, attendant, servant, or other person employed in asylum or other place, who shall wilfully permit or assist, or connive at the escape or attempted escape of any lunatic, or who secretes a lunatic, shall, upon conviction, be liable to a penalty not exceeding twenty pounds or to be imprisoned with or without hard labour, for a period not exceeding three months; and to instant dismissal from any position such convicted person may then occupy.

Male person not to be employed in personal custody of female patient.

52. It shall not be lawful to employ any male person in any asylum in the personal custody or restraint of any female patient, and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds, or to be imprisoned, with or without hard labour, for a period not exceeding three months; Provided that this section shall not extend to prohibit or impose a penalty on the employment of male persons on such occasions of urgency as may in the judgment of the superintendent of the institution render such employment necessary, but the employment shall be reported to the curatorium of the asylum.

Penalty for carnally knowing female.

53. If any officer, attendant, or any other person employed in any asylum, or any person having the care or charge of or attending upon any single patient, carnally knows, or attempts to have carnal knowledge of any female under care or treatment as a lunatic, he shall, upon conviction, be liable to imprisonment with or without hard labour for any period not exceeding five years; and no consent or alleged consent of such female thereto shall be a defence in any prosecution for such offence.

Penalty where no special penalty provided.

54. Every person who shall contravene any of the provisions of this Law in respect of which no other penalty or punishment is by this Law or by any law otherwise provided, or who shall contravene any of the provisions of any rules or regulations made by the Government under this Law, shall, upon conviction, be

liable to a penalty not exceeding twenty pounds, or to be imprisoned with or without hard labour, for a period not exceeding three months.

PART VI.

Miscellaneous Provisions.

55. Subject to any exception in this Law mentioned, a person not being a dangerous lunatic, a criminal lunatic, or a lunatic so declared by a Court, shall not be received or detained in any asylum, hospital or other place, or as a single patient, unless under an order made by a Court or Judge.

Who may be detained in asylum.

56. Every person who shall receive, to board and lodge in his house, or shall take care or charge for payment or valuable consideration, of any person as a lunatic, shall, within twenty-four hours after so receiving or taking such person, transmit through the post a notice of such admission to the State Attorney with true copies of the order, statement, and medical certificates, upon which such person shall have been so received.

Notice to State Attorney.

57. The person so receiving, or taking charge of such lunatic, shall also, after the second, and before the end of the tenth day of such admission, transmit to the State Attorney a statement to be signed by the medical practitioner visiting the lunatic, of his mental state and his bodily health and condition.

Report thereafter.

58. Every such lunatic shall, as often as may be provided by regulation under this Law, or as may be directed by the State Attorney, be visited by a medical practitioner not deriving, and not having a partner, father, son, brother, or other relative who derives any profit from the care and charge of such lunatic.

Visit by independent medical practitioner.

59. If any occupier or inmate of any house shall keep or detain therein any person as a lunatic, except under some order authorised by this Law, although one of his family or a relative, beyond the period of three months after his lunacy shall have become apparent, and when it shall be such as to require during any part of such period coercion or restraint, such occupier or inmate, or the medical practitioner attending such person, shall intimate such detention to the State Attorney, and shall transmit to the State Attorney a certificate, signed by at least one medical practitioner, of the condition of the person so detained, and shall state therein the reasons (if any) which render it desirable that such person shall remain under private care.

Notice by State Attorney if patient detained for more than 3 months in private house.

60. If the State Attorney shall have information or reason to believe or suspect that any lunatic, or any person treated as a lunatic, of whose condition no such intimation as aforesaid has been made, is detained or kept, or is dwelling in any house, and that the lunacy of such person has endured for three months after

State Attorney may order enquiry as to lunatics detained in any private house.

the same became apparent, and is such as to have required coercion or restraint, or if such intimation shall have been made as in the last section provided, and the reason stated appear to be insufficient, and he is of opinion that enquiry should be made, he may order such enquiry to be made as he shall think fit.

Medical certificates.

61. Every medical certificate or report under this Law shall be signed by a medical practitioner, and shall state the facts upon which the certifying medical practitioner has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no order made under this Law shall be made upon a certificate founded only upon facts communicated by others.

What facts evidenced by medical certificate.

62. Every medical certificate or report made under, and for purposes of this Law, shall be evidence of the facts therein appearing, so far as they may be facts within the knowledge of the person making the certificate, and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

Medical certificates not to be signed by person related to alleged lunatic within fourth degree.

63. The medical certificates or reports under this Law shall not be received or acted upon if made by any person related to the supposed lunatic within the fourth degree of consanguinity or affinity, or the partner or assistant of a person so related, and neither of the persons signing such certificates or reports shall be so related to, or the partner or the assistant of, the other of them.

Mechanical restraint.

64. Mechanical means of bodily restraint shall not be applied to any lunatic, unless the restraint is necessary for the purposes of surgical or medical treatment, or to prevent the lunatic from injuring himself or others; and in so far as the asylum is concerned, a full report of each case of restraint by mechanical means shall be reported from day to day.

Enquiry witnesses.

65. Any local authority or person appointed by any competent Court, or by the Government to make any enquiry under this Law, or in respect of any lunatic, may, if he deems it necessary so to do, summon any person to appear before him to testify on oath touching any matter respecting which such local authority, or other person is under this Law, or by any commission or order issued by any such Court, or by the Government, authorised to enquire (which oath such local authority, commissioner or other person is hereby empowered to administer).

Penalty for not obeying subpoenas.

66. Every person who does not appear pursuant to any such summons as is in the last section mentioned, or does not assign some reasonable excuse for not appearing, or who appears and refuses to be sworn or examined, shall, on conviction in the Court

of any local authority having jurisdiction, be liable to a penalty not exceeding twenty-five pounds, or to be imprisoned, with or without hard labour, for a period not exceeding three months.

67. Every person so summoned as aforesaid shall be entitled to be paid his expenses as if a witness summoned to attend upon a trial in a criminal case.

Expenses of witnesses.

68. A warrant under this Law may be executed by a person to whom it is addressed or by any constable, and when it relates to a person not in custody may be executed in like manner as if it were a warrant for the arrest of a person charged with an offence.

Execution of warrant under this Act.

69. If any person escapes while being conveyed to an asylum or place in pursuance of this Law, or if any person lawfully detained in an asylum or other place for lunatics escapes, he may be retaken by the superintendent of such asylum, or any officer or servant belonging thereto, or by any person assisting such superintendent, officer or servant, or by any constable, and conveyed to and received and detained in such asylum.

Escaped lunatic may be recaptured.

70. Any action brought by any person who has been detained as a lunatic against any person for anything done under this Law shall be commenced within three months next after the release of the person bringing the action.

Action by lunatic, limitation of.

71. The Government may, from time to time, make and alter rules and regulations for all or any of the following purposes:—

Regulations.

- (a.) For the discharge of lunatics on the application of relatives or friends, or on probation.
- (b.) For the curatorium of the asylum, and with reference to the reports to be made to or by it.
- (c.) For prescribing the books to be kept in asylums or otherwise in reference to any lunatic and the entries to be made therein and the accounts, returns, reports, extracts, copies, statements, notices, documents and information to be sent to the Government, the State Attorney or other authority or person as the Government may direct.
- (d.) As to the persons by whom, the times when, and the manner in which such entries, accounts, returns, reports, extracts, copies, statements, notices, documents and information are to be made and sent, in regard to any asylum, or any lunatic or alleged lunatic.
- (e.) As to the terms of payment and accommodation for paying patients in any asylum.
- (f.) For prescribing forms for the purposes of this Law in addition to, or in substitution for; any forms mentioned in the Schedule.

(g.) Generally for the due administration and efficient working of this Law and the care and comfort of lunatics.

Forms. **72.** Subject to rules made under this Law, the forms in the Schedule may be used, wherever applicable, with such modifications as circumstances may require, and if used shall be deemed to be sufficient.

Repeal. **73.** So much of any other Law as may be in conflict or inconsistent with the provisions of this Law is hereby repealed, but this repeal shall not affect any warrant issued, or anything done by virtue of any such repealed Law.

Indemnity. **74.** Any person who shall have rendered himself liable to any penalty, action or prosecution, in that he has managed, ordered, or been in any way concerned with the care or safe custody of persons who, before this Law shall have come into operation, may have been placed in safe custody by order of any authority as a dangerous lunatic, or as being accused of any crime or offence, shall be and is hereby absolved from any penalty, action or otherwise which might have arisen in consequence of his having kept such person in safe custody; and all such persons who, upon the date that this Law shall come into operation, shall happen to be kept in such safe custody are hereby declared to be subject to the provisions of this Law in so far as the same are of application.

Medical certificate. **75.** In all cases where any person before the coming into operation of this Law shall have been taken into the asylum as being a lunatic, upon a certificate, *bonâ fide*, issued by a medical practitioner, no action or prosecution of whatsoever description may be instituted by reason of such incarceration, although such person may again have returned to a sound state of mind.

Use of terms. **76.** For the purposes of the provisions of this Law, male shall be deemed and taken to include female, and "singular" shall include plural (*sic*).

Operation. **77.** This Law shall come into operation on the 1st August, 1894.

S. J. P. KRUGER,

State President.

Dr. W. J. LEYDS,

State Secretary.

Government Office,

Pretoria,

21st July, 1894.

SCHEDULE.

FORMS FOR USE UNDER LAW No. 9, 1894.

No. 1.—Order for the reception of a Lunatic.

I, A. B., Landdrost for the District of _____ having called Section 5.
to my assistance B. C. and D. E., medical practitioners, and having personally
examined F. G., of _____, and being satisfied that the said
F. G. is a dangerous lunatic, hereby direct you, H. I., keeper of the
_____ hospital (or other place to be stated) to receive the said
F. G. as a patient in the said hospital (or other place) and detain him until he
shall be lawfully discharged or removed.
Given under my hand at _____, this _____ day of _____ 18
_____ Landdrost.
To H. I.,
Keeper of the _____ hospital.
Gaoler (or other description).

No. 2.—Order for the apprehension of a Lunatic wandering at large.

Whereas it has been made to appear to me, _____ Landdrost Sections 6
of the District of _____, by information upon oath, that and 23.
_____ a person wandering at large within the said District,
is deemed to be a dangerous lunatic (or a lunatic—*vide* Section 23). Now,
therefore, these are to require you to apprehend the said _____,
and bring him before me (or before the Landdrost of _____).
Given under my hand at _____ this _____ day of _____ 18
To _____ Landdrost, Constable (or otherwise as the
case may be).

NOTE.—In the case of a dangerous lunatic this order may be granted by a
Justice of the Peace, and the form may be altered accordingly.

No. 3.—Medical Certificate that a person is a Lunatic.

I, the undersigned (a) _____ being a duly licensed medical (a) Name in
practitioner in this Republic, and in actual practice, hereby certify that I, on full.
the _____ day of _____, 18 _____, at (b) _____ Town or
in (c) _____ separately from any other medical practitioner, place.
personally examined _____ of (d) _____ (a) District,
(c) _____, and that the said _____ is a person of unsound &c.
mind, and a proper person to be taken charge of and detained under care and (d) Residence.
treatment, and that I have formed this opinion upon the following grounds, (e) Occupa-
tion.
viz. :—
1st. Facts indicating insanity or idiocy observed by myself (f) Sections 4, 12,
2nd. Facts indicating insanity or idiocy communicated to me by 13, 49B, 56, 61,
others (g) _____ 62 and 63.
(Signed) _____ (f) Appear-
Dated this _____ day of _____, 18 _____, at _____ ance.
Conduct.
Conversation.

NOTE.—The medical gentlemen certifying must not be assistant one to the
other, nor in partnership with each other, and should state the facts upon
which their opinion has been formed; e.g., delusions (specifying the nature of
the delusions), incoherence, imbecility, fatuity, alteration of conduct and
affections, dirty habits, &c. These certificates should be as complete as possible
and should contain all information obtainable in regard to the patient's
malady. (g) State the information, and from whom.

No. 4.—Form of Statement to accompany Medical Certificates.

FORM OF LANDDROST'S STATEMENT.

Arts. 21, 22,
and 29.

Name of patient, with Christian name at length
 Sex and age Nation ; if European, to what country
 belonging, how long in the Colony . If coloured, to
 what tribe or race belonging . Married, single or
 widowed . Condition of life and previous occupation
 (if any) . The religious persuasion, as far as
 known. . Previous place of abode, and district
 . Whether first attack, and if not, how many
 previous attacks . Age, if known, on first
 attack . When and where previously under care and
 treatment . Duration of existing attack
 . Whether subject to epilepsy . Whether
 suicidal . Whether dangerous to others . Cause
 of insanity and whether hereditary . Whether
 friends and relatives are able to pay for maintenance in an asylum, and, if so,
 to what extent . Name and address of relative
 to whom notice of death to be sent . Special
 circumstances, if any, preventing the patient being examined separately by two
 medical men.
 Dated this day of 18 .
 (Signed) Landdrost.

No. 5.—Order for the conveyance of a lunatic not wandering at large to some place of safe keeping.

Art. 27.

Whereas it has been made to appear to me
 Landdrost of the district of by information on oath that
 of , a person not wandering at
 large, is deemed to be a lunatic, and is not under proper care, treatment or
 control (or is cruelly treated or neglected by C. D., a relative, or a person having
 the care and charge of him, as the case may be).
 And whereas it appears to me upon a personal visit to and examination of
 the said , and enquiry made into the matter appearing
 upon such information (or upon the report of and
 , medical practitioners, directed and authorised by
 me to visit and examine the said , and report their
 opinion of his mental state) that the said is a lunatic,
 and is not under proper care, treatment or control (or is cruelly treated or
 neglected by the said C. D., a relative, or otherwise, as the case may be).
 Now, therefore, I authorise and require you to take the said
 , and convey him to (the place appointed for his reception and
 detention) there to be received by and detained in
 accordance with a summary reception order of even date.
 Given under my hand at , this - day of
 18 .
 Landdrost.

No. 6.—Summary Reception Order.

Whereas it has been made to appear to me
 Landdrost of the district of , by information on oath,
 that of is deemed to be
 a lunatic, and having directed and
 medical practitioners, to visit and examine the said and
 report their opinion upon his mental state ; and whereas upon consideration of
 the report of the said medical practitioners, and having personally visited and

examined the said _____ and made such enquiry as I have deemed necessary, I am satisfied that he is a lunatic, and is not under proper care, treatment and control (or is cruelly treated or neglected, as the case may be), and that he is a proper person to be taken charge of and detained under care and treatment, do hereby direct you _____ to receive the said _____ and to detain him in (state the place) for a period not exceeding one month, subject to such further order as may be made in regard to him.

Given under my hand at _____ this _____ day of _____ 18 _____

Landdrost.

NOTE.—No person may be detained under a summary reception order for a period exceeding one month, without an order for further detention from a Judge.

LAW No. 10, 1894.

BRIBERY OF OFFICIALS.

(Approved and enacted by First Volksraad, Art. 786, dated 11th July, 1894.)

1. Any official, shall be punished by imprisonment with or without hard labour for a period not exceeding five years :—

Penalty on an official who takes a bribe.

(a.) Who shall directly or indirectly have accepted a gift or promise knowing or having reason to suspect that the same was made in order to induce him in conflict with his duty to perform or leave unperformed some act in his official capacity.

(b.) Who shall have directly or indirectly accepted a gift knowing or having reason to suspect that the same has been made in consequence or by reason of, or in return for, some act performed or left unperformed by him in his official capacity in conflict with his duty.

2. The Judge who shall directly or indirectly accept a gift or promise, knowing or having reason to suspect that the same has been made in order to influence the result of any case *submitted to his decision*, shall be punished by imprisonment with or without hard labour for a period not exceeding ten years.

Penalty on Judge who takes a bribe.

(3.) The following persons shall be punished by imprisonment with or without hard labour for a period not exceeding seven years and fine not exceeding £600, to wit :—

Penalty against person bribing.

(a.) Any person who directly or indirectly makes a gift or promise to an official, with the object of inducing him in conflict with his duty to perform or leave unperformed any act in his official capacity.

(b.) Any person who directly or indirectly makes a gift or promise to an official, in consequence, or by reason of some act which such official in his official capacity has in conflict with his duty performed or left unperformed.

Bribery of
Judges.

4. Any person who directly or indirectly makes any gift or promise to a Judge, with the object of influencing the result of any case submitted to the decision of such Judge shall be punished by imprisonment with or without hard labour for a period not exceeding ten years and by fine not exceeding £1000 sterling.

Dismissal on
conviction.

5. Conviction of an official or Judge for any contravention of this law shall *ipso facto* carry with it his discharge from office.

Term—
Official.

6. By official in this Law shall be understood any person who shall have taken the oath of allegiance to the people and the Government of this Republic, and who shall draw his pay or salary from the State Treasury, whether such persons be appointed by Government or elected by votes given in writing as prescribed by law.

Arbitrators.

7. Arbitrators shall be included under the term "Judge" as used in the law.

Repeal.

8. All Laws and provisions in conflict with this Law are hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
26th July, 1891.

LAW No. 11, 1894.

(REGULATING THE USE OF WATER FROM PUBLIC STREAMS IN
THE S. A. REPUBLIC.)

(Approved and enacted by the First Volksraad, Art. 870, dated
17th July, 1894).

Public
stream.

1. The term "public stream" shall be taken to mean water flowing down in a defined channel, whether such channel shall contain water throughout the whole year or shall be dry during any period.

Private
streams.

2. Owners of farms on which private water takes its rise may deal therewith as they shall think fit. The expression "private water" shall be applicable only, to cases where the fountain or stream is not permanent, or not capable of sub-division, or does not run in any defined course on to the farms of other persons.

User by
riparian
owner.

The owner of ground abutting on a public stream shall be entitled to use such water for household and agricultural purposes, provided he shall exercise his right in a reasonable manner.

3. To enable him to exercise the right mentioned in Art. 2 it shall be lawful for the owner of a piece of ground adjoining a public stream to lead or take out the water by means of water furrows or otherwise.

Water leadings.

4. It shall be lawful for the owner, whose farm abuts on a public stream, both banks of which are within the territory of the South African Republic to construct a weir from any point on his ground, across the stream to the other bank, although the ground on such other bank may be the property of another owner.

Weirs.

5. Such weir shall be so constructed that no damage may be thereby occasioned to other proprietors.

Damage arising through construction of.

All cases of damage as mentioned in this Art. shall be decided by arbitration.

6. Where a weir has been constructed under the circumstances set out in Art. 4, across a public stream, the owner of the ground on the other side of the stream shall be entitled to use the water so dammed up for household and agricultural purposes, by taking out furrows or otherwise, subject to this proviso that he shall first have reimbursed one half of the cost of such weir to the person who has constructed the same and have entered into a written agreement regulating the use of the water, with the person who has constructed the weir or who had it constructed or his or their assigns.

Use of water at weir.

7. If the parties interested cannot come to terms with reference thereto, they shall appoint an Arbitrator on either side, as also an umpire, in order to have such dispute decided, after a deed of submission shall have been executed, the form of such deed of submission shall be framed by the State Attorney, approved of by the Government and printed at its instance.

Arbitration.

Should one of the parties fail to appoint an arbitrator or umpire, or should the parties not be able to agree as to an umpire, such arbitrator or umpire shall be appointed by the Landdrost of the district.

Should both parties, however, elect to have their differences decided by the Law Courts, the above provisions shall not be applicable to their case.

8. The written agreement regulating the use of the water referred to in Art. 6, or the award of the Arbitrators or umpire, deciding and regulating the use of the water, shall within two years be registered as a servitude on or against the title deeds of the two properties concerned by or on behalf of one or other of the parties.

Registration of water—sub-division.

9. After half the cost of the weir has been reimbursed in terms of Art. 6, the weir shall be the joint undivided property of both parties and they shall both separately and jointly be responsible for any damage occasioned by reason of such weir to any proprietors lower down, with a due regard to what is provided in Art. 12.

Right of property in weir.

No action may be brought for the partition of a weir held in common.

Limits to use of water.

10. Water led or taken out of a public stream by means of water furrows or otherwise shall not be conducted beyond the limits of the farm on which it was taken out, and shall be returned to the public stream within the limits of such farm, unless the water so taken out shall have been used up in a reasonable manner, or the lower proprietor wishes to use the water for domestic and agricultural purposes with the consent of the parties interested, in such wise that the water is not led in a wrong direction.

Repair of furrows.

11. The water furrows or other means used for or connected with the leading or taking out of water from a public stream, or intended to return unused water to the public stream, shall be maintained in good condition by the owner.

In what cases riparian owner liable.

12. The riparian proprietor, who takes water from a public stream by means of furrows or otherwise, and uses it for domestic or agricultural purposes, shall be liable for the damage occasioned thereby to lower riparian proprietors or riparian proprietors on the other side of the public stream, only if such damage is attributable:—

- (a.) To the taking out of more than half the stream, where the stream forms the boundary between two or more adjoining farms.
- (b.) To an unreasonable user of the water so taken out.
- (c.) To a defect in the means and appliances used for or in connection with the taking out of such water.
- (d.) To the non-observance of the provisions of Artt. 5, 10 and 11 of this Law.

Concessions.

13. Where any concession shall already have been granted by the competent authorities for the leading of water by means of any sort of construction, out of any public stream, beyond the bounds of the riparian property, on which it was taken out, no provision contained in such concession shall be construed as exempting the Concessionaire or his assigns from the obligation of making good the damage occasioned by such concession to any lower riparian owner, or to riparian owners on the other side of the stream.

Term "farm."

14. The term "farm" in this Law shall be held to mean every piece of land which is registered as a farm in the office of the Registrar of Deeds.

15. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Government Offices, Pretoria,
26th July, 1894.

Dr. W. J. LEYDS,
State Secretary.

LAW No. 12, 1894.

EXCISE LAW.

(Approved and enacted by the First Volksraad, Art. 1063, dated 30 July, 1894.)

REGULATIONS FOR THE LEVYING AND COLLECTION OF EXCISE, PAYABLE UPON DISTILLED LIQUORS OR LIQUIDS, PREPARED FROM IMPORTED PRODUCE OR SUBSTANCES, OR FROM ANY SUBSTANCES MANUFACTURED THEREFROM.

1. Upon distilled liquors or liquids manufactured in the South African Republic from imported produce or substances, or from any materials prepared therefrom, an excise shall be levied equal to the amount of the special Customs duty at present imposed on distilled liquors or liquids being products of the neighbouring States and Colonies, to wit:—6/- per gallon on distilled liquors or liquids of a standard alcoholic strength equal to from 11° to 56° inclusive according to Tralles' alcoholometer, and £1½ per gallon on all distilled liquors or liquids of a standard alcoholic strength in excess of 56° according to Tralles' alcoholometer.

Upon which liquors and what amount of excise is payable.

Distilled liquors or liquids containing sugar or any other substance by reason whereof the strength thereof cannot be accurately ascertained, shall be subject to the highest tariff.

2. For distilling as set forth in Art. 1 a licence shall be required from the date on which this Law shall come into operation; application for a licence shall be made in the form hereto annexed.

Licence to distillers.

3. The cost of such licence shall be £25 per annum, calculated from the 1 January to the 31 December.

Amount and term of licence.

If the licence is granted for not longer than six months the cost thereof shall be £15. For the first time after promulgation of this Law the licence shall be calculated from the date of issue to the 31 December at the rate of £25 per annum.

4. The licence money shall be paid in stamps to be affixed to the licence.

Payment of moneys in stamps.

5. The Inspector General or his representative shall have the right to refuse to grant or renew any licence but shall state his reasons for so doing.

Licence may be refused.

6. Every application for a licence or renewal thereof shall be sent in to the office of the Inspector General or his representative at least 14 days before the date on which the licence is to be in force, and the applicant shall give security in proportion to the quantity he is able to produce, to wit.

Filing of application for licence and security.

If able to produce up to 250 gallons	per month	£100
" " " " " 500	" "	150
" " " " " 1000	" "	300
" " " " " 2000	" and above "	600

Contents of application.

7. An application for a licence as distiller or any renewal thereof shall clearly set out :—

- (a.) Name and Christian name of applicant in full.
- (b.) Residence and district, number of erf and stand, or name of the street, or name of the farm, clearly indicating the place where the applicant desires to distil.
- (c.) Number and capacity of the stills, with description of the vats and other requisites.
- (d.) Name of the raw material intended to be used.
- (e.) Particulars of the kinds of liquor which is to be produced.
- (f.) During which period of the year the distillation is to be carried on.

A form of this application is hereto annexed.

Filing of monthly returns of the manufacture.

8. Every licensed distiller shall be obliged to file at the office of the Inspector General of Customs, on or before the fifth day of every month a sworn declaration in accordance with the form hereto annexed, showing the number of gallons and the name, as also the strength of the product distilled during the preceding month, as also the quantity and name of the raw materials used and the amount of excise paid before delivery.

Punishment.

Should such declaration not be filed, or be filed after the date specified, the delinquent shall be liable to a fine as hereinafter provided.

Cancellation of licence upon continued contravention.

Upon repetition of the offence the Inspector General or his representative may revoke the licence, in which case no portion of the licence moneys paid will be refunded.

Transfer of licence.

A licence may be transferred with the consent of the Inspector General or his representative upon payment of 5/- in stamps.

Person responsible.

The person in whose name the licence has been issued shall be responsible for any contravention of this Law.

Situation of a distillery, &c.

9. Every distillery referred to in this Law shall be situated within the limits of a village or town or within a distance of three miles therefrom, unless special permission shall have been obtained from the Inspector General or his representative for the establishment of a distillery at a greater distance.

Marks to be affixed.

10. All premises, plant, casks, vats, stills, shall bear a special mark as prescribed.

Punishment.

The omission to mark any object, or the indistinct marking thereof shall entail a penalty as hereinafter provided, and in such case the Inspector General or his representative shall have the right to cause the marks to be affixed at the expense of the distiller.

11. The distiller shall be obliged to keep books showing as clearly as possible :—

What books to be kept by distiller.

- (a.) The quantity and kind of the raw materials bought or imported by him, stating from whom bought and whence imported.
- (b.) The quantity and strength of the distilled liquors or liquids manufactured.
- (c.) The quantity and strength of the liquor delivered, stating the names of the persons to whom delivered and the date of payment of the excise.

12. The books above mentioned shall at all times be at the distillery open to the inspection of the Inspector General or his representative, who may take extracts therefrom or if he deems it necessary attach the same.

Inspector of books.

If the required books are not kept, or are not kept properly or upon refusal to produce the same to the competent official, a fine may be imposed as hereinafter provided.

13. The Inspector General or his representative may allow a licensed distiller to postpone the payment of the excise due upon the liquor distilled by him until the same shall be sold, or removed from his distillery or store, in which case a separate store shall serve as a private depôt or bonded store.

Time for payment of the duty.

Storage in premises used as private depôt.

14. Only distilled liquors or liquids upon which no excise has been paid shall be stored in such separate store.

What may be stored upon such premises.

15. No distilled liquors or liquids may be removed from such private depôt or from the distillery until the excise shall have been paid thereon.

Liquor may not be removed therefrom except after payment of the duty.

16. No distilled liquors or liquids may be removed from the depôt or the distillery without a waybill, in accordance with the form annexed, duly signed by the distiller. This waybill, a record and duplicate whereof shall be kept by the distiller, shall state :—

Removal from premises only by permit

The name of the distiller and the distillery whence the liquor is obtained.

Contents of waybill.

Legible address of place of destination.

The time within which the removal shall be effected.

The means of conveyance.

Date of payment of the excise.

This waybill shall be produced upon demand to any official of the Excise Department or to the persons duly authorised under the Customs Law.

Production of permit.

When permit
may not be
issued.

17. No waybill may be issued until the excise shall have been paid.

Punishment
on contra-
vention.

18. Any distilled liquors or liquids referred to in this Law, removed from the distillery or the depôt after sundown or before sunrise, or without a waybill, shall be confiscated and declared forfeited, together with the casks, jars or bottles containing the same, and the party forwarding the same shall further be liable to a fine as hereinafter provided.

Bookkeeping
of stock.

If permission is granted to a distiller to keep a private depôt, he shall keep books wherein the quantity and strength of the distilled liquors brought into and taken out of the depôt shall be duly shown.

Quantity of
liquor
permissible
in a depôt.

19. The depôt shall not at any time contain more nor less distilled liquors or liquids than is shown in such books, nor shall it contain such a quantity that the excise due thereon shall exceed the amount of the security mentioned in Art. 6 hereof.

Punishment.

If the quantity of distilled liquors or liquids should be found to exceed or fall short of the quantity mentioned in the books, a fine may be imposed as hereinafter provided. Any excess shall be forfeited. Any shortfall may be made up or the excise paid thereon.

Where the fine
is not to be
imposed.

20. The fine shall not be imposed if the quantity in excess is only $\frac{1}{2}$ per cent., or if the shortfall is not more than $\frac{3}{4}$ per cent.

Nor if the distiller shall prove to the satisfaction of the Inspector General or his representative that the existing difference is not the result of an attempt to defraud the revenue.

21. In any case the excise due upon the quantity found in excess shall be paid forthwith.

Security to be
given by the
keeper of such
depôt.

22. The distiller who has permission to keep a private depôt shall furnish one or more sureties to the satisfaction of the Inspector General in an amount of not less than £300.

This amount may be increased by the Inspector General or his representative in proportion to the quantity of distilled liquors or liquids in stock.

No permission for a depôt shall be granted before the surety bond shall have been duly executed and deposited in the Office of the Inspector General or his representative.

Cancellation
of permission
for a depôt.

23. The Inspector General or his representative may, in conjunction with the Executive Council, cancel the permit for a private depôt without stating reasons.

What has to
be done upon
cancellation.

24. Upon the cancellation of the permit, all distilled liquors or liquids shall be removed from the private depôt, and the whole amount of the excise due thereon shall be forthwith paid.

Upon non-compliance with the order of the Inspector General or his representative, a fine may be imposed as hereinafter provided, and the distilled articles forfeited.

25. The provisions of Art. 2 of this Law shall apply to any person upon whose premises or in whose workshop or factory, or on whose ground a still or any portion thereof shall be found, unless he shall, if required, prove to the satisfaction of the Inspector General or his representative, that it was not his intention to distil from imported products or materials derived therefrom. If he shall act in conflict with this provision he shall be fined as hereinafter provided.

Persons deemed to come under Clause 2 of this Law.

26. Whenever any distilled liquors or liquids shall have been forfeited under this law they shall after advertisement be sold by public auction by the Inspector General or his representative.

What is to be done with forfeited liquors.

The excise duty, fines and costs shall first of all be paid out of the proceeds, and the residue shall be deposited at the office of the Treasurer General until the party concerned shall claim the same. No interest shall accrue thereon.

If the amount realized by the sale be insufficient to cover the amount of excise, fine and cost, the person in whose name the licence has been issued shall be liable for the remainder.

27. Any person purchasing or selling, receiving or delivering or having in his possession any distilled liquids referred to in this Law, and unable to prove that the excise due thereon has been paid, shall be subject to a fine as hereinafter provided.

Purchaser, &c., of distilled liquor must prove payment of duty.

The waybill referred to in Art. 16 will be accepted as proof.

Regulations for Officials charged with the Execution of this Law.

28. The Government shall charge the Inspector General or his representative with the general supervision of the due administration and collection of excise. The Inspector General shall receive all instructions from the Executive Council, and shall render account of his administration in accordance with the General Instructions. He shall have power to appoint one or more representatives, who shall have the same powers as are conferred upon the Inspector General under this Law.

Power of the Inspector General.

Such appointment shall be made under his seal and signature in the form hereto annexed.

29. The Inspector General or his representative shall, whenever he shall deem it necessary, hold or cause to be held an inspection of the places where distilled liquors or liquids are being manufactured or stored, or where he suspects that such are being manufactured.

May cause an inspection of books.

30. The Government shall appoint the officials, who shall be subject to the instructions of the Inspector General.

Issues instructions to officials.

Has the right to enter distilleries, &c.

31. The Inspector General or his representative may at any time enter upon the premises or house, or workshop or distillery, belonging to or occupied by a distiller or his representative, and to measure, weigh, estimate and examine the raw materials and distilled liquors or liquids in stock.

Any refusal of admission to such official shall be punished by fine as hereinafter provided.

May attach the books.

32. The Inspector General or his representative shall have the right to attach the books referred to in Artt. 11 and 18, and may demand that they be confirmed by oath.

Punishment.

33. Should a distiller, upon demand for admission, refuse to comply therewith, he shall be punished for each offence as hereinafter provided.

Cancellation of licence upon repeated contravention.

34. Upon a repetition of the contravention his licence may be cancelled, in addition to the infliction of the fine hereinafter mentioned.

What is to be done upon cancellation.

35. Upon cancellation of the licence the excise due upon all the distilled liquors and liquids in stock shall be paid immediately.

What is to be done if books and actual stock do not tally.

36. Should the stock of distilled liquors and liquids not tally with the books, the excise shall be calculated upon the larger quantity, without in any way affecting the fine hereinafter provided.

Right of entrance of premises of liquor dealers, &c.

37. The Inspector General or his representative may at all times enter upon the premises of any wholesale or retail dealer in distilled liquors, inspect his books, make extracts therefrom, demand confirmation by oath, attach, examine and register all the distilled liquors or liquids in stock, take samples thereof and have the same analysed.

38. Superseded by Law No. 8 of 1896.

Punishment of refusal of admission.

39. Upon refusal of admission, or upon non-surrender of the books, or upon refusal to assist in making any examination, or upon refusal to supply samples, the fines hereinafter set out shall be inflicted.

Cancellation of licence.

40. Upon repetition of the contravention the licence may be cancelled and no refund shall be made of moneys already paid notwithstanding the infliction of the fine hereinafter mentioned.

Punishment of resisting officials.

41. Any person assaulting any official acting under this Law or his assistant, or causing him to be assaulted, or resisting him in the exercise of any power or function conferred upon him under this Law shall be punished for each offence as hereinafter mentioned.

- 42.** Any distilled liquors or liquids forfeited under this Law may be attached and publicly sold after advertisement in the *Staatscourant* upon order of the Inspector General or his representative. Forfeited liquors to be publicly sold.
- 43.** Whenever any distilled liquors or liquids shall be declared forfeited, the vats, bottles or casks containing the same shall also be forfeited. Casks, &c., are included in the forfeiture.
- 44.** The Inspector General, after consultation with the Auditor General may award a portion of the fine imposed and recovered, not exceeding one-half thereof, to the informant. Part of fine awarded to informer.
- 45.** The State Attorney shall have the power to bring any contravention of this Law to trial before any competent Court of the South African Republic. Power of State Attorney.
- 46.** The imposition of a fine shall not secure the delinquent against criminal prosecution for any fraud, or neglect, negligence or contumacy, or resistance of which he may have been guilty. Fine no bar to criminal prosecution.
- 47.** The Inspector General, or his representative, shall, in the exercise of his functions, be *ex-officio* a Justice of the Peace. Inspector General, &c., *ex-officio* Justice of the Peace.
- 48.** Should the Inspector General, or his representative, be in doubt with regard to the payment of excise, or regarding the quantity or strength of the distilled liquors or liquids manufactured, as well as in the event of any alleged contravention of this Law, the onus of proof that the Law has been complied with shall lie on the distiller or importer, or consignee, and not upon the official who is conducting the examination or prosecution. May demand proof of payment of duty.
- 49.** Contraventions of the provisions of this Law shall be punished as follows:— Penal regulations.
- (a.) Contravention of Art. 8 by a fine not exceeding £25, or imprisonment with or without hard labour for a period not exceeding 14 days.
- (b.) Any contravention of Articles 10, 11, 14, 19, 24, 25, 31, 33, 34, 39, 40, by a fine not exceeding £50, or imprisonment with or without hard labour for a period not exceeding one month.
- (c.) Any contraventions of Articles 18 and 41, by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months.
- (d.) Any contravention of Articles 15, 16, 17 and 27 by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months, and forfeiture of the distilled liquors or liquids.

- (e.) Any contravention of Article 21 by a fine not exceeding twice the amount of the excise due.
- (f.) Any contravention of Article 36 by a fine not exceeding five times the amount of the excise due.
- (g.) Any contravention of Article 38 by a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding twelve months, and forfeiture of the adulterated liquors.
- (h.) Any contravention of Articles 2 and 12, by a fine not exceeding £200, or imprisonment with or without hard labour for a period not exceeding twelve months.

Repeal.

50. All Laws and enactments in conflict herewith are hereby repealed.

Operation.

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

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

(Sgd.) Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria, 31st July, 1894.

ANNEXURE I.—FORM “A.”

SOUTH AFRICAN REPUBLIC.

Excise.

Application for a permit for a distillery in terms of Law No. 12, 1894.

1. Name and Christian name
2. Residence and district
3. Number and size of stills
4. What raw materials do you use ?
5. How many and what kinds of vats and similar requisites ?
6. What sort of distilled liquor do you manufacture ?
7. How many and which months of the year do you wish to distil ?
- 8.
- 9.
- 10.

Received the
Permit granted the
The undersigned hereby applies for a
licence or permit for a distillery in terms of what is herein above
specified.

the

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ANNEXURE II.—FORM "B."

SOUTH AFRICAN REPUBLIC.

Excise Department.

Declaration of Distiller

at

The Undersigned hereby declares that from
to _____ inclusive, there have been manufactured in
his distillery :—

Gallons.	Name of the Distilled Liquid.	Strength.	Quantity and name of the raw materials used.

As Witnesses :

Distiller.

Sworn before me

at

this

ANNEXURE III.—FORM "C."

SOUTH AFRICAN REPUBLIC.

Excise Department.

Provisions in terms of Art. 10 of Law No. 12, 1894.

The Distiller _____ at _____

is hereby instructed to provide his stores and premises, implements,
vats, casks, and stills with the following mark.

(Description of mark.)

The omission to mark or the failure to mark distinctly shall be
punished by a fine not exceeding £50, or by imprisonment for a
period not exceeding one month, with or without hard labour.

(See Art. 49.)

The Inspector.

ANNEXURE IV.—FORM “D.”

WAYBILL.

Despatch by _____ at _____
 Distillery mark _____
 to Mr. _____ at _____
 the following distilled liquors:—
 _____ gallons
 ” _____
 ” _____
 The conveyance _____
 is by _____ to _____ within _____ days (months.)
 The excise was paid on the _____
 at _____ the _____
 _____ Distiller.

ANNEXURE V.—FORM “E.”

The undersigned _____ Inspector
 General of Customs, charged with the control and collection of
 excise duty for the South African Republic, hereby declares that
 he appoints _____ in terms of Law 12, 1894,
 Art. 28, to be his substitute, and to perform all official duties for
 and on his behalf relative to the supervision and collection of
 excise duty.

Declared to and signed at
 this _____
 Under my name and seal. _____
 As witnesses _____

ACT No. 13, 1894.

ON PAWNBROKING.

(Amended and approved under Articles 587, 588, 590 and 591 of
 the Resolutions of the Second Volksraad, noted and accepted
 by the First Volksraad, under Article 996, dated 25th July,
 1894.)

Preamble.

WHEREAS it is considered necessary to make Rules and
 Regulations with regard to Pawnbrokers, it is hereby enacted as
 follows:—

Licence for
 pawnbroking.

1. Any person or Company desirous of carrying on business as
 a Pawnbroker within the State shall take out a licence at the office

of the Landdrost, Mining Commissioner, or other official appointed for the purpose, within whose jurisdiction he resides, viz :—

				£	s.	d.
For twelve months	-	-	-	40	0	0
„ nine	„	-	-	30	0	0
„ six	„	-	-	20	0	0
„ three	„	-	-	12	10	0

2. The Landdrost, Mining Commissioner, or other qualified official, shall have the right to refuse such licence if he deems such refusal advisable in the interest of his district or division. Such licence may be refused.

3. The Landdrost and Mining Commissioners shall have jurisdiction with regard to contraventions of this Law. Jurisdiction.

4. No person or company shall have the right to accept or to advance money or value on, or to pay for, or to buy any goods or property should they suspect that such articles are not the *bonâ fide* property of the person or persons who offer the same for pawn or sale ; but shall be obliged in suspicious cases to immediately inform the proper authorities thereof. Pawnbroker shall not accept property in suspicious cases.

5. Any pawnbroker shall require from the person or persons who offer goods or property for pawn or sale a sworn declaration, containing the full name and residence of such person or persons, the description of the goods or effects thus offered by them, and a statement from the owner or owners as to how the goods have been obtained. Such sworn declaration shall be kept by the pawnbrokers, and the competent authorities shall, if required, have the right of examining the same at any time. Sworn declaration to be made by pledger.

No goods shall be accepted in pawn or bought without a receipt. Receipts necessary.

6. All articles and property not released within the time agreed upon shall be sold on the public market at a date at least fourteen days after publication has been made in the *Staatscourant* and one of the public papers published in the town where the pawnbroker resides. Public sale of articles not released within time agreed upon.

7. The pawnbroker's licence shall not be transferable, and the person or Company in whose name the licence is issued shall in every case be liable for any contravention of this Law. Licence not transferable.

8. Anyone desirous of carrying on such business shall be bound before the licence is issued to give security to the amount of £500, together with two competent sureties in possession of unmortgaged fixed property, *in solidum* in the amount of £250 each. Security.

9. The form of deed of security shall be more or less as follows :— Form of deed of security.

Deed of Security for Pawnbrokers.

Appeared before me, _____, this
 day of _____, 18____,
 residing at _____, who
 declares that he is indebted to the State Attorney of the

South African Republic (his lawful successors in office or substitutes) in the sum of £500 ; and

of _____ and _____, who declare that they each are indebted jointly and severally, *in solidum* to the said State Attorney, or his lawful successors in office or substitutes, the sum of £250 ; accordingly renouncing the legal exceptions of _____ with the force of which they declare themselves to be fully acquainted to be recovered from the goods and properties of either or both of them in case the said N. does not fulfil the duties and obligations enjoined on him by law.

Thus done and signed at the office of _____ at _____ this day of _____, signed before me on day, date and place aforementioned, _____ Landdrost (or Mining Commissioner or other official charged with the issue of licences).

As witnesses.

Withdrawal of licence.

10. The licence may be withdrawn by the Landdrosts or Mining Commissioners respectively, in case of any contravention of this Law.

Penalty for contravention.

11. Every contravention of this Law shall be punishable by a fine not less than £3, and not more than £50, or in default of payment, by imprisonment with or without hard labour, as the nature of the case may require, for a term not exceeding six months.

No person may act as pawnbroker without licence.

12. No person will be allowed to act as pawnbroker or to carry on that profession without having obtained the licence mentioned in Article 1 of this Law.

Conflicting regulations repealed.

13. All regulations in conflict with this Law are hereby repealed.

Taking effect.

14. This Law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Pretoria, 4th August, 1894.

LAW No. 14, 1894.

GOLD LAW.

(Repealed.)

LAW No. 15, 1894.

ARTILLERY.

(Repealed.)

LAW No. 16, 1894.

SUNDAY LAW.

(Repealed.)

LAW No. 17, 1894.

VOLUNTEER CORPS.

LAW No. 18, 1894.

TOLLS.

(Repealed.)

LAW No. 19, 1894.

BILLS OF COSTS.

(Repealed.)

LAW No. 20, 1894.

BOILERS.

(Repealed.)

LAW No. 21, 1894.

LIQUOR LAW AMENDMENT.

(Repealed.)

LAW No. 22, 1894.

(Amendment of certain Laws, which has become necessary in consequence of First Volksraad Resolution, Art. 1213, dated 28th August 1893, *in re* the Responsibility of Head Officials.)

(Approved and enacted by First Volksraad Resolution, Art. 1024, dated 26 July, 1894.)

Franchise
Law.

1. Amendment of Law No. 14, 1893. [1]

Board of
Examiners,

2. Amendment of Law No. 13, 1886. [2]

Transport
roads.

3. Par. 2 Art. 11 Law No. 1, 1893, shall read as follows:—

Should a dispute arise, the Landdrost of the district shall decide the same in consultation with the Field-Cornet of the ward: The Landdrost shall notify such decision to the Chief of Public Works.

The parties may appeal from this decision to the Government. The request for setting aside or amending such decision of the Landdrost shall set out the grounds on which it is based, and be transmitted in writing to the Chief of Public Works, who shall append his report thereon, and send it to the Government.

Fencing Act.

4. Par. 1, Art. 6, Law No. 9, 1893, shall read as follows:—
Fences, gates and other total or partial enclosures of and obstructions to roads, erected or closed in conflict with the provisions of this Law, or in conflict with the directions of the Government, may be removed by the Government, or by or at the instance of the Landdrost of the district after consultation with the Field-Cornet of the ward at the cost of the person who has erected such gate or enclosure or placed such obstructions without the Government being thereby rendered liable for any damage whatsoever direct or indirect occasioned thereby.

Ammunition.

5. Art. 5 of Law No. 4, 1884, shall read as follows:—

No person shall be permitted to convey more ammunition or more of any explosive, or more guns or other firearms through any part of this State, than may be necessary for his own use unless provided with a written order or authorisation from the State President, or from an official to be thereto appointed by him. This order or authorisation shall be in the form of Schedule "A."

The said Schedule shall read: The State President of the South African Republic (or any official thereto authorised by the State President South African Republic)

¹ Superseded by Law 3, 1899.

² Superseded by Law 6, 1895.

hereby grants permission to residing at
to convey pounds powder
 explosives (kind), guns, pounds lead
 percussion caps, from to
(Signature)

(Date)

6. In Art. 3 of Law No. 3, 1871 the words "the Under State Secretary" shall be substituted for the words "the State President and the Government Secretary," which shall lapse. Marriage Ordinance.

7. In the form mentioned in Art. 6 of Government Notice No. 127, 1884, the words "Under State Secretary" shall be substituted for the words "State Secretary." Legislation.

8. (Superseded by New Grondwet). Grondwet.

9. Art. 59 of Law No. 4, 1894, shall be read as follows:—The Inspector General of Customs may in consultation with the Auditor General award a portion, but not more than half of the fines inflicted and paid, to the informant. Customs.

10. Art. 2 of Law No. 5, 1882, shall read as follows:—In all cases in which in consequence of an error in any Deed of Grant or Transfer Deed, whether in the name or names of the person or persons therein mentioned or in the description of the property so granted or transferred or in the date or in any other respect, it shall be found necessary or be required to amend or replace such Deed, it shall be lawful for the Registrar of Deeds upon request of the parties interested to amend such error or to issue an amended Title Deed or Transfer Deed in exchange for the faulty Deed. Registrar of Deeds.

11. Law No. 8, 1886, shall be amended as follows:— Occupation farms.

In Art. 8 the words "Surveyor General in consultation with the State Attorney and the Registrar of Deeds," shall be substituted for the words "State President."

In Art. 9 the words "Surveyor General" shall be substituted for the words "State Secretary."

In Art. 11 the words "Registrar of Deeds" shall be substituted for the words "State President," and the word "him" for the words "State Secretary."

In Art. 13 the words "by a commission consisting of the Registrar of Deeds, Surveyor General and State Attorney" shall be substituted for the words "by the Executive Council."

In Art. 14 the words "Registrar of Deeds" shall be substituted for the words "State President," and "Executive Council."

In Arts. 17 and 18 the words "the Commission appointed in Art. 13" shall be substituted for the words "State President."

In Art. 22 the words "by resolution of the commission appointed in Art. 13" shall be substituted for the words "by resolution of the Executive Council."

In Art. 23, paragraph 1, the words "Registrar of Deeds" shall be substituted for the words "State Secretary," and the word "him" for the words "the State President," and the words "the commission thereto appointed" for the words "the Executive Council."

In Art. 23, paragraph 2, the words "the said commission" shall be substituted for the twice occurring words "Executive Council."

In Art. 25, the words "the commission" shall be substituted for the words "Executive Council."

A new article shall be inserted after Art. 26, reading as follows:—
Art. 26 (a) Where a decision has been given by the Registrar of Deeds in consultation with the State Attorney and the Surveyor General in terms of Artt. 13, 22, or 25 of this Law, the parties interested therein may appeal therefrom to the Executive Council. The request to set aside or amend such decision shall specify the grounds on which it is based, and be filed in writing with the Registrar of Deeds, who shall transmit the same to the Executive Council accompanied by the report of the commission appointed in Art. 13.

Derelict land. **12.** In Artt. 2 and 3 of Ordinance No. 4, 1866, the words "Registrar of Deeds" shall be substituted for the words "State President."

Grants. **13.** In Art. 8 of Law No. 4, 1883, the words "to the Registrar of Deeds in consultation with the Auditor General and the Treasurer General" shall be substituted for the words "to the Government."

Inspection Law. **14.** In Art. 16 of Law No. 3, 1869, the words "after the sending in of such reports to the Surveyor General, the latter shall" shall be substituted for the words "after the sending in of such reports the commission shall."

In the same article of the same law, the words "to him" shall be inserted after the words "unless lawful reasons" and the words "shall be shown."

General survey. **15.** In Art. 7 of Law No. 9, 1891, the words "the Surveyor General" shall be substituted for the words "the Government."

In Art. 9 of the instructions for the Surveyor General, the following amendment shall be made:—"Whenever any farm, &c.—and it they are found correct, he shall thereafter, &c.—that these diagrams shall be confirmed by him if within three months after publication, no protest shall have come in against the said diagrams. The diagram signed by the Surveyor General shall be deemed to be a lawful and unimpeachable document."

Surety Deeds of officials.

16. Amending Law 7, 1885.^[1]

¹ Repealed by Law No. 2, 1899.

17. Superseded by Law No. 11, 1896. Direct taxes.
18. In Art. 2, subsection 5, paragraph 2, Law No. 6, 1882, the words "the Auditor General in consultation with the Treasurer General" shall be substituted for the words "the Government." Taxes.
19. Superseded by Law No. 15, 1898. Gold Law.
20. Superseded by Law No. 10, 1898. Patent Law.
21. In the preamble of Law No. 6, 1874, the words "Registrar of Companies" shall be substituted for the words "Executive Council," and in the body of the Law the words "Registrar of Companies in consultation with the State Attorney and the Registrar of Deeds" shall be substituted for the words "Executive Council." Companies.
22. The words "Inspector of Customs" shall be inserted after the words "Chief Director of Telegraphs" in Art. 83 of the Grondwet.^[1] Telegraphs.
23. This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER.
State President.

Dr. W. J. LEYDS.
State Secretary.

Government Offices, Pretoria,
October, 1894.

FIRST VOLKSRAAD RESOLUTION, 11th May, 1894

46. The Volksraad unanimously passed the proposal of the Executive Council dated 16th January, 1894, reading:—

The Executive Council resolves to propose to the First Volksraad that the 1st paragraph should be amended to read as follows:—

Any person on whom a summons shall have been served as is mentioned in the preceding article, shall be bound to appear at the time and place therein set out; and should he remain in default so to do, and also fail to show some lawful and valid excuse for such non-appearance, he shall be liable to a fine not exceeding £100 or in default of payment to imprisonment for a period not exceeding three months.

The fine shall be recovered, at the instance of the State Attorney in the Court of the Landdrost of the District in which the person cited resides.

REGULATIONS FOR RAILWAY AND TRAM CROSSINGS.

See Page 247, L.L., 1894.

¹ Superseded by New Grondwet.

SECOND VOLKSRAAD RESOLUTION,

(Art. 98, dated 17th May, 1894; noted and accepted by First Volksraad Resolution, 30th May, 1894.)

Companies.

RESOLVED :—That the provisions of Executive Council Resolution R. 8,908/92 passed in pursuance of First Volksraad Resolution, Art. 1331, dated 29th August, 1892, shall also extend and be applicable to companies incorporated and registered under Law No. 6, 1874.

FIRST VOLKSRAAD RESOLUTION, dated 9th July, 1894.

Secretary
bird.

746. The First Volksraad resolves: That where the Secretary Bird destroys tame things, such as poultry or small lambs, &c., the owner or any person authorised by him shall be entitled to kill it.

Investment of
P. O. S. Bank
funds.

FIRST VOLKSRAAD RESOLUTION, Art. 817,
12th July, 1894.^[1]

FIRST VOLKSRAAD RESOLUTION, Art. 892, dated
16th July, 1894.

(For amendment of tariff of Surveyors. See page 270, L. L., 1894.)

Surveyors.

And further, the First Volksraad resolves to add to Art. 15 of Law No. 9, 1891, the following :—

“No person, not properly admitted as a Surveyor by the Government, shall be entitled to style himself Surveyor on any diagram or any document, or to advertise himself as such under penalty of the fine, as laid down in the said Art. 15.”

FIRST VOLKSRAAD RESOLUTION, dated 21st July, 1894.

938. The Raad approves of the commission report, which read as follows :—

The commission having regard to the V.R. Resolution, Artt. 1149 of 1890, 1207 of 1891 and 483 of 1892, adopts the suggestion of the memorialists and recommends the Raad to instruct the Government to act in terms of the request of memorialists reading as follows :—

R. Catholic
Officials.

“Memorialists request the Raad to instruct the Government not to appoint any officials belonging to the Roman Catholic Church.”

(But see new draft Grondwet of 1899).

*See Appendix.

FIRST VOLKSRAAD RESOLUTION, 17th August, 1894.

1381. The First Volksraad, having regard to Art. 2 of the Commission Report (Estimates), now on the order, and taking into consideration the desirability of having the deposit herein mentioned invested, as the State has to pay interest thereon :—

Orphan
Chamber
funds.

Resolves to instruct the Government to have such portion of these deposits as shall not be required within twelve months, invested by a commission, consisting of the Orphan Master, the Auditor General and the Registrar of Deeds, under the same conditions as regards interest and security as are laid down in the regulations concerning the Sinking Fund, and adopts the recommendation contained in the last portion of that article on the order.

FIRST VOLKSRAAD RESOLUTIONS, 24th August, 1894.

1480. The First Volksraad resolves to add the following paragraph to the Art. 3 of Law No. 4, 1885 : “The Government shall be entitled to appoint all Field-cornets as Sub-commissioners, with such jurisdiction to try and decide all causes between whites and natives, and subject to such instructions as the Government and the Superintendent of Natives shall deem desirable.”

Natives.

1481. 25th August, 1894.

The First Volksraad further resolves in Art. 6 of the same law to insert the words “and Sub-commissioners” after the word “Commissioners” in the first line, and in the 4th line to substitute the word “naturellen” (natives) for the word “inboorlingen” (natives), to add the words “and wards” after the word “districts” in the 5th line, to substitute the word “naturel” (native) for the words “inboorling overtreder” (native offender) in the 7th line.

Natives.

1488 and 1489. The Raad resolves as follows (as an addendum to par. 6.) :—And it shall not be lawful for any Sub-commissioner of natives to punish any native more heavily than by fine not exceeding £5 or by lashes not exceeding 15 in number.”

Native
Courts.

“It shall also be lawful for the Field-cornets who are Sub-commissioners to entrust to their Assistant Field-cornets as Assistant Sub-commissioners of natives the hearing of the said offences and crimes, provided the instructions thereto be duly stated in writing.”

FIRST VOLKSRAAD RESOLUTION, 3rd September, 1894.

1569. The Raad resolves to instruct the Government in future not to take private grounds for natives (native locations) unless the owners agree to the amount of compensation given.

Native
Locations.

FIRST VOLKSRAAD RESOLUTION, 6th Sept., 1894.

Amendment
in Art. 3,
Law No. 8,
1893.

1603. The point on the order (point 2 of the Report of the First Volksraad Commission on Education, see page 604 of the minutes 1894) was adopted.

The said point read as follows:—

“Your Commission also wishes to propose to the Volksraad that in Art. 3 of Law No. 8, 1893, in the fifth line that, between the words that and such, the words ‘the parents or guardians of’ be inserted.”

Amendment
in the amount
of school
subsidy.

1605. The Raad adopted the point on the order, altering however the words “to one in four” into “one to four.”

The said point read as follows:—

Point 3. From J. Harreys, D. Page and 33 others Houtboschberg, district Zoutpansberg, requesting a higher subsidy for schools. Your Committee desires in connection with paragraph 9 of the annual report of the Superintendent of Education, to propose: Firstly to increase the ordinary subsidy of 25, 35, and 45 shillings fixed by the law for lower intermediate education, and Girls’ High Schools to 30, 40, and 50 shillings per quarter; secondly to alter the proportion of the school fees paid by parents to the Government subsidy, at present 2 to 5, to 1 in four; thirdly, to give every district school where the number of children only amounts to 10 or less, an extra subsidy of 10 shillings per quarter for each child.

FIRST VOLKSRAAD RESOLUTION, 7th Sept., 1894.

(See F.V.R. dated 1st June 1892, Art. 343, page 603, Law 1890–1893, as amended by F.V.R. dated 5th Aug. 1893, Arts. 997, 998, 999, page 836 L. W. 1890–1893.)

Amendment
in provisions
for subsidising
non-Dutch
speaking
schools.

1618. On the order point 14 (*i.e.*, of the Education Committee report. After a single observation the Raad adopted the same. The said point reads as follows: Your Commission wishes to propose to you hereon. Firstly, to increase the allowance under Volksraad Resolution dated 1st June, 1892, and to grant 20 shillings for lower education and 25 shillings for intermediate education. Secondly: not to grant point B of the memorial, but to maintain Art. 8 Volksraad Resolution, dated 1st June, 1892. Thirdly: the allowance to be paid out quarterly but also to amend Art. 9 Volksraad Resolution, 1st July 1892, as follows:—Payment shall be made if so desired quarterly, and shall be calculated on the results of the last inspection held, and subsidies shall only be paid out for pupils who have satisfied the inspection last held, *i.e.* have obtained 50 per cent. of the possible marks. Only those pupils shall be eligible for subsidy who have, at the time of the inspection of any school attended such school for at least three months consecutively, and have also regularly attended the lessons after the inspection, and this shall appear from the school registers, and shall be substantiated by a declaration in writing from the principal of the school.

FIRST VOLKSRAAD RESOLUTION, 8th Sept., 1894.

1625. The First Volksraad considering point 19 of the Commission report, at present under discussion :

Amendment provisions for good service allowance.

Resolves to adopt said report so far as make certain amendments in section 1 and 2 of Art. 4 of Annexure A, so as to alter 40 per cent. in section 1 into 25 per cent. and in section 2 to strike out the number VI.

FIRST VOLKSRAAD RESOLUTION, 10th and 12th Sept., 1894.

(ARTS. 1630, 1631, 1632, 1633, 1634, 1635.)

APPROVAL OF THE REGULATIONS FOR BURSARIES FOR THE TRAINING OF TEACHERS.

1. Only such youths are eligible for such bursaries as comply with the following conditions :—

Who are eligible for bursaries.

- (a.) They shall be children of enfranchised or nationalised burghers, belonging to one of the three Dutch Protestant Churches in the South African Republic, and duly certified proofs of the same shall be produced.
- (b.) Applicants shall be between the ages of twelve and sixteen on the day on which the course begins in which they wish to take part.
- (c.) Applicants shall produce a proof in writing from the Inspector of Schools to whose circuit they belong, declaring that they have successfully passed through the three standards of Lower Education, and have been admitted to Intermediate Education.
- (d.) Applicants shall further produce proofs of good moral conduct and application, signed by the principal of the subsidised school of which they are or have last been pupils, and countersigned by the Chairman or the Secretary of the School Committee.

Such proof as contained in such letter shall comprise the facts of the applicant's history as pupil of the school from the school register. If the applicant has been a pupil of the school last attended by him for a period less than a year the aforesaid facts shall be supplied from the register of the school attended by him before that time.

- (e.) Applicants shall produce a proof of a good and sound constitution, signed by some competent medical practitioner, or, if the latter lives at too great a distance from their residence, by the principal of the school, and by at least two members of the School Committee.
- (f.) Applicants shall bind themselves with their respective parents or guardians to put themselves at the disposal of the Department of Education during three years immediately following those during which they have been trained as teachers, in order to enter the service of this Republic as a subsidised teacher.

Calling for applications.

2. Notices calling for applications for such bursaries shall be published in the *Staats Courant* and in all Dutch newspapers published in the South African Republic, and all applications shall be accompanied by the aforesaid documents and declarations in writing.

Bursaries granted by lot.

3. All applications shall be sent in to the Superintendent of Education, who shall, together with the Bursaries Commission, lay the same with all the facts duly arranged before the Government, and the latter shall decide by lot to which of the applicants the vacant bursaries shall be awarded.

Management of the bursaries.

4. The duty of management and supervising the pupils in receipt of bursaries shall be entrusted to the Superintendent of Education together with the Bursary Commission, who shall in every annual report lay before the Government a proper report on the pupils in receipt of bursaries.

Consequences of withdrawal from obligation in Art. 1 in sub-section "f."

5. Every person who shall desire to withdraw from the obligation mentioned under the letter "f," before the expiration of the three years of service therein specified, shall be allowed to do so provided he repays to the Government the entire or partial amount of the money spent on him by the State, proportionately to the time which he may have served already as teacher.

FIRST VOLKSRAAD RESOLUTION, 13th September, 1894.

1686. The First Volksraad, considering point 8, section "d," and "e," of the report and the Executive Council Resolution contained in the Government Note dated 11th inst. in connection therewith, and now on the order :

Resolves to adopt the proposal of the Commission made on point "d," as also the recommendation of the Government having relation to that point ; the Raad resolves further to adopt the proposal of the Government made on section "e," that it may be decreased to an amount of $\frac{1}{3}$ (one-third) of the ordinary amount.

The said point reads as follows :

8. The Committee takes the liberty to approach your Honour with a draft amendment to the bursary proposal of the past year, viz. :—

(d.) The Bursary Committee, considering Volksraad Resolutions dated 6th October, 1886, 21st May, 1890, and later 8th July, 1893, has remarked that with the last Volksraad Resolution the two first resolutions have entirely or partially lapsed, and that in our opinion such resolution does not answer the purpose for which the first 12 bursaries were awarded and wishes to propose to the Volksraad, that the provisions contained in "d," be amended as follows :

The bursaries mentioned above may be held by the pupils to whom they have been awarded, as long as they show themselves worthy of the distinction, in order to enable them to complete their training at the model school and the State gymnasium. In special cases the Bursary Commission shall have the right, subject to the approval of the Government, to allow pupils who have passed through the regular course of the model school, to continue their studies elsewhere than at the Gymnasium, if the latter cannot afford them the desired training.

- (e.) In view of the fact that the bursaries are chiefly given in order to cover the expense of board and lodging and since a difference of opinion exists in the commission with reference to the granting of bursaries to children of inhabitants of the town of Pretoria, and with reference thereto the Committee can come to no unanimous resolution, the Commission of the Volksraad wishes to learn how far and to what extent the children of the inhabitants of the town of Pretoria have been awarded bursaries.

The recommendation of the Government reads as follows :

That the amendment in 8 d deserves to be approved. Re point 8 e : that bursaries awarded to children whose parents reside at Pretoria should be decreased to one-third of the ordinary amount.

1689. Point 10 on the order.

After a single observation W. A. Wolmarans, seconded by W. Lombard, proposes to adopt the Resolution of the Executive Council.

Point 10 of the report of the Bursary Commission reads as follows :

10. The Bursary Commission desires to suggest for the consideration of the Volksraad that henceforth children of persons who were killed and wounded in the Mapoch and Malaboeh wars may apply for bursaries as a mark of distinction under a and b of the bursary regulations ; with this proviso, however, that applicants who can prove that their parents or grandparents have taken part in the war of Independence 1880-81 shall always enjoy the preference in all bursaries which exist or may be established under a and b.

The recommendation of the Government reads as follows :

Point 10 : That in place of the words " in the war of Mapoch and Malaboeh " the words shall be inserted " in wars and on commandos."

While the Executive Council is of opinion that with a view to the Home to be established, and the much lower board that will have to pay these, that the bursaries may be reduced in proportion and, *eg.*, should be reduced from £60 to £50.

EXPROPRIATION OF LAND.

APPOINTMENT OF UMPIRE BY CHIEF JUSTICE IF PARTIES CANNOT
AGREE.

Expropria-
tion.

(See L. L., 1894, page 331.)

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VOLKSRAAD RESOLUTION, 21ST SEPTEMBER, 1894.

Cancellation
of bonds.

1810. The Raad resolves—"That the total or partial cancellation of bonds shall henceforth be effected only (a) Upon production of a properly executed power of attorney, which shall be filed with the Registrar of Deeds; or (b) By the bondholder upon his appearing personally before the Registrar of Deeds.

Upon the total cancellation of a bond, upon personal request of the bondholder himself, the deed so cancelled should be filed with the Registrar of Deeds.

VOLKSRAAD RESOLUTION, 21ST SEPTEMBER, 1894.

Taxes.

1816. The First Volksraad resolves to instruct the Government not to claim any taxes on the compensation erven where the title deeds therefor are issued during the latter half of the year.

RULES AND REGULATIONS.

N. S. A. RAILWAY (AMENDMENT).

Railway.

(Page 360, L. L., 1894.)

RULES AND REGULATIONS

OF NATIVE COURTS.

Natives.

(Page 361, L. L., 1894.)

RULES

FOR TRIAL OF A CIVIL CASE BY JURY.

Jury.

(Page 385, L. L., 1894.)

REGULATIONS FOR THE GAOLS IN THE SOUTH AFRICAN REPUBLIC.

GAOLER.

1. The gaoler shall keep the following registers :--

Gaol
Registers and
records.

- (a.) A register of all prisoners committed, not being military prisoners, with the sentence, charge, the date of commitment, and the date and hour at which the sentence will expire, and with a column for remarks in which the date shall be noted, on which the fines have been paid, or on which the judgment for lashes has been carried into effect.
- (b.) A record of all military prisoners to be kept, showing expense of their dieting, clothing, and all other expenditure.
- (c.) A register of all other persons as nearly as possible in the aforementioned form, who, whether as debtors civilly imprisoned, witnesses, who can give no security for their appearance or otherwise, are placed in his charge.
- (d.) A record of articles taken or detained from prisoners.
- (e.) A journal of matters by these rules directed to be therein recorded, and all other important occurrences.
- (f.) A record of the times and manner of employment of prisoners sentenced to hard labour, and general distribution of prisoners, to be furnished daily to the Landdrost or other competent officer of the district or the ward in which he is.
- (g.) A record of punishment for prison offences.
- (h.) A record of deaths, a monthly report and certified copy whereof, with any necessary remarks, shall be transmitted to the Chief Commissioner of Police and Gaols at the end of each month, by the Landdrost or other competent officer, under whom such gaoler is, to the Chief Commissioner of Police and Gaols, for publication in the *Staatscourant*
- (i.) A record of all cases of sickness, showing the number of days spent in the hospital.
- (j.) The following books shall be kept :—A visitors' book for the entry of observations by visitors; a book for the Landdrost and official visitors; and a book for the medical officer. In these must be entered, in their own handwriting, the visits made by the medical officer, official visitors, and all other visitors.

- (k.) A return of issues and receipts of prison rations, a report and certified copy whereof shall at the end of each month be handed in to the Chief Commissioner of Police and Gaols, through the Landdrost or other competent officer, under whose jurisdiction the gaoler is.
- (l.) A record of issues and receipts of clothing, &c., a certified copy whereof shall at the end of each month be handed in to the Chief Commissioner of Police and Gaols, by the Landdrost or other competent officer, thereto appointed, placed over such gaoler.
- (m.) An inventory of all prison furniture and movable and immovable property under his charge, a full report whereof shall at the end of each year be transmitted to the Chief Commissioner of Police and Gaols, through the Landdrost or other competent officer.
- (n.) A record of capacity of gaol and number of occupants.
- (o.) A book of daily routine to which reference is made in Art. 6 of these regulations.
- (p.) Proper files of convictions, warrants of commitment, and all other orders and official documents.

Gaoler's residence.

2. The gaoler shall reside in or near the prison, and shall be responsible for the due observance of all the rules of the prison.

Power to suspend subordinates.

3. He may suspend any officer under him for misconduct, and shall immediately report the same, specifying the reasons to the Chief Commissioner of Police and Prisons through the Landdrost or other competent officer.

Report of any irregularities in gaol.

4. In case he shall become aware of any violation or contravention of, or other irregularity in conflict with the law and regulations relating to prisons, he shall be obliged to immediately report the same to the Landdrost or other proper officer, who shall thereupon act as the circumstances may require, and if need be report to the Chief Commissioner of Police and Prisons.

Daily inspection.

5. He shall visit the whole of the prison and see every male prisoner, once at least in every twenty-four hours, and in default of such daily visits and inspections, he shall state in his journal how far he has omitted them, and the cause of such omission. He shall at least twice a week go through the prison at an hour of the night not previously known, which visit, with the hour and the state of the prison at the time, he shall record in his journal.

Ration inspection.

6. He shall always test the quantity and quality of the rations supplied to the prisoners. In the event of such not being according to contract, he shall have power to condemn and take steps to replace the same.

Prisoners escape.

7. He shall see that nothing likely to be used to facilitate escape shall be left about, or kept without proper safeguards against such use.

8. He shall cause a copy of the rules relating to the treatment and conduct of the prisoners to be kept posted in each cell, and shall read or cause the same to be read, to every prisoner who cannot read, within twenty-four hours after his admission, and once in every subsequent three months. He shall cause these Rules to be explained to prisoners who cannot understand Dutch. Rules posted in cells.
9. He shall notify to the Medical Officer without delay the illness of any prisoner, and shall deliver to him daily a list of prisoners who are ill, or who complain of illness, and a list of prisoners in punishment cells. Sickness.
10. He shall carry into effect all written directions of the Medical Officer respecting alterations in diet, discipline, or treatment of any prisoner, so far as the same may be in accordance with these regulations. In the event of his considering that such directions may be likely to interfere with the discipline of the gaol, he shall forthwith report the same to the Landdrost or other competent officer, charged with the supervision of gaols, and under whose jurisdiction he is. Doctor's instructions.
11. He shall, upon the death of any prisoner, give immediate notice thereof to the Medical Officer, the Landdrost or other competent officer having the like jurisdiction, or the Field-Cornet. Death of prisoner.
12. He shall without delay bring before the Landdrost, or other competent officer, any prisoner charged with disobeying the prison rules, together with the book kept for the purpose, in which the prisoner's name, and particulars of offence, are to be recorded. Refractory prisoner.
13. He shall not be absent from the prison, except on service or after having first obtained permission in writing from the Chief Commissioner of Police and Prisons, through the Landdrost or other competent officer, and his leave of absence shall be noted in his journal, and in all such cases of absence, as well as in those occurring during the day, the Assistant Gaoler or other officer thereto appointed shall be left in charge of the gaol, and shall act as Chief Warder. Absence from prison.
14. He shall keep, or cause to be kept a continuous watch over the gaols and prisoners, over the cleansing of the gaols, &c., and shall in general strictly observe all instructions, which shall or may from time to time be given him by the Chief Commissioner of Police and Prisons, the Landdrost or other officer competent so to do. Gaoler's duties. Guarding gaols.
15. He shall be obliged to hand over all effects, money, jewellery or other such like valuable assets, immediately after receipt to the proper Landdrost or other competent officer, on obtaining a receipt from the latter. Hands over valuables to Landdrost.
16. He shall not admit any visitors to the gaol without a written permit from the State Attorney, Chief of Police and Prisons, Landdrost, Public Prosecutor or other officer competent thereto. Permits to visit gaols.

Weekly report. **17.** He shall, at the end of each week, hand in a full report in writing to the Landdrost concerned, or other competent officer, of all sentenced and unsentenced prisoners and occupants.

Supply contracts. **18.** He may not have any share or interest, either direct or indirect, in any contract or otherwise, concerning the supply of rations, clothes, &c., for the gaols.

Executions and corporal punishments. **19.** He shall attend at the infliction of corporal punishment, or the execution of any prisoner sentenced to death.

Jury. **20.** He shall be excused from service as a jurymen.

Production of prisoners in Court. **21.** He shall take care, that all prisoners, who have to appear before any Court, attend at the appointed time and place.

ASSISTANT GAOLER OR HEAD WARDER.

Gets his orders from gaoler. **22.** He shall receive his orders from the gaoler, and assist the latter generally in carrying out his duties, and strictly obey his orders.

Acting gaoler. **23.** In the absence of the gaoler he will assume charge, and be held responsible for the due observance of all prison rules.

MATRON OR FEMALE WARDER.

Matron. **24.** The female warder or matron shall reside in or near the prison and be subordinate to the gaoler.

Responsibility. **25.** She will be held responsible for the due observance of the prison rules for female prisoners.

Absence of matron. **26.** She shall not be absent from the gaol, unless on duty, or after having received previous leave in writing through the Landdrost or other competent officer from the Chief Commissioner of Police and Prisons, and her leave of absence shall be noted in the gaoler's book kept for that purpose, and in all such cases of absence, as well as in those occurring during the day, the assistant matron, or other person thereto appointed, shall be charged with the matron's duties, and thereupon act as matron or female warder.

Journal. **27.** She shall keep a journal, wherein she shall record the condition of such (*sic*) part of the prison at each inspection, all important occurrences, all punishments of female prisoners and all absences.

Corporal punishment for females. **28.** She shall be present at the infliction of corporal punishment to female prisoners.

Separation of female from male prisoners. **29.** The matron or female warder shall see that the separation between male and female prisoners shall be strictly maintained.

- 30.** Should any male person, for whatsoever reason, be admitted to the female wards, he shall throughout be accompanied by the matron or a female warder. Male person must be accompanied by matron.
- 31.** She will inspect every part of the prison occupied by females at least once in every twenty-four hours, and will at least twice a week at an uncertain hour in the night not previously known go through such part of the prison. She shall make a note of such visit, and of the hour and condition of the gaol at the time, in the journal kept by her for that purpose. Daily inspection.
- 32.** In case she shall become aware of any violation or contravention of, or other irregularity in conflict with the law and regulations, she shall be obliged to immediately report the same to the Landdrost or other competent official, who shall thereupon act according to the nature of the circumstances. Report of irregularities.

SUBORDINATE PRISON OFFICERS.

- 33.** Shall take their orders from the gaoler. Gaoler's orders.
- 34.** They must immediately report to the gaoler any offences or irregularities on the part of any prisoner or officer. Duties.
- 35.** Subordinates shall not, without leave of the gaoler, be absent from the prison during the hours they have to be on duty; and before at any time leaving the gaol, they shall leave their keys and books in the gaoler's office. Absence.
- 36.** They will enter their names, and the time of going on, and coming off, duty in a book provided for the purpose, also any irregular occurrences that may take place in respect to their tour of duty. Books.
- 37.** They shall not receive visitors in the prison without permission of the gaoler. Visitors.

THE MEDICAL OFFICER.

- 38.** The District Surgeon or other competent medical officer shall promptly attend every sick prisoner, and, if need be (according to the nature of the sickness and the circumstances), in presence of the gaoler or the matron. Medical attendance.
- 39.** He shall keep a day-book and case-book. In the former will be entered the names of patients, the medicines to be supplied to them, and directions for the gaoler or hospital orderly. In the case-book will be entered the number and name of every patient; also the race, age, date of admission for treatment, disease, date of discharge, date of death, and date of entering the prison. Journal.
- 40.** He shall call attention of the gaoler to, and report to the Landdrost or other competent officer with regard to any prisoner who shall appear to be in all probability a lunatic. Suspected lunatics.

Corporal punishment and death sentence.

41. He shall attend the infliction of all corporal punishments or the execution of any death sentence at whatever hour may be notified to him, and give such directions as he may deem necessary.

In all cases where he may direct that the punishment should not be fully carried out, he shall furnish a written report giving his reasons for the same, which report shall be transmitted by the Landdrost or other competent officer to the Chief Commissioner of Police and Prisons.

Weekly inspection.

42. He will inspect the whole of the prison and the prisoners at least once a week, and will furnish the Chief Commissioner of Police, through the Landdrost or other competent officer, with a report in writing of the sanitary state of the prison, the health of the prisoners, and their cleanliness, &c.

GATE.

Gate.

43. The prison gate shall always be kept closed.

Watch at gate.

44. An officer will be placed on gate duty during the day, and also during the night, and will not leave his post without permission from the gaoler.

Prison watch book.

45. The time of coming on and going off duty will be entered by the officer with his signature in a book provided for the purpose, as well as any matter that may be necessary to bring to the notice of the Chief Commissioner of Police and Prisons, the Landdrost or other competent officer.

Irregularities in gaol.

46. Any irregularity or breach of prison rules by any officer, visitor or prisoner, shall at once be reported to the gaoler, who shall report thereon to the Landdrost or other competent officer.

Inspection.

47. The officer on gate duty will examine all articles being carried into, or out of the prison, and will stop any person suspected of bringing spirits, or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and shall give immediate notice thereof to the gaoler, who will make a report thereof to the Landdrost or other competent officer.

SEARCHING.

Searching prisoners.

48. This important part of the prison rules is to be strictly enforced.

All prisoners are to be thoroughly searched on admission to gaol by one of their own sex, in the presence of the gaoler, matron, or other responsible officer, and all money, effects, and articles whatsoever, except necessary clothing, taken from them; but nothing shall be taken from debtors except dangerous weapons,

articles calculated to facilitate escape, prohibited articles and money. Prisoners on their arrival under sentence will be stripped and searched apart from all other prisoners, examined, and a full personal description with any marks, entered in the Description Register. They will then be supplied with a properly numbered suit of prison clothing and their own clothes rolled in a bundle, tied up, labelled with the prisoner's name and number, for which the gaoler or matron shall be responsible. Hard labour parties, and prisoners sent outside the gaol to work, are to be thoroughly searched both on leaving and returning to prison. A prisoner found with any prohibited article upon him will be reported to the gaoler, who will cause him to be brought before the Landdrost for breach of prison rules. On the return of the European Convict Guards in the evening, they will assist in the searching of prisoners, and remain on duty in the prison yard, until the prisoners are locked up.

49. All money, effects, or articles taken from any prisoner or sent to the prison for his or her use, and not allowed to be received and retained by him or her, will (if they are not prohibited articles) (*sic*) be placed in the custody of the gaoler, who will make, and keep an inventory of the same, in the book provided for the purpose and shall act further in terms of the regulations.

Inventory of
prisoner's
assets.

DISTRIBUTION OF PRISONERS.

50. Natives are to be kept apart from European prisoners.

Natives.

51. Female prisoners are at all times to be kept apart from male prisoners, are to be attended by persons of their own sex, and are to be prevented from seeing or holding any communication with any male prisoners. No gaoler or other male officer shall enter or be in a room in which any females are confined, unless in the company of a matron or subordinate female warder.

Women.

52. Prisoners before trial, debtors, and witnesses detained by reason of their inability to give security for their attendance, are to be kept apart from criminals, juveniles under 18 years of age from adults, and so far as shall be practicable, and the accommodation shall permit, adult males or females convicted of serious crimes shall be kept apart from prisoners under short sentences for slight offences.

Separation of
classes of
criminals.

PRISONERS.

53. Prisoners are to obey all orders of the gaoler and other officers.

Discipline.

54. Criminal prisoners are not allowed, under any pretence, or at any time, to speak or make signs to any other prisoners whatever.

Speaking to
each other.

55. Prisoners are not to sing, scream, shout, whistle or talk to themselves, or make any unnecessary noise at any time.

Singing, &c.

- Addressing officers.** 56. Criminal prisoners are not, without necessary occasion, to speak to any officer of the prison, and are then to speak as briefly as possible.
- Complaints.** 57. Prisoners may make complaints through the gaoler (or matron in the case of females), to the Landdrost or other competent officer, who shall then take the necessary steps according to the nature of the case to institute inquiry and secure redress.
- Rations.** 58. No prisoner is allowed to give, barter or sell any portion of his food to any other prisoner.
- Cells.** 59. No prisoner is allowed to enter any room except his own room or cell, and no prisoner is allowed to be in a privy at the same time with another prisoner.
- Hair cut.** 60. All convicted prisoners, after, and within 12 hours of their admission to gaol, will have their hair cut short, which must be kept so till within a reasonable time of their discharge, (but in no case is hair to be cut till such conviction shall have been confirmed) with the exception of females, whose hair shall not be cut except with their consent.
- Hour of rising.** 61. Criminal prisoners will rise in the morning in summer at 5.30, and in winter at 6.30 (summer will be from the beginning of September to the end of March, and winter from the beginning of April to the end of August).
- Locking cells.** 62. All cells will be closed, and prisoners locked up, in summer at 6.30 p.m., and in winter at 5.30 p.m.
- Working hours.** 63. The prisoners, condemned to hard labour, shall (if the weather permits) leave the gaol daily for their work, during the summer from 6.30 a.m. to 12 noon, and from 1 p.m. to 6 p.m., and during the winter from 7 a.m. in the morning to 12 noon and from 1 p.m. to 5 p.m.
One hour's rest from work shall be allowed from 12 noon to 1 p.m.
- Diligence.** 64. The prisoners shall diligently perform their duties and obey the orders of the guards or other officers.
- Sickness or inability.** 65. If any prisoner feels unwell or unable to do the work required of him, he shall report himself to the gaol warder, whose watch it is, or to the gaoler, who shall have him examined by the Medical Officer.
- Good conduct.** 66. Prisoners of exceptionally good conduct and ability may, subject, however, to the approval of the Chief Commissioner of Police and Prisons, upon recommendation of the gaoler, Landdrost, or other competent officer, be appointed by the gaoler

to assist him in keeping the prison books or performing any other necessary work.

67. Criminals before trial (*sic*) and those not condemned to hard labour, may elect to perform hard labour together with the hard labour parties. Hard labour parties.

All such prisoners shall cleanse their own cells, unless other provision be made with regard thereto.

CLOTHES.

68. Every convicted prisoner is to be provided with a complete prison dress, properly numbered and marked, and is to wear it at all times during the day. Prisoners are not to be allowed to wear their own clothes under the prison clothing, except underclothing. Clothing.

69. Prisoners before trial, debtors, and witnesses detained as aforesaid, may wear their own clothes, unless the same shall be insufficient or be required for the purposes of justice.

70. Civil prisoners, prisoners committed for trial, witnesses, and prisoners specially permitted under written orders from the Landdrost or Medical Officer, will be allowed to receive such changes of clothing as may be necessary. Underclothing may be allowed once a week to criminal prisoners who have been in the habit of wearing the same, unless the prisoners wish at their own cost to provide themselves with more underclothing.

DIET.

71. Prisoners will receive diet according to the following scale and rules :— Diet.

For Europeans—Daily :—

Males.	Salt.	Mealies and Mealie meal alternately.	Meat.	Bread.
For men at hard labour	½ oz.	1 lb.	10 ozs.	16 ozs.
For men not at hard labour	"	"	8 "	16 "
For men untried...	"	"	8 "	16 "
For lads under 15 at hard labour	"	"	8 "	14 "

} 8 ozs. for breakfast, and 8 ozs. for supper.

Female prisoners, whether tried or untried, and whether at hard labour or not, except those ordered to be kept on spare diet, should have the same quantity of food as lads under 15.

For Natives.

Males.	Salt.	Meat twice a week.	Mealies and Mealie Meal alternately.
For men at hard labour	Daily with food.	12 ozs.	2 lbs.
For men not at hard labour		10 "	1½ "
For men untried		10 "	1½ "
Lads under 15 ...		10 "	1½ "

} ½-lb. for breakfast and ½-lb. for supper.

Female native prisoners, whether tried or untried, and whether at hard labour or not, except those ordered to be kept on spare diet, should have the same quantity of food as lads under 15.

Males and Females.	Mealies or Mealie Meal.	
Men sentenced to spare diet	8 ozs. daily	Boiled in 2 quarts of water without salt.
Women do. do.	8 " "	Boiled in 3 quarts of water, without salt.

Extras. **72.** Extra or different rations shall not be given except by order in writing from the Medical Officer.

Food of uncondemned prisoners. **73.** Prisoners before trial, debtors, and witnesses detained by reason of their inability to give security for their appearance, may provide themselves with food if they shall so desire.

Liquor. **74.** No convicted prisoner shall under any pretence be allowed any spirits, wine, beer, tobacco or other intoxicating or stupefying drink, drug, or matter, except such, and in such quantities, as may be directed by the Medical Officer by order in writing, to be entered by him in the journal showing his reasons for such order; but prisoners before trial, debtors and witnesses detained by reason of their inability to give security for their appearance, may be allowed to provide themselves with such moderate quantities of such articles, and under such conditions as the Landdrost, or other competent official with equal jurisdiction may approve.

- 75.** Convicted prisoners are forbidden to receive any food or other articles whatever from civil prisoners or prisoners committed for trial, and any prisoner receiving or taking any food or other article except what is allowed by the prison rules will be severely punished. Food.
- 76.** All platters and utensils will be removed from the cells directly after each meal, as well as any uneaten food. Plates, &c.
- 77.** No prisoner, except orderlies, will be allowed to enter the kitchen. Access to kitchen.
- 78.** No gaming will be allowed in the prison. Gaming.
- 79.** Prisoners not on hard labour will be exercised three times a day in the yard of the gaol for a quarter of an hour, the prisoners from one cell only being exercised at a time. Exercise of prisoners not on hard labour.

BEDDING.

- 80.** Each male and female European prisoner shall be allowed two blankets, and each male and female Native prisoner one blanket. Blankets.
- 81.** Prisoners on rising of a morning are to put their blankets out in the yard to air (weather permitting), where they will be allowed to remain for an hour, and will then be properly folded up and placed in the cells. Airing same, &c.
- 82.** Extra bedding may be supplied on the written order of the medical officer. Extras.
- 83.** The wooden platforms, bedsteads or benches, &c., are to be taken out of the cells twice a week and thoroughly cleansed. Cleansing.

VISITS AND LETTERS.

- 84.** Convicted criminal prisoners, if their conduct be good, will be allowed once a month to receive visits from friends, and to receive and write a letter, provided that such visitors are provided with a written permit from the proper officer. An officer of the gaol must be present during the whole of the interview, and every visitor must sign his or her name in the visitors' book. If at any interview any communication should be made at variance with the prison rules, or likely to lead to a breach of any such rules, the matter will at once be reported to the Landdrost, or other competent officer. Should there be reasonable grounds of suspicion, the gaoler or matron, as the circumstances may require, may search or cause the visitors to be searched. Such search not to be made in the presence of any prisoner or of another visitor, and he shall report the circumstances to the Landdrost, or other competent officer. Visits and letters.

Visitors to
untried
prisoners.

85. Prisoners for trial, debtors and witnesses detained by reason of their being unable to give security for their appearance, shall be allowed all reasonable opportunities of communicating with their friends or legal advisers, either in writing or verbally, under supervision of the gaoler, matron or their substitutes.

Time for
visits.

86. Debtors may be allowed to receive visitors from 10 to 12 o'clock noon, and from 2 to 4 p.m. daily.

Correspondence.

87. All letters to or from any class of prisoners must be submitted to the Landdrost or other competent officer.

CONVICT GUARDS AND LABOUR PARTIES.

Duties of
the guards.

88. Convict guards will prevent the escape of any prisoner. They shall be dismissed if they permit the escape of criminals entrusted to their custody, unless they can sufficiently show that they could not prevent such escape. Any convicted criminal prisoner escaping, or attempting to escape, and not standing when thrice called on, may be shot, if there be no means of otherwise preventing such escape.

Convicts not
to be hired out.

89. No prisoner shall on any pretence be employed on any other than public work, either within or without the gaol.

GENERAL.

Gaol supplies.

90. No prison officer shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from the selling or letting, of any article of whatsoever nature required for the gaol or prisoners.

Gifts.

91. No officer shall receive any fee or gratuity whatsoever from or on behalf of any prisoner, or visitor to any prisoner.

Rules.

92. The prison officers, &c., shall be held responsible, and see that the rules to be observed by them in respect to the prisoners and gaols are strictly carried out.

Talking with
prisoners.

93. They will hold no communication with prisoners, except such as is necessary in the execution of their duties. They shall not provoke, or use, any unnecessary violence towards prisoners.

PUNISHMENT FOR PRISON OFFENCES.

Penalties on
warders, &c.

94. Any prison officer or warder contravening these regulations, shall be punished by the respective Landdrosts, or other competent officers, and, in the case of serious crimes, by some competent Court according to the Laws of the country, and the nature of the case.

95. Any prisoner may, by reason of any contravention of any of these regulations, be punished (in the first instance according to the nature of the case), by the Lower Court as follows :—

Prisoner penalties.

- (a.) Lashes, not exceeding 25, or,
- (b.) Imprisonment, with or without hard labour, for a period not exceeding twelve months, or,
- (c.) Solitary confinement, with or without spare diet, for a period not exceeding seven days.

96. The gaoler shall enter into a separate punishment book, to be provided him for that purpose, the date and nature of any contravention, for which a penalty is inflicted by these regulations, as also the name of the offender and the punishment inflicted.

Penalty Book.

97. The gaoler may place a prisoner in irons or under mechanical restraint in cases of urgent necessity, and the particulars of every such case shall be forthwith entered in the gaoler's journal, and notice thereof shall be forthwith given in writing to the Landdrost or other competent officer, specifying the cause thereof, and the time during which the prisoner is to be kept in such restraint.

Physical restraint.

98. Should any doubtful case arise, with reference to which no regulations exist, the gaoler shall ask instructions from the Chief Commissioner of Police and Prisons through the Landdrost or other competent officer.

Doubtful cases.

FIRST VOLKSRAAD RESOLUTION.

GENERAL INSTRUCTIONS REGULATING THE MANNER OF KEEPING AND FILING ACCOUNTS OF STATE REVENUE AND EXPENDITURE IN THE SOUTH AFRICAN REPUBLIC.

(Approved and enacted by First Volksraad Resolution, Art. 922, dated 20th July, 1894.)

1. The head of each department shall on or before the 31st day of January in each year send in to the Treasurer-General, in the form prescribed for the purpose, a yearly estimate of the probable revenue and expenditure of his department for the next service year.

Heads of department send in yearly estimates of departmental revenue and expenditure.

The requisite form shall be supplied to the heads of department by or on behalf of the Treasurer-General in good time.

2. Estimates of State revenue and expenditure shall be prepared by the Treasurer-General, after receipt of the estimates from the respective departments, and shall specify all revenue and expenditure, ordinary as well as extraordinary.

Treasurer frames budget.

Budget law
must be
adhered to.

3. The yearly estimates approved of by the Volksraad shall, as affecting the revenue and expenditure for the service year to which the estimates relate, be strictly adhered to, without regard to the regulations for previous years.

The estimates for each service year shall be published in the *Staatscourant* and each official shall conduct himself strictly in accordance therewith, and shall not on any pretext exceed the expenditure allowed for his department, and the Treasurer-General shall after the estimates have been passed, send a copy of the estimates to the head of each department.

Classification.

4. The service accounts shall be arranged under the same heads as are specified in the estimates: each item of expenditure shall accordingly be carefully arranged under its proper heading. Any unforeseen expenditure, which cannot be fitly brought up under an existing head of departmental classification, shall be brought up as special expenditure.

Special or
unforeseen
expenditure.

5. For any expenditure during the service year, which could not brook delay, or which was not provided for in the estimates for that service year, the Treasurer-General shall frame supplementary estimates and submit the same to the Executive Council, which shall submit such supplementary estimates to the First Volksraad for confirmation at its first ensuing session, and the Auditor-General and all other heads of departments shall, upon request of the Treasurer-General, furnish him with all information required in order to enable him to frame such supplementary estimates.

Comparative
statements of
estimated and
actual
expenditure.

6. The Auditor-General shall, immediately after the Treasury books for the past service year have been balanced and audited, prepare statements comparing the contemplated with the actual revenue and expenditure, and showing any difference there might be between the estimated and the actual revenue and expenditure for the past year, with a detailed explanation, setting out the reason of and the authority for such difference.

Cash books.

7. All officials, charged with the collection of State revenue, shall keep cash books, according to the form prescribed, and shall enter therein, immediately after receipt of any State funds, the amount and description of such receipts (without classification,) shortly stating the particulars of each separate item. On the page for expenditure, the dates and amounts of all payments or deposits with the Treasurer-General shall be entered.

In depositing or transmitting money, the officials aforesaid shall hand in or transmit therewith a memorandum showing each amount which is included in such payment or deposit arranged under its separate revenue heading, and shall specify the receipts for the current service year distinct from those for arrear years.

No official shall be permitted to issue a written receipt for any payment made to him, on behalf of the State Treasury (*sic*)

All receipts shall be printed and bound up in proper form, in books, counted and marked off by the Distributor of Forms and obtainable from him.

Each official charged with the receipt of State revenue, shall use such receipts in their consecutive order, and duly and satisfactorily account to the Auditor-General for any missing number.

Every official shall in legible characters properly fill in every receipt issued by him, and shall fill in the summarised particulars thereof on the counterfoil of the receipt book : as soon as any receipt book is filled, the official shall return it to the Auditor-General, who shall compare it with the returns sent in by such officials and test the correctness thereof.

No receipt for State revenue received shall be valid, which is not signed by the competent official and countersigned by the official next in rank to him.

After the cash book has been balanced for the month, the various amounts of the receipts shall be specified each under its proper head of revenue classification. The totals of these amounts must agree with the total receipts as in the cash book.

8. The Landdrosts of the respective districts, heads of departments, and other persons charged with the collection of State revenue, shall be held responsible for the proper and careful collection of the State revenue, according to the estimates for their districts and departments. Collection of revenue.

The Government may, according to the nature of the circumstances, from time to time appoint officials to assist the Landdrost in any district in the collection of the revenue. Notice of any such special appointment shall be given in the *Staatscourant*.

9. Payment of imposts and taxes in respect of land situate in another district, may be made direct to the Landdrost of the district where the taxpayer resides, provided he produces the last receipt or a certificate showing the amount of the tax, where and when last paid, as also how much is owing by the taxpayer to the Treasury for each year at the moment of the payment into the State Treasury. Land taxes.

Transfer duty due for the district of Pretoria shall, and that due for land situate in other districts may, upon production of sworn declarations of seller and purchaser, be paid to the Civil Commissioner, Pretoria.

Every Landdrost, who receives any tax for other districts, and the Civil Commissioner of Pretoria, with reference to Transfer duty received by him, shall make an immediate entry thereof in red ink, and besides this keep a separate book, of which he shall each month send in a duplicate extract to the Auditor-General, whilst the Landdrost, who receives such payment, shall immediately notify the amount paid to the Landdrost concerned therewith, in order to enable him to enter the same in his books, other than his

cash book, and such statement of receipt shall be specified in his statements in red ink.

Supplementary books.

10. Besides the cash books, supplementary books shall be kept for each head of revenue, under which taxes are collected. Full particulars of all receipts shall be entered daily in such supplementary books.

The supplementary books shall, with the exception of the book for farm and erf taxes, be so arranged as to furnish the same details that the receipts do which relate thereto, and from these books the particulars of every receipt of State revenue shall be written up so as to serve as a voucher with reference to such receipt.

Besides the above-mentioned book each Landdrost shall keep a register of all farms and erven, or portions thereof situate in his district, in such form as shall be hereafter prescribed, and upon receipt of a notice from the Registrar of Deeds of any change of ownership, or division of property, shall forthwith make the required alteration or note in his register.

Revenue returns.

11. On or before the 5th day of each month, every person charged with the collection of State revenue shall send in to the Treasurer-General a certified copy of his cash book for the past month, accompanied by specified vouchers and a statement showing the total amount of revenue received under each head during the past month, and accompanied by specified vouchers and a statement showing the total amount of revenue received under the various heads during the past month, and the dates on which the same were deposited with the Treasurer-General, supported by vouchers of such deposit.

Should no monies be received during the said month under any one of the heads of revenue classification, the word "nil" shall be written in the first money column in the account over against the head of revenue classification to which it has reference.

Before rendering any account the official rendering the same shall confirm his account on oath before a Justice of the Peace.

The Treasurer-General shall without delay hand in these returns to the Auditor-General after having compared the same with his books.

Audit.

12. The Auditor-General shall compare all accounts of revenue and expenditure with the books, statements and other documents, which may serve to prove that the sums specified are all which ought to have been collected or paid out, and failing this, the reason for the discrepancy in each case shall be stated, as well as the measures which are being taken for the collection of arrears.

Should any statement or other documents in support of the statements in the accounts, which are required to show the amount

of arrear taxes, be either wanting or insufficient, it shall then be the duty of the Auditor-General to ask for the required documents, and should there be any difficulty with regard to the delivery thereof, he shall immediately give notice thereof to the Executive Council and attach a copy of such notice, together with the instruction thereon issued, to the accounts to which they have reference.

13. Distributors of Stamps shall in the same manner as any other official charged with the collection of State revenue, keep a cash book, and daily enter therein their receipts for stamps sold, and pay in the amount of their receipts weekly to the Stamp Master at Pretoria: the balance of the receipts for the month shall be paid in or transmitted on the last day of the month, after close of the day's business. Distributors of stamps.

The Landdrost, Mining Commissioner or other official thereto appointed, shall carefully examine the books of the Distributor of Stamps for his district, concerning the receipt and the sale of stamps during the month, and shall count the balance of the supply of stamps on hand on the last day of the month and certify the specified return of the Distributor of Stamps.

This return in duplicate, signed by the Distributor of Stamps and certified by the Landdrost, Mining Commissioner or other official thereto appointed, shall be a voucher for the audit of the items in the books of the Stamp Master in respect of proceeds of stamps sold.

The Landdrost shall immediately notify any irregularity in the administration of the Distributor of Stamps to the Stamp Master, who shall immediately report the same to the Government.

14. All officials charged with the collection of State revenue, and residing at the seat of Government, shall weekly, and if practicable, daily pay in their receipts to the Treasurer-General, or the official entitled to receive the same, whilst the last payment for the month shall be made on the last day of the month. Returns from officials in Capital town.

Every deposit made with the Treasurer or such official, shall be accompanied by a memorandum, showing the amount that has been received under each head of revenue classification and included in such deposit.

All other officials not residing at the seat of Government, shall deposit their receipts with the Treasurer-General in such manner as may be by him directed; and all such officials shall report weekly to the Treasurer-General the amount of State revenue they have on hand.

15. No acknowledgment of debt may be received in payment of any sum, owing on account of State revenue, except by express Notes of hand not accepted.

authority of the Government, and any such acknowledgment of debt shall be immediately handed over to the Treasurer-General, who shall upon the day of receipt enter the same as a deposit in his cash book.

Any official who shall receive any acknowledgment of debt under authority as aforesaid, shall enter the amount thereof in his cash book as taxes collected under the head of revenue classification to which it has reference, crediting himself with the amount thereof as soon as the bill has been sent or handed to the Treasurer-General.

The official, who accepts such acknowledgment of debt without authority, shall, in the event of loss or damage, be personally responsible for the amount thereof.

Rupees,
cheques, &c.

16. No rupees, cheques or bills may be received in payment of public revenue.

Registrar and
Master High
Court.

17. All sums received by the Registrar or Master of the High Court, or the Orphan Master, belonging to any estate, of whatsoever kind, or in pursuance of any order of the High Court, shall, in so far as the law, or the rules of the High Court, make no other provision with reference thereto, be immediately paid in to the Treasurer-General as a deposit.

Proper cash books, showing the daily receipts and the date of such deposits, shall be kept by each of the above-mentioned officials.

Where a deposit is made by the Registrar or the Master of the High Court, such deposit shall be accompanied by a memorandum.

The Treasurer shall bring up such deposit under its proper head in his general cash account, and shall not refund either the capital or the interest due thereon, except, in so far as Court cases are concerned, upon special authorisation by, or order of the Court, and in the case of refunds to Orphan Estates, the Orphan Master shall, upon application of the parties interested, either personally or by power of attorney, obtain such names from the Treasurer-General on an account made out according to his books, with the necessary vouchers, and extracts from his books attached, duly verified under oath.

All such payments shall be made upon accounts duly certified and passed as correct by the Auditor-General prior to payment.

All deposits made with the Treasurer-General by any Government officials other than those hereinabove mentioned, shall be accompanied by a memorandum, showing the particulars of each deposit.

An abstract specification of the deposit account shall be attached to the yearly return of the Treasurer-General according to the form prescribed in the instructions for the Treasurer-General.

18. As the head of each department or any person charged with the collection of State revenue is responsible for the fulfilment of the duties of his office, or for the due collection and custody of State revenue, which passes through his hands, the Government accordingly holds such official personally responsible, should he commit to his subordinate the fulfilment of duties which he himself had to perform. Heads of Department.

It shall be his duty to report without delay to the Government any incapacity or repeated neglect or disobedience to orders, displayed or shown by any of his subordinates.

All administrative correspondence of subordinate officials, shall be sent to the Government through the Head of the Department to which they belong, and such Head of Department shall, in transmitting such correspondence, at the same time minute for the information of the Government his advice or opinion with reference to such correspondence.

19. In all cases where any Heads of Department or Tax Collector neglects to provide for the due and punctual payment of the amounts he should receive, the amounts due shall be at once brought into account against him, unless he can satisfactorily show that the non-payment within the time appointed is attributable to circumstances which he could neither prevent nor provide against, and in case the amount deficient cannot be ascertained from the vouchers and the copy of the cash book submitted by him, the salary of such official shall not be paid to him until he shall have furnished the Treasurer-General with a satisfactory statement showing what is due. Neglect of Heads of Department.

20. In the case of any loss of State revenue, occasioned by reason of a public official having granted a postponement for the payment of any tax, or by reason of his having accepted an insufficient security for any debt due to the Government, or if where a debt cannot be recovered from any debtor, such official shall have neglected or delayed to take timely steps to recover such debt from the sureties, or if such official, in case any such debtor or surety becomes insolvent, shall neglect to file the Government claims in due course in order that the Government may participate in the distribution of dividends from such estate; or if he shall neglect and delay to take any steps necessary and lawful for the collection of such State revenue; in short, if through the negligence, carelessness, want of foresight, or through the fault of any such public official, any loss of revenue occurs, the amount deficient shall be brought into account against him by the Auditor-General, and his conduct immediately reported to the Government. Official laches.

21. On or before the 15th January in each year each Landdrost shall frame a complete register of inhabited and uninhabited erven. Register of erven.

in each town within his district, and shall specify therein the names of the owners, stating which of them reside within, and which reside beyond the limits of the South African Republic.

These registers shall be framed in the form prescribed, and shall be revised every six months, and notice of any alteration therein given to the Auditor-General.

Register of farm taxes and personal taxes.

22. Landdrosts or other officials charged with the collection of farm taxes (erf taxes, which are referred to in the previous article, being excluded) and also railway, poll and road taxes due by the white inhabitants within their district, shall every year, on or before the 15th January, frame a complete register of all the above-named taxes payable in their district, mentioning the names of the landowners (and specially stating which of them reside beyond the limits of the Republic) and generally the names of all other inhabitants who may be subject to the payment of any of the aforesaid taxes.

Natives.

The Superintendent of Natives, who is charged with the supervision of the careful collection of Kaffir taxes, shall see that on or before the 15th day of January of each year complete registers of all Kaffir locations, mentioning the districts in which they respectively are situate, the names of the Chiefs of each town, and the number of huts, which are subject to the tax, are sent in to the Auditor-General; he shall see that such registers are revised by his subordinate officials.

Certified copies of registers.

23. The copies and registers referred to in the two preceding Articles shall be certified by the Head of the Department concerned, and sent in not later than on the 31st January of each year to the Auditor-General.

Laches in collection.

24. Should it appear to the Treasurer or Auditor-General that any State revenue is not being collected by any official, or not immediately accounted for by him, they shall immediately give notice thereof to the Government, and meanwhile withhold the salary of such official.

Instructions and rules.

25. All instructions, which from time to time upon approval of the Government may be sent by the Treasurer or Auditor-General, to any officials, with reference to the collection of any special branch of revenue, as also any other instruction, which they may deem it proper to give with regard to the administration, shall be deemed to be part of these general instructions.

Entry in cash book.

26. The total amount of any taxes or other revenue collected shall in all cases be entered in its entirety in the Treasurer's cash-book. No costs or rewards shall in future be deducted from the

amount collected as was formerly the practice, but a proper account shall be made out for such allowance, costs, or reward and shall be furnished with proper vouchers, and after payment shall be duly entered up under its proper heading.

- 27.** The State Revenue shall be regulated in the following manner :—
- (a.) All payments of State funds shall be made only by the Treasurer-General. Public payments.
 - (b.) All payments appertaining to a Department, and all vouchers certified by the Head of such Department shall be sent by the Treasurer-General to that Department, and every official who receives any State funds from the Treasurer-General in this manner, shall be held responsible for the proper application thereof, and for the return to the Treasurer of the necessary vouchers, duly receipted and signed by the persons to whom such monies were due and paid. Treasurer-General.
 - (c.) No State funds sent to any official by the Treasurer-General for payment shall be retained by such official in his own hands for a longer period than, at the outside, one month after its receipt. Should any such funds not be paid out by such official to the party entitled thereto within the time aforesaid, such official shall again return such monies as a deposit to the Treasurer-General. Heads of department.
 - (d.) Each account shall be ranked under its special head of service classification and may not include nor be confused with any other head of account or expenditure not appertaining thereto. Unpaid funds.
 - (e.) All accounts as made up with vouchers attached shall be ranked and classified in the summaries under their respective heads. Distinct accounts.
 - (f.) Should a doubt arise concerning the heading under which any receipts or expenditure are to be ranked, the Treasurer and Auditor-General shall decide with reference thereto. Heads of account.
 - (g.) The Treasurer and Auditor-General shall decide what the form of the accounts is to be, and shall from time to time submit to the approval of the Government any alterations they may deem necessary. Form of accounts.

All printed forms of salary accounts and abstracts, with classified heads of disbursement and receipt vouchers, shall be kept by the Distributor of Forms, to whom application must be made for such forms in good time.

Salary
accounts.

(g.) On or before the 25th day of each month, each Head of Department shall send in to the Auditor-General the salary accounts of his department for such month, and the Auditor-General shall, if he finds that the accounts are correct, transmit the same to the Treasurer-General for payment.

Calculation
of fragments
of yearly
salary.

(h.) If any salary or allowance payable in one fixed sum has to be paid yearly for any portion of a month, the account shall be made out for the number of days according to the salary, &c., per year.

Return of
received
salary
accounts to
auditor.

(i.) On or before the 10th day of each month, each Head of Department shall send in to the Auditor-General all other accounts of the previous month's expenditure in proper abstracts, accompanied by the requisite authority for such expenditure, provided always, that should any expenditure be made for the first time, the estimates for any work, contracts or agreements in the case of tenders shall be attached to the account, without being receipted by the parties concerned, as receipts have to be obtained (only) upon payment being made.

Head of
Department
to certify
account.

(j.) All accounts and vouchers shall be signed and certified by the Head of the Department to which they belong and all authorisations attached thereto; all such accounts as hereinbefore described, must be sent by the Head of the Department to the Auditor-General in complete, correct and proper form, and the Auditor shall send such accounts to the Treasurer-General for payment, as soon as audited, and if after payment any fault is discovered by the Auditor-General, and it appears that more was paid than was due, the Head of the Department, who has certified to such account, shall be charged with the difference or amount overpaid, and held responsible for the refund thereof.

In no case and under no circumstances may any accounts and vouchers sent by the Head of any Department to the Auditor-General, and by the latter to the Treasurer-General, be handed over to any private or interested party for transmission.

Treasurer's
duty in pay-
ing accounts.

(k.) The Treasurer-General, after having assured himself that the accounts have been correctly ranged under their proper departmental heads, and that the necessary authorisations have been granted, shall draw cheques for the amount of such accounts, and after entering each disbursement in his cash-book, shall return the vouchers with the cheques to the Head of Department, who shall attend to the payment and take a proper receipt, and shall be responsible therefor and give prompt and full effect thereto, and be and remain answerable for any faults

which may subsequently be discovered. Under no circumstances may such payment be made at the office of the Treasurer-General.

- (l.) On the first day of each month, or as speedily thereafter as may be possible, the Treasurer-General shall pay the persons who reside at or near the seat of Government, their lawful salaries or allowances by cheques, in favour of each person or the Head of Department, or in such manner as may be most convenient for the Treasurer-General. Salaries of officials in capital town.
- The cheques for payment to persons, who do not reside at the seat of Government, shall be sent by the Treasurer-General to the heads of department at the seat of Government or to Landdrosts of the district, or Commissioners of any portion of a district, in which such persons reside, together with the documents to which they have reference, in order that the same may be duly receipted and witnessed: and after this has been done, such documents, should they be in order, shall be returned to the Treasurer-General with the least possible delay. Salaries of officials in other places.
- The heads of departments at the seat of Government, the Landdrost or Commissioners and others charged with the expenditure shall be responsible for the return of such accounts to the Treasurer within the time fixed by him: should any head of department fail herein, the total amount of such accounts shall be charged against him or his salary be meanwhile withheld.
- (m.) No account may be receipted before payment is actually made. Receipts only upon payment.
- (n.) All receipts for payments shall have at least one person as witness. Witness to payment.
- (o.) Should any payment be made to any person who cannot write, two witnesses shall certify to his mark, and that the payment to him was made in their presence.
- (p.) All expenditure, which has to be made for buildings or other works, whether by contract, purchase of materials or for labour, shall be done exclusively by the Chief of Public Works and accounted for by him to the Treasurer-General. Chief of Public Works.
- (q.) Should any payment of salary due to any person or any other payment in favour of such person, be requested by any other person, a sufficient cession or written power-of-attorney shall be filed with the Auditor-General in proof thereof (*sic*), and the Auditor-General shall assure himself that such cession or authorisation is in good form and lawfully executed. A reference to the power-of-attorney which is being so acted under shall be Powers to receive salary.

noted on the account in the manner following, and signed by the Auditor-General :—

(Provided always that in no case may payment be made in instalments, but the full amount of salary or other claim shall be paid out to the holder of the power-of-attorney.)

“I, A.B., certify that a sufficient power-of-attorney in good form, duly stamped and lawfully executed, was exhibited to me on behalf of C.D. as authority to receive the salary ‘or other claim’ due to E.F.

Signed A. B.,
Auditor-General.”

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- Register of powers. (r.) The Auditor-General shall keep a register of all powers filed with him.
- Sale of public assets. (s.) Any goods, &c., which may be necessary for the State service, for the maintenance, construction or extension of public buildings, roads and suchlike, may be bought after tenders have been called for and approved.
- Sale by tender post contracts, &c. The conveyance of any posts, Government goods, or otherwise, and the sale of Government property, movable or immovable, shall be effected by contract, after tenders shall have been called for by the head of the department concerned.
- Notice calling for tenders. Every notice calling for tenders shall before publication in the *Staatscourant* be transmitted to the Auditor-General for his comments thereon.
- How tenders sent in. All such tenders shall be duly stamped and addressed and sent in to the Auditor-General within the time fixed in the notice calling for tenders, and the Auditor-General shall submit the same unopened to be dealt with by a commission consisting of himself, the Treasurer-General and the Departmental Chief concerned.
- Commission to decide on tenders. The above-mentioned commission shall, in so far as thereto instructed by the Government, finally decide with regard to the tenders.
- The Commission shall decide which tender is to be accepted and shall appoint either the Departmental Chief concerned or, (should it appear more advisable to them so to do,) some other official, to sign the contract on behalf of the Government with the person whose tender has been accepted, after such contract shall have been approved of by the State Attorney.
- Petty expenditure. For petty expenses, a special authorisation of the State Secretary, upon order of the Executive Council, shall be sufficient.
- Special expenditure not provided for on estimates. **27(a).** A special authorisation shall be required in respect of all expenditure for which no provision has been made on the estimates, and shall be obtained in the manner described in Art. 34.

28. Yearly, at latest one month before the opening of the Volksraad, the Treasurer-General shall send in a full return of revenue and expenditure, certified by the Auditor-General, to the Government, which shall submit the same to the Volksraad, and the latter's approval shall be a final release.

Yearly revenue return.

29. All special authorisation for the payment of State monies made by the Government, shall be in writing, and no payment may be made upon verbal authorisation merely.

All special authorisations must be in writing.

Should any official pay out any State funds without any such previous written authorisation, the amount thereof shall be brought into account against him.

30. Every official, authorised to make any disbursement, shall make out an account thereof and certify to the correctness of such account, and should the work or the supply have been done or made under contract, the certificate shall set out that the terms of contract have been complied with, or otherwise that the account is fair and reasonable.

Certificates of correctness of account.

31. In cases, where any official has any claim against the Government for travelling expenses, he shall specify the nature of the services, in respect of which he has incurred the expenses, as clearly as possible, and the account for such travelling expenses shall accurately state the day on which the official commenced his journey, the date on which he completed the same, and the authorisation by virtue of which the journey was undertaken.

Travelling expenses of officials.

32. The Secretary of the Volksraad shall each year, after the Volksraad has fixed the estimates of revenue and expenditure, hand over to the Treasurer and the Auditor-General (each) a complete copy of such estimates, together with an explanatory memorandum, and the same shall serve as a guide and general authority for making the payments therein specified during the year.

Copy of budget sent to Auditor and Treasurer.

33. Should during the course of any service year any person be appointed to an office, or should any person cease to fill an office, as also should any change be made in the amount of any salary or allowance, or in the appointment of any officer for any special financial duties, or should any steps be taken with reference to the receipt or expenditure of State funds, the full particulars thereof shall be immediately furnished to the Treasurer-General, the Auditor-General and the Head of the Department concerned, and the necessary references thereto shall be endorsed on the lists of the departments to which they were respectively sent, specifying the date and the number of the minute or letter which supplies the information.

Official changes.

Application
for special
authorisation.

34. The special authorisation, as mentioned in Art. 27, shall in respect of all expenditure, not included under or which shall exceed the authorised items of expenditure, be applied for in the following manner :—

In the event of unforeseen circumstances, as soon as any official shall become aware that any necessary expenditure will exceed the sum passed in the estimates for his department, the head of such department shall send in to the Treasurer-General a requisition, accurately arranged according to the heads of service as classified in the yearly estimate of expenditure, showing for what provision has to be made, and specifying, opposite to each separate item asked for, how much was paid up to the last day of the previous month, the amount fixed in the yearly estimates and the differences between the two, as also the amount requisitioned. Reference shall also be made in such requisition to any correspondence, which has passed with reference to such special portion of the expenditure, so requisitioned for, so that the Government may be the better able to judge as to the propriety of, or necessity for, such expenditure.

The Treasurer shall immediately examine such requisitions and immediately forward the same with his remarks thereon to the State Secretary to be submitted to the Executive Council for consideration.

Executive
Council gives
special
authorisation.

35. The State Secretary shall immediately submit such requisitions to the Executive Council, who, should they approve thereof, shall grant the required special authorisation to the Treasurer-General, empowering him to effect such payment under its appointed head.

The Treasurer-General shall upon receipt thereof immediately inform the official charged with such expenditure, of the authorisation granted so as to enable him to see that the payments are duly made.

A copy of each special authorisation shall be sent to the Auditor-General for his information.

Requisition
for extra
expenditure.

Should it appear that the authorised (*sic*) expenditure exceeds the amount provided for in the requisition as approved of, the official, who made the requisition, shall send in a supplementary requisition for the further expenditure, drawn up in the same form as the above-mentioned requisition under cover of a letter, which shall make clear the necessity for the increased expenditure, or in the event of a new line of expenditure, the cause of such expenditure.

The Treasurer-General having received such supplementary requisition, shall examine the same and forward it to the State Secretary to be dealt with in the same manner as is hereinabove provided.

36. With reference to all public works, the estimates, in order that they may be compared with the actual expenditure, for which each piece of work has been undertaken, shall be made up in such form, that the items for labour are kept clearly distinct from items for materials, and shall also show everything supplied by lease, contract or from stores, and shall be accompanied by an explanatory memorandum, and the accounts relating thereto, accompanied by a statement showing, with reference to each work and building, the total amount passed in the estimates for that year, the amount (if any) expended in the previous years, the different sums expended during the current year, with specification of the actual purchases, the amount of the contract work, wages and materials, which have been obtained from State establishments or stores (in the same form as was used in the estimates for the work) and the sum, which remains over of the money which, according to the estimates, was made available for public works. Public works.

37. Should the sum available for expenditure under the estimates happen to be exceeded by any official without the special authorisation as hereinabove mentioned being thereto obtained, the amount overpaid shall be debited to the official who made the payment, and the Treasurer General shall deduct any such amount from any salary or other sums due to such official, and enter the amount in the account as "monies refunded." Unauthorised expenditure in excess of budget.

Should there be no salary or other sum owing to the official, who has made such unauthorised payment, the Treasurer General shall bring the circumstance to the notice of the State Secretary, who shall immediately lay the matter before the Executive Council, in order to get its instructions with reference thereto.

38. In cases, where the Head of any Department may find it necessary to make daily or weekly payments in respect of rents, wages or the purchase of food supplies for workmen in remote parts of the country, he shall, through the Treasurer General, acquaint the Government with the circumstances, and the Government shall from time to time decide with regard to the amounts which shall be allowed as an advance to meet such expenditure. Advances to meet expenditure in certain cases.

Such advances shall be applied by the Head of such Department exclusively to the making of such weekly or daily payments as aforesaid, and such Head of Department shall be obliged at the appointed time to account to the Auditor General for the advances so made, and shall annex to his account all vouchers in connection therewith and refer to the authorisation which was obtained for such payment.

Should such accounts be found by the Auditor General to be correct, he shall send the same to the Treasurer General, who shall pay the amount thereof to the Head of the Department concerned in order that the latter may therewith again bring the amount of cash in hand up to the amount of the advance made to him, until the work shall have been completed according to contract.

At the end of the work, for which such advances were made, the Head of the Department shall send in his accounts together with the balance remaining over, should there be any, in order that the same may be audited.

In cases where advances are made, the same shall be accounted for to the Treasurer General before the 31st December of each year, unless otherwise provided, and it shall not be permitted to any official to use such advance for any other purpose.

Book, classifying expenditure, &c.

39. The Heads of Departments and all other officials charged with expenditure shall keep a book, in which they shall enter under the various heads of classification all expenditure and accounts made out by them, specifying :—

1. The date of transmission of the account to the Auditor General's office.
2. In whose name the account is made out, and the amount and nature of the expenditure, or of the work or services, and the month and year, in which the services were rendered or the work done.

By accurately keeping such book, each official will be in a position to provide against and obviate more than one account being certified and rendered for one and the same expenditure.

All Heads of Departments shall be held responsible should any payment be made in excess of what it ought to be, or should it be twice made, or should any other inaccuracy have been committed by them.

In order to obviate accounts for expenditure incurred by such Heads of Departments being sent in at some later inconvenient date, the Heads of Department shall take such measures as may be necessary to secure direct and regular submission of all accounts of expenditure during each preceding month, and, at latest, within the time fixed in Art. 27, letters *g, h, i*.

Default in rendering accounts or filing vouchers.

40. Unless a sufficient explanation can be given of any postponement, delay or neglect in the rendering of accounts, or filing of revenue vouchers, the amount of such accounts or vouchers shall be debited against the official who is in default.

Payments by cheque.

41. All payments, which are to be made by the Treasurer General shall be by cheques, signed by him or the Assistant Treasurer, and countersigned by the official next in rank to him in his Department.

No such cheques shall be valid, unless countersigned as above.

Sub-multiples of a ld.

42. No sub-multiples of a penny may appear in the addition of any accounts.

Portions under a half-penny are not taken into account, and anything exceeding a half-penny shall be taken as a penny.

43. Until the Volksraad shall otherwise direct, the book or service year shall run from the 1st January to the 31st December of each year, all receipts and payments during such time shall be deemed to appertain to the service for that year, provided always that payment of taxes to become due for the ensuing year may not be accepted in advance, and after the Treasurer has made up the cash-book balance he shall on the last-named date transfer such balances to the account for the ensuing service year. Service years.

44. The Heads of each Department shall be held responsible for all goods, live stock, or other Government assets, which have been placed under their care or in their custody, and they shall keep a book in which they shall daily enter up all goods, cattle and other Government assets received, and they shall not dispose of the same without written instructions. Account of Government assets on hand.

The receipt of live stock or goods of any description, whether in consequence of any forfeiture or otherwise, shall be immediately notified to the State Secretary, so that the Government may decide with reference thereto, and what is further to be done therewith.

45. Not later than the 15th July of each year the Heads of each Department and all officials who have in their custody goods, live stock or other Government assets, shall send in statements to the Auditor General showing the quantity or the number of each sort on hand on the first day of the new year entered upon, the quantity or the number received during the past year, the quantity or number used up in the public service, and annexing the written authorisation of the Government to so dispose of the same, and the quantity or number in hand on the last day of the service year, likewise accounting for any shortfall which may have occurred during the service year, and if any shortfall cannot be satisfactorily accounted for, the value of such shortfall shall be debited against the responsible official. Return showing Government assets on hand.

46. Where any amount is placed to the debit of any official, or he neglects to comply with any order given him under any Article of the General Instructions, the Treasurer General shall not pay out any salary or other money which may be due to him before he shall have refunded to the State Treasury the amount of such sum, or have complied with the order given him, unless he be provided with a written authorisation from the Government discharging him from the necessity of making such refund. Official debited with shortfall.

47. All officials shall be obliged to reply immediately to all queries by the Treasurer or Auditor General asking for any Reply to queries

explanation with reference to their accounts of revenue, expenditure or otherwise.

Any official neglecting to furnish within a reasonable time any explanation or elucidation of his accounts, for which the Treasurer General or Auditor General has asked, shall be immediately reported to the Government, and the sums, with regard to which explanation or information was requested, may be debited to him.

Should any sum be placed to the debit of any official, the Auditor General shall at the same time acquaint the Treasurer General of the particulars thereof.

The entry debiting such sum shall not be reversed, except only upon written authorisation from the Government through the State Secretary, to whom the application to have such entry reversed shall be made by the officer debited therewith. The application shall be accompanied by such explanations as may be deemed necessary for the information of the Government, which, after a report shall have been made thereon by the Auditor or Treasurer General, shall take the application into consideration and decide thereon.

Filing of
Staats-
courant.

48 The *Staatscourant* and other printed documents, such as laws, notices, circulars, &c., after being duly read by each official, shall be carefully arranged and kept together in chronological order in the various offices, and the head of each Department shall be responsible for any *Staatscourant* or other documents, which may be missing from his "files" or registers.

Repeal.

49. All earlier enactments, in so far as they conflict with these general instructions, are hereby repealed as and from the date hereof, and every official is expressly ordered to conform strictly to these instructions.

Assistant
Treasurer
General.

50. Any reference in this Law to the Treasurer General shall also apply to the Assistant Treasurer General in cases where he has to fulfil the duties referred to in connection with the administration in the office of the Treasurer General.

51. These General Instructions shall have the force of Law immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
27th July, 1894.

LAW No. 1, 1895.

VARIOUS FURTHER REGULATIONS CONCERNING THE MODE OF
PROCEDURE IN CRIMINAL CASES.

(Approved and accepted by Art. 92, dated 16th May, 1895, of the Resolutions of the Second Volksraad, noted and accepted by the First Volksraad, Art. 212, dated 29th May, 1895.)

WHEREAS it has been deemed necessary to make further regulations concerning the mode of procedure in criminal cases, it is hereby enacted as follows:—

1. All officials and officers of this Republic who are according to law competent and in duty bound to arrest any person suspected or accused of any punishable act shall be bound also to arrest such person on production of a telegram from any diplomatic, judicial, or police official, alleging that a lawful writ of arrest has been issued, and stating also what punishable act the person so to be arrested has committed, such arrest shall remain in force till the writ aforesaid shall be forwarded to the place where the arrested person is detained, but not for longer than 30 days after such arrest.

When a person may be arrested on a telegram.

Writ must be forwarded within 30 days.

This period of thirty days may on an application alleging substantial reasons, be extended by order of the High Court or a Judge in Chambers for a period of time to be fixed in such order, but in no case for longer than another thirty days.

This period may be extended.

The Court or the Judge aforesaid may at any time order the discharge of such prisoner.

2. Article 121 of Law 5, 1864, as approved by Volksraad's resolution in Oct., 1866, being an ordinance regulating the mode of procedure in criminal cases, is hereby repealed.

Article 121 of 1864 superseded.

3. Husband and wife shall be competent to give evidence for or against each other, should they, or either of them desire to do so.

One married person may give evidence against the other.

4. The accused shall, if he desires to do so, be allowed to give evidence.

Accused may give evidence.

In that case, however, no questions may be put to him which would tend to incriminate him on any other charge than that on which he is being tried, or to prove that he has been condemned on such charge, unless the proof thereof may be admitted as relevant to the proof of the crime for which he is being tried, or unless he has in his trial produced witnesses to good conduct and to explain any point in his career.

This Law comes into operation immediately after publication in the *Staatscourant*. Published for the first time in the *Staatscourant* of 12th June, 1895.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
10th June, 1895.

LAW No. 2, 1895.

ADULTERATION.

(Repealed by Law No. 29, 1896.)

LAW No. 3, 1895.

FURTHER REGULATIONS CONCERNING THE MODE OF PROCEDURE
IN CIVIL CASES.

(Approved by Resolution of the Second Volksraad, Art. 247, dated 29th May, 1895, noted and accepted by the First Volksraad by its Resolution, Art. 269, dated 5th June.)

WHEREAS it is deemed necessary to make further regulations with reference to the mode of procedure in civil cases, it is hereby enacted as follows :—

1. Article 83 of Law No. 11, 1892, and Article 51 of Law No. 1, 1874, are hereby repealed.

Repeal of Art. 83, Law No. 11, 1892 (Landdrosts Courts) and Art. 51, Law No. 1, 1874 (Civil Procedure).

How the debtor may be prevented from alienating or encumbering his immovable property.

2. Any person who has a judgment in execution of any Court in this Republic in his favour shall be entitled to give written notice of such judgment to the Registrar of Deeds, the Mining Commissioner or any other official charged with the registration of transfers or mortgage-bonds, whereupon such Registrar of Deeds, Mining Commissioner or other official shall be obliged and bound, after receipt of such notice, accompanied by a copy of the judgment duly certified by the Registrar of the Court by which said judgment has been pronounced, to refuse the registration of any transfer or other alienation, mortgage-bond, or other encumbrance of any farm, erf, claim, or stand which stands registered in the name of the debtor against whom the judgment aforesaid has been obtained, until such judgment shall have been satisfied.

Duty of creditor in case of satisfaction of the judgment.

It shall be the duty of the creditor who has obtained judgment and given notice as aforesaid, on the debtor's satisfying the judgment, to communicate the same without delay to the official to whom notice was given as above; in default of which the creditor shall render himself liable to an action for damages on the part of the debtor who suffers by such neglect.

Operation.

This Law comes into operation immediately after publication in the *Staatscourant*.^[1]

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
20th June, 1895.

¹ This Law was published for the first time in the *Staatscourant* of 26th June, 1895.

LAW No. 4, 1895.

PROVISIONS WITH REGARD TO THE APPOINTMENT AND DUTIES
OF DISTRICT SURGEONS.

(Approved by Article 322 of the Minutes of the First Volksraad, dated 10th June, 1895.)

WHEREAS it has been deemed necessary to make provision for the appointment and duties of District Surgeons in the South African Republic, it is hereby enacted as follows :—

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|---|--|
| <p>1. In each district of the South African Republic the Government shall, if possible, appoint at least one medical officer with the title of District Surgeon. Such officer must be duly qualified in surgery, medicine, and obstetrics, and hold a licence to practise as such within the limits of this Republic.</p> | <p>At least one District Surgeon in each district.
Qualifications.</p> |
| <p>2. For the purpose of this Law the Government shall be competent to divide districts into wards or otherwise according to circumstances, and to appoint medical officers for such wards. Such officers shall, within the limits of their wards, be in the same position, and subject to the same regulations, as if they were District Surgeons in a district.</p> | <p>Government may appoint different District Surgeons in one district.</p> |
| <p>3. The salary of each District Surgeon shall be fixed by the Government, subject to subsequent approval by the First Volksraad, and the place of residence of every District Surgeon shall be indicated.</p> | <p>Salary.</p> |
| <p>The Government may, at the same time, define in what cases the District Surgeons may or may not be permitted to carry on private practice.</p> | <p>Private practice.</p> |
| <p>4. The duties of the District Surgeon within his district or ward shall be as follows :</p> | <p>Duties of District Surgeon.</p> |
| <p>(a.) When no one else is specially appointed for that purpose, he shall act as the officer of public health, and forward to the Government every three months a report on the state of health in his district or ward, besides all such reports as the Government may from time to time desire.</p> | <p>Report on state of health.</p> |
| <p>(b.) He shall visit the prisons and other Government establishments, and report monthly to the chief of the Prison Department about the state of health and the number of sick in the prisons, and shall make such proposals for the improvement thereof as he may deem fit, and shall besides render such other reports as the Government may demand.</p> | <p>Report on prisons, &c.</p> |
| <p>(c.) He shall attend all such prisoners, lunatics, needy, and such other persons (for instance, victims of accidents), as the Landdrost shall request, unless some other doctor shall have been specially appointed for the purpose.</p> | <p>Treatment of prisoners, lunatics, &c.</p> |

- (d.) He shall hold post-mortem examinations, dissect corpses, examine wounded and injured persons, and report thereon to the State Attorney or his representative, the Landdrost, Public Prosecutor, or other competent official by whom he has been instructed.
- Attending corporal punishments. (e.) He shall be present at the execution of death-sentences, the infliction of corporal punishment and other similar occasions, where medical assistance is desirable, and shall forward a written report of the same to the State Attorney.
- Help in case of epidemics. (f.) He shall immediately notify the Government of the imminence or existence of any epidemic, and shall suggest to the Government measures for preventing and combating the same, and shall discharge all such duties as the Government may require from him in connection therewith.
- Vaccination. (g.) He shall vaccinate in accordance with regulations issued in terms of Art. 32 of Law No. 4, 1887. See now Art. 32, Law 12, 1895.
- (h.) He shall in general discharge all work for the Government, which falls within the scope of his duties, on request of the Landdrost, Public Prosecutor, or other person authorised thereto.

Remuneration.

5. All duties arising under this Law shall be discharged by the District Surgeon without extra remuneration, except in the cases mentioned in the tariff.

The Government may, however, under special circumstances, where great danger exists, make an extraordinary grant.

Work outside his district remunerated.

6. The Government shall not be entitled to require the District Surgeon to discharge public duties free of charge beyond the limits of his district or ward.

Despatch of sick to the prison hospital.

7. In towns, villages and other places, where there is no Government hospital, and no provision has been made for such cases, the District Surgeon shall have the right to send needy persons, victims of accidents, and such other persons as he thinks fit to be accommodated in the prison hospital. He shall be bound to report such circumstance within 24 hours to the Landdrost, and in conjunction with that official to see that persons so accommodated are again sent on as soon as possible.

No one thus accommodated may remain longer than a week in a prison hospital without permission of the State Attorney, to whom the District Surgeon shall forward a detailed report specifying the nature and all the circumstances of the case.

Expenses arising in respect of such accommodation shall be charged in a separate account.

8. The District Surgeon may in serious cases call in the assistance of one or more doctors, when he thinks it necessary to do so. He shall send a report of the circumstance to the Government.

Consultation with other doctors.

The doctors thus called in shall be paid according to the tariff for private practitioners.

9. When owing to indisposition or other causes the District Surgeon is unable to properly discharge his duties, the Landdrost of the district shall have the right to call in in writing, the assistance of one or more competent doctors. He must report such circumstance immediately to the Government.

Temporary replacement of the District Surgeon.

The doctor thus called in shall be paid according to the tariff for private practitioners.

10. No District Surgeon may leave his district or ward for longer than 24 hours, without having previously obtained leave from the State Secretary.

Leave of absence for District Surgeon.

In no case, except in that of sickness, may such leave be granted for longer than two months in each year.

During the absence of the District Surgeon the Government shall appoint a substitute to be designated by the former. The substitute thus appointed shall have the same position, and be subject to the same regulations, as the District Surgeon whose place he takes, but his work as such shall immediately cease as soon as the former returns.

11. In case a District Surgeon has cause to complain of the conduct or the actions of any official, he shall have the right to address the Government directly on that subject.

How correspondence is carried on.

In all other cases official correspondence must be carried on through the Landdrost.

12. The Government shall on the request of a District Surgeon, supply the latter with all medicines, and medical requisites, the latter comprising lymph for vaccination mentioned in Article 4, subsection (*g*), but not surgical instruments, unless other arrangements can be made to obtain the same on terms more advantageous to the Government.

Government provides medicines.

The District Surgeon shall account strictly to the Government for everything which he receives in this way.

13. The District Surgeon shall be subject to all regulations which have or shall be enacted in regard to him.

District Surgeon subject to regulations.

In case of neglect of duty, or misconduct of any kind whatever, the Government shall be competent to decide and take action.

14. All previous Laws and provisions in conflict with this Law are hereby repealed.

Repealing clause.

15. This Law shall come into operation three months after publication in the *Staatscourant* [1].

Operating

¹ This Law was published for the first time in the *Staatscourant* of 3rd July, 1895.

TARIFF.

A District Surgeon shall be entitled to the following remuneration besides his fixed salary :—

	£	s.	d.
1. Examination of a wounded or sick person -	0	10	6
2. Examination of a person suffering from a contagious or infectious disease - - -	1	1	0
3. Certificate in case of lunacy - - - -	1	1	0
4. Dissection of a corpse - - - - -	5	5	0
5. Post-mortem without dissection - - -	2	2	0
6. Simple chemical analysis of any substance -	3	3	0
Where the analysis is particularly difficult or occasions much trouble, the Government may make arrangements for a special remuneration.			
7. Attending each corporal punishment, but never exceeding £2 per day - - - - -	0	5	0
8. Attending the execution of a death sentence -	2	2	0
9. Costs as witness in his official capacity, but never altogether more than £2. 2s. per day -	0	10	6
10. Travelling expenses for more than six miles from the Landdrost's office or other centre, per hour - - - - -	0	5	0
Except when the Government shall consider 10s. per hour reasonable because of the distance, but never exceeding £3. 3s. per day.			
11. Operations on Government patients, amputations of a hand, foot, arm or leg, treatment of a strangulated hernia, and a confinement where instruments are necessary - - - - -	5	0	0

Tariff for private practitioners.

Private practitioners who give professional help to the Government are entitled to the following remuneration :—

	£	s.	d.
1. Consultation with the District Surgeon - -	2	2	0
2. Examination of a wounded or sick person -	1	0	0
3. Examination of a person suffering from a contagious or infectious disease - - -	1	1	0
4. Certificate in case of lunacy - - - - -	2	2	0
5. Dissection of a corpse - - - - -	10	10	0
6. A post-mortem without dissection - - -	3	3	0
7. The Government shall be entitled to make special arrangements for chemical examinations.			
8. Attending corporal punishment, but never exceeding £3 a day - - - - -	0	10	6

	£	s.	d.
9. Costs as witness per hour, but never exceeding £3. 3s. a day - - - - -	0	10	6
10. Travelling expenses per hour, but never exceeding £3. 3s. a day - - - - -	0	10	0
11. Visitation of persons in needy circumstances on request of the Landdrost, per each visit -	0	10	0

Private practitioners must attach the written request of the Landdrost, in virtue of which they acted, to the declaration which they hand in.

Dr. W. J. LEYDS,
State Secretary.

S. J. P. KRUGER,
President.

Government Offices, Pretoria.
27th June, 1895.

LAW No. 5, 1895.

EXAMINATION OF MINE SURVEYORS.

(Repealed by Law No. 14, 1899.)

LAW No. 6, 1895.

AMENDMENT OF LAW No. 13, 1886.

TO CONSTITUTE A BOARD OF EXAMINERS.

(Approved and enacted by Article 555, dated 2nd July, 1895, of the Resolutions of the First Volksraad.)

WHEREAS it is desirable and advisable to make better provisions than have hitherto existed for those who wish to be examined for certain professions in the South African Republic, and for the promotion and encouragement of the practice of letters and science in this Republic, be it hereby enacted by the Volksraad of the South African Republic as follows:—

1. There shall be a body bearing the name of the "Board of Examiners in the South African Republic." Composition
of the Board

This body shall consist of ten members, of whom the Chief Justice, the Superintendent of Education, the State Attorney, the Surveyor-General, and the Chairman of the Medical Commission, or his substitute, shall be ex-officio members.

The other five (5) members shall be appointed by the President, with the advice of the Executive Council, for the period of three years, subject to the approval and confirmation of the Volksraad.

Vacancies.

2. In the case of vacancies occurring the Council shall at once give notice of the same to the President in order to make due provision therefor.

Powers of the Council.

3. The Board shall choose from among its own members a Chairman and Vice-Chairman. It shall further be competent to frame its own "departmental" and "general" regulations, including rules for the various examinations and the power of laying down the necessary requirements for the same, subject to the approval of the Government and confirmation of the Volksraad. Such provisions, regulations and requirements shall be duly published in the *Staatscourant*.

The Board shall further have the right to commission persons who are not members of the Board to examine in special subjects subject to the supervision of the Board.

Examinations at least once a year.

4. It shall be the duty of the Board at times to be hereafter fixed, but at least once a year, to hold regular examinations for the various appointments and professions in this Republic, for which a certificate of competency is required. The requirements for, and further provisions relating to, such examinations shall be prescribed in the General Regulations mentioned in Article 3 of this Law. Notice of examinations to be held shall be published at least two months previously in the *Staatscourant*.

Examinations held in official language.

The examinations shall be held in the official language, and manuals written in the Dutch language as far as they are obtainable shall be used for the same. Only in examining candidates for diplomas in foreign languages may the examination be conducted in the respective languages.

Admission of doctors and apothecaries.

5. Repealed. See Law 16 of 1896.

Board issues certificates and diplomas of admission.

6. The Board shall be competent to grant certificates and diplomas of admission to candidates who have complied with the requirements of the respective examinations, and also to applicants who have obtained a certificate of competency in other countries — such certificate being considered by the Board as equivalent to the requirements demanded in the South African Republic.

What is required to validate such certificates.

7. To be valid aforesaid certificates and diplomas of admission shall require to be signed by the Chairman and Secretary of the Board of Examiners, and all admissions shall be published in the *Staatscourant*.

Requirements approximate as much as possible to those of neighbouring States.

8. The requirements of the various examinations shall approximate as much as possible to the requirements for similar examinations in the neighbouring States and Colonies in South Africa in order to promote and make possible mutual recognition of diplomas and degrees in the various States and Colonies.

Alterations of requirements.

9. Repealed by No. 16 of 1896.

School competition.

10. The Board shall hold yearly one or more comparative examinations for scholars of subsidised schools in the South

African Republic, subject to further regulations and conditions hereafter to be fixed.

The Government shall place a certain number of prizes at the disposal of the Board of Examiners to be granted to scholars who have obtained the highest number of marks at the said examinations, which prizes shall not exceed respectively the sum of £20, £15 and £10.

11. The Board shall have the right to hold property and administer such monies or legacies as shall be granted or bequeathed by individuals or corporations for bursaries or other measures for the promotion of education. A yearly report thereof shall be made to the Government. Board manages legacies, &c.

12. All provisions of law in conflict with this Law are hereby repealed. Repeal.

13. This Law shall come into operation one month after publication in the *Staatscourant*. Operations.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
18th July, 1895.

SUPPLEMENT TO LAW No. 6, 1895.

THE BOARD OF EXAMINERS IN THE SOUTH AFRICAN REPUBLIC.

General Provisions on Examinations and Admissions.

1. The examinations in letters, mathematics, and science, and the Teachers' Examinations shall begin on the first Tuesday of the month of March and September. The School Elementary (Schoolwedstrijd) shall only be held in September, unless the Board of Examiners shall think it necessary to hold this examination also twice a year. Time for holding examinations.

(The second paragraph of this Article, here omitted, is amended by 16 of 1896).

Data in writing for examinations.

2. Anyone who wishes to take any examination shall give notice in writing of his intention two months beforehand to the Secretary of the Board, at the same time producing a certificate of good conduct, besides such other certificates as may be required in addition.

Oral Examinations

3. All examinations shall be, as far as practicable, held orally as well as in writing.

Where examinations may be held.

4. The examinations shall be held in Pretoria, and, as far as is possible and advisable, also in other towns or villages where, in the judgment of the Board of Examiners, a sufficient number of candidates have entered to justify a special provision for the same. The examinations which are not held in Pretoria shall, on the order of the Board of Examiners, be conducted by the Inspectors of Schools, to whom is also entrusted the oral part of any examination as prescribed, a report of which oral examination shall be made to the Board of Examiners. The Inspectors of Schools shall be obliged to conduct such examinations in virtue of their office, and shall enjoy a remuneration of £2. 2s. for every day thus occupied as compensation for special travelling and personal expenses, and for such additional work.

Who holds the same in other places than Pretoria.

The Board of Examiners shall also, however, have the right to get another competent person at a similar remuneration to conduct such examinations.

Certificate for school-elementary.

5. Besides the prizes fixed by law for the Candidates who have passed best in the School Elementary Examination (Schoolwedstrijd) a certificate shall be awarded to every candidate who has complied with the requirements of this examination, in conformity with the same provisions as laid down for the Teachers' Examinations.

Hours of examination.

6. The examinations shall be held from 9 till 12 o'clock in the forenoon, and from 2 to 5 o'clock on every day appointed for the same. No candidate may leave the Examination Hall before he has handed in his answers in writing to the questions set, and before at least one hour of the examination period has elapsed. After the first hour no candidate shall be admitted to the examination.

When candidate's name may be struck off.

7. The Board of Examiners shall have the right to strike the name of any candidate from the list, if he has in the examination made use of any unfair aids. In such a case the Board may exclude the guilty candidate from further participation in the examinations, either for a time or for always.

Age of candidate.

8. In order to be admitted to any Teachers' Examination, the applicant shall on the day of the examination have attained the age of 15 years.

Costs of the examinations.

9. No one shall be admitted to an examination unless, at least two months prior to the examination in which he wishes to take

part, he shall have paid the Secretary the respective amounts as follows:—

	£
(a) For every Teacher's Examination - - -	1
(b) For the Preliminary Candidate's Examination in Letters, Mathematics and Science - -	6
For the Candidate's Examination in Letters -	10
For the Candidate's Examination in Mathematics and Science - - - - -	10

N.B.—Persons who in virtue of any foreign diplomas, either with or without supplementary examinations, wish to acquire one of the Literary or Teacher's Certificates, shall pay for the same only the half of the ordinary amount.

	£
(c) For the "Preliminary Examination" for the Law Certificate, 2nd Class, and for Surveyors	4
(d) For the Law Examination, 3rd Class - -	8
" " " " 2nd Class - -	12
" " " " 1st Class, 1st Part -	10
" " " " 2nd Part -	15
For Conveyancer - - - - -	10
(e) For Surveyor's Examination, and for the Exa- mination for Mining Surveyor (Admitted Surveyors, who are applicants for the Mining Surveyor's Examination, pay £5) -	15
(f) Examination for Apothecary and Druggist -	10

The fees aforesaid do not include in the respective amounts stamp-dues on diplomas of admission.

10. If a candidate withdraws from an examination or does not attain the required number of marks, the amount paid by him to the Secretary shall not be returned, but he shall be entitled to take part again in such examination without further payment.

Fees in no case returned.

11. In order to be able to take part in the School Elementary Examination (School wedstrijd) the applicant shall have attended classes for at least two years in one or more of the State-aided schools in the South African Republic and shall send proof thereof in writing to the Secretary of the Board at least two months before the examination.

Who may be admitted to the School Elementary Examination.

Persons not in a position to satisfy the above-mentioned conditions, but who wish to take part in the examination solely with the object of being recognised as a pupil teacher, may be admitted to the examination, but are excluded from competing for the prizes. The names of such candidates, if successful in the examination, shall be published in a separate list.

The pupils of the State-Gymnasium in Pretoria are excluded from this competition.

No candidate shall be admitted more than twice to the School Elementary in order to obtain an ordinary certificate.

Candidates, who have passed in this examination but not in honours, may, if they so choose, at the next following examination to that in which they have passed, submit themselves a second time to be examined in order to obtain an honours certificate.

Only candidates taking the examination for the first time are eligible for a prize.

No one who has reached the age of eighteen years may be admitted to the School Elementary (Schoolwedstrijd).

Number of
Teacher's
Examina-
tions.

12. There shall be three examinations for teachers succeeding each other in ascending rank:—

The Examination of the Third Class.
" " " " Second Class.
" " " " First Class.

In Letters, Mathematics and Science there shall be two examinations, distinguished as the Preliminary Candidates' Examination and the Candidates' Examination.

Percentage
for Pass and
Honours.

13. At each examination half of the possible marks are required to pass. The number of marks, required in each separate subject, shall be fixed by the Board of Examiners. Those who have obtained two-thirds of the possible number of marks are considered to have passed in honours.

Admission to
Third Class
Examination.

14. In order to be admitted to the examination for the Third Class in Law, the applicant shall be in possession of a Third-Class Teacher's Certificate, or have passed satisfactorily in the following eight of the subjects required for such examination:—

b. Reading. *c.* Recitation. *d.* Arithmetic. *f.* Writing. *g.* Grammar. *h.* History. *i.* Geography. *l.* Physics.

The candidate may take such preliminary examination immediately before the Law examination, and an amount of £2 shall be payable for such preliminary examination.

Admission to
Second Class.

In order to be admitted to the examination for the Second Class in Law, and to the Surveyors' examination, the applicant shall be in possession of the First Class Teacher's Certificate, or he shall have passed the introductory examination for the Second Class Certificate in Law, and for the diploma of admission as Surveyor, and for such examination the amount mentioned under 9c. shall be payable.

Admission to
Examination
for First
Class.

In order to be admitted to the examination for the 1st Class in Law, the applicant shall have passed the Literary Part A, or the Mathematical and Scientific Part B, of the Preliminary Candidate's Examination in Letters, Mathematics and Science as set forth below in the programme of such examination, or he shall have obtained such other certificate, as the Board of Examiners shall consider of like value.

Admission of
Apothecary.

In order to be admitted to the examination for Apothecary, Chemist and Druggist, the applicant shall be in possession of the 2nd Class Teacher's Certificate (which must also include as

optional subjects the following : the English Language, Geometry and Algebra) ; or he shall have passed in the following ten of the subjects set for such examination :

(*b*) Reading ; (*c*) Arithmetic ; (*e*) Writing ; (*r*) Grammar ; (*g*) History ; (*h*) Geography ; (*j*) Physics ; (*k*) Natural History ; (*n*) the English Language ; (*o*) Geometry and Algebra ; and for such preliminary examination an amount of £3 shall be payable.

15. Wherever in these regulations a candidate's age is spoken of, the latter shall in his application to the Secretary produce an extract from the register of baptism, or failing that shall produce proof to the satisfaction of the Secretary.

Proof of candidate's age.

16. The Board shall be competent, subject to the approval of the Government, to decide by resolution in general terms what value shall be attached to foreign certificates or diplomas, and what admissions shall be made thereon either with or without a supplementary examination.

Foreign certificates.

In special cases, wherein no provision has been made as above by resolutions in general terms, the Board shall decide what value shall be attached to foreign certificates or diplomas, and what admissions shall be made thereon either with or without a supplementary examination.

17. The Board shall be competent to make provision in cases not provided for in these regulations subject to the approval of the Government.

Board may make rules.

DEPARTMENTAL REGULATIONS.

1. The administration of and correspondence with regard to the business of the Board of Examiners shall be entrusted to a Secretary and he shall be appointed on the proposal of the Board.

Appointment as Secretary.

The Secretary shall not be a member of the Board.

The Secretary shall be Treasurer of the Board, shall keep books of revenue and expenditure, and of all monies and stamps, and shall account monthly to the Treasurer General for all incoming monies, and frame all accounts for the Board, by order of the Board.

2. The meetings of the Board of Examiners shall be at such intervals that not more than two months shall elapse between each of the successive meetings. Date, hour and place of each meeting shall be fixed by the Secretary, in consultation with the Chairman or his substitute.

Meetings of the Board.

Extraordinary meetings shall be convened by the Secretary on request in writing of at least two members of the Board, stating the special purpose for which they desire a meeting.

3. The summons to a meeting shall be issued by a notice in writing at least 3 days beforehand.

Notice of meetings.

For special meetings as mentioned in Art. 2, the Secretary shall announce the special purpose in the notice.

Quorum. 4. The quorum of the Board of Examiners shall consist of five members. In the meeting the majority of votes shall decide. In case of an equality of votes, the Chairman or his substitute shall have a casting vote.

Voting. In voting, the names of those who have voted for or against a resolution or person shall not be minuted unless there is a request to that effect. Every member shall at any time have the right to have his vote for or against minuted, except in votes taken upon the admission or refusal of certificates or distinctions, when only the decision of the Board shall be minuted.

Absence during two months. The members shall be obliged, if they shall be prevented for at least two months from attending the meetings, to give notice of the same to the Secretary.

The Board shall immediately thereon appoint someone to represent the member so absent on the Board, subject to the approval of the Government.

Reading the Minutes. 5. At the meetings of the Board, unless the Board wishes to depart from the order, the minutes of the previous meeting shall be attested, and thereafter the Secretary shall bring forward the business for discussion.

Contents of Minutes. 6. The Secretary shall keep minutes of the subjects dealt with at the meeting, and of the resolutions taken, but not of the discussions.

By special resolution of the Board the discussions on any subject shall be minuted.

The Secretary shall receive all documents belonging to the Board, and bring the same before the Board in proper order.

All business, which either by Law or the Regulations, may be dealt with by the Secretary, shall be settled by him. The Secretary shall keep a proper copy of all correspondence.

Board appoints Commission for regulation of examinations. 7. The Board shall appoint, from time to time, for a period of three years, from among its members, a Commission which shall be charged with the regulation of the examinations, with reviewing the questions set by the examiners, and the making up of the results of the examinations held from the data supplied by the respective examiners subject to the approval of the Board.

The Commission shall, subject to the approval of the Board, have the right if so desired to call in the help of one or more experts.

Appointment and report of examiners. 8. The Board shall appoint the examiners for the various examinations, and may appoint both members of the Board and other competent persons.

The examiners shall deliver to the Secretary of the Board both the questions set by them, and the report of the examinations held by them, within or at such time as the Board shall determine.

The work examined shall be handed in at the same time as the report on the same.

9. The Secretary shall send applications for the admission of medical practitioners, apothecaries, chemists or druggists after they have been registered, direct to the Medical Commission, and shall lay its report together with the documents before the Board. Admission of Medical Practitioners and Chemists.

10. In all examinations the value of the answers of the candidates shall be estimated by the standard of a fixed number of marks, to be arranged beforehand by the Board. Valuation of Answers.

11. Every examiner shall be allowed a fee for each subject, in proportion to the number of candidates examined by him :— Remuneration of examiners.

(a.) School Elementary (Schoolwedstrijd) for every eight candidates or lesser portion thereof - - - £2.

(b.) Third Class Teacher's Examination for every six candidates - - - - - £2.

(c.) Second Class Teacher's Examination, and the examination for the 3rd Class in Law, for every four candidates - - - - - £2.

(d.) First Class Teacher's Examination, Introductory Examination for the 2nd Class in Law, and for the diploma of admission as Surveyor, the examination in the 2nd Class in Law, the examination of Conveyancer, the examination for Apothecary, the examination for Surveyor, and the examination of Mining Surveyor, for every three candidates - - £2.

(e.) The examination for the 1st Class Law for Law, the Preliminary Candidate's Examination, and the Candidate's Examination, for every three candidates £4.

N.B.—In all examinations for the examination of candidates in reading and recitation, half of the above-mentioned fees as aforesaid shall be awarded.

£1 sterling per head shall be granted for attending one of the meetings of the Board, or one of the Commissions appointed by the Board.

REQUIREMENTS FOR THE EXAMINATIONS.

SCHOOL ELEMENTARY EXAMINATION (SCHOOLWEDSTRIJD).

- (a.) Bible History: Principal persons (excepting the Apostles) and facts from the Old and New Testament in their regular historical connection.
- (b.) Reading: Clear and fluent reading, with due observance of punctuation, and with the explanation of words.
- (c.) Arithmetic: The four Elementary Rules with applications to the system of coins, measures and weights in use in the South African Republic.
Reduction, vulgar fractions (excluding compound fractions), solution of problems by reasoning, practice and the Roman figures.
- (d.) Writing: Large, small and intermediate hands.
- (e.) Recitation: At least 30 lines of a well-known Dutch poet to be well said by heart.
- (f.) Grammar: Knowledge of the Parts of Speech, the principal rules of Grammar, and the signification of the cases, declension of nouns, articles, adjectives, and most generally used pronouns, and conjugation of regular verbs; analysis of Simple Sentences; a simple essay or letter on a set subject.
- (g.) Singing: Knowledge of the notes in the key of G and of those used in the Psalm Books; their value, signs and rests and the names of the most used intervals. Singing a verse of a Psalm or Hymn to be chosen by the candidate himself.
- (h.) History: The history of the South African Republic, beginning with the great Trek and the causes of the same. The history of South Africa in regular succession from 1486 to the end of the 17th Century.
- (i.) Geography: Geography of the South African Republic.
- (j.) "Vormleer": Discussion of the cube and the prism, planes, lines, angles, surfaces and the content thereof.

REQUIREMENTS OF THE TEACHER'S EXAMINATIONS.

A.—THIRD CLASS TEACHER'S EXAMINATION.

- (a.) Bible History: Old and New Testament in their regular historical connection.
- (b.) Reading: Clear and fluent reading, with due observance of punctuation and with explanation of words.
- (c.) Recitation: At least 50 lines of a well-known Dutch writer to be well said by heart.

- (d.) Arithmetic: The same requirements as for the School Elementary examination (Schoolwedstrijd) besides decimals, interest (simple and compound), profit and loss, proportion, partnership and averages.
- (e.) "Vormleer": Lines, planes and equal-sided bodies.
- (f.) Writing: Fair copies and ornamental writing.
- (g.) Grammar: The entire Grammar, excepting etymology. An essay or letter on a set subject. Dictation.
- (h.) History: The whole history of South Africa and that of the South African Republic in particular. Brief survey of modern history, more particularly that of Europe since 1789.
- (i.) Geography: The main outlines of general geography and the geography of South Africa in particular.
- (j.) Methods of teaching: The principles of pedagogy and schooling, including the method of teaching by object-lessons. Knowledge of the laws and provisions affecting education in the South African Republic.
- (k.) Practical teaching: Applicants must produce satisfactory certificates that they have had sufficient practical experience in teaching, or otherwise teach one or more set subjects to a class of pupils in the presence of and to the satisfaction of the Board of Examiners, or of a teacher to be nominated by them.
- (l.) Physics: The general properties of bodies, the principal tools which depend on the doctrine of forces, the barometer and thermometer.
- (m.) Singing: The requirements for the School elementary more developed: Knowledge of the notes in the various keys and intervals, excluding their inversions. Singing a piece of music to be chosen by the candidate himself.

B.—SECOND CLASS TEACHER'S EXAMINATION.

- (a.) Bible History: Old and New Testament in regular historical connection.
- (b.) Reading: Clear and fluent reading, with due observance of the punctuation and with explanation of words (in authors more difficult than for the 3rd Class Teacher's Examination).
- (c.) Arithmetic: as for Third Class Teachers, besides proportion, arithmetical and geometrical progressions, square and cubic powers and roots.
- (d.) "Vormleer": Requirements for Third Class Teacher's Examination more developed.
- (e.) Writing: Fair copies and ornamental writing.
- (f.) Grammar: The whole Grammar, including etymology and syntax. An essay on a set subject (abstract). Dictation.
- (g.) History: The history of South Africa. Brief view of World History.
- (h.) Geography:—General Geography and that of South Africa in particular, besides the main principles of mathematical and physical Geography.

- (i.) *School Method* :—The same requirements as for *School Method* in the *Third Class Teacher's Examination*, besides knowledge of the various methods of teaching and the various methods of maintaining order and discipline in school.
- (i^l.) *Practical Teaching* :—The same requirements as for the *Third Class Teacher's Examination*.
- (j.) *Physics* :—*Elements of Physics* : (1) General properties of bodies. (2) Doctrine of Equilibrium and movement of bodies in three states of matter. (3) Knowledge of the simplest phenomena in the whole of physics.
- (k.) *Natural History* :—*Elements of Zoology and Botany*.
- (l.) *Drawing* :—*Elements of Drawing*.
- (m.) *Singing* :—The requirements for the *Third Class Teacher's Examination* more developed. Besides musical ornamentation some knowledge of the organs of speech and singing and of breathing, striking intervals, triads without their inversions, some knowledge of transposition and of the nature of the tones of the melodies of the Psalms. Singing a verse of a Psalm not chosen by the candidate.

The following subjects are optional :—

- (n.) *English, German, French* ; Reading, Dictation, Grammar (excepting etymology), translation from one of such languages into Dutch and from Dutch into such language.
- (o.) *Elements of Plane Geometry and Algebra*
- (p.) *Plain and Fancy Sewing*, for which the requirements are as follows :—

Plain :—

1. *Sewing* :—The various stitches used in making up linen, buttonholes, eyelet-holes : inserting patches.
2. *Cutting out* :—Undergarments and house-linen.
3. *Marking* :—Cross stitch, plain stitch, and holes.
4. *Mending linen* :—Simple stitches.
5. *Fine-drawing* :—On knitted stuffs.
6. *Knitting* :—Stockings, children's clothing, darning, matching.
7. *Openwork sewing*.

Fancy :—

1. *Crocheting* :—Principal stitches, making borders and patterns.
2. *Embroidering* :—Plain, relief, gobelin-embroidery, matching patterns and colours.
3. *Knotting*.
4. *Tulle and lace-mending*.
5. *Crewel-work*.
6. *Cross stitch crewel-work*.
7. *Tulle-darning*.

Other kinds of needlework not named here which candidates can shew, as making cord tassels and fringes, white embroidery, beading, macramé-work, tating, appliqué-work, netting, guipure and antique darning, stitching point lace and lace, making articles of dress and purses, drawing and tracing patterns, painting on

wood or porcelain, cork and wood-cutting, modelling, making flowers of wool, leather, paper, wax, feathers, fish-scales, shells: embroidery in silver and many others will all count.

N.B.—Candidates may be examined in plain or fancy needle-work or in both.

(g.) Bookkeeping.

N.B.—Candidates who obtain a half or more than a half of the maximum marks in one or more of these optional subjects, shall have the same noted specially on their diploma for such respective subjects, and this may be secured later on passing a separate examination.

C.—FIRST CLASS TEACHER'S EXAMINATION.

- (a.) Dutch Grammar: The whole Grammar including etymology and syntax: an essay on a set subject (abstract). Reading.
- (b.) Dutch Literature: Short review, thorough knowledge of one or more prescribed works.
- (c.) The English Language: As Dutch under (a) and (b).
- (d.) The German or French Language: Requirements for both latter languages, same as for Dutch under (a) and (b).
- (e.) Arithmetic: In its entire extent, including logarithms.
- (f.) Plane Geometry, up to and including the doctrine of the inscribed and superscribed polygons.
- (g.) Algebra: In its entire extent.
- (h.) History: Review of general history; thorough knowledge of a prescribed period; history of South Africa, and doctrine of the political institutions of South Africa, and of the South African Republic in particular.
- (i.) Geography: General geography, and that of South Africa in particular, besides the elements of mathematical and physical geography and some knowledge of ethnology.
- (j.) Physics: Knowledge of the principal physical phenomena, and of their explanation without application of trigonometry.
- (k.) Natural History: Brief survey, in special of the vertebrate animals, of the phanerogams, and of the simplest minerals: knowledge of the vital functions of the mammals.
- (l.) Drawing: As for the Second Class Teacher's Examination.
- (m.) Theory of Teaching: Theoretical and Practical.
- (n.) Singing: The same requirements as for the Second Class Teachers' Examination, besides the triads, and harmonies of the dominant seventh with their inversions. Method of instruction in singing, the various voices and voice-registers, reading by sight, and singing a simple song.

Candidates who have chosen one or two of the languages mentioned under the letter (d.) may also, if they choose, be examined in the other language and shall then have the same noted on their diploma on the same conditions as mentioned under B.

N.B.—Teachers in possession of a certificate of the Second Class, may, if they choose, take a separate examination, and have the same

noted on their certificate in one or more of the groups named hereunder of subjects in the programme of the First Class Teacher's examination as defined above. In each case the half of the number of marks set shall be required to pass.

- | | | |
|-------|------------|-----------------------------------|
| Group | I.—(a.) | Dutch Language. |
| | | (b.) Dutch Literature. |
| „ | II.—(c.) | English Language and Literature. |
| „ | III.—(d.) | { German Language and Literature |
| | | or |
| | | { French Language and Literature. |
| „ | IV.—(e.) | Arithmetic. |
| | | (f.) Plane Geometry. |
| | | (g.) Algebra. |
| „ | V.—(h.) | History. |
| | | (i.) Geography. |
| „ | VI.—(j.) | Physics. |
| | | (k.) Natural History. |
| „ | VII.—(l.) | Theory of Teaching. |
| „ | VIII.—(m.) | Singing. |

REQUIREMENTS FOR THE PRELIMINARY CANDIDATE'S EXAMINATION IN LETTERS, MATHEMATICS AND SCIENCE.

I.—LETTERS.

- (a.) The Dutch Language: Grammar: survey of the Dutch Literature; Reading and explanation of writers of the 17th and 18th centuries and of more difficult writers of the 19th century:

Essay—

- (b.) The English Language: Grammar: survey of English Literature: translation from English into Dutch and from Dutch into English: reading and explanation of the more difficult writers of the 19th century, and some knowledge of the works of Shakespeare.
- (c.) The Latin Language: Grammar, translation from Dutch into Latin; translation and explanation of more difficult Latin prose and poetry, *e.g.*, the philosophical works and letters of Cicero, Tacitus, Horace; unseen translation of easy Latin prose and poetry, such as Cicero, Ovid, Virgil.
- (d.) The Greek Language: Grammar, translation and explanation of more difficult Attic prose, *e.g.*, Plato or Demosthenes, and of the epic poetry of Homer; unseen translation of easy Attic prose *e.g.*, Xenophon, Lysias.
- (e.) The German Language: Grammar: translation from German into Dutch and from Dutch into German. Reading and translation of classical writers.

- (f.) The French Language : As German.
 (g.) History : Survey of general history (attention being chiefly paid to Roman history and that of the 16th and 17th centuries); doctrine of the political institutions of South Africa and of the South African Republic in particular.

II.—MATHEMATICS AND SCIENCE.

- (a.) Arithmetic in its entire extent.
 (b.) Algebra in its entire extent.
 (c.) Geometry :—
 1. Plane Geometry in its entire extent.
 2. Solid Geometry up to and with equalised bodies.
 3. Plane Trigonometry, solution of trigonometrical and cyclometrical equations.
 (d.) Higher Algebra : Three chapters of higher algebra at the option of the candidate.
 (e.) Physics : Knowledge of the elementary principles of physics and of the principal phenomena with their explanation with application of trigonometry.
 (f.) Chemistry : Knowledge of inorganic and organic chemistry, and of quantitative analysis of the metals.
 (g.) Natural History.
 1. Brief survey of systematic zoology, of anatomy and of the physiology, biology and propagation principally of the vertebrates, arthropoda and molluses.
 2. Botany : Natural System, knowledge of the most common phanerogams and of the vascular cryptogams and their propagation ; morphology, anatomy and physiology.
 3. Mineralogy : Crystallography, knowledge of the principal minerals and of their manipulation, chiefly with a view to South Africa.
 4. Geology : Knowledge of the formations and of some characteristic fossils, chiefly with a view to South Africa.

Candidates may be examined in and obtain a diploma for one or both of the following departments :—

- A. Literary Department.
 B. Mathematical and Scientific Department.

A. 1. LETTERS.

- (a.) The Dutch Language.
 (b.) The English Language.
 (c.) The Latin Language.
 (d.) The Greek Language.
 (e.) The German Language.

- (*f.*) The French Language.
- (*g.*) History.

N.B.—Of the languages mentioned in *d.*, *e.* and *f.*, only two are obligatory at the option of the examinee. If he so chooses the latter may be examined also in the third language and have the same noted on his diploma.

II. MATHEMATICS AND SCIENCE.

- (*a.*) Arithmetic as for the First Class Teacher's Examination.
- (*b.*) Algebra.
- (*c.*) Plane Geometry.
- (*d.*) Plane Trigonometry as above defined.
- (*e.*) Physics as for the First Class Teacher's Examination.
- (*f.*) Chemistry as above defined.
- (*g.*) Natural History as for the First Class Teacher's Examination.

B. I. LETTERS.

- (*a.*) The Dutch Language
 - (*b.*) The English Language
 - (*c.*) History
- } as above defined.

II. MATHEMATICS AND SCIENCE.

- (*a.*) Arithmetic.
- (*b.*) Algebra.
- (*c.*) Geometry :—
 1. Plane Geometry.
 2. Solid Geometry.
 3. Plane Trigonometry.
- (*d.*) Higher Algebra.
- (*e.*) Physics.
- (*f.*) Chemistry.
- (*g.*) Natural History :—
 1. Zoology.
 2. Botany.
 3. Mineralogy.
 4. Geology.

This examination shall only be held at Pretoria, and be in part oral, and in the language examinations particular attention shall be paid to a refined and pure pronunciation.

REQUIREMENTS FOR THE CANDIDATE'S EXAMINATION IN LETTERS, MATHEMATICS AND SCIENCE.

This examination shall be divided into departments :

- A. Letters, and
- B. Mathematics and Science.

Candidates may, at their option, offer themselves for examination in one or both of these departments, after passing the Preliminary Candidate's Examination, or such other examination as shall be considered equivalent by the Board of Examiners. Candidates who have passed in one department may, on a subsequent occasion, offer themselves, if they so choose, for the examination in the other department of the Candidate's Examination.

A. LETTERS.

- (a.) The Dutch Language : Grammar : Literature, reading and explanation of writers of ancient and modern times.
- (b.) The English Language : Grammar and Literature as in the Dutch.
- (c.) The Latin Language : Grammar, translation from Dutch into Latin : translation and explanation of difficult Latin prose and of lyric and dramatic poetry : unseen translation of Latin prose and poetry : prosody : brief survey of the Literature.
- (d.) The Greek Language : Grammar (Attic, Ionic and Epic dialects) : translation into Dutch and Latin of difficult Greek prose and of dramatic and epic poetry : unseen translation of Attic prose and epic poetry : prosody : brief survey of the Literature.
- (e.) The German Language : Grammar, translation : survey of the Literature : reading and translation of classical and modern writers : or
- (f.) The French Language : requirements as for German.
- (g.) History : General history : political geography and Greek and Roman antiquities.
- (h.) Philosophy : brief survey of the history of philosophy : elements of logic, metaphysics and psychology.

B. MATHEMATICS AND SCIENCE.

- (a.) Higher Algebra.
- (b.) (Stereometry) Solid Geometry.
- (c.) Descriptive Geometry up to rectisimal planes.
- (d.) Spherical Trigonometry.

- (e.) Analytical Geometry of the flat plane, up to and including general equations of the 2nd degree.
- (f.) Analytical Geometry of Space, up to and including general equations of the 2nd degree.
- (g.) Elements of the differential and integral calculus.
- (h.) Physics : General knowledge of the elementary principles of analytical mechanics, statics, and the simplest problems of the dynamics of a particle; elementary principles of physics as for the Preliminary Candidate's Examination, and a more thorough knowledge of one of the following chapters at the option of the candidate :— Heat, sound, light, magnetism, electricity.
- (i.) Chemistry : Inorganic and organic chemistry, doctrine of valency, periodicity, thermal chemistry and the principles of electrolysis, analysis (qualitative and quantitative) of simple combinations.

Natural History.

1. Zoology : Knowledge of the elementary principles of systematic zoology, the physiology and chief biological characteristics of land animals.
2. Botany : Knowledge of the natural system both of the phanerogamic and cryptogamic plants, morphology, anatomical and physiological knowledge of the chief plants cultivated in South Africa, practical experience in making simple microscopical preparations.
3. Mineralogy : Knowledge of the forms of crystals including the hexihedral forms, properties of prisms and polarised light : Knowledge of ores and stones, especially South African; survey of metallurgy and experience in the use of the blow-pipe.
4. Geology : Knowledge of the formations with their characteristic fossils.

Candidates in Section B. (mathematics and science) may take an examination in mathematics (*a, b, c, d, e, f, g*), + physics (*h*) + chemistry (*i*); or

In physics (*h*) + chemistry (*i*) + natural history (*j*).

This examination shall only be taken at Pretoria, and shall be held in part orally.

Those persons who have passed the Candidates' examination in Letters, shall be entitled to use the title *Candidatus Litterarum* (L.C.).

Those persons who have passed the Candidates' examination in Mathematics and Science shall be entitled to use the title *Philosophiæ Naturalis Candidatus* (Ph. N.C.)

REQUIREMENTS FOR THE INTRODUCTORY EXAMINATION FOR THE CERTIFICATE IN LAW 2ND CLASS AND FOR THE DIPLOMA OF ADMISSION AS SURVEYOR.

- (a.) The Dutch Language: the whole Grammar, including Etymology and Syntax: an essay on a set subject.
- (b.) The English Language: as under (a): besides translation from English into Dutch and Dutch into English.
- (c.) Reading: Clear and fluent reading, with due observance of punctuation and explanation of words of more difficult writers than for the Second Class Teacher's Examination.
- (d.) Arithmetic: in its entire extent.
- (e.) Plane Geometry: in its entire extent.
- (f.) Algebra: in its entire extent.
- (g.) History: Survey of the general History, thorough knowledge of a set period: History of South Africa and doctrine of the Political Institutions of South Africa and of the South African Republic in particular.
- (h.) Geography: General Geography and that of South Africa in particular.
- (i.) Elements of Physics.
 - (Only for Law Students.)
 - 1. General properties of bodies.
 - 2. Doctrine of equilibrium and movement of bodies in the three states of matter.
 - 3. Knowledge of the simplest phenomena in the entire province of physics.
- (j.) Natural History: the Elements of Zoology and Botany.

REQUIREMENTS IN THE EXAMINATIONS IN LAW.

I. THE EXAMINATION FOR THE FIRST CLASS.

This examination shall be divided into two parts.

Candidates who have passed the first part may only be admitted at least a year thereafter to the second part.

First Part.

I. Roman Law (two papers):—

- (a.) Institutes of Justinian (Edit. Landars.)
- (b.) Modderman's Manual.

II. Jurisprudence (two papers):—

- (a.) Austin's Jurisprudence, 2 parts.
- (b.) Holland's Jurisprudence.
- (c.) Maine's Ancient Law.

- III. Local Laws : two papers, one of which shall be exclusively on the constitution of the South African Republic and that of the other States and Colonies in South Africa.

Second Part.

- I. Roman Law (two papers):—A special subject to be prescribed beforehand (with Voet's Commentary thereon).
- II. Roman Dutch Law (two papers):—
- (a.) Grotius' Introduction to Dutch Jurisprudence.
 - (b.) Van Leeuwen's Roman Dutch Law.
 - (c.) Van der Keessel's Theses Selectæ.
 - (d.) Van der Linden's Manual.
- III. Criminal Law.
- (a.) Van Deirse.
 - (b.) Stephen's Digest of the Criminal Law.
- IV. Law of Evidence (two papers):—
- (a.) Best's Principles of the Law of Evidence.
 - (b.) Stephen's Digest of the Law of Evidence.
- V. Contracts and Torts (two papers):—
- (a.) Pothier on Contracts, two parts translated by V. D. Linden.
 - (b.) Pollock, the Law of Torts.
 - (c.) Broom's Common Law: Bk. i. ch. 3. Bk. ii. ch. 1 and ch. 3-6. Bk. iii. ch. 1-5.
- VI. International Law (two papers):—
1. Asser's Introduction.
 2. Story's Conflict of Laws.
 3. Twiss' Law of Nations in time of Peace.

II.—EXAMINATION FOR THE SECOND CLASS.

- I. Roman Dutch Law (two papers):—
- (a.) Grotius' Introduction to Dutch Jurisprudence.
 - (b.) Van Leeuwen's Roman Dutch Law.
 - (c.) Van der Keessel's Theses Selectæ.
 - (d.) Manual of Van der Linden.
- II. Law of Bills of Exchange:—
- (a.) Asser's Manual of Commercial Law, chapter 7.
 - (b.) Doctrine of provisional sentence (practice in this Republic and in the Cape Colony).
- III. Local Laws (two papers):—
- All Local Laws and Volksraad Resolutions.
- IV. Notarial Practice (one paper):—
- Tennant's Notary's Manual

V. Practice in the Courts of Law (one paper) :—

- (a) Rules of the High Court and of the Lower Courts.
- (b) General Practice. Van Zijl's Judicial Practice.

N.B.—The examination in IV. (notarial practice), and V. (practice in the Courts of Law) shall be in part oral.

III.—EXAMINATION FOR THE THIRD CLASS.

I. Roman Dutch Law (two papers) :—

- (a) Grotius' Introduction to Dutch Jurisprudence.
- (b) Van der Keessel's Theses Selectæ.
- (c) Van der Linden's Manual.

II. Locale Wetten (two papers) :—

- (a) The Constitution (Grondwet).
- (b) The Criminal Procedure.
- (c) Local Laws and Volksraad Resolutions from 1870.

III. Practice in the Lower Courts (one paper).

N.B.—The examination in III. (practice in the Lower Courts) shall be in part oral.

IV.—EXAMINATION FOR ADMISSION AS
CONVEYANCER.

I. Roman Dutch Law : As for the Third Class Law Examination.

II. Practice with reference to Conveyancing.

The examination in this subject shall be in part oral.

N.B.—The examiners shall pay particular attention to the style in which the answers are given to the various questions, especially in the notarial examination.

REQUIREMENTS FOR THE SURVEYOR'S EXAMINATION.

FIRST PART.—*Theory.*

I. Plane Trigonometry :—

- (a.) Goniometry.
- (b.) Solution of plane triangles and polygons.
- (c.) Simple trigonometrical approximations.

II. Spherical Trigonometry :—

- (a.) Properties of spherical bodies, small and great circles.
- (b.) Solution of spherical triangles.
- (c.) Approximations in spherical trigonometry.
- (d.) Spherical excess.

III. Co-ordinates :—

- (a.) Equations of the straight line and the circle.
- (b.) Content of plane rectilinear figures.
- (c.) Ordinary calculation by means of co-ordinates, and the application of the same to surveying.
- (d.) Principles of spherical co-ordinates.

IV. Cosmography and Practical Astronomy :—

- (a.) Determining time and division of time.
- (b.) Geographical length and breadth.
- (c.) Precession, nutation, parallax, and refraction.
- (d.) Movement of the heavenly bodies of our Solar System, more particularly of the earth, the moon, and the moons of Jupiter.
- (e.) Construction of the telescope.
- (f.) Composition and adjustment of the most used astronomical instruments.

V. Physics ; Knowledge of the principal laws and phenomena in the province of physics and of their explanation with application of trigonometry.

VI. Land Surveying and Geodesy :—

- (a.) Surveying from base and verification base.
- (b.) Ordinary triangulation.
- (c.) Construction, requirements and use of the theodolite, the chain, sextant, prismatic compass, water-level, pentagraph, quicksilver and aneroid barometers, hypsometer, planimeter, protractor, scales, and other generally used mathematical and surveying instruments.
- (d.) Calculation of distances, angles and surfaces (supposing the earth a true sphere).
- (e.) The principal kinds of projections and mapping (supposing the earth a true sphere).
- (f.) Measuring heights.
- (g.) Water levels.
- (h.) Tachometer.

SECOND PART.—*Practical.*

I. Practical problems, including the whole range of surveying.

II. Knowledge of local laws and regulations affecting surveying.

III. Draughtsmanship. Drawing surveyor's diagrams, including topographical drawing.

N.B.—No candidate shall be admitted to the second part of this examination, except on proof that he has been employed for at least six months in the field with a surveyor in the South African Republic.

Before the issue of a diploma of admission as surveyor the candidate shall do a test survey to the satisfaction of the Surveyor-General.

REQUIREMENTS FOR THE EXAMINATION FOR APOTHECARY OR CHEMIST AND DRUGGIST.

Materia Medica :—

- a. Characteristics.
- b. Properties.
- c. Active elements of the medicines of the *Materia Medica*, organic and inorganic.

Pharmæ :—

- a. Dispensing.
- b. Characteristics.
- c. Active elements.
- d. Dispensing doses of the prescriptions of the *Pharmacopœia*.

The Practice of Pharmacy :—

- a. Reading, understanding and preparing prescriptions.
- b. Translations of portions of the *Latin Pharmacopœia*.
- c. The decimal system.

Toxicology :—

Poisons and antidotes.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
18th July, 1895.

LAW No. 7, 1895.

PROVISIONS WITH REGARD TO ATTESTATION OF CERTAIN DOCUMENTS.

(Approved and enacted by Artt. 509 and 510, dated 28th June, 1895, of the Resolutions of the First Volksraad.)

WHEREAS it has been deemed necessary to make further provisions about the competency of persons to attest wills or other testamentary deeds, also notarial and other contracts, deeds and documents, it is hereby enacted as follows :

1. Every male person above the age of sixteen years, and competent to give evidence in any Court of this Republic shall be able to attest a will or other testamentary deed, also notarial and other contracts, deeds and documents, subject to the provisos contained in the following articles. Who may witness.

2. No person shall be competent to attest a power of attorney by which he is appointed agent or attorney, or from which he draws any advantage. Exception of powers of attorney.

Exception
of wills

3. If any person has attested a will or testamentary deed by which he or his wife is appointed heir, or by which any legacy, bequest, present or gift is granted to him or his wife, such will shall be void with reference to such appointment of heir, legacy, bequest, present or gift.

Ditto.

4. If any person has attested a will by which he himself or his wife has been nominated or appointed executor or executrix, administrator or administratrix, guardian or curator, such will shall be void with reference to such nomination or appointment.

Operation.

5. This Law comes into operation one month after publication in the *Staatscourant*. This Law was published for the first time in the *Staatscourant* of 24th July, 1895.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
18th July, 1895.

LAW No. 8, 1895.

PROVISIONS WITH REGARD TO THE INCLUSION OF A SO-CALLED "GENERAL CLAUSE" IN SPECIAL MORTGAGE-BONDS.

(Approved and enacted by Artt. 507 and 508, dated 28th June, 1885, of the Resolutions of the First Volksraad.)

WHEREAS it has been deemed necessary to make provisions with regard to the inclusion of a so-called "General Clause" in special mortgage-bonds, it is hereby enacted as follows:—

Accompanying certificate that mortgagor understands the significance of the general clause.

1. The Registrar of Deeds, Mining Commissioner or other official charged with the registration of mortgage-bonds, shall be obliged and bound to refuse the registration of any special mortgage-bond, which includes the general clause, that the mortgagor besides the property specially mortgaged further binds all his other properties, or any other provisions of similar tendency, unless the said Registrar of Deeds, Mining Commissioner or other official have produced to him along with the mortgage-bond offered for registration, a certificate signed by the mortgagor and the notary or conveyancer by whom the said mortgage has been drawn, from which it appears that the significance and the consequences of such clause or provision are known or have been duly explained to the mortgagor. The said certificate shall be attached by the said official charged with the registration, to the mortgage-bond, which remains in his office.

2. If a special mortgage-bond is passed in virtue of a power of attorney, such certificate shall not be demanded, but such mortgage-bond shall not be registered if it includes a clause or provisions as above, unless the power-holder is specially authorised in that power to add such clause or provision.

Special authorisation in power of attorney to give the mortgage.

3. This Law comes into operation one month after publication in the *Staatscourant*.

Operation.

This Law was published for the first time in the *Staatscourant* of 24th July, 1895.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
18th June, 1895.

LAW No. 9, 1895. [1]

(Approved by Art. 668, dated 25th June, 1895, of the Resolutions of the Second Volksraad, and noted and accepted by the First Volksraad by Art. 631 of its Resolutions dated 18th July, 1895.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts of Law of British Bechuanaland ;

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated ;

And whereas it is desirable to make the attendance of such persons before such Courts compulsory ;

It is hereby provided and enacted as follows :—

1. When a subpoena purporting to be issued by the proper officer of any competent Court in British Bechuanaland for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court shall be transmitted by such officer to the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named ; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court or to his lawful substitute

Subpoena to be endorsed by Landdrost and served by Messenger, &c.

¹ This Law was published for the first time in the *Staatscourant* of 31st July, 1895.

or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein :

Conduct money.

Provided always that the necessary expenses of such service, and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena, and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as may from time to time be framed by the Executive Authority, shall be transmitted to the said Landdrost together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Penalty.

2. Every person who shall have been served with a subpoena as in the previous section mentioned shall be bound to attend on the day and at the place therein named ; and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance, he shall be liable to a penalty not exceeding one hundred pounds sterling (£100), which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

The fact that (in addition to the time fixed by law for the appearance of witnesses in this State) the subpoena was not served on the witness at least 14 days prior to the time he would have to leave home shall be deemed to be such a legal and valid excuse as is referred to in this article.

How penalty recovered.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the Presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal excuse for his default, shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

Privilege of freedom from arrest during such visit.

4. No person resident in British Bechuanaland who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any Legislative Enactment of British Bechuanaland, shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Time of operation.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that British Bechuanaland has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in British Bechuanaland.

Repealing clause.

6. All enactments in conflict herewith are hereby repealed.

TARIFF OF ALLOWANCES FOR WITNESSES IN PURSUANCE OF THE PROVISIONS OF THE DRAFT AGREEMENT.

Tariff of travelling and personal expenses.

1. The following allowances shall be paid for personal expenses to witnesses summoned before the Courts of Law of British Bechuanaland :—

	£	s.	d.	Tariff for various classes.
(a.) Admitted doctors, surgeons, advocates, attorneys, surveyors, civil engineers, notaries and conveyancers - - - -	3	0	0	
(b.) Ministers of religion, members of the legislative body, head officials, architects, importing merchants and bank managers -	2	10	0	
(c.) Members of district councils, town councils or municipalities, farmers, auctioneers, admitted law agents, apothecaries, employers of labour, accountants, brokers, civil service clerks, inspectors and sub-inspectors of police, general dealers, licensed dealers in wine and spirituous liquors, secretaries of district councils, town councils and municipalities, per diem - - - -	2	0	0	
(d.) All persons not hitherto mentioned and whose social position is in the judgment of the Landdrost who endorses the subpoena higher than that of the persons mentioned in par. (c.), per diem - - - -	1	10	0	
(e.) Workmen and others of a similar social standing, per diem - - - -	0	10	0	

2. The above allowances shall be paid for every day necessarily spent in journeying towards, remaining at, or returning from the Court.

Tariff applies only to days actually spent.

3. In case witnesses do not travel to the Court riding or driving each day's journey shall be reckoned at 18 miles.

18 miles reckoned day's journey if not riding or driving.

4. No witness shall be considered an employer of labour in the application of this tariff unless he has at least two day-labourers in his employ.

Employer of labour defined.

5. Women who come under any of the preceding categories shall enjoy the same remuneration as men.

Tariff applies also to women falling under respective classes.

6. In applying this tariff a day's journey riding or driving shall be reckoned at 36 miles, and as often as the residence of the witness is situated at such a distance from the Court House that more than 36 miles' travelling must be done going and coming, the

36 miles reckoned day's journey riding or driving.

Actual expenditure only reimbursed.

witness shall be entitled to 25s. for costs of conveyance for each day or portion thereof: provided always that no witness shall be entitled to claim a larger amount for costs of conveyance than he shall have reasonably and actually spent: provided always further that in case a witness might have travelled by train or by any other means of conveyance at less cost than by a private conveyance, such witness can only claim the travelling expenses which he would have spent if he had travelled by train or such other public means of conveyance for the time which he would have used in that case, unless proof is made by a sworn declaration of a duly qualified and admitted doctor that travelling by train or public means of conveyance would have been detrimental to the health of the witness.

Conveyance allowance only applicable to riding or driving.

Conveyance allowance made only as for one case.

7. No witness except those who have ridden or driven to the Court House shall receive an allowance for costs of conveyance.

8. When the same person is witness in more cases than one which are tried on the same day, he shall only be entitled to the allowance for appearance in person and costs of conveyance for one case.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
27th July, 1895.

LAW No. 10, 1895.[¹]

(Approved by Art. 668, dated 25th June, 1895, of the Resolutions of the Second Volksraad, and noted and accepted by the First Volksraad by Art. 631 of its Resolutions, dated 18th July, 1895.)

WHEREAS the testimony of persons residing in the South African Republic is frequently required in the Courts of Law of the Colony of the Cape of Good Hope.

And whereas there exists no power to compel the attendance of such persons before the said Courts, in consequence whereof the ends of justice are sometimes defeated.

And whereas it is desirable to make the attendance of such persons before such Courts compulsory.

¹ This Law was published for the first time in the *Staatscourant* of 31st July, 1895.

It is hereby provided and enacted as follows :—

1. When a subpoena purporting to be issued by the proper officer of any competent Court in the Colony of the Cape of Good Hope for the purpose of securing the attendance of any person resident in this Republic as a witness before such Court, shall be transmitted by such officer to the Landdrost of the district within which the person whose attendance is so required shall be residing, it shall be the duty of the said Landdrost to endorse on such subpoena his order that the same shall be served on the person therein named ; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Landdrost's Court or to his lawful substitute or such other person as the said Landdrost shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein.

Subpoena to be endorsed by Landdrost and served by Messenger, &c.

Provided always that the necessary expenses of such service, and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena, and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as may from time to time be framed by the Executive Authority, shall be transmitted to the said Landdrost together with the said subpoena, and the portion of such expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same.

Conduct money.

2. Every person who shall have been served with a subpoena as in the previous section mentioned shall be bound to attend on the day and at the place therein named, and in case he shall fail so to do, and shall also fail to prove any lawful and valid excuse for such non-attendance he shall be liable to a penalty not exceeding one hundred pounds sterling (£100), which shall be recoverable in the Court of the Landdrost of the district in which he shall be residing, at the instance of the State Attorney.

Penalty.

The fact that (in addition to the time fixed by law for the appearance of witnesses in this State) the subpoena was not served on the witness at least 14 days prior to the time he would have to leave home shall be deemed to be such a legal and valid excuse as is referred to in this Article.

3. The return of the person authorised to serve such subpoena as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the Presiding Judge or Landdrost of the Court from which the said subpoena was issued, that the person so served did not attend when called upon and did not establish any valid or legal excuse for his default, shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.

How penalty recovered.

4. No person resident in the Colony of the Cape of Good Hope who may be summoned as a witness before any Court of this Republic, and whose attendance before such Court shall be enforced by any Legislative enactment of the Colony of the Cape of Good

Privilege of freedom from arrest during such visit.

Hope, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Republic.

Time of operation.

5. This Law shall come into operation and take effect as soon as the State President shall, by proclamation in the *Staatscourant*, declare and make known that the Colony of the Cape of Good Hope has made due provision to compel the attendance as witnesses before the Courts of this Republic of persons resident in the Colony of the Cape of Good Hope.

Repealing Clause.

6. All enactments in conflict herewith are hereby repealed.

TARIFF OF ALLOWANCES FOR WITNESSES IN PURSUANCE OF THE PROVISIONS OF THE DRAFT AGREEMENT.

Tariff of travelling and personal expenses.

1. The following allowances shall be paid for personal expenses to witnesses summoned before the Courts of Law of the Colony of the Cape of Good Hope:—

Tariff for various classes.

	£	s.	d.
(a.) Admitted doctors, surgeons, advocates, attorneys, surveyors, civil engineers, notaries and conveyancers, per diem - - -	3	0	0
(b.) Ministers of religion, members of the legislative body, head officials, architects, importing merchants and bank managers, per diem - - - - -	2	10	0
(c.) Members of district councils, town councils or municipalities, farmers, auctioneers, admitted law agents, apothecaries, employers of labour, accountants, brokers, civil service clerks, inspectors and sub-inspectors of police, general dealers, licensed dealers in wines and spirituous liquors, secretaries of district councils, town councils and municipalities, per diem - - - - -	2	0	0
(d.) All persons, not hitherto mentioned, and whose social position is in the judgment of the Landdrost who endorses the subpoena higher than that of the persons mentioned in par. e., per diem - - - - -	1	10	0
(e.) Workmen and others of a similar social standing, per diem - - - - -	0	10	0

Tariff applies only to days actually spent.

2. The above allowances shall be paid for every day necessarily spent in journeying towards, remaining at, or returning from the Court.

3. In case witnesses do not travel to the court riding or driving, each day's journey shall be reckoned at 18 miles.

18 miles reckoned day's journey if not riding or driving.

4. No witness shall be considered an employer of labour in the application of this tariff unless he has at least two day-labourers in his employ.

Employer of labour defined.

5. Women who come under any of the preceding categories shall enjoy the same remuneration as men.

Tariff applies also to women falling under respective classes.

6. In applying this tariff a day's journey riding or driving shall be reckoned at 36 miles, and as often as the residence of the witness is situated at such a distance from the Court House that more than 36 miles' travelling must be done in going and coming, the witness shall be entitled to 25s. for costs of conveyance for each day or portion thereof; provided always that no witness shall be entitled to claim a larger amount for costs of conveyance than he shall have reasonably and actually spent; provided always further that in case a witness might have travelled by train or by any other means of conveyance at less cost than by a private conveyance, such witness can only claim the travelling expenses which he would have spent if he had travelled by train or such other public means of conveyance for the time which he would have used in that case, unless proof is made by a sworn declaration of a duly qualified and admitted doctor that travelling by train or public means of conveyance would have been detrimental to the health of the witness.

36 miles reckoned day's journey riding or driving.

Actual expenditure only reimbursed.

7. No witness except those who have ridden or driven to the Court House shall receive an allowance for costs of conveyance.

Conveyance allowance only applicable to riding or driving.

8. When the same person is witness in more cases than one which are tried on the same day, he shall only be entitled to the allowance for appearance in person and costs of conveyance for one case.

Conveyance allowance made only as for one case.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary

Government Offices, Pretoria,
27th July, 1895.

LAW No. 11, 1895.

POLICE LAW.

(Approved and enacted by Resolution of the First Volksraad, Article 719, dated 24th July, 1895.)

Government appoints, discharges and suspends commission, &c.

Commissioner may appoint or suspend provisionally.

1. The Government may from time to time appoint a Commissioner of Police, Commandants and other officers of different ranks, and may at the same time from time to time discharge, degrade or suspend the said Commissioner or officers. The Commissioner may appoint commandants, lieutenants and sergeants provisionally, or may suspend the same provisionally, but must report such provisional appointments or suspensions to the Government who shall confirm or disallow the appointment or suspension according to circumstances.

Commissioner commands police subject to Government control.

2. The Commissioner shall, subject to the orders of the Government, command and control the police, the detective force, and all police officers shall administer and control the portion of the police force placed under their supervision subject to the lawful commands of the Commissioner and to the regulations to be laid down as provided hereunder.

Substitute for Commissioner.

3. The Government may, when circumstances so demand, in consultation with the Commissioner appoint a person to act for the latter.

Appointment of police officials.

4. The Commissioner shall from time to time appoint as many fit persons as police officials of the different ranks as the Government may think necessary, and subject to the subsequent approval of the Government. The Commissioner may from time to time suspend any police official provisionally, and shall immediately report the same to the Government, who shall confirm or disallow such suspension.

Power of police official.

5. Every police official shall have the powers in any district and perform such services as are enjoined by the laws and regulations already existing or hereafter to be passed.

Police must consist of burghers entitled to vote.

Object of Police Force.

6. The police force, thus called into existence, shall consist of burghers entitled to vote, according to law, and shall be armed and mounted, or partly armed and partly unarmed, or partly mounted and partly unmounted as the Government in consultation with the Commissioner may approve, and such force shall serve as a police force for the maintenance of good order, the protection of person and property, the arresting of criminals, and to render such other services as are provided by this Law, or any other rule or regulation to be made by the Government in consultation with the Commissioner.

Police Force may be used for purposes of war and for quelling disturbances.

7. The Government may, in consultation with the Commandant-General, in case of any war or other event, make use of the force thus called into existence, or a part of the same, to assist in the

defence of the State, either within or without the limits of the same, or in quelling any disturbance within the State, or may place such force or portion thereof as aforesaid under the command of the General in command.

8. No member of the force shall be at liberty to lay down his appointment, or to withdraw himself from the duties attached thereto, unless authorised to do so in writing by the Commissioner, or unless he has given notice to the Commissioner three months previously, and the Commissioner shall not be at liberty to lay down his appointment or to withdraw himself from the duties attached thereto without the consent of the Government.

How a Member of the Force may demand his discharge.

9. As soon as any member of the force is discharged or ceases to carry out his official duties, all powers and authority which he possessed as member of the police force shall immediately cease.

Authority ceases with discharge from Force.

10. The Government may, in consultation with the Commissioner, lay down rules and regulations [1] from time to time to define the duties of the members of the police force, and with reference to practice, arming, clothing, equipment, barracks and stabling, and with reference to all affairs necessary to enable the said police force to discharge its various duties, and the Government may amend, alter and repeal all such rules and regulations, and at the same time cause such police force, or any member thereof, to serve in any place whatever, both within and outside the limits of this Republic.

Government makes regulations, &c.

11. Each and every member of the police force, not being the Commissioner or commandant, who is guilty of any negligence or neglect of duty, or of the contravention of any of the rules and regulations laid down by the Government, shall, if found guilty of such, be punished by a fine not exceeding ten pounds sterling (£10).

Fine for contravention of regulations.

12. The Government may pay such sums of money out of the amount placed upon the estimates as bonuses for police officials by way of reward to such members of the force as have deserved the same by special services, and as the Government, on the Commissioner's recommendation, judges proper.

Bonuses to members of the Police Force.

13. The Commissioner, or any commandant, with one or two lieutenants, may institute an examination under oath with regard to any complaint of insubordination or misconduct in the discipline of the police force against a lieutenant or sergeant, and the evidence thus taken by the commandant and lieutenants shall be referred to the Commissioner, who, if he considers the complaint duly proved, may inflict a fine not exceeding £5, and report such lieutenant or sergeant to the Government for degradation or discharge.

Misconduct of Lieutenant or Sergeant.

14. The Commissioner or commandant may institute an examination under oath with regard to any complaint of insubordination

Do. of police official.

¹ See *Staatscourant* 6th April, 1898, p. 458; see, also, *Staatscourant* 20th April, 1898, p. 516.

or misconduct in the discipline of the police force, against a police official, and he may, if such police official is found guilty, condemn the latter to pay a fine not exceeding £2, and each such sentence, if pronounced by a commandant, shall be subject to the approval of the Commissioner.

Summons of witnesses in such cases.

15. The Commissioner or commandant, or person appointed for such purpose by the Government, may issue summonses, by which any person or persons named therein may be ordered to appear at a time and place mentioned therein, and give evidence under oath with regard to all cases and circumstances known to them in connection with any accusation or complaint lodged against any member of the police force, in case of neglect or non-discharge of duty, at the same remuneration as for witnesses in criminal cases, and any person duly summoned as aforesaid who shall not appear according to such summons, or who, if he does appear, shall refuse to be sworn, or, if sworn, shall refuse to give evidence or to answer all such questions as such persons may be required, according to law, to answer, shall be fined for each such contravention, such fine not to exceed £5, as such Commissioner, commandant, or other person who holds the said examination, may order or think proper.

Fine deducted from salary.

16. Any fine inflicted under Articles 11, 13 and 14 of this Law, or for contravention of any regulation passed by the Government, may be stopped out of the salary of the offender, and the Government shall have a preferent right on the same.

Enquiry into complaints against superior officers.

17. If a Commandant or officer above the rank of sergeant is accused of non-performance of his duties, or of conduct which makes it undesirable that he should remain in the police force, and if the said accused denies the truth of the complaint, and if the Government is of opinion that satisfactory reasons exist for taking further steps, it shall appoint three or more fit and proper persons, of whom only one may be a member of the police force, to examine into the truth of the accusation; such persons shall have the authority to issue summonses, as provided in Article 15, to institute an enquiry with witnesses under oath and shall report to the Government their opinion on the case after a full hearing thereof.

Cases in which a Member of the Police Force may be discharged.

18. If any member of the police force is condemned for any crime or offence, or shall become a hired servant, or shall keep a house for the sale of wine, beer, or spirituous liquors, whether in his own name or in that of another, or shall have an interest either direct or indirect in such house, he shall be degraded or discharged from the police force, and if discharged, he shall forfeit all payments (salary) to which he may be entitled at the time of his discharge.

Penalty for withdrawing from service without discharge.

19. Any officer, sergeant, or police official, who gives up his situation or withdraws himself from the discharge of his official duties, without previous leave or notice, as required by this Law, shall if found guilty of so doing be punished for every such offence by payment of a fine not exceeding forty pounds sterling (£40).

20. Any member of the police force who shall accept bribes of money or otherwise, either directly or indirectly, for the non-discharge of his duties, or who in any way shall assist or connive at the escape of any prisoner who is in lawful arrest, or who shall desert his post, or assault his superior officer, or who shall neglect or refuse to obey or to perform any duty enjoined on him by this Law or who commits any act of insubordination or misconduct against the discipline of the police force, or contravenes any rule or regulation laid down by the Government under the provisions of this Law, shall be punished by a fine not exceeding £40; but nothing contained herein shall exempt such offender against any more severe or other punishment to which he may be liable by any other Law in force in this Republic.

Penalty against police official for accepting bribes.

21. If any person who has been a member of the police force and has been discharged or has otherwise ceased to be a member of the police force shall not immediately deliver up everything which he has been furnished with for the exercise of his duties, or everything which may have come into his possession in pursuance of the same, to such person as has been appointed thereto by any order issued by the Commissioner, such first-named person shall, if found guilty, be punished by imprisonment with or without hard labour for any period not exceeding three months; and any Justice of the Peace may and shall issue a writ for the tracing and seizure of all arms, ammunition, equipment, horses, saddles, bridles, clothes and other things whatever, which have not been delivered up, wherever the latter may be found.

Penalty for not handing over goods, &c., after discharge.

22. If any member of the police force, during the period for which he has engaged himself to serve, and without being duly discharged from the service, shall desert or refuse to serve, or leave his post without lawful reasons or reasonable excuse, the onus of proving which lies upon him, each such offender if found guilty, shall be punished for each such offence by a fine of not more than £40.

Penalty for refusing to serve, desertion, &c.

23. Every person who becomes a member of the police force by means of forged certificates or on false pretences, or who after having been discharged therefrom, through concealment of such discharge, succeeds in receiving any payment, shall, if found guilty of so doing, be punished with imprisonment with or without hard labour for a period not exceeding three months.

Penalty for entering service under forged certificates.

24. The holder for the licence for the sale of wine, beer or spirituous liquors, who either in person or by means of his subordinates with his own knowledge allows a police official to get intoxicated on or in his property, or gives a police official drink while drunk, or allows it to be given, shall if found guilty for every such offence be punished by infliction of a fine not exceeding twenty pounds sterling (£20).

Penalty for licence holder intoxicating police official.

25. No person who is not a member of the police force, is permitted to have in his possession arms or ammunition, or clothes,

Prohibition of having a

policeman's
arms, &c., in
possession.

or equipment, or anything else issued to a policeman, unless he can show a certificate from the Commissioner according to Article 27.

Penalty for
bribery.

26. If any person who is not a member of the police force shall have in his possession arms or ammunition, or clothes or equipment, or anything else issued to a police official, and shall be unable duly to explain his possession of the same, or who shall put on or take the clothing, name, distinctive marks or appearance of any member of the police force, or shall bribe the latter, or make promises to that effect or otherwise, or who shall make an agreement with a member of the police force, in order to persuade him in any way not to discharge his duty, or who shall arrange or connive at any action by which rules or regulations passed in accordance with this Law in connection with the police force, may be evaded, such person shall, over and above any other punishment which may be inflicted on him for such offence, if found guilty, be punished by a fine not exceeding forty pounds sterling (£40).

Penalty for
sale, &c., of
arms, &c.

27. No member of the police force shall, without first having obtained the permission of the Commissioner thereto, sell, pledge, or in other manner part with possession of any horse, saddle, bridle, gun, clothes, ammunition, or any other part of his equipment, that, according to the regulations of the said police force, at that time he is bound to have and to keep. Every sale, pledge, or other handing over of any of the aforesaid things, shall be null and void, and every member of the said police force who shall sell or pledge, or hand over, or attempt to sell or to pledge or hand over as stated above, in conflict with this article, shall be punished by a fine not exceeding twenty pounds sterling (£20).

Such sale
shall be void.

Penalty for
buying arms,
&c., of police
official.

28. If any person in consequence of the sale, pledge, or handing over by a member of the said police force in contravention of the previous article, shall willingly and knowingly receive or have in his possession, any animal, article, or thing, mentioned in the said Article, such person shall be punished by a fine not exceeding twenty pounds sterling (£20).

Arms, &c.,
may not be
seized in
execution.

29. No animal, article, or thing mentioned in Article 27 of this Law, and which is thereby prohibited from being sold, pledged, or otherwise got rid of shall be seized under a writ of execution which may be issued against a member of the police force, or shall fall under the operation of an order for the sequestration of the estate of such member of the police force.

Members of
the Police
Force are on
service free of
toll, &c.

30. Every member of the said police force, who being in uniform according to his official duty, while going to or from some place on service, shall pass through any toll gate or over any ferry, and from whom in connection therewith payment or toll-money now or later shall be lawfully demanded shall be exempted from the payment of any such toll-money, and shall have the

preference over any other person, for himself and for any animal or conveyance that may be necessary to him, for the discharge of his duty.

31. If any person who is duly authorised to collect toll for any ferry shall wantonly detain or hold back unreasonably any member of the said police force in crossing by means of such ferry, such person shall, if found guilty of so doing, be punished by a fine not exceeding five pounds sterling (£5), and in case of non-payment of the same, by imprisonment with or without hard labour for a period not exceeding a month.

Penalty for toll-gatherer

32. Except where special provision is made herein, imprisonment with hard labour at the judgment of the Court may be imposed instead of fines for offences mentioned in this Law, excepting the fines provided in Artt. 23, 24 and 26 respectively, but such imprisonment shall not exceed a month, in case the fine does not exceed £5, or three months if such fine exceeds £5 but is less than £20, or six months if such fine exceeds £20. When a fine has been inflicted under the provisions of this Law, and the person thus punished does not at once pay the fine, the Court may order that such person be imprisoned with or without hard labour, for a period not exceeding one month if the fine inflicted does not exceed £5 but is less than £20, and for a period not exceeding six months if the fine is more than £20, and such person shall be kept in arrest with or without hard labour as the case may be, unless and until he pay the fine.

Alternative punishment.

33. No time of imprisonment or incarceration of a member of the police force shall be deemed to make a portion of the period for which he shall have engaged to serve in the police force.

Time of imprisonment does not count for years of service.

34. All offences according to this Law and all fines and punishments to be inflicted according to or in virtue of this Law, or for contravention of any Regulations made by the Government, may, save and except the provision of Art. 13, be prosecuted before, and inflicted by any Landdrost, Special Landdrost, or Mining Commissioner, whether the offence has been committed within or outside the limits of this Republic.

Jurisdiction.

35. If any action for damages shall be brought against any member of the police force for any action done in pursuance of the writ of any person competent to the issue of writs, such member of the police force shall not be responsible for any irregularity in the issue of such writ, or for lack of jurisdiction on the part of the person who issued such writ. On production of such writ and proof that the signature thereon is the writing of the person whose name is attached and that such person is considered to be and acts as the person competent to issue writs, and that the acts complained of took place in the execution of such writ, judgment shall be given against the complainant, and the defendant shall get all costs of the trial.

A member of the police force is not answerable for the execution of irregular writs, &c.

Pension law applicable to members of the police force.

Meaning of the words "member of the police force."

This Law only applicable to white persons.

State Attorney has supervision.

Short title.

Operation.

36. The widows and orphans of members of the police force who die in the execution of their duties, shall be considered to fall under and to enjoy the privileges of Law 15, 1887 (Pension Law).

37. In interpreting this Law the term member of the police force shall be applicable to every person in service in the police force.

38. This Law shall apply only to white persons. In regard to coloured persons the Commissioner shall have the right to appoint coloured servants as police officials, under separate regulations, which shall be binding on the coloured police officials thus appointed, and which may include penal regulations for the same offences.

39. The State Attorney shall have the supervision of the police and detective forces.

40. This Law may be referred to for all purposes as the Police Law of 1895.

41. This Law comes into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
2nd August, 1895.

LAW 12, 1895.

AMENDMENT OF LAW 4, 1887.

(Containing measures against the spread of Infectious and Contagious Diseases.) [1]

(Approved and enacted by resolution of the Second Volksraad, Article 793, dated 3rd July, 1895, noted and accepted by the First Volksraad by Article 777, dated 30th July, 1895.)

Precautionary measures against the introduction of small-pox.

1. If there is any danger of smallpox being introduced into the South African Republic from beyond the limits of the State, the President of the State shall have the power to cause precautionary measures to be taken along the boundaries, and to proclaim such regulations as he may deem necessary to prevent the introduction of the disease within the limits of this State.

President may declare

2. The President is hereby authorised, as often as he may deem it necessary for the preservation of the public health, to declare

¹ See *Staatscourant* 16th Feb., 1898, page 229. Proclamation prohibiting importation of raw hides, &c.

any boundary of the State, any town, village or other ward, infected with smallpox, and to enact and publish such regulations as he may deem to be required, with regard to the traffic over such boundary, or with and from such town, village or ward and the limits thereof, and with regard to the precautionary measures to be there taken. Such regulations shall be in force till repealed by proclamation by the President.

district
infected
and enact
regulations.

3. The proclamations mentioned in Artt. 1 and 2 of this Law, and any penalties contained in those proclamations, shall have the force of law until confirmed, amended, or set aside, by the Volksraad in its next session.

Such procla-
mations have
provisional
force of law.

4. Immediately on the outbreak of smallpox in any town, village, or stand-township, the Landdrost or the resident Justice of the Peace, or the Mining Commissioner or responsible clerk there, shall give the State Secretary notice by telegram if there is a telegraph office there, or otherwise by express, and he shall take such provisional measures as are required, to prevent the further spread of the disease, for the account of the Committee of Health concerned.

Notice by
Landdrost of
breaking out
of smallpox.

5. When smallpox breaks out in any ward or diggings within the limits of the State, the Field-Cornet or Assistant Field-Cornet of the ward, or the Commissioner of Natives, shall take such provisional steps as are required, for the account of the Committee of Health concerned, to prevent the further spread of the disease, and he shall immediately on its having come to his notice, report the same to the Landdrost of the district, or the Mining Commissioner of the diggings, who shall, without delay, act as provided in Art. 4.

Do. by Field-
Cornet.

6. Every doctor, when, in the course of his treatment of a patient he finds that such person is suffering from smallpox shall immediately give notice of the same to the patient's next of kin if he has any, and to the Landdrost or resident Justice of the Peace of the village, the Mining Commissioner, the Commissioner of Natives, the Field-Cornet or Assistant Field-Cornet of the ward (if the patient lives in the country).

Do. by
Doctor.

7. Every inhabitant of this State, in whose house, hut, or kraal the smallpox breaks out, or prevails, shall as a sign of the same and a warning to others, place a yellow flag as much as possible, visible from all sides, either on or near his dwelling or kraal, and at the same time see that no traffic or communication takes place between the persons of his household or inmates and others.

Inhabitant of
house, &c.,
where small-
pox breaks
out bound to
fly the yellow
flag.

8. Travellers must stay at the place where they are attacked by the disease, and if they cannot get lodgings at the place where they have arrived the owner or inhabitant of the same shall immediately give notice of the disease to the nearest Field-Cornet, Assistant Field-Cornet, resident Justice of the Peace, Mining

When
travellers are
attacked by
smallpox

Commissioner, Landdrost or Commissioner of Natives who is obliged to point out a place of residence for the patient, and if the latter is incapable of so doing to make provision for his treatment for account of the Committee of Health concerned.

Notice of outbreak of the disease by owner or inhabitant of a farm.

9. As soon as the disease appears on any farm, whether among the whites or coloured persons living there, the owner or inhabitant of the farm shall be bound to give immediate notice of the same to the nearest Commissioner of Natives, Justice of the Peace, resident Justice of the Peace, Field-Cornet or Assistant Field-Cornet, who shall report it immediately to the Landdrost of the district or the Mining Commissioner of the diggings. The Field-Cornet shall further see that the case is made known in his ward as soon as possible.

Field-Cornet may appoint watchers when the whole household is suffering.

10. In cases where the whole household is suffering from the disease, and can obtain no assistance, the Field-Cornet or the Assistant Field-Cornet shall have the right to appoint one or more persons to assist such family, and for this the Committee of Health concerned, shall, on the necessary declaration being made by the Field-Cornet or Assistant Field-Cornet, make payment if required.

Only medical men may be compelled to act as watchers.

11. No one, except medical men by calling, shall be compelled to give their services as mentioned in Art. 10.

Report of Field-Cornet to the Landdrost.

12. The Field-Cornet shall, every 14 days, report upon the state and progress of the disease in his ward to the Landdrost of the district or the Mining Commissioner of the diggings.

Committee of Health in case of poverty defrays expenses of medicines and provisions.

13. In case any person or coloured person suffering from the disease cannot pay for himself, the assistance to be granted in the way of medicines and food shall be defrayed by the Committee of Health concerned, provided that a sworn declaration be made that the assistance has been rendered, and that the patient or the person attending him is himself incapable of defraying the same.

Disinfection or burning of articles used by patient.

14. The clothes and bedding or any other article exposed to infection shall be disinfected or burnt by order of the doctor; in the latter case with compensation for the value duly estimated by impartial persons to be paid by the Committee of Health concerned, and the house where the disease has prevailed shall be disinfected, also at the expense of the Committee of Health.

No traffic between inhabitants of infected Kaffir kraals and others.

15. The Commissioners of Natives and the Field-Cornets or the Assistant Field-Cornets, shall see and take precautions that no communication or traffic takes place between the inhabitants of Kaffir kraals where the disease has broken out or prevails, and others, until the Commissioner of Natives, the Field-Cornet or Assistant Field-Cornet of the ward has taken the necessary measures with regard thereto, and these measures he is bound to take and to bring into operation without any delay for account of the Committee of Health concerned.

16. The Chairman of every Town Council shall be bound as soon as possible after the coming into force of this Law to summon a meeting of the inhabitants of the town; such summons shall take place by means of publication at least 14 days previously in the *Staatscourant*, and by means of posting up a notice in various places in the town. At this meeting 5 persons shall be chosen by a majority of votes as a Committee bearing the name of "Committee of Health," and of this Committee the Landdrost or Mining Commissioner, the chairman of the Town Council, the District Surgeon, and the Field-Cornet shall be in addition *ex-officio* members. The members of the Committee thus chosen shall be appointed by the President, for the period of two years, and this appointment shall be published in the *Staatscourant*. When the two years of a member thus appointed have expired, he may be re-elected as such. [1]

Election of Committees of Health at places where there is a Town Council.

Ex-officio members.

Period of service two years.

It is the duty of the Landdrost of the district or the Mining Commissioner of the diggings to see that these elections are held regularly.

When a member resigns, or leaves the place or in any other way thus ceases to be a member, the Committee shall have the right to appoint a member provisionally until an election takes place.

Provisional members.

The Committee of Health shall take precautionary measures, when the infection breaks out in such a town, and at the same time shall draw up regulations in accordance with this Law, and the proclamations issued by the President for the purpose, which regulations, after having been confirmed by the President shall be published in the *Staatscourant* and immediately thereafter have the force of law, for, and within the limits of such town, and the town lands belonging thereto. These regulations shall remain in force until set aside by proclamation of the President.

Committee may take precautionary measures.

Committee's regulations.

17. The regulations mentioned in the foregoing articles shall contain

Contents of these regulations.

Provisions and restraints of public traffic with and within the limits of such town or village.

The taking and application of measures to disinfect persons and goods, entering or leaving such town or village.

Refusal and restraint of traffic between coloured persons coming from beyond its limits and residing in such town or village.

Authorisation to appoint persons to execute the provisions of the regulations.

Authorisation to take measures for the general cleansing of the town or village, and for that purpose to inspect the dwellings and grounds of the inhabitants.

Authorisation to erect disinfecting houses, hospitals, and segregation buildings.

Authorisation to segregate persons infected by the disease or suspected to be so infected.

¹ See *Staatscourant*, 7th September, 1898, p. 1,267.

Provisions as to the time, place and manner of burial of persons who have died of the disease.

Penalties.

Penalties for contraventions of the provisions of the regulations mentioned in the preceding article ; these penalties however shall not exceed a fine of £25, or in case of non-payment imprisonment for a period not exceeding 3 months ; in case the contraventions are by coloured persons lashes not exceeding 25 in number may be applied.

And such other measures as may be considered requisite and necessary to protect the healthy, to give necessary assistance to the sick, provided they are not in conflict with the existing laws.

Election of a Committee in places where there is no Town Council.

18. In villages where no Town Council exists, and in stand-townships, the Landdrost or the resident Justice of the Peace, or the Mining Commissioner, as the case may be, shall, as soon as possible, summon a meeting of the inhabitants of the village, in the manner and for the same purpose as provided in Art. 16. The Committee of Health shall in this case consist of 3 elected members besides the Landdrost or the resident Justice of the Peace, or the Mining Commissioner, as the case may be, the Field Cornet and the District Surgeon, or if there is no District Surgeon, a practising doctor, to be indicated by the Government, as *ex-officio* members. For this Committee, and the regulations drawn up by them, the respective provisions of Artt. 16 and 17 of this Law apply.

Do. in wards.

19. The Field Cornets of the different wards shall, as soon as possible after the coming into force of this Law, summon a meeting of the inhabitants of such ward in the same manner and for the same purpose as provided in Art. 18, at a place situated within such ward. The Committee of Health shall in this case consist of 3 elected members, besides the Landdrost, the Mining Commissioner, the Field-Cornets, the Assistant Field-Cornets, the Commissioners of Natives, the District Surgeon and the practising doctor, if such there be, as *ex-officio* members.

For this Committee and the regulations drawn up by them, the respective provisions of Artt. 16 and 17 of this Law apply.

Government appoints Committee if inhabitants neglect to do so.

20. If the inhabitants of a village, or a stand-township, or a ward, neglect to appoint such a Committee, the Government shall do so, and if the Government has difficulty in the appointment of the members of such committee, then the persons who otherwise form the *ex-officio* members shall compose the whole committee.

Government may appoint special Committees of Health.

21. When deemed necessary, the President may, in conflict with the provisions of the two preceding articles appoint special Committees of Health on the diggings, including the stand-townships, which committees shall then have the rights and duties which are granted in this Law to the Committees of Health. Such special Committees of Health shall thus act in place of the Committees of Health named in this Law.

The members of such special Committee of Health shall receive a salary as shall be provided by the Government, such salary to be deemed a disbursement in pursuance of this Law.

Salary of members of special Committees.

Further, the Government has the right, with the advice and consent of the Executive Council, to invest the Sanitary Boards which exist or may be formed on stand-townships or diggings with the rights and duties which are granted to the Committees of Health, and in this case such Boards shall act in the place of the Committees of Health named in this Law. In this case also the Government may grant salaries; the salaries to be then considered as disbursements in pursuance of this Law.

Government may invest existing Committees of Health with the powers of Committees of Health.

22. The members and *ex-officio* members of the Committee shall get travelling and personal expenses of the Committee paid, according to the existing tariff for ordinary officials.

Travelling and personal expenses.

The members of the Committee shall be burghers of the South African Republic.

Members must be burghers.

For each meeting the members and *ex-officio* members get paid £1; this payment may not exceed £5 per month.

Remuneration.

The Committee may appoint a Secretary from among its members.

Secretary.

This Secretary gets paid £1 for each meeting.

Payment for sittings and travelling and personal expenses are paid by the Committee.

Who makes such payments.

23. The half of the expenses which have been incurred by the said Committee of Health, exclusively for the purpose and carrying out of this Law as further described in Artt. 4, 5, 8, 10, 13, 14, 15, 17, 21 and 22, shall be paid by the Government. The other half of these expenses shall be covered by an extraordinary poll tax.

Who pays the expenses of the Committee.

For this end and also exclusively for this purpose the said Committees of Health are authorised to raise within their jurisdiction an extraordinary tax not exceeding ten shillings per annum, to be paid by the male inhabitants, both white and coloured, above the age of 18 years, the age of coloured persons to be roughly estimated.

Extraordinary poll tax.

For the collection of this tax the same regulations shall hold as those enacted for the collection of the direct taxes, with this proviso, that the period of payment is fixed by the Committee of Health, but not however for a shorter period than for three months after the amount of the tax to be raised has been made known.

Manner of collection.

The amount of the tax shall be fixed as accurately as it can be estimated. If the proceeds of this tax exceed the half of the amount of the expenses, the surplus shall be deposited with the Treasurer General in the name of the Committee of Health concerned, and this surplus may be subsequently used for similar purposes under this Law.

Surplus deposited with Treasurer General.

If the proceeds of a ten shillings tax as described be insufficient to make good the half of the expenses, the Government shall make up the shortfall.

The Government contributes the shortfall.

Defraying costs of disease prevailing among coloured persons.

Tax must be confirmed by Executive Council.

Government can make advances to Committee for one year.

Previous regulations also applicable to other diseases.

Quarantine for refusing vaccination.

Penalty for opposing quarantine.

Every inhabitant obliged to have himself vaccinated.

Supply of vaccine must be on hand.

24. With reference to the foregoing Article, it is however provided hereby that monies necessary to cope with an infectious disease prevailing among coloured people shall as far as possible and in the first place be collected from the coloured people.

25. No tax fixed by any committee for the purposes of this Law shall have any force, before the raising of such tax has been confirmed by the Executive Council.

26. The Government may, after having heard the Treasurer and Auditor General, make an advance to a Committee of Health for the period of a year.

27. The regulations of the preceding articles of this Law shall also be applicable to all other epidemic diseases if they develop in a way which may be considered specially dangerous. The President shall decide on this point.

28. In any village or ward where a person refuses to allow himself or his family to be vaccinated, the Committee shall have the right to put the house, hut, kraal or location into quarantine, at the expense of such person refusing, until the disease in such village or ward has abated, or until the Committee considers such quarantine no longer necessary. [1]

When such person refusing vaccination also refuses to allow himself or his family to be placed under quarantine, or to obey regulations to that effect, he shall be subject to a fine not exceeding £25 or, in case of non-payment, to imprisonment for a period of six months.

Vaccination and Re-vaccination.

29. In this portion of the Law the following words and expressions shall have the respective meanings attached thereto, as follows:—

“Parent.”

The word parent shall include the father and mother of a legitimate child, and the mother of an illegitimate child.

The term “vaccine” shall mean vaccine taken from a heifer or a full-grown cow the fifth or sixth day, or from an infant or child the seventh or eighth day after the vaccination, or from any person whom the doctor shall deem suitable, and the subject from whom such vaccine is taken being a healthy infant or child, or a healthy young heifer or fully-grown cow, which has not been vaccinated before.

30. Every one living or residing in this State, shall be bound, unless prevented by illness, to have himself vaccinated or re-vaccinated in time of danger. The President and the members of the Executive Council shall decide when such danger exists.

31. The State Secretary shall cause a supply of healthy vaccine to be always kept at those places which the President shall

¹ See *Staatseourant*, 7th September, 1898, p. 1,267.

determine, in order to provide without payment District Surgeons and practising doctors with as much of the vaccine as they may reasonably require. The cost of procuring, keeping and providing such vaccine shall be paid from monies which the Volksraad shall grant for the purposes of this Law.

32. The President may issue regulations for free vaccination or re-vaccination by district doctors or persons specially appointed as vaccinators, and for the fixing of places where the vaccination must be performed, and also from time to time give notice of the days and hours on which the District Surgeon or another appointed vaccinator shall be present at that place in order to vaccinate those who have so far not been successfully vaccinated, and who may appear there. [1]

President may make regulations for gratuitous vaccination.

33. When a child or person is found who has not been vaccinated the person competent thereto shall give order for him to get vaccinated within a period of time to be fixed by such competent person; in case of non-observance the negligent or responsible person shall be subject to a fine not exceeding £10 or, in case of non-payment, with imprisonment for a period not exceeding six months. [2]

Penalty for refusing to be vaccinated.

34. The President may order the vaccination of the inhabitants of prisons, convict-stations, lunatic asylums, houses of correction, hospitals, and other places where the poor and sick are received, either at the time of their arrival or afterwards, and may declare an age after which vaccination under this article shall not be obligatory.

Vaccination of prisoners, &c.

35. Vaccination with fluid from the vesicles of persons suffering from small-pox is strictly prohibited.

Prohibited vaccination.

Syphilis.

36. (a.) Every person living or residing in this State, shall, if infected with one of the contagious forms of this disease, have himself treated and healed by a doctor.

Syphilitic patients must have themselves treated.

(b.) As soon as the disease appears in any place among coloured persons the owner or inhabitant of the place, or farm, shall immediately give notice of the same to the nearest Landdrost, Mining Commissioner, Resident Justice of the Peace, Field-Cornet, Assistant Field-Cornet, or Commissioner of Natives, who shall be obliged to act according to law.

Notice of the existence of the disease among coloured people.

In all kraals where Captains or Under-Captains exist, they also shall immediately report to the nearest official as soon as the disease breaks out in their kraal, or as soon as it is suspected that anyone is infected with the disease. Where no Captain or Under-

Notice of the disease among coloured persons

¹ See *Staatscourant*, 7th September, 1898, p. 1,267.

² See *Staatscourant*, 5th Oct., 1898, p. 1,387. Proclamation explaining this section.

Captain exists, the Field-Cornet, Assistant Field-Cornet or Commissioner of Natives shall have the right to appoint one of them as foreman who shall be responsible.

Monthly examination of the locations by District Surgeon.

(c.) The Landdrost of each district and the Mining Commissioner of each diggings shall have the locations of coloured persons in towns or stand-townships examined by the District Surgeon at least once a month, and, as often as the Government deem necessary, the locations or places where Kaffirs congregate in each district or on every diggings.

Notice of cases.

(d.) The District Surgeon shall immediately report every case of syphilis discovered by him in the aforesaid examination to the Landdrost or the Mining Commissioner.

Government can point out places of segregation and hospitals.

(e.) The Government has the power to designate places where such syphilitic patients shall reside, and to erect hospitals or portions of hospitals for that purpose, with as far as possible separate departments for white and coloured persons, and men and women. In kraals, a portion of the same may be set aside.

If the space in the places provided by the Government is or becomes too limited, the respective officials shall be bound to have the infected persons conveyed to places suitable for that purpose. They shall be obliged to report the same immediately to the Government.

Patient is brought thither.

(f.) The Landdrost of the District or the Mining Commissioner of the diggings shall immediately after receiving the report of the doctor have the person infected with the disease conveyed to one of the places designated by the Government. He shall at the same time immediately institute an enquiry into the means of such person.

Segregation of patient.

(g.) Such person infected with the disease shall be segregated from the prisoners and all others, and shall remain in the aforesaid place until declared by the doctor sufficiently healed to be able to leave it.

Who bears expenses.

(h.) The costs of maintenance of such persons are paid by the Government, with this proviso, however, that if the person thus infected with the disease, and treated, possesses property, the costs of maintenance may be claimed from him, and if he refuses to pay, may be recovered by civil process.

Ditto in case of natives.

(i.) The monies necessary to cope with syphilis among natives shall only be claimed from natives. The regulation of the same is left to the President in consultation with the Superintendent of Native Affairs.

Leprosy.

Repealed.

37. Repealed by 15 of 1897.

Jurisdiction.

38. The Courts of Landdrosts, Mining Commissioners, the Resident Justices of the Peace and the Commissioners of Natives in the case of coloured persons, have jurisdiction in any prosecution for the contravention of the provisions of this Law or any proclamation, order or regulation made and enacted under this

Law, such contravention to be prosecuted by the Public Prosecutor of the Government.

39. Any contravention of any provision of this Law, or of any of the provisions of the regulations mentioned in this Law for which no definite fine or punishment has been enacted, shall be punished by a fine not exceeding £10 sterling or, in case of non-payment, with imprisonment for a period not exceeding three months. Penalties.

40. Where mention is made in this law of District Surgeon (districts-geneesheer), this term shall also be taken to include Government Surgeon (Gouvernements-geneesheer) according to Law No. 4, 1895. District Surgeon includes Government Surgeon.

41. All previous Laws and provisions in conflict with this Law are and shall be hereby repealed. Repealing clause.

42. This Law comes into operation immediately after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
8th August, 1895.

LAW No. 13, 1895.

INSOLVENCY LAW.

(Approved by Resolution of the Second Volksraad, Art. 901, 19th July, 1895, noted and accepted by the First Volksraad, Art. 850, 6th August, 1895.)

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CHAPTER I.

Sequestration and its consequences.

Voluntary
surrender of
estate.

1. Any person who shall be desirous of voluntarily surrendering his estate as insolvent for the benefit of his creditors may apply by written petition to that effect to the High Court or a Circuit Court.

Petition may
be made by :

2. Such petition may be made :—

(a) Agent of
absent
person.

(a.) On behalf of the estate of any person who is absent from the Republic, by anyone who is duly authorised by power of attorney to administer such estate.

(b) Legal
representative
of deceased or
incapable
person.

(b) On behalf of the estate of a deceased person, or of a person who is legally or actually incapable of managing his own estate, by anyone who is lawfully charged with the management thereof.

(c) By
majority of
partners.

(c.) On behalf of the estate of any partnership, by the majority of the partners present or represented in the Republic.

Notice of
application to
surrender to
be given in
Staatscourant
and a local
paper.

3. Any person who intends to file a petition as above referred to shall cause due notice of his intention to be published not less than three times in the *Staatscourant* and in a local newspaper, if there is one, at least twenty-one days before the hearing of the application, mentioning the date upon which and the place where the application will be filed, and he shall further lodge at the office of the Master of the High Court at Pretoria, or if he resides outside the limits of that district, then also at the office of the Landdrost of the district under whose jurisdiction he resides, or of the Special Landdrost of a public diggings, a statement of his affairs, and all such schedules, statements, accounts, and other documents as may be deemed necessary for the purpose and support of his application.

Twenty-one
days before
hearing,
stating date
and place of
hearing.
Schedules, &c.,
to be lodged
with Master
or Landdrost
for inspection
by creditors.

The aforesaid statement and other documents shall lie for the inspection of creditors at all times during office hours for a period of fourteen days from the date of the first publication of such notice in the *Staatscourant* as hereinabove provided.

Proof of com-
pliance and of
funds to cover
preliminary
posts to be
given.

No voluntary surrender of an estate as insolvent shall be accepted until proof shall have been given to the satisfaction of the Judge or of the Court that the provisions of this section have been complied with, and that there are sufficient funds or assets to cover the preliminary costs of sequestration.

4. From and after the publication of any notice in the *Staatscourant* as above, it shall not be lawful to sell any property of the estate to which such notice relates, attached under any writ of execution or other process in the nature of an attachment, except by order of the Court aforesaid.

Effect of notice to stay executions.

The proceeds of any property already sold under legal process shall remain in the hands of the Sheriff or other officer of the law charged with the execution of such legal process, and shall not be paid out by him unless by order of the aforesaid Court.

5. It shall be lawful for the said Court, upon such application being made, to institute an inquiry, and for that purpose to direct the petitioner, and such other persons as to the Court may seem fit, to appear before it.

Petitioner may be examined before Court or Commissioner.

And the Court may likewise direct such petitioner to appear before a Commissioner appointed by the Court and thereunto duly authorised, who shall be competent to direct the petitioner and such other persons as to him may seem fit to appear before him to be examined, and who shall make out and transmit to the Registrar of the High Court a report of such examination.

6. When such Court after enquiry, or, on considering the report of any such Commissioner, is of opinion that there are valid grounds for accepting the surrender of such estate, it shall thereupon grant an order for the sequestration of such estate for the benefit of the creditors in general.

Court may, after examination of petitioner, accept surrender of estate.

7. It shall also be lawful for the Court aforesaid upon the petition of a single creditor, whose claim is not less than £50, setting forth valid reasons, or upon the petition of two or more creditors so petitioning upon a claim jointly of not less than £100, no matter whether such claims are due or not at the time of the application, to grant an order placing the estate of any such person under provisional sequestration, upon the ground that he has committed an act of insolvency, or upon any other ground which to the Court may seem fit.

Court may grant Provisional Order of compulsory sequestration on petition of creditor for not less than £50, or two or more creditors for not less than £100.

8. Any person shall be deemed to have committed an act of insolvency.

Acts of insolvency:

(a.) If, having any property, whether movable or immovable, personal or real, within this Republic, he shall depart therefrom, or being out of this Republic shall remain absent therefrom, or shall depart from his dwelling house, or otherwise absent himself with the intent, by any of these acts, to evade the payment of his debts.

a. Depart from State with intent to evade payment of debts.

(b.) If, having against him the sentence of any competent Court, he being thereunto required, shall not satisfy the same, or shall not point out to the officer charged with the execution thereof sufficient disposable property to satisfy the same.

b. Not satisfying judgment.

c. Alienate property with intent to defeat or prefer creditors.

Petitioning creditor must make affidavit of truth of claim and cause thereof.

File certificate of having given security for necessary costs.

Petitioning creditor to prosecute at own cost sequestration until election of trustee: trustee to reimburse taxed costs.

Upon provisional order for sequestration, rule *nisi* to issue calling on debtor to show cause why final order shall not be granted.

If debtor absent forty days, order to be affixed to Court House door, and published in *Staatscourant*.

On return day of rule *nisi*, Court may receive proof and sequester debtor's estate whether he be present or not. Debtor may anticipate return day. Court may delay adjudication.

If petitioning creditor makes default, or

(c.) If he shall make any alienation within this Republic or elsewhere, or, if he mortgage or pledge any of his goods or effects, with the intent thereby to prejudice his creditors in their rights, or to prefer one creditor before another.

9. Every petition as aforesaid shall be filed in Court in writing, and shall be accompanied by:—

(a.) An affidavit in writing from every petitioning creditor of the cause of his claim and the justice thereof.

(b.) A certificate from the Master of the High Court, or from the Landdrost of the district in which he resides, or from the Special Landdrost of a mining area where his petition has been filed, that he has given security to the satisfaction of the said official for the payment of the necessary fees and charges for the prosecution of the said sequestration until the choice or appointment of a trustee.

10. The creditor or creditors upon whose petition any order of sequestration shall be made, shall, at his or their own cost, prosecute all the proceedings in the said sequestration until the election or appointment of a trustee.

The said trustee shall reimburse such costs after they have been taxed by the Master of the High Court to the said creditor or creditors out of the first monies that shall be received from the estate.

11. Upon granting a provisional order for the sequestration of any estate, the Court shall at the same time grant a rule *nisi*, upon the return day of which the debtor shall have to appear to shew cause, if any, why a final order for the sequestration of his estate shall not be granted.

The above rule shall be served upon the debtor in the usual way.

If, however, the debtor has been forty days absent from his usual place of residence or business within the Republic, copies of the said rule shall be affixed upon the outer door of the High Court, and at the same time published in the *Staatscourant*.

12. The said Court shall, upon the day of hearing, receive proofs of the matters in the aforesaid petition set forth, and adjudge thereon, whether the said debtor has appeared to answer the rule or not.

The Court may, upon application of the debtor, anticipate the day, due notice thereof having first been given to the petitioning creditor or creditors.

The Court may also, when sufficient reasons appear, delay the said adjudication for any reasonable time.

13. Whenever any petitioning creditor fails to appear or to prove his claim, or the act of insolvency wherewith the debtor

is charged, to the satisfaction of the Court, it shall be lawful for the Court to set aside such provisional order of sequestration and dismiss the petition, or to require further proof of the matters therein set forth. In the former case all matters and questions relating to the estate shall revert to their original position, and be determined as if no petition for the sequestration of the estate had ever been presented.

debt or act of insolvency be insufficient, provisional order may be set aside.

14. Whenever it shall appear to the Court, that the petition was unfounded and vexatious, it shall be lawful for the Court to allow the said debtor, on his application for leave to do so, forthwith to prove any damage alleged to have been by him sustained by reason of the provisional sequestration, and to award him such compensation as the Court shall deem fit, or to leave him to his action for damages.

If petition unfounded and vexatious, Court may forthwith award damages to debtor, or leave him to proceed by action.

15. It shall be lawful for the Court, if after any order for the provisional sequestration of any estate has been set aside on the ground that the claims of the petitioning creditor or creditors were insufficient, or in consequence of the consent or the default of the petitioning creditor, or his collusion with the insolvent, upon the application of any other creditor who has fulfilled the requirements of the law, to order that the said sequestration shall be revived and continued with all the consequences and effects thereof as if such order had never been set aside: save only that every alienation, payment, acquittance, surrender, or discharge made by the insolvent, and every hypothec or pledge by him executed between the time of the setting aside of the order for the sequestration and the time of the making of the order reviving the sequestration, shall be judged of and decided upon the like ground as if such order for revival were an original order for sequestration.

Any other creditor may, on fulfilling requirements, move to revive superseded provisional sequestration.

Saving transactions taking place during interval.

16. If any debtor against whom any order for provisional sequestration has been made shall give or deliver to any creditor who obtained the same, any satisfaction or security for his debt or any portion thereof, whereby the latter shall obtain more than he would be entitled to receive if the sequestration had been proceeded in, with the intent thereby to secure the assistance of such creditor in the setting aside of the order for sequestration, he shall be held to have committed a new act of insolvency.

Agreement between debtor and petitioning creditor for undue benefit to creditor constitutes fresh act of insolvency.

Every creditor so receiving such satisfaction or security shall, in the event of the sequestration being afterwards proceeded in, on petition of any other creditor in manner hereinbefore mentioned, deliver up the said security and repay the said excess over what he ought to have received for the benefit of the estate to such person as the Court shall appoint.

He shall, in addition, pay all the costs incurred for obtaining the revival of the said sequestration, and he shall forfeit the whole of his claim against the estate.

Such creditor to forfeit his claim.

Partnership estate may be compulsorily sequestered upon act of insolvency by a partner, or for any other reason.

Rights of creditors of individual partner reserved.

Sequestration of estate of any partner may be included in the order for sequestration of partnership estate. But trustees to keep separate accounts of each estate.

Estates of deceased or incapable persons may be compulsorily sequestered.

Partners and administrators of estates to have same privileges and liabilities as creditors.

But joint partners or administrators to have one only vote.

Order of sequestration to be lodged with Sheriff or his deputy.

17. And it shall be lawful in like manner, and upon due observance of the previous provisions, on a petition of one or more creditors, setting forth valid grounds for the same, to place under sequestration the estate of any partnership in consequence of any act of insolvency committed by one or more of the partners, or upon any other ground that to the Court may seem sufficient.

And independently of such sequestration, it shall be lawful for the creditors of any individual partner to proceed against the separate estate of any such partner in the ordinary manner, for the amount of the debt due to him personally.

18. And it shall moreover be competent for the Court to include in the same order for sequestration as well the separate estate or estates of any partner or partners of any company as the joint estate of such company.

In this case the creditors of the separate estate or estates, and of the estate of the partnership respectively, shall be equally entitled to vote in the election of trustees, and in all matters relating to the said estates. The trustees shall, however, be bound to keep separate the administration and settlement of the joint and separate estates, as hereinafter prescribed.

19. And it shall be lawful for any creditor or creditors of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, in like manner, and upon due observance of what is hereinbefore provided, to have such estate placed under sequestration as insolvent, on the ground that the person in whom the administration of the estate is legally vested, committed an act of insolvency, or upon any other ground which to the Court aforesaid may seem sufficient.

20. Every partner in a partnership, and every person legally charged with the administration of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, shall have the same rights and liabilities in respect to the claims of any such partnership, or any such estate against any other estate placed under sequestration, as is granted to and imposed upon any creditor by virtue of the provisions of this Law. The joint partners, however, of any partnership, and any persons in whom the joint administration of any estate is vested as aforesaid shall be entitled to one vote only, and shall be considered as one person.

21. The party obtaining an order for sequestration, whether such order be granted in respect to his own estate, or in respect to the estate of his debtor, shall immediately lodge the same with the High Sheriff of the Court at his office in Pretoria, or with the Deputy Sheriff of the district in which such order has been granted.

22. And the Deputy Sheriff shall enregister the said order, and note thereon the day and hour of its production, and shall immediately transmit the same to the High Sheriff at his office.

Deputy Sheriff to enregister order and deliver same to Sheriff.

The High Sheriff shall enregister every such order lodged with him, or received by him from the Deputy Sheriff, and note thereon the day and hour in which it was lodged for received, and shall immediately deliver the same to the Master of the High Court.

Who also enregisters same and delivers to Master.

The Master of the High Court shall cause such order to be published in the *Staatscourant*.

Master notifies same in *Staatscourant*.

23. Every insolvent obtaining an order for sequestration upon his own petition shall, within eight days after the granting of such order of sequestration of his estate as insolvent, transmit to the Master of the High Court a list containing, to the best of his knowledge and belief, the names and places of abode of his several creditors.

Insolvent obtaining order of sequestration to lodge within eight days list of creditors with Master.

24. And the Master of the High Court, shall, by the High Sheriff, or by his subordinate, or by any messenger of the Court thereafter to be appointed, enter and lay an attachment upon every estate placed under sequestration, and make an inventory thereof.

On sequestration Master to cause attachment of estate to be made.

It shall be lawful for the creditor upon whose petition an order of sequestration has been obtained, or any person authorised by him, to be present at the framing of the inventory aforesaid.

Petitioning creditor may accompany officer making attachment.

When the estate has been sequestrated upon the voluntary surrender of any insolvent, it shall be lawful for any of the creditors, to be present with the messenger while framing the inventory aforesaid.

25. It shall be lawful for the officer charged as above with the attachment of any property, to secure any movable article belonging to the estate by sealing up any chamber, closet or repository, provided he cause no unnecessary hindrance or inconvenience to any party by so doing, or to appoint some person in custody thereof.

Duty of officer making attachment.

When such person, however, leaves such goods in the possession of the person possessing them at the moment of attachment, he shall leave with the latter person a copy of the inventory, together with a notice that the property therein specified has been attached by him by virtue of an order for sequestration.

This notice shall also contain a statement of the penalty provided under Article 150.

The said officer shall forthwith report his execution of the attachment as aforesaid to the said Master.

26. The legal effect of every order of sequestration shall be that the custody of the estate placed under sequestration passes over to, and shall be legally vested in, the Master of the High Court, until such time as the appointment of a provisional trustee has been made, or until the final election and confirmation of such trustee.

Sequestration vests property in Master until appointment of trustee.

The Master of the High Court shall, for the time being, in respect to any estate placed under sequestration, have the same powers and shall be subject to the same duties as are given and imposed upon the trustee elected by the vote of the creditors, in accordance with the provisions of this Law.

Unrehabilitated insolvent unable to acquire property as against trustee before confirmation of liquidation account, or to deal with property of estate.

27. During the period which shall intervene between the time of the granting of the order for the sequestration and the making of the order confirming the liquidation account and the final plan of distribution, the insolvent, so long as he shall not have been rehabilitated (except in the certain cases to be hereinafter mentioned), shall be absolutely incapacitated to acquire or possess as against his trustee, or as against any other lawful administrator of his estate, any property whatsoever, whether movable or immovable, personal, or real, or any right to any such property: or to alienate, mortgage, or pledge any property belonging to the estate, so as to bind his trustee or other lawful administrator of his estate.

Neither shall it be lawful to attach such estate or any portion thereof during the period aforesaid.

Insolvent cannot bind himself without authority in writing from trustee. But may be mandatory of trustee or other person.

28. And during the aforesaid time the insolvent shall in nowise be able to bind himself, except with the consent in writing of his trustee, or other lawful administrator of his estate.

Provided always that any insolvent shall be competent to pass a valid title in pursuance of any alienation as above provided, while acting so far as he shall be authorised in writing so to do as the mandatory or agent of his trustee, or other lawful administrator of his estate, or with the written consent of the latter as the mandatory or agent of any other person by whom he shall have been authorised in writing so to do.

Or carry on a trade for support of himself and family. But trustee may claim profits not necessary for such support. Insolvent may recover for his own work, &c., or that of family, or any pension subject to order of Court, or damages for personal injury.

The insolvent shall likewise be entitled, for the support of himself and of his family, to carry on any trade, and to this end effectually to deliver to any person movable goods or effects in pursuance of any real and *bonâ fide* sale for a just price duly paid, or to pass title to any money paid by him in cash for any matter or thing purchased by him: provided always, that his trustee or other lawful administrator of his estate shall be able to claim from the said insolvent for the benefit of the creditors, if necessary by legal process, any profits made by him by means of such trading, not strictly necessary for the support of himself and his family.

He shall also be entitled to receive and sue for, in his own name, the wages or reward of his work and labour, or that of any of his family, or any pension granted for work or service already performed, or so much thereof as the Court shall adjudge.

The insolvent shall also be entitled to exact damages claimable by reason of any insult or any personal injury done to such insolvent, or any member of his family. All monies paid to him in this wise, and all goods purchased by him with such monies shall

Monies so recovered free from control of trustee.

be for his personal use, and remain free from the control of his trustee or other lawful administrator of his estate.

Any policy of life insurance by him *bonâ fide* effected for the benefit of his wife or children at least two years before the granting of any such order of sequestration, shall be excluded from the sequestrated estate, and, saving all lawful rights obtained thereto by third persons be, reserved to the insolvent.

Life policy in force two years free from sequestration.

29. The execution of all judgments against the insolvent or his estate shall be suspended from and after the time of the granting of any order of sequestration duly lodged at the office of the High Sheriff or any of his deputies, and for as long as the sequestration shall continue.

Order of sequestration stays execution of all judgments.

If any insolvent shall be imprisoned by reason of any order of civil imprisonment, he shall upon petition to the High Court, or to any Circuit Court to that effect, be discharged from such imprisonment, unless the Court decide otherwise.

And insolvent if undergoing imprisonment may be released.

Any property belonging to the insolvent under attachment in the execution of any judgment as above, or the proceeds thereof, shall be returned to the sequestrated estate.

Property attached or proceeds of execution returned to insolvent's estate.

30. Any creditor in whose behalf a judgment as herein above stated has been obtained, shall be entitled to prove his debt and the costs by him incurred in obtaining such judgment upon the sequestrated estate.

Judgment creditor to prove his debt, and entitled to

He shall be entitled on the distribution of the estate to a preference on all goods attached in manner as aforesaid, or the proceeds thereof, for the costs of the writ of execution and the execution of the same, but not for the amount of the judgment debt, or of costs of suit by him incurred before the suing out of such writ of execution.

preference on goods attached or their proceeds for costs of execution but not for his claim.

31. And all actions pending against any insolvent for any debt provable against his estate, and all proceedings therein, shall, upon any order being made for the sequestration of such estate, be stayed.

Actions pending against insolvent stayed.

And it shall be lawful for the plaintiff in any such action to prove his debt, together with the taxed costs of suit incurred up to that time against the sequestrated estate.

Plaintiff may prove his claim for debt and taxed costs.

All actions pending against the insolvent for damages alleged to have been sustained by any injury or personal wrong, or breach of any contract committed by him, such damages being still unascertained, or for the recovery of any claim unliquidated as to its amount, and all proceedings therein, shall, upon any order being made for the sequestration of his estate, be stayed until a trustee shall be elected for the administration thereof, and thereafter may be proceeded with against the latter.

Actions for unliquidated damages stayed till trustee is appointed.

Plaintiff may summon trustee and proceed to judgment.

Such judgment and costs provable against estate.

Actions by insolvent stayed till trustee is elected.

Trustee to elect to prosecute or discontinue such actions within six weeks. Insolvent may continue in his own name actions for personal injury for his own benefit.

Gratuitous alienations, &c., in contemplation of sequestration void.

When *bonâ fide* void in so far as they cause liabilities to exceed assets.

Alienation in ordinary course of business *prima facie* good.

To set aside same trustee must prove intention to prefer.

Payments made or facilitated by insolvent contemplating sequestration and with intent to prefer, void.

Mala fide acquittances of debts by insolvent

The judgment awarded by the Court, together with the taxed costs of suit, shall be a debt provable against the sequestrated estate.

32. Any action commenced by any insolvent for any debt or demand due to the said insolvent's estate, and all proceedings therein, after an order of sequestration has been made, shall be stayed until a trustee shall have been elected.

The trustee shall make election to prosecute or discontinue the action which has been begun within six weeks after having been called upon by the defendant in any such action so to do, or otherwise shall be deemed to have lost his right to the same.

The insolvent shall, however, remain competent to continue in his own name, and for his own benefit, any action commenced by him previous to his insolvency for any injury or personal wrong done to himself or any of his family.

Any damages which may be recovered in any such action shall not be considered to belong to the sequestrated estate.

33. Every alienation of, or any mortgage or pledge of any portion of his estate, made or confirmed by the insolvent at a time when he might (reasonably) have expected the sequestration of his estate, shall, unless the same shall have been made *bonâ fide* and for lawful consideration, be null and void.

Whenever the effect of any such act as hereinabove stated, shall be to cause an excess of liabilities over assets, then the same to the extent to which such excess shall have been thus produced shall be null and void.

34. Every alienation of any part of his estate, and every payment made by any insolvent to any creditor, and every mortgage or pledge made by him for the benefit of any creditor on any portion of the estate, in the ordinary course of trade, although such insolvent might at the time reasonably have expected the sequestration of his estate, shall *primâ facie* be held and taken to have been made or given *bonâ fide*, and as having been made without intention to prefer such creditor.

It shall be necessary for the trustee seeking to set aside any such transaction to show such an intention to prefer on the part of the insolvent.

35. Every payment obtained by any creditor before the making of the order of sequestration, whereof proof shall have been made that such payment has been obtained or facilitated by the fraudulent assistance of insolvent, or by collusion with the insolvent, who while he might (reasonably) have expected the sequestration of his estate, intended thereby to give such creditor a preference above the other creditors, shall be null and void.

36. All acquittances or discharges of any lawful debt, or of any security for any lawful debt or other matter, payment or satisfaction of which has not been actually and *bonâ fide* received, granted

by any insolvent at a time when he might (reasonably) have expected the sequestration of his estate, having the effect to prejudice his creditors, shall be null and void.

In every case in which the person accepting from the insolvent any such acquittance or discharge, had knowledge, or might reasonably have suspected that the effect would be to prejudice the creditors of such insolvent, such person shall be bound not only to make good such debt, but also to pay the trustee in addition for the benefit of the creditors the value of the amount unlawfully remitted to him.

37. Every alienation of any part of his estate, and every payment made by an insolvent to any creditor, and any mortgage or pledge made by such insolvent in favour of a creditor upon any part of his estate or effects, at a time when he might (reasonably) have expected the sequestration of his estate, with the intention to benefit such creditor, directly or indirectly, in preference to his other creditors, constitutes an undue preference, and shall be consequently null and void.

Every alienation made by the insolvent as above, and every mortgage or pledge passed by him in favour of any person whatsoever as above, with the intention thereby to prefer one of his creditors, directly or indirectly, above the others, shall constitute an undue preference, in so far as such creditor is thereby actually so benefited.

The trustee shall be entitled to demand and recover the amount or value of such undue preference from the creditor so benefited, or from any other person.

38. Every alienation of any portion of the estate, and every payment made by the insolvent, and every mortgage or pledge passed upon any portion of his estate at a time when the insolvent might (reasonably) have expected the sequestration of his estate, and with the intention of thereby benefiting any person who would otherwise have become liable, either in the character of a surety, or in any other character by law analogous thereto, for such amount shall constitute an undue preference.

The trustee shall be entitled to claim and recover from the person so preferred the amount or the value of such undue preference.

39. No benefits *bonâ fide* given by any person under any duly registered ante-nuptial contract, to wife or children, shall become null and void by reason of the sequestration of the estate of such person, save and except when the order of sequestration of his estate shall be made within a period of two years after the registration of such contract as aforesaid, and it shall be proved that at the time of the execution of the said ante-nuptial contract the said person was actually then in an insolvent condition: in which case such benefits shall be null and void, and they shall be claimable and recoverable by the trustee of any such estate for and on behalf of such estate. In every ante-nuptial contract

contemplating sequestration void, and debtor collusively obtaining liable to pay double.

Alienation, &c., by insolvent contemplating sequestration and with intent to prefer a creditor or other person declared an undue preference and void.

Trustee may recover from person preferred.

Alienations in contemplation of sequestration with intent to prefer surety, void.

Trustee may recover from person preferred.

Benefits conferred by ante-nuptial contract secures, except where sequestration takes place within two years from date of registration, and person proved at that time not solvent.

registered before the taking effect of this Law, the period of two years as hereinabove stated shall commence from the date of the taking effect of this Law.

Alienations, &c., by insolvent after order of sequestration, and before confirmation of final account void, save as excepted under Sec. 28.

40. Every alienation of any part of his estate, and every payment, acquittance or discharge made by any insolvent of any lawful debt, or of any security of such debt, or any other matter or thing whatsoever belonging to the estate, and every mortgage and pledge by him executed on any part of his estate, after the making of the order of sequestration and before the confirmation of the final plan of distribution of the estate, shall be null and void, save and except in so far as the insolvent was thereunto justly entitled by virtue of the provisions of Section 28.

Payments, &c., to insolvent by creditor after order for sequestration, void, except where made *bonâ fide* and without knowledge of sequestration.

41. Every payment or satisfaction made to any insolvent, by or on behalf of any person who was the debtor of such insolvent, after the making of an order for the sequestration of the insolvent's estate, shall be null and void: unless the person making such payment or satisfaction shall have done so *bonâ fide* and without knowledge of such sequestration.

Goods sold or delivered to insolvent not on fixed terms of credit may be reclaimed within 21 days.

42. It shall be lawful for any person who has sold or delivered, or caused to be sold or delivered, to any insolvent any matter or thing, whether movable or immovable, personal or real, when such sale has been effected without determining any fixed period before the expiration of which the purchase price should not be payable, or with an express or tacit agreement that the purchase price shall immediately be paid or payable, to claim and recover such matter or thing out of the sequestered estate, provided written notice of such claim shall have been made within a period of twenty-one days after delivery of the goods or property.

After 21 days cannot be reclaimed except on ground of fraud.

After the expiration of the aforesaid period, such claim for recovery may only be founded upon an act of fraud committed against him by the purchaser.

Sales on credit.

Any person having sold and delivered any such matter or thing upon credit, in the manner as hereinabove mentioned, shall not be entitled to have such sale cancelled, or to claim the purchase price from the trustee or any other lawful administrator of the sequestered estate; the latter shall retain possession of the goods thus sold and delivered for the benefit of the estate.

Leases, &c., do not, *ipso facto*, determine on sequestration, but trustee may elect within six weeks. In default of election, then they cease.

43. Leases, or agreements to enter upon any lease or leases, undertaken and entered into by any insolvent, shall not lapse or be determined by any order of sequestration granted against his estate.

The trustee of such estate shall be bound, within a period of six weeks after the confirmation of his election as such trustee, to decide, in consultation with the creditors of such estate, whether he will adopt and carry out such leases or not, and in default of any such action on the part of the trustee they shall be held to have

determined. The lessor or any other person making such contract may in every case summon the trustee before a competent Court for the recovery of the rent due up to the period of the cancellation or determination of such lease, or for any damages he shall prove to have sustained by reason of the non-performance of such lease or agreement of lease.

Lessor may sue for rent and damage.

The trustee shall also have the right, as against the lessor or any other person making such contract, to summon such lessor or person before a competent Court for the recovery of the amount and value of the improvements made upon such property so leased before the sequestration.

Trustee may sue lessor for improvements.

CHAPTER II.

Meetings of Creditors.

44. The Master of the High Court shall, in the notice mentioned by Art. 22, appoint two public meetings of the creditors of such estate at such times and places as he shall deem most convenient for all the parties concerned ; the first for receiving proofs of debt against the said estate, and the second for the same purpose, and for the election of a trustee.

Master to call two meetings of creditors, the first for the proof of debts, and the second for like purpose and election of trustee.

It shall be lawful for him, moreover, to alter the times and places so fixed for the holding of any of the meetings aforesaid, provided timely notice of such alteration be given in the *Staatscourant*. When the assets of the estate do not exceed the value of £75 sterling, he shall give notice of the same in the said advertisement and he shall therein also announce that unless it shall be shown at the first meeting called as aforesaid that the goods and effects of the insolvent exceed the value of £75, he shall proceed to act under the provisions of Section 47.

If estate under £75 in value, Master proceeds at first meeting as directed by Section 47.

45. The Master of the High Court may, so soon as the election of the trustee had at the second meeting of creditors shall have been duly confirmed, appoint a third meeting, to be held at such time and place as shall appear to him most convenient for all persons concerned, for receiving the proof of debts against the said estate, as well as the report of the trustee as to the state and condition of the estate of the insolvent, and also to give to the said trustee directions as to the management thereof.

After confirmation of trustee, Master appoints third meeting of creditors for proof of debts, receiving trustee's report, and to give trustee directions as to management of estate.

The trustee shall specify, in the same advertisement in which he shall give notice of the confirmation of his election as trustee, the time, place and purpose of every such meeting.

Trustee notifies time, place and purpose of meeting.

46. Any creditor may, after the second meeting of creditors, at his own expense, call another meeting of creditors expressly for the purpose of proving his debt.

Creditor may call a meeting at own expense to prove his debt.

47. Whenever it shall appear at the first meeting of creditors that the assets of the estate do not exceed the value of £75, a trustee shall be then and there elected, the debts shall be proved,

When assets do not exceed £75, trustee appointed at

first meeting, debts ranked, and estate summarily distributed.

ranked, and the estate distributed; and at the same time it shall be decided what part of their wearing apparel, bedding, household furniture, and tools of trade shall be allowed to the insolvent and his family.

If creditors do not appear at meeting to elect a trustee, Master applies to Court to appoint, or to set aside sequestration.

48. If no creditors shall appear at any meeting appointed for the purpose of electing a trustee, then the Master of the High Court shall apply to the Court by petition to appoint a trustee for the due administration of the estate, or otherwise to set aside the order of sequestration.

Meetings in Pretoria held before Master, in other districts before Landdrost.

49. Where any meeting of creditors for the proof of debts of the election of a trustee shall be appointed to be held at Pretoria, the Master of the High Court at Pretoria shall preside at the same: and if in any district of this Republic, other than the district of Pretoria, the Landdrost of such district, or the Special Landdrost of the public diggings, shall preside.

Master or Landdrost may adjourn meeting if necessary.

The presiding official may adjourn the meeting from time to time, if he shall deem it necessary.

In absence of Master or Landdrost, Court may appoint a Commissioner to hold meetings.

50. Whenever the Master of the High Court or the Landdrost, or any Special Landdrost, shall be prevented by illness or any unavoidable cause from holding any meeting of creditors, the High Court or any Circuit Court may appoint a Special Commissioner for such purpose, who shall have the same powers as are given to the said Master, or Landdrost, or Special Landdrost respectively in that behalf.

In default of appointment Chief Clerk to act.

In default of such appointment, the Chief Clerk of the Landdrost or of the Special Landdrost, as the case may be, shall be charged with the duty of holding such meeting.

Landdrost, Commissioner, or Clerk to report to Master.

51. The Landdrost, Special Landdrost, Special Commissioner, or Chief Clerk, as the case may be, shall forthwith report to the Master of the High Court on everything done by them in their aforesaid capacity.

No creditor below £30 to reckon in number, but all reckon in value in voting.

52. In all cases of votes given by creditors in pursuance of this law, when the creditors are to be counted in number, no creditor whose debt is below thirty pounds sterling shall be reckoned in number, but the debt due to such creditor shall be computed in value.

Creditor may attend personally or by agent.

Every creditor may attend and vote at such meeting either personally, or by agent authorized by power of attorney to that effect duly executed.

Majority in value decide, unless otherwise specially provided.

All questions at any meeting of creditors shall be determined by a majority in value of creditors present and entitled to vote, unless otherwise expressly provided in law.

53. The insolvent, or the lawful administrator of any insolvent estate placed under sequestration, shall of his own accord attend before the creditors at the first, second, and third meetings of creditors to be held under and by virtue of the provisions of this law, as also at any meeting which may have been adjourned and continued, unless he shall have obtained leave from the presiding officer not to attend such meetings.

Insolvent or legal representative of estate to attend 1st, 2nd and 3rd meetings, and adjournments, unless authorized not to attend.

He shall moreover attend any other meeting of creditors held in pursuance of the provisions of this law, whenever he shall be required so to do by a written notice from the officer presiding.

To attend any meeting when specially required so to do.

54. The insolvent shall, at every meeting of creditors which he shall attend, answer all such lawful questions as shall be put to him by the officer before whom the meeting is held concerning his affairs and estate, and the cause and reasons of his insolvency.

Insolvent to answer all lawful questions.

He shall, at the second meeting, being thereunto required by the creditors, lodge with the aforesaid presiding officer a true inventory of his estate, containing a true statement of all his effects, movable or immovable, personal or real, wheresoever, the same may be situated, and of all estates and effects in expectancy or contingency, or to which the insolvent may have any right, and of all debts due to and by him, to the best of his knowledge and belief, and of all books, accounts, vouchers, and other documents relating to his estate which he has in his possession.

At second meeting to lodge an inventory.

The said insolvent shall moreover upon being thereunto required surrender the said books, accounts, vouchers, and other documents to the presiding officer.

And upon being required, surrender all books, vouchers, &c.

The presiding officer shall hand over the inventory and the said books, accounts, vouchers, and other documents to the trustee so soon as the latter's appointment shall have been confirmed.

55. It shall be lawful for any presiding officer, and also for every creditor, or his attorney or agent, at any meeting to examine the insolvent upon oath concerning all matters relating to his trade, dealings, or estate, which may tend to disclose any secret alienation or concealment of his estate, or any part thereof. The presiding officer shall cause his examination to be reduced to writing, and signed by him, and annexed to the proceedings in the said estate. If at such examination it shall appear that there are reasonable grounds for suspecting that the said insolvent has been guilty of culpable or fraudulent insolvency, it shall be the duty of such presiding officer to transmit the statements of the insolvent, with the other documents, to the State Attorney in order to enable him to take such steps as he may deem necessary for instituting criminal proceedings against such insolvent.

Insolvent may be examined on oath.

Presiding officer to send papers to Public Prosecutor if insolvent be suspected of fraudulent or culpable insolvency.

The insolvent shall not be entitled at such examination to refuse to answer any question put to him concerning his estate on the ground that he would incriminate himself by such answer.

Insolvent must answer incriminating questions.

CHAPTER III.

Proof and Ranking of Debts.

Any debt due or arising before order of sequestration may be proved at any meeting.

Dividends paid before proof of any debt not to be affected by such proof.

Expense of alteration of filed account necessitated by late proof to be borne by creditor.

Debt to be proved to satisfaction of presiding officer, who must admit or reject.

Affidavit of proof to state amount and nature of claim, and securities, if any, and that the debt is a true and just debt.

Vouchers to be produced with affidavit.

Affidavit may be sworn by clerk or agent who is more cognizant of facts.

Absent creditor having no local agent, may make affidavit before proper official of the place where he resides.

Any one interested may apply to High Court

56. Every debt against the sequestrated estate which was due, or the cause of which arose prior to the order for sequestration of any estate, may be proved at any meeting of the creditors, held at any time before the final distribution of the estate.

Provided always that when any debt is so proved at any meeting specified under Art. 46, no dividends which shall already have been paid shall in any way be disturbed or prejudiced; provided also, that when any such debt is proved after the plan of distribution of such estate has been confirmed, and in consequence of the proof of such debt any alteration in such plan of distribution or in any further proceedings in the sequestration shall be rendered necessary, the creditor proving such debt shall be liable for all expenses which may be incurred in consequence of any such alteration.

57. Every creditor shall prove his claim to the satisfaction of the officer presiding, who shall admit or reject any debt.

Such creditor shall prove his debt by affidavit, which shall be sworn before the Master of the High Court, Landdrost, or Justice of the Peace, or any Commissioner specially appointed by the High Court for administering oaths. Therein the creditor shall state the amount and nature of the said debt, what persons, if any, besides the insolvent, are liable for the said debt, the pledges or other securities given for the said debt; and shall depose, to the best of his knowledge and belief, that the debt is a true and lawful debt, and that all vouchers or evidence of debt which he shall produce with his affidavit are genuine.

58. It shall be lawful for the affidavit in the last preceding section mentioned, to be sworn to by any clerk, agent, or other person, who is more fully cognizant of the nature of the debt than the creditor himself.

Any creditor who may be out of this Republic, in case he have no known agent or mandatory within the Republic, may make the necessary affidavits for the proof of his debt before any person duly qualified to administer oaths in the place where he resides. Such affidavits shall be duly legalised or certified in accordance with the customs and rules of the High Court.

59. It shall be lawful for every person interested to appeal to the High Court, or any Circuit Court against the decision of the presiding officer as to the admission or rejection of any debt.

Such Court as aforesaid shall adjudge finally, whether such debt shall be admitted or rejected. Before adjudging finally, however, as to the admission or rejection of any debt, it may remit such case to the presiding officer for further proof, or may direct that the validity of the claim be tried by such course as to the Court shall seem fit.

or Circuit Court finally to adjudge of proof to be admitted or rejected.

It shall be lawful further for the Court to direct any action against the insolvent, which has in consequence of the sequestration been stayed, to be proceeded with after the election of a trustee. If the creditor thereafter shall obtain judgment thereon, he shall be ranked on the insolvent's estate for the amount of such judgment.

Court may require further proof, or direct action to try validity of claim.

60. When there has been mutual credit given by the insolvent and any creditor, or where there are mutual debts between the insolvent and any creditor, the presiding officer shall make up and strike a balance on either side of such account, and shall rank the creditor for such balance as may be found to be in his favour: Provided always that when such credit was given, or when the cause of his debt accrued, he shall have had no knowledge that any order of sequestration had been granted.

Where there are mutual credits, presiding officer states account, and ranks creditor for balance.

Any person interested, who shall consider himself aggrieved by any such decision of the presiding officer, may appeal against the same to the High Court, or any Circuit Court, which shall pronounce final judgment thereon, or direct such further proceedings as to the Court shall appear just.

Person aggrieved may appeal to Court.

61. It shall be lawful for a creditor whose debt was not due and payable by the insolvent at the date of the granting of the order for the sequestration of his estate, to prove such debt; but he shall in such case only receive payment thereof or dividend thereon after deduction therefrom of a rebate of interest at the rate of six per cent. per annum, to be computed from the date of the order of sequestration to the time when such debt would have been payable. Such debt shall also be valued for voting at this reduced amount.

Future debt provable, less rebate of interest at 6 per cent.

Debt valued at reduced amount for voting.

62. Any creditor who shall hold a conventional or tacit right of preference upon any part of the insolvent estate shall, when he is the petitioning creditor, be obliged upon oath in the affidavit accompanying the petition, and when he is not the petitioning creditor in the affidavit produced by him at the time of proving his debt, to make mention of such preference. In case he has any security for his aforesaid preferent claim, he shall put a value upon such security, and deduct the amount of such value from the debt so proved by him, without prejudice, however, to any such valuation being afterwards corrected, and without any prejudice to the amount of his claim in other respects. He shall be entitled to vote to the full amount of his debt in the election of a trustee, and in all matters relating to the property over which he holds such

Secured creditor, in petitioning or in proving to state securities held, value same, and deduct amount from proof, without prejudice to subsequent rectification.

May vote for full amount in election of trustee, and in dealing with

In all other cases votes only for balance.

security; in all other cases, however, for the balance only. He shall only be ranked for and receive payment or dividend for the balance.

If dispute arises, creditor to value on oath.

If any dispute shall arise about the value of such security, the creditor shall upon oath put a value upon it.

Trustee has option of taking over securities, or of reserving full effect to creditors.

The trustee shall then have an option either of taking over the security for the benefit of the creditors at large on payment of the amount of the valuation out of the assets of the estate, or of leaving the full realization of it to the creditor himself.

Contingent creditors cannot petition or vote until contingency happens.

63. No creditor whose debts depends upon a contingency or upon a condition, shall be entitled to petition or join in the petition for sequestration of any estate, or to vote in the choice of trustee, or on any other matters relating to the estate, so long as the contingency shall not have happened, or the condition shall not have been fulfilled.

Trustee to value claim, and creditor may prove such value. If contingency happens, then ranked for whole amount.

The trustee shall, however, at the creditor's request set a value upon such debt, and admit such creditor to prove the amount so ascertained. Such creditor shall then be entitled to vote, and to receive payment or dividend for the amount of such valuation. If the contingency or condition upon which such debt depends shall have happened or shall have been fulfilled, then such creditor shall be ranked for the whole amount of his debt, and shall receive payment or dividend thereon.

Creditor on conditional debt ranks as if contingency had happened. And dividend thereon secured until contingency happens. Interest thereon accrues to creditors.

64. Whenever a value has not been placed upon any conditional debt as above specified, the trustee shall rank the same as if the contingency had happened, or the condition been fulfilled. The Court in such case shall grant an order, upon the petition of the trustee, securing to him the amount or the dividend to which such creditor shall be entitled so soon as the contingency shall have happened or the condition has been fulfilled. Any interest, however, which may in the meantime be received thereupon shall accrue to the benefit of the other creditors. For the purpose of voting on any offer of composition, a debt ranked in manner as above set forth shall be valued at an amount to be fixed by the master, subject to an appeal to the High Court.

For accepting composition, claim ranked at amount to be fixed by Master, subject to appeal.

65. When the Court shall be of opinion that by reason of the absence of any person from this Republic, or for any other cause appearing to the High Court, a creditor who has not proved a debt to the satisfaction of the Court may eventually be able to establish the same, it shall be lawful for the Court to cause such debt to be provisionally ranked in the proceedings of the insolvent estate, and to give such creditor reasonable time for proving the same, and in the meantime to make such order for securing the amount thereof, in case the said claim shall be afterwards proved.

When it appears to Court debt may eventually be established, it may be provisionally ranked in meantime.

66. Each debt upon which the payment of interest has been stipulated, shall be entered and ranked for the amount due thereon, together with the arrears of interest.

Debt bearing interest to be ranked, with arrears of interest added.

67. In every case in which it shall happen that the estate of any partnership, and the estate or estates of one or more of the partners of such partnership shall be concurrently placed under sequestration, the ranking of the debts of the different creditors shall take place in accordance with the following rules:—

Rules for ranking creditors on partnership and private estates of partners.

(a.) The debts of the creditors of the said partnership shall be ranked upon the estate of the partnership, and the debts of the creditors of each partner separately in the separate estate of such partner.

Company creditors on company estate, private creditors on private estate.

(b.) If there are no assets in the estate of the partnership, or insufficient to satisfy the creditors of the partnership, then the debts of such creditors shall be ranked upon the surplus of each estate of the individual partners which may remain after satisfying the separate creditors of that estate, either for the residue or the whole of his debt, as the case may be, provided, however, that no creditor shall receive in all more than the whole amount of his debt.

Company creditors not satisfied out of company estate assets, rank on surplus of private estate after private estate creditors are satisfied.

(c.) If there are no assets in the separate estate, or insufficient to satisfy the creditors of that estate, then the debts of such creditors shall be ranked upon any surplus of the partnership estate which shall remain after satisfying the creditors of that estate in proportion to the share of such surplus to which the particular partner would be entitled.

Private creditors not satisfied out of private estate assets, rank on surplus of company estate after company creditors are satisfied.

(d.) If in the case specified under “b” the creditors of the partnership shall receive satisfaction wholly or in part out of the surplus of the separate estate of any of the partners, the trustee of the latter’s estate shall be entitled to rank as creditor upon each separate estate of each of the partners for the whole amount he has paid out in satisfaction of the debts of the partnership. Provided, however, that such shall not operate to the prejudice of preferent claims.

Trustee of estate to rank on estates of other partners for any amount paid by such private estate towards company liabilities.

But not to prejudice preferred claims or rights of other creditors.

Provided always that such can be done without any detriment to the rights of creditors of the partnership against each individual partner whose estate shall not have been placed under sequestration, and *vice versa*.

Partnership creditors may prove on private estate of partner, and vote for trustee, &c., but not entitled to dividend before private creditors are paid, unless he has petitioned for sequestration of private estate.

In cases not expressly provided for, general principles of law to apply.

Estate to be applied in payment—
 1. Of costs justly incurred.
 2. Of preferent debts and arrears of interest.
 3. Of capital of concurrent debts.
 4. Of interest if assets sufficient after paying all claims.

Court may appoint provisional trustee to any estate provisionally or finally sequestrated.

Thereupon estate vests in such provisional trustee.

On removal of provisional trustee before that time, estate reverts to Master.

68. The creditors of any partnership, whether the estate of such partnership has been sequestrated or not, may prove their debts in the sequestrated separate estate of any one of the partners for the purpose of voting at the election of trustees, or on any offer of composition.

They shall not, however, be entitled to receive any dividend out of such separate estate before the creditors of such estate have been fully paid, unless the order for the sequestration of such estate has been granted upon their petition.

69. In every case not expressly provided for in this Law relating to the ranking as between each other of the creditors of any partnership, or of those of the separate estate of any partner, the general principles of law shall apply and be resorted to.

70. The assets of the estate shall, after payment of all costs lawfully incurred as hereinafter provided, be applied: In the first place to the payment of the preferent debts, together with such interest due thereon as shall according to law be preferent: thereafter to the payment of the capital sums of all concurrent debts, without interest, where the assets of the estate are insufficient to satisfy all the claims against the estate, but with interest from the date of the granting of the order of sequestration, in case there should be a surplus left after satisfying all claims against the estate.

CHAPTER IV.

Provisional and Elected Trustees.

71. It shall be lawful for the High Court or any Circuit Court upon petition made in writing, setting forth the grounds upon which such petition is based by the Master of the High Court, or any person interested, to appoint one or more fit persons as provisional trustee of any insolvent estate, whether provisionally or finally sequestrated.

Thereupon such estate shall pass out of the hands of the Master of the High Court and vest in the provisional trustee so appointed, and shall so remain vested in him until such time as an election of a trustee shall have been definitely made by the creditors and been duly confirmed, and otherwise until the account and final plan of distribution of the estate shall have been confirmed.

In the event of the death or the removal of a provisional trustee before that time, the estate shall revert to the Master of the High Court.

72. The provisional trustee shall have the same powers and authorities in respect to the administration and management of the estate, and shall be subject to the same obligations as the trustee elected by the creditors.

Provisional trustee to have same powers, &c., as elected trustee, but may not sell without authority of Court.

He shall, however, have no power to sell any part of the said estate without the authority of the High Court or of a Circuit Court.

73. At the second meeting of creditors a trustee or trustees, not exceeding two in number, shall be chosen for the administration and management of the estate by the majority of the creditors present, whose collective debts proved shall amount to more than one-half of the whole value of all the debts represented and proved on the estate.

Not more than two trustees to be elected at second meeting by majority of creditors present, whose collective debts exceed half of whole amount proved.

Whenever it shall appear that in the voting the above result has not been attained in manner as hereinabove set forth, then both the person who shall have obtained the votes of the greatest number of creditors, and the person who shall have obtained the vote of the creditors holding the largest amount in value of the debts represented at the meeting, shall be chosen as trustees.

If no election, then the person receiving majority in number, and the person receiving majority in value, shall be trustees.

74. It shall be lawful for every person interested in such estate who shall be aggrieved by such election, upon giving notice in writing of the particulars of such complaint to the officer presiding at the meeting before the election is confirmed, but in any case within two days after the said election, to bring the same under review in the High Court which shall decide summarily thereon.

Review of election of trustees by Court, upon notice given within two days.

It shall also be lawful for any person interested to apply to the Court even after the election has been confirmed to recall the confirmation, and set aside the election, on the ground that such election was fraudulently or unlawfully made.

Fraudulent or undue election may at any time be recalled.

75. Persons disqualified from being elected trustees:—

- (a.) The insolvent himself.
- (b.) Any person related to the insolvent by consanguinity or affinity within the fourth degree.
- (c.) A minor.
- (d.) A law agent or attorney.
- (e.) Any person whose estate has at any time been placed under sequestration, and who has not been rehabilitated.

Persons disqualified as trustees:—
 1. Insolvent.
 2. Related to insolvent within fourth degree.
 3. Minor.
 4. Law agent or attorney.
 5. Unrehabilitated insolvent.
 6. Person non-resident within jurisdiction.

7. Having interest opposed to general interest of creditors. 8. Disqualified under Sec. 90. 9. Disqualified under Sec 76.

- (f.) Any one non-resident within the jurisdiction of the High Court.
- (g.) Any person having an interest opposed to the general interest of the creditors in the insolvent estate.
- (h.) A former trustee disqualified by virtue of the provisions of Article 90.
- (i.) Any person declared to be incapable of being elected by virtue of the provisions contained in the next succeeding article.

Person elected forfeits office and declared disqualified for life or shorter period for following offences :—

1. Being party to omission of any creditor from schedule.
2. Promises consideration for vote.
3. Promises advantage out of estate for vote.
4. Offers to abstain from opening up questionable transactions to obtain vote.
5. Privity to dividing claims so as to multiply votes.
6. Agreeing to share commission with auctioneer or others.

76. It shall be lawful for the High Court or a Circuit Court, on the request of any person interested, either before or after the decree confirming the appointment of any trustee, to declare any person elected as trustee to have forfeited his office: and further, if it should so think fit, to declare such person incapable of being elected trustee under the provisions of this Law during his natural life, or such period as such Court shall determine for the offences hereinunder specified :—

- (a.) Whenever in order to exercise influence upon his election as trustee he has been guilty of procuring, or been privy to, the omission of the name of any creditor of the insolvent from the schedule of the insolvent as required under Section 23 of this Law.
- (b.) Or either directly or indirectly gives, or promises to give, to any creditor of the insolvent any valuable consideration in order to obtain his vote.
- (c.) Or to have agreed to secure and make good to any creditor some certain sum or dividend in discharge or diminution of his debt, upon condition and in order to obtain his vote.
- (d.) Or to have offered or agreed with any creditor to abstain from opening up or investigating some previous transactions between such creditor and the insolvent which were, or were supposed to be, of questionable validity, upon condition and in order to obtain his vote.
- (e.) Or if he has been guilty of or privy to any plan or arrangement by which debts belonging to some one or more persons have been divided among a greater number of persons for the purpose merely of increasing the number of votes, and thereby influencing his election as trustee.

(f.) Or if he has undertaken to accept from any agent, auctioneer or other person by him employed for and on behalf of the estate, any share of his commission or remuneration, or any other benefit whatsoever.

In all the aforesaid cases, the Court declaring the same shall order a new trustee to be elected.

Court to order new election.

77. It shall be lawful for the High Court, or any Circuit Court, upon petition by the master, or by any person interested setting forth the grounds of the same, to remove any trustee—

Trustee may be removed by Court for :
1. Insolvency.
2. Misconduct.
3. Absence from the Republic.

(a.) For insolvency ;

(b.) For any misconduct in the said trust, under which shall be deemed to be included any neglect or refusal to satisfy any lawful claim, made upon him by the Master of the High Court, or by any commissioner appointed by the court ;

(c.) On account of absence from this Republic.

78. The court shall in the case aforesaid, and as often as any trustee shall die, or shall become incapacitated, or shall obtain leave from the court to resign, order a new trustee to be elected, and at the same time may make such order as the court may deem necessary or expedient for the preservation of the insolvent estate until such new trustee shall be elected and confirmed.

On removal, death, resignation, &c., of trustee, new election to take place.

During the period of time which shall lapse between the death or removal of any trustee and the confirmation of the election of a new trustee, the insolvent estate shall vest in the Master of the High Court, unless there shall still be left in office a trustee of the said estate.

Interim order for protection of estate.

79. The newly-appointed trustee shall be entitled to the same rights and be subject to the same obligations in respect to the estate as his predecessor in office.

New trustee entitled to demand accounts from former trustee.

He shall be entitled to demand from the latter an account of his administration of any part of the estate administered by him in his capacity as trustee.

All things lawfully done by him in his capacity as such trustee shall remain in full force and effect.

Acts lawfully done remain of full force.

80. Every election of a trustee shall be confirmed by the Master of the High Court, who shall deliver a letter of appointment to the trustee so elected, authorising him to administer and distribute the estate.

Election of trustee to be confirmed by Master, who issues letters of administration.

When objection has been taken, Court decides on confirmation.

Whenever any objection to the election of a trustee has been taken, in accordance with the provisions of Section 74 of this Act, before the High Court, then the final confirmation of the election shall be made by the said Court.

Trustee to give notice of his election.

Master to give notice of any removal.

81. Every trustee shall forthwith, after the confirmation of his election as trustee, give notice thereof by advertisement in the *Staatscourant*. The Master of the High Court shall in like manner give notice of every order for the removal of a trustee.

Trustee desirous to resign, or after confirmation of accounts, may apply to Court for leave to resign.

82. Whenever any trustee desires to resign his office, or when- ever the plan of distribution of the insolvent estate has been confirmed, it shall be lawful for such trustee to apply to the High Court for leave to resign his office and to be discharged of his said trust. If no valid objection be stated, and if the Court be satisfied that the trustee has complied with the regulations of this, his application shall be granted by the Court, and the Court shall thereupon make such order as they shall see fit for the preservation and administration of the estate until a new trustee be chosen. If any objection be made to the application of the trustee to resign, the Court shall determine the same in a summary manner.

Before resigning trustee to frame account, and call meeting of creditors.

83. Any trustee, before making any application for leave to resign, shall render a full account of his administration of the insolvent estate, together with a full report of the condition thereof, and shall call a meeting of the creditors to consider the same, of which meeting at least twenty-eight days' notice shall be given by advertisement in the *Staatscourant*.

On confirmation of trustee, Master or provincial trustee divested of estate, and trustee vested therewith.

84. So soon as the appointment of a trustee shall have been confirmed, the Master of the High Court, or any provisional trustee, if any such person shall have been appointed, shall be divested of the estate, and it shall vest in the elected trustee, and remain vested in him as long as the sequestration shall continue, and until the confirmation of the account and of the final plan of distribution.

Trustee may recover in his own name.

The trustee shall be entitled to use the same remedies to recover the estate of the insolvent, or any part thereof, in his own name, as the insolvent himself might have had if his estate had not been sequestrated: and generally have all powers which were vested in the insolvent before the sequestration.

Trustee may be required to give security.

85. At any meeting of creditors of any insolvent estate, by resolution passed by the votes of the greater part in value of the creditors, the trustee may be required to give full and sufficient security at his own cost, to be approved of by the Master of the High Court, and to be placed in his hands, for the due administration and liquidation of the estate.

Such security shall be provided within fourteen days after the passing of such resolution, and in default thereof his election, if not confirmed, shall be void, and if confirmed, he shall be removed from his trust; without prejudice, however, to the right of such trustee, or of any person interested in the due administration of the estate, to bring the amount of such security in review before the High Court.

If security not found within fourteen days, election to be void.

Court may review amount of security.

86. As soon as the final account of liquidation and distribution shall have been confirmed, and receipts for all dividends awarded to creditors, as well as the amounts of unclaimed dividend lodged with the Master of the High Court, every security given by a trustee shall lapse and be cancelled by the said Master. Provided, however, that the cancellation of such security shall not be taken in any way to affect the liability of the said trustee incurred in respect to his management of the same.

Security to be cancelled on confirmation of accounts, and payment, &c., of dividends.

Cancellation not to affect liability of trustee.

87. It shall be the duty of the creditors of any insolvent estate, at the meeting held for the election of trustees, immediately after such election, by resolution of the majority of creditors, calculated upon the basis of the greater part in value of the said creditors, to nominate and appoint some certain bank or banks within this Republic, with which bank or banks it shall be the duty of the trustee to open an account in the name of the estate. Every provisional trustee appointed under the provisions of this Law, and every trustee whose election has been duly confirmed, shall open an account with one or more banks within this Republic, as he or they shall select, in case the creditors of any insolvent estate shall not have nominated any such bank or banks as aforesaid.

Creditors to fix on bank.

Every trustee to open account with bank.

88. All trustees, whether provisional or elected, shall, as soon as they have more than £20 in hand belonging to the estate, pay the same into some such bank or banks as aforesaid. All cheques or orders for the payment of any such monies out of the bank, shall truly express the cause of such payment, and the name of the person in whose favour it is drawn, and shall be signed by all the trustees, or by one of them on behalf of all. All trustees, whether provisional or elected, shall, in regard to all transactions with any such bank or banks, follow such directions as they shall receive from the creditors at any general meeting.

Any sum over £20 to be banked.

Cheques to express cause of payment and signed by all the trustees.

89. Every trustee, who, without any just and lawful cause, shall retain any sum of money exceeding twenty pounds sterling, being part of the estate, or shall knowingly permit any co-trustee so to do, longer than until the first day after his receiving the same upon which it shall be possible for him or his co-trustee to pay the said sum or cause it to be paid into some bank, or who shall employ any sum of money belonging to the estate for his own benefit, or knowingly permit any co-trustee so to do, shall have to pay into the estate double the amount of the sum so retained or employed.

Trustee liable in double amount for any sums not banked or used by him or his co-trustee.

The said sum may be deducted out of any claim the said trustee may have against the said estate, or otherwise recovered by action in any competent Court.

Rehabilitation of trustee becoming insolvent not to discharge such trustee from liability for estate funds.

Such trustee for ever disqualified from future election.

Trustee to keep account of all property received and of payments made; to be opened to inspection of creditors or Master.

Trustee may call meetings to obtain directions of creditors.

Trustee must call meeting when required by one-fourth of creditors.

Notice of time and object of meeting to be given in Gazette.

Trustee to follow directions of majority of creditors, saving rights of secured creditors.

90. Any trustee who shall himself become insolvent whilst being indebted to the insolvent estate for any sum of money by him improperly retained and employed in manner as aforesaid, shall not be discharged from such debt by his rehabilitation, but shall remain liable for the amount in respect to any future property of which he may become possessed.

He shall moreover in such case be for ever incapable of being again elected as trustee.

91. The trustee shall keep a book, wherein he shall enter all monies, goods, books, accounts and other documents received by him from the insolvent, or on account of insolvent's estate, and all payments made by him on account of the insolvent's estate.

This book may be inspected at all reasonable times by every creditor who shall have proved his debt.

The Master of the High Court, whenever he shall think necessary, may order the said trustee by writing to produce the said book for inspection, examination, verification or otherwise.

92. It shall be lawful for the trustee at any time to call a general meeting of creditors, and require their directions concerning the recovery or sale of any part of the estate, or concerning any matter or question relating to the administration of the said estate.

It shall be the duty of such trustee to call such meeting whenever he is thereto required by one-fourth of the creditors in value who have produced and proved their claims.

At least twenty-eight days' notice shall be given of every such meeting and of the purpose thereof in the *Staatscourant*, unless the presiding officer shall have allowed the trustee to call a meeting upon some shorter notice.

93. The trustee shall follow the directions of the majority of the creditors attending such meeting; such majority shall not, however, be competent to direct the said trustee to do anything calculated to interfere with or injure the just rights of any creditor, who shall hold any conventional or tacit preference upon any part of the insolvent estate. In case any such direction shall nevertheless be given, any such creditor may apply to the High Court by motion to set aside such directions, which Court shall judge thereon as it shall deem just.

94. It shall be lawful for a trustee to take legal advice on any legal question affecting the insolvent estate or the administration thereof, and employ an attorney for the conduct of suits at law for or against the estate. All such costs as shall thereby be incurred shall be charged against the estate. They shall be taxed by the Master of the High Court, subject to the review of such court upon the complaint of the attorney or of any other person interested.

Trustee may take legal advice and employ an attorney.

95. If it shall appear to the High Court that any advising attorney has improperly advised the institution of an action or suit at law, with the purpose of thereby benefitting himself, and not the estate, or that he has improperly conducted such action, or has incurred any unnecessary or improper expense in such action, then it shall be lawful for the said Court to order the whole or any part of the costs to be borne by such attorney as the said Court shall think fit.

Attorney improperly advising legal proceedings may be ordered to pay the costs.

96. The trustee shall, subject to the direction of the creditors, as soon as may be, proceed to sell all the property belonging to the estate, after having given due notice thereof in the *Staatscourant*, and also such other notice as the creditors may deem necessary.

Trustee to sell property as soon as may be, after due notice in Gazette.

From the sale of the said movable property shall be excepted until the creditors shall determine thereon, the wearing apparel, bedding, household furniture, and tools of the insolvent and his family. The sale of the immovable property shall take place in such manner and under such conditions as shall be determined on by the majority of the creditors present at the meeting. The said conditions may, however, be submitted to the approval of the High Court or any Circuit Court on the application of any party interested.

Insolvent's wearing apparel, &c., to be exempted from sale until creditors decide.

The trustee, however, shall not be entitled to act as the auctioneer at the sale of the goods of any insolvent estate as hereinabove set forth.

Trustee may not be the auctioneer.

97. It shall be lawful for the Master of the High Court or any trustee, whether provisional or elected, to allow to the insolvent out of the assets of the insolvent estate, provisionally, such moderate sum or sums as to them shall seem indispensably necessary for the support of the insolvent and his family, the said Master or trustee, provisional or elected, may also employ the insolvent, or any other person, in the gathering and preservation of any crops or harvest or produce of any kind for any reasonable time necessary thereto: and also place the insolvent, or any other person in charge of any immovable property, manufactory, or concern belonging to the insolvent estate, until the same shall be sold, disposed of, or wound up, and make to the said insolvent or other person so employed a reasonable allowance for his labour.

Allowance may be made to insolvent.

Insolvent may be employed in preservation of estate.

Any allowance made to insolvent to be submitted to meeting of creditors.

98. The amount of every such allowance granted either for support or labour before the meeting of creditors which shall be first held after the second meeting of creditors directed by this law, shall be submitted to the approval of creditors, who shall have power to decide whether any such allowance shall be maintained, and if so, for what length of time, and what shall be the amount thereof.

High Court may review action of trustee.

Every trustee who shall make any such allowance to an insolvent except with the consent of the creditors as aforesaid, shall forthwith report to the Master of the High Court the amount of and grounds for making such allowance. Every such allowance so made shall be subject to the review of the High Court upon the application of the said Master, or of any person interested.

Insolvent may be allowed wearing apparel, bedding, furniture, tools of trade, &c.

99. The trustee may, with the consent of the majority of the creditors present at any meeting whereof twenty eight-days' notice shall have been given in the *Staatscourant*, and subject to the subsequent approval of the High Court, or of any Circuit Court, if any person interested so desires, permit the insolvent to retain for his own use the whole or part of his wearing apparel, bedding, household furniture, and tools of trade.

Trustee to collect all debts due to estate.

Debtor neglecting or refusing debt, may be mulcted in double costs.

100. The trustee shall collect all monies due to the estate, and for that purpose he shall, by advertisement in the *Staatscourant*, summon all debtors to pay at such time and place as shall be therein appointed for the purpose. Every person after such notice as aforesaid neglecting or refusing to make such payment, and being afterwards sued for any such debt, shall, if the said trustee obtain a judgment against him, unless he shall show reasons satisfactory to the Court awarding such judgment, for such neglect or refusal be condemned to pay to the said trustee double costs of suit for the benefit of the said estate. The advertisement in the *Staatscourant* shall be held to be sufficient notice for all persons who reasonably could be expected to have seen the same.

Trustee may take proceedings to set aside undue payments, &c.

Trustee may elect to abandon or to abide by contract of purchase of immovable property.

Vendor may compel trustee to elect.

101. The trustee shall be entitled, if necessary by process of law, to set aside all unlawful payments, alienations, or pledges or mortgages made by the insolvent.

Whenever the insolvent shall have entered into any agreement for the purchase or exchange of any estate, or any interest in any immovable property, the trustee may elect either to abide by or to abandon the same.

If the said trustee neglect to make such election, the vendor or person with whom the contract has been made shall be entitled to apply by motion to the High Court, which may thereupon order the trustee to give up any such contract and deliver the possession of the property which was the subject of the same to the vendor or other person, or make such other order therein as the Court shall think fit.

The vendor or person with whom the contract has been made shall, in any case, be entitled to sue the trustee in any competent Court for any damage and costs which he has sustained by reason of the non-observance of any such agreement.

Vendor suffering damage may sue trustee.

102. It shall be lawful for the trustee, subject to the approval of the creditors, to agree to any offer of composition made to the insolvent estate by any debtor who is himself insolvent, and to compound with any debtor to the insolvent estate and take any reasonable part of the debt in discharge of the whole, or to give a reasonable time or take a reasonable security for the payment of such debt.

Trustee may compound with debtors, subject to approval of creditors.

He may also submit any disputes between him and any person concerning the said estate to the determination of arbitrators, to be chosen by the said trustee and the party with whom he shall have such dispute, and the award of arbitrators so elected shall be binding on all the creditors.

Trustee may submit disputes to arbitration.

The trustee shall give previous notice of all such proceedings as hereinabove set forth, for twenty-eight days, at least, by advertisement in the *Staatscourant*.

If there should be more than one trustee in such insolvent estate, in voting on such offer of composition the trustees signing shall be reckoned only as one creditor in number, and the value of the debt on the estate shall only be reckoned once.

103. It shall be competent for the trustee to take up and continue an action commenced for any debt due to the estate, or to discontinue the same, as he shall see fit; and also to commence any new suit or action in any competent Court for any debt due to the estate; and also to defend any action brought against him, or pending against the insolvent, relating to the said estate.

Trustee may take up and continue action commenced by insolvent, discontinue same, and may defend actions brought against insolvent.

104. Whenever a trustee shall die, or the removal of a trustee shall take place, no action relative to the insolvent estate shall thereby lapse.

Actions not to abate by reason of death or removal of trustee.

The Court in which any such action is pending may, upon receiving notice of such death or removal, allow the name of the surviving or new trustee to be substituted in the place of the former, and the action shall proceed as if such surviving or new trustee had originally commenced or defended the same.

105. Every trustee, whether provisional or elected, shall be entitled to a reasonable remuneration for his services, to be fixed by the Master of the High Court.

Trustee entitled to reasonable remuneration.

The said Court may, upon the petition of a trustee or of any creditor, or of any person having an interest in the estate, review the decision given by the Master thereupon.

CHAPTER V.

Composition.

Offer of composition at or after third meeting.

If accepted by three-fourths of creditors meeting called to decide finally upon offer.

If offer finally accepted by three-fourths of creditors present, Master certifies acceptance to Court.

If accepting creditors are less than two-thirds in number and value, master reports to Court.

Preferent creditors not affected by composition against their consent.

Payments, &c., made to secure acceptance of composition void.

Penalties.

106. At the third meeting of creditors, or at any subsequent meeting of creditors duly advertised in the *Staatscourant*, stating the purpose of such meeting, it shall be lawful for the insolvent to make an offer of composition, or of security for composition.

At least forty-two days' notice shall be given beforehand by in the *Staatscourant*, specifying the time, place and purpose of such meeting.

107. Whenever at such meeting three-fourths of the creditors present, whose debts together amount to three-fourths of the whole amount of the debts represented at such meeting, shall accept such offer, the Master of the High Court shall give notice to the High Court of the acceptances of such offer.

108. Whenever the number of the creditors present at such meeting as aforesaid, agreeing to the offer of composition, or of security for composition, do not amount to two-thirds of the whole number of creditors, and their debts taken together do not amount to two-thirds of the whole amount of the debts proved against the insolvent estate, the Master of the High Court shall state such fact to the High Court.

109. The right of any creditor entitled in law to be paid in preference shall in no way be prejudiced, unless such creditor shall have expressly consented to give up his preference.

110. Every preference, gift, security or payment granted, made, promised or offered by the insolvent to or on behalf of any creditor, and all secret agreements or collusive arrangements entered into with any creditor to obtain his concurrence to the said offer of composition, or security for composition, shall be null and void. Any creditor who shall accept any money, or any matter or thing, or any promise of reward, as remuneration for or inducement to accept any such offer of composition, shall forfeit:—

- (a.) A sum equal to the whole of the debt he originally proved against the estate.
- (b.) The amount of all moneys or other things that he shall have received by way of remuneration or inducement as hereinabove set forth.
- (c.) The amount of whatever shall have been paid or secured to him by virtue of the composition.

111. Such action for the recovery of the moneys as above, or other things, may be instituted by anyone who was a creditor at the time of the acceptance of the composition, on behalf of himself or all other persons, who at the aforesaid time were creditors, and who shall, within twenty-eight days after he had given notice in the *Staatscourant* of his intention to institute an action, join with him and bind themselves to accept joint liability with him for the costs of the suit.

Moneys and penalties may be recovered by any creditor.

Notice to be given to other creditors who may wish to join.

112. It shall not be necessary to set forth in the said notice the name of the person against whom such action is intended to be taken, but simply to notify that legal proceedings will be commenced in accordance with the provisions of Section 110, in a certain matter, the particulars of which may be more fully ascertained from the person subscribing the notice.

Notice to be general terms, and not to contain name.

CHAPTER VI.

Liquidation of the Estate.

113. All costs incurred under any sequestration shall in the first place, before any other debt, be paid out of the free residue of the insolvent estate.

Administrative costs to be first charge on estate.

When the said free residue shall be insufficient for the payment thereof, all the creditors who have proved their claims against the estate shall be personally liable, in proportion to the amount of the claims so proved, for the amount unpaid.

The creditors, however, shall not be liable for any claims by persons employed by the trustee in relation to any suit or action at law affecting the said estate, except in so far as the trustee shall have acted under their instruction.

Creditors not liable for costs of action not authorised by them.

Such persons shall have recourse for their claims on the said estate or on the said trustee.

The costs incurred for the realization of any portion of the estate over which any creditor shall hold any special mortgage as security for his claim, shall be paid out of the proceeds of such property, and when the proceeds shall be insufficient for the same, such creditor shall be personally liable.

Costs of realization of mortgaged property to be paid out of proceeds of such property.

Costs of sequestration incurred for other purposes shall in the latter case not be recoverable from the proceeds of such property.

114. The trustee of any insolvent estate shall as soon as may be and not later than six months after the confirmation of his appointment, frame and lay before the Master of the High Court, unless the Master of the said Court, upon his application stating the grounds thereof, of which application he must give at least fourteen

Trustee to file account with Master within six months unless Master grants extension of time.

days' notice previously in the *Staatscourant*, shall grant further time for that purpose :

I. An exact account of the said estate, stating—

- (a.) The proceeds of all sales.
- (b.) The amount of all debts collected.
- (c.) An account of all debts still outstanding.
- (d.) An inventory of all property and effects still unsold.
- (e.) All debts due by the estate.

II. A general plan for the distribution of the assets of the estate, stating—

- (a.) Such creditors as are preferent by law in the order of their legal preference.
- (b.) The concurrent creditors, and balance which remains for division among them.

When insolvent resides outside Pretoria, accounts to be filed also with Landdrost.

115. When the place of residence of any insolvent shall be outside the limits of the district of Pretoria, the trustee shall, before laying the account and plan aforesaid before the Master of the High Court, lay the same before the Landdrost of the district, or the Special Landdrost of the public diggings where the estate is situated, in whose office it shall remain for the inspection of creditors for at least seven days.

Every Landdrost or Special Landdrost shall cause to be affixed in some public place, in or about his office, a list of all such accounts and plans as aforesaid lodged in his said office, together with the dates of their intended transmission to the Master of the High Court.

Account and plan of distribution to be open for inspection.

116. The account and plan of distribution before-mentioned shall also lie open at the office of the Master of the High Court for the inspection of creditors for a reasonable time, to be appointed by the said Master, not being less than fourteen days from the date at which the trustee or trustees of the said estate shall cause notice thereof to be given in the *Staatscourant*.

Aggrieved person may object to account.

117. It shall be lawful for the insolvent, or any party interested in the estate under sequestration, within the time aforesaid, to enter objections against the said account and plan of distribution in writing with the said Master of the High Court, stating the grounds thereof.

And it shall also be lawful for the High Court to permit such objection to be entered at any time before the final confirmation of the said account and plan upon sufficient cause to be shown to the satisfaction of the said Court, and upon such terms as the Court shall impose.

Interested party may bring objection before Court.

118. Any person lodging objections to the said account and plan of distribution shall call upon the trustee, and also upon the party

whose interest may be affected thereby, to appear before the High Court and to show cause why the plan shall not be altered or amended.

The hearing and adjudication by the High Court of such objection must take place within a period of fourteen days after such objection has been lodged ; and in default of any such hearing and adjudication, the objection shall be deemed to have lapsed.

The said Court, after hearing the parties respectively, shall make such order as to them shall seem just.

When however any alteration or amendment in the plan shall be ordered by the said Court, whereby the interest of any party who has not made appearance in the said Court shall be affected, the same shall again lie open for inspection of the creditors, after notice thereof as aforesaid.

Amended account to be open for inspection.

119. If no objection has been lodged against the account and plan of distribution, the Master of the High Court shall confirm the same.

Master to confirm account if no objections lodged.

If objections have been lodged, then the High Court, after hearing such objections, shall decide upon the same, and upon the confirmation of the said account.

If objections lodged, Court to decide.

Such confirmation either by the High Court, or by the Master of the High Court, shall have the effect of a final sentence, except against such creditors as shall afterwards be admitted by the said Court in manner hereinbefore provided to prove their debts and rank upon the said estate at any time before the final distribution thereof.

Confirmation to have effect of final sentence.

120. After confirmation of the said account and plan of distribution, the trustee shall distribute the said estate according thereto.

After confirmation of account, estate to be distributed.

During the continuance in office of the said trustee, any creditor may claim payment of any dividend due to him by motion in the High Court, or any Circuit Court.

Creditor may obtain order against trustee on motion.

121. If it shall be found impracticable from the nature of the said estate, or from other causes, to frame the plan of distribution so as to arrange the distribution of the whole of the insolvent estate according thereto, it shall be lawful for the trustee, as soon as may be, and in no case later than six months after the confirmation of the plan, unless further time be given for that purpose as before set forth, to frame and lay before the Master a scheme of provisional distribution, which shall contain a return of all such matters hereinbefore required in regard to the plan of distribution in the 114th Article of this Law mentioned, in so far as the condition of the estate shall permit.

Where necessary, trustee may frame provisional distribution account.

He shall further act in accordance with the same rules in respect of his plan of provisional distribution, and after confirmation of the same, shall cause the distribution to be made in accordance with the same rules as are hereinbefore prescribed in regard to the said plan of distribution.

When there are assets, second account to be framed within six months after first account, and so on every six months.

122. When after such provisional distribution it shall happen that any residue remains over for distribution, the trustee shall, as soon as may be, but in no case later than six months after the lapse of the six months above fixed by Article 121, unless, as above, further time be given for that purpose, file and give effect to a second such scheme of distribution, and so on from six months to six months until the whole estate shall have been finally distributed.

Account to be filed in duplicate with master.

123. The trustee shall, together with the account and plan of distribution of the estate, deliver to the Master of the High Court a duplicate or copy of the said account and plan of distribution, and in default thereof he shall be deemed not to have filed any account and plan of distribution at all.

Master to note particulars upon each copy of account filed.

124. The Master of the High Court shall endorse upon each such copy or duplicate lodged with him, the date upon which the account or plan of distribution has been confirmed, and shall examine or cause the same to be examined, and shall authenticate the same by affixing his signature thereunto.

Master to send duplicates to Landdrosts of districts within which insolvent resides.

125. He shall further, as soon as may be after the end of each month, transmit all such duplicates and copies received by him to the Landdrosts of the districts, or to the Special Landdrosts of the public diggings in which the estates are situated.

Landdrost to file such accounts, which are to be open for inspection.

126. The Landdrosts and Special Landdrosts shall register and file all such copies or duplicates at their respective offices, where any person may, on any day except Sundays and holidays, inspect and take copies of the same.

Certified copies of accounts to be receivable in evidence.

127. A copy of any original account or plan of distribution, or of a duplicate thereof, being duly signed and certified by the Landdrost or Special Landdrost as a true copy, and authenticated by the Master of the High Court, or by the Landdrost or Special Landdrost, as the case may be, shall be received in evidence in any Court, or by any person who by law, or by the consent of parties, is declared competent to take evidence.

Trustee to give notice in Gazette when dividends are payable.

128. Whenever any dividend is payable, the trustee shall give notice thereof in writing to all the creditors whose claims have been proved, as well as a public notice in the *Staatscourant*, stating that such dividend is in the course of payment, and calling upon all creditors entitled thereto to apply for and receive the same.

In case any dividend shall remain unclaimed for the space of six months after the date of such notice, the trustee shall, should he still continue in office, or the Master of the High Court should the said trustee have been discharged, pay such unclaimed dividend into the Orphan Chamber Fund to the credit of the parties entitled thereto. Such payment shall be subject to the provisions of Law No. 12 of 1870, "Orphan Chamber Law."

Unclaimed dividends to be paid into Orphan Chamber Fund.

When a trustee neglects to pay such dividend into the hands of the Master of the High Court, the said Master may summon him before the High Court or any Circuit Court to answer for such neglect.

The said Court shall summarily make such decision, and it shall be lawful to adjudge the trustee to pay into the Treasury, for the benefit of the Treasury, such sum as to it shall seem meet, not exceeding the amount of the dividend unduly detained.

129. It shall be lawful for the Master of the High Court at all times after the confirmation of the account and plan of distribution, to call upon the trustee for accounts of what dividends have been paid. Any neglect or refusal on the part of any trustee by means of receipts, or other sufficient evidence, to prove the payment of any given dividend, shall be considered *prima facie* proof that the sum has not yet been claimed.

Master may call on trustee to furnish proof of payment of dividends.

130. It shall be lawful for the said Court, in case of disobedience by any such trustee to any order or decision of such Court made by virtue of the 120th and 129th Art. of this Law, to direct the sum in question to be recovered by attachment and sale of the goods of the said trustee, with or without his committal to prison until he shall have obeyed such order or decision of the Court.

Attachment may issue against disobedient trustee.

131. Any residue of the insolvent estate which may remain after the payment of all claims thereupon, shall be paid to the insolvent or his lawful assignees.

Residue, if any, of estate payable to insolvent.

To the insolvent shall also be restored the property in all debts and other assets belonging to the estate which may then remain or be outstanding.

CHAPTER VII.

Discharge of the Order of Sequestration and Rehabilitation of the Insolvent.

132. The insolvent may, when an offer of composition made by him has been accepted by his creditors, immediately upon the acceptance of such offer of composition, but otherwise not before six months have elapsed from the date of the final distribution of his estate, make application to the High Court for his rehabilitation.

Rehabilitation may be applied for forthwith after composition, other

wise not
before lapse
of six months.

In each case notice of such application shall have to be given at least six weeks previously, in writing, to the Master of the High Court, to the trustee of the estate, and by public advertisement in the *Staatscourant*, or in any other manner which the Court shall provide.

Insolvent to
give security
before apply-
ing for his
rehabilitation.

133. Before making any such application as in the last preceding section mentioned, the insolvent shall give sufficient security, up to the sum of twenty-five pounds, to the Registrar of the High Court, for the payment of the costs of any person who may appear to oppose such rehabilitation, and to whom the Court may award his costs.

Insolvent to
make oath of
full and fair
surrender, &c.

134. Every insolvent applying to the Court, as aforesaid, for his rehabilitation, shall make and submit a sworn declaration in writing that he has made a full and fair surrender of his estate, and has not granted or promised any preference or security, or made or promised any payment, or entered into any secret agreement or collusive arrangement with intent to persuade his trustee or any creditor not to oppose his rehabilitation.

Trustee or
creditors may
oppose grant-
ing of rehabi-
litation.

135. Upon the day fixed for the hearing of such application, it shall be lawful for the trustee, or any of the creditors, or other person interested in the estate, to appear in person or by counsel to oppose the granting of the rehabilitation aforesaid.

Court has
discretion to
grant or refuse
rehabilitation.

The Court may, whether the rehabilitation of such insolvent be opposed or not, grant or refuse to grant such rehabilitation, or suspend the granting of the same, or annex such conditions thereto as the justice of the case may require.

The Registrar of the High Court shall forthwith give notice to the Master of the High Court of every rehabilitation of an insolvent granted by the said Court.

Fraudulent
insolvent not
entitled to
rehabilitation.

136. An insolvent who committed an act of fraudulent insolvency, or who has been guilty of any fraudulent transaction, to the prejudice of any of his creditors, or of any transaction specified under Article 141 of this Law, shall not be entitled to rehabilitation.

Court to
protect rights
of creditors
who may not
have proved.

137. No rehabilitation shall be granted to any insolvent until the Court shall have satisfied itself that no injury or wrong will be done to any person who, having been allowed by the said Court to make any claim against the estate, has not yet proved his debt against the said estate at the time of the making of the application for the rehabilitation of the insolvent, and until such time as the Court shall have ascertained, by putting the insolvent to his oath, or otherwise, whether there are or are not other creditors who, by reason of their absence from the Republic, or for other reasons, have not yet proved their lawful claims against the said estate.

When it shall appear to the said Court that there are still such creditors, the said Court shall not grant the rehabilitation until such time as the Master of the High Court shall have certified to the said Court that the amounts due to such creditors have

been paid to him, or that the said amounts have been deposited with him, or with some other person to his satisfaction, for and on account of such creditors, such amounts being the same as such creditors would have been entitled to in accordance with any offer of composition, or in accordance with the plan of distribution of the estate in case they had proved their debts.

Deposit to protect interest of unproved creditors.

138. When a creditor on whose behalf, as above stated, any sum of money, or any other matter or thing had been reserved or secured, shall not prove his right thereto within such reasonable time as the Court shall provide, the said Court shall, upon the application of any person interested in the said estate, order that such sum of money, or such other matter or thing, shall, after deduction of the costs for and on behalf of the person making such application, be divided in proportionate shares among the remaining creditors.

Distribution within reasonable time of any money so deposited.

139. The effect in law of every rehabilitation of an insolvent shall be to discharge the estate of the said insolvent from sequestration, and to reinstate such insolvent in all the personal rights he enjoyed before the sequestration of his estate, and to discharge all the debts of the said insolvent existing at the time of the granting of the order of sequestration, save and except such claims as the creditors shall have against him by virtue of any offer of composition accepted by them, and which shall still remain unsatisfied.

Rehabilitation to discharge insolvent from debt, and to reinstate him in his personal rights.

140. No creditor shall by reason of the rehabilitation of any insolvent be deprived of his right to claim from any person, who is bound to him as a surety for the insolvent, the balance of any debt in respect whereof the suretyship was entered into.

Rehabilitation of insolvent does not discharge his surety.

141. All preferences, gifts, securities, or payments granted, made, promised, or offered by the insolvent to or for the benefit of his trustee or of any creditor, and all secret agreements or collusive arrangements entered into by him with such trustee or creditor with the intent and purpose of inducing such person not to oppose his rehabilitation shall be null and void.

All transactions, &c., entered into to induce trustee or creditor not to oppose rehabilitation, void.

The trustee or creditor who shall accept any offer made as hereinabove set forth shall forfeit for the benefit of all the other creditors jointly (the creditor who has accepted such offer always excepted) a sum of money equal to double the amount or double the value of whatever he shall have so received from the insolvent.

Trustee or creditor accepting, forfeits for benefit of other creditors.

142. As long as the insolvent is not rehabilitated in manner as above set forth, the sequestration of his estate shall continue in force, even after the final distribution of his estate and the discharge from office of his trustee.

Sequestration continues where no rehabilitation, notwithstanding final distribution of estate.

Pending sequestration after acquired property liable to attachment upon order of Court.

143. Whenever pending such time it shall appear that there are further assets belonging to the estate which were not known at the time of the distribution of the estate, or that the insolvent has acquired fresh assets, whether by inheritance or otherwise, or that the profits made by the insolvent in the business carried on by him, by virtue of Art. 28, amount to more than was strictly necessary for the maintenance of himself and his family, then any creditors who shall have proved any debt upon the estate of any such insolvent may apply to the High Court for an order for the distribution of such assets respectively among the creditors who have so proved their debts upon the estate.

Where £50 at least is available for distribution, meeting of creditors to be called to elect a trustee.

144. It shall be lawful for the Court, whenever it shall find that there is a sum of at least £50 available for distribution, after deduction of costs, to order the Master of the High Court to call a meeting of creditors for the election of a trustee, according to the provisions of this law, who shall be charged with the distribution of such sum.

All provisions of this Act to apply to such trustee and to the distribution of money.

145. All the provisions of this Law relating to the trustee and to the distribution of the estate shall, *mutatis mutandis*, apply to any such trustee and any such distribution as is referred to under Art. 144.

CHAPTER VIII.

Fraudulent and Culpable Insolvency.

What constitutes fraudulent insolvency, and punishment therefor.

146. An insolvent shall be deemed to be guilty of the crime of fraudulent insolvency, and shall be punished for the same by imprisonment, with or without hard labour, for a period not exceeding seven years.

1. Alienation, &c., of property with intent to defraud creditors.

(a.) If he either before or after the making of the order of sequestration, has alienated, mortgaged, pledged, embezzled, concealed or removed anything belonging to his estate to the value of £10 or upwards with intent to prejudice the rights of his creditors.

2. Concealing &c., books, vouchers, &c.

(b.) If he, has concealed or removed, destroyed or mutilated any books belonging to his office, accounts, receipts, or any other documents relating to his estate, with intent thereby to defraud his creditors.

3. Fraudently contracting debts.

(c.) If he has fraudulently contracted any debt.

4. Wilfully lodging false statements, &c.

(d.) If he shall, at the second meeting of his creditors, or any adjournment thereof, wilfully file any inventory containing any false statement about his estate or any part thereof, or any debt due to or by him, or

- (e.) If he shall produce any books belonging to his office accounts, receipts, or any other documents which are false, or on which any erasure or alteration has been made or caused to be made by him, or with his knowledge with intent to defraud his creditors : or
- (f) If he shall have connived at, or by not at once communicating the fact to the trustee fail to prevent such person from proving a false claim against the estate.
- (g.) If at any time when examined by the Court or by the Presiding Officer, or by any creditor at a meeting of creditors, he makes any false answer to any lawful question with the intent to defraud his creditors.
- (h.) If he shall, being summoned to appear in accordance with the provisions of Art. 159, leave the Republic, or otherwise remove himself, or conceal himself with the intent by so doing to avoid the trial referred to under that Article, or to avoid any writ of arrest issued against him under Art. 160.

5: Producing false books, &c.

6. Conniving at proof of false debt.

7. Wilfully makes false answers.

Absenting himself after being summoned.

147. An insolvent shall be deemed to be guilty of the crime of culpable insolvency, and shall be punished for the same by imprisonment, with or without hard labour, for any period not exceeding six months.

What constitutes culpable insolvency and punishment.

- (a.) If he shall fail to attend before his creditors at the first, second or third meetings of his insolvent estate, or shall remain away from any adjournment of any of the said meetings without leave from the presiding officer : or if he fail to attend at any other meeting of his creditors after being duly required to do so.
- (b.) If he has kept no adequate or proper books or accounts containing all such entries relating to and exhibiting the nature of his dealings as (regard being had to his particular trade or calling), might reasonably be expected or required.
- (c.) If at any meeting of creditors in his insolvent estate, being thereto required by the presiding officer, he cannot account for or discover what has become of any money, security or other property, which shall have been proved to have been in his possession so recently before the sequestration as to make it his duty so to do :
- (d.) If he shall not be able, after having been requested in writing by the said trustee so to do, to give a true and sufficient explanation of the cause of his insolvency :
- (e.) If he shall have given to any of his creditors an undue preference :
- (f.) If he shall have contracted any debt or debts to the amount of £50, without any reasonable or probable expectation of being able to discharge the same :

1. Failing to attend meeting of creditors.

2. Not keeping proper books and accounts.

3. Not accounting for money or property possessed recently before sequestration.

4. Not explaining cause of insolvency.

5. Giving undue preference.

6. Contracting debt of £50 without expectation of being able to pay same.

7. Making or promising any gift, &c., to obtain composition or to prevent opposition to rehabilitation.

(g.) Or, if he shall have granted, made, or promised to any creditor any gift, payment, security or any other unlawful consideration in order to procure the consent and concurrence of such creditor to any offer of composition, or to prevent opposition to his rehabilitation.

Trustee or creditor has right of prosecuting for culpable insolvency.

148. Every trustee and every creditor of the estate of any insolvent shall, with regard to the prosecution of any offence of culpable insolvency, which has been committed, have the same right of prosecution which any private person has by law with regard to any offence committed against his person or property.

Provided no creditor can prosecute unless trustee declines.

No creditor shall, however, be entitled to exercise such right without first obtaining from the trustee, and producing a certificate that the trustee declines to institute such prosecution.

Fraudulent and culpable insolvency to be tried by jury.

149. The crimes of fraudulent and culpable insolvency shall be tried before a jury.

CHAPTER IX.

Miscellaneous Provisions.

Penalty for removing, &c.. property attached under sequestration.

150. Any person who shall alienate, remove, conceal, embezzle, or receive any property belonging to any insolvent estate which has been attached by virtue of any order for the sequestration thereof, knowing the same to have been so attached and with intent to defeat the said attachment, shall be punished by imprisonment, with or without hard labour, for a period not exceeding seven years.

Penalty for accepting fraudulent alienation, &c.

151. Any person who shall accept from any insolvent any alienation, mortgage, or pledge, knowing at the time the same to have been fraudulently made or passed with the intent thereby to prejudice the rights of his creditors, shall be punished by imprisonment, with or without hard labour, for a period not exceeding seven years.

Search warrants obtainable where insolvent's property is suspected to be concealed.

152. When from declarations made under oath, it shall appear to the satisfaction of any judge of the High Court, or of any Landdrost, or of any Justice of the Peace, that there is reason to believe or suspect that property belonging to any insolvent estate is concealed in a house or other place not belonging to the insolvent, it shall be lawful for the said judge, Landdrost or Justice of the Peace, upon the application of the master of the High Court or of the trustee of the estate, to grant a warrant to search for and take possession of the said property. Such warrant shall be executed in like manner as a search warrant for property reputed to be stolen or concealed.

Any property of the insolvent so found shall be delivered to the Master of the High Court, as long as no trustee has hitherto been appointed, or otherwise to the trustee, or to any person appointed by the said Master or trustee to receive the same.

153. Any person, whether actually a creditor or not, who shall be obliged by virtue of the 35th, 37th and 38th Articles to restore the amount of any undue preference which had been granted to him, when such preference was received by such person or through any fraudulent arrangement, mutual agreement, or common consent between such person and the insolvent, shall not be entitled to prove as a debt the amount of the undue preference so restored upon the estate.

Creditor obtaining undue preference by collusion, not allowed to prove on estate.

154. It shall be lawful for the trustee of any insolvent estate in any suit or action which he may institute against any person for the restoration of the amount of any undue preference, to claim in such suit or action that such person shall be declared by the judgment of the Court to have forfeited, on behalf of the insolvent estate, the amount in which he shall be found to have been unduly preferred by reason of the fraudulent arrangement, mutual agreement, or common consent in the last preceding section mentioned.

In action for undue preference trustee may pray Court to declare forfeiture.

In case no such action is instituted as above set forth, but the claim of any such last-mentioned person for the amount so restored be disputed, then such right shall be determined in accordance with the provisions of this Law for the regulations of the proof of debts.

155. In case a creditor has received an undue preference, but under circumstances which do not by virtue of the above Article occasion a forfeiture, viz. : in respect of any bill of exchange or promissory note with recourse on other parties, payable by the insolvent, and in possession of the creditor, or in respect of any debt of the insolvent for which such creditor had any security which by reason of the act of the insolvent constituting such undue preference, such creditor has *bonâ fide* given up, or which he has omitted to take legal proceedings to recover, he shall not be liable to restore to the trustee the value of such undue preference, unless the trustee will indemnify him in respect of whatever loss such creditor would sustain in case he were unconditionally condemned to restore the amount or value aforesaid.

Creditor acting *bonâ fide* who has lost recourse through receiving undue preference entitled to indemnity from trustee.

156. In case any third party shall *bonâ fide* purchase or otherwise acquire for lawful consideration any bills of exchange, promissory notes, or other money securities, or any goods or effects from any person to whom they have been alienated by the insolvent under circumstances which would, in accordance with the provisions of this Law, make them null and void, then and in such case the rights which such third party so buying or obtaining shall have lawfully acquired in such goods and effects shall not lapse or be impeachable. But the person to whom the same were

Third party *bonâ fide* obtaining estate property improperly alienated, protected.

But persons improperly

alienating same, to pay true value thereof to estate.

alienated, as above, shall be obliged to pay the true value of all such goods and effects by him disposed of to any third party, to the trustee of the insolvent estate, for the benefit of the creditors thereof.

Alienation within six months of sequestration, when presumed to be in contemplation of sequestration.

157. Whenever in any action for setting aside an undue preference, under and by virtue of Articles 35, 36, 37 and 38 of this Law, it shall be proved that the alienation, payment, mortgage or pledge in respect of which the action is brought, was made or passed within six months of the sequestration of the insolvent's estate, and at a time when the liabilities of the insolvent fairly calculated exceeded his assets fairly valued, it shall be deemed that the insolvent might reasonably have expected the sequestration of his estate at the time, unless the defendant in such action shall prove the contrary.

The evidence of the insolvent alone shall not be deemed sufficient proof to the contrary.

Persons legally invested with estates liable to same provisions as to undue preferences.

158. Every provision of this Law relative to what shall be deemed undue preferences made by an insolvent, shall be deemed and taken to apply to preferences given out of the assets of the estate which they administer by persons lawfully charged with the administration of such estates.

Where such undue preferences, as aforesaid, have been granted by any person who was lawfully charged with the administration of any estate before the sequestration, the trustee may prosecute either the person legally administering the estate or the person to whom or for whose benefit such undue preference shall have been given, first one and then another, but not both concurrently, for the repayment of the value or amount of any such undue preference. Provided always, however, that he shall in no case recover more than the amount or value of such undue preference, together with his costs and charges.

Insolvent a competent witness.

159. In all cases under Article 103, or in any action instituted between parties relating to and concerning the legality of the debt of any person claiming to be a creditor on the estate, or in respect of the right of any person to have a preference upon any part thereof, it shall be competent for any insolvent to give evidence either in favour of or against the trustee.

Court may direct insolvent to be summoned for examination.

160. It shall be lawful for the High Court or any Circuit Court, whenever such Court shall think fit, upon the application of the trustee, to summon the insolvent to appear before such Court or the Commissioner of such Court, to be examined under oath upon all such matters and things as are under Article 55 of this Law referred to.

Such examination to be reduced to writing, and signed by insolvent.

The said Court or the said Commissioner shall cause every such examination of the insolvent to be reduced to writing, and signed by him, and annexed to the proceedings of his estate.

161. If any insolvent being duly summoned as aforesaid shall not come at the time and place appointed in the summons for his appearance (without his having proved to the satisfaction of such Court or Commissioner that he was prevented from doing so by some lawful cause), it shall be lawful for such Court or Commissioner to grant a warrant authorising any officer of the law or other person to apprehend such insolvent and bring him before such Court or Commissioner, or to lodge him in any prison, therein to be detained until the time which such Court or Commissioner shall have appointed anew for his examination upon application of the trustee.

Insolvent not obeying summons may be arrested and imprisoned.

In the latter case the gaoler of every such prison shall be bound to produce the said insolvent before the Court or before the Commissioner aforesaid.

162. If any insolvent shall at the second meeting of creditors, or any adjournment thereof, being thereunto required, refuse to lodge a true inventory of his estate, as provided by Article 54, or to surrender the books, accounts, vouchers or other documents as provided by the same Article, or shall at any meeting of creditors, or before the Court or the Commissioner of such Court as aforesaid, refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Court or such Commissioner, or by the presiding officer, or by any creditor, touching any of the matters provided for under Article 55, or shall without lawful cause refuse to sign or subscribe his examination so reduced into writing as aforesaid, it shall be lawful for the Court or the Commissioner or the presiding officer, by warrant under their hand, wherein shall be set out whatever questions the insolvent may have refused to answer, to commit him to such prison as the Court or presiding officer shall think fit, there to remain without bail until he shall withdraw his said refusal.

Insolvent failing to lodge accounts, or to answer questions, &c., may be committed to prison without bail till he comply.

163. It shall be lawful for the High Court or any Circuit Court after the sequestration of any estate, upon the application of the trustee, to summon before the said Court, or the said Circuit Court, the wife of the insolvent, or any person known or suspected to have in possession any of the estate of the insolvent or to be indebted to the insolvent or any person whom the Court may see reason to believe capable of giving information concerning the person, trade, business or estate of such insolvent, or any information material to the full disclosure of the affairs of the estate, to appear before the said Court, and at the same time order him or her to produce any books, accounts, vouchers or any other documents in his or her custody which may appear to the said Court necessary to establish or verify any fact affecting the estate.

Wife of insolvent or third person suspected of detaining estate property or capable of giving information may be summoned for examination.

The said Court or its Commissioner may examine every such person upon oath, and shall cause his or her examination to be reduced to writing, and signed by him or her, and annexed to the documents relating to the estate.

Such person making default may be arrested.

164. If any such person shall, upon being lawfully summoned, fail to appear at the time and place appointed in the summons, without having proved to the satisfaction of the Court or Commissioner before whom such person is summoned that he was prevented from so doing by some lawful cause, it shall be lawful for such Court or such Commissioner under his hand to grant a warrant, authorising any officer of the law or other person to apprehend the person so summoned, and to bring the said person before such Court or such Commissioner, or to commit the said person to any prison, therein to be detained until the time which such Court or Commissioner shall on the application of the trustee appoint anew for his or her examination.

In such latter case the gaoler of any prison shall be bound to produce such person before such Court or Commissioner.

Such person refusing to answer, &c., may be committed to prison without bail till he comply.

165. If any such person so summoned or brought before the Court or Commissioner for examination shall refuse to be sworn, or shall refuse to answer any lawful question put by such Court or Commissioner touching any of the matters upon which he is being examined, or shall refuse to sign his or her examination so reduced into writing as aforesaid, not having any lawful ground of excuse, or shall not, being thereunto required, produce all books, accounts, vouchers, and other documents, to the production of which there shall be no legal objection, it shall be lawful for the Court or the Commissioner by warrant, stating the questions he may have refused to answer, to commit such person to such prison as they shall think fit, there to remain without bail until such person shall withdraw his said refusal.

Insolvent and other persons summoned to have necessary expenses tendered.

166. The trustee shall supply the insolvent and every other person summoned to appear before the High Court or the Circuit Court, or a Commissioner to be examined as above, with pecuniary compensation in like manner as by law required upon service of a subpoena to a witness in any civil suit.

Such compensation shall also be allowed to every insolvent for his attendance at any meeting of creditors, other than the first, second and third meetings, or any adjournment of any such meetings, at which he has been required to be present by the presiding officer.

Person making false answer guilty of perjury.

167. Every insolvent or other person, who on being examined as above, shall wilfully make any false answer to any lawful question put by such Court, Commissioner or presiding officer, or any creditor, shall be deemed to have committed the crime of perjury.

Person committed to prison may apply to Court for discharge upon showing sufficient grounds.

168. It shall be lawful for the insolvent or any person committed to prison as aforesaid under the provisions of Articles 160, 161, 164, 165 of this Law to make application to the High Court or any Circuit Court to be discharged from custody. It shall be lawful for the Court to order his discharge either on the ground of any illegality or informality in the form of the warrant, or if it shall

appear on examination that the said insolvent or other person had a lawful reason for refusing to answer.

169. In case any suit or action shall be instituted against the Commissioner or presiding officer by reason of any commitment to prison of the insolvent or other person, the said Commissioner or said presiding officer shall possess in reference to such action and the proceedings therein, the same rights and obligations as are by law allowed to and imposed on Justices of the Peace for anything done by them in the execution of their office.

Commissioner or presiding officer committing to prison to have same protection as a Justice of the Peace.

In case the action shall be instituted by reason of a commitment to prison for refusing to answer questions, the Court shall take into consideration the whole examination of which such question formed a part.

170. At any time after the plan for distribution of any insolvent estate has been confirmed, or after the distribution of the estate has been directed to be made under the provisions of the 46th Article, and before the insolvent shall have obtained his rehabilitation, it shall be lawful for the Master of the High Court, the trustee, or any creditor, to apply to the High Court or any Circuit Court for the process of the said Court for the civil imprisonment of the said insolvent; provided the insolvent shall first have been duly summoned to appear before such Court.

After confirmation of account and before rehabilitation, insolvent may be summoned for writ of civil imprisonment.

Upon proof to the satisfaction of the said Court that the said estate is not sufficient to discharge the debts proved or provable against the said estate aforesaid, it shall be lawful for the Court to grant such civil imprisonment absolutely or conditionally, or reject the same. If the application for civil imprisonment has been made by one or more creditors, and the said Court shall suspend the same upon the condition of the insolvent paying any sum of money, such payment shall be made to the trustee, and if there be no trustee in office, then to the Master of the High Court, for the benefit of the said creditor or creditors, or of such other creditors as shall before distribution claim to be admitted to a share thereof.

Court has discretion to grant or refuse warrant or impose terms.

171. At any time after the plan for distribution of any insolvent estate has been confirmed, or after the distribution of the said estate has been directed under the provisions of Art. 47 of this Law, and before the insolvent shall have obtained his rehabilitation, it shall be lawful for such insolvent to apply by motion to the High Court or to any Circuit Court for an order declaring that he shall not be liable to process of civil imprisonment as above set forth.

Insolvent may apply for a protection order on giving six weeks' notice in *Gazette*.

At least six weeks' notice of the day on which such motion is to be made shall be given by advertisement in the *Staatscourant*.

172. Upon the making of such motion any creditor of the insolvent estate, whose claim has not been fully satisfied and paid, may object to the said order.

Creditors entitled to be heard against

granting of protection order.

The Court may either grant the application conditionally or unconditionally, or reject the same.

Every such order granting such application shall have the same effect of protecting the prisoner against any decree of civil imprisonment as his rehabilitation would have had. Every creditor, however, shall retain his right to prosecute his claim in accordance with the provisions of this Law against all present and future assets of the estate.

Order fraudulently obtained may be recalled.

If it be proved that any such order as aforesaid was fraudulently or unduly obtained, it shall be lawful for such Court to recall the same.

Court may frame rules.

173. It shall be lawful for the High Court from time to time, as often as it shall think fit, to make such rules, orders and regulations for carrying this Law into effect, and also touching the manner and form of proceeding as it shall consider advisable.

Judge in Chambers may give orders under this Law, subject to appeal to full Court.

174. In all cases in which, in accordance with the provisions of this Law, the co-operation or decision of the High Court shall be deemed to be necessary, such co-operation or decision may be given by a Judge in Chambers. From every such decision given by any Judge in Chambers as hereinabove set forth, there shall be an appeal to the full High Court.

Master to publish every three months lists of un-rehabilitated insolvents.

175. The Master of the High Court shall, at the cost of the State, publish every three months in the *Staatscourant*—

- (a.) An alphabetical list, giving the name and place of residence of every unrehabilitated insolvent, the account and plan of distribution of whose estate has not yet been confirmed: also the date at which the order for the sequestration of the estate was granted:
- (b.) An alphabetical list, giving the name and place of residence of every unrehabilitated insolvent, the account and plan of distribution of whose estate shall have been confirmed, together with the date of such confirmation.

Master to enter of record and have custody of all proceedings.

176. The Master of the High Court shall enter of record and have the custody of all documents relating to every registered estate.

Certified extracts to be received in evidence.

The insolvent or any creditor who has proved his debt shall at all reasonable times have inspection of the documents, and be permitted to take extracts or copies therefrom. Extracts of such proceedings signed by the Master shall be received as evidence in all Courts of Justice within this Republic.

Landdrosts and Justices of the Peace to aid in carrying out the Law.

177. The Landdrosts in their respective districts, the Special Landdrosts in the public diggings, and the Resident Justices of the Peace, shall give their aid in the administration of this Law, and to that end shall do whatever may be required of them by any rule or order of the High Court granted or made under the provisions of this Law.

178. The High Sheriff and his Deputy Sheriffs, as also the Messengers of the Landdrosts' Courts, being thereunto required by the Master of the High Court, shall perform all such duties as may be required of them within their respective districts under the provisions of this Law.

Sheriffs, Deputy-Sheriffs and Messengers thereunto required to perform duty.

And they shall receive such remuneration for their services out of the assets of the insolvent estate as shall be fixed by the High Court.

And shall receive remuneration therefor.

179. This Law shall apply to every estate which was placed under sequestration before the coming into operation thereof, in so far as it shall be possible to apply the provisions hereof having regard to the condition of the estate at the time of such coming into operation as aforesaid.

This Law to apply as far as possible to estates already sequestered.

The rights of any person to any property lawfully attached by reason of any action which such person may have instituted at the time of the coming into operation of this Law, and all suits or actions-at-law pending in the Courts at such time as aforesaid, shall be adjudicated upon and determined in accordance with the provisions of Law No. 21 of 1880.

The crimes made punishable by Law No. 21 of 1880, and committed before the coming into operation of this Law shall be prosecuted and punished in accordance with the provisions of the said Law 21 of 1880.

180. The word "estate" in this Law shall, within the meaning of this Law, comprise all present and future property, whether movable or immovable, personal or real, and all rights of whatsoever description to such property, wherever they may be found to exist, belonging to or due to the insolvent at the time of the granting of the order of sequestration, or which shall subsequently at any time before rehabilitation be acquired by or become due to such insolvent. (Save and except such as are under Sections 28 and 32 referred to).

Meaning of word "estate."

181. All enactments inconsistent with the provisions of this Law are hereby repealed.

Repeal of inconsistent enactments.

182. This Law shall come into operation on January 1st, 1896.

Act to take effect from January 1st, 1896.

S. J. P. KRUGER,
President.

Dr. J. W. LEYDS,
State Secretary.

Government Offices, Pretoria,
4th August, 1895.

LAW No. 14, 1895.

AMENDMENT OF LAW 19, 1894.

Costs in Law Cases.

Superseded by 12 of 1899, except the tariff for the Registrar's office, Art. 10, last paragraph, as follows :—

	<i>s.</i>	<i>d.</i>
Power to prosecute or defend - - - -	2	0
Substitution of power - - - - -	2	0
Summons, subpoena or writ - - - - -	2	0
Any pleadings - - - - -	2	0
Petition or notice of application - - - -	2	0
Notice of putting a case on the roll - - -	2	0
Sworn declaration - - - - -	2	0
Certified copy of a document - - - - -	2	0
Ordinary copy - - - - -	2	0
Liquid document in provisional cases - - -	2	0
Document in illiquid cases - - - - -	2	0
Orders and interdicts - - - - -	5	0
Notice of withdrawal of a case - - - - -	2	0
Petition for leave to appeal - - - - -	5	0
Deed of security in case of appeal - - - -	2	0
Judgment of an arbitrator - - - - -	2	0
Memo. of an investigation - - - - -	2	0

Bills of costs in all cases and applications to be taxed 1 p.c. on the amount.

LAW No. 15, 1895.

REGULATIONS FOR THE LEASING OF GOVERNMENT SALTPANS.

(Approved and enacted by the Second Volksraad by Art. 926, dated 22nd July, 1895, noted and accepted by the First Volksraad by Art. 915, dated 14th August, 1895.)

Conditions under which the Government can lease saltpans.

1. The Government is authorised with the advice and consent of the Executive Council to lease the Government saltpans under the following conditions :—

Public tender.

1. The leasing shall be effected by means of public tenders.

Not to exceed five years.

2. The period of the lease may not exceed five years.

Security by lessee.

3. On the contracts being signed the lessee shall give security for the due payment of the amount of the rent during the whole period of the lease, and for the due and faithful observance of all conditions of the contract to be entered into.

4. The Government has the right without any reservation to declare the lease cancelled if the lessee does not strictly observe all conditions stipulated for in the contract, provided that three months' notice be given to the lessee. Right to cancel lease.
5. If the Government has reason to suppose that the pan itself is becoming injured by some manner of working, the Government has the right to warn the lessee to make a change in such manner of working; the Government has also the right to order the lessee to introduce a new manner of working, if the Government thinks that the saltpans will thereby become more productive or be improved. The lessee must act strictly according to such instructions; the right is however reserved to him, if he thinks he cannot give effect to the instructions of the Government, to cancel the contract with three months' notice of the same. Government has right to prescribe mode of working.
6. The lessee shall, as far as possible, see that the pan is kept in existence, and take adequate measures to prevent the pan being injured by any avoidable circumstance. Lessee shall see that the pan is kept in existence.
7. Every lessee is obliged to beacon off such places for the public, when it chooses to make salt at any saltpan by means of pits, in claims of 100 by 100 ft. whereon salt may then be made at sixpence (6d.) per muid to be paid to the lessee, equally also without injuring the sheet (the bedding) of such pan. Lessee shall distribute claims to the public.
8. No earth, trees, branches, or any other filth may be thrown or put in the pan. Measures shall be taken to prevent filth being thrown near the pan, which the rain or wind might carry into it. Lessee must guard against defiling of the pan.
9. It shall not be lawful to allow cattle or draught animals to pass through the pan, or to graze on the banks of the pan. It is also not permissible to allow any stock or cattle or draught animals or poultry or swine to run so near the pan that the latter can be polluted thereby. Having cattle kraals near the pan is also strictly prohibited. In no case shall a cattle kraal be so constructed that the dung may drain towards the pan. Do.
10. No one is entitled to pass through the pan with any sort of conveyance. Do.
11. The lessee or any other person is strictly prohibited from cutting or carrying, or causing to be carried, either green or dry wood on the saltpan farm, except for their own individual use at such saltpan farm itself. Chopping wood.

- Making over the lease. 12. The lessee shall not make over the contract either in whole or part to any person or company except with the consent of the Government.
- Outspanning. 13. No one, except those who come there with the *bonâ fide* purpose of collecting salt, shall have the right to remain longer with cattle on Government farms where salt pans are situated than provided by the law on outspanning. (Law 1, 1893.)
- Do. 14. At every pan an out-span shall be appointed for the cattle of persons who come to the pan. No one is allowed to come with more cattle than one span of oxen for one wagon and four cows.
- What the lease implies. 15. The ground or the farm to which the salt pan belongs is leased with the salt pan. But everyone who comes to collect or to make salt, shall have unencumbered and free pasturage for his cattle (mentioned in Art. 14) on such farm.
- At the same time the Government reserves the right to allow green or dry wood of the farm or ground to be chopped and carried away, on the written instructions of the Landdrost of the district.
- Public must be admitted to collect salt for payment. 16. The hirer or lessee shall on receipt of a request thereto at all times allow any person to collect and extract salt from the pan for his own use, provided that no damage is done to the operations of the lessee, under the following conditions as to price: for the first ten muids 1s. per muid, for more than ten muids collected by the person himself 1s. 6d. per muid, when any question arises between the lessee and any person coming to make or collect salt, they shall appeal to the Government who shall decide finally between parties.
- Salt pans only for white persons. 17. The salt pans shall be for the use of the white population only.
- Cleanliness. 18. Collection of salt shall take place in the cleanliest and cleanest manner.
- Size of salt claims 19. The lessee shall be bound and obliged to divide the pan when the salt has settled, proportionately among the persons present, who have sent in an application to that end, so that every person shall get an area or claim to collect the salt in, but the claims shall not exceed 100 by 100 feet.
- Withdrawal of the permit. 20. If in the judgment of the lessee, a claim has not been properly worked or is being neglected, he may withdraw such claimholder's permit, provided notice be given eight days previously, except those salt pans which naturally produce salt, in which case the claim or area holder shall only receive one day's notice.

- 21. Those persons who are collecting salt may not allow the accumulated salt or heaps of salt to remain lying at the pan longer than three days, without duly measuring it, and paying the rent for the same to the lessee. When salt collected must be paid for,
- 22. No one may carry salt from the pan after 7 p.m., or work in the pan without the lessee's consent after such time. Hours of working.
- 23. The lessee shall not be entitled to charge more than 6s. per muid for well-dried refined salt, and for undried salt 5s. per muid for salt collected by himself, or his order, or for his account. Maximum prices to be charged by lessee.
- 24. The lessee has the right to erect buildings and boilers, for working and refining the salt, near the salt pan. If the contract time has elapsed the Government may take over such buildings at a valuation. Lessee may erect buildings.
- 25. The lessee is obliged to keep accurate accounts shewing how much salt is won at the pan each month, both by himself and by others, and to forward the state thereof before the tenth day of the following month, to the Landdrost of the district. The latter forwards such state with such remarks as he may make to the Auditor-General. Lessee shall keep accounts showing production.

The Government may have the lessee supervised in this respect and if thought advisable prescribe the manner in which he shall keep the books.
- 26. The Landdrost of the district and the Field-Cornet of the ward, shall strictly supervise the observance of the contract. Who supervises.

2. If in the judgment of the Government no proper tendre comes in, the pan shall be managed by the Government in terms of the above provisions. An Inspector shall then be appointed, whose salary shall not exceed one-third of the net proceeds. If this amount appear insufficient, the Government has the right, with the advice and consent of the Executive Council, to raise the salary. When Government manages the pan itself. Inspector.

This Inspector must give sureties for an amount to be fixed by the Government. Further the Inspector shall render due account before the 5th day of each month. The Inspector is directly under the Landdrost of the district. Inspector's sureties.

3. Contravention of these regulations shall be punishable with a fine not exceeding £50. The Landdrost of the district has jurisdiction herein. Penalties.

4. The Government shall have the power, with the advice and consent of the Executive Council to make amendments in these regulations, or to add new regulations, subject to subsequent confirmation by the Second Volksraad. Further regulations.

5. All regulations about saltpans in operation before the date of this Law, are hereby repealed. Repealing clause.

Operation.

6. These regulations shall come into operation on the 1st January, 1896.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
22nd August, 1895.

LAW No. 16, 1895. [1]

REGULATIONS FOR VEHICLES WHICH ARE FOR HIRE ON PUBLIC SQUARES OR STREETS IN PRETORIA.

(Approved by resolution of the Second Volksraad, Art. 1249, dated 10th August, 1895, noted and accepted by the First Volksraad by Art. 999, dated 26th August, 1895.)

Landdrost indicates place or cab stand.

1. Keepers of vehicles for hire shall be allowed to occupy a stand with their vehicles on such place as shall be pointed out by the Landdrost, provided they do not hinder or obstruct, or get in the way of churchgoers, or impede public traffic.

Cab's licence number.

2. The keepers of such vehicle must be duly licensed, and in proof thereof the registered number of the licence on metal or enamelled porcelain plates, shall be nailed or screwed on in a visible part of the vehicle.

No coloured persons in carriages intended for white persons.

When the request for the licence is made it shall be stated whether such vehicle is intended for hiring out to white or coloured persons, and, if intended for the former, no coloured persons may be conveyed therein, such coloured persons excepted as are accompanying their lawful masters or mistresses.

Label coloured persons.

A vehicle intended for the conveyance of coloured persons shall bear a label in a clearly visible place, "Coloured Persons."

Licence money.

3. The licence money shall amount to five shillings per month for every vehicle, and shall be paid on the first day of the month. Such monies may, however, be paid once for the whole year, or for a quarter.

Maximum number of persons to be carried.

4. No licensed vehicle shall carry more persons than the licence allows.

Duties of driver.

5. Licensed vehicles which are standing still shall be considered as being for hire.

The driver or keeper of a licensed vehicle which is standing still may not refuse the hire of his vehicle to anybody, unless he has actually hired his vehicle at that moment, as proof whereof a board

¹ This Law supersedes the regulations contained in Government Notice No. 338, 1891, p. 391, Loc. Wet. 1890-93.

shall be hung on either outer side of the vehicle, on which is painted in clearly visible letters, "Engaged."

The driver or keeper of a licensed vehicle for hire shall be bound to convey every person who hires his vehicle in a proper manner.

6. After 7 p.m. till sunrise, from the 1st April to the 30th September, and after 9 p.m. from the 1st October to the 31st March, the tariff mentioned in Art. 9 shall be increased by half as much again. Night tariff.

7. Every passenger shall be allowed to carry 60 lbs. passenger's luggage with him free of charge, excess luggage may be carried by mutual arrangement for an amount not exceeding 1d. per pound. Luggage.

8. The hirer of any vehicle shall be entitled to object to the request of any other person who wishes to make use of the same vehicle at the same time, provided sufficient reasons are given, such as are *inter alia* described in Art. 12. The driver is in such cases obliged to give effect to the request of the hirer; the driver has, however, the right to complain to the Landdrost if he thinks that he has been prejudiced by the action of the hirer, or has suffered loss thereby. Rights of hirer.

9. Every person who hires a vehicle shall be bound to pay hire for the same in accordance with the following tariff. Tariff.

Tariff.

	£	s.	d.
(a.) Hire per hour for every omnibus or landau	-	0	7 6
" " cart, spider or victoria	-	0	5 0

For every extra ten minutes waiting above the hour, respectively 1s. and 9d. for the whole conveyance hire per distance and per person.

(b.) From any point to any point of the town to the west of Arcadia Bridge, including the railway station, Berea Park and Church Square.

	s.	d.
Hire for 1 person	-	1 0
" 2 persons	-	1 6
" 3 or more persons	-	2 0
" every five minutes wait or delay	0	6

(c.) For every drive from any point in the town to Sunnyside, Arcadia to the east of the Bridge, Trevenna, Muckleneuk or the burger-right erven.

	s.	d.
Hire for 1 person	-	1 0
" 2 persons	-	2 0
" 3 or more persons	-	3 0
" each person to Racecourse	-	2 0
" every five minutes wait or delay	0	3

For drives beyond the places mentioned in Section (c.) of this article the hirer of the vehicle shall make an agreement with the keeper of the same, but in no case shall more be stipulated for than according to section (a). The driver is obliged when his vehicle is hired by the hour, to carry as many persons, for the hire per hour, whether it is 7s. 6d. or 5s. as fixed by paragraph (a.) of this article, as his licence allows and may in no case charge per person.

The driver of such hired vehicle is obliged to convey the hirer or hirers to each place mentioned by him within the radius of six miles from Church Square.

Tariff for children.

10. Children under twelve years of age shall be reckoned half fare.

Pre-payment.

11. The driver or the keeper of a vehicle has the right to ask prepayment of his fare from persons unknown to him or in doubtful cases, and in case of non-compliance herewith to refuse the use of his vehicle.

Conveyance of persons intoxicated or such.

12. No driver or keeper of a vehicle shall be bound to convey persons who are in an intoxicated condition, so also it is not permissible for persons suffering from infectious disease to make use of his vehicle.

Notice of lost goods and luggage.

13. All passengers' luggage or articles left behind, lost or forgotten in any conveyance, shall be handed over by the driver or keeper of the vehicle within 24 hours of their being discovered to the chief constable at the Notice station, who shall give him a receipt for the same, and shall further be the responsible person.

Lamps.

14. The drivers are obliged to light two or more light-giving lamps or lanterns on their vehicles within thirty minutes after sundown, and to have the same burning as long during the evening or night as they are upon the public streets.

Number of miles to be covered in an hour.

15. Drivers may not cover more than seven nor less than six miles an hour unless required by the hirer of the vehicle to drive at a slower pace.

Vehicles for hire must be registered.

16. No vehicle as aforesaid may be offered for hire within the said jurisdiction without being registered, numbered and licensed.

Making over of licences.

17. All such licences may, in case the vehicle, for which such licence has been granted, changes ownership, be made over or transferred from one person to another, and for such making over the written approval of the Landdrost must be obtained at a payment of five shillings.

Tariff to be hung up in vehicle.

18. In each such vehicle a tariff of costs in the official language and the number of persons it may carry according to the licence, must be hung up in a visible place, either inside or outside the same.

Maintenance of the vehicles.

19. The owners of all said vehicles shall keep them in a cleanly, good and proper condition, and keep all animals used therewith in good condition, and call for repairs, etc., in good order.

The chief constable or any other person appointed for such purpose shall at least once a month inspect all such aforementioned vehicles.

20. Letters or hirers of vehicles or drivers who contravene any of the provisions of these regulations shall be liable to a fine of from 10s. to £5 sterling, or, in default of payment, to imprisonment for a period of from seven to thirty days with or without hard labour. The hirers shall also be liable to such fine if they refuse to pay the fare; the amount of such fare to be paid remaining undiminished. Penalties.

The owners of all vehicles for hire shall remain co-responsible with their drivers or coachmen, and liable for all contraventions of these regulations.

21. Every driver of any such vehicle who when he has been summoned by any hirer from his stand, or when driving in the streets, drives improperly or neglects duly to warn any person who is in his way, or to turn aside to avoid any such person, shall be subject to a fine not exceeding £25, or in case of non-payment to imprisonment for a period of three months with hard labour. Penalties.

22. Every driver or coachman of any such vehicle shall obtain from the Civil Commissioner a driver's or coachman's licence, for which a sum of 5s. per year shall be paid, and no one may drive any such vehicle without being in possession of such driver's licence. Driver's licence.

23. The Landdrost or Judge before whom the accused hirer shall be brought to trial shall, in pronouncing sentence against the accused, fix the fare, and this shall be paid at the same time with the fine inflicted, without the driver or keeper of the vehicle being required to institute a civil action for the recovery of such fare. Competence of judge to include fare in his sentence.

24. In case any driver or coachman is found guilty of any contravention of these Regulations, the licence both of such driver and of the vehicle of which he was driver or coachman may be withdrawn or suspended, without affecting the punishment further to be inflicted on him by the Court competent thereto. Withdrawal or suspension of licence.

25. The Government may from time to time, if found necessary, amend or add to these Regulations subject to subsequent confirmation of the Second Volksraad. [1] Amendment of regulations.

26. These regulations shall come into operation on 1st October, 1895. [2] Operation.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
9th September, 1895.

¹ See *Staatscourant*, 20th April, 1898, p. 525.

² Published for the first time in the *Staatscourant* of 11th September, 1895.

LAW No. 17, 1895.

BASE METALS.

(Repealed by Law No. 14, 1897.)

LAW No. 18, 1895.

LIQUOR LAW.

(Repealed by Law No. 19, 1898.)

LAW No. 19, 1895.

GOLD LAW.

(Repealed by Law No. 15, 1898.)

LAW No. 20, 1895.

AMENDMENT OF LAW No. 7, 1883.

FOR THE REGULATION OF THE PAYMENT OF TRANSFER DUES ON THE SALE AND TRANSFER OF FIXED PROPERTY, AND OF ALL OTHER PROPERTY ON WHICH TRANSFER DUES ARE PAYABLE IN ACCORDANCE WITH THE PROVISIONS OF THIS LAW.

(Approved and enacted by Resolution of the First Volksraad, Art. 1193, dated 14th September, 1895.)

WHEREAS it is necessary to make better provision for the payment of transfer dues on the sale of fixed property in this Republic, it is hereby enacted as follows:—

No transfer unless transfer due has been paid by the buyer.

1. No transfer or cession shall be made of any fixed property from one owner to the name of another, unless a duty of 4 in the 100 (4 per cent.) shall have been paid by the buyer on the purchase price or value of such fixed property.

Valuation of the property.

2. When any fixed property shall be transferred in consequence of an exchange, gift, or in any other manner, where it appears that the purchase price fixed in such memorandum of exchange, or deed of gift, or memorandum of sale, is considerably below the value of the same, and is so fixed with intend to defraud the Government of its lawful dues it shall be lawful to cause such property to be valued by order of the Receiver of Transfer Dues by a competent person, or persons appointed by him who have no interest in the same and the transfer dues shall be paid on the amount of such valuation.

3. If any person or Company buys fixed property with or without a concession from the Government or private owners for mining purposes, and it is stipulated the purchase price is payable in cash and in shares of already established company, the transfer dues shall be paid on the nominal value of the shares aforesaid, as well as on the cash.

If price is stipulated for in shares.

If it appears to the Receiver of Transfer Dues that the purchase price is considerably below the value of the property, such property may be valued in accordance with Art. 2 of this law, and the transfer dues shall be paid on such valuation.

If, however, it is stipulated that the purchase price is payable wholly in shares, the transfer dues shall only be calculated on the nominal value of the shares.

A 4 per cent. transfer duty shall be paid on the transfer of claims and stands, and the above provisions shall also apply.

Transfer of claims and stands.

4. When any fixed property has been bequeathed by will, or otherwise disposed of, all transfer dues shall be paid on the basis of the price fixed therein of such fixed property; and where no sum has been fixed, transfer dues shall be paid on one third ($\frac{1}{3}$) of the value of the property at the time of the bequest. Such valuation shall be made by a sworn Appraiser of the Orphan Chamber.

Transfer dues in case of legacies and bequests.

5. Transfer of fixed property may be made in the various cases, mentioned hereafter, exempt from transfer duty.

(a.) A surviving spouse, also an heir or heiress who inherits, takes over, or buys in fixed property from any estate, shall not require to pay any transfer dues on property so obtained.

Transfers exempt from duty.

(b.) When any fixed property shall be registered in the name of a firm or partnership, and one member of the firm or one of the partners buys the whole property, he shall pay no transfer due on the price or the value of his share therein.

(c.) If any fixed property shall be registered in undivided shares in the names of joint owners, and such property shall come to be divided by them, no transfer dues shall require to be paid on the transfer of their respective portions in respect of such division, provided that a deed of division, either notarial or "under-hand" be filed with the Registrar of Deeds.

(d.) In case of divorce or dissolution of any company or partnership, either voluntary or by power of Court, and division of fixed property takes place amongst the joint shareholders, all alterations in the registration with the object of transferring such fixed property in separate shares to the various names of the shareholders shall be made without payment of the transfer dues, provided that a deed of division as mentioned in Sub-section C is filed.

To whom
transfer dues
are payable.

6. All transfer dues shall be received by the Landdrost of the district in which the property sold is situated; if however, a Civil Commissioner has been appointed for such district, such transfer dues shall be received by the Civil Commissioner of that district, or by the Civil Commissioner at Pretoria for the whole South African Republic.

Declaration
of buyer and
seller.

7. No receiver of transfer dues shall receive the duty payable on or on account of the purchase or sale of fixed property until the seller shall have drawn up and signed the declaration set out in Form No. 1 and the purchaser shall have drawn up and signed the declaration set out in Form No. 2 attached hereto.

Declaration
of giver and
receiver.

In case of a change of owners otherwise than by means of purchase and sale, the transfer dues shall not be accepted, until the giver and donee respectively shall have drawn up and signed the declarations of giver and donee set out in Forms Nos. 3 and 4 attached hereto.

Declarations
may be by
means of
agents.

8. When the declarations required under Art. 7 cannot be obtained from seller and purchaser the same may be made by their agents or in case of minors by their guardians, and the declaration shall be drawn up and signed as set out in Form No. 5 attached hereto.

When trans-
fer dues may
be remitted.

9. In case a sale shall be cancelled by mutual consent of seller and purchaser before transfer has been given, without any portion of the purchase price having been paid the transfer duty shall be remitted subject to the following conditions:—

- (a.) That the seller and purchaser or their agents shall draw up a solemn declaration as set out in Forms Nos. 6 and 7 attached to this law; and,
- (b.) that such cancellation takes place within six months after date of sale.

Payment of
transfer due
on part pay-
ment or forfeit
money.

In case, on cancellation, a portion of the purchase price shall have been already paid, or any amount shall be paid as forfeit-money, then the transfer dues shall be paid on such portion of the purchase price or forfeit-money already paid.

If Court set
aside a sale
no transfer
duty becomes
due.

10. In case any contract of sale or purchase is set aside or declared invalid by the judgment of any competent Court, the transfer duty on such sale if unpaid shall not become due, and if paid (supposing no transfer has been passed) shall be refunded.

Declarations
in case of
departure, or
death of seller
or buyer.

11. If in any case it appears that the seller or purchaser of any fixed property is dead or has left this Republic without having drawn up or signed the necessary declaration, it shall and may be lawful for the Receiver of Transfer Dues either to act without such declaration on exhibition of a memorandum of sale, or to accept in place thereof the declaration or declarations of such other person

or persons as are, under the circumstances of the case, in a position to certify the particular points to be comprised in such declaration.

In case, however, of such a declaration being dispensed with, it shall be the duty of the Receiver of Transfer Dues to state on the corresponding declaration the reasons why he has so dispensed with the first.

12. The transfer duty shall be paid within 6 months after the date of such sale and if not paid six per cent. per annum on the amount of the transfer dues overdue shall be charged : such interest shall be calculated from the expiry of the said six months.

Transfer dues to be paid within six months.

13. Any person on commando, or who is with the army in time of war, who may become a buyer of fixed or other property, on which under this Law transfer dues shall be payable, shall not be obliged to pay 6 per cent. on the amount of the overdue transfer dues, as long as he is on commando or with the army ; the said overdue transfer dues shall, however, be payable within sixty days after disbandment of the said commando, in default of which the 6 per cent. shall be charged.

Payment of transfer due when person is on commando.

14. As often as any contract of sale and purchase shall be drawn up containing a stipulation that possession of the property shall not be given, or that the said purchase shall not take effect, until a certain future date, the date on which such contract has been drawn up, and not such future date shall be the date from which the term of six months mentioned in this Law shall be calculated.

When the period of six months begins to run.

15. The Receiver of Transfer Dues shall on payment of transfer dues issue to the payer of the same a receipt in the form No. 8, together with the declarations mentioned above in Art. 7, to be used by the buyer upon transfer of the property.

Receipt for transfer dues.

16. No grant of right to minerals, which are supposed to be present, or are actually present on any farm, shall be lawful unless a notarial deed has been drawn up to that effect, and duly registered at the office of the register of deeds.

Grant of minerals must be by notarial act.

If such grant is by way of sale or cession the registration shall be subject to a payment of the same transfer dues as on sale of fixed property.

Transfer dues on sale of mineral rights.

If such grant is by way of leasing for a fixed period, the registration shall be subject to a payment of four per cent. (4 p.c.) of the total amount of the rent for the whole period for which the lease has been entered upon.

Transfer dues for lease of mineral rights.

If such grant is by way of lease for an indefinite period, the Receiver of Transfer Dues shall estimate the value of the lease, and four per cent. (4 p.c.) on the amount of such valuation shall be paid.

This article shall only apply to mineral contracts.

Prospecting contracts intended exclusively for genuine prospecting for precious or base metals, precious stones or minerals,

Prospecting contracts.

shall be exempted from the payment of transfer dues as long as there is no output.

From the time however that there shall be an output of precious or base metals, precious stones or minerals, and the real ends of the contract be consequently attained, the provisions of this Law shall apply to such contracts.

No sale of fixed property valid unless in writing and signed by parties.

17. No property shall be considered to be lawfully sold until a proper memorandum or declaration has been duly signed by both persons or parties.

Before whom the declarations shall be sworn.

18. The declarations mentioned in this law shall be sworn before a Landdrost or Justice of the Peace.

Repealing clause.

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

Operation.

20. This law shall come into operation three months after publication in the *Staatscourant*.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria.
16th October, 1895.

FORM No. 1.

Declaration of Seller.

I, the undersigned A.B., solemnly declare that the sum _____ is the full and total amount for which I have sold to C.D. certain property, being (describe property), and declare that I have sold the said property to the said C.D. on the _____ day of _____ 19____, and not before that date, and that I have neither received nor expect any other or further payment or valuable consideration of any kind whatsoever, and I declare further that the said C.D. is the only person who has bought the said property from me, and that I have never sold the same to any other person, and all this I declare to be the absolute truth, without any concealment or evasion whatever.

Signed A.B.

Declared before me at _____

19____

on this day of _____

FORM No. 2.

Declaration of the Buyer.

I, the undersigned C.D., declare solemnly that the sum of _____ is the full and complete purchase price stipulated by me or to be given to A.B. for certain property, being (herein describe the property) purchased by me from him; and I declare that I have bought the said property from A.B. on the _____ day of _____ 19____, and not before that date, and that neither I, nor anyone else on my behalf or for my account therefor, has given or promised or intends to give or pay any valuable consideration whatever for or with relation to the alienation to me of said property; and all this I declare to be the truth.

Signed C.D.

Declared before me _____ this
day of _____ 19____.

Signed _____

FORM No. 3.

Declaration of the Donor.

I, A. B., declare solemnly that in consideration of the special affection and love which I feel and cherish for C. D. and by reason of the good and valid consideration, which specially prompts me thereto, I, by the way of *donatio inter vivos*, or gift between living persons, have irrevocably presented, given and bestowed on, and for the benefit of, the said C. D. certain property (here describe property).

And I the said A. B. declare that the value of said property is _____, and that I have presented the said property as a gift to the said C. D. on the _____ day of _____ 19____, and not before that date, and that I neither have nor shall receive any valuable consideration for or on account of the alienation of said property.

Signed _____

Declared before me _____ at
the _____ day of _____ 19____.

FORM No. 4.

Declaration of the Donee.

I, C. D., declare solemnly that I accept the present by way of *donatio inter vivos*, or gift between living persons, made and given to me by A. B. of certain property (here describe property).

And I, the said C. D., declare that the value of the said property is _____, and that the said A. B. has made the gift on the _____ day of _____ 19____, and not before that

date; and that neither I nor anyone else on my behalf or for my account has given or promised or intends to give or pay any valuable consideration whatever for or on account of the alienation of said property.

Declared before me _____ on the
day of _____ 19 .

FORM No. 5.

Declaration of Agent or Guardian.

I, the undersigned A.B., declare solemnly that I have acted as agent or guardian of _____, in the purchase (or sale of) certain property (here follows description) sold or purchased by the said _____ to _____ (or *vice versa*) and that I myself personally know the amount of the purchase price; and I declare further that I know that the said transaction was contracted and concluded between _____ and on the _____ day of _____ and not before that date, and that the sum to be paid by the said _____ to _____ is to the best of my knowledge and belief the full and complete purchase price which has been or will be given, paid or received, for the said property, and that to the best of my knowledge and belief no other consideration has been or will be paid or given, by or on the part of the said _____ to or on behalf of the said _____ for or in respect of such said property; and all this I declare to be the truth, without any evasion or concealment whatever.

Signed _____
Declared before me _____ on the
day of _____ 19 .

FORM No. 6.

Declaration of Cancellation

I, A.B., declare solemnly, that I on the _____ day of _____ 19 have sold to _____ the following property (here follows description of the property) for the sum of _____ and I declare that I have received as part payment of the price or forfeit money the sum of _____ (or that I have never received any sum of money or any other valuable consideration from the said C.D. on account of this sale); and I declare further that I have not received, nor shall I receive from the said C.D. or any other person any money or any other valuable consideration, for and on account of my approval of the cancellation of the said sale.

Signed _____
Declared before me _____, at _____
on the _____ day of _____ 19 .

FORM No. 7.

Declaration of Cancellation and payment of forfeit money.

I, C.D., declare solemnly that I, on the _____ day
of _____ 19____ bought from A.B. the following
property (here follows description of the property) for the sum of _____
, and I declare that I have paid to the said
A.B. in part payment or as forfeit-money, the sum of (or that I have
never paid the said A.B. any sum of money or other valuable con-
sideration on account of the said sale) ; and I declare further that I
have requested the said A.B. to agree to the cancellation of the
said sale, and that this sale has been in consequence of the same
cancelled by mutual consent. And I declare further that I have not
given nor shall I give, nor as far as I know will any person give on
my behalf, any money or any valuable consideration, for or on
account of the cancellation of the said sale otherwise than has been
above declared.

Declared before me _____ at _____
_____ on the _____ day of
19____ .

FORM No. 8.

Receipt for Transfer Duty.

District
Landdrost's Office
or Civil Commissioner's Office.

No. _____ 19____

Seller

Buyer

Price

Date of Sale

Description of Property

Documents produced upon which Transfer Duty was received.

Amount £ _____

Landdrost or Civil Commissioner.

LAW No. 21, 1895.

AMENDMENT OF LAW No. 11, 1887.

(Approved and enacted by the First Volksraad by Art. 1200,
dated 16 September, 1895.)

WHEREAS it has been found necessary to take measures for the
prevention of the spread of infectious and contagious diseases, the
preservation of a good general state of health in the Republic, the
safety of its population, to the encouragement of free labour and
the protection of fixed property, to check the squatting, living or
congregating of natives or other coloured persons in places other

than those appointed for them by the Government, it is hereby provided as follows:—

First Volksraad decides about locations.

1. If, besides the locations and other places already appointed by the Government for the residence of natives, further locations may be required, the Government shall make request for the same to the First Volksraad.

Not more than five native households allowed on private property.

Government may dispense with this provision.

2. Outside the locations or places already appointed, or to be appointed in terms of Art. 1, not more than five native families may live together on private properties, and such natives shall be inhabitants or hired servants under white persons, who shall be responsible for and supervise the health and safety of such natives. The express consent of the Government acting on the proposal of the officials concerned, shall be necessary before a larger number of families shall be allowed to live together.

Larger number of households may live together when owner has more farms than one.

3. Every white owner of a farm shall have the right to keep 5 coloured families as servants under him for each farm owned by him; with this proviso however, that such families shall be kept subject to the provisions of Art. 2, and on condition further that an owner of more than 5 farms may not keep more than 25 households on one farm.

Rights of white lessees and *bijwoners*.

4. Every white person of full age, living on a farm as lessee, tenant or "*bijwoner*" shall have the same right as the owner to keep 5 families provided the owner permits it.

What is understood by one farm.

5. Every portion of a farm, provided it is separately transferred to the name of a white owner, shall be considered as a farm for the purposes of this Law, provided however that portions of the same farm, transferred to the same person, even if separately transferred, shall only be considered as one farm.

Government may grant dispensation.

6. The number of families mentioned in Arts. 3, 4 and 5, may not be exceeded except with the express consent of the Government acting on the proposal of the officials concerned.

Permit to natives.

7. Every owner, hirer, or inhabitant shall give a written permit to reside to the heads of the families which he keeps under the provisions of this Law, showing the place where they may establish themselves, provided it is on his own ground, or, with the consent of the owner, on the ground of another.

Every person who gives a permit to reside to more families than he is entitled to, shall be fined in a sum not exceeding £10 for every such family.

Every head of a coloured family living on a farm without such permit to reside shall be considered as a vagabond and shall be subject to a fine not exceeding £10 or imprisonment for a period not exceeding one month, and on repetition of the offence to lashes not exceeding ten in number.

All coloured persons living on a farm without a lawful permit to reside, shall be removed by the Commissioner or Sub-Commissioner as soon as such comes to his knowledge.

8. Coloured persons who, under the provisions of this Law, live on private properties, may only depart, unless a special agreement has been come to thereon, after having given three months' notice, both to the owner or tenant of the farm and to the Commissioner or Sub-Commissioner, or in case of the absence of such owner or tenant, to the aforesaid official, who shall then, if possible, give notice to the owner of the ground.

Coloured persons who wish to leave such residences must give three months, previous notice.

A coloured person contravening this Art. shall be punished by a fine not exceeding £10 or imprisonment for a period not exceeding one month.

Penalty.

A similar notice of three months shall be given by the owner or tenant to any native lawfully kept by him, whom he does not wish to remain any longer; but in any case such coloured person shall have the right to harvest his standing crops.

Three months, notice to coloured person.

9. On farms owned or possessed by natives, as well as on farms belonging to white persons, a number of families not exceeding five shall be allowed, and these families shall receive their written permit to reside from the Superintendent of Natives, and shall not in that case fall under the provisions of Art. 7 of this Law.

Rules about farms belonging to natives.

10. Law No. 11 of 1887, is hereby repealed.

Repealing clause.

11. This Law shall come into operation on the 1st January, 1896. [1].

Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 16th October, 1895.

LAW 22, 1895.

(Approved by First Volksraad by Art. 1440, dated 2nd Oct. 1895.)

For the elucidation of Law No. 6, 1880 [2] and more particularly of section 8 thereof, and to replace Government Notice 239 of November 1883 [3] and with a view to promote the strict and more regular carrying out of the issue of passes to natives as mentioned therein, it is hereby provided and enacted by the First Volksraad as follows:—

1. A master shall have a right to send his natives on messages within or beyond the limits of the district in which he is residing, provided that he provides such native with a pass, shewing

Pass for native travelling in service.

¹ This Law was published for the first time in the *Staatscourant* of 23rd October, 1895.

² See page 748 *Locale Wetten* 1849-1885.

³ See page 1234 *Locale Wetten*, 1849-1885.

that such native is travelling in his service, and further describing the circumstances under and the purposes for which he is sent, the date of issue, and the time for which such pass is granted.

Pass for native not travelling in service within district where he resides.

2. Every native travelling otherwise than in the service of his master, within the district in which he resides, shall provide himself with a pass to be issued either by or on the order of his master, or by the captain of the location or missionary of the station where such native may reside. In such pass the purpose of the journey shall be mentioned.

Pass for same beyond the district where he resides.

3. Every native travelling otherwise than in the service of his master as aforesaid, and proceeding beyond the limits of the district in which he resides, shall provide himself with a printed "One Shilling" pass, to be obtained from the officials appointed thereto by the Government.

There shall be filled in in such printed pass, the passholder's name, his place of residence, the purpose of his journey, the time granted for the same and the place of his destination.

Pass for natives coming from beyond the borders.

4. Natives coming from beyond the borders shall apply to the nearest official appointed by the Government as issuer of passes, in order to obtain the pass mentioned in Art. 3. Natives proceeding beyond the borders shall also be bound to provide themselves with a similar pass.

Native suffering from infectious disease may not get a pass.

5. No pass for travelling or working shall be issued to any native who is obviously suffering from an infectious disease.

Contravention of this article shall be punished by a fine not exceeding £25, according to the nature of the case.

Natives without pass are treated as vagabonds.

6. Every native who is found absent from his place of residence, or the residence of his master and not being provided with one of the passes mentioned in Arts. 1, 2, 3, or not being in the road, or in the direction indicated in his pass, or not being on the road as mentioned in Art. 4, to the nearest official appointed for the issue of passes, shall be considered as a vagabond, and may be apprehended by or by order of any white person, in order to be brought to such nearest official.

Reward for apprehension.

7. Any person who apprehends, or conveys, or causes to be conveyed such vagabond, as defined in the preceding article, shall be entitled to receive an allowance calculated at the rate of 2s. per hour by horse for going and coming.

Officials or police officials who draw a salary and who convey such native in the exercise of their duties, shall not be entitled to this allowance.

Penalty for vagabonds.

8. Such vagabond may, if found guilty by the Commissioner, Sub-Commissioner, Assistant Sub-Commissioner, or Landdrost, be punished by a fine not exceeding 15s. besides the cost of conveyance mentioned in the previous article; or in case of non-payment by imprisonment with hard labour for a period not

exceeding 14 days, or with lashes not exceeding 15 in number; but the Commissioner, Sub-Commissioner, Assistant Sub-Commissioner, or Landdrost may grant such native extension of time to pay, if the native enters into an agreement with a white master to hire himself out until the amount of the fine, expenses of conveyance and of the pass have been covered, in which case such master shall pay such amount to the official aforesaid.

9. No one may hire or take into his service any native who is not provided with a lawful pass, or on whose pass it is not stated that such native is travelling in search of work.

No one may hire a native without a pass.

Exception.

Natives living on private ground or in locations who take service in the same district wherein such ground or location is situated, are excepted from the operation of this provision.

For such taking service, however, when such native lives on private ground the consent of the owner, or when he lives in a location the consent of the Commissioner or Sub-Commissioner is necessary, unless in the latter case the master lives in the district in which the native has been hired to work.

Hiring of natives who live on private ground.

The person who conveys a native under Art. 6 of this Law shall be entitled to hire the native provisionally for the journey to the nearest official.

10. Any person who hires a native or natives in conflict with the preceding Article shall be fined, according to the nature of the case, in an amount not exceeding £5 for each native thus unlawfully hired, and in case of a repetition of the offence in an amount not exceeding £25 for each native.

Penalties for contravention of Art. 9.

All contraventions of this Article shall fall within the jurisdiction of the Landdrost.

11. Any person hiring a native shall be bound to demand such native's pass and to keep it till the time of hiring has elapsed.

Hirer must keep native's pass.

12. Any person who unlawfully deprives a native of his pass or maliciously withholds such pass, which he is keeping under Art. 11, after the elapse of the native's period of service, or maliciously destroys or annuls such native's pass, or who forges a native's pass, shall be punished by a fine not exceeding £50.

Penalty for making away with passes.

13. No railway ticket shall be issued to any native who is not provided with a travelling pass.

No railway ticket to native without pass.

Contravention of this Article shall be punished with a fine not exceeding £5.

14. Printed "one shilling" passes shall be obtainable by the aforesaid official from the respective Landdrosts of the districts.

Where "one shilling" passes may be obtained.

15. The above-mentioned officials shall, at the end of each quarter, or at shorter intervals, render accounts to the Landdrosts of their respective districts of the "one shilling" passes issued by them.

Accounts to be rendered.

Signification
of native.

16. The word native in this Law shall signify any person belonging to, or being a descendant of any native races of South Africa whatever.

Operation.

17. This Law shall come into operation on 1st January, 1896. [1]

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
16th October, 1895.

PASS.

(Art. 3 of the Pass Law).

(Art. 3 of the Pass Law).

TRAVELLING PASS FOR NATIVES.

Name.
Residence.
Purposes of journey.
Place of destination.
Time granted for same.
Further particulars.
Has with him.

Name.
Residence.
Purpose of journey.
Place of destination.
Time granted for same.
Further particulars.
Has with him.

Signature of Issue of Passes.

N.B.—Not more than one native to be mentioned on a pass.

LAW No. 23, 1895.

NATIVE PASS LAW FOR GOLD FIELDS.

(Repealed by Law No. 31, 1896).

LAW No. 24, 1895.

(Approved by the First Volksraad by Art. 1478 of its Resolutions,
dated 3rd October, 1895.)

WHEREAS it appears that Law No. 6, 1880 (Hut-tax Law) operates inequitably and, in particular, imposes hardship on honest and cleanly coloured persons, and

Whereas it further appears that the said Law with the regulations ensuing thereon contains many provisions which are repealed or replaced by later laws and provisions:

¹ This Law was published for the first time in the *Staatscourant* of 23rd October, 1895.
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It is hereby provided and enacted that law No. 6, 1880, is amended and altered as follows :

- 1.** An annual tax of ten shillings (10/-) stg. shall be payable and is hereby made payable in respect of every straw hut or dwelling inhabited by a native within the South African Republic, and shall be payable for the period beginning with the 1st January and ending with 31st December of each year; the assessment of the huts shall take place as follows:—Each male native above 21 years of age unmarried or married to one wife shall be assessed as one hut, and each additional wife as one hut more. Amount of hut-tax.
When payable.
- 2.** In addition to the above tax and the road tax each male married native or male unmarried native above 21 years of age shall be subjected to the payment of an annual tax of two pounds sterling (£2). Poll-tax.
- 3.** From the tax mentioned in Art. 2 the following shall be exempted. Exemptions
- (a.) All natives who by reason of age or chronic disease are prevented from working and are at the same time in needy circumstances; the decision of this point shall be at the discretion of the tax-collector, but the native shall have the right of appeal to the Superintendent of Natives.
- (b.) All natives who reside among white people as servants.
- (c.) All natives who are in the yearly employment of Commissioners and Sub-Commissioners of Natives in the Country districts, as police officials during their period of service if they draw no Government salary.
- 4.** The President may from time to time, with the advice and consent of the Executive Council, appoint such persons as he may please, to be tax-collector of the aforesaid hut-tax. Such tax-collectors shall enjoy as remuneration and recompense for travelling expenses an amount of 5 per cent. on the monies collected by them. Tax collector.
- 5.** The tax-collector shall, in the absence of direct and reliable proof thereof, estimate the age of such unmarried native. Estimate of native's age.
- 6.** The collection of above taxes shall be effected subject to the following rules and regulations :
- (a.) The Superintendent of Natives shall fix the time or times when the taxes provided in this Law are to be collected, and shall give notice to the various tax-collectors at least one month before such time. Superintendent provides time of collection.
- (b.) The tax-collectors shall on receipt of such notice at once give notice to all the captains and chiefs in their district that they shall be present on a certain day or days, and Notice to the captains.

at a certain place or places to be fixed by them, as soon as possible after the date mentioned by the Superintendent, in order to receive the tax, and that the said captain or chiefs shall then and there be present with their people to pay the same.

Tax payable within a month after notice.

(c.) The taxes shall be due and payable within a month from the date fixed by the tax-collector in his notice to the captain or chief for the payment of the same by his people.

Penalty for native in default.

(d.) Every native, whose tax is due, and who does not pay within a month shall unless the tax-collector has granted an extension of time for payment, be subject to a fine of five shillings over and above the payment of the tax.

Captains, &c., must assist tax-collectors.

(e.) The captain or chief shall meet the tax-collector with the portion of his tribe which is settled where he lives, and may delegate the induna or sub-captain who lives with the other part of the tribe to represent him before the tax-collector. The chief, the captains and indunas shall be obliged to render the tax-collector all possible assistance and help in the collection of the taxes.

In case of non-payment or evasion tax-collector may impose fine.

(f.) In case of non-payment of such taxes or of any evasion of the provisions of this law the tax-collector shall have the power to enquire and summarily dispose of the case and shall be entitled to inflict a fine not to exceed £10 or imprisonment with hard labour for a period not exceeding three months, for each and every such offence. Provided however that in case of refusal to pay no fine shall be collected from the chief-captain or chief until such proceedings have been submitted to the Superintendent of Natives and the sentence has been confirmed by him, and no sentence of imprisonment shall be inflicted on any chief-captain or chief by reason of the contravention of this article.

Confirmation by Superintendent of Natives necessary.

Captain may be punished for complicity.

(g.) If the tax-collector is satisfied or has proof that the captain or chief was aware of—or was secretly instigating—such non-payment or evasion he shall have the power then and there to inflict a fine not exceeding the sum of £10 besides the costs caused by such captain, such fine also shall only be collected from a chief or chief-captain in case of refusal to pay after the proceedings have been referred to the Superintendent of Natives and confirmed by him.

The tax-collector shall if he so chooses have the right to cause such captain to be arrested and brought to trial under the provisions of law No. 4, 1885.

In all cases of dispute about the assessment of taxes and the infliction of punishments under this Law there shall be an appeal under the provisions of said Law

7. The President, with the advice and consent of the Executive Council, shall have the right to alter, amend, improve, annul, or to supplement the rules and regulations determined in the preceding article, and all such alterations, amendments, or provisions, shall have the same effect and consequences as if they had been enacted by this law or formed a portion of this law until the same shall be dealt with by the First Volksraad.

President may amend these regulations.

Confirmed by First Volksraad.

8. The word native in this Law shall signify any person of any kind belonging to or being a descendant of any of the native races in South Africa.

Signification of word native.

This Law shall come into operation on 1st January, 1896. [1]

Operation.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
16th October, 1895.

FIRST VOLKSRAAD RESOLUTION, 8th June, 1895.

315. The First Volksraad having considered Government note B.B. 979/95 with accompanying treaty dealing with the islands in the Vaal River, signifies hereby its approval of aforesaid treaty.

Said treaty reads as follows :

TREATY.

HIS HONOUR STEPHANUS JOHANNES PAULUS KRUGER, President of the South African Republic, acting in the name and on the behalf of the Government of the South African Republic of the one part,

Parties.

and

HIS HONOUR FRANCIS WILLIAM REITZ, President of the Orange Free State, acting in the name and on the behalf of the Government of the Orange Free State of the other.

WHEREAS the Vaal River forms the boundary between the South African Republic and the Orange Free State, and there are various islands in the aforesaid river, and it has been found desirable to fix, regulate and determine the boundary line, the line of jurisdiction, and the division of the islands between the two States, and

Boundary line between S.A. Republic and Orange Free State.

Whereas the two Governments have agreed to depute commissions from either side to examine into and report upon the aforesaid

¹ See Executive Council Resolution, Art. 792, 26th August, 1898, *Staatscourant*, 31st August, 1898, p. 1225.

question, and in consequence thereof a commission consisting of Messrs. C. Klopper, M.V.; J. Botha, M.V. and P. W. Smit, M.V., and Theodore Thesen, Surveyor, was appointed by the Government of the Orange Free State, and a commission consisting of Messrs. J. H. M. Kock, Landdrost of Potchefstroom; P. A. Cronje, Commandant; P. A. Venter, Abel Pienaar and A. Bechtle, Surveyor; was appointed by the Government of the South African Republic; and

Whereas the two commissions met on the bank of the Vaal River in the month of November, 1884, and having come to a mutual agreement reported to their respective Governments recommending that the boundary line, and line of jurisdiction between the two States should be at the place where the islands are, the main stream of the Vaal River, as platted on certain charts which were compiled by the two commissions separately and compared with each other, and further that the islands in the river should be divided as they are shown in the respective charts in different colours; and

Whereas the commissions aforesaid agreed to recommend their respective Governments to have the Vaal in the neighbourhood of the town of Parijs and in the neighbourhood of Christiana jointly surveyed, and during the survey to carry out the determination of the boundary line, the line of jurisdiction, and the division of the islands between the two States, and such survey has been completed in March, 1891, by Surveyor W. E. Kolbe on behalf of the Government of the South African Republic, and by Surveyor Th. Thesen on behalf of the Government of the Orange Free State, and the boundary line, the line of jurisdiction, and the division of the islands are shown on the charts as compiled in the survey.

So accordingly it is hereby agreed provided and determined,

That the boundary line and line of jurisdiction between the South African Republic, and the Orange Free State shall be the line of the centre between the two banks of the river aforesaid.

That the boundary line and the line of jurisdiction between the South African Republic and the Orange Free State shall be at the place where there are islands (except in the neighbourhood of the town of Parijs and of the town of Christiana), the line of the main stream as shown in the charts compiled by the two commissions, and copies whereof, marked 1 to 27 inclusive, and signed as being in agreement herewith by the Assistant Surveyor-General of the South African Republic and by the Surveyor-General of the Free State, are annexed hereto.

In such charts the islands have been shown as coloured yellow and red, the yellow coloured islands falling to the Orange Free State, and the red to the South African Republic, and that the boundary line and the line of jurisdiction between the South African Republic and the Orange Free State shall in the neighbourhood of the town of Parijs and the neighbourhood of the town of Christiana be the main stream of the river as shown on the copies marked 28 and 29 of the Surveyor's charts, compiled by Messrs. W. E. Kolbe and Theodore Thesen, and also as the copy

signed as correct by the Assistant Surveyor-General of the South African Republic, and by the Surveyor-General of the Orange Free State, and that the islands between the main stream of the river and the bank of the South African Republic, coloured red, shall be all under the jurisdiction of the South African Republic, and that the islands between the main stream of the river and the Free State Bank coloured yellow, shall be all under the jurisdiction of the Orange Free State.

Given under my hand and the Great Seal of the South African Republic at Pretoria this day the 12th of the month of March, 1895.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN.
Acting State Secretary.

Given under my hand and the Great Seal of the Orange Free State at Bloemfontein, this day the 22nd of April, 1895.

P. BLIGNAUT,
Acting President.

H. W. BELL,
Acting Government Secretary.

FIRST VOLKSRAAD RESOLUTION, 20th June, 1895.

420. Noted and accepted Second Volksraads Resolution dated 1st June, 1895, Art. 298.

Said Resolution reads as follows:—

Art. 23 of this law (Law No. 2, 1887) shall become Art. 24, and Art. 23 shall read as follows:—

The President shall have the right to confer by proclamation all privileges granted under this Law on owners of copyright of books, writings, plates, maps, music, dramatic works, &c., published in any State or Colony and there printed, provided that all privileges in accordance with the law of copyright existing there or conferred by such State or Colony on owners of the copyright of books, writings, plates, maps, music, dramatic works, published and printed within this Republic. Copyright.

FIRST VOLKSRAAD RESOLUTION, 25th June, 1895.

463. The First Volksraad having considered the two last paragraphs of the section Mortgage-Bonds on p. 3 of the report of the Registrar of Deeds for 1894 now on the order;

Resolves to adopt the recommendation of the Registrar of Deeds contained therein and accordingly to declare Art. 8 of Law No. 5 of 1882 applicable to all kinds of Mortgage-Bonds. Mortgage bonds.

FIRST VOLKSRAAD RESOLUTIONS, 2nd July, 1895.

557 to 569. Regulations for the Inspector of Baths at the Warm Baths.

FIRST VOLKSRAAD RESOLUTION, 3rd July, 1895.

Amendment
of Law
No. 10, 1894.

580. The proposal of the State Attorney was approved.
It was to the following effect:—to insert the words “and any person in the service of the Republic” after the word “official” in Law No. 10, 1894.

FIRST VOLKSRAAD RESOLUTIONS, 5th July, 1895.

595–616. Boring Regulations.

FIRST VOLKSRAAD RESOLUTION, 18th July, 1895.

640. Second Volksraad Resolution noted and accepted, dated 22nd June, 1895, Art. 630.

Amendment
of Law
No. 9, 1892.

The said Resolution was to the following effect:—to substitute the words “Registrar of Deeds” for the words “Auditor-General” in Art. 8, Law No. 9, 1892.

FIRST VOLKSRAAD RESOLUTION, 22nd July, 1895.

Admission
fees for
doctors.

695. Volksraad Resolution, Art. 787, 11th July, 1894, repealed. And Volksraad Resolution, Art. 114, 22nd May, 1875, amended so that the admission fees for doctors and apothecaries are raised to £25 and £12. 10s. respectively.

FIRST VOLKSRAAD RESOLUTION, 25th July, 1895.

Franchise.

725. Grant of the Franchise to volunteers in the Zoutpansberg and Swazieland campaigns.

FIRST VOLKSRAAD RESOLUTION, 31st July, 1895.

788. The First Volksraad having considered the memorials and the commission report on the order,

Resolves: to adopt the commission report, with this addition that the three months mentioned there shall date from the summons by the Government to the official to clear himself, and

this summons shall be sent by the Government to the official, as soon as the said definite accusation of a criminal nature comes to its notice.

The said Commission report reads as follows :—

The Committee is prepared to adopt the request contained in 23 Memorials with 916 signatures, and recommends your House to pass a resolution that every Government official who is definitely accused of any offence of a criminal nature, shall leave the Government Service, unless he have within three months cleared himself from the imputations cast on him to the satisfaction of the Government.

Criminal charge against official.

FIRST VOLKSRAAD RESOLUTION, 14th August, 1895.

910. Provinces with regard to the Kaffir tribes, Mammattolla.

FIRST VOLKSRAAD RESOLUTION, 15th August, 1895.

925. Compensation for loss suffered by burghers in the Malaboch War.

Compensation.

FIRST VOLKSRAAD RESOLUTION, 16th August, 1895.

934. Import duty on distilled liquors made in the Orange Free State.

Import duty.

FIRST VOLKSRAAD RESOLUTION, 21st August, 1895.

966. Government empowered under certain conditions to make a contract for building a railway to Carolina and Ermelo.

Railway to Carolina.

FIRST VOLKSRAAD RESOLUTION, 23rd August, 1895.

988. Government empowered to appoint Special Commandants on the Gold Fields until there are sufficient burghers to elect.

Special commandants.

FIRST VOLKSRAAD RESOLUTION, 26th August, 1895.

1001. Supervision of concessions shall be the duty of the Inspector of Offices.

Concessions.

FIRST VOLKSRAAD RESOLUTION, 29th August, 1895.

1035. The First Volksraad having considered the report of the Supt. of Natives.

Returns from
officials.

Resolves to note and accept the same, but inasmuch as it appears therefrom that certain officials do not send in their statements to the Chiefs of the various departments in time, in order to keep the Raad informed on these matters, the Raad directs the Government to require these officials to send in their reports within 40 days after the end of every year, and if they fail to do so, to discharge or temporarily to suspend such official from his or their office.

Leprosy.

Further to direct the Government to carry out the laws on contagious diseases strictly and to remove all cases of leprosy in order to prevent the spread of such diseases among natives.

FIRST VOLKSRAAD RESOLUTION, 30th August, 1895.

Xanthium
Spinosum.

Eradication of Xanthium Spinosum on outspans shall be carried out at the expense of the State.

FIRST VOLKSRAAD RESOLUTION, 31st August, 1895.

1066. The First Volksraad having considered Govt. Note B.B 1369/95 with the accompanying draft proclamation, now on the order.

Resolves to approve said draft proclamation and to declare it to have the force of law immediately after publication in the *Staatscourant*.

This Proclamation was dated 21st September, 1895, and was first published in the *Staatscourant* of 25th September, 1895. It reads as follows:—

Interference
with natives.

Whereas it has happened and happens that various persons, without the authorisation or permission of this Government, meddle with the affairs of the Natives, and with the policy of this Government with regard to the Natives both within and beyond the limits of this State.

Be it hereby enacted that the only persons who have power and authority to treat with the Native tribes their chiefs, and their Captains, in the name of this State are:—the Superintendent of Natives, the Commissioners for Natives and the Sub-Commissioners for Natives in the South African Republic.

And be it further made known that if any other person than the aforesaid officials shall be found to meddle with the Natives in any way, or to negotiate for any other appointment of officials in connection with native affairs or in any way to meddle or interfere with affairs affecting the Natives, without having been specially

authorised thereto by the Government or Superintendent of Natives on behalf of the Government such person shall be punished :

For the first offence with a fine not exceeding £200 or with imprisonment with hard labour for a period not exceeding 12 months.

For the second offence with a fine not exceeding £500 or imprisonment with hard labour for a period not exceeding 2 years.

For the third offence with imprisonment for 3 years with hard labour.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
21st September, 1895.

FIRST VOLKSRAAD RESOLUTION, 2nd September, 1895.

1072. Each memorialist shall sign his own name and no other. Memorialists.

FIRST VOLKSRAAD RESOLUTION, 3rd September, 1895.

1095. Provisions for the free importation of Swaziland produce. Swaziland produce.

FIRST VOLKSRAAD RESOLUTION, 17th September, 1895.

Proclamation of game preserve between Crocodile and Sabi Rivers. See Proclamation, 13th April, 1898. Game preserve.

FIRST VOLKSRAAD RESOLUTION, 2nd October, 1895.

1417. The First Volksraad having considered the Executive Council Resolution, Art. 671, of 26th September, 1895,

Resolves : To adopt the same and to place the items required on the Estimates.

The Raad resolves further : that the Chief Inspector shall report yearly to the First Volksraad.

The said Executive Council Resolution reads as follows :—

Resolves to propose to the First Volksraad to approve of the establishment of a Department for the Inspection of Offices, and in connection therewith to direct the Government to appoint a Inspector of Offices.

Chief Inspector at a salary of £1,200 a year, and four Inspectors of Offices at a salary of £750 a year, and further to instruct the Government to draw up instructions and regulations with the advice and consent of the Executive Council, to define the functions and responsibilities of the Department for the inspection of offices to be thus established.

1427. Support of needy "voortrekkers."

FIRST VOLKSRAAD RESOLUTIONS, 3rd October, 1895.

1479. Section 1 (of the report on the labour question) with the recommendations is approved.

Mission
stations.

One of the recommendations reads as follows:—With regard to the inclusion of Mission Stations under the operation of the Squatters Law Your Commission is informed by the Government that some of the old stations were recognised by the previous Government, and notice was given to them thereafter to transfer their ground as locations to the name of the Superintendent of Natives. Several of these stations have complied therewith and Your Commission recommends the Government to direct such old recognised stations, where they have not already done so, to comply with the terms of the above notice. Failing to do so such stations, like all other stations, shall fall under the provisions of the Squatters Law.

Squatters
Law.

Your Commission does not think it possible to bring the old recognised stations which have complied with the terms of the above notice, or which do so without delay, within the provisions of the Squatters Law.

At the same time Your Commission suggests that the Government direct a list of such old recognised stations with all particulars to be laid before this Raad.

FIRST VOLKSRAAD RESOLUTION, 4th October, 1895.

Uniforms to
Native
Captains.

1484. Gifts of uniforms to Native Captains.

FIRST VOLKSRAAD RESOLUTION, 5th October, 1895.

1513. The Raad adopted the proposal contained in point 1 of the Report.

Point 1 of the Report of the Commission on Education reads as follows:

It accepted provisionally the propositions contained in points 12 and 13 of the Report of the Superintendent of Education, for the Service Year 1894.

With reference to both points your Commission recommends your House to retain in force the Resolution of the First Volksraad, Art. 344, dated 1st January, 1892, as amended by subsequent Volksraad Resolutions of 1893 and 1894, for another three years at least, striking out the word "ordinary" appearing in point 4 of the said Resolution. Education.

FIRST VOLKSRAAD RESOLUTION, 5th October, 1895.

1514. Point 2 on the order. The Raad adopted the proposal therein contained, and also the proposal in point 3.

Points 2 and 3 of the Report of the Commission with reference to education read as follows :—

2nd.—With reference to the *regulations for bursaries for the training of teachers, your Commission recommends your House to approve the proposal of the Superintendent of Education contained in point 5 of the appendix to the annual report for the Service Year 1894, and to amend Art. 1 b. as follows :— Bursaries.

Applicants coming from town-schools shall be between the ages of twelve and sixteen years, and applicants from outside (*i.e.* ward) schools shall be between the ages of eleven and eighteen years, on the day on which the course begins in which they desire to take part.

and further, to add this sentence to Art. 1 c. "For children of outside (*i.e.* ward) schools a certificate of admission to the 3rd Standard, signed by the Inspector in whose circuit the school is, shall be sufficient."

3rd.—In connection with point 5 of the Report of the Bursary Commission your Committee proposes to your House to adopt the Executive Council Resolution, Art. 434, dated 11th June, 1895, and to amend the bursary regulations, so that half of the bursaries disposable shall be awarded without considering the circumstances of the parents or guardians, that consideration being carefully attended to in awarding the other half.

FIRST VOLKSRAAD RESOLUTION, 5th October, 1895.

1515. The Board approved point 4.

Point 4 of the Report of the Commission with reference to education reads as follows :—

4th. On the occasion of First Volksraad Resolution, Art. 1,089, dated 3rd September, 1895, your Commission recommends your House that the Bursary Commission shall consist of ten members in the future, that is to say, to add to the Bursary
Commission

* See F. V. R. R. 10th to 12th September, 1894.

already existing Commission five members of the First Volksraad to be renominated by the Chairman yearly.

And that all bursaries, except those which have been specially founded for the gymnasium, shall be placed under the management of such Bursary Commission.

And as the limited time at the disposal of your Commission merely allows it to deal with the most pressing matters, it recommends that a mandate be given to the New Bursary Commission to make a proposal to the House in the next session with regard to the granting of bursaries in the future.

FIRST VOLKSRAAD RESOLUTIONS, 7th October, 1895.

Pretoria-
Pietersburg
Railway.

1546. The First Volksraad having considered the report of the Pretoria-Pietersburg Railway Commission now on the order :

Resolves to note and accept the same.

Resolves further to direct the Government to sign as speedily as possible the agreement drawn up by the Commission in terms of its instructions with the contractor for the building of the line as amended by the Raad.

Exemption of
British
Subjects from
Commando
Service.

1548. Resolution on Treaty for the exemption of British Subjects from Commando-Service.

1551. Repeal of Art. 1353, 8th September, 1893.

FIRST VOLKSRAAD RESOLUTION, 8th October, 1895.

Selati
Railway.

1559. Resolution about the Selati Railway Report approved.

PROCLAMATIONS FOR 1895.

Swazieland.

PROCLAMATION regulating the government of Swazieland (p. 315, L.L.), 19th February.

Hunting.

PROCLAMATION prohibiting hunting on the Pretoria townlands, (p. 318 LL.), 26th February.

Laws in
Swazieland.

PROCLAMATION declaring the Laws of the South African Republic applicable to Swazieland (p. 320, L.L.), 15th March.

PROCLAMATION altering the requirements for admission as Advocate of the High Court.

Whereas it is desirable and necessary as proposed by the Judges of the High Court to make an alteration in par. 3, rule 75, of the Rules and Regulations of the High Court :

The alterations hereinunder provided which shall immediately come into operation shall be provided and enacted in the said Rule 75. Rules of High Court.

God Preserve Land and People.

Given under my hand at the Government Offices at Pretoria today, the 31st day of the month of May, 1895.

Amendment of par. 3, Rule 75, of the Regulations and Rules of the High Court.

Rule 75, paragraph 3.—All persons who wish to be admitted as Advocates and enrolled in the High Court shall first have obtained the First Degree or Certificate of the First Class in Law. Persons who have been admitted as Advocates beyond the limits of the Republic, and have duly graduated in Law, may be admitted as Advocates after they have passed a supplementary examination in the Local Laws. Admission of Advocates.

J. G. KOTZE.
B. DE KORTE.
A. H. AMESHOFF.
E. J. P. JORISSEN.
GEORGE T. MORICE.

PROCLAMATION granting amnesty to criminals residing in Swaziland, p. 337, L.L. Amnesty to criminals.

PROCLAMATION regulating the right of expelling dangerous persons from Swaziland, p. 346, L.L. Expulsion of dangerous persons.

PROCLAMATION declaring the Post Office Order Convention with the Cape Colony applicable to British Bechuanaland, p. 349, L.L., 26th August. Post Office Orders.

PROCLAMATION imposing penalties for interference with native affairs, p. 353, L.L., 31st August. Interference with natives.

PROCLAMATION putting into force Law No. 10, 1895 (Witnesses Cape Colony), (p. 353, L.L.), 24th September. Law 10, 1895.

No. 65.

The following Executive Council Resolution is published here with for the information of the public.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
21st March, 1895.

Resolved to direct the Superintendent of Natives to give notice by circular to the Commissioners for Natives that the hut-tax of 10s. shall be paid by every native inhabiting, using or claiming any covered place which can be called a hut or dwelling. Native hut tax.

No. 141.

Marriage
Officers.

To prevent misunderstanding and for the general information of persons interested, it is hereby made known :—

- (a.) That the appointments issued by the Government of Ministers as Marriage Officers in the South African Republic are and remain in force only as long as they are recognised as ministers by ecclesiastical authority, as long as they belong to the same church or communion, and as long as they do not change their place or congregation.
- (b.) That as soon as they cease to belong to the church or communion to which they now belong, or as soon as they change their place or congregation, they shall be bound to obtain a new appointment in order to be able to continue to act as Marriage Officer.

No. 187.

R. 6530/95.

Registration
of deeds.

Regulations for the registration of deeds in Swaziland.

No. 236.

R. 7808/95.

Registration
of burghers.

Registration of burghers in accordance with the Swaziland Convention.

No. 247.

R. 8030/95.

Distribution
of claims
by lot.

Regulations appointing the manner of distributing claims by lot.

No. 285.

R.A. 2601/95.

Registration
Office.

Supplementary Article to the Provisional Regulations for Registration Office in Swaziland.

No. 300.

R.A. 3195/95.
R. 9216/95.Special Com-
missioner of
Bremersdorp.

Appointment of the Special Commissioner of Bremersdorp to collect all revenue monies in Swaziland.

No. 306.

R. 7076/95.

Cancellation
of stamps.

It is hereby published for the information of the public, that the Government of the South African Republic has instructed its officials each in their own respective offices to cancel every stamp appearing on any paper or document only with the stamp-canceller being a punching machine by which the stamp is pierced, annulled and thus made valueless ; that further on such a stamp the name of the office must be written or printed, besides the date of cancellation and the initials of the official who cancels the same.

LAW No. 1, 1896.

STATE ARTILLERY.

Not translated.

LAW No. 2, 1896.

GRONDWET.

- 1.** This State shall be called the South African Republic. Name of the State.
- 2.** The form of Government of this State shall be that of a Republic. Form of Government.
- 3.** It desires to be recognised and respected in the civilised world as a free and independent people. Independence and Freedom.
- 4.** The People seeks no extension of territory and desires it only in accordance with principles of justice, when such extension becomes desirable in the interests of the Republic. No extension of territory.
- 5.** The People desires to possess and retain possession of its territory situate in South Africa unimpaired. The boundaries shall be made known by proclamation. Territory.
- 6.** The territory shall be open to every foreigner who submits to the laws of this Republic. All persons who are within the territory of this Republic shall have an equal claim to protection of person and property. Foreigners admitted to settle.
- 7.** All lands or farms situated in this territory which have not, as yet, been allotted, are declared to be the property of the State. Unoccupied lands State property.
- 8.** The People claims the utmost social freedom, and expects this result from the maintenance of its religious faith, from the observance of its obligations, from its submission to law, order and right, and from the vindication of the same. Social freedom.
- The People permits the spread of the Gospel among the heathen subject to definite precautions against fraudulent or erroneous teaching.
- 9.** The People will not permit any equalisation of coloured persons with white inhabitants. No equalisation between white and black.
- 10.** The People will not tolerate any slave trade or slavery in this Republic. Slavery not permitted.
- 11.** The People reserves to itself exclusively the protection and defence of the independence and inviolability of Church and State in accordance with the laws. Independence of Church and State.
- 12.** The People entrusts the Legislative Power to a popular representative body, consisting of a First and Second Volksraad composed of representatives or delegates of the People, elected by the burghers entitled to vote; provided always that a period of three months shall be allowed to the People to enable it if it so wish to communicate to the Volksraad its opinion concerning any proposed law; except such laws as cannot brook delay. Legislation by two Volksraads.
- 13.** The People entrusts the power of proposing and executing the laws to the President of the State, who shall also submit the appointments of all Civil Servants to the First Volksraad for ratification. Proposal and execution of laws.

Maintenance of order entrusted to military forces.

Judiciary.

14. The People entrusts the maintenance of order to the military forces, the police and other persons lawfully appointed for that purpose.

15. The People places the Judicial Power in the hands of a High Court, Circuit Court, Landdrosts, Juries, and such officials as are invested by law with judicial authority, and leaves it to their judgment and conscience to act in accordance with the laws of the Country.

Annual budget.

16. The People shall receive annually from the First Volksraad an estimate of the general revenue and expenditure of the State and ascertain therefrom the amount of taxation to be levied on each person.

Capital and seat of Government.

17. Potchefstroom, situate on the Mooi River, shall be the Capital of the Republic, and Pretoria shall be the seat of Government.

General services to be remunerated.

18. All services required on behalf of the public shall be remunerated by the public.

Freedom of Press.

19. Liberty of the press is conceded, provided that the printer and publisher remain responsible for all libellous, insulting or defamatory documents.

THE PROTECTION AND DEFENCE OF CHURCH AND STATE.

Members of Volksraads must be Protestant.

20. The People shall only appoint as representatives in the Volksraads those who are members of a Protestant Church.

Appointment of teachers.

21. The People desires the growth, prosperity, and welfare of the State, and in respect thereof provision for the want of school teachers.

Precautions for waging war.

22. Also that precautionary measures shall be taken in time of peace, so as to be able to wage war, either offensively or defensively.

All inhabitants liable to military duty.

23. In case of a hostile invasion every person, without distinction, shall be bound on proclamation of martial law to assist in the defence of the State.

Treaties, &c. to be ratified by F.V.

24. No treaty or alliance with foreign powers or nations may be ratified until the First Volksraad shall have expressed its opinion thereon; and in accordance with the decision of the First Volksraad such treaty shall be approved of and passed or rejected, saving always such treaties as the Government is empowered to conclude by law or by resolution of the First Volksraad.

Powers of Com.-Gen. in time of war.

25. In case of danger threatening the State, or in time of war, the power of deciding as to whether such treaty is advisable or not shall be left to the Commandant-General, in consultation with the Council of War, if the Commandos are in the field and there is no time to consult the Executive Council.

THE REPRESENTATION OF THE PEOPLE AND THE LEGISLATURE.

- 26.** The Legislative Power shall be vested in a popular representative body which shall consist of a First and Second Volksraad.
First and Second Volksraad legislate.
- 27.** The First Volksraad shall be the Supreme Authority in the Country.
F. V. highest authority in the Country.
- 28.** As representatives of the People the Members of the First and the Second Volksraad are not Civil Servants.
Members of Volksraad not civil servants.
- 29.** The Members for the time being of the First and Second Volksraad shall be personally exempt from Military service, without being exempt from the costs which the Military Force may claim from them : they shall be compensated for personal expenses while detained from business.
Volksraad Members not liable to military service.
- 30.** The Members of the First and Second Volksraad shall be elected for the period of four years by the majority of votes recorded by the electors of each district.
Election of Volksraad Members.
- 31.** The election of Members of the First and Second Volksraads shall take place in the months of January and February or in extraordinary cases at such times as shall be required.
Election of Volksraad Members.
- 32.** The number of Members of the Second Volksraad shall be the same as that of the First Volksraad.
Number of Volksraad Members.
For both Volksraads this number shall be further determined by the First Volksraad.
At the end of the second year one-half of the Members shall retire, the other half at the end of the fourth year, and so on.
In the districts to which the retiring Members belong, new Members of the Volksraad shall be elected ; the retiring Members shall be re-eligible.
- 33.** The Members of the First Volksraad shall be elected by such burghers qualified to vote as have lawfully acquired full burgher rights.
Electorate of F. V.
- 34.** The Members of the Second Volksraad shall be elected by all burghers qualified to vote who shall have attained the age of sixteen years.
Electorate of S. V.
- 35.** No one shall be considered elected as Member of the First or Second Volksraad unless at the election he shall have obtained the votes of at least 60 burghers qualified to vote in the district or electoral division for which he is elected.
Minimum of 60 votes required.
- 36.** In order to be entitled to take his seat as Member of the First Volksraad, a person who has been lawfully elected shall be thirty years of age and a Member of a Protestant Church, live in the Republic, and possess immovable property there.
Requirements for Members, F. V.

Requirements
for Members
S. V.

37. In order to be entitled to take his seat as Member of the Second Volksraad, a person who has been lawfully elected as such shall be thirty years of age, shall have been during the two immediately preceding years a fully enfranchised burgher, Member of a Protestant Church, shall reside in the Republic, and possess immoveable property therein.

Eligibility.

38. No one shall be eligible as Member of the First Volksraad and take his seat as such unless he possesses the qualifications required by Article 36, and no one shall be eligible as Member of the Second Volksraad and take his seat as such unless he is possessed of the qualifications required by Article 37.

Requisitions.

39. No one shall be eligible as Member of the First Volksraad unless he shall have previously received an invitation or requisition to fill that Office, signed by at least 25 burghers qualified to vote in the district or electoral division for which he is elected. This invitation or requisition and the reply thereto shall be forwarded to the State Secretary, so that in case the requisition is accepted it may be published in the *Staatscourant* at least 28 days before the date of the election.

Electors of one district may vote for a person residing in another district.

Candidature
for only one
Volksraad and
one district.

40. No one may offer himself as a candidate for both Volksraads, or in more than one district or electoral division at the same time.

Relationship
of Members.

41. The Members of a Volksraad may not stand to each other in the relationship of father, son or step-son.

No officer
or civil
servant
eligible.

42. No Military Officer or Official, who as such receives a fixed annual or monthly salary, may offer himself as a candidate for the membership of either of the Volksraads.

Coloured
persons, &c.,
excluded.

43. No coloured person or bastard, no persons of notoriously bad conduct, or who have had a degrading sentence passed on them, unrehabilitated bankrupts or insolvents, of any kind, nor persons who are subjects of or draw a pension from a foreign State shall be eligible as Members of either of the Volksraads.

Protests.

44. Any person shall be competent if he can prove that a person elected as Member of the First or as Member of the Second Volksraad is not possessed of the qualifications required by the law to forward such proof to the Government before such person takes his seat. The Government shall thereupon, without delay and as soon as possible at the commencement of the Session, lay the document relating thereto before the Chairman of that Volksraad to which such person belongs.

Time of
Assembly.

45. The First and the Second Volksraad shall meet at least once a year. Their ordinary meetings shall be opened in a joint session on the first Monday of the month of May, presided over by the Chairman of the First Volksraad. Extraordinary meetings

may be convened by the State President whenever he considers them necessary in the interest of the Country.

The Members of the First Volksraad shall meet in the Raadzaal daily at 9 o'clock in the forenoon, and shall sit for not less than 4 to 5 hours a day.

The Meeting of the First Volksraad shall be opened and closed with a suitable prayer.

46. The Chairmen of both Volksraads shall be responsible for the meetings being held in accordance with the requirements of Art. 45, in default whereof the Volksraad may impose a fine upon them of 5 to 50 rix-dollars. Opening ceremonies.

47. Every Member of both Volksraads shall take on assuming office the following oath before the Chairman:—"Having been elected Member of the First (or Second) Volksraad of the Representative Chamber of this Republic, I solemnly declare, I promise and swear that I have given or promised to no one any gift in order to obtain this office; that in this office I shall be faithful to the People and its independence; that I shall conduct myself in accordance with the Grondwet and the other laws of this Republic to the best of my knowledge and conscience, and that I shall always aim at the promotion of the happiness and welfare of the inhabitants generally. So truly help me God." Oath.

48. Each Volksraad shall elect at the opening from among its Members its own Chairman for the period of the sessional year. Chairman.

49. Each Volksraad shall appoint its own Secretary not being one of its own Members, and on the nomination of the Executive Council. Secretary.

50. Each Volksraad shall have to decide whether the elections and qualifications of its own Members accord with law. Who shall decide qualifications.

51. Each Volksraad shall draw up its own standing orders by which the course of business shall be regulated and the powers of the Chairman be defined. Standing Orders.

52. The quorum of both the First and the Second Volksraad shall consist of 12 Members. If no quorum is present in the Second Volksraad, the Secretary of the latter shall immediately inform the First Volksraad thereof. Quorum.

53. The President and the Members of the Executive Council shall have a seat in both Volksraads with the right to take part in the discussions, but without a vote. President and Members of Ex. Council may sit but not vote.

54. The sessions of both Volksraads shall be held in public, unless in special cases the majority resolves to exclude the public. Public Sessions.

55. Each Volksraad shall keep Minutes of its proceedings. It shall have them regularly published in the *Staatscourant* except the Minutes of secret sessions, which may only be published fully or partially with consent of the First Volksraad. Minutes.

Punitive
powers.

56. Each Volksraad shall have the right to punish its own Members for disorderly conduct. Each Volksraad shall have, moreover, the right to expel a Member by a two-thirds majority of the votes cast.

Fines for
absence.

57. If a Member of either Volksraad absents himself without resigning, and does not comply with the summons, he shall be fined 75 rix-dollars.

Reasons of
excuse.

58. The reasons of excuse for the non-appearance of a Member of either of the Volksraads shall be :—

- (a) Indisposition and bodily infirmities to be proved on the part of the Member who has been elected or summoned, by a declaration signed by the Landdrost, Commandant or Field-Cornet of his division, and
- (b) Such unforeseen circumstances as, being actually proved, make it impossible for him to be or to remain in attendance.

Notice to
President.

59. All resignations, excuses and notices mentioned in Articles 57 & 58 shall be forwarded to the President and shall be decided upon by the Executive Council. The seats vacant in consequence shall, as soon as possible, be provided for in accordance with Article 31.

Right of
speaking.

60. The persons present who have no seats in either of the Volksraads may only speak when they have to answer a question of the Chairman.

The maintenance of order among those persons shall be entrusted to a Field-Cornet appointed for that purpose by the Landdrost of the district in which the Session is held.

Messenger.

61. The Landdrost shall also appoint a Messenger to be at the service of the First Volksraad during the meeting.

Penalties for
offences
committed in
Raadzaal.

62. Each Volksraad shall decide upon all offences as constituted by the Raad and committed in the Raadzaal, and shall punish the offenders without further appeal.

Fines to be
collected by
Landdrost.

63. Of all fines imposed by either Volksraad notice shall be given by the Secretary to the Landdrosts within whose districts the parties fined reside, and the Landdrosts shall see that they are collected.

Chairman
submit Bills
for discussion.

64. The Chairman shall submit for discussion all Bills received by both Volksraads whether the same have been published three months before the commencement of the Session of the Volksraads or during the Session of the Volksraads.

Majority of
votes decides.

65. All subjects of discussion shall be decided by an absolute majority of the Members voting.

66. The two Volksraads shall not disperse before all matters to be discussed have been disposed of and the Sessions have been closed by the respective Chairmen. A Member of the Volksraad may be permitted to leave the meeting if he is in the case mentioned in No. 2, Art. 58.

Volksraads to finish business before separating.

67. A copy of every law passed shall be sent by the Chairman of the First Volksraad to the President for administration.

Chairman shall forward copies to President.

68. When publication of Laws and Government Notices to the public have not taken place in time, the President shall inquire who is to be blamed for such delay. A Landdrost found guilty in this respect shall be liable to a fine of 50 rix-dollars, a Field-Cornet or minor official 25 rix-dollars.

Penalties for neglecting to publish Bills.

69. When a new President has been appointed, the First Volksraad shall depute four of its Members and the Secretary to invite him to come to the Volksraad in order to take the oath of office.

Presidential oath.

70. On the appointment of the Members of the Executive Council and of the Commandant-General, the First Volksraad shall give them written notice thereof and invite them to take the oath of office before the Volksraad at a specified time.

Oath of Members Ex. Council and Comdt.-Gen.

71. The list of officials appointed shall be laid by the President annually before the First Volksraad for approval or disapproval.

List of officials appointed.

72. If the Court mentioned in Article 86 declare the President, or the High Court mentioned in Article 139 of the Grondwet declares one of the Members of the Executive Council, or the Commandant-General, unworthy to fill his or their offices, the Chairman of the First Volksraad shall, on receipt of the judgment of such Court, convene the Members of the Volksraad, and the latter shall be bound in accordance with their duty to attend the Session in order to remove the convicted person from his or their offices, and to make provision as soon as possible for filling up the vacancy thus created.

Dismissal of President and Members of Ex. Council and Comdt.-Gen.

73. Every burgher qualified to vote shall be permitted if he considers it his duty to bring in accusations dealing with official offences or crimes committed by the President or by any one of the Members of the Executive Council, to send in such accusation to the Chairman of the First Volksraad, addressed as follows :—"To the Honourable Chairman of the First Volksraad" who shall deal therewith according to circumstances.

Indictment of President and Members Ex. Council.

74. The Members of the Second Volksraad shall enjoy the same allowance and have the same obligations as those of the First Volksraad, as regards the publication of their laws and resolutions to their electors.

Allowances for Members S.V.

Legislative
powers of
S. V.

75. The Second Volksraad shall have the power to regulate further the following subjects by way of law or resolution :—

1. Mining.
2. Making and repairing of wagon and post roads.
3. Postal service.
4. Telegraph and Telephone service.
5. The protection of inventions, samples and trade marks.
6. Protection of copyright.
7. Working and maintenance of the timber forests and salt pans.
8. Suppression of contagious diseases.
9. The condition, rights and obligations of companies.
10. Insolvency.
11. Civil procedure.
12. Criminal procedure.
13. Such other subjects as the First Volksraad shall further decide by resolution or law, or as the First Volksraad shall specially refer to the Second Volksraad.

S. V. shall
communicate
Resolutions
to President
and F. V.

76. All laws or resolutions passed by the Second Volksraad shall be communicated, as soon as possible, that is at the utmost within 48 hours, both to the First Volksraad and to the President.

President
informs F. V.

77. The President shall have the right when he has received notice from the Second Volksraad of the passing of a law or resolution, within a fortnight after the receipt of such notice, to lay such law or resolution before the First Volksraad for discussion.

The President shall be in any case bound to communicate the receipt of such notice to the First Volksraad within the said period.

Publication
of S. V.
resolutions.

78. If the President, within the fortnight mentioned in Article 83, shall not have laid the communicated law or resolution before the First Volksraad for discussion, and the First Volksraad has also deemed it unnecessary within that fortnight voluntarily to discuss the said law or resolution, the President, unless on the advice and with the consent of the Executive Council he deems it undesirable in the interests of the State, shall be bound to cause such law or resolution to be published in the ensuing edition of the *Staatscourant*, unless within the fortnight above mentioned the First Volksraad may have adjourned, in which case the publication in the *Staatscourant* shall take place after the lapse of eight days, counting from the opening of the next ordinary Session of the First Volksraad.

Bills pub-
lished in
Staatscourant.

79. No law or resolution passed by the Second Volksraad shall have any force unless published by the President in the *Staatscourant*.

Legal force
of published
resolution.

80. The legal force of a law or resolution published by the President in the *Staatscourant* may not be called in question, reserving the right of the People to send in petitions on the subject.

THE PRESIDENT AND THE MEMBERS OF THE EXECUTIVE COUNCIL.
THE PROPOSERS OF THE LAWS.

81. The Executive power shall be vested in the President who shall be responsible to the First Volksraad. He shall be elected for a period of five years by the majority of votes from among and by those burghers who are qualified to vote for the First Volksraad. On his retirement he shall be re-eligible. To be eligible he shall have attained the age of 30 years, he shall be a member of a Protestant Church, and no dishonouring sentence shall have been passed upon him.

The President.

82. The President shall be the first or highest official of the State, all Civil Servants shall be subordinate to him; those however in whom the exercise of judicial powers is vested shall be entirely free and independent in that exercise.

President
highest Civil
Officer.
Judges
independent.

83. While the President holds office as such he shall fill no other position or ecclesiastical office, nor carry on trade. The President may not, as such, leave the country without the consent of the First Volksraad. It shall, however, be competent for the Executive Council to grant him leave in urgent cases to leave the country on private affairs.

May fill no
other office.

84. In case of dismissal from office, disability in consequence of mental or bodily infirmities, or the death of the President, a Member of the Executive Council appointed by the First Volksraad shall act as Vice-President, who shall, after consulting the Executive Council, and if necessary, immediately summon the First Volksraad in order to make provision for the election of another President, and shall thereupon remain in office till the newly elected President shall have taken office as such. Also in case of the absence of the President abroad, the Vice-President shall act.

Vice-
President.

85. The President shall be dismissed from office by the First Volksraad on conviction of misconduct, embezzlement of State property, treachery or other serious crimes, and he shall be dealt with further according to law.

Dismissal of
President.

86. The President, Members of the Executive Council and those of the High Court shall be tried:—

1. For crimes and offences before the ordinary Judge.

2. For official offences, misconduct, or unfitness, before a Special Court.

Trial of
President,
Members of
Ex. Council
and Judges.

The charge brought of official offences, misconduct or unfitness shall be made in writing.

(a) Against the President and the Members of the Executive Council, before the Chairman of the First Volksraad who shall lay the charge before the First Volksraad, and if the First Volksraad is convinced that there are reasonable grounds for the charge, it shall place it in the hands of the State Attorney and take measures to appoint a Special Court.

(b) Against the Members of the High Court before the Government, which if it is convinced that there are reasonable grounds for the charge shall, on the advice and with the consent of the Executive Council, immediately suspend the Member concerned from office, and give notice in writing thereof to the Chairman of the First Volksraad, which Volksraad shall take measures to appoint the Special Court.

The manner of procedure of the Special Court shall be as nearly as possible the same as that for the High Court.

When the charge against the President or a Member of the Executive Council has been referred to a Special Court for trial, such shall involve his being immediately suspended from office by the First Volksraad. The Vice-President shall, if necessary, act as Chairman of the Executive Council instead of the President.

The Special Court aforesaid shall consist of five Members of the First Volksraad, elected for that purpose by that body, and of not more than four Members of the High Court appointed for that purpose by such Court, excepting the Member or Members charged as aforesaid.

If the ordinary Judge, in the case of crimes which are punished by a dishonouring punishment, and the Special Court, in the case of official offences, misconduct or unfitness, finds the accused person guilty, he shall be dismissed from office, if he is a President or Member of the Executive Council, by special resolution of the First Volksraad convened specially for that purpose if necessary.

The Government shall dismiss the convicted Member of the High Court.

President
proposer of
Bills.

87. The President shall be entrusted with the introduction of Bills in the First and Second Volksraad, such being either his own proposals or others received by him from the People, and such proposals he shall publish in the *Staatscourant* three months before introducing them into the First and Second Volksraad, together with all other documents which he may deem useful and necessary.

President and
Executive
frame Bills.

88. All drafts of laws sent in to the President shall, before publication, be considered by the President and the Executive Council, and they shall decide whether publication is necessary or not.

Head of
Department
concerned in
charge of Bill.

89. The President shall move the Bill in the First and Second Volksraads, and entrust its explanation and defence, in the first place, to the officer to whose department it belongs.

Publication of
laws passed.

90. As soon as the President receives the notice from the First Volksraad that a proposed law or resolution has been passed by the First Volksraad he shall cause such law or resolution to be

published by notice in the *Staatscourant*, whereupon the law or resolution shall come into force, except where such law or resolution shall make special provision on this point.

91. Proclamation of Martial Law, as mentioned in Art. 23, may only be made by the President, with the consent of the Members of the Executive Council. Such notice shall, however, be given in case of urgent danger, and the law shall then immediately be enforced; the decision as to the danger shall be left to the President and the Members of the Executive Council, and to their responsibility. The Commandant-General shall be present in his capacity at the meeting of the Executive Council when Military matters are discussed and decided upon, and shall also have a vote as such.

Proclamation of Martial Law province of President and Executive Council.

92. The President, with the consent of the Executive Council, shall declare war and peace in accordance with Article 97 of the Grondwet, the Government, if possible, convening the First Volksraad previous to the declaration of war.

President declares War and Peace.

The treaty of peace shall require the approval of the First Volksraad, which shall be convened as soon as possible for that purpose.

93. The President shall appoint all officials, either personally or by instruction through the chief officials, taking care that all officials must be naturalised or burghers qualified to vote, and that, in as far as they are entrusted with financial administration, they give sufficient security to the satisfaction of the Government.

President appoints all officials.

94. The President shall, as far as possible, comply with the desire of the People referred to in Article 21.

Duties of President to People.

95. The President shall, annually, after the opening of the First Volksraad, send an estimate of the general revenue and expenditure to the First Volksraad, and shall indicate therein how any deficit should be covered or any surplus be utilized.

Estimates

96. He shall also during the session of the First Volksraad submit a report of his proceedings during the past year, of the condition of the Republic and of everything concerning its interests in general.

Report on past year.

97. After a scrutiny of the voters' lists sent in to the Executive Council for the Members of the First and the Second Volksraad, he shall convene those bodies annually for the first Monday in May, and whenever necessity shall demand.

Convening Volksraads.

98. He shall cause to be published in the month of March or April the names and residences of those elected as Members of the First and Second Volksraad.

Publication of names of Volksraad Members elected.

99. The written summons convening the Members of the First and of the Second Volksraad shall be delivered at their residences three weeks before the opening thereof.

Summoning Volksraads.

President's
annual
circuit.

100. The President and a Member of the Executive Council shall, if possible, once a year visit the towns and villages of the Republic where there are Government offices, inquire into the state of such offices and into the conduct of the Government officers, and on such tour afford the inhabitants an opportunity of making representations as to their interests during their stay.

President
suspends
officials.

101. The President shall have the power, subject to his responsibility to the First Volksraad, to suspend Government officials from office, to make provisional appointments, and to fill up all vacant offices. In the next ensuing Session of the First Volksraad he shall report upon all such proceedings.

Formalities on
appointments
of officials.

102. The President shall also sign all appointments of the Government officers; and shall cause their instructions to be read and explained by himself or competent officers; cause them to take and sign the oath of office; and after their appointment, cause a copy of their instructions to be handed to them.

President
charged with
regulation of
general
service.

103. The President shall be charged with the regulation of the public service, the postal service and the public works; and he and the Members of the Executive Council are moreover entrusted with the superintendence of the powder magazines and ordinance cannon of the State.

Corres-
pondence with
Foreign
Powers.

104. Correspondence with Foreign Powers shall be carried on by the President and the Executive Council. The letters shall be signed by him and by the State Secretary.

Pardons.

105. The President, in conjunction with the Executive Council, shall have the right to reduce or remit the punishment or punishments for misconduct or crime, at the instance of the Court, or at the request of the convicted person, after having requested the advice of the Court thereon.

Presidential
oath.

106. Before taking office he shall take the following oath before the First Volksraad:—

“ Having been elected as President of this Republic, I solemnly promise and swear that I shall be faithful to the People: that in my office I shall act in accordance with justice and law, to the best of my knowledge and conscience, without respect of persons: that I have granted no one any favour or gift in order to obtain this office: that I shall accept from no one any gift or favour if I have any suspicion that such gift or favour has been granted or shewn me with the object of obtaining from me a resolution to the advantage of the party favouring me or granting the same: that I shall conduct myself in accordance with the Grondwet of this Republic, and my only aim shall be the promotion of the happiness and welfare of its inhabitants in general. So truly help me God.”

Composition
of Executive
Council.

107. The President shall exercise his authority together with the Executive Council. An Executive Council shall be associated with the President, consisting of the Commandant-General, two

burghers qualified to vote, a Secretary and minute keeper who shall have equal votes, and bear the title of Members of the Executive Council. The Superintendent of Native Affairs and the Keeper of the Minutes shall be ex-officio Members of the Executive Council. It shall be competent for the President, when important matters are being discussed, to invite the head of any department most directly concerned with the subject of discussion to be present in the Executive Council. The said head official shall then have a vote in the Executive Council; he shall be responsible along with the others for the resolutions passed and shall sign them.

108. In accordance with the meaning of Art. 113 the following shall be considered as head officials:—The State Attorney, Treasurer, Auditor, Superintendent of Education, Orphan Master, Registrar of Deeds, Surveyor-General, the Head of the Mining Department, Postmaster-General, Chief Director of Telegraphs and the Head of Public Works.

Head
Officials.

To be eligible as Superintendent of Native Affairs and as Chief of the Mining Department, the qualifications of a Member of the First Volksraad shall be required.

109. The President shall be Chairman of the Executive Council, and in case of an equality of votes, shall have a casting vote. For the confirmation of sentences of death or declarations of war, the unanimous vote of the Executive Council shall be required.

President,
Chairman of
Executive Council
with casting
vote. Death
sentences and
Declarations of
War require
unanimous
vote.

110. Regularly once a month, and at such other times as the President shall judge necessary the Executive Council shall sit at his office.

Sessions of
Ex. Council.

111. The President and two Members shall form a quorum.

Quorum of
Ex. Council.

112. All resolutions of the Executive Council and official letters of the President shall be signed by the State Secretary as well as by himself. The co-signatory shall also be responsible that the contents of the said resolutions or of the letter are not in conflict with the existing Laws.

Signature of
resolutions of
Ex. Council.

113. The two burghers qualified to vote, or Members of the Executive Council referred to in Art. 107, shall be elected by the First Volksraad for the period of three years, the Commandant General for the period of five years. They shall possess the franchise for the First Volksraad, shall be Members of a Protestant Church, shall not have had a dishonouring sentence passed upon them, and shall have reached the age of 30 years.

Requirements
and period of
service for
Members of
the Executive
Council.

114. The State Secretary shall also be elected by the First Volksraad, but is appointed for a period of four years. On his retirement he shall be re-eligible. He shall be a Member of the Protestant Church, not have had any dishonouring sentence passed on him, shall possess immovable property in the Republic, and shall have attained the age of 30 years.

Requirements
and period of
service of
the State
Secretary.

Official Oath
of Members
of the Ex.
Council and
Commandant
General.

115. Before the Members of the Executive Council and the Commandant General assume their offices, they shall take the oath of office before the First Volksraad and shall subscribe the same. This oath shall be of a similar nature to that of the President, modified according to the title of office, of the person concerned, and that of the Commandant General in accordance with that contained in Art. 136.

Official Oath
of State
Secretary.

116. Before the State Secretary assumes office, he shall take an oath similar to that of the Members of the Executive Council, slightly modified in accordance with the nature of his office.

THE MILITARY FORCES AND THE COUNCIL OF WAR.

Military force
consists of all
men capable
of bearing
arms.

117. The Military Force shall consist of all men capable of bearing arms in this Republic, and, if necessary, of those of the coloured people in the country whose chiefs are subject to it.

General
Police and
Artillery
Corps.

118. Besides the Armed Burghers Force to be called out in time of disturbance or war, there shall exist a general State Police and an Artillery Corps, for which a fixed sum shall annually be placed on the estimates.

Age of
Military
Service,
16—60.

119. The men capable of bearing arms among the whites are all males between the ages of 16 and 60 years; and among the coloured people all who are capable of serving in war.

Division of
territory into
districts and
Field
Cornetries.

120. For the purpose of classifying the Military Force, the territory of this Republic shall be divided into Field Cornetries and Districts. The Boundaries of such Field Cornetries and Districts shall be fixed by the President, the Commandant General and the neighbouring Commandants and Field-Cornets in consultation together; and every inhabitant shall be bound to obey such authority in the Field Cornetry or District in which he resides.

Commanding
Officers.

121. The men shall be under the orders of the following officers being in ascending rank:—Assistant Field-Cornets, Field-Cornet, Commandants and Commandant-General.

Officers
chosen by
majority of
burghers.

122. The officers shall be elected by majority of votes as follows:—Assistant Field-Cornets and Field-Cornets by the burghers of the wards qualified to vote, and the Commandants by the burghers of the different districts qualified to vote.

All burghers who have reached the age of 16 years shall be qualified to vote for Assistant Field-Cornets, Field-Cornets and Commandants.

The Commandant General shall be elected from among and by such burghers of the Republic qualified to vote as are entitled to elect Members of the First Volksraad. The voting papers for the election of officers shall be sent to the Landdrosts, and the latter shall forward them to the Executive Council. The Executive Council shall be bound to give notice to the Commandant General elect of his election.

123. They shall be appointed :—the Commandant General for five years, the Field-Cornets and his Assistant Field-Cornets for three years, and on their retirement they shall be re-eligible. The Commandant General shall be dismissed from office on conviction of crimes mentioned in Art. 85.

Period of Service for Officers.

124. For every district not more than one Commandant shall be elected.

One Commandant for every district.

125. The Military Force with exception of the coloured mercenaries shall be called out to maintain order, to go on commandos in the event of internal rebellion, and without any exception for the defence of the country and to carry on war against foreign enemies.

When military force is called together.

126. The Assistant Field-Cornets and Field-Cornets shall be charged with the maintenance of order: the Commandants with the commandos in the event of internal rebellion of the coloured people, the commandos to suppress disturbances among the white population, with the defence of the country and with carrying on war against foreign enemies: in which case the Commandant General shall have supreme command of the whole army.

Duties of Field-Cornets, Commandants and Commandant General.

127. (a) By maintenance of order is meant observance of the Laws, the execution of sentences after receipt of writ, the carrying out of measures of general and local interest; superintendence of the coloured people and the suppression of vagrancy and vagabonds in the Field Corneteies.

(a) Maintenance of order.

(b) By commandos for the suppression of Native risings is meant reducing to submission Kaffir Chiefs within the borders of the State.

(b) Commandos against rebellions of natives.

(c) By commandos for the suppression of disturbances among the white population is meant conveying a sufficient force to the district in which the disturbances have broken out.

(c) Quieting disturbances among the white

(d) By defence of the country and the carrying on of war is meant the carrying out of Martial law (see Arts. 23 and 91) and taking the field at the head of the army.

population. (d) Defence of country and waging war.

128. The subordinates shall receive all orders from the officers and officials placed in authority over them.

Orders.

129. All the officers with the exception of the Commandant General shall, before assuming their offices be sworn in by the President in accordance with Art. 102, the Commandant General shall be sworn in by the First Volksraad in accordance with Arts. 115 and 130.

Officers and Commandant-General sworn before Volksraad.

130. Their oath shall be of the following tenour :—

“I solemnly promise and swear fidelity to the People of this Republic, to act in my office according to law, right and equity to the best of my knowledge and conscience, without respect of persons, that I have not given or promised to any one any gift or favour in order to obtain this office, that I shall accept from no one any gift or favour if I suspect that it is given or shown to induce me to act in my office in favour of the giver; that I shall

Form of Oath.

obey the orders of those placed in authority over me, according to law, and that my only aim shall be the prosperity, welfare and independence of the country and the people of this Republic. So truly help me God."

Reports to be made by Field-Cornets to Landdrost and Commandant.

131. The Field-Cornets shall, unless lawfully prevented, report every three months to the Landdrosts everything that has taken place in connection with those under their authority in the wards during the past months, and at other times as often as an immediate report is required. The Field-Cornet shall also be bound to report about military matters to the Commandant immediately placed over him as well as the Landdrost. Failing to comply with this or in case of negligence he shall be fined to the amount of 10 rix dollars.

Report of Commandant to Commandant General.

132. The Commandant shall send the quarterly reports of the Field-Cornets received by them, covered by their own reports, and with their remarks, to the Commandant General. The latter shall deal similarly with the reports of the Commandants when he sends his reports to the President, and the latter shall be forwarded to the President without delay.

Field-Cornets' lists of men liable for duty.

133. The Field-Cornets shall keep a list of those liable to Military Service in their wards, and shall so frame this list that it appears therefrom who must be called out for the maintenance of order (a Art. 127) so that the services of the men may be proportionately distributed among them.

Commandant General Member of Executive Council.

134. The Commandant General shall sit in the Executive Council as Member thereof.

Commandant-General Director of Ammunition.

135. In the field the Commandant General shall have the supervision over the State's munitions of war.

In civil life Commandant and Field-Cornet shall obey Landdrosts.

136. The Commandants and the Field-Cornets shall obey the orders of the Landdrosts in so far as according to the Laws concerning the administrative power of the magistrates they are affected thereby.

Penalty for offending against Art. 32.

137. Notice shall be given of the offence mentioned in Art. 132 by the officers of the Landdrosts of their districts who shall see to the collection of the fines.

Wounded, widows, and orphans shall share in booty

138. One month after the end of a commando the President shall see to it that the seriously wounded, the widows and orphans of the killed shall receive through the Landdrost their share of the booty apportioned to them.

THE JUDICIAL POWER AND THE ADMINISTRATION OF JUSTICE.

Judiciary.

139. The people shall entrust the Administration of Justice to :—

(a) A High Court.

(b) A Circuit Court.

(c) The Landdrosts in their capacity as such, and to such other officials as shall be invested by law with judicial authority.

The Courts shall pronounce judgment as soon as possible after the hearing of a case.

Chief Justice and the puisne judges shall have duly graduated in law.

The public prosecution shall be entrusted to the State Attorney, and under his supervision, to the public prosecutors of the different districts.

The members of the two first mentioned Courts shall be appointed for life.

They shall be tried and dismissed from office in the manner provided in Art. 86.

140. The Landdrosts shall be appointed by the Executive Council; whenever a vacancy occurs, two persons possessing the qualifications of officials under the Grondwet shall be proposed to the burghers qualified to vote in the district concerned, who shall within a period not exceeding two months by a free majority-vote, elect one or two such candidates, and shall give notice in writing of the result of such election to the Executive Council. The Landdrosts shall have been burghers qualified to vote during the period of one year, shall be members of a Protestant Church, have had no dishonouring sentence passed upon them and shall have attained the age of 30 years. Landdrosts.

141. The Landdrost of the place where the seat of Government is, shall be appointed by the First Volksraad on the nomination of the Executive Council. To be eligible it shall not have been necessary for him to have been a burgher of the State for any period of time. Appointment of Landdrosts

142. The Landdrosts shall also before assuming office give due security according to law. Security by Landdrosts.

143. The juries shall be burghers qualified to vote; shall not have had any dishonouring sentence passed upon them, and shall have attained the age of 30 years. Qualifications of Jurymen.

144. The jury shall be summoned in such time that exclusive of their journey they shall have three days at their disposal. Summons of Jurymen.

145. Those elected as Landdrosts shall, if they consider they have valid objections against their election, forward such objections within the first 30 days after their election to the President. If Landdrost refuse to serve.

146. If they forward no objections within that period, they shall be regarded as having accepted the office. In default of refusal Landdrost understood to accept.

147. The jurymen who does not comply with the summons mentioned in Art. 144 shall be fined 100 rix dollars, unless he can give reasons or excuse as provided in Art. 58. Fines on Jurymen for non-appearance.

148. The judges and the Landdrosts before assuming their office shall take the following oath before the President and the Members of the Executive Council:—"I solemnly promise and swear fidelity to the people and to the laws of this Republic, and Oath for Landdrosts and Judges.

that in my capacity and office I shall act justly, equitably, without respect of persons in accordance with law and to the best of my knowledge and conscience; that I shall accept from no one any gift or favour if I suspect that this has been given or shown in order to induce me to favour the giver in my judgment or action, that outside of my office as Judge I shall obey according to law the commands of those placed in authority over me, and that in general my only aim shall be the maintenance of law, justice and order, in furtherance of the prosperity and welfare of this Republic. So truly help me God."

Oath for
Jurymen.

149. The jurymen shall, before taking their seat, take the following oath:—"I solemnly promise and swear that in my capacity of jurymen I shall act justly, equitably, without respect of persons, to the best of my knowledge and conscience, and that I shall give a verdict on the matters and charges submitted to my decision, according to law; that I have not accepted from any one any gift or favour, of which I suspect that it has been given or shown to me in order to induce me to give a verdict in favour of the giver, and further that my only aim will be the maintenance of law, justice and order, in furtherance of the prosperity and welfare of this Republic. So truly help me God."

Duties of
Field-Cornets.

150. The Field-Cornets shall as much as possible settle the disputes between the residents in their wards, and obviate litigation. For this purpose any one shall be entitled to summon the party with whom he has a dispute before the Field-Cornet at a time to be fixed by the latter. The costs incurred by the Field-Cornet shall be paid by the parties according to tariff.

Sentences to
be publicly
pronounced.

151. All sentences both in civil and criminal cases, shall be pronounced publicly and executed in the name of the people of the South African Republic. The punishments to be imposed upon white criminals in this Republic shall be:—

Imprisonment.

Hard labour with or without irons, according to the nature of the case.

Transportation or banishment, death.

No white man may be sentenced to be lashed unless it is expressly so provided by law.

Appeal.

152. The appellants shall pay in case their appeal is declared unfounded or dismissed, five rix dollars for an appeal from the Landdrost's Court. Should it subsequently appear that the appellants had a good case, this sum shall be refunded to them.

Copies of
documents

153. Copies of the documents demanded by the parties shall be made by the clerks and each page thereof shall contain 25 lines, and every line on an average 12 syllables; the clerks shall charge or every page two shillings and four pence.

154. In case a person is too poor to institute a lawsuit and yet considers that he has good grounds for the same, he shall send in a written application to the Judge of the Court, before which he has to bring his case. Such Court shall permit him to institute the action and exempt him from payment of costs, provided that :—

Leave to proceed *pro deo*.

(a) He shall have produced written proof from his Field-Cornet and two of his neighbours that he is indigent.

(b) The Court on a preliminary examination of his claim, and after having heard the defendant, shall have found that there are plausible grounds for such claim.

155. The sessions of the Courts of Justice shall be held :—

Sessions of Courts of Justice.

Those of the Landdrosts daily from 10 a.m. to 3 p.m. The higher Courts according to proclamation and regulations providing therefor.

156. If the clerk leaves his place vacant without sufficient reasons, he may be suspended for a definite period by the Landdrost, notice being given to the President, and another person may be appointed in his stead after the latter has taken the oath in accordance with law.

Absence of clerks.

157. The Courts of Justice in imposing punishments shall bear in mind that as the same punishments may be lighter or more severe for one person than the other it is the aim of the legislator to inflict also an equal punishment on each for a similar offence and that accordingly the punishments should be fixed in accordance therewith.

Punishments.

158. The Courts of Justice shall try as much as possible to accelerate the hearing of cases and shall, as soon as possible, give judgment thereon.

Courts shall expedite trial of cases.

159. The Clerk or the Landdrost shall keep a register of all cases brought by parties before the Court, and shall enter up such register daily.

Registers of cases.

THE ADMINISTRATIVE POWER OF THE CIVIL SERVANTS.

160. The Administrative Power or the Home Department, shall derive its authority from the Executive Council and shall be subject to the orders of the President and the Members of the Executive Council.

Authority of Administration.

161. It shall be in the hands of such officers as the law provides.

Who shall exercise it.

162. For such administration the territory shall be divided into divisions to which shall belong wards and towns or villages. Alterations in the divisions of districts or wards shall be made in accordance with Art. 120.

Division into Divisions.

Adminis-
tration of
Divisions.

163. Every district shall be administered by a Landdrost assisted by such officers as shall be associated with him by law. The Commandants and Field-Cornets of the divisions shall be, as far as their administration is concerned, at the disposal of the Civil servants aforesaid.

Divisional
Councils,
town and
village
boards.

164. Divisional Councils and town or village boards of management may be established wherever the population so desires. At the head of every division shall be a Landdrost, who shall be ex-officio Chairman of the District Council to be elected by the burghers of the district, consisting of as many members as their are Field Cornetcies.

Duties of
Divisional
Councils.

165. To the Divisional Councils shall be entrusted the supervision of the public roads or other public works in the district, and of all the other matters which shall be conferred upon them by law.

Division
shall bear
expense of
divisional
administra-
tion.

166. With the exception of the salaries fixed by law, all costs of the Divisional Council shall be borne by the division itself. An estimate of revenue and expenditure shall for this purpose be annually framed by the Divisional Council and forwarded to the Executive Council for approval. Similarly every year an account shall be rendered of the past year's services, which shall be closed by the Divisional Council and forwarded to the Executive Council for final approval. Before raising a rate the Divisional Council shall receive beforehand the approval of the Executive Council.

Burgomaster
and Board.

167. At the head of every town or village Board of Management recognised as such by the law, shall be a burgomaster and a council of six or eight members according to the population. All costs to defray this local administration shall be borne by the place itself. The levying of any rate by the town or village Board of Management shall require authorisation by law.

The same rules shall apply to the local estimates and account as are laid down in the preceding article for those of a district.

Field-Cornets
shall publish
in *Staats-
courant*.

168. All publications shall be made in the *Staatscourant* and shall be made known by the Field-Cornets in their divisions by calling a meeting of the residents in such divisions.

Duties of
Officials
to reply to
corres-
pondence.

169. All officials shall be bound, as soon as possible, to reply to the official letters received by them and to deal with the matter mentioned therein.

Duties of
Field-Cornets.

170. The Field-Cornets shall keep an accurate list of all new residents coming into their ward, of all removals of residents to other parts, of all deaths which have taken place in their ward, of all male white persons who have attained the age of sixteen years.

Licences of
Itinerant
Traders.

171. Itinerant traders entering this territory shall not carry on trade until they have provided themselves with a licence

obtained in one of the Landdrosts' offices and signed by the Landdrost.

172. No immigrant shall be permitted to settle in any uninhabited parts of this Republic without the knowledge and consent of the Government of this State. Immigrants settling in uninhabited districts.

173. The Landdrosts shall be charged with the supervision of the town or village wherever this has not been entrusted to a Town or Village Board of Management; and shall also have supervision over all subordinate officers, in order that all things may be done in regular order. Landdrosts charged with supervision of towns.

THE FINANCES OF THE STATE.

174. The revenues of the State and the taxes of the inhabitants shall be regulated by the law. State incomes regulated by law.

175. All farms and lands of the inhabitants are guaranteed by the Government of the Republic as freehold properties, the right being left to the Government to proclaim a public road for the use of the inhabitants over such farms wherever it is required. Freehold farms guaranteed.

176. Anyone residing outside the Republic and possessing uninhabited land or farms within this Republic shall pay annually a double tax for each such farm while it is uninhabited. Double taxes for uninhabited farms.

177. The tax on every erf in the villages shall be regulated by the law, and no water rates shall be demanded from the public. Taxes on erven.

178. No transfer or conveyance shall be passed of any immovable property from one owner to another unless a tax of 4 per cent. shall have been paid by the purchaser on the purchase amount or value of such immovable property. The transfer dues shall be paid within six months after the date of sale, and if not paid, 6 per cent. interest per annum shall be charged on the amount of the transfer dues owing. Transfer dues to be paid on transfer of land.

179. The taxes to be paid by the People shall be, when no other officers have been appointed according to law, paid at the offices of the Landdrosts of the districts. Taxes to be paid at Landdrosts' offices.

180. All uninspected farms for which application has been made, shall be inspected as soon as possible. Farms applied for shall be quickly inspected.

181. Every person possessing properties and desiring to do so may, besides the Inspectors, make use of a Land Surveyor to survey and frame a diagram of his land. Surveying and charting of farms.

182. No Civil Servant shall have the right to defend any case before the Courts of Justice but his own. No official may carry on cases for others.

Repeal of
previous laws
and
resolutions.

183. This compiled Grondwet shall be the Grondwet of the South African Republic, and all laws and resolutions not inserted specially or in full in the Grondwet shall retain their full effect, in so far as the same have not been repealed by more recent laws or resolutions, or are not in conflict with this Grondwet.

LAW No. 3, 1896.

LAW ON BOILERS.

(Repealed).

LAW No. 4, 1896.

AMENDMENT OF LAW RELATING TO ASSURANCE COMPANIES.

(Repealed).

LAW No. 5, 1896.

(Being Amendment of Law No. 12 of 1870. Approved by Second Volksraad, Art. 274, dated 21st May, 1896, and noted and accepted by First Volksraad, Art. 562, dated 12th June, 1896.)

WHEREAS it is desirable to more definitely settle the tariff for Orphan Chamber Appraisers, it is hereby enacted as follows :—

1. Article 65 of Law No. 12, 1870, is hereby superseded by the following Articles :—

Appraising
of Estates.

65. Every Appraiser shall be obliged, within eight days after receipt of written instructions from the Orphan Master, or his representative, to proceed to the place where the Estate is, and, without delay, frame and transmit to the person instructing him an inventory and appraisalment of the said Estate, with his remarks thereon, and an account of his charges.

The Appraiser shall be entitled to charge £1 for the appraisalment and framing of inventory of each separate immoveable asset, and for the appraisalment and framing of inventory of moveable property, one-half per cent. ($\frac{1}{2}\%$) on the appraised value, as also travelling and personal expenses according to the tariff for civil officers.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

LAW No. 6, 1896.

Amendment of Law No. 2, 1874, being extension of Art. 7.

(Approved by Second Volksraad, Art. 266, dated 23rd May, 1896, noted and accepted by First Volksraad, Art. 563, dated 12th June, 1896.)

7. After the coming into operation of this law, any Landdrost, Justice of the Peace, or Chief Constable, or other person appointed for the purpose by the Government, shall be entitled at all reasonable times to enter any place, within the limits of his district, where goods are kept for sale, or where any trade by measure or weight is carried on, and then and there inspect all measures, weights, scales, steel-yards and other weighing machines which may be there, and compare and test the same with and according to the Standard Model Weights and Measures which are kept by the Treasurer-General, or the respective Landdrosts, as prescribed by Arts. 3 and 4. The measures, weights, scales and weighing machines so tested, compared and inspected, if found correct, may be marked in such manner as the Government may determine.

Inspection of scales, &c.

Further, the Landdrosts in the districts and the Mining Commissioners on the Goldfields shall be obliged at least twice a year to have all measures, weights, scales, steel-yards or other weighing machines within their jurisdiction, marked, and shall report the result each year in the month of January to the Government.

Inspection to be held twice a year.

This amendment shall come into operation on the 1st September, 1896.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

LAW No. 7, 1896

TO AMEND THE ORDINANCE REGULATING THE PROCEDURE IN CRIMINAL CASES.

(Approved by Second Volksraad, Art. 293, dated 26th May, 1896, Noted and accepted by First Volksraad, Art. 561, dated 12th June, 1896).

WHEREAS it is necessary to amend in certain respects the Ordinance No. 5, 1864, regulating the procedure in criminal cases, as approved by the Volksraad in its session of October, 1866, it is hereby enacted as follows:—

1. The Articles 106 up to and including No. 110 of the said Ordinance, shall hereby lapse and shall be superseded by the following Articles:—

Appeal.

106. The State Attorney and the accused may appeal to the High Court against all sentences in criminal cases, given by any Landdrost, Special Landdrost, Mining Commissioner, or Resident Justice of the Peace, involving the infliction of any punishment of imprisonment, or of fine exceeding £5.

From judgments in default, only the State Attorney may appeal.

Procedure.
Statement of
grounds of
Appeal.

107. The appeal must be inaugurated within fourteen days after passing of the sentence, by the filing of a written statement by the State Attorney, or the accused, with the Registrar of the Court, that has passed the sentence.

This statement may also be filed, on behalf of the State Attorney, by any public prosecutor, or other official appointed by him for that purpose, and on behalf of the accused by his advocate or attorney, or by an agent specially appointed for that purpose in writing.

The statement shall in each case set out the grounds on which the appeal is based.

Registrar
Lower Court
transmits
records to
High Court,

108. The Registrar, with whom a declaration as above is filed, shall within three days after the receipt thereof transmit the same, together with the records of the case, to the Registrar of the High Court.

which shall
fix a day.

109. The appeal shall be heard on a day to be fixed by the High Court.

Notice.

The Registrar of the High Court shall give at least fourteen days' previous notice of the day fixed both to the State Attorney and to the accused.

Production
of witnesses
on appeal.

110. The State Attorney and the accused at the hearing of the appeal may, with the consent of the High Court, have the evidence of those witnesses, who gave evidence in the Court below, reheard, and that of fresh witnesses or experts heard, and may also submit fresh documents.

2. Arts. 59 to 70, inclusive, are lapsed and are superseded by the following provisions:—

Bail.

(a) The provisions as to bail laid down by Law No. 7, 1894, shall remain in force.

State
Attorney's
discretion.

(b) The State Attorney or his representative shall be competent to allow or refuse to allow an accused out on bail in any criminal case, whether prior to or after the holding of a preliminary examination, except where a criminal charge shall have been laid for murder or high treason, in which case no bail shall be allowed.

- (c) The determination of the amount of bail shall be left to the discretion of the Landdrost or other official with similar jurisdiction. Fixing of amount.
- Where an accused is of opinion that the bail demanded is too high, he may address a written application to the State Attorney, and the latter shall then be bound to make provision for the same.
- (d) The bail bond shall be passed before the State Attorney or his representative. How bond is passed.
- (e) The bail bond shall be signed by the accused as principal debtor for the amount fixed, and two sureties binding themselves as co-principal debtors in solidum, and renouncing any lawful exception, which they as sureties might be entitled to avail themselves of.
- (f) The sureties shall be persons of means, at the discretion of the official before whom the bail bond is passed.
- (g) Special conditions may be inserted by the State Attorney or his representative to meet special cases. Special conditions.
- (h) The bail bond shall become void, if the accused person be not brought to trial within six months after conclusion of the preliminary examination. Voiding of bond.
- (i) A preliminary examination shall be understood to be concluded when the State Attorney shall have issued instructions to his respective representatives to close the preliminary examination and commit the accused for trial. Preliminary examination when deemed closed.
- (j) The right of prosecuting an accused person shall lapse, in cases where the bail bond shall become void for the reason stated in paragraph "h," or, where an accused, not being out on bail, has not been brought to trial within six months after the conclusion of the preliminary examination. Lapse of right to prosecute.

3. Art. 58 shall hereby lapse and shall be superseded by the following provisions:—

- (a) In cases of detection "flagrante delicto," the officials charged with the public prosecution may institute a search: House search.
1. In the place of abode of the accused.
 2. In the place of abode where the punishable act has been committed.
 3. In canteens, hotels and other public places.
- (b) All articles, weapons or implements, which appear to have served, or have been intended for the commission of the punishable act, may be seized. Seizure of weapons, &c.
- A report of what occurs and is found out shall be drawn up by such official and subscribed by him.

Seizure of
papers, &c.

- (c) If upon detection “*flagrante delicto*” the nature of the punishable act is such that proof can be got from papers and other documents and things in possession of the accused, the officer charged with the public prosecution may attach such papers or documents, and seal the same up, without being obliged first to peruse the same.

In no case shall the attachment of such papers or documents continue for a longer period than eight days, without the authorisation hereinafter set out, the official shall without delay transmit such documents and papers to the State Attorney, who shall himself peruse such papers and documents or return the same with authority to peruse, and keep the same under attachment.

House search.

- (d) Except in the case of detection “*flagrante delicto*,” the house of a white man shall not be searched unless by permission of a Resident Justice of the Peace, Landdrost or Mining Commissioner, within whose jurisdiction such person resides.

- (e) In cases of house-searching where there is no detection “*flagrante delicto*” of a punishable act, the officer charged with the public prosecution shall not be permitted to inspect or attach writings, books or papers, unless he shall have been specially authorised so to do by the State Attorney.

Documents
in Attorney’s
office.

- (f) Books, papers or writings of an accused, which are in the office of an advocate, attorney, notary or other such like person, shall in no case be inspected and attached without the express authority of the High Court, or a Circuit Court, or a Judge in Chambers.

- (g) In the event of an authorisation to inspect any papers, writings and books of an accused, such of them as may serve to throw light on the punishable act, may be attached.

Documents
in telegraph
office.

- (h) An authorisation by the State Attorney shall likewise be required where it shall appear to be necessary that the post or telegraph office should be called upon to produce letters from and addressed to an accused, or telegrams sent by or addressed to him, and also in order that such letters may be opened and read, and, if need be, detained.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

LAW No. 8. 1896.

AMENDMENT OF ART. 38 OF LAW No. 12, 1894.

(Approved by Second Volksraad, Art. 291, dated 26th May, 1896 :
Noted and accepted by the First Volksraad, Art. 566,
dated 12th June, 1896.)

WHEREAS it is deemed necessary to amend Art. 38 of Law No. 12, 1894, it is hereby enacted as follows:—

1. Art. 38 of Law No. 12, 1894, shall hereby lapse, and shall be superseded by the following Article:—

Art. 38 It is prohibited to adulterate or dilute with any foreign substance any distilled liquors or liquids, whether prepared from imported products or materials or not, or from any article manufactured from such products or materials or not, and whether described in this Law or not; or to sell such liquors or liquids, or to keep such liquors or liquids in stock in any building or any locality in which a wholesale or retail trade in distilled liquors is being carried on. Adulteration of liquors.

The term adulterated or diluted liquors and liquids as above referred to shall, for the purposes of this Law, be taken to apply, *inter alia* to:—

- (a) Distilled liquors or liquids, irrespective of the substance from which they are manufactured, which have an alcoholic standard strength of less than 40 per cent. and a higher alcoholic standard strength than 56 per cent., measured according to the Tralles Alcoholometer. Distilled liquors.
- (b) Distilled liquors or liquids to which foreign substances have been added, whether to increase the bulk or to reduce or conceal the alcoholic standard strength.
- (c) Distilled liquors or liquids in which sulphuric acid (*acidum sulphuricum*), or any other foreign substance is present.
- (d) Distilled liquors or liquids which contain more than 0·3 per cent. of fusil oil.
- (e) Distilled liquors or liquids of which the extract standard strength amounts to more than 1 per cent.

Exceptions to the above are:—

Methylated spirits stored in jars, bottles or casks, provided with a label, on which the words "Poison, Methylated Spirits," are clearly printed in red letters.

Contravention of this Article shall be punished in terms of Art. 49g, of this Law.

2. This Law shall come into operation on 1st September, 1896. Operation.

S. J. P. KRUGER,
State President

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th June, 1896.

LAW No. 9, 1896.

AMENDMENT OF LAW No. 5, 1895.

EDUCATION LAW AMENDMENT.

REPEALED BY LAW No. 14, 1899.

LAW No. 10, 1896.

CONTAINING FURTHER PROVISIONS AS TO THE CONSTITUTION OF
THE HIGH COURT OF THE SOUTH AFRICAN REPUBLIC.(Approved by Resolution First Volksraad, Art. 706, dated
26th June, 1896.)

WHEREAS it is desirable to supplement Law No. 3, 1883, and Law No. 1, 1888, with regard to the High Court, so it is that the First Volksraad, upon recommendation of the State President, has enacted as follows:—

Appointment
of Sixth Judge
to High
Court.

1. The State President, with the advice of the Executive Council, shall be competent to appoint a sixth Judge to the High Court, under the title of fifth puisne Judge.

Such fifth puisne Judge shall be a person who is duly qualified in law, and he shall have rights and duties similar to those of the present puisne Judges.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office, Pretoria,
30th June, 1896.

LAW No. 11, 1896.

AMENDMENT OF LAW No. 10, 1885, AND THE SUBSEQUENT LAWS
AND VOLKSRAAD RESOLUTIONS CONNECTED THEREWITH.(Approved and enacted by Second Volksraad, Art. 519-537,
dated 10th June, 1896; Noted and accepted by First Volks-
raad, Art. 710, dated 26th June, 1896.)

WHEREAS it has appeared desirable to make better and further provision for the collection of direct taxes, as also to make a compilation of the various laws and enactments having reference thereto. It is hereby enacted and provided as follows:—

Direct Taxes
where and
when payable.

1. The direct taxes shall be paid before the 1st July of each year at the office of the Receiver of Taxes, appointed for the district where the taxpayer resides, or in respect of taxes due on land, where the ground is situate.

Taxes for land, situate in another district to that in which the taxpayer resides, may be paid direct to the Receiver of Taxes of the district wherein the taxpayer resides, provided that he submits the last receipt or a certificate showing the amount of taxes last paid, the place and date of payment, as also how much per annum is due by him to the Treasury as at the time of payment.

Payment in other district than where land is situate.

2. The Sub-commissioners of Natives shall have the right within their respective jurisdictions to collect taxes from natives residing on private property, and not on beacons off locations.

Natives.

3. The Receivers of Taxes shall be obliged to grant receipts for each payment immediately payment is made.

Tax Receipt.

4. The Receivers of Taxes shall not accept any payment of taxes for the current year unless the taxes for the previous year shall have been paid.

Taxes for previous years.

They shall, if the amount due for previous years has not yet been paid, appropriate the amount tendered to payment of the taxes for such previous years, and issue receipt accordingly.

No payment of taxes shall be accepted by the said Receivers of Taxes in advance.

No payments in advance allowed.

5. Should a receipt be lost or mislaid, the Receiver of Taxes shall issue a duplicate to the applicant upon payment of a stamp of one shilling, which stamp shall be affixed to the duplicate receipt and cancelled.

Lost Receipts.

6. The Receiver of Taxes of any district shall be obliged to keep a proper Register in order to give the owners of fixed property situate within his jurisdiction, or their representatives, an opportunity to have their names and addresses registered.

Register of taxpayers.

7. As soon as the period mentioned in Art. 1 shall have expired, the Receiver of Taxes of the district shall send to each taxpayer who has remained in default to pay his taxes, and whose residence is known to him, or whose address has been registered in terms of the previous article, a duly specified letter of demand by registered post, setting out the name of the taxpayer, the amount and nature of the tax which is due, the place of payment, and fixing a date before or on which the payment is to be made on pain of legal process being issued.

Notice to taxpayers of overdue taxes.

8. Wherever, with reference to the tax due on fixed property, the taxpayer does not live in the district where the tax is payable, the letter of demand shall be sent him by registered post to the place where he resides, or to his agent, or, in the case of companies, to the secretary or representative of the company in question, if the name and address are registered in terms of Art. 6, or are otherwise known to the Receiver of Taxes.

Notice by registered letter.

Citation in
Gazette for
overdue taxes
where
taxpayer's
address
unknown.

9. Should the residence of the owner of fixed property or of his agent be unknown to the Receiver of Taxes, the latter shall cite the owner three times to pay.

These citations shall be published in the *Staatscourant*, and the contents thereof shall be similar to those of the letter of demand mentioned in Art. 7.

For each citation in the *Staatscourant* a sum of two shillings and sixpence, recoverable in the same way as the overdue tax itself, shall be paid by the taxpayer for the benefit of the State in respect of each farm or erf or portion thereof.

Insolvency
of taxpayer.

10. The direct taxes shall become immediately recoverable, even before expiry of the time fixed by Art. 1, as soon as the taxpayer shall be declared insolvent, as also in the case of an attachment in execution of his movable or immovable property.

11. The personal obligation to pay the tax shall continue notwithstanding the sequestration of the taxpayer's estate.

Summary
Execution.

12. Where the taxpayer still neglects after the citation or summons mentioned in Arts. 7, 8 and 9 of this Law to pay the overdue tax, the Receiver of Taxes shall transmit to the Landdrost of the district a writ of execution to be issued by him, to which the right of summary (*parate*) execution shall be attached, that is, the right to execute against the movable and immovable property of the debtor without further proceedings or a judgment.

This writ shall be presented by the Messenger of the Court to the taxpayer personally, or at his residence or place of abode, and payment requested, and in default of payment the goods of the taxpayer shall be attached, and the writ executed in manner provided by the "civil procedure" in Courts of Law with regard to judgments.

The Landdrost shall have jurisdiction herein.

Monies and goods movable as well as immovable, in the hands of agents, executors of estates of deceased persons, trustees of insolvent estates, and any other persons who undertake the administration of the affairs of another person, shall be subject to such attachment.

Publication in
Staatscourant.

13. Should the residence of the taxpayer or of his representative or agent be unknown, and a writ of summary (*parate*) execution be issued against him, it shall, in lieu of service, be sufficient to publish three times in succession an intimation in the *Staatscourant*, that a writ as above mentioned has been issued, and to refer therein to the citation published according to Art. 9 of this Law.

The taxpayer shall pay for each such publication the sum of 2/6, recoverable in the same way as the overdue tax.

If within two months after the date of the first publication the tax has not yet been paid, execution shall be further levied as laid down in Art. 12 of this Law.

14. Before it may be taken for granted that the residence of a taxpayer is unknown, the Receiver of Taxes shall cause careful enquiry to be instituted as to his place of residence, either through the Landdrost in whose district the last payment by the taxpayer had been made, or through the agent or representative who made such payment for him, or in any other way whereby the required information may be obtained.

Enquiries as to whereabouts of taxpayer.

15. In summary executions the sale of immovable property shall be duly advertised and published at least thrice in the *Staatscourant*, and in a newspaper published in the district where the immovable property aforesaid shall be situate, or if there be no such paper, then in a newspaper published at Pretoria. The costs of such advertising and publication shall be recoverable in the same manner as the overdue tax.

Advertising sales in execution.

The sale aforesaid shall be held without reserve, and always in the month of December, in the principal town of the district where the land is situate.

Place, time and conditions of sale.

16. The execution of the writ may not be suspended otherwise than upon a protest which shall enumerate in clear terms the grounds on which it is based. Such protest may in no case be based or grounded on an allegation of ignorance of the law, or that a demand was not received, or the citation not read.

Protests against writ.

The Landdrost of the district shall deal summarily with such protest, making an estimate of the costs.

Should the protest be dismissed, no appeal shall be allowed until the amount of the overdue tax and the costs shall first have been deposited in the hands of the Registrar of the Landdrost Court.

17. Where, at the time of service and execution of the writ, the amount of the tax with costs is tendered to the Messenger, he shall be obliged to receive the money and give a receipt therefor there and then, which receipt shall be exchanged for one from the Receiver of Taxes.

Messenger serving writ shall accept payment with costs if tendered.

The Messenger shall make his report with reference thereto to the Landdrost, through whom the writ is issued.

18. The demands, writs and further judicial documents and deeds issued, or served in terms of this Law, shall be free of stamp duty.

Stamp Duty.

19. The State shall have a tacit Hypothec and right of preference:—

Tacit Hypothec of State.

1. As far as the direct taxes are concerned, on all movable or immovable property of the taxpayer :
2. As far as specially concerns the tax on fixed property :
 - (a) On the field and tree fruits belonging to the taxpayer, and other products of the property subject to the tax.
 - (b) On the rents and monies due and to become due thereon.
 - (c) And on the property itself which is subject to the tax.

Provided always that no immovable property of the taxpayer shall be sold in execution, unless his movable assets shall have been found by the Messenger of the Court to be insufficient to cover the taxes and the costs.

This right of preference shall rank above all others, even above pledges and mortgages, the costs of execution being specially excepted.

Supervision of
administra-
tion.

20. The supervision of the administration of this Law shall be committed to the Auditor-General. All publications affecting this Law shall pass through his office, and be supervised by him in consultation with the State Solicitor, as also all writs of summary (*parate*) execution, sales connected therewith and all the procedure further necessary.

Exemption
from
taxation.

21. Exemption from payment of taxes may be granted to decrepit or old, and at the same time impoverished, persons, either wholly or in part as is hereinafter provided.

No exemption
of fixed pro-
perty.

22. No exemption from taxation may be granted in respect of fixed property, claims or stands.

Exemption may only be granted in respect of arrear taxes and those for the current year.

Application
for
exemption.

23. Persons who desire to obtain such exemption from payment of taxes shall make written application to that end to the local Receiver of Taxes, setting out the grounds thereof.

The local Receiver of Taxes shall transmit such application with his report to the Auditor-General.

The Auditor-General shall have the right, in consultation with the Treasurer-General, to require such proofs as it may in his opinion be necessary to have, before deciding on the application.

The Auditor-General and the Treasurer-General shall, after consideration of the reasons and proofs produced, finally decide upon the application, either granting partial or total exemption, or disallowing the application.

Repeal.

24. All Laws and enactments conflicting with this Law are hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
6th July, 1896.

LAW No. 12, 1896.

MINING REGULATIONS.
(Repealed by 12, 1898).

LAW No. 13, 1896.

TOWN COUNCILS.
(Repealed by 17, 1898.)

LAW No. 14, 1896.

AMENDING CERTAIN PROVISIONS IN THE LAWS AND FIRST
VOLKSRAAD RESOLUTIONS ON EDUCATION IN THE
SOUTH AFRICAN REPUBLIC.(Amended and approved of by Arts. 1063-1087 of the Resolution
of the First Volksraad, dated 30th July, 1896.)I. *Travelling allowances for Teachers from Foreign Countries.*

1. Every year as long as sufficient teachers cannot be obtained from the children of the country, a certain sum shall be placed on the Estimates in order to cover the travelling expenses of teachers who may be summoned from foreign countries, subject to the conditions and provisions as contained in Annexure A, attached hereto.

Teachers from
foreign
countries.II. *Subsidy for School Furniture.*

2. Every year a certain sum shall be placed on the Estimates in order to provide the managers of subsidised schools with funds to procure suitable school furniture, such funds in no case to exceed the half of the amount *bonâ fide* paid for the said furniture.

Subsidy for
School
furniture.III. *Allowance to cover interest on capital used to build Schools and Teachers' Residences.*

3. It shall be lawful for school managers who have erected a proper school building to the satisfaction of the Superintendent of Education, in which building school instruction shall be given in terms of the Laws and Volksraad Resolutions relating to Education, to receive from the Superintendent of Education a quarterly grant to cover a maximum interest on the capital sunk in the said school building of 8 per cent. per annum.

Grant to
cover interest.

It shall be the duty of the Superintendent of Education to assure himself, by securing the necessary declarations, vouchers, &c., of the correctness of the data concerning the capital invested in a school building.

School Managers who in terms of Art. 1 of Law No. 8, 1893, have borrowed money from the Government shall not have to pay interest for such money, but shall also not receive any allowance to cover interest for such amount.

School Managers who receive such allowance may in no case claim the allowance to cover rent as enacted in Art. 1 of Law No. 8, 1893.

Teachers' residences.

4. The allowance as mentioned in Art. 3 may be granted on the same conditions for teachers' residences which satisfy certain reasonable requirements to be determined by the Superintendent of Education.

IV. *Ground for School Building.*

Erf for school buildings.

5. In Art. 1 of Law No. 8, 1893, the expression "100 feet square in extent" shall be amended and replaced by "the size of an ordinary erf."

V. *Extra Subsidy.*

Extra subsidy.

6. First Volksraad Resolution, Art. 1605, 1814, shall have the following tacked on.

Such extra subsidy shall be also paid out for district schools of 11 to 14 pupils inclusive, decreasing, however, the highest amount £5 by £1 per quarter for every pupil over 10.

VI. *Allowance for Assistant or Pupil Teacher.*

Allowance for assistant or pupil teacher.

7. Managers of schools with 20 to 30 pupils which have, with the approval of their Inspector, been divided over three or more than three standards, shall receive an extra allowance of £3 per month, paid quarterly, to enable them to employ an assistant or pupil teacher who shall be approved of by the Superintendent of Education according to Law.

Allowance when pupils exceed 30.

8. The extra allowance mentioned in Art. 7 shall also be granted to managers of schools which number from 31 to 38 inclusive, and which in other respects comply with the conditions of the previous article, with this proviso, however, that for each pupil over 30 such extra allowance shall decrease by £1 per quarter.

How applied.

9. The extra allowance mentioned Art. 7 may only be used by the managers towards the salary of the assistant or pupil teacher.

VII. *Subsidies for Board.*

Boarding allowance for indigent pupils.

10. It shall be lawful to pay out a quarterly allowance for board of from £3 to £6 to school managers whose schools and teachers satisfy the requirements of the Law, on behalf of the indigent pupils of their school, who live at least three miles distant from any subsidised school, and for whom proper provision has been made in the neighbourhood of such a school for board, lodging and other necessary attention.

Attendance of above.

11. Pupils in whose behalf a subsidy in terms of Art. 10 has been granted for board, shall have attended the school not less than 45 days in each quarter, except in case of serious sickness whereof sufficient proof shall be produced by the School Committee.

The parents or guardians of such pupils shall bind themselves beforehand to let their children or the children in their charge remain at least six months in school.

Proof of entire or partial indigence of the parents, and incapacity to pay the board of such pupils as aforesaid, shall be given by the persons mentioned in Art. 3 of Law No. 8, 1893.

VIII. Provisions affecting the Good Service Allowance.

12. Art. 4, Section 1, Lower Education, together with the scale for Good Service Allowance, Annexure A of Law No. 8, 1892, shall be amended as follows:— Good service allowance.

60 per cent. of the entire scholars shall have passed each in his own standard, and at least 25 per cent. of the pupils in standard III shall have approved for standard IV.

In calculating the percentage of children who have passed at the school inspection, those children who have been placed in Standard I. and have not as yet been fully six months at school shall be left out of account.

1. Head Teachers.

After 3 years' service, £15.

 " 6 " " £20.

 " 10 " " £25.

2. Assistant Teachers.

After 3 years' service, £10.

 " 6 " " £15.

 " 10 " " £20.

IX. Composition of the Curatorium, of the State Gymnasium and the State Model School.

13. Art. 48 of Law No. 8, 1892, shall be amended as follows:—

The Management of this Institution shall be vested in a Curatorium of nine members, whereof the Superintendent of Education shall be an *ex officio* member and Chairman, which the Government and the First Volksraad shall each appoint four members who shall serve for a period of three years.

14. This Law shall come into operation 1st October, 1896.

Operation.

S. J. P. KRUGER,
President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
10th August, 1896.

ANNEXURE A.

CONDITIONS OF THE GRANT OF TRAVELLING EXPENSES TO TEACHERS
FROM FOREIGN COUNTRIES.

What is
required of
foreign
teachers.

1. The teacher to whom an allowance for travelling expenses is granted shall produce :—

- (a) Proof of membership of a Protestant Church.
- (b) Proof of good moral conduct, given by the proper authorities.
- (c) Proofs of capacity and fitness, which in the opinion of the Superintendent of Education afford sufficient guarantee to warrant the provisional recognition of their possessor as a member of the system of subsidised education in this State, subject to the obligation of passing a supplementary examination, in case he is teaching at a town school, within a reasonable time, to be determined by the Superintendent of Education.
- (d) A declaration properly signed and witnessed that he is willing and prepared to work according to his powers at the building-up of a system of National Education in the South African Republic, whereof the Protestant Christian spirit has been defined in Art. 2 of Law No. 8, 1892, in connection with Art. 1 (b) of the same law.
- (e) Testimonials from trustworthy persons with reference to such disposition as specified in (d).

Engagement
for three years.

2. By acceptance of such travelling allowance the teacher binds himself to leave as soon as possible, and as soon as possible after his arrival in the South African Republic to serve as teacher for three consecutive years in the system of subsidised education in this State.

Breach of
engagement.

3. If the teacher who has availed himself of such an allowance withdraws from the system of subsidised education before the expiration of the said term of years he shall repay to the Government the amount of the allowance with interest calculated at 6 per cent. per annum.

 LAW No. 15, 1896.

 MAKING FURTHER PROVISION FOR THE EDUCATION AND TRAINING
OF WHITE CHILDREN ON THE PROCLAIMED GOLDFIELDS IN THE
SOUTH AFRICAN REPUBLIC.

(Approved by Arts. 1088–1092 of the Resolutions of the First Volksraad, dated 30th July, 1896).

WHEREAS it appears that sufficient provision has not been made by the regulations contained in the Laws and Volksraad Resolutions governing education in the South African Republic, for the training and instruction of the children of poor parents and foreigners on the proclaimed Goldfields, it is hereby determined and enacted as follows :—

1. Wherever on the proclaimed Goldfields in this Republic no provision or insufficient provision has been made for the education and training of white children, whose parents live on such Goldfields, it shall be lawful for the Executive Council on the proposal of, and in consultation with, the Superintendent of Education to make necessary provision for school buildings and teachers' residences, to appoint and pay teachers, appoint commissions of supervision and management, and further do everything to promote education and training in the Stand town-ships and where necessary in other places on the proclaimed Goldfields.

Executive Council may make provision for education on proclaimed Gold Fields.

2. Education in such schools shall be given to children of Dutch speaking parents, in pursuance of the laws and provisions regulating instruction in school, by means of the official language.

Dutch speaking children must be taught in the official language.

3. The curriculum of instruction to children of non-Dutch-speaking parents in such schools, shall be decided by the Superintendent of Education, subject to the approval of the Executive Council, but always in the spirit of and in the sense of the Laws on Education and the Volksraad Resolution dealing with the same.

Instruction to non-Dutch-speaking children.

4. The Superintendent of Education shall see that proper yearly reports on the working and the management of such schools shall be submitted in pursuance of Arts. 5 and 7 of Law No. 8, 1892.

Duties of Superintendent of Education

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

Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 10th August, 1896.

LAW No. 16, 1896.

Being Amendment of Law No. 6, 1895 (as proposed by the Board of Examiners of the South African Republic), amended and approved by First Volksraad, Arts. 1, 144-1, 159, dated 7th August, 1896.

(Art. 5 of Law No. 6, 1895, hereby lapses and is superseded by the following Art. 1).

1. All Practitioners, Dentists, Analytical Chemists, Apothecaries or Chemists and Druggists, who desire to practise in the Republic, may make application to that end to the Board of Examiners, who shall refer the matter to the Medical Commission.

Doctors, Dentists and Chemists, how admitted.

A decision shall be given in the matter by the Board of Examiners, who, after having ascertained the opinion and obtained the advice of the Medical Commission shall grant or refuse the request.

Medical Commission.

(Article 1§ 2, of the general provisions, relating to examination and admission shall hereby lapse and shall be superseded by the following Article 2).

Time of
holding
examinations.

2. The Examinations in Law and Jurisprudence and the Examinations for Law and Surveyor, Mine Surveyor, Analytical Chemist, Apothecary, or Chemist and Druggist, shall commence on the first Tuesday in the months of April and October.

(Article 9 is lapsed and now becomes part of Article 3).

3. This Article (No. 3) remains in force from beginning up to and including subsection "e."

(f) For the Examination of Apothecary or Chemist and Druggist £10.

Exam. fees.

g. For the Examination for Analytical Chemist £10.

N.B.—The above fees do not include the respective amounts for stamps on certificates of admission.

REQUIREMENTS.

FOR THE PRELIMINARY EXAMINATION, NECESSARY FOR ADMISSION TO THE EXAMINATION IN LAW, 3RD CLASS, AND TO THE EXAMINATION FOR APOTHECARY, OR CHEMIST AND DRUGGIST.

A. The Dutch Language.—The entire grammar, including some knowledge of etymology and syntax; an essay on a (concrete) subject. Dictation.

B. The English Language, as in A., besides translation of simple prose from English into Dutch, and vice versa.

C. Reading.—Clear and fluent reading, with observance of the punctuation, and explanation of words.

D. Arithmetic.—The four elementary rules, with application to the system of measures, money, and weights in use in the South African Republic, vulgar fractions (excluding compound fractions), solution of problems by reasoning, practice, the Roman numbers, decimal fractions, interest (simple and compound), profit and loss, proportion, partnership, and averages.

E. Plane Geometry.—Elements of Plane Geometry.

F. Algebra.—General Definitions, the four principal rules, the greatest common measure, and least common multiple.

G. Recitation.—At least 50 lines from a well known Dutch writer to be well repeated by heart.

H. Writing.—Writing a neat and clear hand.

I. History.—The whole History of South Africa, and that of the South African Republic in particular. Brief summary of Modern History, and more particularly that of Europe since 1789.

J. Geography.—The Outlines of General Geography, and the Geography of South Africa in particular.

K. Physics.—Principles: The General Properties of Bodies, the Chief Tools which depend on the Doctrine of Forces, the Barometer and Thermometer.

L. Natural History (only for intending Apothecaries).—The Principles of Zoology and Botany.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
17th August, 1896.

LAW No. 17, 1896.

LIQUOR LAW.
(Repealed by Law 19, 1898.)

LAW 18, 1896.

TRADING ON MINING PREMISES (TRUCK ACT).

(Modified and enacted by Second Volksraad Art. 1047, dated 3rd August, 1896; noted and accepted by First Volksraad, Art. 1221, dated 18th August, 1896.)

1. No trading licence shall in future be granted or renewed for a place or premises pegged off or held under licence for mining purposes, which is closed off or fenced in. No trading licences for Compounds.

2. No Director or Secretary of a Company, or employer of labour for a Company, and no Mine Manager shall have the right to be a shareholder in any store or business on mining premises. Directors, &c., of Companies.

They shall neither directly nor indirectly be shareholders thereof, under penalty of the amount mentioned in Art. 5.

3. The employer of labour who, on behalf of any Mining Company, and authorised by it so to do, pays out the wage of a workman or employee of any Mine, or any advance on such wage otherwise than in current coin, or who stands security for the debts of such workman or employee in any store or canteen, shall be punished for the first offence by a fine not exceeding £100, or imprisonment for a period not exceeding one month, and upon a second or further contravention, by a fine not exceeding £300, or imprisonment for a period not exceeding twelve months. Wages must be paid in cash only.
Penalties.

Where the employer referred to in the preceding paragraph, is a Company or a Syndicate such Company or Syndicate may be prosecuted upon contravention of the provisions contained in that paragraph.

The service of the summons against such Company or Syndicate may be effected either on the Secretary or on one of the Managers or Directors.

Upon non-payment within three days, a writ shall be issued against the goods of such Company or Syndicate without further form of process.

Sale of
amalgam, &c.

4. No person, who has been convicted of selling unwrought precious metals, amalgam or precious stones, or of being concerned therein, may, after such conviction, carry on business on any mining property.

Penalties.

5. Every contravention of the provisions of Articles 1, 2 and 4 of this Law, shall be punished upon the first contravention, by a fine not exceeding £100, or in default of payment by imprisonment, with or without hard labour, for a period not exceeding three months, and upon the second contravention by a fine not exceeding £200, or in default of payment, by imprisonment, with or without hard labour, for a period not exceeding six months, and upon a third contravention, by a fine not exceeding £300 or in default of payment, by imprisonment, with or without hard labour, for a period not exceeding 18 months, and cancellation of the licence issued.

Jurisdiction.

6. The Landdrosts, Special Landdrosts, Assistant Landdrosts, and Resident Justices of the Peace, shall have jurisdiction in respect of all contraventions of this Law.

7. This Law shall come into operation on the 1st January, 1897.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Office,
Pretoria, 27th August, 1896.

LAW No. 19, 1896.

(Being supplement to Law No. 1, 1893. Modified and enacted by First Volksraad Articles 1238-1251, dated 20 & 21 August, 1896).

WHEREAS it appears necessary to supplement Law No. 1, 1893, by certain provisions relating to transport-riders who reside in foreign parts, it is hereby enacted as follows:—

1. Between Articles 15 and 16 of the said Law the following new Articles shall be inserted;—

Art. 15 "a." Every transport-rider residing beyond the limits of this State, who wishes to ride transport and to operate as a common carrier within this Republic, shall be

Carriers'
Licence.

provided with a licence issued to him by some Landdrost or such official as may be appointed by the Government for that purpose, upon payment of £2 per wagon per quarter.

Art. 15 "b." The said licence shall upon request be exhibited by him to any Landdrost, Mining Commissioner, Field-Cornet, Assistant Field-Cornet, Justice of the Peace, Tax Collector or Police Official.

Art. 15 "c." Every transport-rider or carrier residing beyond the limits of this Republic, shall henceforth have a board attached to his wagon, whereon the name of the owner, his residence and occupation at his place of residence shall be set forth in clear characters. Board on wagon.

Art. 15 "d." Contravention of Arts. 15 a, 15 b, and 15 c, shall be punished by a fine equivalent to three times the amount of the licence and the costs of suit, or in default of payment, imprisonment, with or without hard labour, for a period not exceeding three months. Penalties.

The transport-rider residing outside the limits of this State, on whose board as referred to in Art. 15 c, any false statement appears, shall be punished by imprisonment, with or without hard labour, for a period not exceeding six months.

The following persons shall, in terms of this Law, be taken to be transport-riders or carriers not residing in this State, viz:— Definition.

Those who cannot prove that they are *bonâ fide* inhabitants of this country, and registered as such in the Field-Cornet's books.

2. This Law shall come into operation three months after publication in the *Staatscourant*. Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
29th August, 1896.

LAW No. 20, 1896.

Regulating Hawkers' Licences. Modified and enacted by Resolution Second Volksraad, Art. 283 a, d.d. 17th August. 1896: noted and accepted by First Volksraad, Art. 1337, d.d. 3rd September, 1896.

WHEREAS it has appeared desirable, to make provision for the issue of licences, regulating the business of Hawkers and Pedlars:—

It is hereby enacted:—

1. The Licence for Hawkers and Pedlars is hereby fixed at £5 Amount. per year or 10/- per month

Selling
without
licence.

2. No one shall be permitted to vend merchandise in the public roads or from house to house, unless he be provided with a licence, upon pain or penalty as fixed by Art. 4, Law No. 6, 1882.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 11th September, 1896.

LAW No. 21, 1896.

“REPEALED GOLD LAW.”

LAW No. 22, 1896.

BEING AMENDMENT OF LAW No. 3. 1884

“TELEGRAPHS.”

(Approved by Second Volksraad, Art. 1410, dated 26th August, 1896; noted and accepted by First Volksraad, Art. 1754, dated 22nd September, 1896.)

Preservation
of copies of
telegrams.

1. The telegraph tapes, as well as the minutes and copies of telegrams shall be kept in safe custody, with all necessary precaution as to secrecy, at least twelve months as and from the day that the telegram was handed in or received.

After the expiry of this term they may be destroyed.

Operation.

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

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 26th September, 1896.

LAW No. 23, 1896.

BEING AMENDMENT OF ART. 11, LAW No. 9, 1880.

(Confirmed by Second Volksraad Art. 1403, d.d. 26 August, 1896, and First Volksraad Art. 1753 d.d. 22 September 1896.)

1. 11. Any person who shall transmit or shall cause to be transmitted any message or item of news, by telegraph, for which the amount fixed by law has not been paid, intending thereby to defraud the owner or owners of such a telegraph, or

Telegrams
not only
paid for.

Any person who shall tender or cause to be tendered to any telegraph office for transmission a message or item of news "or report" which is mendacious, incorrect, or beside the truth, or which is in contravention of the laws of the country, or prejudicial to public order, or the safety of the State, or public morals, or

False
messages.

Any telegraph official, who shall wilfully transmit or cause to be transmitted, or shall deliver or cause to be delivered, any message or item of news, or report as in paragraph 2 of this article mentioned, shall, if found guilty, be subject to a fine not exceeding one hundred pounds sterling, or to imprisonment, with or without hard labour, for a period not exceeding six calendar month, or to both imprisonment and fine.

Telegraph
Officials.

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

Operation.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 26 September, 1896.

LAW No. 24, 1896.

Amendment of Art. 14 of Law No. 2, 1883, as modified by Volksraad Resolution, Art. 1304, d.d. 4th August, 1886.

(Approved and enacted by First Volksraad, Art. 556, d.d. 12th June, 1896.)

1. Art. 14 of Law No. 2, 1883, modified by Volksraad Resolution, Art. 1304, d.d. 4th August, 1886, hereby lapses and is superseded by the following article:—

A war-tax of £1 per 100 morgen or portion thereof may, in the event of war or commando, be levied on each farm or piece of ground, and a war-tax of £5 on each erf or half erf, or portion of an erf greater in extent than half an erf, and a war-tax of £2 : 10 : 0 on any portion of an erf less in extent than half an erf, in cases where the property is registered:—

War-tax.
How
estimated,
and who have
to pay.

- (a) In the name of a person residing beyond the limits of the State, or
- (b) In the name of a Company or Syndicate ("Companies or Syndicates" consisting exclusively of Burghers liable to render military service, are excluded), or
- (c) In the name of a person in trust for or as "Trustee" of any one of the categories mentioned in sub. "a" and "b."

Notification
by
Government
of its being
levied.

The Government shall within three months, after a state of war has arisen, or it has been resolved to send out a commando, notify in the *Staatscourant* whether or not this war-tax is to be levied.

If the Government does not give the said notice within the said period of three months, a tax for such war or commando may no longer be levied.

As soon as possible after the notice of the Government is published the Landdrosts or such officials as the Government may appoint, shall call up the owners of properties situate within their district or division, and on which the war-tax is due, three times in the *Staatscourant*.

Collection.

The above tax shall be paid within six months after the first publication, to the officials charged with the collection of farm and erf taxes, failing which it shall be recovered in the manner provided by the law relating to the collection of direct taxes (Law No. 11, 1896).

After declaration of war, or after a commando has been called out, the Registrar of Deeds shall not be permitted to register any transfer of, or bond or servitude upon any property on which the war-tax, as mentioned in paragraph 1 of this article, is due, or, in case the period of three months, fixed by paragraph 2 of this article, has not yet expired, may become due, unless it can be shown to his satisfaction that this tax has been paid, or unless he has notice from the Government that the tax will not be levied.

Should it subsequently appear that the Government does not desire to levy such tax, the amount of any taxes already paid for such war or commando shall be returned to the person who has so paid the same.

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

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 5th October, 1896.

LAW No. 25, 1896.

ALIENS EXPULSION LAW.

(Repealed.)

LAW No. 26, 1896.

RELATING TO THE PRESS.

To supersede Law No. 11, 1893.

(Approved and enacted by First Volksraad. Art. 1761-1778, dated 23rd and 24th September, 1896.)

WHEREAS it is deemed necessary for the carrying into effect of Art. 19 of the Grondwet to make certain enactments, it is hereby enacted as follows:—

1. In the interpretation of this Law the term “printed matter,” shall be taken to mean all productions of the printing press, as also all other impressions produced by mechanical or chemical means, and intended for circulation, of writings, of drawings, with or without texts, and of musical pieces with texts or annotations.

Term
“printed
matter.

The affixing or exhibiting of any printed matter at any place where it is accessible to public inspection, shall be deemed to be a circulation of printed matter within the meaning of this Law.

2. On every piece of printed matter published within the Republic, the name and residence of the printer, and where it is intended for circulation, the name and residence of the publisher, or where it is published for his own account, the name of the writer shall be specified.

Mention of
Printer's
name, &c.

Printed matter which is intended only for the purposes of trade or daily traffic, such as forms, price lists, marriage and death notices, visiting cards and such like, are excluded from the operation of this provision.

3. Repealed by Law 14, 1898.

4. Do. do. do.

5. The State President shall at all times have the right with advice and consent of the Executive Council, to either wholly or for a certain time prohibit the circulation of printed or published matter, the contents whereof, in his opinion, conflict with good morals, or are dangerous to the order and peace of the Republic.

Prohibition of
circulation.

6. Any person who by means of any printed matter shall be guilty of libel, defamation or public violation of decency shall be punished by a fine not exceeding £250, or by imprisonment for a period not exceeding one year.

Penalty for
libel.

Any person who by means of printed matter shall be guilty of inciting to any punishable act, or shall offer to supply information, opportunity or means to commit any punishable act, shall be punished by a fine not exceeding £500 or imprisonment, with or without hard labour, for a period not exceeding two years, or by banishment from the State for a term not exceeding two years.

Penalty for
inciting to
crime.

7. Where a punishable act shall have been committed by means of any periodical printed matter, the responsible Editor, irrespective of whether he is or is not the writer of the incriminating paragraph or article, shall be punished as principal offender.

Responsible
Editor.

Parties liable. **8** Where a punishable act shall have been committed by means of any printed matter published within this Republic:—

(a) The publisher.

(b) The printer.

(c) The person, who has circulated the printed matter in the exercise of his calling, shall, in so far as they are not also principal offenders or accomplices, be punishable, by reason of their negligence, by a fine not exceeding £200 or imprisonment for a period not exceeding one year, except they can show that they have exercised every care, which could reasonably be expected from them, or that there were circumstances which made that impossible.

The said persons shall, however, provided they have in other respects, complied with all the provisions of this Law, not be punishable, if they, upon the first application made by or on behalf of the State Attorney, shall point out someone who is the writer, or someone who ranks in the order above mentioned, above the said persons, and who is within reach of the arm of the Law, or who, if he is already deceased, was within reach of the arm of the Law at the time of circulation.

9. Repealed.

Government publications. **10.** The provisions contained in Articles 2, 3, and 4 of this Law are not applicable to printed matter which shall be published on behalf of or upon instruction or with consent of the Government.

Jurisdiction. **11.** The Landdrosts, Special and Assistant Landdrosts shall have special jurisdiction in respect of all contraventions of this Law.

The State Attorney shall, however, have the right to bring any contravener of this Law to trial before any Circuit Court, or before the High Court.

The punishments which may be inflicted by such Landdrost, Special or Assistant Landdrost, shall not exceed a fine of £250 or imprisonment for a period of six months.

Operation. **12.** This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices, Pretoria,
12th October, 1896.

LAW No. 27, 1896.

On EXPLOSIVES.

(Approved by First Volksraad, Art. 1972, dated 6th November, 1896.)

A.—*General Provisions.*

1. These provisions have reference to all explosives compounded from nitro-glycerine, besides all explosives which are customarily exploded only by means of detonators, all sorts of gun-powder, blasting-powder, gun-cotton (with exception of collodium wool), all sorts of explosive mediums or contrivances (with the exception of fuse), and ammunition for fire-arms.

Articles affected by this Law.

Wherever traffic shall be carried on in explosives, which are not included in the above description, the Government may, with the consent of the Executive Council, lay down regulations with regard to such explosives.

2. The offering for conveyance, conveying and use of the following explosives shall be prohibited :—

Prohibited traffic.

- (a) Pure nitro-glycerine.
- (b) Dry fulminating gold (hard or as a powder), fulminating mercury, fulminating silver and preparations therefrom, except when they occur in detonators.
- (c) Nitrated salts of sugar, nitrated salts of amyllum, and the compounds prepared therefrom.
- (d) Compounds, which allow nitro-glycerine to ooze out, or cartridges, which are externally moist with nitro-glycerine.

The conveyance of damaged or spoiled explosives by transport wagon shall however be allowed under the supervision of an expert, for the purpose of re-working the materials, or destroying the same.

- (e) Explosives, which are liable to spontaneous combustion at the ordinary temperature.
- (f) Explosives, which contain picric acids or the acids of chlorine, save only in detonators.
- (g) Explosives, which are not of the requisite good quality, due regard being had to safety; what is provided under letter "d" as to conveyance, is also of application here.

The Government may, upon advice of the State Mining Engineer, based on later discoveries, permit of exceptions to this prohibition.

3. This Law shall not apply to ammunition for fire arms, which is stored or used for military purposes, with reference to which the necessary regulations shall be made by the Commandant-General.

Military ammunition.

4. All regulations made by a Town Council or other local authority in conflict with the terms of this Law, or conflicting with the regulations to be framed by the Government by virtue of this Law, are nil.

Town Council regulations.

Inspector of
explosives.

5. The supervision as to a strict compliance with the terms of this Law shall be entrusted to an Inspector of Explosives to be appointed by the Government.

This Inspector shall be subordinate to the State Mining Engineer, and the necessary technical and administrative help shall be given him.

The Government may, upon recommendation of such Inspector, authorise another official to exercise his powers and duties.

Duty of
Inspector.

6. It shall be the duty of the Inspector of Explosives to enquire whether explosives intended for conveyance or sale are of the required quality. He may, to that end, whenever he deems it necessary, take samples of any explosives which are being conveyed, and of those stored in magazines, and may submit the same to a proper test.

Appeal.

From the decision of the Inspector of Explosives as to the quality of the explosives, an appeal shall lie to a Commission consisting of the State Mining Engineer and two experts, of whom one shall be nominated by the State Mining Engineer, and the other by the Government Agent for Explosives. The costs occasioned by this testing shall, if the samples do not conform to the appointed requirements, be borne by the parties who are responsible for bringing the said explosives into traffic of commerce.

In the event of it being decided that the samples do conform to the appointed requirements, the Government shall pay the special expenses incurred in respect of these tests.

Possession of
explosives.

7. Whosoever is in possession of explosives, whether as manufacturer, consignee, carrier, receiver, consumer, or in whatever capacity, shall be obliged to notify to and acquaint his employees, whose business it is to conform to the requirements of this Law, with these provisions, whether by means of posters or otherwise.

Neglect of such notification shall, however, not discharge the subordinate who contravenes these regulations, from the punishment provided.

B.—*Packing.*

Packing of
Dynamite.

8. Explosives shall be tendered for conveyance only when packed in the following manner:—

- (a) Dynamite and all other explosives, which are only combusted by means of detonators, shall either
1. be moulded in cartridges wrapped up in suitable paper which is impervious to damp, tied in packets firmly packed in wooden boxes, or
 2. be done up in separate larger parcels, but no parcel shall weigh more than fifteen pounds, packed in such a manner in wooden boxes that the parcels lie firmly together in the boxes.

In the packing referred to in 2, an oiled silk cretonne bag, or other similar cover, shall be wrapped round the

The boxes referred to in Articles 1 and 2, shall be made of selected planks, at least $\frac{3}{16}$ of an inch or 15 m/m thick, and dovetailed, unless otherwise authorised by the Government; they shall not be fixed together, nor closed by means of iron nails, nor iron screws, and no box may contain more than seventy-five pounds nett weight.

(b.) Gunpowder may be packed only in stout wooden boxes or casks, the strength of which shall be proportionate to the weight, and no iron shall be used in any form whatsoever thereon, either internally or externally. Packing
gunpowder.

Packing in so called American casks (manufactured from compressed or varnished paper) is, however, allowed. The boxes or casks must be so constructed that the powder cannot escape, and the nett weight when packed may not exceed 100 pounds.

Blasting-powder "in grains," shall be done up in leather bags, caoutchouc, calico or similar stuff, not exceeding 10 lbs. in weight.

Blasting-powder "compressed into cartridges," shall be done up in paper covers.

Gunpowder must be done up in bags of leather, caoutchouc, calico or similar stuffs, not more than 10 pounds in weight, or in flasks of tin or similar metal, not more than five pounds in weight.

The packing shall be such that the bags, parcels or flasks cannot shift about.

Rifle or gun cartridges shall be done up in cotton boxes or paper covers and these again packed in strong wooden boxes.

Caps shall be packed in tin boxes enclosed in strong wooden cases.

(c.) Gun cotton, may, where it is mixed with 25% of water, be packed loose in wooden boxes provided with water-tight inside covering. Dry gun cotton may be conveyed only in the compressed form, and shall first of all be done up in packets with stout paper wrappers. Gun cotton.

The gross weight of damp gun cotton done up in one parcel may not exceed 200 lbs., and of dry compressed gun cotton, 80 lbs.

(d.) Detonators shall be packed as follows:— Detonators.

By the hundred in tin boxes provided with sawdust or a similar substance, and shall be kept separate from the tin by paper along the sides, and above and below by pieces of cloth, and packed in a strong case inclosed in a second case, whilst all intervening spaces shall be filled up with sawdust or similar material. It is also permitted without the use of sawdust to fix the inside box so firmly by means of wooden laths that it cannot shift about.

The sawdust or similar substance may likewise be dispensed with in the tin boxes, when the detonators, *e.g.*, by means of an isolation of the explosive by tin-foil or similar substance are so fitted, that the explosive cannot escape during the conveyance thereof.

The covers of the boxes must be provided with screws; a box may not contain more than 12,500 detonators. Handles shall be attached to the boxes referred to in this Article, and shall be firmly fixed.

Packing of different explosives in one case prohibited.

The packing of explosives in one box with other substances, or different sorts of explosive substances in one box, unless where the explosives occur in rifle or gun cartridges, is prohibited.

A description of contents shall be clearly inscribed in good legible characters on all boxes or casks, such as, *e.g.*, gunpowder, dynamite, and such like; besides this, the factory mark of the Government Agent, and the consecutive number shall be clearly stated, except in respect of explosives imported by the Government; finally, all packets of cartridges shall bear the said factory mark, as also a statement of contents, such as, *e.g.*, dynamite, powder, &c., except in respect of explosives imported by the Government.

C.—General Provisions as to Consignment.

Free conveyance of gunpowder, limited.

9. A. The conveyance of powder, to a weight of not exceeding 20 lbs., and rifle or gun cartridges not exceeding 2,000 cartridges by conveyance drawn by animal power is permissible.

The same applies to consignments of other explosives admitted to traffic, not exceeding a weight of 10 lbs., and the detonators appertaining thereto, exclusively required for the own use of burghers residing outside the towns.

B. For the conveyance of ammunition for the use of burghers n. l. of powder, to a weight from 20 to 25 lbs. and of cartridges to a quantity of from 2,000 to 10,000 rounds, the written consent of the Landdrost is required, who shall give notice thereof to the Inspector of Explosives, setting out:—

- (a) The quantity conveyed.
- (b) The place and time of departure.
- (c) The destination and probable time of arrival.

The permit of the Landdrost or an officially certified copy thereof shall throughout accompany the conveyance.

C. For the conveyance of ammunition, viz:—of powder over a weight of 20 and of more than 2,000 cartridges, subjects to what is provided by letter B of this Article and of any quantity of other explosives, due regard being had so far as the latter is concerned, to what is provided in the second paragraph of this Article, the written permission of the Inspector of Explosives is required, which permission shall be applied for by the consignor, who shall specify in his application:—

- (a) The quantity to be conveyed.
- (b) The place and time of departure.
- (c) The destination and probable time of arrival.

The permit may be issued as a continuing one, save in respect of powder and ammunition, such permit may, however, at any time be withdrawn.

In granting or refusing the ordinary or continuing permit, the Inspector shall conform to the instructions of the Government.

The permit or an officially certified copy thereof, or as it may happen, of the continuing permit, must always accompany the conveyance, as also the permit which may be granted to convey detonators together with explosives in one conveyance. (Art. 15, par. 2).

As soon as a conveyance for which a permit has been granted departs, the consignor shall give notice thereof to the Inspector of Explosives. If any change is made as to the time of departure and arrival, as set out in the application for a permit, this shall be mentioned in such notice.

In case a continuing permit is issued, notice of each consignment shall be given to the Inspector of Explosives, specifying the particulars, hereinabove set out under "a", "b" and "c".

Continuing permits.

The consignee is obliged, immediately after arrival of the consignment, to send a receipt as well to the Inspector of Explosives as to the consignor.

10. The loading and off-loading of explosives, except in the case of powder to a quantity of 25 lbs., and of cartridges not exceeding 10,000 in number, may take place, except in cases of necessity, only on the factory premises in front of the magazine, at the off-loading places along the railway line, or at the place of destination, for loading or off-loading at other places the consent of the Inspector is required.

Loading and off-loading.

Whilst loading or off-loading no fire may be made or uncovered light burnt, and no smoking shall be allowed. The loading and off-loading of gunpowder by night is prohibited, and in respect of other explosives, may only take place in case of necessity, and only by safely protected lighting arrangements or electric light.

Shaking and jolting shall as much as possible be avoided, the boxes may not be thrown down, but must always be lifted down.

Boxes, which so far as can be judged from the outside, are not in accordance with the provisions of Art. 8, and boxes, in respect of which any deterioration of the contents thereof can be perceived, shall not be offered nor accepted for conveyance. The carrier is, however, not responsible for the acceptance of such boxes, if they are offered him in closed trucks.

11. The tendering for transmission and the conveyance of explosives by letter-post and by parcel-post is prohibited.

Transmission by post.

D.—*Consignment by conveyance drawn by animal power.*

12. The consignment of explosives by post carts and coaches is prohibited, with the exception of ammunition for fire arms, which are taken along with them by passengers for their own use, in duly closed packages, in a quantity not exceeding 50 rifle or gun cartridges. The carrying with one of loaded weapons is also prohibited, as also of the least quantity of an explosive.

Consignment by post carts, &c., prohibited.

13. Upon consignment by conveyance of powder over 20 lbs. in weight, of other explosives over 10 lbs. in weight (and the thereto

Regulations for consignment.

appertaining detonators), or of more than 2000 rifle or gun cartridges, the person who charges himself with the conveyance, shall observe the following rules.

Coverings of conveyance.

14. All iron or steel portions of the conveyance which may come into contact with the boxes, shall be covered with wood, leather, stuff, sail-cloth, lining, raw ox-hide or other appropriate material.

Each consignment of explosives shall during the conveyance, as a protection against damp and against fire, be covered and protected by wagon covers of suitable material, in cases where they are not conveyed in tented wagons.

What explosives may be conveyed together.

15. Dynamite and other explosives may be conveyed together in one conveyance, but the loading up of these materials together with powder, detonators, fuses, easily or spontaneously inflammable materials, acids and uncovered metals is prohibited.

It is likewise prohibited to convey powder on a conveyance together with detonators, fuses, easily or spontaneously inflammable materials and uncovered metals.

The loading together on one conveyance of explosives and detonators is, however, permitted in those cases, in which the Inspector considers it unavoidable, by reason of the great expense of separately conveying explosives and detonators which are required for use at the same time and for one purpose.

In that case the explosives shall be completely separated from the boxes with detonators by special partitions, such as stout packing boxes or such like, in which no uncovered iron or steel is present, and which partitions are sufficiently weighed or fixed to secure them against shifting, and which shall be placed right across the conveyance.

In the above case, the Inspector shall give his consent in writing, and may in addition to the above order the taking of further precautionary measures.

Weight of load and manner of lading.

16. The conveyance may not be loaded up to more than 75 % of its carrying power, nor with more than 6,000 lbs. On the conveyance each separate box shall be so fixed, that it cannot be shaken backwards or forwards, but the use of chains to secure it is prohibited.

The boxes loaded on the conveyance must stand on cloths or skins. Powder barrels must, whilst being conveyed, be kept in position, resting on their bilge, by underlying pieces of wood.

The journey.

17. During the conveyance, the conveyance shall be continually in charge of a trustworthy white person, whose name shall be mentioned in the way-bill; where, whilst conveying, a halt is unavoidable, whether in the day or by night, a guard shall be placed, who shall keep guard the whole night, where the halt is made at a shorter distance than 500 yards from an inhabited place or much frequented part.

- 18.** The conveyance shall, where possible, proceed only at a walking pace, and other conveyances passing it may proceed only at a walk. Pace.
- So long as any explosives are in the conveyance, it shall carry a clearly discernible red flag. Red flag.
- Careless riding is strongly prohibited, and all jolting of the conveyance and any shifting of a portion of the load shall be provided against with the greatest possible care.
- 19.** Immediately after receipt of the explosives, the carriers shall proceed to their destination, and duly take all such precautionary measures as may prevent other persons, whose presence is not needed, from approaching the conveyance. Not to be approached.
- 20.** Where the consignment is loaded on two or more conveyances, these shall be kept at a distance of at least thirty yards from each other. Distance between conveyances.
- 21.** Smoking is strictly prohibited in or on the conveyance. Fires or uncovered lights in, under or in the neighbourhood of the conveyance are likewise prohibited. Smoking and fires prohibited.
- 22.** As far as circumstances permit, towns, villages and densely populated parts shall be avoided. Delay in such places is forbidden, save only for the purpose of off-loading and loading, and in the event of mischance. Centres of population to be avoided.
- The Government has the power to prohibit, or as the case may be, to direct the conveyance of explosives along defined roads, ways and streets. Disregard of what the Government may in this connection prescribe, shall be punished as a contravention of this Law.
- 23.** The cases with explosives may not be canted over or thrown down, but shall be carefully lifted on and off the conveyance, and be loaded up with great care, especially with a view to its being as little necessary as possible to shift them about whilst being conveyed. Manner of loading and off-loading.
- 24.** The conveyance shall keep at as great a distance as possible from Railway trains, Locomotives, Steam-ploughs, Steam-rollers and such like engines. Engines, &c., to be avoided.
- Before crossing a railway course, the man in charge of the conveyance shall first satisfy himself that no train is approaching and close at hand.
- In bad weather the conveyance shall stop as soon as possible, at a distance not less than 300 yards from any inhabited buildings, or farm-houses, which may be surmounted by very high wooden or other constructions. Inhabited buildings.
- 25.** Where for any urgent reason it is unavoidably necessary to off-load the explosives, or any portion thereof, from the conveyance in the course of the journey, the greatest care shall be taken in guarding the same, and protecting it against fire or damp: and Precautions in off-loading.

to prevent its being run over, its coming into contact with iron, steel, acids or easily inflammable stuffs: and all persons, animals or conveyances, whose presence is not required there, shall be kept at a distance.

Even under these circumstances the explosives shall not be placed in the neighbourhood of inhabited houses, where that can be avoided, and shall as soon as possible be again loaded on the conveyance.

Notification
to person in
charge.

26. Whoever sends explosives by conveyance, is obliged to notify and acquaint the man in charge, referred to in Art. 17, of and with the provisions contained in Arts. 12 to 26 inclusive, where that has not already been done: neglect of such notification shall, however, not relieve the latter, in the event of any contravention, from the punishment provided therefor: the aforesaid Arts. 12 to 26 shall moreover be printed on the way-bill.

Powers of
Inspector.

27. The Inspector of Explosives shall have the right to detain any conveyance of explosives, and enquire whether the provisions of this Law are being complied with: should it appear to him that these provisions are not conformed to, or that the conveyance is in general not being effected with the necessary caution, he may give such directions as shall appear to him applicable, which directions shall be unconditionally followed.

The person, mentioned in Art. 17, is obliged to assist the Inspector in his enquiry.

E. Conveyance per Railway or Steam Tramway.

Conveyance
by railway.

28. All explosives, which are packed in the manner above prescribed, with the exception of the explosives mentioned in Art. 2, may be conveyed by Rail or Steam Tramway, due regard being had to the provisions hereinafter set out.

Special places
for loading
and off-
loading.

29. In so far as the loading and off-loading of the trucks can not be effected on the premises of the factory, or at the door of the magazines, special and isolated off-loading and loading places may be established on side lines by the Railway administrations concerned, unless existing isolated side lines are deemed suitable for the purpose and are thereto appointed by the Inspector of Explosives.

The Government may order the establishment of such off-loading places.

It is prohibited to lay out and erect villages, groups of houses and buildings which are to serve as human abodes, within the distances from the off-loading places hereinbelow defined.

The off-loading places shall be at least 500 yards removed from any passenger stations, villages and groups of houses, and at least 250 yards from isolated buildings not belonging to the Railway. (This Article is suspended until further notice, see proclamation, Gazette 1898, page 2297).

30. Except in the case of necessity, the loading of explosives shall be effected only by and on behalf of the consignor, and the off-loading by or on behalf of the consignee, under supervision of the station-master or his substitute.

Consignor and Consignee shall load and off-load.

31. During the loading or off-loading of explosives, only persons who are employed in loading or off-loading shall be permitted to approach the conveyances. As soon as a conveyance is loaded it shall be at once closed up.

Public excluded.

32. The opening of boxes or casks containing explosives at the station, even by Customs officials, is strictly prohibited.

Opening of cases prohibited.

33. The conveyance of explosives is, as a rule, to be effected by special goods trains, not carrying passengers, according to tariff, provisions and regulations to be approved of by the Government.

Special goods trains.

The Railway management is entitled to limit the conveyance of explosives to certain days of the week.

The Government may, after having heard the Railway Directors concerned, and the Government Agent for Explosives, regulate and limit this traffic at any very busy place.

Such traffic is also likewise allowed by goods trains in quantities not exceeding one truck load. The quantity to be conveyed per any special goods train may not exceed 70 tons of 2,000 lbs. to the ton.

Such trains shall have a guard's van at either end.

34. No consignment of explosives shall be conveyed by Rail or Steam-tram which is not accompanied by an attendant appointed by the Inspector of Explosives, which attendant shall, for the purposes of this Law, have the rights and be charged with the duties of a Special Constable.

Attendant appointed by Inspector.

This attendant shall not leave the consignment from the time that the loading commences to the time that the delivery is completed.

He attends to the loading and off-loading, and sees that the provisions of this Law are complied with.

He shall report to the Inspector any contraventions that have come to his notice. The costs of this attendance shall be made good to the consignor by the Government.

35. Travellers may carry with them ammunition for fire-arms for their own use to a quantity of 100 cartridges in a properly closed packet, the carrying of loaded weapons by any traveller is, however, prohibited; so also with regard to even the smallest quantity of any explosive.

Travellers' ammunition.

36. The trucks intended for the conveyance of explosives may be loaded only up to 75 per cent. of their carrying power. The trucks shall be previously carefully cleansed.

Maximum load.

Only covered and closed goods trucks, with efficient wagon and buffer springs, closed sides and closely fitting doors may be employed for the conveyance.

Trucks prescribed.

Brakes.

These trucks shall, as a rule, not be provided with hand brakes; should it happen as an exception, that a truck with a hand-brake is being used for the conveyance here referred to, the brake shall be disconnected and left out of use. Iron portions of the brake, which may happen to extend inside of the truck, shall be wrapped round with linen or leather or covered with wood.

Labels.

The trucks shall be clearly distinguished by means of two black flags hoisted above on the top of the truck, and by two easily discernible labels, one on each side of the truck consisting of the word "Explosives."

No stoppage.

37. Special trains shall, if possible, journey right through to their destination without delay. For that purpose precedence may be given to such trains over other trains.

No change may be made at any of the stations *en route* in the arrangement of special trains, save in case of necessity.

What explosives may be conveyed together.

38. Dynamite, and such-like other explosives, may be conveyed together in one truck, but it is prohibited to load such explosives on the same truck with powder, fuse, easily or spontaneously igniting substances, acids and uncovered metals. Gunpowder may likewise not be conveyed in one truck with fuse, easily or spontaneously igniting substances and uncovered metal.

Should dynamite and such-like other explosives or powder be conveyed with fuses, easily or spontaneously igniting substances, in one train, there shall be hooked on in between the trucks with explosives and the truck with the last referred to articles and stuffs, at least three empty trucks, or trucks loaded with harmless articles.

This also applies to the case of Dynamite and other such-like explosives being conveyed in the same train with powder.

Detonators.

39. It is prohibited to convey detonators in the same train with any other explosives; they may be conveyed per the ordinary goods trains.

Packing.

40. The boxes or casks with explosives shall be so packed in the trucks that shifting or rolling about thereof may be as much as possible obviated.

The boxes shall be loaded only in full horizontal layers, and should spaces be left open between the boxes and the sides of the truck, the boxes shall be shored up against the sides in an efficient manner.

Casks shall not be placed on their ends, but must be laid down parallel to the direction of the railway, and the rolling of the casks prevented by means of hair cloths or similar stuffs.

Trucks with explosives in the middle of Train.

41. Whenever by way of exception, a consignment of explosives is not sent by special train, or whenever trucks full of explosives are conveyed in an ordinary goods train, the trucks loaded with explosives shall be placed as near as possible in the middle of the train, and in any case be separated from the locomotive and the back end of the train by at least three empty trucks or trucks loaded with harmless substances.

42. Trains laden with explosives shall be accompanied by competent Railway officials, and the locomotives driven by fully experienced engine-drivers. Special
Railway
officials.

The shunting, arranging and coupling of the trains shall be effected with great caution.

It is forbidden in the shunting of the train to push off trucks containing explosives and to let them run up by themselves.

43. The trains with explosives shall start and proceed at once without unnecessary delay. No delays.

Unnecessary delay shall be strictly avoided in town, or where groups of houses stand, and at passenger stations.

44. The off-loading of explosives shall always be effected without delay; if delay is occasioned by default of the consignee, the Station-master shall, after consultation with the person in charge of the consignment, take all measures necessary to place the special trains, or the loaded trucks, at as safe a place as possible. Station-
master's
duties.

The Station-master shall thereafter notify the Inspector of Explosives by telegram of what he has done, and await his instructions as to how to act further.

The measures ordered by the Inspector shall be taken at the cost of the party who is in default.

The consignee, who is in default, shall, quite apart from his civil liability, be subject to the punishment set out in Art. 82.

45. The consignor shall give at least 24 hours' previous notice to the Station-master of the forwarding station of the proposed consignment of explosives. Notice of
forwarding.

The Station-master shall inform the consignor of the time of departure of the train, and give him notice of the time granted him, within which the loading is to be effected, this time shall be made as short as possible, and calculated according to the size and quantity of the consignment.

The Station-master of the forwarding station shall immediately notify all stations situate between that station and the place of destination, that a consignment of explosives is *en route*.

At the place of destination the consignee shall as soon as possible be notified by the Station-master of the expected arrival of the consignment of explosives, and called upon to receive and remove such consignment at a specified time.

The Consignor shall also at once, after the consignment has left, inform the consignee by telegraph of the time of departure.

46. Explosives may not be stored in goods sheds, which are at the same time open to public access. No storage in
public sheds.

47. The consignor shall, before despatch of the consignment, submit to the Railway Officials, together with the way-bill, the Government permit, or an officially certified copy thereof, and Way-bill and
declaration.

therewith a declaration signed by him in the form determined by the Railway stating :—

1. The exact quantity and the contents of the consignment tendered by him.
2. That the packing has been done in accordance with this Law.
3. That arrangements have already been made with the consignee for the immediate off-loading and discharge upon arrival.

Small quantities.

48. The provisions of Artt. 33, 34, 36, 41, 42, 43, 44 and 45 shall not apply to the conveyance of powder not exceeding 100 lbs. and other explosives not exceeding 50 lbs; but the conveyance of the last named stuffs by passenger train is forbidden.

Duty of Inspectors.

49. The Inspector of Explosives is authorised, so far as the traffic is not impeded thereby, to inspect trains, which are conveying explosives, in order to see whether the above provisions are being observed.

The Railway Staff is obliged to give him all information desired by him.

Other means of conveyance.

50. Where any means of conveyance not mentioned in this Law come into use, the Government may, with advice and consent of the Executive Council, prescribe precautionary measures as to such means of conveyance.

F. Storage.

Magazines.

51. Explosives may be stored only in magazines specially erected for that purpose.

Permits to erect.

52. For permission to erect the magazines referred to in Art. 51, application must be made to the Inspector of Explosives. The permit to erect such magazine shall bear a stamp of £5; and a yearly tax of £1 shall be paid for Government Inspection.

A description of the magazine to be erected, and a plan showing its situation, shall be attached in duplicate to the application.

The plan of the locality shall show the situation of the nearest buildings, public roads and railways, if such there be.

Above and under ground.

53. The quantity of explosives in magazines built above ground may not exceed 25,000 lbs., and that stored in underground magazines 125,000 lbs.

The magazines which are built above ground shall be at least 700 yards, and the underground magazines at least 350 yards, removed from buildings which are customarily frequented by people, as also from public roads and railways, the latter not including loop lines and sidings. A less distance is permissible only with the special consent of the State Mining Engineer, who shall take the local conditions, and the quantity of explosives which are to be stored into due regard.

The erection of buildings intended for ordinary human use or the construction of public roads and railways, with the exception of side lines and sidings, is prohibited within the limits above specified.

Magazines shall not be less than 150 feet apart.

The roofing of all magazines, and also the sides of the above-ground magazines, shall, without exception, be constructed of the lightest possible materials; the height from floor to ceiling shall be at least 7 feet.

Every above-ground magazine shall be surrounded by an earthen wall; the inner base whereof shall be at least 3 feet separate from the magazine itself, and the summit shall be at least three feet wide, and at least as high as the ridge of the roof.

Ramparts.

The entrance to the magazine, as also that to an under-ground magazine, shall either be in a broken or zigzag line, or be protected by an earthen rampart placed in front of it.

Entrance.

54. Every magazine shall have at least two separate compartments, the storage chamber and the portal.

Description of magazine.

There shall be no window to the magazine. The required light shall be obtained through the open door. The ventilation openings shall be so arranged that nothing can be thrown inside from the outside, and so that rain and sunshine cannot penetrate.

The outside door of the portal must be strong and made of wood, provided with a good lock of copper and brass, and shall open outwards only, the door to the storage room shall likewise be made of wood and provided with a similar lock.

The compartments of the magazine must be well ventilated.

The ceiling and the inner wainscoting of the sides of the magazine must be of wood; between the wainscoting and the outside of the wall there shall be an intervening space of about three inches. The floor shall be of sufficiently heavy wood and be well ventilated underneath; and care shall be taken that the floor is continually kept in a dry condition by special drains.

Roofs of iron plates shall be lined with wood on the inner side.

All nails, locks, bolts and keys, &c., in the magazine, shall be of wood, brass or copper.

The outer door shall bear the inscription "Explosives" in clear characters.

The front wall shall bear the registered number of the magazine, which the Inspector shall supply.

Every magazine shall be provided with at least one lightning conductor. The protection against lightning may also be effected in any other way, which may be approved of by competent experts.

The provisions against lightning shall be inspected at least once a year by experts.

A copy of Artt. 54 to 69 inclusive, of this Law, shall be posted on the inside of the outer door.

A maximum and minimum thermometer shall be hung up in the storage chamber.

Where explosives composed from nitro-glycerine are to be stored with other explosives in one and the same magazine, a separate storage room shall be erected for each of these two kinds.

It is strictly prohibited to store or keep detonators in the same magazine with explosives.

The magazines shall be effectually protected against grass fires.

Approved by
Inspector.

55. A magazine may not be taken into use before the written consent of the Inspector of Explosives is granted thereto.

Magazine
Master.

56. For every magazine one person shall be pointed out to the Inspector as the Magazine Master, who shall be responsible for the compliance with the provisions of this Law within the circle of his employment.

Magazine
book.

57. The Magazine Master shall keep a book, the magazine book, from which the receipts and issues of explosives, besides the supply at any time on hand may be seen.

Moving of
boxes.

58. The boxes may not be thrown on the ground or used as rests for other burdens, but shall be carefully moved and be guarded against shocks.

Storage.

59. The boxes shall be stored in regular layers, wherein not more than 6 boxes may be placed, the one above the other, they shall be so packed that the air can freely circulate in between.

It is prohibited to roll casks of powder or place them one above another.

Opening and
closing of
boxes.

60. The opening and closing of the boxes shall not take place in the storage chamber.

Iron tools may never be used for that purpose, but only copper, brass, bronze or wooden tools, iron screw-drivers may be used only for unscrewing the screws of the lid, as also in opening powder casks, but they shall not be used for any other purpose whatsoever.

Empty boxes.

61. Empty boxes, which carry traces of explosives, shall be burnt under supervision of the Magazine Master at an isolated safe place.

Portions of
explosives.

62. Portions of explosives scattered on the ground shall be carefully picked up and destroyed outside the magazine at a safe place, by burning, or in other ways.

Entering
magazine.

63. It is only permitted to enter the magazine in company, and on the responsibility of the Magazine Master.

Magazine to
be kept clean.

64. The magazines shall be kept scrupulously clean. No fire or light shall ever be introduced into the magazine, and no smoking allowed there, and no greater number of persons shall be in the magazine than is required for the work.

Smoking.

65. It is forbidden to smoke, light or work with fires, or linger in the neighbourhood of magazines for explosives.

66. In working in the magazine, the persons charged therewith may not carry with them any inflammable articles; before entering any magazine in which powder is stored, the shoes shall be removed, or felt or guttapercha slippers put on over them. Precautions.

67. The Inspector of Explosives shall be previously notified of every alteration in, or repairs to, the buildings or construction of magazines. He may prescribe measures of precaution to be observed in effecting such repairs or alterations. Repair of buildings.

68. Magazines, which already existed before the coming into operation of this Law, may continue to be used, but shall within three months after the said time, be altered in accordance with the above provisions. The Inspector of Explosives shall be duly notified of the alteration made. Magazines existing before this Law.

69. The Inspector of Explosives may at all times inspect the magazines, and the magazine master shall accompany him thereon, submit to him the magazine book, and the issue book (Art. 74), and supply him with all required information. Inspection of Magazines.

Should the Inspector find in a magazine, an erection or a mode of working, whereby the life and health of the workmen or the public safety is endangered, he shall order the removal of the danger.

70. Persons or Corporations who, whether as Government Agent, or as appointed by him, are competent to sell powder and other explosives by retail; may have in stock in the shop itself not more than 200 pounds of powder, and one box of dynamite, and elsewhere, at a safe place at a distance from the shop, or, as it may happen, from the town, not more than 1,000 pounds of powder and ten boxes of dynamite. Retail of Explosives.

The Inspector of Explosives is entitled to exercise supervision over the retail trade in explosives, the traders shall be obliged to show him their stock, and give him all required information.

It is permitted to have powder in stock without permit, in towns and villages to a maximum weight of 5 pounds, and beyond the limits of towns and villages, to a maximum weight of 20 pounds. The country people are likewise permitted to have in stock at least 10 pounds of dynamite and 2,000 rifle or gun cartridges, intended solely for own use.

71. The above provisions do not apply to detonators; these shall in all cases be so kept separated, and stored separately from explosives of any kind whatsoever, that an explosion of the former, should it occur, would not also occasion an explosion of the latter. For the rest, special regard shall be had in the storage of detonators to precautions against fire. Detonators.

The supervision over the carrying out of the above provisions is entrusted to the Inspector of Explosives.

G. *Distribution.*

Rules. **72.** Where explosives are distributed or used for the blasting of stones, whether for the construction of railways, or wherever else, the provisions of this and the following chapter shall be strictly conformed to.

Issue. **73.** The issue of explosives for use on such work may be made only by the Magazine Master, and only to the persons named in Art. 76.

Issue book. **74.** A separate book shall be kept of the issues, in which the names of the receivers, the times of issue and the weight of stuffs issued, shall be entered.

The totals of the issue book shall be carried forward at least once on each day.

Spoilt explosives. **75.** The issue of spoilt explosives is strictly prohibited. It is prohibited to issue dynamite in a frozen condition.

Thawing dynamite. The thawing of frozen dynamite may not be effected by placing it near to a fire, nor in a place which is warmer than 40° C., "104° F."

The conveyance of loose powder from the distributing magazine to the various working places, may only take place in completely closed flasks of galvanised or tin-plated cast iron, metal or wood, or in bags through which the powder cannot escape.

H. *Use in work.*

Persons superintending blasting. **76.** The Contractors of Works, in which explosives are used, are obliged to supply the Inspector of Explosives with a list of the persons under whose supervision the blasting is to be done.

Such list shall, in the case of works to be newly started, be sent in at least three days before commencement of the work, and, in the case of works already in progress, within one month after the coming into operation of this Law.

The supervision may be entrusted only to trustworthy and competent persons.

It is prohibited to carry on blasting or cause it to be carried on without the supervision of the above-mentioned persons.

Private persons using explosives. **77.** Articles 73, 74 and 76, are not applicable, where explosives are employed by private persons for their own use beyond the limits of towns and villages.

Rules for use of explosives. **78.** In the use of explosives, the following rules are to be observed.

(a) The explosives shall be stored at the places of operation in stout wooden boxes, which shall be kept locked in a dry place at a safe distance from the place of immediate use, and the keys of such boxes shall be kept by one of the persons referred to in Art. 76. No other materials or implements, with the exception of fuses, may be stored in the box with the explosives.

Detonators shall be kept in a separate box, locked and placed at a sufficient distance.

- (b) It is prohibited to smoke or have fires or uncovered lights whilst loading and preparing blasting charges.
- (c) Dynamite and such-like other explosives may be used only in the form of cartridges; powder may be used in other forms also.
- (d) The use of iron pans and ramrods in loading the charges is forbidden.

For tamping only sand, loosely thrown in, soft clay, or water may be used.

Where powder is used, such kinds of stone, with the exception of coal, as cannot give rise to sparks, may also be used for filling up (tamping) the bore holes.

- (e) Before lighting the charges, precautions must be taken so that other persons may not approach the place; the workmen shall be warned thereof by calling out the word "Fire."

- (f) If several charges are fired at the same time, at least two persons shall count the shots as they go off; if the two do not agree as to the number of charges which have gone off, a delay of at least 15 minutes shall be made before the place of operations is again visited.

In no case shall the place of operations be left under such circumstances until it shall first have been examined and found safe.

Where electricity is used to explode the charges, and any of the charges have not gone off, the place of operations may be again entered immediately after disconnection of the current.

- (g) The extraction of an explosive from a hole which has once been charged, is prohibited.
- (h) Further boring in portions of bore-holes, which have remained over, is prohibited.
- (i) Holes which are bored in the neighbourhood of charges which have not gone off, or of portions of bore-holes which have remained over, shall be bored in such a direction that they may not come into contact with the latter.
- (k) Before commencing with the boring of new holes, the surface to be operated on shall be cleaned, that is, all loose and loosened stone and debris shall be removed.

79. It is forbidden to remove the explosives issued for use on a certain locality to beyond the limits of such locality. Removal.

80. All works, in connection with which explosives are used, are under the supervision of the Inspector of Explosives. Works under supervision of Inspector.

The latter is entitled to visit such works during the working hours; those in charge shall accompany him in his inspection of the work, and supply him with all required information with reference thereto.

This Article is not applicable to the cases where private persons, beyond the limits of towns or villages, for their own use, employ explosives.

I. *Penalties.*

Penalties.

81. He who tenders for conveyance, whether by conveyance drawn by animal power, or by rail or steam tram, or makes use of, the explosives prohibited in terms of Art. 2 of this Law, shall be punished by a fine not exceeding £150, and in default of payment by imprisonment for a period not exceeding three months; or by imprisonment for a period not exceeding three months.

He who conveys such substances, knowing that they belong to the classes referred to in Art. 2, shall be punished by a fine not exceeding £100, and in default of payment by imprisonment for a period not exceeding two months, or by imprisonment for a period not exceeding two months.

Fine and imprisonment may be inflicted separately as well as jointly.

Other offences.

82. He, who commits any other offence in respect of the provisions of this Law, shall be punishable by a fine not exceeding £150, and, in default of payment, by imprisonment for a period not exceeding three months, or by imprisonment for a period not exceeding three months. Fine and imprisonment may be inflicted separately as well as jointly.

These punishments apply in the first instance to offences personally committed; should, however, the offences be committed by a subordinate, who was unacquainted with these regulations, his employer shall incur the punishment as well, should he have neglected to acquaint such employee in terms of Art. 7 with the regulations which have been contravened.

Responsibility for explosion.

83. He, to whose fault an explosion is to be ascribed, shall be punished:—

(a.) By imprisonment for a period not exceeding three months, or by fine not exceeding £150, and, in default of payment, by imprisonment for a period not exceeding three months, in case public danger to property was thereby occasioned.

(b.) By imprisonment for a period not exceeding six months, or fine not exceeding £300, and, in default of payment, imprisonment for a period not exceeding six months, in case the life of another person was thereby placed in jeopardy.

(c.) By imprisonment for a period not exceeding one year, or fine of not exceeding £600, and in default of payment, by imprisonment for a period not exceeding one year, in case the death of another person has been thereby caused.

Wilful damage.

84. He who, by means of an explosion, wilfully occasions a common danger to property, shall be punished by imprisonment for a period not exceeding twelve years, with hard labour.

He, who, by means of an explosion, wilfully imperils the life of another, shall be punished by imprisonment for a period not exceeding fifteen years with hard labour.

He, who, by means of an explosion, wilfully imperils the life of another, shall, if the explosion occasions the death of anyone, be punished by life-long imprisonment or temporary imprisonment for a period not exceeding twenty years, with hard labour.

85. The Landdrosts, Special Landdrosts, Assistant Landdrosts and Mining Commissioners shall have jurisdiction in respect of all contraventions of this Law, except in respect of cases occurring which fall under Art. 83 c, and Art. 84. Jurisdiction.

K. *Concluding Provisions.*

86. Artt. 51 to 80 inclusive are not applicable to the storage, distribution and use of explosives at mines, and at factories of explosives. Explosives at mines.

87. This Law abrogates:—

- (a) The provisions of Law No. 4, 1884, and of the Volksraad Besluit of 21st July, 1888, relating to the conveyance of ammunition, in so far as they may conflict with the provisions of this Law. Laws repealed.
- (b) The Arts. 1 to 20 inclusive and the words “10 lbs. for powder in flasks, for kieselguhr mixed with nitro-glycerine, for dynamite and blasting gelatine in cartridges, and for detonators” occurring in Art. 28 of Law No. 16, 1892, for the conveyance of dangerous goods by rail and steam tramways.
- (c) The provisional regulations for the conveyance of dangerous goods by rail or steam tramway, dated 9th June, 1896, saving only what is laid down by Art. 88 of this Law.
- (d) Articles 14 and 30 to 34 inclusive of Law No. 14, 1892, Police Law for Steam-tram and Railways.

88. This Law shall come into operation at a period to be proclaimed by the Government in the *Staatscourant*, with exception of the provisions relating to packing, which shall come into operation six months thereafter during which time the provisions relating thereto of the provisional regulations for the conveyance of dangerous articles by rail or steam tramway, dated 9th June, 1896, shall remain in force, and also apply to the traffic by conveyance drawn by animal power. (In terms of Government notice, page 1, Gazette 1898, this Law came into operation on 1st January, 1898.) Operation.

89. The Government may, with consent of the Executive Council, make any amendments or additions to this Law which may appear to be urgently necessary, and the same shall have the force of law until the First Volksraad shall finally decide thereon in its next succeeding ordinary session. Amendments to this Law.

S. J. P. KRUGER,
State President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
10th November, 1896.

LAW No. 28, 1896.

SUNDAY LAW.

(Approved and enacted by the First Volksraad, Article 2,028, dated 13th November, 1896).

WHEREAS it has been found desirable to make provision for the due observance and against the violation of the Sabbath, it is hereby enacted and provided as follows :—

Penalty for breaking the Sabbath.

1. The following persons shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding one month, or by a fine not exceeding five pounds sterling, or in default of payment, by imprisonment for a period not exceeding one month, viz. :—

Field or garden work.

(a) He who on Sunday does any field or garden work, except where such work is done for the preservation of field and other fruits, and in cases of pressing necessity.

Shooting.

(b) He who fires off a gun or other firearm, without being duly authorised by law or otherwise (*sic*) so to do, unless he does so for the purpose of self defence and protection of his property.

Hunting.

(c) He who goes out shooting wild or other animals on Sunday, or goes out hunting the same with dogs or other animals It shall, however, be permissible to kill vermin which do damage on Sunday on anyone's ground.

Transport-riders in towns.

(d.) A transport-rider or overseer of a transport wagon who enters the bounds of a town on Sunday, or, being in the town travels through it, or loads or off-loads freight on Sunday, or causes it to be loaded or off-loaded.

(e.) He who on Sunday causes disturbance or hindrance, whether by driving or riding, whether by making a din or noise, or in any other way.

Penalties in other cases.

2. The following persons shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding six months, or fine not exceeding one hundred pounds sterling, or in default of payment, by imprisonment for a period not exceeding six months.

Selling goods.

(a.) He, who on Sunday sells or offers for sale or exposes for sale goods, merchandise, cattle or other live stock.

Keeping shops open.

(b.) He who on Sunday keeps open a shop, store or other place with the object of selling or trading, or shall be engaged as haircutter, barber or hairdresser.

Steam machines, &c.

(c.) He who on Sunday works with steam or other machines or causes the same to be worked. Working with machinery in the public service, *e.g.*, on railways, for lighting or pumping of water for public use, is excepted from the operation of this Law.

Work in Mines.

(d) He who on Sunday does any work or causes any work to be done in or at any mine.

The pumping of water, and such other absolutely necessary work, the delay or stoppage whereof would entail the stoppage of the mine, is excepted from the operation of this Law.

The stamping of quartz on Sunday is prohibited, unless automatic contrivances are applied, and no disturbance is occasioned thereby, and altogether not more than 5 per cent. of the usual number of workmen of the Company are employed.

3. The goods, merchandise, the cattle or other live stock, and the fire-arms with which or wherewith the offence "stated in Artt. 1 and 2" has been committed, may be seized and attached by any Justice of the Peace, Field-Cornet, Assistant Field-Cornet, Constable or Gamekeeper, and may in the event of a fine being inflicted, be sold in order that the fine may be recovered from the proceeds thereof, if the fine is not paid within three weeks after the sentence has become final.

Attachment of goods, &c., with which offence committed.

4. Permissible and not punishable are :—

(a) The selling on Sunday of medicines by apothecaries and druggists, and the keeping open on that day of a shop, store, or other place by such persons with the object of selling medicines.

Permissible are :—
Sale of medicines.

(b) The supplying on Sunday of the necessary food and drink to travellers and inmates by licensed hotel or boarding-house keepers.

Supply of necessities to travellers, &c., at Hotels, &c.

(c) The selling on Sunday before 9 o'clock in the morning of meat, bread or fish by butchers, bakers or fishmongers, and the keeping open during these hours by the said persons of shop, store or other places with the object of selling meat, bread or fish.

Sale of bread, &c., before 9.0 a.m.

(d) The selling of milk on Sunday before 9 o'clock in the morning and after 4 o'clock in the afternoon by milk dealers, and the keeping open during these hours of a shop, store or other place with the object of selling milk.

Sale of milk before 9.0 a.m. and after 4.0 p.m.

5. The Government shall have the right to permit or order the delivery on Sunday of eatables or other goods by a Government Contractor.

Government supply contracts.

6. The Market-master or other person charged with the care or supervision over the market, who on Sunday on the market sells, offers for sale or permits another person so to sell or offer for sale, goods, merchandise, cattle or other live stock, shall, as being guilty of a violation of the Sabbath, be punished for each offence by imprisonment for a period not exceeding thirty days, or a fine not exceeding five pounds sterling, or in default of payment, by imprisonment for a period not exceeding thirty days.

Penalty against Market-masters selling on Sunday.

7. The owner, lessor or manager of a public billiard room, or other public place of recreation, who allows or permits any game to be played there on Sunday, or any public entertainment to be

Billiard-rooms, concerts, races, &c.

held there, such as theatrical displays, café-chantants, public dances, concerts (except for sacred music), races, shall be punished by imprisonment for a period not exceeding one month or fine not exceeding fifty pounds sterling, or in default of payment by imprisonment for a period not exceeding one month.

Powers of Police, &c., to disperse persons assembled at sport meetings on Sundays.

8. All Landdrosts, Justices of the Peace, Field-Cornets, Assistant Field-Cornets, and Police Officials, shall have the right to disperse persons assembled on Sunday at a public or open place to play or gamble there, or hold dog or cock fights there, or hold races there, or pit animals to run against each other for the purpose of betting, or in order to attend any such sports, as also in cases of beer and dance parties held by natives, and to seize and attach, destroy, or in other ways dispose of the contrivances, instruments or animals used thereat.

All persons as aforesaid engaged in playing or gambling, or in holding dog or cock fights, races, or in pitting animals to run against each other, or making bets thereon, or attending on such occasions, may be arrested and punished by imprisonment for a period not exceeding six months, or by a fine not exceeding one hundred pounds sterling, or, in default of payment, by imprisonment for a period not exceeding six months.

Jurisdiction.

9. Landdrosts, other officials with similar jurisdiction, and all Resident Justices of the Peace, shall have jurisdiction in all cases of contravention of this Law.

Awarding a portion of fine to informant.

10. The Government shall have the power in each separate case to define what portion of the fine, the forfeited goods, or the proceeds thereof shall be awarded to the informant, and who, with regard hereto, is to be deemed the informant.

Repeal.

11. The Laws No. 2, 1888, and No. 16, 1894, are hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

Dr W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
19th November, 1896.

LAW No. 29 of 1896.

AMENDMENT OF LAW 2, 1895.

(Approved and amended by Arts. 2073 and 2077 of the minutes of the First Volksraad, dated 19th November, 1896.)

WHEREAS the necessity has appeared to lay down regulations about the sale of adulterated and tainted food-stuffs, liquors and medicines, it is hereby enacted as follows:—

1. Whoever shall sell, offer for sale, exchange or have in his possession, with the object of selling or exchanging, or shall cause to be sold, offered for sale, traded in, or exchanged, any adulterated or tainted food-stuffs, liquors or medicines deleterious for human consumption, shall be punished by a fine not exceeding £50 sterling, or in case of non-payment, by imprisonment for a period not exceeding 12 months, with or without hard labour.

Penalty against the sale of adulterated food-stuffs.

Grain, potatoes, fruits, vegetables, fruits of the soil and eggs, of which a sample can be delivered, shall be excluded from the operation of paragraph 1 of this Article.^[1]

Grain, &c., corresponding with sample, excluded.

2. Whoever shall intentionally adulterate and render deleterious for human consumption any food-stuffs and liquors or medicines, and shall sell the same, offer for sale, or have the same in his possession with the object of selling, or shall cause the same to be sold or offered for sale, shall be punished by a fine not exceeding a hundred pounds sterling (£100), or in case of non-payment, by imprisonment for a period not exceeding twelve months, with or without hard labour.

Penalty for adulteration of food stuffs, &c.

3. Adulterated or tainted food-stuffs and liquors or medicines, deleterious for human consumption, shall be immediately seized and destroyed without any compensation.

Seizure and destruction.

4. The Lower Courts in this Republic shall have jurisdiction in cases of contravention of this Law.

Jurisdiction.

5. In every district and on every goldfield, where such is necessary, the Government may appoint a competent person who shall be charged and shall be entitled to test and to examine all food-stuffs, liquors, or medicines, which have been sold, offered for sale, delivered, or are in anyone's possession.

Inspectors.

¹ *Note.*—This paragraph, as printed in Dr. V. Leeuwen's official copy of the Local Laws for 1896, omits the following words contained in the corresponding paragraph of Law No. 2, 1895, which has not been formally repealed, although in other respects superseded by this Law, to wit:—"Where the articles sold correspond with the sample."

Meaning of
adulteration.

6. The word adulteration in this Law shall be taken to mean the act of mixing or adding any substance deleterious to health, or done with the object of increasing the quantity of anything, or deteriorating or concealing the quality.

Penalty.

7. From the moment of this Law coming into operation, all cases which occur shall be punished under this Law without exception.

Operation.

8. This Law shall come into operation one month after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
1st December, 1896.

LAW No. 30, 1896.

PASSPORT LAW.[¹]

(Approved by First Volksraad, Art. 2119, dated 27th November, 1896.)

WHEREAS it is deemed necessary to make provision with regard to the admission of aliens to this Republic, it is hereby, in connection with Art. 6 of the Grondwet, enacted as follows:—

Aliens must
be provided
with
passports.

1. All aliens, not being natives, shall be admitted to this Republic. They must be provided with a regular foreign passport, issued by or on behalf of the Government of the country to which they belong and *vised* by a Consul or Consular official of the Republic.

Contents of
passport.

2. It must appear *inter alia* from such passport that the alien has sufficient means of support, or is able to earn the same by labour.

Other pass-
ports.

3. In default of a passport as above mentioned, aliens may also be admitted on other kinds of passports, and even on the bare reporting of themselves, provided they can establish their identity to the satisfaction of the authorities hereinafter named, and can show that they fulfil the requirements of Art. 2.

¹ Repealed by First Volksraad Resolution, 6th May, 1897, Art. 24.

4. The admission shall be effected by the issue of a travelling and residential pass by the Field-Cornet at the place where such alien first arrives, or, on crossing the boundary, by the local official thereto appointed by the Government.

How admission is effected.

5. Such travelling and residential pass shall be of force for a period of three months, but may be renewed every three months by the Field-Cornet of the place where such alien shall happen to be.

Travelling and residential passes.

The renewal can only be refused where the requirements in terms of Art. 2 are absent.

Renewal thereof.

The decision of the Field-Cornet concerned therein shall be subject to appeal to the Government.

6. Aliens, who in requesting a renewal of their travelling or residential pass shall notify that they desire to establish themselves permanently in this Republic, shall, for the future, need to renew their travelling and residential passes only once a year, provided that they give the necessary guarantees to the satisfaction of the Field-Cornet concerned by an affidavit, or otherwise, that they will be obedient to the laws of the country.

Aliens permanently remaining in country.

7. The above provisions shall not apply to aliens who at the time of this Law coming into operation shall already be in this Republic, and have had themselves registered according to law by a Field-Cornet, or who shall, within a month of the passing of this Law, have themselves registered.

This Law not applicable to aliens already registered on Field-Cornet's lists.

8. Travelling and residential passes, as mentioned by this Law, shall be exhibited to any Landdrost, Mining Commissioner, Resident Justice of the Peace or Field-Cornet at the first asking.

Passes to be exhibited on request.

9. Aliens, who remain in this Republic contrary to the provisions of this Law, without the required travelling and residential pass, may be put across the border in the manner specified by Law No. 25, 1896.

Aliens' expulsion.

10. This Law shall come into operation on 1st January, 1897.

Operation.

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
7th December, 1896.

LAW No. 31, 1896.

Being modification of, and substitution for Law No. 23, 1895.
Enacted by First Volksraad, Art. 2289, dated 10th December, 1896.

Repealed by Pass Law, No. 23 of 1899.

FIRST VOLKSRAAD RESOLUTION, 15th May, 1896.

160. The First Volksraad, having regard to the Government Note, dated 1st May, ultimo, covering an enquiry from the Superintendent of Natives with reference to Art. 3, Law No. 24, 1895 :

Coloured
missionaries

Resolves :—To answer that a Coloured Missionary also falls under the terms and provisions of Law No. 24, 1895.

FIRST VOLKSRAAD RESOLUTION, 16th June, 1896.

598. The First Volksraad having regard to the report of the Inspector of Gaols now being discussed :

Prisoners'
labour.

Resolves :—To record this Report, and instruct the Government to see that prisoners are no longer hired out.

Inspectors of
Prisons.

The Raad resolves further that the Inspector of Prisons, as Chief of the Prison Department, which shall henceforth be his title, shall have the control and management of all gaols and police offices in the South African Republic.

FIRST VOLKSRAAD RESOLUTION, 13th August, 1896.

1200. The First Volksraad having regard to the memorial from the Potchefstroom District in *re* the Customs Duties on Tobacco, and in conjunction therewith the Commission Report now under discussion :—

Increase of
duty on
tobacco.

Resolves :—To accede to the request contained in the memorial and resolves to raise the figure 6d. coming after "Tobacco, raw state, in leaves and rolls, &c." appearing in Art. 3 of Law No. 4 of 1894, to 2s. (two shillings), and to acquaint memorialists hereof.

FIRST VOLKSRAAD RESOLUTION, 19th August, 1896.

Re The taking of a census of all inhabitants of the Transvaal Census.
in 1900 or previously.

FIRST VOLKSRAAD RESOLUTION, 24th August, 1896. Tolls

1255. Abolition of tolls.

FIRST VOLKSRAAD RESOLUTION, 26th August, 1896.

Page 340, L.L. 1896.

1265. The First Volksraad, having regard to Executive Council Resolution, Art. 482, dated 10th June ulto., with the draft law thereby submitted now under discussion : Coloured missionaries.

Approves of that proposal, but resolves to provide that all coloured missionaries, &c., on the proclaimed goldfields where Law No. 23 of 1895 is in force, who are not working as servants in the employ of white persons, shall obtain a band and plate as provided by Art. 5B, of Law No. 23, 1895, from the Superintendent of Natives, valid for one year, together with a yearly pass issued by the Superintendent of Natives upon payment of five shillings.

FIRST VOLKSRAAD RESOLUTION, 3rd and 4th
November, 1896 :—

1884 up to and including 1897, *re* “Coolie” Question, “page Coolies.
351, L. L. 1896,” Commission Report.

VOLKSRAAD RESOLUTION, Art. 2130, dated 27th Firearms.
November, 1896. The First Volksraad resolves :—

That the last paragraph of Art. 4 of Law No. 4, 1894, be repealed.

POSTAL CONVENTIONS.

Great Britain and Ireland with Transvaal, and also between Germany and Transvaal, published pages 375 to 389, L. L. 1896.

GOVERNMENT NOTICE.

Dated 12th May, 1896, *re* Exemption of certain Articles from Customs Dues. "L.L., 1896, page 450." Being two Executive Council Resolutions approved by First Volksraad, Art. 100, dated 11th May, 1896, viz. :—

I.

EXTRACT EXECUTIVE COUNCIL RESOLUTION :—

Exemption of certain food-stuff from special duties.

Resolves further that as and from 1st February, 1896, and until otherwise provided by the First Volksraad, the articles hereunder mentioned, as enumerated in Law No. 4, 1894, shall be free from the payment of Special Import Duty :—

Meat in tins ; Biscuit and Cake in tins or otherwise ; Eggs ; Vegetables, fresh, preserved and dried ; Ham, Bacon ; Sausages, Pork, Lard ; Pigs ; Kaffir Corn ; Wheat ; Meal, "all sorts" ; Mielies ; Fruits of the soil.

II.

EXECUTIVE COUNCIL RESOLUTION, Art. 208, dated 12th March, 1896.

Duty on Oats.

On the order : Discussing the desirability of the temporary suspension of the special import duties on oats, oat-sheaves and seed oats.

The Executive Council, having regard to devastation caused by locusts, &c., resolves :—

To temporarily suspend the import duties on oats, oat-sheaves and seed oats, to commence from the date of publication in the *Staatscourant*.

"See page 456, *Staatscourant*, 6 April, 1898, for regulations regarding importation of seed oats."

GOVERNMENT NOTICE.

"L. L., 1896, page 462."

Six per cent. transfer duty payable in Swaziland.

LAW No. 1 of 1897.

(Approved by Resolution of the First Volksraad, Art. 451, dated 26th February, 1897.)

Considering that from the foundation of this Republic the Resolutions of the Volksraad have been recognised and respected as Law, and that the Judicial Power possessed no competency to set aside the Laws and Resolutions passed by the Volksraad ;

Considering that such was the will of the People of the South African Republic as laid down in the Grondwet (Constitution) of 1858 and maintained in the compiled Grondwet of 1896, and in the Annexure No. 2 of that Grondwet, dated 19th September, 1859, which provides *inter alia* :

“ 2. Every Court shall respect all Volksraads' Resolutions as Law, and may make no observations or criticisms upon them, and whatever the Volksraad has decided or approved shall not be submitted to the pleasure of any Court of Law.

“ 3. When several Volksraad Resolutions have been taken on the same subject the latest Resolution shall be respected as Law by every Court of Law.”

Considering that in the Grondwet of 1858, according to the oaths set forth therein, and prescribed respectively for the Members of the Volksraad and the Members of the Judiciary, the so-called testing right is not granted to the Judiciary, who are bound, according to the terms of their oath, to decide justly according to the laws of the land.

Considering also that the High Court of this State has repeatedly decided that Resolutions of the Volksraad have force of law and that the Judiciary has no right of testing whatsoever.

Considering that the Local Legislation of the Republic, for the reasons hereinbefore set forth, rests in great part on Volksraad Resolutions ;

Considering that Law No. 4, 1890, after having been duly published, was not immediately put into operation by the Volksraad after discussion, but laid once more specially before the People, and the People has adopted that Law after it had been published three times in succession.

Considering that Art. 32 of that Law (which Article has now been taken over as Art. 80 in the Grondwet (Constitution) of 1896) has confirmed such condition as intended by the Grondwet (Constitution) of 1858 and declared correct by the High Court, and provides that the lawful force of Laws and Resolutions published by the President in the *Staatscourant* may not be questioned—thus also not by the Judiciary ; while only the People shall have the right to pronounce against a Law or Resolution ;

And further, considering that a short time ago a majority in the High Court, viz., two Judges, has decided that the previous judgments of the High Court on this point were wrong, and has laid down that Resolutions of the Volksraad have no force of Law and that the High Court has the competency to refuse to apply a Law, if it holds that such Law is either in form or substance in conflict with the Grondwet (Constitution) of 1858.

Considering that by such decision the certainty of the administration of justice in this State has been seriously prejudiced, because as has

been said, the largest portion of our Legislation rests on Volksraad Resolutions, and various Laws and Resolutions were in terms intended to be alterations of the Grondwet (Constitution).

Considering that the First Volksraad cannot remain passive and allow the High Court to refuse to administer Justice in accordance with the Laws of the land, and it is its duty to protect the public agreeably to the will of the People.

Considering that Art. 86 of the Grondwet of 1896—with regard to the summoning of a Special Court is not applicable in this matter, and

Finally considering that this Law, although not published, in terms of Art. 12 of the Grondwet, three months beforehand, must be dealt with at once inasmuch as it can brook no delay.

It is hereby resolved to deal immediately with this Law, notwithstanding that it was not published three months beforehand inasmuch as it can brook no delay.

It is hereby enacted and provided as follows :

Judiciary
must respect
Laws of
Volksraad
Resolutions.

1. As long as the People has not clearly made it known to the satisfaction of the First Volksraad that it wishes to alter the existing condition the existing and future Laws and Volksraad Resolutions shall be recognised and respected by the Judiciary in agreement with Art. 80 of the Grondwet (Constitution) of 1896, and the Judiciary has not the competency to refuse to apply a Law or Volksraad Resolution, because such Law or such Resolution is, in the opinion of the Judge either in form or substance, in conflict with the Grondwet; in other words the Judiciary shall not have the competency and has never had it, either by the Grondwet (Constitution) or by any other law to arrogate to itself the so-called testing-right.

No testing
power.

2. The Judges, Landdrosts and other members of the Judiciary shall in future take the following oath before accepting office :—

Oath for Judges,
Landdrosts, &c.

Form of
Oath.

I promise and swear solemnly to act faithfully to the people and the laws of this Republic, and in my position and office to act justly, equitably, without respect of persons in accordance with the Laws and Volksraad Resolutions and to the best of my knowledge and conscience; not to arrogate to myself any so-called testing-right; not to accept from anyone any gift or favour if I have reason to suspect that it was made or shewn to me to persuade me in my judgment or action in favour of the person so giving or favouring; and that in my other capacities than as Judge I shall obey according to law the commands of those placed over me, and in general my only object shall be the maintenance of law, justice and order, to the furtherance of the prosperity, welfare and independence of law and people. So truly Help me God Almighty."

Oath taken
before President
and Executive.

The Members of the High Court and the Landdrosts shall take the oath before the President and Members of the Executive Council.

Contravention
of Art. 1.

3. The Judge who does not act in accordance with Art. 1 of this Law shall be considered to have committed an official offence as mentioned in Art. 86 of the Grondwet of 1896.

Authorisation
to President.

4. The President is hereby authorised to ask the present Members of the Judiciary, or to cause them to be asked, if they consider it to be in accordance with their oath and their duty to decide in accordance with the existing and future Laws and Volksraad Resolutions, and not to

arrogate to themselves the so-called right of testing, and further instructs the President to discharge from their office those members from whom he has received either a negative, or, in his opinion, an insufficient, or within a specified time, no answer at all.

5. Volksraad Resolution shall, in this Law, be understood to mean both Resolutions of the old Volksraad and Resolutions of the First and also of the Second Volksraad, which are in force in virtue of Art. 31, Law No. 4, 1890, now Art. 79 of the Grondwet of 1896. "People" shall be understood to mean the fully enfranchised Burghers of the South African Republic.

Definition of Volksraad Resolution and of the people.

6. This Law shall not impair rights which may have been obtained by sentences of the High Court before the passing of this Law.

Rights obtained prior to passing of Law not impaired. Operation.

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

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
1st March, 1897.

LAW No. 2, 1897.

PREVENTION OF IMMORALITY LAW.
(Repealed by Law No. 11, 1899.)

LAW No. 3, 1897 [1].

REGULATING THE MARRIAGES OF COLOURED PEOPLE WITHIN THE SOUTH AFRICAN REPUBLIC.

(Approved by Resolution of the First Volksraad, Art. 530, dated 9th July, 1897.)

INASMUCH as the People allows the dissemination of the Gospel among coloured people, and provision was made by Law No. 3, 1871 [2], that the marriages of coloured persons should be regulated by law, and inasmuch as the People will not tolerate any equalisation between whites and blacks either in Church or State; and inasmuch as there are coloured persons who by education and civilization have become distinguished from barbarians, and who therefore desire to live in a christian and civilized manner and accordingly wish to be lawfully united in marriage, be it hereby enacted as follows:—

1. Male and female coloured persons who have reached a marriageable age may contract a lawful marriage with each other.

Lawful marriage between male and female coloured persons allowed.

¹ This Law was published for the first time in the *Staatscourant* of 21st July, 1897.

² See Local Laws 1849-1885, page 442.

What is required for the contracting of such marriage.

2. Every coloured person who wishes to contract a marriage as above must make an application to that effect to a person or persons to be appointed for that purpose by the Government. He must submit therewith a certificate from their parents, or, where there are no parents alive from their guardians, or from his Captain or other chief of natives, that according to Law there is no obstacle to the proposed marriage, or if they are Christians, of the Minister of their Church.

What is required for the contracting of such marriage for coloured persons coming from beyond the limits of the State.

Coloured persons coming from beyond the limits of this State and wishing to enter upon marriage here will have to shew to the satisfaction of the above-mentioned person, by means of a certificate or other sufficient evidence, that there is no obstacle according to law to the proposed marriage.

What if parties live in different districts.

3. When the parties who wish to enter upon marriage live in different districts, it is left to them to choose in which of the two districts they prefer to have their marriage contracted.

The person mentioned in Art. 2 who shall solemnise the marriage, shall have a certificate submitted to him from his fellow-official of the district where the other party lives, certifying in virtue of a certificate handed in to him as mentioned in Art. 2 that no obstacle exists to the proposed marriage.

The person mentioned in Art. 2, who has solemnised the marriage shall give notice of the same, by sending a certified copy from his register to his said fellow-official.

Obligation of the marriage officer.

4. Before solemnising a marriage between coloured persons, the person mentioned in Art. 2 shall satisfy himself that the man has complied with the different laws which are in force in this State with reference to natives (as the pass law, &c.).

Similarly he shall, when the woman has been already married, satisfy himself that 300 days have already elapsed since the dissolution of the previous marriage.

Obligation of the marriage officer.

5. Before the solemnisation of the marriage the person mentioned in Art. 2 shall clearly and emphatically expound and explain to parties the moral and legal significance of the marriage, and after they have declared that they have understood him clearly shall direct the following questions to each separately :—

“ Do you A. B. solemnly declare that so far as you know, there is no hindrance whatever to your proposed marriage with C. D. here present, and that you call all present to witness that you recognise C. D. as your lawful wife (or husband)? ”

Thereupon parties shall give each other the right hand and the person mentioned in Art. 2, shall declare the marriage completed in the following words :—

“ I declare that A. B. and C. D. here present are in the eye of the Law lawfully united in the married state.”

Obligation of the marriage officer for minister.

6. Every minister of coloured persons to whom is granted individually by the Government the right to solemnise marriages under this Law, shall be entitled to do so on production of a Certificate of the person mentioned in Art. 2, that the provisions of this law have been complied with. In the solemnisation of such marriage the minister may follow the formulary in use in his church.

He shall within 8 days after the solemnisation of such marriage give notice of the same by means of a certified copy from his register to the

person mentioned in Art. 2, in the district where the marriage has been solemnised.

Every person who solemnises a marriage in conflict with this article, or who does not act in accordance with the form prescribed in the instructions given in the preceding paragraph, shall be punished with a fine not exceeding £50, or with imprisonment with hard labour for a period not exceeding six months.

Penalty for acting in conflict with this article.

7. The solemnisation of the marriage shall take place between the hours of eight o'clock in the morning and four o'clock in the afternoon, at a place, which the person mentioned in Art. 2, or the minister shall consider suitable for that purpose, and in the presence of at least two male witnesses above the age of sixteen years.

When and where the solemnisation of marriage takes place.

8. Coloured persons who wish to have a marriage consecrated in church, may, if the parties or one of them belongs to a Christian or any other communion recognised by this State, on a certificate of the person mentioned in Art. 2 to the effect that the requirements specified in Art. 5 have been complied with, have such marriage consecrated in church, by any minister authorised thereto by the Government, according to the usage and rights of the church concerned as mentioned in Art. 6.

Consecration of such marriage in church.

9. No coloured person may be compelled by any judicial sentence or order for any reason whatever to contract a marriage.

Coloured person may not be compelled to marry.

10. A marriage, which has been solemnised in accordance with the regulations of this Law, may be dissolved by divorce on the grounds and with due observance of the regulations laid down with reference thereto by the Common Law.

Divorce is in accordance with general law.

The suit for such divorce shall, excluding all other Courts of the Republic, be brought before the Court of the Superintendent of Natives.

Suit brought before Superintendent of Natives.

The Superintendent of Natives shall give notice of each divorce pronounced by him as above, by sending a certified copy of his sentence to the person by whom or in whose district the marriage has been celebrated.

Duties of Superintendent in case of divorce.

11. The coloured person who contracts a marriage before a previous marriage entered into by him has been dissolved, shall be punished by imprisonment with hard labour for a period not exceeding five years.

Penalty for coloured person who commits bigamy.

12. The person mentioned in Art. 2 or any minister who unites any coloured person in marriage knowing that a marriage previously entered into by that person has not yet been dissolved, shall be punished with imprisonment with hard labour for a period not exceeding three years.

Penalty for marriage officer, &c., &c., who celebrates a bigamous marriage.

13. Every person mentioned in Art. 2 shall keep a register in duplicate in which he enters :—

Registers to be kept by marriage officer.

(a) The marriages of coloured persons solemnised by himself, and those brought to his notice in accordance with Artts. 3 & 6 by any of his fellow officials or by any minister authorised thereto by the Government.

(b) Divorces between coloured persons pronounced by the Superintendent of Natives, which have been notified to him in accordance with Art. 10.

He shall preserve the original register in his office and forward the duplicate every year before the 15th January to the Superintendent of Natives.

Where the original and duplicate register must be preserved.

Copies of registers.

When parties so desire he shall issue to them a certified copy from his register. Other persons may demand similar copies from his register, in which case the copy shall be provided with a stamp to the amount of 2s. 6d. to be paid by the applicant.

Form of register and certificates.

The form of the register and the certificates are determined by the Superintendent of Natives.

£3 to be paid for solemnisation of marriage.

14. Before the solemnisation of a marriage according to this Law the sum of £3 in terms of Volksraadsbesluit, Art. 117 of June, 1876, as the only payment specified in that resolution, shall be paid to the person mentioned in Art. 2.

Law 3, 1871, and general Law may apply.

15. So far as no provision is made by this Law the provisions of Law No. 3, 1871, and of the General Law shall apply as far as possible according to circumstances.

Administration and division of the estates of coloured persons.

16. With reference to the administration and division of estates of deceased coloured persons married under this Law, proceedings shall be taken in terms of the rules determined by the Orphan Chamber Law, the execution whereof is committed to the Superintendent of Natives, who shall arrange with regard to such estates as Orphan Master in accordance with regulations to be fixed by him with the advice and consent of the Executive Council [1].

Do. for whites married to coloured people.

17. This Law shall also apply to the estates of deceased white persons, who have been married to coloured persons, and these estates shall be dealt with in accordance with the directions given in Art. 16 of this Law. This Article notwithstanding marriages of white persons with coloured persons are not allowed under this Law.

Marriages of whites with coloured persons not allowed.

Meaning of "coloured person."

18. The term "coloured person" in this law shall mean any person belonging to, or being a descendant of, any native race in South Africa and persons being descendants of one of the races mentioned in Art. 1, Law No. 3, 1885.

Operation.

19. This Law shall come into operation on 1st January, 1898.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices,
16th July, 1897,

LAW No. 4, 1897.

Replacing Law No. 2, 1892.

Amending Law No. 1, 1872.

(Amended and approved by Second Volksraad's Resolution, Art 584, dated 7th July, 1897, and this Resolution noted and accepted by the First Volksraad, Art. 664 of its minutes dated 22nd July, 1897.)

The Executive Council, authorised thereto by Volksraad Resolution dated 22nd February, 1872, Art. 551, resolves with reference to certain

*See page 1028.

weeds—the *Xanthium Spinosum* and the Scotch Thistle—which are increasing very considerably in various parts of the South African Republic, and which render the wool valueless where they grow, as follows :—

1. It shall be the duty of all burghers to eradicate the same on their properties. Duties of the burghers.
2. Field-Cornets and Assistant Field-Cornets shall notify their subordinates of this Law at meetings and shall represent to them the importance of the matter. Duties of Field-Cornets and Assistant Field-Cornets.
3. In case the owners, lessees or tenants of farms, erven, stands or any other piece of ground, or the inhabitants of locations, as also the officials charged with the supervision of Government grounds, are negligent in respect of this duty, they shall be liable to a fine not exceeding £1, or, in case of non-payment thereof, to imprisonment with or without hard labour for a period not exceeding 3 days for the first offence, or for a second offence to a fine not exceeding £5, or in case of non-payment thereof to imprisonment for a period not exceeding 14 days with or without hard labour, and for each successive offence to a fine not exceeding £20 in addition to imprisonment for a period not exceeding 6 weeks with or without hard labour, and in case of contumacy the Government shall have the right to eradicate the weeds at the expense of the offender. Penalty in case of neglect.

In each case the Court shall at the same time be competent in giving sentence to condemn the accused to pay the costs of the trial. Court can judge the offender to pay costs.
- 3a. The Government may grant a part, but not more than a third of the fines which have been imposed, to the informant. Part of the fine goes to the informant.
4. Field-Cornets and Assistant Field-Cornets shall eradicate the weeds on Government grounds at the expense of the Government. Weeds on Govt. grounds at the expense of the Govt.
5. Municipalities or other corporations having supervision over grounds not under the care of the Government, shall take due measures for the eradication of the weed, and shall be subject to the provisions of Art. 3 of this Law. Duties of municipalities and other corporations.
6. If the owner of a farm or erf is a foreigner or his residence is not known, the Government may eradicate the weeds at the expense of such owner and claim repayment in the Courts of the country in the manner prescribed by the laws of the country. What if the owner of a farm is a foreigner or his residence is not known.
7. This Law shall come into operation immediately after publication. Operation.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices, Pretoria,
29th July, 1897.

LAW No. 5, 1897. [1]

THE SIGNING OF MEMORIALS.

(Approved after amendment by the First Volksraad by Art. 645 of its Resolutions dated 13th July, 1897 ; noted and accepted by the First Volksraad by Art. 711 of its minutes dated 28th July.)

INASMUCH as it has appeared to be necessary to make regulations with reference to the signing of memorials, be it hereby enacted as follows :—

Memorial must be personally signed.

Memorial must be written in the language of the country.

When signing for another may take place.

Penalty for false signature.

What is requisite to enable a man to sign a memorial.

When a memorial is not taken into consideration.

1. Every memorial sent in to the authorities must be clearly signed by the memorialist or memorialists by his or their usual signature, and the memorial must be written in language of the country.

Signing the name of another person is only allowed when that person is himself not able to write his name either by reason of age or any infirmity. Such signing shall only take place in presence of the person concerned, and a Field-Cornet or Assistant Field-Cornet or Justice of the Peace.

2. Whoever shall place the name of another person or of a fictitious person on a memorial to the authorities, or who, without being authorised as above, shall sign for another, shall be punished by a fine not exceeding £100, or in case of non-payment with imprisonment for a period not exceeding three months.

3. A memorial may not be signed by a male person unless his name is inscribed in the books of the Field-Cornet of his district. An offence against this provision shall be punished with a fine not exceeding £10, and in case of non-payment imprisonment for a period not exceeding a month.

4. Contravention of the provisions in Art. 1 may result in the memorials being refused consideration.

5. This Law shall come into operation on 1st January, 1898.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices,
Pretoria, 3rd August, 1897.

LAW No. 6, 1897.

Supplement to Law No. 3, 1894.

(Approved after amendment by the First Volksraad in July, 1897.)

WHEREAS it has appeared desirable that the elections which are held in virtue of Law No. 3, of 1894, should take place by ballot, and there-

¹ This Law was published for the first time in the *Staatscourant* of 4th August, 1897.

with it has been thought necessary to introduce some further provisions about the manner of voting, and has also been thought necessary to alter Art. 16, subsection (*d*) of the said Law, it is hereby enacted as follows:—

1. The following Articles are inserted between Articles 6 and 7. Voting by ballot.
 - 6a. The elections shall take place by ballot.
 - 6b. The proper Field-Cornet or Polling Officers shall on or before the day fixed for the election, in an office appointed for that purpose, personally hand to each burgher qualified to vote, whose name appears on the voting list and who shall make a request therefor, a voting ticket, which voting ticket shall be authenticated by a Government stamp, and shall also be certified by the initials of the proper Field-Cornet and the Polling Officer. Duties of Field-Cornet and Polling Officers.

Before the elector receives his voting ticket, he shall sign his name on the voters' list opposite to his name appearing thereon as burgher, during the election in accordance with Register Form "A" annexed. After receipt of his voting ticket, he shall proceed to a table standing apart, where he shall fill in his voting ticket. Duties of Voters.

During the interval between the filling up of his voting ticket and placing the same in the ballot box, no one shall come near or speak to him on pain of a fine not exceeding £1 10s., or, in default thereof, imprisonment for a period not exceeding seven days will be substituted. In case the elector cannot write, it shall be lawful at his request for the Field Cornet or Polling Officer to go with him to fill in his voting ticket, subject however to the condition of secrecy on the part of the proper Field-Cornet or Polling Officer. Filling in voting paper.
 - 6c. Every elector shall leave the polling office immediately after having recorded his vote. After filling in voting paper.
 - 6d. The voting tickets shall be filled in without any remark, and may not be signed. They shall be placed in person by the elector in the ballot box placed there to receive them. Manner of filling in.
 - 6e. Those voting tickets shall be valueless which : Causes of invalidity.
 - (a) are not properly authenticated,
 - (b) are signed,
 - (c) do not clearly indicate any person,
 - (d) are not filled in,
 - (e) enclose other voting tickets or are intentionally affixed thereto.
 - 6f. Voting tickets which contain more or less names than there are persons to be elected are valid. The names mentioned in a ticket over and above the requisite number shall not be taken into account. Surplus names invalid.
2. The following Articles are inserted between Articles 8 and 9.
 - 8a. In the apartment where the election takes place the Polling Officers shall be seated at a table, which is so placed that their actions can be observed by the electors. Polling Officers.

On this table shall be placed the ballot box, made according to a model to be decided upon by the Government.

Those entitled to vote.

8b. No one whose name does not appear on the Field-Cornet's list may take part in the voting. When, however, an election takes place which concerns the whole of the South African Republic every qualified Burgher may exercise his vote in another district or ward than his own, provided he produces a certificate from his Field Cornet showing :—

(a) That he appears on his list.

(b) That the voting in his district or ward has already closed.

(c) That he did not take part in that voting.

In the case of an election for a district, he may vote in any other ward than his own, provided he produces a certificate from the Field Cornet concerned :—

(a) That he appears on his list.

(b) That he did not exercise his vote in his ward, or that the election has already closed.

Ballot box.

8c. The Landdrost shall hand over to the Field-Cornet or Field-Cornets concerned a ballot box locked and sealed by himself, the key of which he shall retain in his possession in a sealed envelope.

After the election is over, the locked Ballot box shall be returned to the Landdrost, and on the day for opening the same before he shall open it, he shall assure himself that the seals have not been tampered with.

Sealing of.

8d. The slot in the Ballot box through which the voting tickets are passed shall be closed and sealed after every election, and such seals shall not be removed until the new scrutineers shall have been sworn at the ensuing election.

Opening of.

8e. The Government shall, in an election for the whole Republic, fix the time when the Ballot boxes concerned shall be opened.

The time for opening the boxes in a district or ward election, shall be fixed by the Landdrost of the district.

The boxes may however, not be opened, whether the election is for the whole country, or a district, or a ward until the voting has been completed.

3. Art. 11 of the said Law is replaced by the following articles :—

Duties of Polling Officers.

11. The Polling Officers shall carefully write down the names of the electors who place a voting ticket in the box.

As soon as the time for handing in voting tickets has expired, the Ballot box shall be closed and sealed in a manner to be prescribed by the Government, so that no voting tickets can be abstracted therefrom or placed therein.

The Polling Officers shall thereupon cause the ballot boxes so locked and sealed, together with voting lists signed by them to be taken without delay to the Landdrost of the district or the Mining Commissioner of their electoral circle.

11a. The Landdrost or the Mining Commissioner shall together with the Polling Officers break the seals, unlock the ballot box, count the number of voting tickets it contains and compare it with the number of electors, who according to the lists appear to have voted. He shall thereafter with the Polling Officers place all the documents together, seal them and without delay despatch the same along with their report to the State Secretary, together with their remarks relative to any voting tickets which they consider illegal or doubtful.

Duties of Landdrost, Mining Commissioner and Scrutineer.

After the documents relative to the elections shall have been received by the State Secretary, the Executive Council shall examine and check the same, and, according to its finding, shall notify the person or persons chosen, of the result of the election.

4. This Law shall come into operation on the 1st January, 1898. Operation.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

LAW No. 7, 1897.

Amendment of Law No. 9, 1891.

(Approved by the First Volksraad by its Resolutions of 2nd and 3rd August, 1897.)

ART. 1. Amended Art. 4.

Six weeks before the surveying of any survey district is begun, notice of the same shall be given in the *Staatscourant*, and in this notice the name and limits of the survey district shall be specified as accurately as possible.

Notice in *Staatscourant* six weeks before the survey begins in a survey district.

The Field-Cornets in such districts shall be obliged without delay to acquaint their burghers with the contents of such notice.

Duties of the Field-Cornet.

In case the owners of occupied or unoccupied farms are not present, the Surveyor shall proceed with the work, following the directions given by neighbours and other persons who are acquainted with the beacons recognised by law, in agreement with the description and diagrams of the adjoining farms.

Surveyor proceeds with work in case the Owners are not present following knowledge of neighbours who are acquainted with beacons.

If the latter cannot be done, and if the owner or owners of a farm still neglects, after due personal summons and written notice served upon him by the Surveyor who has been detailed to survey that section, to point out the beacons of his farm or to have them pointed out, the surveyor shall be entitled to summon one of the old inspectors or other persons acquainted with the beacons of the farm, to point out to him the beacons of the same.

Remuneration for the same shall be according to the tariff fixed for pointing out beacons for inspectors, and the costs shall be added to the costs of surveying and shall be recoverable in the same way. When it is a question of pointing out the beacons of farms which have been defined by special commissions, such shall be done by those inspectors by whom such farms have been inspected without its entitling them to any further remuneration for the same.

Remuneration for surveying.

Pointing out beacons of farms settled by a Special Commission.

ART. 2. Amended Art. 7.

Any approved diagram shall be cancelled by the Surveyor General on request of the owner or owners of the farms, after the former has published a notice in the *Staatscourant* and has further sent a written notice to the parties interested whereby the owners of the adjoining farms are summoned and warned to forward to the Surveyor General, within three months from the date of the publication of the summons and the date of notice, any objections they may have to the annulling of the diagram.

If the Surveyor General considers the objections sound, he shall not proceed to annul the diagram.

ART. 3. Amended Art. 22.

In case it appears that there are questions or differences with regard to a farm which the Surveyor has been ordered to survey, he shall not proceed to survey that farm until all questions affecting it have been solved or brought to a settlement.

If however the survey of the farm is expressly desired by the owner or owners, the Surveyor may proceed with the survey. In that case the owner shall be responsible for the costs of survey if the controversy is settled subsequently to his disadvantage and the survey already made and the diagram have to be altered.

The owner or owners shall be bound, within 14 days, after receiving the notice of the surveyor that the latter is going to survey the farm, to take the necessary steps to have the existing controversies or differences settled by arbitration or otherwise.

If this is not done by the owner or owners of the farm within 14 days, then the surveyor shall proceed with the survey as if no differences existed.

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

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

LAW No. 8, 1897.[1]

THE USE OF HIGH AND OTHER TRANSPORT ROADS.

(Approved by the Second Volksraad by Art. 829 of its minutes, dated 30th July, 1897, and noted and accepted by the First Volksraad, Art. 896 of its minutes, dated 23rd August.)

INASMUCH as it has appeared to be desirable to make regulations and provisions for the use of the recognised Highways and other Transport Roads, whether made by the Government or by District Councils; and

INASMUCH as it has appeared to be necessary to prevent the injuring of the Highways and other Transport Roads and bridges, and to define the manner in which the same shall be used, and to ensure to a greater extent the safety of persons and goods passing over these roads and bridges, it is hereby provided and enacted, as follows:—

¹ This Law was published for the first time in the *Staatscourant* of 1st September, 1897.

1. Wagons which pass over roads and bridges may not be loaded more heavily than to a weight of 8,000 lbs., unless the freight consist of one piece which cannot be divided.

Motor cars, locomotives and other steam engines may not be propelled by steam along the Highways and other Transport Roads unless a special permission to that effect has been obtained from the road inspector or District Council particularly concerned. Traffic in Sledges along the Highways and other Transport Roads is prohibited.

2. The special permission mentioned in Art. 1 shall first be submitted to the approval of the Chief Inspector of Roads for traffic on Government Roads.

3. Spanning out, camping out, or making fires on Highways or other Transport Roads is prohibited.

4. In ascending or descending a mountain road, entering or leaving a drift or any other place on the road, the use of stones or other loose materials is permitted, in order to hold the wagon up, provided the stones or other materials are immediately removed by the user.

5. If a wagon sticks and a hole has to be dug in the made road, the owner or driver shall, immediately after the wagon has been extricated, fill in the hole in the road properly and level it firm.

6. Where the road runs along the slopes of mountains, a downcoming wagon when passing another shall keep the in or upper side, while on level ground and also at the slopes of drifts and slopes where the descent is direct, the wagons shall always keep to the left. When ox-wagons are passing each other, or when ox-wagons are passing other vehicles, in each case the ox wagons shall have a leader.

7. Using any brake in passing over an iron bridge is prohibited.

8. If an animal dies on or near the road, the owner or driver shall have the same dragged to a distance of at least 50 yards from the side of the road, unless the road is fenced in with wire, and in that case to a distance of 2 yards from the wire. In case the animal has died of any contagious disease, he shall bury the same according to law and fill up the holes in such a manner that they can be ridden over without danger.

9. When a person desires to construct a water-furrow over or through a Highway or other Transport Road, this shall be done in consultation with the proper official. If the person cannot come to an agreement with such official he may apply to the Chief of Public Works.

10. Every person who contravenes the above regulations and provisions shall be punished by a fine not exceeding £15, and in case of non-payment, with imprisonment with or without hard labour, for a period not exceeding 30 days. If the offenders are coloured persons they may be punished with lashes not exceeding 15 in number.

11. All cases relating to such contravention shall be treated summarily by the Court.

12. Landdrosts, other officials with similar jurisdiction, and all Justices of the Peace have jurisdiction in all cases of contravention of this Law.

Maximum weight with which wagons may be loaded to pass along public roads. Provision with regard to Locomotives, &c. Traffic in sledges is forbidden.

Chief Inspector of roads must give permission for Government roads.

What forbidden on high and transport roads.

Provision about the use of stones to hold wagons still in ascending or descending a mountain road.

Duty of driver if a wagon sticks.

Provisions for the passing of wagons.

Use of brake prohibited in passing over iron bridge.

What must be done by the owner or driver when an animal dies.

Provisions for leading a water-furrow, &c., over or through a high or other transport road.

Penalty for contravention of these provisions.

Summary treatment of cases.

Jurisdiction.

Operation.

13. This Law shall come into operation on the 1st January, 1898.S. J. P. KRUGER,
*President.*C. VAN BOESCHOTEN,
*Acting State Secretary.*Government Offices,
Pretoria, 26th August, 1897.

LAW No. 9, 1897.

TOWN COUNCIL FOR JOHANNESBURG.
(Repealed by Law No. 9, 1899.)

LAW No. 10, 1897. [1]

Amendment of Law No. 7, 1891.

RECOVERY OF PETTY DEBTS.

(Approved after amendment by the Second Volksraad by Article 871 of its Resolutions dated 9th August, 1897, noted and accepted by Resolution of the First Volksraad, Article 951, dated 26th August.)

INASMUCH as it is desirable to make better provision for the recovery of petty debts, it is hereby enacted and provided as follows :—

Summons
against debtor
issued by
Registrar of
Landdrost's
Court, &c., if
debt does not
exceed £15.Stamp on
summons.Form of
summons.**1.** Any person who has or conceives himself to have a claim or demand not exceeding the sum of £15 against a debtor, shall have the right whether this debt is of a liquid or illiquid nature to apply to the Registrar of the Court of the Landdrost, or other judicial official having a jurisdiction not exceeding that of a Landdrost, under whose jurisdiction the debtor resides, or to that official himself.

This official shall receive the claim and immediately after payment of a stamp of 10 shillings issue a summons to the alleged debtor, as much as possible in the following form :—

To A.B.

living at

INASMUCH as A has lodged a complaint against you in this Court, and alleges that you are indebted to him in the sum of
arising fromyou are hereby summoned to pay said amount within seventy-two (72) hours after service of this summons, and at the latest at
o'clock on the day of the month

19 at my office, in default whereof a writ of execution will be issued against you by this Court.

(Copy of Promissory note or account attached.)

Given under my hand this day of the
month 19

(Signature of the Official)

¹ This Law was published for the first time in the *Staatscourant* of 1st September, 1897.

2. The stamp of ten shillings mentioned in Art. 1 shall be affixed to the summons and perforated by the official referred to in Art. 1.

Affixing and cancellation of the stamp.

3. Such summons shall be served by the Officer of the Court, or his representative, on the alleged debtor, in person, and if no defence verbal or written is sent in by the latter within seventy-two hours after the service of the summons, the judicial official shall immediately pronounce final sentence against the debtor.

Service of summons
Defence within 72 hours.

In case any defence either verbal or written is made within the proper time the judicial official shall be bound forthwith to enquire whether such defence is genuine or not. If he finds that it is, he shall have the right to grant a postponement at the request of either or both of the parties, in order to afford them an opportunity to produce their witnesses, and he shall fix the day when the case shall come on for trial.

Immediate examination of the defence.
If he finds that such defence is not genuine he shall at once give judgment against the defendant.

After issue of the judgment by the judicial official aforesaid the latter shall either of his own motion, or on the request of the Registrar or the Creditor, immediately issue a writ for the execution of said judgment.

Commission for execution.

No farther costs may be charged than the said ten shillings (10/-) stamp, the costs of the service of the summons, and the costs of execution.

Costs of the procedure.

4. If any person against whom a writ of execution has been issued for any debt informs the official charged with the execution of such writ that he has no property or not sufficient to cover the demand together with the costs, and it is proved that such debtor does possess property whether it be sufficient to satisfy the demand or not, and has hidden it, or on enquiry by the said official mentioned, has concealed it, he shall be punished by a fine not exceeding £50 sterling, or in case of non-payment, imprisonment with or without hard labour for a period not exceeding six (6) months.

Penalty for debtor who makes false returns to the officer of the Court.

5. The Registrar shall keep a list of payments made by the debtor and shall be responsible to the creditor for the same.

Registrar responsible for payments.

6. This amended Law shall come into operation immediately after publication in the *Staatscourant*.

Operation.

S. J. P. KRUGER,
President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices, Pretoria,
31st August, 1897.

LAW No. 11, 1897.

MINING REGULATIONS.

(Repealed by Law No. 12, 1898.)

LAW No. 12, 1897.

PATENT LAW.

(Repealed by Law No. 10, 1898.)

LAW No. 13, 1897.

LIQUOR LAW.

(Repealed by Law No. 19, 1898.)

LAW No. 14, 1897.

“On the Mining of Base Metals and Minerals within the South African Republic.”

(Approved of by the Second Volksraad under Art. 1448, dated 8th October, 1897, and noted and accepted by the First Volksraad under Art. 1597, dated 22nd October, 1897.)

Property in base metals belongs to the owner of the ground.

1. The ownership of, and right of dealing with, base metals and minerals, both on proclaimed and unproclaimed ground, shall belong to the owner of the ground.

Metals to which the law is applicable.

2. This Law shall apply to iron, lead, copper, tin, zinc, cobalt, nickel, arsenic, manganese, antimony, bismuth, and sulphur, whether native or in ore, as well as coal, graphite and other mineral substances, for the exploitation of which no other lawful provisions exist.

Silver ore and cinnabar shall come under the provisions of this Law.

One per cent. to the State.

3. Persons working on private ground, whether proclaimed or unproclaimed as public diggings, shall pay to the State a certain percentage of the value of the mineral won, and which has been either worked or removed, such percentage being now fixed at one per cent.

Prospecting and digging on Government ground.

4. On Government ground which has been proclaimed as a public diggings, licences shall be obtainable on application from the proper officials, to prospect for and mine the metals and minerals mentioned in clause 2 hereof, to wit, for an area of twelve (12) claims “each in extent 150 feet by 400 feet,” on payment of ten shillings for each block of twelve claims for the first year, after which period the licences may be renewed on payment of five shillings (5/-) per mensem per block of twelve claims, in so far as no other rights have been granted thereon by the Government.

Percentage to be paid to the State.

Holders of licences on proclaimed Government ground shall pay to the State (as provided in clause 3 hereof) one per centum (1 %) of the value of the mineral worked or removed.

Pegging claims under Gold Law.

5. One or more claims pegged off under the provisions of this Law, on proclaimed Government ground may at any time be pegged off by another person, and worked for precious metals under the provisions and stipulations of the Gold Law.

No damage must be done to other parties working.

6. In event of any of the base mineral products as specified in Art. 2 hereof being found on a claim taken out under, and referred to in the Gold Law, the parties working the various mining products shall avoid causing each other damage or nuisance, and they shall be responsible and answerable each to the other for any damage or nuisance caused.

Location of claims.

7. The holders of licences shall have the right to locate their claims—in relation to other claims—as they may think fit.

8. Persons mining the metals and minerals specified in Art. 2 hereof shall keep accurate accounts of the quantity and other details of the metals and minerals won, and of the revenue derived therefrom, and statements thereof shall be sent in yearly to the Head of the Mining Department, before the 1st of February. Books to be kept.

Contravention of this Clause shall be punished by a fine not exceeding £10, or, in default of payment, by imprisonment for a term not exceeding one month. Penalty.

Examination of the books shall be allowed at all times to the officials duly appointed by Government for such purpose. In event of the Government officials demanding it, the correctness of the statements as shown by the books shall be certified under oath by the miner, or by his book-keeper. Inspection of books.

9. In event of the payment due to the Government annually on 1st February not being duly settled by 1st March next following, the Government may lay an attachment on the minerals, and on the movable and immovable property found on the claims or mine of such miner, with right of causing such minerals and movable and immovable property to be sold in execution "after three months' notice" to the amount due to Government with costs. Penalty for non-payment of royalty.

10. Licences shall be issued only to white persons who subject themselves to the laws of the land, and on condition that they produce to the official issuing the licences a receipt or certificate that they have paid their personal taxes for the current year according to law. Who may receive licences.

Licences shall be granted without powers of attorney. The first licence, however, shall bear a stamp of 1s. 6d. per claim.

On the licences shall be specified which metal or mineral is to be prospected for.

11. In prospecting for or mining the base metals and minerals specified in Art. 2 hereof, on proclaimed Government land or proclaimed private land, the same regulations concerning water, water-rights, surveys, sending in of diagrams, corner-pegs and beacons, certificate of "bezitrecht," and special registration shall, "with due observance of the provisions of Art. 7 of this Law," be in force as appear in the Gold Law. Provisions of Gold Law for water rights applicable.

12. It shall be lawful for holders of licences to transfer their claims and rights to third parties. Transfer of claims.

The transfer of claims taken out under this Law shall take place in the same manner as provided in Art. 96 of the Gold Law. In the event of there being no Mining Commissioner or responsible Clerk at the place, the transfer shall be made before the Landdrost of the district.

13. Should it be found necessary, in the general interest, for public purposes, such as railways, large aqueducts, and other public works, to withdraw, wholly or partly, rights once granted, the Government shall be entitled to do so by making compensation on a basis to be mutually arrived at between the interested parties and the Government. Withdrawal of rights granted.

In case no agreement can be arrived at, the compensation shall be fixed by arbitration by two persons, of whom each party shall appoint one, with appeal to a third person chosen by the arbitrators, and appointed beforehand as umpire, whose decision, in event of the arbitrators being unable to agree on one or more points in dispute, shall be final.

Owner exempt
from
Arts. 3, 8 & 9.

14. When the owner digs for coal on his private farm, he shall not be subject to the regulations of Articles 3, 8 and 9 of this Law, if such owner does not produce more than 2,000 ordinary muidbags of coal per book year.

Such owner, however, shall send annually (before the 1st of February), the statements of output to the Head of the Mining Department.

Special
Regulations.

15. The State President, with the advice and consent of the Executive Council, shall have the right to make special regulations with reference to this Law, but not in conflict with same. Such regulations shall have force of law, after publication in the *Staatscourant*, until they shall be dealt with in the first following session of the Volksraad.

Repeal.

16. Law No. 17 of 1895 is hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

DR. W. J. LEYDS,
State Secretary

Government Offices,
Pretoria, 3rd November, 1897.

LAW No. 15, 1897. [1]

LEPROSY LAW.

(Approved and enacted by the Second Volksraad by Art. 755 of its Resolutions dated 21st July, 1897, noted and accepted by Art. 860 of its minutes dated 16th August.)

INASMUCH as it has appeared that leprosy is a contagious disease, and is spreading in this State, and inasmuch as it is desirable and necessary that proper provision be made to lodge and treat such person or persons separately, it is hereby enacted and provided as follows :—

What is
comprised
under leprosy.

1. Under leprosy are included the tuberculous, anæsthetic, mixed and syphilitic forms of that malady.

Duties of
private persons
and physicians.

2. Anyone (either a private individual or physician) who comes to hear or know of a case of leprosy, shall report the same in writing within eight days to the Field-Cornet of the ward in which the patient lives.

Duties of a
Field-Cornet.

The Field-Cornet of the ward shall report within eight days in writing to the Landdrost of his district, or to the Mining Commissioner of the diggings to which he belongs.

Duties of
Landdrost or
Mining Com-
missioner.

The Landdrost or Mining Commissioner shall see that the patient is then immediately examined by two qualified doctors, independently of each other, one of whom shall be, if possible, the

District Surgeon. These doctors shall be competent to enter the house or residence of such supposed patient.

The aforesaid doctors shall make a report to the aforementioned official.

If both doctors declare that the person examined by them is suffering from one of the forms of leprosy, mentioned in Art. 1 of this Law, the Landdrost or Mining Commissioner shall issue an order to forward such person to the Leper Asylum in Pretoria, or to such other similar places where such asylums may be established, unless said official may think fit to put the person into quarantine under the provisions appearing further in this Law.

When forwarded to the Leper Asylum.

If the doctors differ or do not agree as to the nature of the malady, the Landdrost or Mining Commissioner aforementioned shall either immediately order a new examination or give instructions for the person to be re-examined after three months, in the same manner as prescribed above.

When new examination.

During that period such person shall be placed under quarantine.

Quarantine.

If there still exists any doubt at the second examination as to the malady from which the person examined is suffering, the Landdrost or Mining Commissioner shall in consultation with the Curatorium decide either :—

What happens in doubtful cases after second examination.

- (a) to have such person conveyed to the Asylum, or
- (b) to keep him or her still under quarantine, or
- (c) to have him or her set free.

In each case the provisions further set out in this Law shall be conformed to.

The second examination may not be held by the doctors who took the first one.

Second examination by other doctors.

In case of the supposed patient's refusing to allow himself to be examined, or when examination is made impossible, the Landdrost or Mining Commissioner shall issue an order to place the supposed leper in the Leper Asylum at Pretoria or in other similar Asylums to be subsequently established for that purpose, where he shall be isolated for the observation of two qualified doctors independently of each other.

What happens in case of refusal to allow examination.

3. The Landdrost or Mining Commissioner shall have the right to have such persons as are mentioned in Art. 2 after having consulted if necessary, the District Surgeon, conveyed to the Leper Asylum at the expense of the State.

Conveyance to Leper Asylum at cost of the State.

If the Landdrost or Mining Commissioner decides, either in consultation with or without the Curatorium, to place a person in the Asylum, and should such person refuse to allow himself to be conveyed thither, then force may be used if necessary to effect this purpose.

Force may be exercised in such conveyance.

The Curatorium shall receive notice of the despatch of such persons in good time and at least one day before such despatch.

4. The Landdrost or Mining Commissioner shall, if he has a person suffering from leprosy conveyed to the Leper Asylum, order the Field-Cornet of the ward or of the diggings where such person lives or has resided, to make an inventory of all movable and immovable property belonging to such person.

Inventory of Leper's property.

The Field-Cornet shall forward such inventory immediately to the Landdrost or Mining Commissioner aforesaid.

Forwarding to Landdrost, &c.

The said Landdrost or Mining Commissioner shall, within eight days after receipt of that inventory, forward the same to the Secretary of the

Forwarding through Landdrost to Secretary of

Curatorium, and all reports, correspondence, documents, &c., having reference to such person.

Field-Cornet appoints caretakers of property.

5. The Field-Cornet mentioned in paragraph 1 of Art. 4 shall appoint one or if necessary more persons at the expense of the estate to keep the property mentioned in the aforesaid Article in safe custody, until such time as further provision is made with regard to such property.

Appointment of a Curator Bonis.

6. The Secretary of the Curatorium shall without delay submit the inventory, reports, correspondence, documents, &c., mentioned in the 3rd paragraph of Art. 4 to the Curatorium of the Leper Asylum, which Curatorium acting in consultation with the Leper if a white man, shall if necessary, ask for an order from the High Court, or a Judge in Chambers for the administration of the estate, unless the Leper himself wishes to give a power of attorney to any person or persons for the administration of his estate.

What must be done with property belonging to a coloured person.

In the case of a coloured person the proceedings taken with reference to the administration of his estate, shall be as much as possible in conformity with the Laws with regard to coloured people, according to Regulations to be fixed by the Superintendent of Natives in consultation with the Curatorium of the Leper Asylum.

A Leper may be isolated at his own expense.

7. If a person who has been declared to be suffering from Leprosy wishes to be isolated or placed in quarantine at his own expense, the Landdrost or Mining Commissioner shall, after consultation with the Curatorium, have the discretion to grant or refuse such request. If granted the Landdrost or Mining Commissioner shall take the necessary steps for the due isolation of such person. All expenses in connection herewith shall be borne by the person or persons isolated.

Disinfection of the residence of the supposed leper.

8. If the Landdrost or Mining Commissioner has decided to despatch a person suffering from Leprosy to the Leper Asylum at Pretoria, or wherever similar Asylums may be subsequently erected, he shall order the Field-Cornet of the Ward or of the Diggings to have the residence of such person cleansed and disinfected, under such regulations as shall be proposed by the Curatorium. The cleansing and disinfecting to be done at the expense of the Leper's estate.

In case of the residence of coloured persons the aforesaid Field-Cornet shall act at his own discretion in consultation with the Landdrost or Mining Commissioner.

When the State pays expense of disinfection.

If such person is not in a position to bear the expense of such cleansing and disinfection the same shall be done at the expense of the State.

Isolation of patients in the Asylum.

9. The Curatorium shall have all patients suffering from the tuberculous and mixed forms of the malady isolated in the Leper Asylum at Pretoria, or such other Asylums as may be subsequently established for that purpose by the Government.

The patients suffering from other forms shall be received and isolated in another department quite apart from the tuberculous and mixed forms.

Photographing the patients.

10. Each patient shall, on entering the Leper Asylum at Pretoria, or any other Asylum established for that purpose, and subsequently from time to time, but at least once a year, be photographed in order to enable the course of his malady to be observed.

11. White and coloured persons shall be kept entirely separate. Cohabitation of the two sexes in any form whatever shall be strictly prohibited and prevented.
The privilege of cohabitation may only be granted to married couples, both of whom are 50 years of age and over.

Separation of white and coloured persons. Cohabitation of both sexes prohibited. Exception.

12. The Curatorium shall be appointed by the Government. The Curatorium shall draw up its own bye-laws and regulations for the Leper Asylums, and where necessary also such other regulations for the cleansing and disinfection of persons, houses and goods as may appear necessary for the execution of this law, and such laws or regulations shall be approved by the Government and confirmed by the Volksraad.

Curatorium.

13. Whoever neglects to give notice in terms of paragraph 1 of Art. 2 of this Law, and the official or other persons who prove remiss in the fulfilment of one or more of the obligations imposed on them by this Law, shall be punished by a fine not exceeding £50, or in case of non-payment with imprisonment for a period not exceeding 3 months.

Penalty for contravention of paragraph 1, Art. 2.

14. Art. 37 of Law No. 12, 1895, is hereby repealed, as also the Title "Leprosy or the Lazarus malady."

Repeal of Art. 37, Law No. 12, 1895.

15. This Law shall be known by the name "Leprosy Law" and comes into operation on 1st October, 1897.

Operation.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 1st November, 1897.

LAW No. 16, 1897.

(Supplement of Law No. 6, 1897).

(Approved by Resolution of the First Volksraad, Article 1710, dated 12th November, 1897.)

Whereas it has appeared desirable to add penal provisions to Law No. 6, 1897, being a law to supplement Law No. 3, 1894, in respect of contraventions of the provisions therein contained.

It is hereby enacted as follows :—

- 1.** Every person who—
 - (a.) Forges or counterfeits any voting paper or fraudulently destroys or injures, or
 - (b.) Issues a voting paper to any person without due authority or warrant so to do, or
 - (c.) Fraudulently puts into any ballot-box any paper other than the voting paper which he is entitled to put in, in terms of the law, or

Penal provisions for contravention of the Provisions of Law No. 6, 1897.

- (d.) Fraudulently takes away or conveys from any polling office, or
- (e.) Without due authority or warrant uses for purposes other than those of the election, opens, destroys, injures, or in any other way interferes with, any ballot-box or any voting paper or packet of voting papers,

Shall, on conviction, if he is a polling officer or clerk or attendant serving in the polling-office, be liable to imprisonment for a period not exceeding two years, with or without hard labour, or to a fine not exceeding £500, or to both such penalties, and if he is any other person, he shall be liable to imprisonment with or without hard labour for a period not exceeding six months or a fine of £100, or to both such penalties. Votes polled by persons not entitled to do so by law shall not invalidate an election.

Attempt.

Any attempt to commit the aforesaid offences shall be punishable in like measure as the offence itself.

Property in ballot-box belongs to South African Republic.

In any indictment or prosecution having reference to any ballot-box or voting paper in terms of this Law, it shall be sufficient to describe the property in such ballot-box and voting paper as vesting in the South African Republic.

Penalty.

2. Any person who contravenes any provision of Law No. 6, 1897, for which no special penalty has been imposed by this Law or by Law No. 6, 1897, shall on conviction before a Landdrost's Court be liable to imprisonment with or without hard labour for a period not exceeding three months, or a fine of £25 or to both such penalties.

Penalty on Field-Cornet for wrongfully placing names on list.

3. Any Field-Cornet who unlawfully places names of persons on the list of burghers entitled to vote, whether as fully enfranchised burghers or as naturalised burghers, knowing that such persons are not entitled to be placed on such lists and in order to enable them to take part in elections as fully enfranchised burghers or as naturalised burghers, as the case may be, shall be liable, provided the bad faith of such Field-Cornet is clearly proved, to a maximum fine of £500, or in case of non-payment to imprisonment for a period not exceeding two years with or without hard labour.

Operation.

4. These penal provisions come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
President.

Dr. W. J. LEYDS,
State Secretary.

Government Offices,
Pretoria, 22nd November, 1897.

FIRST VOLKSRAAD RESOLUTION, 6th May, 1897.

- 40.** The First Volksraad resolves :—
To repeal Law No. 30 of 1896 (Aliens Passport Law).

Repeal Aliens
Passport Law,
No. 30, 1896.

FIRST VOLKSRAAD RESOLUTION, 7th May.

- 53.** The First Volksraad resolves :—
To instruct the Government to attach both annexures of the Grondwet of 1858 to the Grondwet of 1896 (Constitution) with the following alterations in annexure No. 2, viz. :—
After the word Grondwet (Constitution) in the fourth line of the said annexure, and after the same word in the second line of Article 1 to add the words "of 1858" [1].

Two
annexures to
Grondwet of
1858,
appended to
new
Grondwet.

FIRST VOLKSRAAD RESOLUTION, 22nd July, 1897.

- 652.** The First Volksraad resolves :—
That no official who holds a fixed appointment from the President in any office, and as such enjoys a fixed monthly or yearly salary, may submit himself as candidate for the office of President, unless he has sent in his resignation in writing as Civil Servant before he take up such aforesaid candidature.

Candidates
for State
Presidency.

EX. C. R., ART. 584, 4th August, 1897.

Natives exempted from operation of Pass Law, No. 31, 1896 [2].

FIRST VOLKSRAAD RESOLUTION, 3rd September, 1897.

- 1027.** Provides for the erection of cool chambers.

Cool
chambers.

SECOND VOLKSRAAD RESOLUTION, **1197**, dated 21st September, 1897, noted and accepted by the First Volksraad.

FIRST VOLKSRAAD RESOLUTION, 4th October, 1897.

- 1385.** The Second Volksraad resolves :—
That the owner of a dog or dogs shall be bound to pay a yearly licence not exceeding ten shillings for each dog.

Dog Tax.

SECOND VOLKSRAAD RESOLUTION, **1219**, dated 22nd September, 1897, noted and accepted by :

FIRST VOLKSRAAD RESOLUTION, 12th October, 1897.

- 1490.** The First Volksraad resolves :—
The "werven" (homestead lands) which have been approved by the Government, and which have been duly surveyed and reduced to diagram, are and are hereby declared to be, indisputable, in so far as no questions of legal right have been thereby raised [3].

Werven.

¹ See Government Notice, No. 245, 1897, on page 824.

² See Appendix.

³ See Govt. Notice No. 497, 1897, page 825.

FIRST VOLKSRAAD RESOLUTION, 14th October, 1897.

Coloured
persons in
railway
carriages.

1522. The First Volksraad resolves :—

Considering that coloured persons when they have taken out a first class ticket take their places in first class carriages intended for white persons, and considering that the Government wishes to see the provisions for separate carriages for coloured persons strictly maintained :

Resolves :—

To instruct the Government to avoid equalisation of the races in trains, also to strictly prevent any infringement of the said provisions, and by means of the Government Commissioner to arrange with the Netherlands South African Railway Company, and other Railway Companies in the Republic, to partition off a small place for coloured persons in every carriage, for such coloured persons as have taken a first class ticket.

FIRST VOLKSRAAD RESOLUTION, 22nd October, 1897.

Stand town-
ships.

1595. First Volksraad notes and accepts Second Volksraad Resolutions **1402** and **1405** dated 6th October, 1897.

Second Volksraad Resolution **1402** reads as follows :—

The Second Volksraad resolves :—

To instruct and authorise the Government, where it may appear necessary, and when consent has been granted by the registered owner of private proclaimed ground, and where such may appear necessary in the public interest, and for the laying out of stand townships, to cause claims to be converted into stand townships. And further to instruct the Government, as soon as an agreement has been concluded with aforesaid owner or owners, to conclude contracts in the usual manner, and to lay the same before the Raad for approval or disallowal.

Second Volksraad Resolution **1405** reads as follows :—

The Second Volksraad resolves :—

To instruct the Government to give instructions to the Chief of the Department of Mines to lay before the Second Volksraad for discussion in the ordinary session of 1898, a complete list of all the claims on the various diggings throughout the State which have been converted into stands or stand-townships, with all the contracts concerning the same, as far as they have not yet been discussed by the Volksraad.

FIRST VOLKSRAAD RESOLUTION, 10th November, 1897.

Expropriation
of N.S.A.Z.M.
Railway.

1683. The First Volksraad resolves :—

To instruct the Government to lay before this House in its next yearly session an estimate of the expense of expropriation and all matters in connection therewith, including probable loans for expropriation of the Netherlands South African Railway Company.

FIRST VOLKSRAAD RESOLUTION, 11th November, 1897.

1702. The First Volksraad, having considered point 5 of section 8 (Railways) of the Commission Report now on the order, resolves :— Construction of Railways.

To approve point 5, with the proviso that such authorisation to the Executive Council shall only extend to the construction of branch lines from the main line to the gold mines and batteries on the Witwatersrand Gold Fields, and on condition that the construction of such lines shall be effected altogether at the applicant's risk.

PROCLAMATION OF 20TH September, 1897.

Alteration of Rule 50 of the Regulations of the High Court. High Court Rules.
Proclamation under and in virtue of the Proclamation of 9th August, 1881, Art. 17, approved by Law No. 3, 1883, Art. 1.

SCHEDULE.

Rule 50 of the Rules and Regulations of the High Court of the South African Republic shall be amended so that the sale of fixed property shall not take place until the lapse of six weeks from the date of the writ of execution. Sale of fixed property.

J. G. KOTZE.
H. A. AMESHOFF.
E. J. P. JORISSON.
GEORGE T. MORICE.
R. GREGOROWSKI.
J. ESSER.

Proclamation in terms of Art. 88, of Law 27 of 1896, declaring said law to be in force herefrom^[1]. Explosives.

IMPORTANT GOVERNMENT NOTICES.

No. 8. Treaty for the Extradition of Criminals between the South African Republic and the Kingdom of the Netherlands. Extradition.

No. 32. Exercise of the Franchise by persons living in Swaziland who are burghers of this Republic. Swaziland Burghers.

No. 51. Instructions for the Inspection of Offices Department. Inspection of offices.

No. 107. For the general information Circular No. 11, dated 6th March, 1897, with reference to the manner of cancellation of the leases of tenants of Government Land, is hereby published. Cancellation of leases of Government land.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
15th March, 1897.

CIRCULAR 11/97.

Perhaps superfluously, I wish to inform you that the lessees of Government Land subject to a month's notice of cancellation shall not have their leases cancelled unless the Government gives instructions to that effect. Please inform said persons to that effect.

¹ See *Staatscourant* of 29th December, 1897.

If you are of opinion that reasons exist to give notice of such cancellation please report first to the Government.

It is proposed before putting into operation the regulations mentioned in Art. 2237, dated 4th December, 1896, of the Minutes of the First Volksraad, to have the Government Lands which may be leased inspected by a Commission, in order thereupon to have such grounds divided and the rent fixed.

Mining and
Boiler
Inspectors.

No. 127. Establishment of Offices and settlement of the inspection circuits of Mining and Boiler Inspectors.

No. 245. The Public is hereby notified that the First Volksraad, by Art. 53 of its Minutes, dated 7th May, 1897, has resolved to instruct the Government to append to the Grondwet (Constitution) of 1896 both the annexures as amended by the Volksraad attached to the report of the Commission for the revision of the 33 (Constitutional) Articles.

They read as follows:—

Annexure No. 1.

What Law is
to be followed
in the
Transvaal.

WHEREAS it has appeared that although in Art. 31 of the Thirty-three Articles, in the Instructions to the Masters of the Orphan Chamber and in various other Laws and Resolutions of the Volksraad, references are made to the Dutch Laws, and that there still continues uncertainty as to which Dutch Laws were intended, and whereas this uncertainty is very prejudicial to the burghers and causes the judges difficulty and doubt, the Volksraad of the South African Republic has, on the proposal of the Executive Council, thought it necessary to make the following provisions, which are hereby enacted until further provisions are made therein.

Van der
Linden.

1. The Law Book of Van der Linden remains, as far as it is not in conflict with the Grondwet (Constitution) and other Laws and Volksraad Resolutions, the Law Book of this State.

Van Leeuwen
and Grotius.

2. When the said book does not treat any subject sufficiently clearly, or omits any subject, the Law Book of Simon van Leeuwen and the Introduction of Hugo de Groot shall be binding.

Customs of
S. Africa.

3. In the use of these three books, the manner of interpretation provided by Article 31 of the Thirty-three Articles shall always be followed.

Operation.

4. This Law shall come into operation three months after having been made known to the public.

Approved in the Volksraad Session of 19th September, 1859.

Annexure No. 2.

Courts of
Law.

WHEREAS it has appeared that continued uncertainty exists as to which cases the Courts of Law may hear and give judgment in, and Art. 143, in connection with Art. 219, of the Grondwet (Constitution) is not always interpreted in the same manner, whereby to the great prejudice of this State the property of certain burghers is insecure, the Volksraad of the South African Republic, on the proposal of the Executive Council, has thought it necessary to make the following provisions, which are hereby enacted:—

1. Pending cases, referred to in Art. 219 of the Grondwet of 1858, are those on which no Resolution of the Volksraad has been taken. Definition of pending cases.

2. Every Court shall respect all Resolutions of the Volksraad as Law, may make no remark nor pass any judgment thereon, and whatever has been decided or approved by the Volksraad shall not further be subjected to the criticism of any Court of Law. Effect of Volksraad Resolutions.

3. When various Volksraad Resolutions have been taken on the same subject, the last Resolution shall be respected as Law by every Court of Law. Last Resolution is Law.

4. This Law shall come into operation immediately. Operation.

Adopted and approved in the Volksraad Session held at Pretoria, 19th September, 1859. Art. 53.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Offices, Pretoria,
29th May, 1897.

No. 477. Instructions for the Distributor of forms. Distributor of Forms.

No 495. Regulations for the Leper Asylum at Pretoria. Leper Asylum.

No. 497. It is hereby notified for the general information that Art. 1219 of the Resolutions of the Second Volksraad, dated 22nd September, 1897, with the Commission reports on the titles of "werven" (homestead lands) has been noted and accepted by the First Volksraad by Art. 1490 of its minutes, dated 12th October, 1897. Werven.

DR. W. J. LEYDS,
State Secretary.

Government Offices, Pretoria,
23rd October, 1897.

Art. 1219, reads as follows:—

The Second Volksraad resolves: the "werven" (homestead lands) which have been approved by the Government which have been only surveyed and reduced to diagram, are and shall be hereby declared indisputable in so far as no questions of Law have been thereby raised.

2. To note and accept the report of the Commission, and to instruct the Government during the recess of the Second Volksraad to act in terms of the said report of the Commission.

The Report of the Commission recommends:

1. That the "werven" (homestead lands) which have been approved by the Government, and which have been duly surveyed and reduced to diagram be declared indisputable.

2. To instruct the Government to give instructions during the recess of the Second Volksraad that all existing "werven" (homestead lands)

of proclaimed farms should be reduced to diagram, approved and published, so that no possibility may exist for any difference of opinion.

The Government shall be instructed to report in the next session of the Volksraad.

Post Office. No. 514. Regulations for the Post Office Order Administration of the South African Republic.

State Geologist. No. 530. Instructions for the State Geologist.

Chief of Mines. No. 531. Instructions for the Chief of the Department of Mines.

State Mining Engineer. No. 532. Instructions for the State Mining Engineer.

Rinderpest relief. No. 537. Regulations for the burghers ruined by the rinderpest.

Extradition, Natal. No. 553. Treaty for the Extradition of Criminals between the South African Republic and the Colony of Natal.

Political Alliance with O.F.S. No. 572. Appendix to the Treaty of Friendship and Commerce. Political Alliance and Railway Convention between the South African Republic and the Orange Free State.

Mozambique native labourers. No. 574. Regulations for the regulation of the work of natives who come from the Portuguese Province of Mozambique.

LAW 1, 1898.

REGULATING THE ESTABLISHMENT AND MAINTENANCE OF TECHNICAL SCHOOLS.

(Approved after Amendment by the First Volksraad by Art. 95 of its Minutes, dated May 9th, 1898.)

Technical Schools Establishment. **1.** A technical school shall be established in every district where at least 15 applicants apply for instruction in the trades referred to in this Law, through the School Boards mentioned in this Law.

Erected by Government. **2.** The Government shall make provision for the erection and fitting up of the necessary school buildings.

Appliances, &c. **3.** The Government shall make provision for all necessary appliances, tools and material for the use of the students in the said schools.

Object. **4.** The establishment of these schools has for its object the making of good tradesmen out of the sons of the old and naturalised burghers of the land, and also out of the orphans whose parents have died in the South African Republic and the names of whose parents appear on the lists of the Field-Cornets.

5. The fitting out and management of the technical schools shall be entrusted to School Boards in the districts, which School Boards shall consist of at least five members who shall choose a chairman out of their own number. One of the five members above mentioned shall be appointed by the Government, and the other four chosen by interested persons at a meeting convened for the purpose by the Landdrost. Controlled by School Boards.

6. The Government shall give to the different Boards the necessary, general and special instructions for the personnel of the establishments, the carrying out of which instructions the Boards shall be bound to see to. Instructions.

7. It shall be the duty of the Boards to sell, for the benefit of the public treasury, all articles made by the students out of the above-mentioned material and to deposit the money with the respective Landdrosts, and an accurate quarterly account thereof shall be rendered to the Government. Sales of articles made.

Moreover the Government shall award to students who have, either alone or in conjunction with others, made any article 5 p.c. of the sale price of the article made, on production of a certificate from the respective teachers that the said article was made by such students.

8. The contribution to be paid by the Government for board and lodging shall be fixed at a sum not exceeding £2 per month for each student in the case of children of parents who produce a voucher or certificate signed by the persons mentioned in Art. 3 of Law 8 of 1893. Contribution for board and lodging.

9. Students on whose behalf a subsidy for board and lodging is granted in accordance with Art. 8 must have attended the school not less than 45 days in each quarter, except in cases of severe illness, of which sufficient proof must be given to the School Board. Attendance.

The parents or guardians of such children must first bind themselves to allow their children or foster-children to remain at the school at least three years. Children to remain three years.

10. At the request of the various Boards a competent carpenter, a competent wagon maker, a competent blacksmith and a competent saddle and harness maker shall be appointed by the Government in each district to give the students the necessary instruction in the theory and practice of the said and cognate trades. Competent craftsmen appointed for purposes of instruction.

11. Except on Sundays and Holidays the instructors here mentioned shall give instruction regularly 5 hours a day to all children who desire to be taught these particular trades. Instruction five hours daily.

12. No student shall be admitted to the institutions unless he has been promoted by the Inspector of Schools to Standard III, or has passed an equivalent examination before the Superintendent of Education or someone acting therein for him. In special cases the Board may allow exceptions to this rule. Qualifications for admission.

13. The courses of instruction for the different trades and the regulation of subjects in the different departments shall be drafted by the instructors and submitted to the Boards for approval. Courses of instruction.

14. The maintenance of order and discipline in the Technical Schools for the various trades shall be entrusted to the teachers and the

Discipline.

Board, in accordance with rules confirmed by the Executive Council for that purpose.

Operation. **15.** This Law shall come into operation on August 1st, 1898.

S. J. P. KRUGER,
State President.

C. VAN BOESCHOTEN,
Acting State Secretary.

Government Office,
Pretoria, May 23rd, 1898.

LAW No. 2, 1898.

REGULATING THE VISITING OF FORTS, CAMP GROUNDS, MAGAZINES AND OTHER PLACES SET APART FOR MILITARY PURPOSES.

(Approved by the First Volksraad, by Art. 241 and 242 of the Resolutions, dated May 23rd, 1898.)

This Law is not translated because it is no longer applicable.

LAW No. 3, 1898.

(Approved by Art. 381 and 382 of the Minutes of the First Volksraad, dated June 6th, 1898.)

WHEREAS it is deemed necessary to make provision with regard to the competency of native chiefs to enter into contracts, it is hereby enacted as follows :—

Obligations of native chiefs. **1.** The people or tribe of a native chief cannot be held responsible for the personal obligations of the latter.

Tribe or location not responsible. **2.** No native chief may enter into any obligation whatsoever by which either his people or tribe, or the ground granted to him as a location, shall be bound in any way whatever.

Approval of Executive Council. **3.** No obligation or contract as above indicated, entered into by coloured persons or their chiefs, shall be valid unless approved of by the Executive Council, acting in consultation with the Superintendent of Native Affairs.

Operation. **4.** This Law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, June 13th, 1898.

LAW No. 4, 1898.

(Approved by Art. 385 and 386 of the Minutes of the First Volksraad, dated June 6th, 1898.)

WHEREAS it is deemed necessary to define clearly what is to be understood by misconduct by a person in his official capacity, as indicated by Art. 86 of the Grondwet, it is hereby enacted as follows :—

1. A person shall be guilty of misconduct in his official capacity in terms of Art. 86 of the Grondwet, who, by committing an act forbidden by law or omitting to do an act enjoined by law, shall violate an official duty, or in the commission of a punishable act makes use of power, opportunity or means afforded him by his office. Misconduct of an official.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, June 13th, 1898.

LAW No. 5, 1898.

Law to replace Law No. 25 of 1896, after amendment approved by the First Volksraad by Art. 467 to 489, dated June 10th to the 13th, 1898.

(This Law is repealed by Law 19, 1899, Aliens Expulsion Law.)

LAW No. 6, 1898.

Being Amendment of Law No. 29, 1896.

(Approved by the First Volksraad by Art. 623 of the Minutes dated June 24th, 1898.)

WHEREAS it has appeared to be desirable to introduce certain amendments in Law No. 29, 1896, it is enacted as follows :—

1. As Art. 3a is added :—

“ All foodstuffs which are intended for sale must be kept in a special house, apartment or room for that purpose, which house, apartment or room must be kept in a clean and tidy condition and must be properly ventilated, and may not be used for any other purpose, and may in no case have direct connection with any sleeping apartment or stable.” Food-stuffs for sale, keeping of.

“ Contravention of this Article shall be punished with a fine not exceeding fifty pounds sterling (£50), or, in default of payment, with imprisonment with or without hard labour for a period not exceeding six months, and in addition to this the licence may be withdrawn or refused. The provisions of this Article shall be applicable only to licensed dealers, shopkeepers or hawkers.” Penalty.

Impairing.

2. At the end of Art. 6 is to be added:—

“Or the removal of any elementary constituent from any
“commodity, whereby the quality is impaired.”

Operation.

3. This amendment shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, June 30th, 1898.

LAW No. 7, 1898.

To amend Art. 29 of Law No. 8, 1892.

(Approved by the First Volksraad by Art. 666 of the Minutes, dated
June 29th, 1898.)

Teacher's
certificate on
proclaimed
diggings.

WHEREAS it has appeared to be necessary that teachers attached to Schools on the proclaimed diggings should be in possession of a teacher's certificate, the following is hereby added to Art. 29 of Law No. 8, 1892.

“These provisions shall apply also to teachers attached to schools on
“the proclaimed diggings.”

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, July 5th, 1898.

LAW No. 8, 1898.

FOR THE REGULATION OF THE BUSINESS OF ASSURANCE COMPANIES IN
THE SOUTH AFRICAN REPUBLIC.

(Approved by resolution of the Second Volksraad, Art. 472, dated
June 16th, 1898, and noted and accepted by the First Volksraad under
Art. 707, dated July 4th.)

WHEREAS it is necessary and desirable to regulate by a Law the manner in which and the conditions on which Assurance Companies shall be allowed to carry on business in this State, it is hereby enacted as follows:—

1. Every Assurance Company whose principal office or place of business is situated beyond the limits of this State, and every Company established in this State, whether already established or carrying on business or hereafter to be established and to begin business within this State, which is managed or represented by Directors, a Secretary, Manager or Agent, and which has carried on business before the coming into operation of this Law, or hereafter shall begin to carry on business

Assurance
Companies.

within this State, such as Fire, Accident, or Life Assurance Company, if such a Company, after the coming into force of this Law, shall continue or begin such business in this State, shall be bound to deposit within three months after such continuation or beginning of such business, with the Treasurer General of this State securities, either in cash or other securities approved of by the Treasurer General, Auditor General and Registrar of Deeds, to an amount of £5,000 sterling for fire or accident assurance, or for both together, and of £10,000 sterling for life assurance, whether associated or not with fire or accident assurance or with both.

Security. ✓

2. Every such Company may after proper notice to the Treasurer General, Auditor General and Registrar of Deeds, with the approval of the said officials, exchange any of the deposited securities for others of equal value or for cash, and such substituted securities shall be dealt with in every respect as though they had been deposited originally.

Exchange of Securities.

3. Every Company which deposits the aforesaid sums in cash as security, shall be entitled to receive from the Government interest at the rate of 3 per cent. per annum, on the sums deposited, payable at the end of each year.

Interest. ✓

4. The Treasurer General shall give a proper receipt, in accordance with the forms hereunto attached, marked A & B., for the deposited securities mentioned in Art. 1.

Receipt. ✓

5. Every such Company shall be bound, before it shall be able to carry on business, to take out an annual licence of £20 sterling, and no such licence shall be issued until proof has been given to the official charged with the issue of such licence, that the security mentioned in Art. 1 of this Law has been deposited.

Licence. ✓

6. Every such Company shall be bound, before it shall be able to obtain such a licence, to deposit certified copies of its trust deed, with the exception of Companies to be formed here under the already existing Laws, and shall further be bound to choose a "domicilium citandi et executandi" in this State and to give notice thereof in the *Staatscourant*.

Deposit of Copies of Trust deed. ✓

7. Every Assurance Company as aforesaid shall, after each financial year of such Company, forward to the Treasurer-General, together with all the returns which may be required by this Law, a sworn return showing the total number of assurances in force, the total number of new assurances effected, with the premiums having reference thereto received during the year, and the policies which have lapsed during the said year, all having reference only to the business of the Company carried on in this Republic, and shall further be bound to forward to the Treasurer General a certified return showing the assets and liabilities of such Company, together with copies of the balance sheet and revenue account for the year, having reference to the entire business of the Company, no matter where it is carried on.

Returns to be sent to Treasurer General. ✓

8. Every Company, which does assurance business within this State shall, within three months after the coming into operation of this Law, or after starting its business, or when a change is made in its *personnel*, as the case may be, publish in the *Staatscourant* the name of its chief official, manager, secretary or agent in this State and the place where the principal office of the Company must be considered to be fixed, and where, moreover the "domicilium citandi et executandi" of such Company shall be established.

Names of Officials.

Head office. domicilium.

Who may sue
or be sued.

9. Every such principal official, manager, secretary or agent, whose appointment as such has been published in the *Staatscourant*, may sue or be sued in the name of the Company which he represents, and all notices, summonses or other legal proceedings shall be valid against such Company if they are served on such principal official, manager, secretary or agent, or are left at the principal office in the hands of any servant of the Company there, or if, in the absence of such a person, they are attached to the front door of such principal office.

Deposit of
false
document.

10. If any document, which under the provisions of this Law is required to be deposited, is false in any important particular, the person who signed or delivered it shall be punished with a fine not exceeding £100, or imprisonment with or without hard labour for a period not exceeding six months.

Penalty.

Neglect to
make returns.

11. Any Company which neglects to deliver any returns required by this Law, for a period of three months or more, may, at the request of the State Attorney and after notice, be prevented by the High Court from carrying on business in this State, either for an indefinite time or for such period as the Court may deem fit to determine.

Duty of
Treasurer-
General.

12. The Treasurer General shall see, and it shall be his duty so to do, that every Company falling under the operation of this Law, properly complies with the provisions thereof, and he shall be bound to deliver annually to the Government a report setting out the particulars of the business of every such Company in accordance with the returns sent in under the Law.

Report.

To whom
claims shall
be paid.

13. All claims arising out of policies of life assurance issued in this State shall be paid, if such payment is desired, to the person in this State entitled to the assurance money, and the receipt of the executor or other person entrusted with the administration of the Estate in question shall be complete proof that such Company has duly paid the amount of the policy.

Security
operates as
guarantee.

14. The security mentioned in Art. 1 of this Law shall operate as a guarantee to the Government and the inhabitants of this State of the good faith of and the honest transaction of business by every such Company, and such security may be taken in execution for any judgment of any competent Court against such Company.

Return of
security.

If an Assurance Company, as indicated in Art. 1 of this Law, desires to close its business within this State and to do no further business here, and has actually closed its place of business and has ceased to do business, it shall be entitled to get back the security mentioned in the said article, provided a sufficient portion thereof be left to satisfy all its obligations and debts due to persons within this State, and any probable expenses connected with such amounts due or to become due, everything to be determined by the Treasurer General as he thinks fit. If payments are from time to time made to creditors and policy-holders within this State by the Company the Treasurer General shall be entitled to reduce and to return the deposited security proportionately, provided he takes care that sufficient security remains for the claims of the remaining creditors and policy-holders within the State. In carrying out this provision the Treasurer General shall be entitled, before giving back the security or any part thereof, to demand affidavits from the officials and inspection of the books of the Company or such other proof as he may consider necessary.

Proportionate
reduction of
security.

15. No such Company may include in any policy to be issued in this State any condition which may be in conflict with the provisions of the military or commando law, and such condition shall in no case be valid and may not be pleaded in defence against a claim for payment of such policy if the person assured dies in the military or commando service.

What conditions may not be inserted in policy.

16. If any Agent, Director, Secretary, Manager or Representative of one of the herein-mentioned assurance companies contravenes or does not comply with one or more provisions of this Law he shall be liable to a fine not exceeding £100 sterling or to imprisonment, with or without hard labour, for a period not exceeding six months, or both together.

Contravention of Law by official.

Penalty.

17. The Courts of Landdrosts and Mining Commissioners shall have jurisdiction over contraventions with the exception of those mentioned in Art. 11.

Jurisdiction.

18. Law No. 12, 1892, for the regulation of the business of Assurance Companies in the South African Republic, and also Law No. 4, 1896, amending Art. 7 of Law No. 12, 1892, are hereby repealed.

Repeal.

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

Operation.

RECEIPT FORM "A."

Received from the _____ through
Mr. _____ the sum of _____ pounds
sterling, being the security deposit mentioned in Art 1 of Law 8, 1898, which amount the Government of the South African Republic hereby declares to have received from the _____ for safe keeping, and promises to pay back to the said Company at this office three months after written notice has been given by it to the Government of the South African Republic that it wishes to close its business in this State, and it has clearly proved to the satisfaction of the Government that it has no further current liabilities towards third parties resident within this State.

The interest on the amount aforesaid shall be 3 per cent., payable yearly by the Treasurer General at his office, to the representative of the Assurance Company on or before February 1st of each year.

The Assurance Company has the power, moreover, after giving three months' notice, to exchange this security deposit in cash for a security deposit in documents approved of by the Government, on receiving a receipt according to Form B, in accordance with the provisions contained in Art. 2 of this Law.

Pretoria,

18

RECEIPT FORM "B"

Received from the _____ through
Mr. _____ the following documents, viz: _____ being
the security deposit mentioned in Art. 1, of Law 8, 1898, which documents the Government of the South African Republic hereby declares that it holds in safe custody for the said Assurance Company, and which it will return to the latter in exchange for other documents of equal value to be approved of by the Government or for cash, in case the Assurance Company so desires, or if the said Company has given the Government of the Republic written notice that it wishes to close its business in this State, and has clearly proved to the satisfaction of the said Government that it has no further current liabilities towards third persons resident within this State. The authorised representative of the Assurance Company is entitled to receive the interest on these above-mentioned documents.

Pretoria,

18

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, July 21st, 1898.

LAW No. 9, 1898.

(Approved by the First Volksraad by Art. 687 of the Minutes, dated July 1st, 1898.)

WHEREAS it is deemed necessary to define what is to be understood by "dishonouring sentence," it is hereby enacted as follows :—

Dishonouring sentence.

1. A dishonouring sentence is a sentence condemning to death, to banishment, to lashes or to imprisonment with or without hard labour, inflicted as principal punishment.

Operation.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, July 12th, 1898.

LAW No. 10, 1898.

"PATENT LAW."

(Approved by the Second Volksraad by Art. 506 of the Resolutions dated June 17th, 1898, noted and accepted by the First Volksraad by Art. 761 of the minutes dated July 11th, 1898.)

WHEREAS it is desirable to encourage new and lawful inventions by granting to an inventor for a certain time the exclusive right to exploit his invention to his own advantage, it is hereby enacted as follows :—

SECTION 1.

Commissioner for Patents.

1. There shall be a Commissioner for Patents, whose office shall be called the Patent Office, and shall be established at Pretoria.

Appointment.

2. The appointment of the Commissioner shall be made by the Government and confirmed by the First Volksraad.

Security.

3. The Commissioner shall be bound, before taking the oath, to deposit security to the amount of five hundred pounds sterling (£500).

Duties.

4. It shall be the duty of the Commissioner to deal with patents in the manner prescribed by this Law.

SECTION 2.

Inventor entitled to Letters Patent

5. Every person who makes a new industrial invention capable of being applied as an object of trade or industry, shall have the exclusive right to exploit such invention for his own benefit for such a term and under such conditions as hereinafter laid down.

This right shall be granted by Letters Patent to be issued by the Commissioner for Patents in the manner hereinafter prescribed.

Who may apply for Letters Patent

6. Every person, be he a citizen of the South African Republic or not, may apply for and obtain a Patent.

Corporations or associations shall have the same right, provided the application be made by the first and true inventor, who must be described as such in the application for the Patent.

Two or more persons may jointly apply for and obtain a Patent.

If the application be made by one or more persons not residing in this Republic or by a corporation or association not established in this Republic, then such person or persons, corporation or association shall provide security, to the satisfaction of the Commissioner, for costs which may be incurred in connection with any opposition to such application.

7. An application for a Patent shall be, as nearly as possible, in the form given in Schedule A, or in such other form as may from time to time be determined, and shall be addressed to an official to be appointed by the Government, who shall be called "Commissioner for Patents for the South African Republic." Application.

8. An application for a Patent shall be accompanied either by a provisional or by a complete description of the invention. A provisional description must set out the nature of the invention, and, if necessary, be accompanied by a drawing. Provisional and complete description.

A complete description must set out accurately and in detail the nature of the invention, and the manner of its application, and must, if necessary, be accompanied by drawings.

Both descriptions shall first give the name of the invention and, in the case of a complete description, shall end with a clear explanation of the invention.

As far as possible, these descriptions shall be in the form given in Schedules B and C.

The use of the official language shall be compulsory in either case.

The description shall be in the language of the inventor, and shall be accompanied by a translation in the official language signed by a sworn translator.

9. The Commissioner shall keep at his office proper books and registers, in which shall be entered the names of all patents which have been applied for, together with the dates on which the applications and the provisional and complete descriptions have been lodged with him. Books to be kept by Commissioner.

On payment of the amount mentioned in Schedule K, the Commissioner shall give a receipt to the applicant or his agent proving that such entries have been made.

When an application for Letters Patent accompanied by a provisional description has been received by the Commissioner, and a receipt therefor issued, the applicant shall enjoy provisional protection for his invention for the period of nine months from the date of such receipt: that is to say, that the invention may be made use of and published without prejudice to the patent to be issued later.

No one but the Commissioner, or someone acting on his behalf, shall be allowed to inspect such a provisional description until the notice mentioned in Art. 12 has been issued.

10. If an applicant supplies only a provisional description with his application, he shall be obliged to send in a complete description within four months from the date of his application, and if he fails to do so, he shall be considered to have abandoned his application. The applicant may, however, within a period of four months, notify to the Commissioner for Patents that he desires his provisional description to be regarded as a complete description, and wishes to proceed therewith. Complete description—when to be filed.

After a complete description shall have been deposited with the Commissioner, and until such time as the Letters Patent shall be signed and sealed, or until the period shall have elapsed within which such signing and sealing must take place, the applicant shall enjoy the same rights and privileges as if Letters Patent had been granted to him for his invention on the date of his depositing such complete description. He shall not, however, be entitled to claim damages for an infringement of his patent unless he has received Letters Patent.

Alteration of complete description.

11. If the title or the description of an invention is insufficient, or too extensive, the Commissioner, at any time prior to the granting of Letters Patent, shall have the right to allow or demand such complete description to be altered, corrected or amplified, provided always that the applicant shall have the right of appeal to the State Attorney.

The State Attorney shall, if so requested, hear both applicant and Commissioner, and shall decide whether and under what circumstances the application shall be accepted. And a description, thus amplified, altered or corrected, shall be considered as a complete description, and be subject to all the provisions of this Law concerning complete descriptions from the date on which a receipt has been issued therefor at the office of the Commissioner. The protection thereby obtained shall, however, cease upon the expiration of six months from the date of the last-mentioned receipt.

Notice of intention to proceed with application.

12. In case the applicant for Letters Patent desires to proceed with his application he shall give written notice to that effect to the Commissioner.

In this notice he must state the title of his invention, and the date of the depositing of his application, and the accompanying description. He shall also produce the receipt therefor, and pay an amount as laid down in Schedule K.

The Commissioner shall thereupon hand to the applicant, or his agent, a notice as nearly as possible in the form set forth in Schedule D.

The applicant shall see that this notice is published as soon as possible, once in the *Staatscourant*, once in a newspaper published in Pretoria, and twice in a newspaper published in or near the place where the applicant uses or exploits his invention, or, in case he does not use it, where he lives; and in case no newspaper is published there, then twice in such newspaper as is in circulation there, or in another newspaper to be appointed by the Commissioner.

Thereupon everyone whose interest it is to oppose the granting of the Letters Patent shall be at liberty, on payment of the sum of money mentioned in Schedule K, to send in to the office of the Commissioner, in writing, a statement setting forth his objections, within such a time as the Commissioner shall fix in the above-named notice, such time, however, not to be shorter than one month.

In case, however, objections are lodged against the granting of the Letters Patent to a foreign applicant, the Commissioner may, before taking the case into final consideration, grant another term, not exceeding six months after the date already fixed.

Hearing of application.

13. At the time and place mentioned in the notice the applicant shall produce the newspapers in which the notice has been published. The Commissioner shall thereupon hear and consider the application,

and shall also consider and decide all objections lodged with him in writing in conformity with Art. 12, subject to appeal to the State Attorney, who shall have the right to give a final decision.

The applicant, the objectors and their respective witnesses shall be heard separately, and not in the presence of the others, but the Commissioner shall have the right to demand that any evidence shall be submitted to him in a sworn declaration, verbally or in writing.

The Commissioner may call in the assistance of experts and other persons, and he shall have the right to decide whether any and what remuneration shall be paid to them for such assistance either by the applicant or by the objector.

The Commissioner shall also have the right to direct that the costs of the hearing of an application, objection or any other matter in connection with the granting of Letters Patent or of protection under this Law shall be paid, to fix the amount to be paid, and to decide by and to whom it shall be paid. The form in Schedule E shall be adhered to as much as possible. Such an order by the Commissioner may be declared legally executable.

In case the objector, or the applicant, is residing abroad, or has no fixed property within this State, then the applicant or the objector, prior to the hearing of the application or objection, shall have the right to require that security, to the satisfaction of the Commissioner, be lodged by the applicant or objector for the costs, and if such security is not lodged or given the objection shall not be taken into consideration by the Commissioner.

14. In case no objections have been lodged, or, if lodged, have been decided in favour of the applicant, the Commissioner shall issue a certificate (as nearly as possible according to the form in Schedule F) for the granting of Letters Patent on payment of the sum of money mentioned in Schedule K. In this certificate he shall enumerate all the stipulations, provisions and conditions, which it will be desirable or necessary to embody in the Letters Patent.

Certificate issued by Commissioner.

15. The Commissioner having been requested by the applicant to do so, shall, as soon as possible, have Letters Patent drawn up in accordance with his certificate, and shall sign and seal the same with a seal, provided for that purpose by the Government, called "The Seal of the Patent Office."

Signing and sealing of Letters Patent.

16. The issuing of Letters Patent for an invention, the application of which is contrary to law, public order or good morals may be refused.

When Letters Patent may be refused.

17. The sealing of Letters Patent shall take place as soon as such is possible in accordance with this Law, but not later than twelve months after the date of the application, except in the following instances:—

Sealing within 12 months of application.

- (a) In case the sealing is delayed on account of an appeal to the State Attorney, or on account of objections being lodged against the granting of the Letters Patent, the sealing may take place at such time as the State Attorney shall determine.
- (b) In case the applicant dies before the expiration of the period of twelve months set forth in this Article, the Letters Patent may be granted to his lawful heirs, and may be sealed at any time within twelve months after the decease of the applicant.

Duration
of Letters
Patent.

18. Any Letters Patent issued in terms of the afore-mentioned provisions shall be drawn up, as nearly as possible, in the form given in Schedule G, and shall bear the date of the day on which the application, with the description having reference thereto, was deposited in the office of the Commissioner, and shall be valid for 14 years from the date of such Letters Patent.

A Patentee shall, however, not be entitled to institute a claim for any infringement made prior to the publication of his complete description.

Monies
payable.

19. All Letters Patent, however, shall be subject to this proviso, that they shall be void, and all rights and privileges thereby acquired shall lapse after the expiration of three, five, eight and eleven years respectively, unless within the said terms the respective sums of money, mentioned in Schedule K, shall have been paid to the Treasurer-General and a receipt therefor shall have been given by this official, or the payment shall have been noted by him on the Letters Patent.

If, however, the Patentee, through any accident, error or negligence fails to make the prescribed payments within the prescribed periods, he may apply to the Commissioner for an extension of the time. If the Commissioner is satisfied that the failure to pay has been occasioned by any of the above-mentioned causes, he may grant such extension provided the patentee pays the sum of money mentioned in Schedule K, and provided always that :

- (a) The time for a payment shall not be extended longer than three months.
- (b) If a lawsuit arising from an infringement of a Patent is instituted after a payment has become due, and before an extension of time for such payment has been obtained, the Court may refuse to grant damages for such an infringement of the Patent.

When not
lawful to inquire
whether Art. 12
has been
complied with.

20. After Letters Patent have once been granted it shall no longer be lawful to enquire whether the provisions of Art. 12, as to the issuing and publishing of the notice therein mentioned, have been duly observed.

When Letters
Patent lost.

21. If the Letters Patent have been lost or destroyed, or if it has been proved to the satisfaction of the Commissioner that the document cannot be produced, a duplicate may be issued on a sworn declaration to that effect being made, after four publications during three months in the *Staatscourant*.

When Letters
Patent
granted in
foreign
country.

22. If, by virtue of this Law, Letters Patent have been granted for an invention, and a Patent or similar privilege for the monopoly, or the exclusive use, or the exclusive exploitation of such invention has been granted in a foreign country prior to the granting of Letters Patent therefor in this State, then all the rights and privileges arising from such Letters Patent shall cease, and the Letters Patent themselves shall become void immediately upon the expiration of the period for which the Patent or such like privilege has been obtained abroad, and in case more than one Patent or similar privilege have been obtained abroad, then as soon as the first period expires.

If the period for which a Patent or such like privilege has been obtained abroad had already expired at the time of the issuing of the Letters Patent in this State, such Letters Patent shall be *ab initio* void.

23. All descriptions with the drawings, if any, appertaining thereto, deposited at the office of the Commissioner in manner aforesaid, shall remain in his custody at such office as the State President, with the advice and consent of the Executive Council, shall appoint for that purpose.

Custody of documents.

24. Every applicant for a Patent or Patentee may at any time apply in writing to the Commissioner for permission to alter his descriptions and the drawings in connection therewith, by way of erasure, correction, or elucidation, stating in such application the nature of, and his reason for such alteration.

Application to alter description.

The Commissioner shall thereupon hand him a notice, as nearly as possible in the form prescribed in Schedule H. This notice shall be published in the same manner as directed in Art. 12. The further proceedings shall be the same as those laid down in Art. 12, and following Articles for the treatment of applications for Letters Patent. All provisions thereon shall also apply in this case.

The Commissioner shall decide whether and under what conditions the application for alteration may be granted. This order of the Commissioner shall be registered in the office appointed for this purpose.

No alteration shall be allowed which would have the result that the altered description would lay claim to an invention more comprehensive or different from the invention which was covered by the original description.

The granting of permission to alter shall establish the right of the party to make such alteration, except in case of fraud; and such alteration shall in all Courts of Law and for all purposes be considered as part of the description.

25. In a lawsuit arising from infringement of a Patent, and in a process for having Letters Patent declared void, the Court may at any time direct that the description be amended by way of erasure, correction, elucidation, or addition, upon due observance of such provisions as the Court may lay down, and the Court shall thereupon proceed with the hearing of the case, or with the giving of judgment, or otherwise, as if the alterations for which the said order was given had already been effected and formed part of the original description. The Court may direct at the same time that in the meantime the hearing or decision of the case shall be postponed. The alterations for which the said order has been given shall be registered by the Commissioner for Patents against the said description.

Alteration by Order of Court

26. Where permission has been given under this Law for an alteration by way of erasure, correction or elucidation, no damages shall be awarded in a lawsuit for using the invention prior to such erasure, correction or elucidation unless the Patentee proves to the satisfaction of the Court that his original application was made in good faith, and with sufficient care and knowledge of the subject.

When damages not awarded.

27. If, on the petition of an interested party, it is proved to the satisfaction of the Government that, in consequence of the refusal of the Patentee to grant permission to use his invention on reasonable terms:—

When Patentee may be ordered to grant permits.

(a) The Patent is not made use of in this State:

(b) The reasonable demand of the public in connection with the invention cannot be met:

(c) Anyone is prevented from making use of or deriving the full benefit from an invention in his possession :

then the Government, with advice and consent of the Executive Council, may order the Patentee to grant permits under such conditions as the Government, regard being had to the nature of the invention and the circumstances of the case, may deem fair.

The execution of such a Government Resolution may be legally enforced.

Application
for extension.

28. Every Patentee may address an application to the State President asking for an extension of the term of his Patent. Such an application shall, however, be sent in at least six months previous to the expiration of such term.

The Government shall have the right to refer such application to the High Court for consideration.

At least two months before the day appointed for the hearing of such application the applicant shall publish, in the same manner as set forth in Art. 12, a notice of the contents of his application, as nearly as possible in the form prescribed in Schedule 1.

Everyone interested in making objection to the application may lodge his objections in writing with the Commissioner, provided such be done at least one week before the day appointed for the hearing of the case.

The applicant and everyone who has lodged any objection in writing in the manner prescribed by law may appear in person, or by counsel, to plead his case. The applicant shall open his case by proving that the aforesaid notice has been published in the manner prescribed.

The Court in its report shall take into consideration the nature and the merits of the inventions, and the value thereof to the public, the profit derived therefrom by the patentee, and the further circumstances of the case. The report shall further state whether, in the opinion of the Court, it is advisable to grant an extension, and if so, for how long, and under what conditions or restrictions. The Court shall further direct by whom the costs of the case between the parties shall be borne, and an order as to the costs made or granted by the Court may be legally enforced.

New Letters
Patent.

29. The State President, with the advice and consent of the Executive Council, shall have the right, after considering the application for an extension, to grant new Letters Patent under such conditions and restrictions and for such a length of time (in no case longer than 14 years) as he may think desirable.

The new Letters Patent shall date from the day of the expiration of the first.

President may
order returns
to be made.

30. The State President shall be entitled, with the advice and consent of the Executive Council, to have returns made of the contents of all descriptions, applications and other documents forwarded or deposited in connection with this Law. Such extracts shall be open for inspection by the public under such conditions as may be made thereanent by virtue of this Law.

Register of
Letters
Patent.

31. In such office as by virtue of this Law shall be appointed shall be kept a "Register of Letters Patent," in which shall be entered in chronological order the deposit of applications for Patents and the descriptions appertaining thereto, all alterations in Letters Patent or descriptions, all extensions of Letters Patent, the expiration or

cancellation thereof, and such other facts and circumstances as relate to the validity of Letters Patent.

This register, or a copy thereof, shall be open for inspection by the public under such conditions as may be made thereanent by virtue of this Law.

32. In the same office, called the "Patent Office," shall be kept a "Register of Patentees," in which shall be entered all transfers of Letters Patent, or shares, or interests therein, all permits with the names of the parties entitled thereto, and the respective dates and all other facts and circumstances which are of importance in connection with the possession of any right in Letters Patent or a permit. Anyone may, on payment of the sum of money mentioned in Schedule K, get a certified copy or extract from this register. Such a copy or extract shall be *prima facie* proof of everything that is noted therein as prescribed or authorised.

Register of Patentees.

This register, or a copy thereof, shall be open for inspection by the public under such conditions as may be made thereanent by virtue of this Law.

33. Any person who intentionally makes, or causes to be made, a false entry in a register kept in terms of this Law, or produces, or tenders, or causes to be produced or tendered, as a means of proof such false entry, or false copy or extract, knowing the same to be false, shall be punished with imprisonment, with or without hard labour, for a period not exceeding five years.

Penalty for false entry.

34. The High Court may, on application by anyone who complains of an unjustifiable entry or unjustifiable omission of an entry in such Register, grant such order for the striking out, insertion or amendment of such entry as the Court shall deem necessary. The Court may also dismiss the application, and make an order as to costs in either case.

Amendment of register.

The Court may, at the hearing of such a case, make an order in regard to any question, the decision of which may be necessary or desirable for the correction of a Register.

35. An application may be made to the High Court for the cancellation of Letters Patent, on one or more of the following grounds:—

Grounds of cancellation.

- (a) That the Letters Patent have been fraudulently obtained to the prejudice of another's rights.
- (b) That the person represented as being the first and true inventor was not such.
- (c) That the invention was not new.
- (d) That the invention is not capable of being patented in terms of Art. 5.
- (e) That the description has reference to theoretical principles, hypotheses, methods, systems, discoveries or conceptions, the manner of applying which is not set out.
- (f) That the complete description is not sufficient, *i.e.*, that mention of a part of the secret has been omitted, or that it has been insufficiently explained.
- (g) That the invention, or the application of the same, is contrary to law, public order or good morals.
- (h) That the title of the invention fraudulently sets forth another than the true subject-matter of the invention.

- (i) That the prescribed payments have not been duly made.
- (k) That the Letters Patent have lapsed in virtue of Art. 22 of this Law.

Who may ask for cancellation.

36. The cancellation of Letters Patent may be asked for only by the following persons:—

- (a) The State Attorney.
- (b) Every person expressly authorised thereto by the State Attorney.
- (c) Every person who alleges that the Letters Patent have been obtained in violation of his rights, or of the rights of another person from whom he derives his rights.
- (d) Everyone who alleges that he, or another person from whom he derives his rights, is the true inventor of the invention in question.
- (e) Everyone who alleges that he, his partner, or another person from whom he derives his rights, has already publicly manufactured, used or sold before the date of the Letters Patent that which the patentee claims as his invention.

Directions for parties in suit for cancellation.

37. In respect of a lawsuit for the cancellation of Letters Patent, the following provisions shall be observed:—

- (1.) The Plaintiff shall set out in his application the grounds upon which he bases his action, and in case one of these grounds is the contention that the invention in dispute is not new, he shall state the date and place of the alleged previous publication or application, and if such publication is to be found in books, papers or other documents, copies or extracts of the same shall be attached to the application. No proof shall be allowed of facts not set forth in this manner, except by leave of the Court, or of a Judge in Chambers.
- (2.) This statement of facts may afterwards by leave of the Court, or of a Judge in Chambers, be amended.
- (3.) The Defendant shall have the right to begin with the proofs in support of his Letters Patent, and if the Plaintiff produces evidence against the validity of the Letters Patent, the Defendant shall be allowed to bring rebutting evidence.

Issue of Letters Patent to the true inventor.

38. Where Letters Patent are cancelled on the ground of fraud, the Commissioner may, on the application of the true inventor made in terms of this Law, issue to him new Letters Patent (in place of the cancelled ones) the date of which shall be the date of the cancellation of the first ones. These new Letters Patent shall, however, cease to hold good at the time of the expiration of the term for which the cancelled ones were granted.

Penalty for selling unpatented article as patented.

39. Any person who sells or disposes of an article as being patented for which no patent has been granted in this State shall be punished for every contravention with a fine not exceeding one hundred pounds sterling, or imprisonment, with or without hard labour, for a term not exceeding three months.

Penalty for sale of article as patented by a person other than the Patentee.

40. Any person who sells or deals in any article as being patented, while a patent for such article has been granted in this State to another person who has not put such article into circulation, shall forfeit for every contravention a sum of fifty pounds sterling, half of which shall go to the State, and the other half, together with the costs of the lawsuit, to the Patentee, and in default of payment he shall be

punished with imprisonment, with or without hard labour, for a term not exceeding six months.

41. In the meaning of this Law a person shall be considered to issue an article as patented, if he sells or disposes of such article with the word "patent" or "patented," or other word or words which express or give the impression that it has been patented, stamped, engraved, printed upon, or affixed to it in any other way.

When person shall be considered to sell article as patented.

42. An action for an infringement of a Patent may be instituted in the High Court by a patentee against anyone who, during the term for which the Letters Patent are of force, exploits, sells, makes use of, applies, imitates or copies the invention in question without the consent of the patentee.

Who may be sued for infringement of patent.

All grounds on which the cancellation of Letters Patent may be asked shall constitute a good defence in a lawsuit for the infringement of a Patent.

43. In a lawsuit for infringement of a Patent, the plaintiff shall enumerate separately in his summons, or within a time to be fixed by order of the Court, the infringements of which he complains.

Infringements complained of must be set out in summons.

The defendant shall in his answer, or within a time to be fixed by order of the Court, set out his refutation in detail.

If the defendant disputes the validity of the Patent his answer shall state upon what grounds he questions such validity, and, if one of these grounds is the contention that the invention in question is not a new one, he shall state the time and place of the alleged previous publication or application, and if the publication is to be found in books, papers or other documents, copies or extracts thereof shall be annexed to the pleadings.

At the hearing of the case no proof of an alleged infringement or an objection shall be admitted which has not been separately stated in the manner above-mentioned, except by leave of the Court.

The alleged facts and objections stated may by leave of the Court be afterwards altered.

In taxing the costs such alleged facts and objections, stated by plaintiff and defendant, shall be taken into consideration. No party shall be awarded costs in respect of any alleged fact or objection which the Court does not consider proved and material to the case, irrespective of the general costs of the case.

44. In a process for cancellation of Letters Patent, or in a lawsuit for infringement of a patent, the Court may of its own accord, or at the request of one or both of the parties, call in the services of an expert, with whose assistance the whole case or part thereof shall be dealt with and decided.

Expert may be called in.

The remuneration of such an expert shall be fixed by the Court.

45. In a law-suit for infringement of a patent the Court may, on application of one of the parties, order the suspension or cessation of work, the production of accounts, or the holding of an inspection, and may take for that purpose such measures as may appear necessary and desirable.

Court may order suspension of work.

46. In a law suit for infringement of a patent the Court may declare that the validity of the patent has been made a point for

When in suit for infringement the validity of patent has to be decided

- (i) That the prescribed payments have not been duly made.
- (k) That the Letters Patent have lapsed in virtue of Art. 22 of this Law.

Who may ask for cancellation.

36. The cancellation of Letters Patent may be asked for only by the following persons:—

- (a) The State Attorney.
- (b) Every person expressly authorised thereto by the State Attorney.
- (c) Every person who alleges that the Letters Patent have been obtained in violation of his rights, or of the rights of another person from whom he derives his rights.
- (d) Everyone who alleges that he, or another person from whom he derives his rights, is the true inventor of the invention in question.
- (e) Everyone who alleges that he, his partner, or another person from whom he derives his rights, has already publicly manufactured, used or sold before the date of the Letters Patent that which the patentee claims as his invention.

Directions for parties in suit for cancellation.

37. In respect of a lawsuit for the cancellation of Letters Patent, the following provisions shall be observed:—

- (1.) The Plaintiff shall set out in his application the grounds upon which he bases his action, and in case one of these grounds is the contention that the invention in dispute is not new, he shall state the date and place of the alleged previous publication or application, and if such publication is to be found in books, papers or other documents, copies or extracts of the same shall be attached to the application. No proof shall be allowed of facts not set forth in this manner, except by leave of the Court, or of a Judge in Chambers.
- (2.) This statement of facts may afterwards by leave of the Court, or of a Judge in Chambers, be amended.
- (3.) The Defendant shall have the right to begin with the proofs in support of his Letters Patent, and if the Plaintiff produces evidence against the validity of the Letters Patent, the Defendant shall be allowed to bring rebutting evidence.

Issue of Letters Patent to the true inventor.

38. Where Letters Patent are cancelled on the ground of fraud, the Commissioner may, on the application of the true inventor made in terms of this Law, issue to him new Letters Patent (in place of the cancelled ones) the date of which shall be the date of the cancellation of the first ones. These new Letters Patent shall, however, cease to hold good at the time of the expiration of the term for which the cancelled ones were granted.

Penalty for selling unpatented article as patented.

39. Any person who sells or disposes of an article as being patented for which no patent has been granted in this State shall be punished for every contravention with a fine not exceeding one hundred pounds sterling, or imprisonment, with or without hard labour, for a term not exceeding three months.

Penalty for sale of article as patented by a person other than the Patentee.

40. Any person who sells or deals in any article as being patented, while a patent for such article has been granted in this State to another person who has not put such article into circulation, shall forfeit for every contravention a sum of fifty pounds sterling, half of which shall go to the State, and the other half, together with the costs of the lawsuit, to the Patentee, and in default of payment he shall be

punished with imprisonment, with or without hard labour, for a term not exceeding six months.

41. In the meaning of this Law a person shall be considered to issue an article as patented, if he sells or disposes of such article with the word "patent" or "patented," or other word or words which express or give the impression that it has been patented, stamped, engraved, printed upon, or affixed to it in any other way.

When person shall be considered to sell article as patented.

42. An action for an infringement of a Patent may be instituted in the High Court by a patentee against anyone who, during the term for which the Letters Patent are of force, exploits, sells, makes use of, applies, imitates or copies the invention in question without the consent of the patentee.

Who may be sued for infringement of patent.

All grounds on which the cancellation of Letters Patent may be asked shall constitute a good defence in a lawsuit for the infringement of a Patent.

43. In a lawsuit for infringement of a Patent, the plaintiff shall enumerate separately in his summons, or within a time to be fixed by order of the Court, the infringements of which he complains.

Infringements complained of must be set out in summons.

The defendant shall in his answer, or within a time to be fixed by order of the Court, set out his refutation in detail.

If the defendant disputes the validity of the Patent his answer shall state upon what grounds he questions such validity, and, if one of these grounds is the contention that the invention in question is not a new one, he shall state the time and place of the alleged previous publication or application, and if the publication is to be found in books, papers or other documents, copies or extracts thereof shall be annexed to the pleadings.

At the hearing of the case no proof of an alleged infringement or an objection shall be admitted which has not been separately stated in the manner above-mentioned, except by leave of the Court.

The alleged facts and objections stated may by leave of the Court be afterwards altered.

In taxing the costs such alleged facts and objections, stated by plaintiff and defendant, shall be taken into consideration. No party shall be awarded costs in respect of any alleged fact or objection which the Court does not consider proved and material to the case, irrespective of the general costs of the case.

44. In a process for cancellation of Letters Patent, or in a lawsuit for infringement of a patent, the Court may of its own accord, or at the request of one or both of the parties, call in the services of an expert, with whose assistance the whole case or part thereof shall be dealt with and decided.

Expert may be called in.

The remuneration of such an expert shall be fixed by the Court.

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Court may order suspension of work.

46. In a law suit for infringement of a patent the Court may declare that the validity of the patent has been made a point for

When in suit for infringement the validity of patent has to be decided

decision. Whenever the Court has so declared the plaintiff shall have, in every following suit for infringement of his patent in so far as final judgment is in his favour, a claim for the full costs, expenses and disbursements between Attorney and Client, unless the Court expressly decrees otherwise.

Letters Patent granted for one invention.

47. Letters Patent will only be granted for one invention. No one shall be entitled, however, to object to Letters Patent on the ground that they embrace more than one invention.

When inventor dies without having applied for Letters Patent.

48. If the person in possession of an invention dies, without having applied for Letters Patent, his lawful successor may do so and obtain Letters Patent for such invention.

Every such application shall be made within twelve months of the death of such person, and must contain a declaration by the lawful successor that he considers the deceased to have been the first and true inventor.

When Letters Patent do not become void.

49. Letters Patent granted to the first and true inventor shall not become ineffective or void by reason of an application for Letters Patent being made infringing on his rights, or by reason of provisional protection being obtained thereupon, or by reason of the use or publication of such invention after the filing of the application.

Transfer by patentee.

50. A patentee may transfer to another person his patent for a certain place in, or for a certain part of this State, just as though the patent had been granted only for such a place in, or such part of the State, but no transfer or cession of a patent or part of a patent shall be legal unless such transfer or cession be made by means of a notarial deed and be duly registered at the office of the Commissioner.

Exhibition of invention.

51. The exhibition of an invention at an international or industrial Exhibition, or the publication of a description of the invention during the time of the Exhibition, or the use of the invention for purposes of the Exhibition at the place where it is held, or the use of the invention during the time of the Exhibition at another place by someone not authorised thereto by the inventor, shall not prejudice the right of the inventor, or his lawful successor, to apply for and obtain provisional protection and Letters Patent for his invention, and shall not affect the validity of the Letters Patent obtained on such application, provided always that the following two conditions have been observed:

- (a.) The exhibitor shall, previous to exhibiting his invention, inform the Commissioner in writing of his intention so to do.
- (b.) His application for Letters Patent must be made within six months from the opening of the Exhibition.

Model of invention may be demanded.

52. The Government may demand from a patentee at any time a model of his invention on payment of the costs of making the same, the amount of which, in case of dispute, shall be fixed by arbitrators.

The destination of such models shall be determined by the Government.

When person unable to make required declaration, &c.

53. If anyone is unable, by reason of tender age, or weakness of mind, or other incapacity, to make a declaration, or perform an act required by this Law, or by the administrative regulations, then his guardians or curator, or, failing these, a person appointed by the High Court on the application of anyone on behalf of such person, or on the application of anyone jointly interested in the matter, may make such

a declaration, or one as near as possible to the one prescribed, or do such act in the name and on behalf of such aforesaid person. All acts done by such a representative for the purposes of this Law shall have the same force as if done by the person himself so represented.

54. All patents applied for or granted prior to this Law coming into operation shall be dealt with under Law No. 6, 1887.

Where patents dealt with under Law 6 of 1887.

55. It shall not be lawful for a Government Official to act as Agent in any application for proceedings relating to patents.

Government Official may not act as Agent.

56. Law No. 12, 1897, "Patent Law" is hereby repealed.

Repeal.

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

Operation

SCHEDULE "A"

I, [fill in name and residence of inventor], by profession _____ hereby declare that I am in possession of an invention for [title of invention], that I am the first and true inventor of the same: that this invention, as far as I know and believe, is not applied or made use of by another person or other persons: and I request, with due respect that a patent be granted to me for the said invention.

The _____ day of the month _____ in the year
[Signed]

of our Lord.

SCHEDULE "B"

I, [name and residence], by profession _____ hereby declare that the nature of my invention for [title of invention] is as follows: [Provisional description of invention].

Declared this _____ day _____ 19 _____

SCHEDULE "C."

[Title of Invention.]

I, [name and residence], by profession _____ hereby declare that the nature of my invention for [title of invention] and the method of application of the same are explained accurately and in detail by the following description:—

[Full description]

[Signature of the Inventor himself.]

SCHEDULE "D."

Application for a Patent for [fill in title of the invention].

It is hereby made known for general information that on the _____ day of the month of _____ 18 _____, [fill in name and residence of the applicant], by profession [fill in profession of applicant], deposited at my office an application for a patent for the above named invention with the description relating thereto.

Whereas the said [fill in name and residence of applicant] has given me written notice that he wishes to proceed with his application, I have decided that this application and all objections thereto shall be considered at my office on the _____ day of the month of _____ 18 _____, at _____ o'clock or as soon as possible thereafter.

I therefore call upon all persons interested in opposing the issue of Letters Patent to deposit at my office before the said date of hearing a statement in writing setting forth their objections, as otherwise they will be debarred from bringing such objections forward.

Thus done this _____ day of the month of _____ 18 _____
Commissioner for Patents.

SCHEDULE "E."

Having heard the objections of [fill in name of the objector] against the granting of Letters Patent for [fill in title of invention] to [fill in name of applicant for patent], I hereby order that the said [fill in name of objector] shall pay to the said [fill in name of applicant for patent] for costs of the hearing of this matter, the sum of _____ or to [fill in name of witness or expert] for attending the hearing of the case.

Thus done this _____ day of the month of _____ 18 _____
Commissioner for Patents

SCHEDULE "F."

Having heard and considered the application of _____ for Letters Patent for _____ and all objections lodged against the same, and having seen the description and the necessary and customary publications, I am of opinion (it being entirely at the risk of the applicant whether the said invention is new or whether it will have the desired result) that Letters Patent therefor may be issued in the form described in Schedule _____ of the Patent Law, with the addition of the following clauses:

Thus done this _____ day of the month of _____ 18 _____
Commissioner for Patents.

SCHEDULE "G."

Whereas _____ residing at _____ by profession _____ has made a declaration that he is in possession of an invention for _____ that he is the first and true inventor thereof, and that to the best of his knowledge and belief the said invention is not made use of by another.

Whereas the said inventor has requested, with due respect, that Letters Patent for the exclusive exploitation of the said invention may be issued to him, his executors, administrators and assigns (herein called the Patentee).

Whereas the said inventor has described in detail the nature of his invention by and in his complete description, with due regard to the clause hereunder.

Now, therefore, the exclusive right is hereby given to the said Patentee for the period of fourteen years to exploit, use, apply or sell the said invention in this State, and to have all the benefit thereof.

These Letters Patent are granted in virtue of Law No. 10, 1898, called the Patent Law, and shall be void in the event of non-compliance with any one of the conditions to which Letters Patent are subject according to the said Law and which, if not complied with according to the said Law, entail liability to cancellation.

It is further provided that the rights granted under the Letters Patent do not exclude the possibility of permits being granted to other persons.

In witness whereof the seal of the Patent Office is affixed hereto.

Pretoria.

Commissioner for Patents.

SCHEDULE "H."

Letters patent for _____ [*fill in title of invention*].

It is hereby made known for general information that [fill in name and residence of the inventor] has applied to me for permission to alter the description of the above-mentioned invention by way of _____ the particulars whereof are given hereunder.

I have decided that this application and all objections thereto shall be considered at my office on _____ the _____ day of the month of _____ 18 _____ at _____ o'clock, or as soon as possible thereafter, and I therefore call upon all persons who are interested in opposing the granting of this application to deposit at my office before the said date of hearing a statement in writing setting forth their objections, as otherwise they will be debarred from bringing such objections forward.

Thus done this _____ day of the month of _____ 18 _____
Commissioner for Patents.

The alteration which I desire to make in _____ is as follows:—
[The applicant shall here state clearly what he desires and his grounds therefor, and sign the same.]

SCHEDULE "I."

Letters Patent for _____ [*fill in the title of invention*].

It is hereby made known for general information that I have made a petition to His Honour the State President, requesting an extension of the term of the above-mentioned Letters Patent, and that this petition has been referred to the High Court for consideration.

The hearing of this petition has been fixed for the _____ day of the month of _____ 18 _____, in the _____ noon at _____ o'clock, or as soon thereafter as the case can be heard.

All persons who are interested in opposing the granting of this request must deposit at the office of the Commissioner for Patents at Pretoria, before the said date of hearing, a statement in writing setting forth their objections as, otherwise, they will be debarred from bringing such objections forward.

The _____ day of the month of _____ 18 _____

SCHEDULE "K"

	£	s.	d.
Upon deposit of application and description - - - - -	1	1	0
Upon deposit of an objection - - - - -	2	2	0
Upon issue of certificate in terms of Art. 14 - - - - -	1	1	0
For signing and sealing the Letters Patent - - - - -	5	0	0
Before or at the expiration of the term of three years - - - - -	20	0	0
Before or at the expiration of the term of five years - - - - -	100	0	0
Before or at the expiration of the term of eight years - - - - -	150	0	0
Before or at the expiration of the term of eleven years - - - - -	200	0	0
Upon extension of term of payment according to Art. 29 - - - - -	10	0	0
For copy or extract, per page - - - - -	0	4	0
Upon giving notice of intention to proceed with application according to Art. 12 - - - - -	1	10	0
Alteration of description - - - - -	0	10	0
For the issuing of a notice - - - - -	2	2	0
Every inspection previous to registration - - - - -	0	1	0
Every inspection after registration - - - - -	0	5	0
Registration of transfer or permit - - - - -	0	10	0
Certificate thereof - - - - -	0	10	0

LAW No. 11, 1898.

ON BOILERS AND THE USE OF MACHINERY.

(Approved by Resolution of the Second Volksraad, Articles 620, 625 and 627, dated 27th June, 1898, and noted and accepted by the First Volksraad, under Article 838, dated 18th July, 1898.)

I.—SUPERVISION BY THE STATE.

1. All stationary and portable steam boilers, steam apparatus, steam and other engines, and all mechanical appliances in the South African Republic, shall be under the supervision of the Government.

The term "boiler" shall, for the purpose of this Law, be taken to mean every apparatus adopted to convert any liquid into steam of a higher pressure than that of the atmosphere.

Definition of term "Boiler."

2. This supervision shall be exercised by "Inspectors of Boilers" with the title of "Boiler Inspectors," appointed by the Government, such Inspectors to act under the direction of the State Mining Engineers.

Inspector of Boilers and supervision.

All machinery and appliances at the mines and industrial establishments, where the "Mining Regulations" are applicable, except the steamboilers and machinery directly driven by steam, shall be under the control of the "Inspector of Mines," as set forth in the Mining Regulations.

Inspector of Mines to have control.

The Government, on a proposal of the State Mining Engineer, may make special provisions for the inspection of locomotives in use on the public railways.

Special provisions for the inspection of Railway Locomotives.

3. Only properly qualified mechanical engineers shall be appointed as boiler inspectors by the Government, after consultation with the State Mining Engineer.

Only qualified Engineers to be appointed.

4. The State Mining Engineer shall assign the Boiler Inspectors their offices and districts, which shall be published in the *Staatscourant*.

State Mining Engineer to assign districts.

II.—PERMISSION FOR THE USE OF BOILERS.

5. No one shall be allowed to use a boiler in this State unless he has obtained permission from the Boiler Inspector as hereunder set forth.

Permission of Inspector of Boilers necessary.

Application to be made on prescribed form.

6. Any one desiring to obtain permission to erect and use a boiler must send in an application to the Boiler Inspector of the district where it is intended to use such boiler, on a form to be obtained gratis at the office of the latter.

To be tested before permission given.

7. No permission shall be granted before the boiler has been examined and tested by hydraulic pressure. Only in special cases shall the Boiler Inspector have the right to grant a provisional permit.

8. Dependant on the result of the examination permission shall be either refused or granted unconditionally, or, in case of conditional permission being granted, the conditions shall be prescribed.

The following shall be reasons for refusing a permit :—

Reasons for refusing permission.

- (a) If the using of the boiler might give rise to any serious hindrance, damage or danger to the surrounding premises or to the public in general.
- (b) If the boiler is not provided with all fittings and appurtenances prescribed by law.
- (c) If the result of the examination or of the hydraulic-pressure test, or of both, is unsatisfactory.

For the using of a boiler erected underneath places inhabited or frequented by persons permission shall only be granted under special conditions relative to its construction and working ; and these conditions shall be confirmed by the State Mining Engineer.

Objections against refusal.

9. Objections to a refusal or conditional permit may be lodged within two weeks with the State Mining Engineer, who may, if he thinks fit, cause an investigation *in loco* to be held by a commission of experts.

In case the objections prove to be unfounded the costs of such investigation shall be borne by the complainant.

Removal of stationary boilers.

10. When a stationary boiler is removed beyond the boundaries of an industrial establishment the permit shall cease to be valid.

For the removal of a stationary boiler within such boundaries the consent of the Boiler Inspector concerned shall first be obtained in view of Art. 8(a).

When a stationary boiler is transferred to the use of another party, without being removed, the permit shall hold good and shall be transferred to the name of the succeeding user.

III.—GENERAL PROVISIONS REGARDING THE SETTING UP OF BOILERS.

Strength and construction left to discretion of maker.

11. The choice of material, the determination of the strength and the method of construction and use of boilers, shall be left to the discretion of the maker.

Maker responsible for defects.

Where a defect due to the fault of the maker appears in any boiler manufactured in this country the maker shall be responsible for the consequences arising therefrom during one year after its first examination. In the case of a boiler manufactured abroad the State Mining Engineer, on the recommendation of the Boiler Inspector, shall have the right to impose a fine not exceeding the value of the boiler, such fine to be paid by the maker or his agent before any further importation from such factory shall be allowed. This provision shall not be applicable to such defects when discovered after a year from the date of the first examination.

12. In the case of stationary boilers the lowest water-level shall be at least 76 millimetres (three English inches) above the highest part of the flues passing round or through the boiler, and in the case of portable boilers at such height above the fire-line that, even allowing for oscillations of the boiler, the highest part of its surface reached by the fire and heated gases always remains sufficiently covered by water. Lowest water level.

These provisions shall not apply to flues where there is no danger of the boiler-plates in contact with the steam becoming red-hot, or to boilers which consist of water-tubes of less than 10 centimetres (4 English inches) internal diameter.

13. The manholes of all newly-imported boilers shall have an area of at least 280 by 380 millimetres. Manholes.

The Boiler Inspector may, in the case of boilers of small dimensions, allow a departure from this provision.

14. Every boiler shall be provided with two reliable feeding appliances, which can be worked independently of each other, and either of which is capable by itself of amply supplying the boiler with water. One of the feeding appliances shall be either a steam or engine pump or an injector. Two or more boilers combined for joint working shall for the purpose of the above provision be considered as one boiler. Feeding apparatus.
Delivery pipe.

Only one feeding appliance shall be necessary for boilers of less than 200 litre (44 gallons) capacity.

At the place where the feed-pipe enters the boiler the feeding appliance shall be provided with a self-acting check valve with a stop-cock or wheel valve, the latter to be placed between the valve box and the boiler.

15. Every boiler shall be provided with at least two reliable appliances for ascertaining the water level. One of these shall be a water gauge with blow-through cocks. In case test-cocks are applied the lowest one must be at the height of the lowest water-level allowed. Water level.

Only one water gauge shall be necessary for boilers of less than 200 litre (44 gallons) capacity.

The lowest water-level allowed in the boiler shall be indicated by a conspicuous mark on the water gauge as well as on the boiler-shell or the masonry.

16. Every boiler shall be provided with two or more reliable safety-valves. Safety valves.

One of these shall be locked and accessible only to the user of the boiler.

If two or more boilers have a steam-drum in common, from which they cannot be separately disconnected, two safety-valves shall be sufficient therefor.

One safety-valve shall be sufficient for boilers of less than 200 litre (44 gallons) capacity, as also for steam apparatuses serving for cooking purposes by means of steam, which have no direct communication with the outer air.

17. Safety-valves shall at all times be capable of being easily lifted. Safety valves,
Construction of.

The load of the safety-valves shall not be more than will enable the steam to escape whenever the pressure reaches that fixed for the boiler.

Safety-valves kept down by a weight or spring acting on a lever shall be so constructed that the weight or the spring acts only upon the

extreme end of the lever. When safety-valves are directly kept down by springs, such springs may not have a greater resisting power than the maximum steam pressure allowed for the boiler.

In the case of motor cars at least one of the safety-valves shall be kept down by a spring.

Safety valves,
weights of.
Safety valves,
overloading of.

18. It shall only be lawful to use such weights, springs or levers for safety-valves as are approved of by a Boiler Inspector.

Overloading a safety-valve shall render the user of the boiler liable to punishment.

Deficiency of
water in
boiler.

19. Every boiler shall be provided with some contrivance by which any deficiency of water may be made known, independently of any personal observation. Such contrivance may be either a steam whistle operated by a float, or a plug containing some metal or alloy, which melts at a given temperature.

Steam gauge.

20. Every boiler shall be provided with at least one reliable steam gauge, on the register of which the fixed maximum steam pressure has been distinctly marked; such steam gauge shall be approved by the Boiler Inspector.

The steam gauge shall have direct communication with the boiler and be capable of being shut off therefrom.

Testing steam
gauge.

21. Every boiler shall be provided with some contrivance enabling the Boiler Inspector to turn on the testing steam gauge; such contrivance shall consist of a stopper or stopcock fitted with a flange 40 mm. in diameter and 5 mm. in thickness, which shall be so placed as to enable a person to control both gauges from the same place.

Blow off cock
or valve.

22. Every boiler shall be provided with a blow-off cock or valve, placed at its lowest level either direct or by means of a metal pipe, which shall not however be in contact with the masonry.

Every new
boiler to be
marked.

23. Every new boiler to be erected shall be marked in an easily observable manner with the name of the maker, the consecutive factory number, the year of its construction and the intended maximum steam pressure in atmospheres, *i.e.*, in kilograms per square centimetre, or in English pounds per Eng. square inch.

Every boiler shall also be provided with a copper plate $4 \times 2\frac{1}{2} \times \frac{1}{8}$ inches, fixed on the front of the boiler with $\frac{3}{8}$ inch red copper rivets, on which plate the Boiler Inspector shall mark, in a clearly visible manner, the official number, the year of examination and the steam pressure at which the boiler may be worked.

IV.—INSPECTIONS.

Inspector to
have free
access.

24. The Boiler Inspector shall always have free access to the places where there are boilers and engines, and the users shall be obliged to admit them at any time.

Examination
and testing.

25. For the carrying out of the State supervision boilers shall be regularly examined externally and internally and tested with hydraulic pressure.

During an external examination any disturbance in the continuance of the work shall be avoided as much as possible; during an internal examination the boiler shall be put out of work.

26. Whenever it is intended to hold an internal examination the Boiler Inspector shall, in consultation with the user, in fixing the date of inspection take the interests of the user as much as possible into consideration.

Date of

The user shall be obliged to see that all parts of the boiler, internal and external, as well as the surrounding flues, are completely cleaned for the inspection.

Cleaned for

In case a boiler is not kept ready by the user for examination at the fixed time the Inspector concerned shall have the right to cause the working of such boiler to be stopped until further orders, unless special reasons or pressing circumstances, in the opinion of the Inspector, exist which prevented the boiler from being placed out of work.

Work stopped for

27. The user of the boiler shall be obliged to place free of cost at the disposal of the Inspector, at his request, the workmen and implements which are always necessary for the maintenance of the boiler.

Workmen placed at the disposal of Inspector.

28. If the examination of a boiler cannot otherwise be properly executed the masonry or casing shall be removed in parts where an examination has to be made or, if the Inspector deems such necessary, shall be removed entirely.

Masonry to be removed.

29. The testing pressure applied shall always be 5 atmospheres above the actual steam-pressure to be allowed. Boilers, however, worked at a pressure not exceeding 5 atmospheres, shall be tested at twice that amount.

Testing pressure.

The term "actual steam-pressure" shall be taken to mean the difference between the pressure of the steam and that of the atmosphere.

Actual steam pressure.

30. Except by special permission of the Boiler Inspector it shall not be lawful to mason in or encase a boiler to be erected before the prescribed examination and testing, by hydraulic pressure has taken place. Motor cars may be exempted from this provision.

Casing in of boilers before examination.

Whenever the masonry or casing of any boiler in use has been removed, either for the purpose of renewing or repairing the boiler, such masonry or casing may not be replaced before permission has been obtained from the Boiler Inspector.

31. Boilers which have not been used during one year or longer may not be used again before permission has been obtained from the Boiler Inspector.

Boilers not to be used again without permission.

32. If it appears from an examination that a boiler can no longer be worked with safety at the originally fixed pressure, and the user declines to have the necessary renewal or repairs made, the Boiler Inspector shall fix a new maximum pressure at which the boiler can continue to be worked and shall mark this on the boiler at the place intended for that purpose.

Inspector to fix new maximum pressure.

If on examination a boiler is found to be in such a condition that immediate danger may arise from further use thereof the Inspector may order the working of such boiler to be provisionally discontinued, and the boiler may not be used again before it has been properly repaired and permission has been obtained from the Inspector.

Provisional discontinuance of boiler.

33. The result of each examination shall be entered in a book kept for that purpose, to be supplied by the Boiler Inspector, which shall be always at hand near the boiler or, at the mines, in the office of the

Book to be kept.

Manager (provided the Manager resides near the mine). The permit issued for the boiler shall be kept in this book.

Inspector's
instructions.

34. The instructions given by a Boiler Inspector shall in every case be carried out. If the user of a boiler or engine, however, has any objection to such instructions he may appeal to the State Mining Engineer.

Appeal
against.

Such appeal shall be considered by the State Mining Engineer as soon as possible, either by giving his decision direct or by appointing a commission of experts for the purpose of a new investigation and final decision. With regard to the costs of such investigation, the provisions of Art. 9 shall also apply here.

V.—COSTS OF THE SUPERVISION OF BOILERS.

Taxes.

35. On every boiler in use during the whole or part of a year a tax of £5 yearly shall be levied for the supervision to be exercised by the State, irrespective of the number of inspections held during the year.

In the cases mentioned in Art. 26, a special tax of £2 for extra costs may be charged.

Payment.

Payments shall be made at the office of the Civil Commissioner, Mining Commissioner, Responsible Clerk, or Landdrost concerned.

Non-payment.

In case of non-payment, the money due shall be collected according to law.

VI.—PROCEDURE IN CASE OF ACCIDENT.

Notice.

36. Whenever in connection with the use of a boiler or any mechanical appliance to which this Law is applicable an accident occurs resulting in the death or serious injury to one or more persons, the user or his representative shall immediately, by the quickest means available, give written notice thereof to the Boiler Inspector concerned, as well as to the Public Prosecutor of the diggings or place, or the Field-cornet of the jurisdiction or of the ward of the district, as the case may be; such notice to be accompanied by a report of the circumstances which may be considered to have caused the accident.

Place not to
be disturbed.

After the explosion of a boiler the place where such accident occurred may not be disturbed or altered before the arrival of the Boiler Inspector or without his consent, unless such is unavoidable for the prevention of further accidents, for the recovery of dead bodies, for the rescuing of persons from danger or for the keeping open of the traffic.

VII.—MISCELLANEOUS.

Notice to be
given.

37. Users of boilers shall be obliged to give, within fourteen days, written notice to the Boiler Inspector concerned.

When boiler is
transferred,
When working
is discontinued,
When boiler is
removed.

(a) When a boiler is transferred to the use of another.

(b) When the working of a boiler is entirely discontinued.

(c) When a boiler is being removed. In the case of steam street rollers, steam fire engines and motors driving threshing machines, such notice shall be required only in the case of their removal outside the inspection circuit.

When boiler is
temporarily
stopped.

(d) When a boiler is temporarily stopped, or is afterwards started again.

When boiler is
damaged.

(e) When a boiler is damaged.

(f) When any important repairs are executed, such as changing tubes, renewing the furnace, fixing on new plates or patches, changing stays, removing the masonry or casing, and such like.

When important repairs executed.

38. Movable boilers shall be under the supervision and jurisdiction of the Boiler Inspector and of the judicial officers of the place where they are in use.

Portable boilers under control of Inspector.

When it is intended to use such boilers in a town or village the user shall first obtain a permit from the Landdrost, Resident Justice of the Peace, Mining Commissioner, or Responsible Clerk, as the case may be, which official shall ascertain whether the user is in possession of the permit prescribed by this Law, and if the working of such boiler at the proposed place can be allowed by the police regulations.

Permit to be obtained.

39. The users of boilers, steam engines and any mechanical appliances, away from as well as at the mines, shall from time to time provide the Boiler Inspector concerned, at his request, with such returns and data as may reasonably be required for the purpose of statistical information.

Returns and data to be given.

VIII.—RESPONSIBILITY.

40. The user of a boiler, steam apparatus, steam engine or mechanical appliance, shall be obliged to see that the prescribed safety appliances are maintained in good working condition and properly used, and that the working of any apparatus, in connection with which any danger is observable, is immediately stopped. He shall also be liable to be punished for every contravention of the provisions of this Law, unless he can prove that he has taken all reasonable measures for the carrying out of these Rules, and can duly point out the person who is to blame for the offence.

User's responsibility.

The term "user" shall, for the purpose of this Law, be taken to mean the person on whose behalf any boiler, steam engine, or mechanical appliance is used. In the case of companies or syndicates the user shall be considered to be the manager or the person charged with the superintendence of the works.

Definition of "User."

In the absence of the user the above responsibility shall rest upon his representative.

IX.—PENALTIES.

41. Contraventions of the provisions of this Law shall be punished with a fine not exceeding £75; or, in default of payment, with imprisonment, with or without hard labour, for a period not exceeding six months.

Fines, &c.

If there are reasonable grounds for believing that an accident has been caused by any wilful act or by gross negligence or inattention the State Attorney shall have the right to deal with the case under the general criminal law.

X.—CONCLUDING PROVISIONS.

42. The Executive Council, after consultation with the State Mining Engineer, shall have the power to add further regulations to this Law, if found necessary in the interest of the public safety, subject to the confirmation of the Volksraad at its first ensuing session.

Executive Council, power to add.

43. Every Boiler Inspector shall be *ex-officio* a Justice of the Peace for his district.

Inspector to be Justice of Peace *ex officio*.

Law repealed. **44.** Law No. 3, 1896, is hereby repealed.

Law comes into force. **45.** This Law shall come into operation on the 1st January, 1899.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary

Government Office,
Pretoria, 1st August, 1898.

LAW No. 12, 1898.

MINING REGULATIONS.

GENERAL PROVISIONS AND REGULATIONS FOR THE WORKING OF MINES.

Approved by Resolution of the Second Volksraad, Art. 834, dated 26th July, 1898, and noted and accepted by the First Volksraad, under Art. 971, dated 15th August, 1898, with the express stipulation that no tunnels, as provided for in Art. 2, Chapter III., shall be driven through grounds which are reserved under Art. 1261 of the Resolutions of the First Volksraad, 1896, which must be strictly enforced.

CHAPTER I.

SUPERVISION BY THE STATE.

(A). All mining in the South African Republic, on proclaimed as well as unproclaimed ground, shall be under the supervision of the Government.

Subject also to this supervision shall be mills for the reduction of ores, establishments for the mechanical dressing of ores, establishments for chemical treatment of ores, and ore smelting furnaces, as well as water dams and conduits for mining purposes.

Control by
State Mining
Engineer and
by Inspectors
of Mines.

(B). This supervision shall be exercised by the State Mining Engineer and by Inspectors of Mines duly appointed by the Government; such Inspectors to act under the State Mining Engineer, who shall assign them their duties and districts.

Control by
Boiler
Inspectors.

(C). Boilers and motors directly driven by steam, both above and below ground, shall be under the supervision of the Government Boiler Inspectors, as provided for by the Boiler Law, whilst all other machinery and appliances in and about the mines shall be under the supervision of the Inspectors of Mines.

CHAPTER II.

INTERPRETATION OF TERMS UNDER THIS LAW.

Mine. (A). The term "Mine" shall be taken to mean all workings of mineral deposits on the surface, from the surface downwards and underground, together with all erections and appliances belonging

thereto, above and below ground, provided they are for the purpose of prospecting for or winning metals and minerals.

If any question should arise as to whether any workings are or are not comprised under the term "Mine," it shall be referred to the State Mining Engineer, whose decision shall be final.

(B) The term "Reef" shall be taken to mean a vein or bed (layer) containing minerals, metals, or metalliferous ores. Reef.

(C) The term "Mineral" shall be taken to include all substances which can be got from the earth by mining operations for purposes of profit. Mineral.

(D) The term "Safety-Pillar" shall be taken to mean every portion of a reef or mineral deposit left *in situ* for the support and protection of surface objects or underground workings. Safety-Pillar.

(E) The term "Shaft" shall be taken to mean any vertical or inclined way or opening from the surface downwards, which is or might be used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations. Shaft.

The term "Winze" shall be taken to mean an underground shaft, either vertical or inclined. Winze.

(F) The term "Steeply inclined," in connection with shafts, winzes, or other underground excavations, shall be taken to mean an inclination to the horizon of more than 45 degrees. Steeply inclined.

(G) The term "Workings" shall be taken to include all the excavated portions of a mine, those abandoned as well as those actually being worked. Workings.

The term "Stope" shall be taken to mean a working in which a section or block of the reef, which has been opened up by means of levels and connecting drives, is being removed. Stope.

(H) The "Owner" of a mine shall be taken to be any person or body of persons who is, or are, the immediate holder or lessee of any mine or part thereof, and shall not be taken to include a person or body of persons who merely receives, or receive, a royalty or rent from a mine, or who is, or are, merely the owner of any mine subject to any contract for the working thereof, or who is, or are, merely the owner of the soil. A tributor for the working of a mine, or any part thereof, shall be subject to this Law in like manner as if he were an owner, but this shall, however, in no way exempt the person or the body of persons to whom he pays tribute from any liability as owner under this Law. Owner.

Where a mine is owned by a Company or Syndicate the Chairman of such Company or Syndicate shall be considered to be the owner in terms of this Law.

(I) The term "Agent" shall be taken to mean the representative of the owner of a mine, but who is not the responsible person under this Law for the control, management and direction of the mine. Agent.

(K) The term "Manager" shall be taken to mean the person registered as responsible under this Law for the control, management, and direction of the mine. Manager.

(L) The term "Mine Overseer" shall be taken to mean the person in charge of all underground works of a mine, acting under the direction of the manager. Mine Overseer.

Surface-Foreman.

(M) The term "Surface-Foreman" shall be taken to mean the person in charge of the surface work of a mine, acting under the direction of the Manager.

Shift-Boss.

(N) The term "Shift-Boss" shall be taken to mean the person in charge during the shift, in a section of or in all the underground works of a mine, acting under the instructions of the Mine-Overseer.

Ganger.

(O) The term "Ganger" shall be taken to mean a person in charge of a gang of workmen in one or more working places in or at a mine, but he shall not conduct blasting operations unless he be the holder of a "blasting certificate."

Machinery.

(P) The term "Machinery" shall be taken to mean any mechanical appliance or combination of appliances which can be used for developing, receiving, transmitting or converting power, mechanical as well as physical (natural).

Engine.

(Q) The term "Engine" shall be taken to mean an arrangement of machinery which converts physical into mechanical power, and which is under the control of a person.

Explosives.

(R) The term "Explosives" shall be taken to mean nitro-glycerine, dynamite or any other nitro-glycerine compound, gun-cotton, blasting powder, detonators and every other substance, whether similar to these mentioned or not, used in mining operations with a view to produce a practical effect by explosion.

CHAPTER III.

PROTECTION OF THE SURFACE.

Cavities on the surface.

1. Where mining operations have caused subsidences or cavities on the surface, or where such are likely to occur, such places shall be securely fenced in, and conspicuous notice boards put up to warn persons off.

Protection of railways, streets, buildings, &c., safety pillars for same.

2. In the working of mines, for the protection of such grounds as are stated in the Chapter of the Gold Law relating to "undermining rights," and any surface objects which it is necessary to protect in the interests of personal safety or public traffic, and the removal of which may be inexpedient or impossible, the reefs, coal-beds, or other mineral deposits shall be left intact, not only vertically below the same, but for such a distance outside the boundaries of the ground or surface objects as the Inspector of Mines may consider necessary, subject to the approval of the State Mining Engineer.

The driving of tunnels through such ground, not exceeding two metres ($6\frac{1}{2}$ feet) in width, for the purpose of connecting two separate mines or parts of a mine, shall only be allowed by special written permission of the Inspector of Mines, and upon the precautions prescribed by him being observed.

The entire or partial excavation of the above mineral grounds, in cases where such right is obtained in terms of the Gold Law, shall only be allowed upon observance of the precautions which the State Mining Engineer shall prescribe in each separate case.

By permission of the Inspector of Mines a connecting tunnel may also be driven through the ground of others, if such is necessary to the improved working of a mine, provided always that such tunnelling shall not hinder or obstruct the working of such ground, and provided that

the holder of such right shall be responsible for all damage resulting therefrom, and, further, that of any minerals found in such mineral ground proper restitution shall be made to the owners, free of cost.

Any person who fails to comply with the provisions of this Article shall, besides the liability attaching to him under any other Law, be liable to a fine not exceeding £500, or, in case of non-payment, imprisonment for a period not exceeding one year, with or without hard labour, or imprisonment without the option of a fine for a period not exceeding one year, with or without hard labour.

3. All excavations made contrary to the provisions of the preceding Article shall be immediately filled up with loose rock, debris, or earth, by the person responsible for such excavations, failing which they shall be filled up by the Government at the expense of the owner of the mine in question. Filling up of excavations.

4. Should the ground of any railway or steam tramway be undermined unlawfully the owner of the mine concerned shall, in addition to any punishment inflicted on the manager, be compelled to pay to the Government the value of the mineral wrongfully extracted. The basis for the calculation of the value of such mineral shall be the average yield of mineral produced from the mine during the preceding six months. Liability when undermining.

5. At collieries, in addition to all other regulations of this Law, the following provisions shall be observed:— Collieries.

- (a) Coal debris shall not be allowed to accumulate on any ground where there exist, or are likely to be, surface fissures or cavities, the result of underground operations. "Coal debris."
- (b) No working of coal or any such like mineral, beyond the necessary development drives, shall be carried on beneath any accumulation of unburnt, burning or smouldering coal or other similar debris.
- (c) The State Mining Engineer, through the Inspector of Mines, may permit a limited extraction of coal or such like mineral beneath coal debris, or any other similar debris heaps, if he be satisfied that such may be done without danger to that or other adjacent property. Permission to do so shall be applied for through the Inspector of Mines.
- (d) Excavations filled with ground which has finally subsided may be filled up with earth and then used as a site for depositing coal and other debris, provided the consent of the Inspector of Mines has first been obtained.
- (e) All coal debris and bituminous rock shall be deposited at such a distance from shaft works and buildings as to minimise danger from fire.
- (f) The owner of a coal mine shall be responsible for all damages resulting from the combustion of his debris heaps.
- (g) In case of underground fire, or of an explosion of gas in a mine, or when any traces of explosive gas are observed, the same shall be immediately reported to the Inspector of Mines. Underground fire, explosion of gas.
- (h) Every coal mine, not exempt in writing by the Inspector of Mines, shall be provided with at least one safety lamp for every twenty underground employees. Each ganger shall be furnished with one of these lamps, which he shall keep in his working place ready for use for the detection of inflammable gas. Safety Lamps.

Prospecting
works.

6. In digging prospecting trenches the ground shall be thrown out so as to form more or less equal ridges on either side.

Trenches situated on mining properties in course of exploitation shall be filled up again with earth or stones within six months after they are made, with the exception of those places only where a mineral deposit has been exposed. These trenches shall be, and be kept, securely fenced in as long as they remain open. Should such open trenches not be filled up within a given time after a penalty for the offence has been inflicted, the Government shall have the right to do so at the expense of the owner of the ground.

Dangerous
places.

7. If, in the opinion of the Inspector of Mines, disused prospecting works are dangerous to life, or endanger public traffic, he may order them to be filled in with ground to the level of the surface, or otherwise securely fenced in by the present claim-holder or the owner of the ground.

Where such claims have reverted to Government, or the ground has been closed as a public diggings, the Government shall, on receipt of well-founded complaints, take the necessary precautionary measures.

Entrance to
mine.

8. The mouth of every shaft or entrance to a mine, which for the time being is out of use or used only as an airway, and the approach of every open working, shall be, and shall be kept, securely protected, so as to prevent persons inadvertently falling into or entering the same.

Water
injurious.

9. Water used in the treatment of gold or other ores, which contains chemical solutions poisonous or injurious to man or beast, shall be effectually fenced off to prevent accidental access thereto by the public or by strange cattle. Notice boards shall be put up in suitable places to warn persons from making use of such water.

In no case may water containing such injurious solutions be permitted to escape without having been previously rendered innocuous.

CHAPTER IV.

PROTECTION OF UNDERGROUND WORKS.

Shaft stations.

10. The mouth and all entrances between the top and bottom of every vertical or steeply inclined shaft, winze, sump and shoot or sliding-hole, being in actual use, shall be properly fenced off by means of a barrier or gate, but this shall not be taken to forbid the temporary removal of the fence for the purpose of repairs or other operations if proper precautions to prevent danger to persons are taken.

Protection of
traffic.

11. Where underground workings, as referred to in the preceding article, or steeply inclined stopes lead directly into a travelling road, the traffic at such places shall be protected against danger from falling stones or material.

Underground
entrances to
shafts.

12. All underground entrances to shafts which are temporarily or permanently abandoned or to any other places which are not in a safe condition shall be securely fenced across the whole width of such entrances, so that no person can enter the same unless he do so intentionally.

Timbering,
&c.

13. Where the natural strata are not safe every working or pumping shaft, and every travelling road, airway or working place shall be

securely timbered, built up or otherwise made secure, and kept in safe condition so long as they are in actual use.

Where the timbering of a working place is done by the workmen employed therein suitable timber shall be provided at such working place or any other place convenient to the workmen.

14. Tools, wood or any loose articles shall not be laid down or be allowed to remain in such proximity to the mouth or any entrance to shafts or winzes, whether vertical or inclined, as may result in their falling into them.

Loose articles next to shaft.

15. In working in proximity to a place which is likely to contain a dangerous accumulation of water or noxious gases there shall be constantly kept, at a safe distance in advance, a sufficient number of bore-holes, or other precautionary measures shall be taken to obviate the danger of a sudden breaking through of such water or gases.

Water or gas accumulations (bore-holes).

16. On the inside of the boundary lines of every mine safety pillars shall be left standing, the width of which in coal mines shall not be less than 20 [1] metres, and in metalliferous mines not less than 10 metres, measured at right angles from the boundary line.

Boundary pillars.

The width of these safety pillars may be lessened only by special written permission of the Inspector of Mines.

These boundary pillars shall not be weakened, cut through, or worked, except by express agreement between the owners of such adjoining mines, or with the written permission of the State Mining Engineer, to be obtained through the Inspector of Mines.

CHAPTER V.

WINDING (HOISTING).

(A)—*Winding Mineral, Rock, Material or Water in Shafts or Winzes.*

17. All windlasses, reels, capstans and such like in use at shafts and winzes shall be provided with a stopper, lynch-pin or some other reliable holder, and care shall be taken that the hooking on and off of buckets, kibbles or other such means of conveyance is done without danger to the workmen.

Stopper on windlasses. Hooking on and off receptacles.

18. When winding is effected by means of an engine an adequate brake shall be attached to every drum and kept in proper working order. Such brake shall be so arranged that—be the engine at work or at rest—it can be easily and safely controlled by the engine-driver when standing at the starting and reversing levers.

Brake.

19. The connection between rope and bucket, kibble or other similar means of conveyance shall be of such a nature that no accidental disconnection can take place.

Connection between rope and bucket.

20. Ropes used for winding purposes shall be in good condition and of good manufacture.

Ropes.

21. When tools, wood or other materials are let down or hoisted up in a shaft, their ends, if projecting above the top of the bucket, kibble or other means of conveyance, shall be securely fastened to the winding rope or to the bow of such means of conveyance.

Hoisting of timber and tools.

¹ 1 Metre = 39.4 English Inches or 26 English Feet, & English Foot = 30.48 Centimetres.

Filling of buckets.

22. In sinking shafts the bucket or other means of conveyance shall only be filled up to within about a hand-breadth of the level of the brim.

Before the bucket or other means of conveyance leaves the top or bottom of the shaft it shall be steadied by the workman in charge.

Lowering in sinking shafts.

23. In no case shall any cage, skip, kibble or other means of conveyance be directly lowered to the bottom of a shaft when men are working there, but shall be stopped at least five metres above the bottom, until the signal to further lower it has been given by one of the sinkers thereat. This rule shall not apply to shafts in which the sinkers are within speaking distance of the banksman.

Ladderways and guides in sinking shafts.

24. If the Inspector of Mines considers it necessary a shaft in the course of sinking shall be provided with a ladderway, unless all blasting is done by electricity. Shafts exceeding 40 metres in depth shall be provided with guides for kibbles, unless exempted in writing by the Inspector of Mines.

Shelter and cover in sinking shafts.

25. When a shaft has no separate ladderway under which those engaged in sinking may find shelter during the winding of rock, material or water, sufficient protection shall be provided by a suitable covering.

Should a working shaft be sunk deeper whilst ordinary winding is going on the men employed at the bottom of such shaft shall be completely protected by a cover overhead.

Self-closing covers and gates.

26. In vertical shafts where cages are used the top landing place of each winding compartment shall be provided with a self-closing cover, gate or gates.

Passage through shafts.

27. At every shaft station, where it is necessary for workmen to pass from one side of the shaft to the other, provision shall be made for them to do so without entering or crossing a winding compartment; such passage shall be securely fenced off from moving parts of machinery.

When winding compartment may be entered.

28. It shall not be lawful to enter a winding compartment of a shaft except to ascend or descend, and for purposes of repair.

Repairing in winding compartments.

29. No winding shall be permitted whilst repairs in the winding compartment are being made beyond what is necessary for such repairs.

Signals.

30. Every winding shaft, if exceeding 40 metres in depth and not exempted in writing by the Inspector of Mines, shall be provided with some proper means of interchanging distinct and definite signals between the top and bottom of the shaft and the various intermediate stations for the time being in use. Where the conditions require it the bank of the shaft shall likewise be connected with the engine-room by some efficient means of signalling.

Starting engine.

31. It shall not be lawful for the engine-driver to start his engine before he has received a distinct signal.

Who may give signals.

32. Only persons duly authorised by the manager or mine-overseer shall be allowed to give a signal.

33. In signalling the following shaft-signals shall be used :—

Knocks
or rings.

1. RAISE, when engine at rest.
1. STOP, when engine in motion.
2. LOWER.
3. MEN about to ascend or descend.
3. IN REPLY, men may enter the cage or other conveyance.

Shaft signals.

In no case shall any person enter a cage or other conveyance until the return signal " 3 " has been received.

The engine-driver, when receiving the signal 1 or 2, signifying to raise or lower any person, shall wait at least ten seconds before starting to wind.

34. The above code of signals, in the form of a distinctly legible notice, painted on a board or enamelled plate, [1] 0·55 metre high and 0·5 metre wide, shall be posted up in the engine-room, at the top and bottom of the shaft, and at the intermediate shaft stations for the time being in use.

Code of
signals posted
up.

35. Special signals may be used at any mine provided they are easily distinguishable by their sound or otherwise from the foregoing code, and do not interfere with it in any way.

Special
signals.

(B.)—*Raising or Lowering Persons.*

36. Raising and lowering persons by means of machinery shall be allowed only with the special permission of the Inspector of Mines if the following conditions are complied with :—

Conditions.

- (a) The headgear shall be of such a height that the distance from the top landing-place to the underside of the pulley-wheel shall not be less than eight metres, and shall be constructed so as to allow ample room for the cages or other conveyances to travel freely in case of overwinding.
- (b) The winding ropes shall be of steel, of the best manufacture, free from any defects, and shall permanently possess a breaking strain of at least six times the maximum load they are required to carry.
- (c) New winding ropes, as also the connecting attachments between the rope and the cage, skip or other conveyance shall be carefully examined and properly tested as to their working strength by some competent and reliable person authorised thereto by the manager, and shall be used for the ordinary transport of workmen in shafts only after having been proved reliable in the ordinary winding work.

The result of the above examination shall be immediately recorded in a book specially kept for that purpose in the office at the mine.

This book shall also contain the following particulars of winding ropes put on after the date of this Law coming into operation :—

- Names and address of manufacturer ;
- Dates of manufacture and purchase ;
- Description and make of rope ;
- Date on which rope was put on ;

¹ 0·55 metre, 22 English inches. 0·5 metre, 20 English inches.

Dates of shortening and re-capping ;
 Dates of tests after shortening ;
 Breaking strain of wire on re-testing ;
 Date when rope was taken off ;
 Length of rope in metres ;
 Width and thickness of rope in millimetres ;
 Number of strands ;
 Number of wires in each strand ;
 Diameter of wire in millimetres ;
 Class of core ;
 Breaking strain of rope, in kilos [¹] or tons :
 Safe working load, in kilos or tons ;
 Weight per metre in kilos.

This book shall contain the signature of the person responsible for the required examination.

- (d) Cages, skips or other conveyances used in vertical or steeply inclined shafts shall have a proper roof or cover, and cages shall, moreover, be provided with safety catches where practicable.
- Cage entrances shall be fitted with doors so as to prevent any portion of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft, and the doors shall be constructed in such manner that they cannot open by themselves.
- (e) There shall be on the drum of the winding engine such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping.
- (f) There shall be not less than three rounds of rope upon the drum when the cage or other conveyance is at the lowest point of the shaft from which hoisting is going on. The end of the rope shall be properly fastened round an arm or the shaft of the drum.
- (g) Every engine used in raising or lowering workmen shall be provided with a depth indicator, in addition to any marks on the rope, which will clearly and accurately show to the engine-driver at his driving seat at all times the position of the cage or other conveyance in the shaft, and which will, moreover, in shafts exceeding 100 metres in depth, ring a bell in the engine room when the conveyance is 20 metres from the top landing-place. In cases of special engines, where the ordinary depth indicator above referred to is not applicable, another reliable depth indicating arrangement shall be provided.
- (h) A reliable speed indicator shall be attached to the winding engine if considered necessary by the Inspector of Mines.
- (i) Some suitable automatic device to prevent over winding of cages or other conveyances shall be provided at every winding-shaft or winding engine.
- If the winding apparatus cannot be provided with some automatic contrivance to prevent over-winding the cage or other conveyance, when men are being raised, shall not be wound up at a speed exceeding [²] 5 kilometres an hour, after the cage or

¹ 1 kilo = 2·2 English lbs. avdp.: 1 English lbs. avdp. = 0·45 kilo.

² 5 kilometres = 3·1 Engl. miles.
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other conveyance has reached a point in the shaft to be fixed by the Inspector of Mines.

37. Prospecting shafts not exceeding 40 metres in depth, where winding is done by manual or animal power, shall be exempted from the provisions of the preceding article. Exemptions for prospecting shafts.

38. In shafts where, in accordance with Article 36, raising or lowering of persons is permitted the following rules shall be strictly observed. Rules.

(a) One, or more than one competent person, specially deputed by the Manager for the purpose, and whose name or names shall be registered by him in a record book, shall carefully examine:—

- (1.) At least once each day, the winding ropes and their attachments to the cages and drums, the brakes, depth indicators, the cages and their safety catches, the pulley wheels and all and every external part of the winding arrangements upon the proper working of which life depends.
- (2.) At least once a week, the guides and the winding compartments generally, the signalling arrangements and the external parts of the winding engine.
- (3.) At least once a year, the winding engine as to the working condition of the internal parts.
- (4.) The winding ropes shall be so cleaned at least once a month as to allow of a close examination.

A true report of the result of every examination above mentioned shall be recorded without delay in a book to be kept at the mine specially for the purpose, and shall be signed by the person who made the inspection. This record book shall at all times be open to the Inspector of Mines for inspection. Should, as a result of such examination, any weakness or defect be discovered, by which life and limb may be endangered, the defect shall immediately be reported to the Manager and remedied, and no workman shall be lowered or raised until the defect is made good.

- (b) So soon as the rope becomes defective it shall no longer be used for the transport of workmen unless the damaged part be at the end and can be cut off.
- (c) Ropes out of which any defective portion has been cut and the ends again spliced, and ropes which have been previously in use elsewhere, shall not be used to raise or lower workmen.
- (d) At every mine where persons are raised or lowered at least one spare rope of the description as provided for in Art. 36 (b) shall always be kept in reserve ready for use.
- (e) Special care shall be taken by the manager to prevent access to the signal wires by any persons other than those in charge of them, and to guard against their being accidentally moved.
- (f) Whilst workmen are being conveyed in a shaft the winding of mineral or material shall be discontinued, except where a separate engine is used for raising or lowering persons. Workmen shall not be allowed to take with them in the cage, skip or

bucket, any heavy articles, especially drills or other tools, except for the purpose of shaft repairs.

(g) No one shall be allowed to ascend or descend a shaft on the side or bow of a skip, or on the top of a loaded truck, skip or bucket. Riding in partially loaded cages, skips or buckets shall be permitted only to persons in charge of underground works, sinkers and to workmen employed to do repairs in the shaft. The same shall apply to unprotected cages, skips or buckets in vertical or steeply inclined shafts.

(h) In no case shall a greater number of persons ride in any cage or other conveyance at any one time than can be conveniently accommodated therein with safety.

The number of persons allowed to ride at one time in a cage or other conveyance shall be fixed by the Inspector of Mines, and shall be kept posted up at each landing place.

(i) A person travelling in a cage or other conveyance shall not be allowed to change his place therein whilst the conveyance is in motion.

(k) After any stoppage of winding for repairs, or for any other purpose exceeding one hour's duration, each cage or other conveyance, before any person shall be allowed to ride therein, shall be run a complete trip up and down the working portion of the shaft at least once with a view of insuring that everything is in good working order.

(l) When persons are being raised or lowered the engine driver shall in no case be allowed to run the engine at a greater speed than that fixed upon when the permission to use the engine for the purpose was granted, and he shall take care that shocks in starting and bringing the engine to rest are avoided, and that cages or other conveyances are set down gently at stopping places.

(m) At every shaft or shaft station where persons are regularly conveyed signals for raising or lowering a person or persons shall be given only by qualified banksmen and onsetters, who shall be responsible for the observance of the Rules referred to in Article 38f, 38g, 38h, paragraph 1, and 38k, and that the correct signals are given and the doors of the cages properly fixed.

(C)—*Hauling on Underground Planes.*

Signals and manholes, &c.

39. Every self-acting inclined plane underground shall be provided, if exceeding 50 metres in length, with some means of communicating distinct signals between the stopping places.

In every engine plane underground a signalling apparatus shall be provided by which distinct signals can be given to the engine driver from any part of such plane.

In self-acting or engine planes underground where persons are allowed to travel places of refuge (manholes), at intervals of not more than 10 metres, shall be provided, if there is not ample room for a person to stand between the moving trucks and the side of the plane.

Every place of refuge (manhole) shall be constantly kept clear.

(D)—*Hauling on Surface.*

Crossing of railway lines.

40. Where a tramway passes over a railway or steam-tramline at a level crossing a signalman bearing a red flag shall be stationed at the

crossing, to warn people of the approach of tramway trucks and to prevent such trucks crossing the railway line while a train is approaching.

No tramway truck or train of trucks shall be run over any level crossing at a greater speed than [1] 7 kilometres an hour.

CHAPTER VI.

TRAVELLING AND LADDER-WAYS.

41. No person shall be employed in a mine or be permitted to be in a mine for the purpose of being employed therein unless there are at least two shafts or outlets to the surface, with which every reef or mineral bed for the time being worked in the mine shall have a communication of not less than one metre wide and one metre high, so that such shafts or outlets shall afford separate means of ingress and egress available to all persons employed in such mine, whether the shafts or outlets belong to the same mine or more than one mine. Two outlets.

Such shafts or outlets shall not lead to the surface in one and the same shaft shed, and shall not at any point be nearer to one another than 10 metres.

42. In any case in which the two outlets or part of them do not belong to the same mine the managers of the respective mines shall be responsible for the outlet, or part of it, in their several mines being kept in proper repair: and should any obstruction arise in such outlet, or anything occur in the mine to jeopardise the safety of the outlet, the same shall be immediately reported to the manager or managers of the other mine or mines. Should either of the two outlets, or part of them, be situated in an abandoned mine or mines, the manager or managers of the working mine or mines shall be jointly and severally responsible for the proper maintenance and repair of such outlet or outlets. Where outlets belong to different mines.

Proper arrangements to enable workmen to descend and to ascend from the mine shall be provided at each such shaft or outlet and kept constantly available for use.

43. The foregoing provisions with respect to two shafts or outlets shall not apply:— Exemptions.

- (a) in the case of a new mine being opened to any workmen for the purpose of making a communication between two or more shafts or to any workmen for the purpose of searching for or proving minerals, or,
- (b) To any opened mine so long as it is exempted therefrom in writing by the State Mining Engineer, or,
- (c) To any mine, while a shaft is being sunk or an outlet being made, or in which one of the shafts or outlets has temporarily become unavailable for the persons employed in the mine, so long as every effort is being made by the manager to repair the damage.

44. At every opened mine where according to the provisions of the preceding Article a single shaft shall be allowed to afford the only means of ingress and egress to the persons employed underground, such shaft must be provided with a proper ladder-way.

¹ 7 kilometres = 4·3 English miles.

Ladder-way. **45.** In ladder-ways exceeding 20 metres in depth, and having an inclination of more than 70 degrees from the horizontal resting places, (platforms) shall be provided at convenient intervals, but in vertical shafts such platforms shall not be more than ten metres distant from one another.

The ladders shall not be erected at a greater inclination than 80 degrees, and shall be so placed as to cover the man holes of the resting places.

When vertical. **46.** Under exceptional circumstances ladders may, with the written consent of the Inspector of Mines, be fixed vertically.

How secured. **47.** All ladders used in mines shall be constructed sufficiently strong, and be securely fastened to the timbering or sides of the shaft, and maintained in proper repair.

It shall not be lawful to fix ladders in shafts in an overhanging position.

Handrails. **48.** The ladders shall project at least one metre above the mouth of the shaft and every platform therein, or strong handrails shall be fixed at such places.

Ladder-ways partitioned off. **49.** Where one compartment of a shaft is used as a foot travelling way it shall be securely partitioned off from the other compartment.

Use of other shaft compartment for travelling purposes. **50.** In all mines where the raising or lowering of persons by means of machinery is prohibited only such travelling ways shall be used in ascending and descending as are specially set apart for the purpose.

The use of other shafts or shaft compartments as a means of ingress or egress shall be permitted only to those persons who are charged with the making of inspections or repairs.

Carrying tools in a ladder-way. **51.** It shall not be lawful to carry tools or any loose material up or down a ladderway in vertical or steeply inclined shafts or winzes.

CHAPTER VII.

VENTILATION.

Amount of fresh air. **52.** Every mine shall be constantly provided with an adequate supply of fresh air.

Not less than two cubic metres [1] of such air per minute shall be provided in the intake for each and every person employed underground, and as much more as circumstances may require.

Should the Inspector of Mines deem it necessary a register of the quantities of air circulating through the mine shall be kept.

Conducting the fresh air. **53.** The ventilating current shall be suitably split where necessary, and the air conducted to and along the face of each and every working place throughout the entire mine in sufficient quantities to render harmless and to sweep away the smoke produced by blasting, or any other noxious gases, so that all working places and travelling roads shall be in a fit state for persons to work and travel therein.

Fresh air doors. **54.** All doors assisting or in any way affecting the ventilation shall be so adjusted that they are self-closing.

55. Underground works, especially shafts, sumps and winzes, which have been in disuse for some time, shall be examined with a light before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and no workman shall be allowed to proceed to such places until they are in a fit state to work or travel in. When these underground workings are found in coal mines safety lamps shall be used. Entering in disused works.

CHAPTER VIII.

LIGHTING.

56. Stationary lights shall be provided during working hours at all stations of vertical and inclined shafts, winzes and planes, for the time being in actual use, as well as at all stopping places in levels, where winding or hauling is effected by means of machinery, and, at night, at all working places on the surface. Stationary lights.

57. All places where winding, driving, pumping or other machinery, is erected, in the proximity of which persons are working or moving about, and which are not fenced off in such a way that it is impossible for anyone to come inadvertently in contact with the machinery, shall be so lighted whilst in operation that the moving parts of the machinery can be clearly distinguished. Lighting of machinery.

58. No person shall be allowed to move about in any unilluminated part of a mine without a light. Moving about without a light.

CHAPTER IX.

EXPLOSIVES.

(A)—*Storage of Explosives.*

59. Explosives for a mine may be stored within the area of the property. Within the property.

60. Permission to establish a dépôt for storing explosives within the area of a mining property shall be obtained from the Inspector of Mines, and no explosives may be stored at a mine until such permission has been granted. Permission.

61. For permission to establish dépôts for explosives upon areas to which this Law does not apply application shall be made to the Inspector of Explosives. Dépôts on areas to which this Law does not apply.

62. Upon mining areas there shall be two classes of dépôts, viz. :— Magazines for Explosives to contain upwards of 2,500 kilos, but not exceeding 12,500 kilos of high explosives; and Store Rooms for Explosives to contain up to, but not exceeding 2,500 kilos of high explosives. Explosives magazines and explosives stores.

63. Two or more Magazines or store rooms for explosives may be erected or constructed, with the consent of the Inspector of Mines, at any mining property, but the distance between any two of them shall not be less than 30 metres. Distances between them.

64. Application for permission to establish a dépôt for explosives, magazine or store room, at a mining property shall be made to the Application.

Inspector of Mines, and shall be accompanied by plans in duplicate, showing the site of the proposed depot in relation to the boundaries of the property and to working places, buildings, public roads and railways, if any, in close proximity thereto, also the design of the proposed depot and specification of the material to be used in building the same. One copy of such plan or plans and specification shall be retained in the office of the Inspector of Mines after permission to establish the depôt has been granted: the other copy, with the Inspector's approval noted thereon, shall be returned to the applicant.

Conditions.

65. Permission to establish a magazine or store room for explosives shall be granted only if the following conditions are complied with:—

(a) Surface magazines shall be distant at least 500 metres, and underground magazines at least 200 metres, from the nearest habitation, works, public roads, railways and any boundary line of such property.

A shorter distance shall be allowed only by special permission of the State Mining Engineer, who shall take into consideration the local circumstances and the quantity of explosives to be stored.

- (b) Store rooms for explosives shall be placed at least 100 metres from any habitation, works, public roads, railways and any boundary line of such property.
- (c) In any case where it is not possible to observe the rule regarding the distance as given in the preceding clause, one or more underground store rooms for explosives may be constructed, but such store room or rooms shall be at such a distance from any travelling way or working place as the Inspector of Mines shall direct.
- (d) Surface magazines and store rooms shall be taken to mean those erected on the surface; underground magazines and store rooms shall be taken to mean surface excavations in a hillside or on level ground, or in which the storage room is below the surface, access thereto being gained either by an open cutting or by an inclined way.
- (e) In the construction and erection of magazines and store rooms only the lightest and most suitable material available shall be used for walls and roof.
Solid vaulted roofs are specially prohibited.
- (f) A surface or underground magazine or store room shall not have any windows: light, when required, being afforded through the open door.
- (g) The magazine or store room shall be at least two clear metres from floor to ceiling.
- (h) A magazine or store room shall comprise at least two compartments, one called the lobby which is accessible from the outside and used for the reception and delivery of explosives: the other called the storage-room, which is accessible only from the lobby and used for the storage of explosives.
- (i) The outer door to the lobby shall open outwards and be faced with sheet iron about three millimetres thick, and fitted with a good lock.

The door between the lobby and the storage-room shall be wood, opening inwards, and fitted with a good lock.

(k) The compartments of a magazine or store room shall be properly ventilated by cowled ventilators in the roof, or properly protected ventilating channels in the gables. The highest temperature allowed in the storage room shall not exceed 35 degrees C. (95 degrees Fahrenheit).

(l) The ceiling, as well as the inner sides of a magazine or store room, shall be wood-lined, the lining to be about eight centimetres from the walls.

The floor shall be of wood of sufficient strength, and shall be well ventilated beneath; it shall also be provided with a proper drain for ensuring the dryness of the magazine or store room.

Roofs of galvanized iron shall have wood lining immediately against the iron.

(m) All nails, fastenings, locks, keys and fittings inside the magazine or store room shall be of wood, brass, or copper.

(n) All outer wood and ironwork, as well as the roof, shall be painted red.

(o) The outer door shall bear the inscription "Ontploffbare Stoffen," "Explosives," painted thereon in distinct white letters.

The front gable shall have fixed thereto a plate bearing the registered number of the magazine or store room supplied by the Inspector of Mines.

(p) The magazine or store room shall be fitted with a reliable lightning conductor, supported on a vertical post, standing clear from the building, but not more 0.5 metre from one of the gables, and rising at least two metres above the highest point of the magazine or store room.

This lightning conductor shall be carried to a properly laid earth-plate beyond the outer earth wall.

(q) A surface or underground magazine or store room shall be surrounded by an outer earth wall, and the bottom of the inner slope of the same shall not be less than one metre from the sides of the building. This earth wall shall have a natural slope on either side, and be one metre wide at the top, and as high as the highest point of the roof of the building.

(r) The approach to the precincts of a magazine or store room, through the outer earth wall, shall have a strongly-built gate which must be kept locked.

The entrance to the magazine or store room must be either in a broken line or the door must be protected by an outer protecting earth wall entirely shielding the entrance.

(s) A copy of the regulations for the storage, distribution and transport of explosives, shall be posted up on the inside of the outer door of every explosives dépôt.

(t) A reliable thermometer shall be kept in the storage room of every explosives dépôt.

66. For the examination and passing of an explosives dépôt by the Inspector of Mines a fee of £5 shall be charged, and for the supervision of the dépôt a yearly charge of £1 shall be made by the Government. Fees.

67. A light shall not be taken into any explosives dépôt.

Lights.

The light required in an underground explosives store shall be reflected from a lamp placed outside the store door. Such lamp shall be properly protected.

- How placed.** **68.** Explosives shall be stored in regular layers, and not more than six cases high, below each layer there shall be two laths of wood placed so as to minimise friction in handling.
- Quantities under 50 kg.** **69.** Not more than 50 kilos of dynamite or other high explosives shall be kept at any one time, at any one place, in or about a mine, except in a registered store room or magazine for explosives.
- Kept in wooden boxes.** **70.** Where on the surface the quantity of explosives is only 50 kilos, or less, the same shall be kept in safe and secure wooden boxes, which shall not be placed within 30 metres of anything liable to ignition, or of a furnace, steam boiler, entrance or outlet of a mine or of a shaft in course of sinking.
- Blasting powder.** **71.** Blasting powder shall not be stored in any depôt in the same compartment with high explosives, but shall be kept in a separate compartment having its own entrance from the depôt lobby.
- Pieces of explosives to be destroyed.** **72.** Pieces of explosives scattered on the floor of depôts shall be carefully picked up and destroyed in an open place, at a safe distance, by burning or otherwise.
- Detonators.** **73.** Detonators shall not be kept in the same compartment with any other explosives, and in quantity exceeding 1,000 shall only be stored in a building set apart for the purpose.
- Detonator store.** **74.** In any case where a detonator store is built within the outer earth wall of an explosives depôt, a space of about two metres shall be left between them, the store wall nearest the depôt shall be at least 0·5 metre in thickness and of substantial construction.
The door of every detonator store shall be strongly built, fitted with a good lock, and have inscription "Detonators" painted thereon.
- Loitering about explosives depôts.** **75.** Any unauthorised person loitering in the immediate vicinity of an explosives depôt shall be liable to be prosecuted.
- (B.)—*Receipt and Distribution of Explosives.*
- Storekeeper.** **76.** Every explosives depôt shall be in charge of a person acquainted with the nature of such explosives, who shall be responsible for the proper receipt, storing and distribution of the explosives, and shall enter in a book, provided for the purpose and kept in the depôt, full particulars of all receipts and deliveries.
He shall receive and deliver only such explosives as are in good order and condition.
- Written order.** **77.** No explosives shall be delivered from a depôt except upon the written order of an authorised person.
Only the probable quantity of explosives required for a day shall be issued for each working place.
- Supply of explosives to gangers.** **78.** Gangers shall not be allowed to use at their working places any explosives which are not supplied to them from the depôt of the mine where they are employed.
The daily delivery of explosives to each ganger shall be clearly and accurately recorded,

79. No workman shall be allowed to take away from the mine any explosives supplied for use at the mine, without the permission of the manager or mine-overseer. Permission of manager.

80. Frozen dynamite and other nitro-glycerine preparations shall not be distributed in such condition, but shall first be thawed in a moderately warm place above or below ground. Frozen dynamite.

The thawing of frozen nitro-glycerine preparations shall not be effected by placing them near a fire or steam boiler, or in any place which is or may become hotter than can be borne by the naked hand.

81. Only implements of wood, brass or copper, shall be used in opening cases containing explosives, except where cases are screwed down, when an iron screw-driver may be used to withdraw the screws, but for no other purpose. Opening the cases.

82. The person in charge of the depôt shall prevent any person entering the depôt when smoking, or carrying anything which might cause combustion. Entering the depôt.

(C.)—*Transport of Explosives.*

83. In no case shall detonators be transported in the same vehicle or carried in the same case or canister with dynamite or any other nitro-glycerine compounds. Never together with detonators.

84. Proper notice shall be given to the engine-driver, banksman, and onsetter immediately before explosives are conveyed in a shaft by means of machinery. Notice to engine-drivers.

85. The engine-driver shall gently lower or raise the cage or other conveyance containing explosives, and the explosives may be placed in or taken out of such conveyance only by the person duly authorised thereto. Lowering and raising.

86. No person carrying explosives shall be allowed to smoke or have in his possession any friction matches, nor shall he himself carry a light; underground, he shall be preceded by a person carrying a light, whose duty it shall be to give proper warning of the approach of explosives. Smoking prohibited.

CHAPTER X.

BLASTING.

87. No person shall be allowed to conduct any blasting operations in or about a mine unless he holds a "blasting certificate," signed by the manager of that or another mine in this State, and countersigned by the Inspector of Mines. Such certificate shall be in the form prescribed by the State Mining Engineer, and may be obtained at the office of the Inspector of Mines. Certificate.

The Inspector of Mines may grant provisional blasting certificates, valid for one month, to persons arrived from foreign countries, who are able to satisfy him of their competency to execute blasting operations. Such certificates shall bear a 5/- stamp.

In case a holder declares that he has lost his certificate the manager may grant a new one in the above described manner; such certificate shall also be countersigned by the Inspector of Mines, bear a 5/- stamp, and be distinctly marked with the word "Duplicate."

Ganger must be certificated.

88. At every working place where blasting is carried on the ganger on each shift shall be a person holding a blasting certificate, who shall see that the rules for blasting as set forth hereafter are observed.

Division of Gang.

89. In case a gang of workmen is so large that one ganger is unable himself to properly conduct the blasting operations, such gang shall be divided into two or more parties, each under an experienced miner holding a blasting certificate.

Assistance by coloured men.

90. In the preparation of charges, the charging of drill-holes and the lighting of fuses, a certificated blaster may be assisted by skilled, reliable white or coloured persons when acting under his direct supervision, but he shall be personally responsible for any accident occurring through their ignorance, inexperience or carelessness.

The expression "coloured person" shall signify and include every African or Asiatic native, or any other coloured person.

Duty of Ganger.

91. It shall be the special duty of the ganger to see that everyone working under him is acquainted with the danger attending the contravention of Art. 93, paragraphs L, M, and N.

Withdrawal of certificate.

92. Any holder of a blasting certificate who employs a white or coloured person not being thoroughly acquainted with the handling and use of explosives to assist him, or who fails to properly observe the rules under which the certificate is granted, shall be liable to have his certificate suspended or withdrawn by the Inspector of Mines.

Rules for Gangers.

93. Gangers shall be personally responsible for the due and proper observance of the following rules :—

(a) Explosive shall be kept in a dry place at a safe distance from working places, and in a properly constructed wooden box fitted with lock and key. On the cover of the box, or on a board against the wall above it, the words "Ontploffbare Stoffen," "Explosives", shall be painted with distinctly legible letters. This box shall be kept locked, and the ganger shall keep the key of the box, and unlock it only when he places explosives therein or removes the same therefrom.

No other materials, implements or tools shall be placed in a box in which there are explosives.

The detonators shall be kept separately in a locked box placed at a safe distance from the box containing the explosives.

(b) An unprotected light shall not be placed on the cover of a box in which there are explosives or detonators.

(c) All lights shall be removed to a safe distance before any case containing explosives is opened, and also during the preparation of the charges.

(d) Smoking by persons whilst handling explosives or detonators is prohibited.

(e) Explosives of every kind shall be used only in the form of cartridges.

(f) When blasting with dynamite or other high explosives the fuse with the attached detonator shall only be inserted in the so-called primer cartridge shortly before use.

- (g) In charging or in stemming holes for blasting a person shall not use any iron or steel pricker, or tamper, and no explosive shall be forcibly pressed into a hole of insufficient size.
- (h) Only sand loosely filled in soft clay slightly tamped, or water, shall be used as tamping material for charges of dynamite or other high explosives.
- (i) Before firing charges, due warning shall be given in every direction by shouting "Fire" and all entrances to such working place shall be guarded to prevent inadvertent access thereto whilst firing.
- (k) The number of shots exploding, except in case of electric firing, shall be counted by at least two persons, one of whom shall be the ganger or miner who fired the charges. If they are not both certain that all the shots have exploded no one shall be allowed to enter the working place for a period of 30 minutes after the fuses were lighted, and, if such missfire occurs at change of shift, the ganger who fired the shot shall at once put up danger boards—red, with "Danger" in white painted thereon, to prevent inadvertent access to such working, and shall forthwith report such missfire or missfires as well as any other matter requiring attention to the mine overseer and to the ganger of the following shift: the responsibility for warning the ganger of the next shift shall rest with the ganger firing the shots. If the shots are fired by electricity, the place may immediately be re-entered after the ganger has disconnected the cable of the battery.
- (l) Explosives shall not be extracted from a hole which has once been charged; the tamping may only be unrammed sufficiently to allow a missed shot to be fired.
- (m) The deepening of holes or any parts of holes left standing is strictly prohibited unless it is positively known that they have not been previously charged with explosives.
- (n) Drill-holes bored near to holes in which the charge has missed fire shall be given such a direction that they cannot come in contact with them.
- (o) The ganger shall point out to each native driller working under him the exact position and direction of the bore-hole to be drilled, and see that he does not deviate therefrom.
- (p) Before commencing work, either at beginning of shift or after blasting, the ganger of the shift shall be the first to enter the working place, and, until he considers it safe, he shall not allow any workmen to proceed thereto, except those required by him to make the place safe.
- (q) Before starting to drill a hole all loose and loosened rock and ground shall first be removed from the surface of the working place.

CHAPTER XI.

MACHINERY.

94. Steam boilers, engines, and all other machinery at a mine, shall be in the charge of a competent mechanical engineer. In charge of an engineer.

Absence of engine drivers.

95. No person having charge of any engine or machinery which, for the safety of life and limb, requires constant supervision, shall for any reason whatever absent himself from, or cease to have continual supervision of, such engine or machinery during his shift, unless he be first relieved by competent authority and replaced by a competent person, and such person shall not be caused to work more than 12 hours per diem.

Fences.

96. All exposed machinery which, when in motion, may be dangerous to persons, shall be securely fenced off, so as to effectively prevent inadvertent access thereto.

Clothing.

97. Persons engaged in close proximity to moving machinery shall not be allowed to wear loose outer clothing.

Oiling, &c., when in motion.

98. Oiling by hand, cleaning or repairing of machinery whilst in motion, is forbidden.

Driving belts.

99. Shipping and unshipping driving belts, whilst the machinery is in motion, is forbidden, unless some appliance is used which removes the danger attending such operation.

Electrical machinery.

100. Electrical machinery and all electric conductors shall be placed and protected in such a way that no person can inadvertently come into contact with, or be injured by, or be reason of the same.

Notices posted up.

101. Notices warning persons from touching electrical machinery, appliances or electrical conductors, of any description without authority shall be posted up at suitable places.

Notice of danger.

102. All workmen shall strictly observe the precautionary measures referred to in this Chapter, and in case they notice anything which might be dangerous to life and limb, or to the working of the machinery, shall as soon as possible inform the person in charge thereof.

Entrance to shaft-sheds, &c.

103. Unauthorised entrance into shaft-sheds, as well as into all places where machinery or steam boilers have been erected, is prohibited. Notice to this effect shall be posted up at all entrances.

CHAPTER XII.

CERTIFICATE FOR ENGINE DRIVERS.

Engine driver's certificate.

104. Every person having charge of a winding engine used for raising and lowering persons in a shaft, or drawing the same along an engine-plane, shall be the holder of an engine-driver's certificate of competency, which he shall exhibit in his engine-room when on duty.

No coloured person may hold an engine-driver's certificate of competency.

Conditions on which the same is granted.

105. Engine-drivers' certificates shall be granted under the provisions of the following regulations:—

- (a) The applicant for a certificate shall be examined as to his practical knowledge of the working of all classes of winding-engines, steam boilers and other machinery, used in or in connection with winding.

Applicants may, at their own request, be specially examined in electrical winding, and, if successful in such special examination, the same shall be shown on the certificate issued to the applicant.

- (b) The applicant shall furnish to the Board of Examiners, satisfactory evidence :
- (1) Of his respectability of character.
 - (2) That he is at the date of the examination not under the age of 20 years.
 - (3) That neither his eyesight nor his hearing is defective, and that he is not subject to any other mental or bodily infirmity likely to interfere with the efficient discharge of his duties.
 - (4) That he has had at least one year's charge of an engine or engines used in the ordinary hoisting of mineral.
- (c) Every applicant for a certificate shall give to the State Mining Engineer at least 14 days' notice of his intention to present himself for examination at a regular sitting of the Board of Examiners. Such notice shall be in the form prescribed by the State Mining Engineer and obtainable at the office of the Inspector of Mines.
- (d) Examinations shall be conducted at such time and places, and in such a manner as may from time to time be prescribed by the State Mining Engineer.
- (e) The Board of Examiners shall consist of five persons to be appointed from time to time by the State Mining Engineer.

The Chairman of the Board shall be a Government Boiler Inspector.

The other four members of the Board shall be :—

An engine-driver and a mechanical engineer, proposed by the majority of engine drivers of the inspection field concerned.

A mine manager and a mechanical engineer or an engine-driver, proposed by the majority of mine managers of the inspection field concerned.

Any difference of opinion arising in any matter connected with the examination of a candidate shall be decided by a majority of votes of the examiners.

The remuneration of every member of the Board shall be £3 per day, and that of the Secretary 5s. per hour.

The Board shall appoint a Secretary, who shall keep minutes of the proceedings of their meetings, and forward the same to the State Mining Engineer.

- (f) The State Mining Engineer shall issue to every applicant who is duly reported by the Board of Examiners to have satisfactorily passed the required examination an engine-driver's certificate of competency. This certificate shall be in such form as the State Mining Engineer may from time to time determine.
- (g.) Any person holding an engine-driver's certificate, and who is accused of gross inattention or negligence in the execution of his duties, or of any misconduct likely to be detrimental to the efficient discharge of his duties, may have his certificate

suspended or withdrawn by the Inspector of Mines, who shall first consult with the Boiler Inspector. The engine-driver shall, however, have the right to appeal from such decision to the State Mining Engineer.

- (h.) All fees payable by the applicants for examination and for a certificate shall be paid in such manner and at such place as the State Mining Engineer may from time to time direct.

The fee to be paid for examination for certificate of competency shall not exceed £2. 10s. Copy of certificate, 10s.

- (i.) If an applicant shall attempt to obtain a certificate of competency by means of false testimonials he shall not be allowed to again present himself for examination.

Any applicant obtaining such a certificate under false pretences shall have such certificate withdrawn by the State Mining Engineer, and he shall never be allowed to again hold an engine-driver's certificate in this State.

CHAPTER XIII.

MINE PLANS.

General plan.

106. A general plan, or true copy thereof, of the property (farm, mynypacht, claims or other holdings) belonging to the mine, shall be kept at every mine, showing the boundaries of such mining area, the outcrops as well as the dip and the actual strike of the reef or reefs or other mineral deposits, all open surface workings, shaft openings, boreholes, buildings, water-courses, reservoirs, tailing sites, public roads, railways, steam tramways, and any other surface objects, for the protection of which against undermining due regard must be had.

This survey shall be reduced to the true meridian, and where practicable, to the co-ordinates of the trigonometrical survey of the immediately surrounding country, which co-ordinates may be obtained from the office of the State Mining Engineer.

In small mines where less than 200 workmen on an average are employed underground the Inspector of Mines shall be authorised with respect to the foregoing rules to grant facilities according to circumstances.

Underground plan.

107. Besides the general plan referred to in the foregoing article the manager shall keep in the office at the mine an underground plan or a true copy thereof, showing clearly all the workings surveyed up to within six months at the most from date. The Inspector of Mines may, however, give permission to complete such plan in longer periods where less than 100 workmen are employed underground.

Acceptance of plans.

108. The Department of the State Mining Engineer shall accept the plans referred to in Articles 106 and 107, by whomsoever they are made, so long as they are according to the published "Instructions for Mine Surveyors in the South African Republic."

Responsibility.

109. The mine surveyors who have been admitted by the Government shall be responsible for the accuracy of the surveys and plans made by them, whereas the responsibility for the accuracy of surveys and plans made by any other person shall rest with the manager who sends in such plans to the Department of the State Mining Engineer.

- 110.** No one shall be allowed to sign as mine surveyor or surveyor a plan required by this Law unless he has been admitted as mine surveyor by the Government. Signing of plans.
- 111.** Underground surveys shall be plotted in relation to the true meridian, and shall be connected with the surface-survey in order to show at all times the relative position of the underground workings to the boundaries of the mining area (*vide* Article 16), and also to all surface objects, such as railways, buildings, &c., for the safety of which "safety pillars" must be left standing (*vide* Article 2). Rules regarding the mine plans.
- 112.** All buildings on the surface and other objects for the safety of which it is necessary to take precautionary measures shall be shown in the underground plans. These plans shall in particular also clearly show all excavations and the levels and passages connected with them, dislocations of the strata and general strike of the reefs or mineral deposits, with their dip at different points; also the elevations of all shaft openings, boreholes, and underground benchmarks of the survey, and in addition thereto the vertical depth of shafts and boreholes; especially noted on the plan shall be the depths at which the mineral deposits have been intersected. Contents of plans.
- 113.** All benchmarks or stations of underground surveys shall be properly marked, and care taken to preserve them, particularly in levels and most advanced workings, in view of subsequent surveys. Benchmarks.
- 114.** All benchmarks or stations of underground surveys shall be marked on the underground plan, and the date of the survey shall be recorded at the end benchmark or station of any survey. Date of Survey.
- 115.** In stating elevations the vertical depth or height shall be given and recorded on the plan next to the benchmarks. If inclined depths are also given, this shall be distinctly stated at each figure. Elevations.
- 116.** The general plan (provided for in Art. 106) of each mining area shall be laid down on a scale of 1 to 1,000, 1 to 2,500, or 1 to 5,000, and the underground plan (provided for in Art. 107) on a scale of 1 to 250, 1 to 500, or 1 to 1,000, according as the area worked is smaller or greater. Scale.
- 117.** Managers of mines shall deposit a true copy of the plans of the mine with the Inspector of Mines, and at his request shall extend thereon, within a month's time, the progress made in the workings up to date. Copy supplied to the Inspector of Mines.
- No copies of the plans referred to in this Chapter, or any information concerning them, shall be given to anyone of the public, nor shall such plans be open to the inspection of anyone without the permission of the Mine Manager.
- 118.** In case of a mine or any part of it being abandoned the underground plan shall be first completed up to date. When mine abandoned.
- In like manner all underground workings shall first be surveyed before being allowed to become inaccessible.
- 119.** Should the manager of a mine fail to keep correct plans as prescribed in this section, or should he neglect to furnish the Inspector of Mines with true copies of such plans or the extensions in accordance with these regulations, the Inspector of Mines shall have the power to Inspector of Mines may have plans made.

cause such plan or plans of the mine to be made or extended at the expense of the owner of the mine.

Penalty.

120. The manager of a mine who withholds any portion of a mine plan, or conceals any part of the workings, or knowingly allows such mine plans to be or remain incorrect, shall be liable to a fine not exceeding £500, or imprisonment for a period not exceeding one year.

Check survey.

121. The State Mining Engineer may, in any case where he deems it necessary, cause a check survey to be made by a qualified person. The cost of such survey shall be borne by the owner of the mine, but only in the case where the survey as shown on the plan exceeds the limits of errors allowed in the Instructions for Mine Surveyors.

CHAPTER XIV.

RETURNS FROM MINES AND METALLURGICAL WORKS FOR STATISTICAL PURPOSES.

Returns when sent in.

122. The manager of a mine, and the owner or manager of an establishment for the treatment of ores by mechanical, chemical or smelting processes, shall be obliged, as soon as actual working of the mineral vein or bed (alluvial deposits and coal inclusive), or as soon as the above-mentioned reduction works have been started, to send into the office of the Inspector of Mines, on or before the 15th day of each month, complete and correct returns in duplicate for the preceding month of the work accomplished during that month, the workmen employed, and the results obtained.

These returns shall contain intelligibly written statements in such form as may from time to time be prescribed for that purpose by the State Mining Engineer.

Forms.

123. Persons, who in terms of the preceding article have to make monthly returns, may obtain the necessary forms for one or more months in advance at the office of the Inspector of Mines, either by personal application or written request through the post, and shall be responsible for the consequences should they neglect to provide themselves with the necessary forms in time.

The returns may be delivered to the office concerned either personally or by registered letter, in which latter case the delivery shall be taken as being made on the day upon which the returns were posted (registered). Should the last day for delivery or transmission fall on a Sunday or holiday, then the delivery shall be made before such day.

Further returns.

124. Besides the returns mentioned in Article 122, the persons named therein shall provide the State Mining Engineer, at his request, from time to time with such other returns and data as may reasonably be required for the purpose of statistical information, and the State Mining Engineer shall then fix a reasonable time within which the returns so requested shall be made. The provisions of Article 123, referring to the manner of transmission shall also be applicable thereto.

One form turned to sender.

125. When the returns mentioned in Article 122, and 124, are found in order, one of the two forms shall be returned to the sender, with the date of receipt notified thereon.

Should the Inspector of Mines, however, find such statements to be incomplete, defective or unintelligible, the sender of them shall be liable to punishment as provided for hereafter, and the forms containing such statements shall be returned to him as unsatisfactory. He shall then be obliged to send in forthwith complete, correct, and intelligible statements. The manner of transmission as defined in Article 123, shall likewise be applicable hereto.

126. The State Mining Engineer may punish any contravention of Articles 122, 124 and 125, with a fine not exceeding £25. From his decision, however, an appeal shall lie to the Executive Council. The person wishing to appeal shall be bound to lodge his appeal with the State Secretary by registered letter through the Minister of Mines, within fourteen days after having been fined, and shall at the same time serve upon the State Mining Engineer a written notice of such appeal, otherwise the decision of the State Mining Engineer shall be final and have the force of an ordinary judgment. Penalties.

If the appeals be properly lodged with the State Secretary he shall be bound as soon as possible to submit such appeal to the Executive Council.

127. The Inspector of Mines shall have the right, should he deem it desirable, to require that the accuracy of the returns mentioned in this Chapter be sworn to. When affidavit necessary.

128. Anyone who sends in false statements, or who refuses to take the oath mentioned in the preceding Article, shall be guilty of an offence against this Law, and shall upon conviction thereof before a competent Court, be liable to a fine not exceeding £500 or imprisonment, with or without hard labour, for a period not exceeding one year. False statements.

CHAPTER XV.

SUNDAY WORK.

129. Any person who works or causes work to be done on a Sunday, with steam or other machinery, shall be guilty of desecration of the Sabbath and shall be punished for every contravention with a fine not exceeding £100, or imprisonment for a term not exceeding six months. Exempted therefrom shall be work in and about a mine, which is absolutely necessary or the postponement or discontinuation of which might result in the mine being brought to a standstill. Necessary work.

Such unavoidably necessary work is :

- (a) Attending to and working pumping machinery and steam boilers appertaining to the same.
- (b) Such repairs either above or below the ground as cannot be delayed without causing damage and cannot be done on working days without unduly interfering with the work of the mine, and also the necessary labour in the workshops required for such repairs.
- (c) Cyaniding. Chlorinating.
- (d) Keeping on blast furnaces and smelters.
- (e) Running stamp mills.

- Permission of State Mining Engineer. **130.** Should it be necessary to carry on temporarily any other work in or about the mine, permission to do so may be granted by the State Mining Engineer, on application made to the Inspector of Mines.
- Christmas Day, etc.] **131.** The regulations with regard to Sunday work shall be observed also on Christmas Day, Good Friday and Dingaan's Day.
- Hours. **132.** Mine managers shall arrange the working hours of such Sunday labour as is permitted, so that every working man is given the opportunity of attending Divine Service either in the morning or in the evening.

CHAPTER XVI.

SPECIAL RULES.

- Special Rules. **133.** As a complement to the Mining Regulations, "Special Rules" for the maintenance of order and discipline and prevention of accidents may be drawn up by the manager of a mine to meet the local conditions, as a guide for the conduct of persons employed in and about the mine, provided that such special rules do not in any way conflict with the provisions of this Law.
- Submitted to State Mining Engineer. **134.** Such "Special Rules" shall be lodged with the Inspector of Mines, by whom they shall be submitted to the State Mining Engineer for approval, who may, if they are unreasonable, require them to be altered.
- Force of. **135.** Such "Special Rules," when approved of by the State Mining Engineer, shall have the same force as if they formed part of the Mining Regulations.
- Fines. **136.** All monies deducted from the wages of the workmen as fines for contravening such "Special Rules" shall be recorded in a book kept for that purpose, giving the name of the person fined, the date when fined, the cause for it, and the amount of the fine, which book shall be open for inspection to the Inspector of Mines at his request.
- Given to hospital. **137.** All fines shall be handed to a local Hospital or be devoted to the benefit of the workmen employed at such mine.

CHAPTER XVII.

MISCELLANEOUS.

- Damage prohibited. **138.** No person shall damage anything which has been provided for the protection of underground works or for the safety of the workmen, or for the protection of the surface, nor shall any person be permitted to alter, remove, or in any way render useless, any arrangement or apparatus in or about the mine provided for the above purpose, without the consent of the Manager.
- Admission to the mines. **139.** Besides Government Officials in the execution of their duty, and other persons who are authorised thereto by any other Law, only such persons shall be admitted to a mine as have obtained the consent of the manager.

- 140.** For the purpose of making known the provisions of this Law to all persons employed in and about the mine, a printed extract of the portions of the Law directly concerning the workmen shall be posted up in suitable places at the mine, where it can be conveniently read, and a copy of such extract shall be supplied gratis to any employee applying for same. Extract of this Law posted up for the workmen.
- 141.** So often as the posted copies become defaced, obliterated or destroyed, they shall be renewed with all reasonable despatch. When renewed.
- 142.** Any person pulling down or otherwise defacing the above-mentioned notices, when so posted up, shall be liable to punishment. Defacement of.
- 143.** The Inspector of Mines shall have the right to take, or cause to be taken, samples of ore, coal, or other minerals from such reefs, beds or deposits or from the mineral extracted, as he, in the execution of his duty, may deem necessary. Samples of Minerals.
- 144.** Where any workmen, especially coloured persons, are unable to read the regulations, the person in charge of them shall see that such workmen are made acquainted with the regulations concerning them or appertaining to their particular occupation and duties. Knowledge of the Regulations.
- 145.** Ignorance of the provisions of this Law or of any portion of it on the part of any owner, manager or any other responsible person concerned, shall not in any way exonerate him from any responsibility or liability in respect of any contravention of this Law or of any portion of it. Ignorance no excuse.

CHAPTER XVIII.

WORKMEN.

- 146.** No boy (white or coloured) under the age of 12 years, and no female person of any age, shall be employed underground. No children or female persons.
- 147.** At every mine a room shall be provided, proportionate in size to the number of persons employed in wet workings, in which room the workmen may change and dry their clothing. Room for the workmen.
Engine and boiler houses shall not be used for this purpose.
- 148.** A record shall be kept in the office at every mine of all persons, white and coloured, employed in and about the mine, showing the name of every white person and the number of coloured persons employed by each ganger in every shift. Record of employees.
- 149.** No wages shall be paid to any person employed in or about a mine at or within any hotel, bar, canteen or place where spirituous or fermented liquor is sold. Payment of wages, where prohibited.
- 150.** No person in a state of intoxication, or in any other condition which may render or be likely to render him incapable of taking care of himself or of persons under his charge, shall be allowed to enter a mine or to be in the proximity of any working place on the surface or near to any machinery in motion on any mining property, and any person who may have entered a mine or be found at any working place above or below the ground, in an obviously drunken condition, may be immediately arrested and shall be deemed to be guilty of an offence against this Law. Intoxicated persons.

Taking liquor into mine prohibited.

151. No intoxicating liquor shall be taken by any person into any mine, or to any place of work at a mine, except with the special permission of the Manager.

Contravention.

152. Any workman having intoxicating liquor in his possession whilst at work, or at a place of work, shall be deemed guilty of an offence against this Law.

CHAPTER XIX.

PROCEDURE IN CASE OF ACCIDENT.

Notice of accident.

153. Whenever an accident occurs at a mine, either above or below ground, which results in the death of or in serious personal injury to any one or more persons, the manager shall immediately, by the quickest means available, give notice thereof in writing to the Inspector of Mines for the district, stating full particulars regarding such accident.

By serious personal injury shall be meant loss of a limb, or such an injury as, in the opinion of an admitted physician, may result in the injured person being incapacitated from work for at least 14 days.

Notice of death.

154. When serious personal injury results in the death of the person injured, after the official report has been forwarded, or when any slight injury, of which no official notice was given, results in the death of the person injured, the manager shall give notice thereof to the Inspector of Mines without delay.

Place to be left undisturbed.

155. Where any personal injury immediately results in the death of the person injured, the place where the accident occurred must be left precisely as it was immediately after the accident, until the Inspector of Mines has visited it and examined it, unless it can be proved that the discontinuation of the work at this place would endanger the lives of other persons, or impede the working of the mine.

Resumption of work.

156. Should the Inspector of Mines fail from any cause to attend within three days after notice of the accident has been despatched work may be resumed at the place in question.

Inquiry by Inspector of Mines.

The Inspector of Mines, on the receipt of the report of an accident, shall immediately visit the place where it has occurred, and inquire into the circumstances which have caused it. Should he be convinced, after making his examination, that no blame is attached to the manager or to any other person in connection with the accident, he shall then and there issue a certificate to that effect to the mine manager, but shall previous thereto, in case a person is killed, take evidence to identify the body. The manager shall in such case forward this certificate to the Public Prosecutor or Field-Cornet in order to obtain permission to bury the body.

Should it, however, appear to the Inspector of Mines that the accident was due to the contravention of a provision of this Law, then no certificate shall be issued by him, and he shall immediately give written notice to the Public Prosecutor of the result of his examination. The Public Prosecutor shall then hold an investigation, first having duly notified the Inspector of Mines of

the time and place when and where such investigation will be held, so that he may be present.

157. Should the Inspector of Mines, upon the receipt of the report of an accident, be unable to proceed to the place of the accident, owing to the distance, he shall immediately instruct the Claim Inspector of the district to inquire on his behalf to the best of his ability into the cause of the accident, and the Claim Inspector shall with all despatch report to the Inspector of Mines, and at the same time furnish a copy thereof to the Public Prosecutor.

When Claim Inspector acts for Inspector of Mines.

The Claim Inspector, when acting under direct instructions from the Inspector of Mines, shall or shall not, according to the circumstances of the case, in case of accident resulting in death, recommend the Public Prosecutor to grant to the manager a certificate to bury the body.

158. In case a person is accidentally killed in or about a mine, and an investigation is held, the District Surgeon, when instructed by the Public Prosecutor, shall attend such investigation. Should he fail to appear at the appointed time and place the Public Prosecutor shall call in any other admitted Physician. After affidavits have been taken to identify the body the Public Prosecutor may order its interment.

District Surgeon.

159. At each mine a register in the form to be prescribed by the State Mining Engineer shall be kept, in which all accidents, light, serious, and fatal, occurring at such mine, shall be recorded, and at the end of the year a complete list of such accidents shall be sent to the Inspector of Mines.

Register to be kept.

CHAPTER XX.

AMBULANCE.

160. At every mine a sufficient number of properly constructed ambulance stretchers shall be kept ready for use, adequate to the numbers of persons employed thereat.

Stretchers.

161. At any mine where more than 100 persons are regularly employed there shall, if possible, be kept a serviceable ambulance wagon.

Wagons.

162. At every mine there shall be kept, either at the office or in a special room, a sufficient supply of splints, bandages, tourniquets, and other surgical requisites, as the size of the mine demands.

Special room, bandages, &c.

163. At every mine, not having a resident surgeon, the ambulance shall be under the charge of a reliable person, approved of by a qualified surgeon or admitted physician, competent to apply splints and bandages in urgent cases.

Reliable person.

164. When any person employed in or about a mine receives injury, by accident or otherwise, which renders him unable to proceed unaided to his abode or to a hospital, the manager of the mine shall immediately have such person conveyed to his abode or to a hospital in the safest, best, and quickest way, at the expense of the owner of the mine.

Conveyance to hospital.

CHAPTER XXI.

RESPONSIBILITY IN CONNECTION WITH THE MINES.

Responsibility of the owner. **165.** The owner of a mine not residing in this State shall give notice in writing to the Inspector of Mines concerned of the name and address of a person residing in this State, who shall be his agent or representative for the purposes of this Law, and who shall have the same responsibility as the owner.

Agent. The owner of a mine or his representative shall give the name of the mine, company or syndicate, to the Inspector of Mines in writing; he shall also furnish the latter (in writing) with the name and address of the manager, who is responsible under this Law for the working of the mine.

Such notice or notices shall be given without delay.

The owner of a mine shall give written notice to the Inspector of Mines of any change of agent, and the owner or his agent shall likewise give notice of any change of manager, or change in the name of the mine, company or syndicate, if possible prior to such change taking place, or at the latest within three days thereafter.

Notice by Manager. **166.** Where any working is commenced for the purpose of opening a mine, or the working of a mine has been temporarily discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the manager, or, failing him, the owner of such mining property, shall within 14 days give written notice thereof to the Inspector of Mines.

Responsibility of Manager. **167.** The working of a mine shall be carried on under the control and responsibility of a manager, who shall hold a manager's certificate, as set forth in Chapter XXII.

The working of two or more mines under one manager shall only be allowed by special written permission of the Inspector of Mines.

A mine in which not more than thirty persons are employed below ground, at any one time, shall be exempt from this provision, unless the Inspector of Mines, by notice in writing, served on the owner of the mine, or his agent, requires that it be under the control of a certificated manager.

A tributor, working a mine for his own or joint account, shall only with the written permission of the Inspector of Mines be allowed to have the management of such mine.

Ditto. **168.** Where in any Article of this Law no particular person is named as being directly responsible, the responsibility shall be with the manager.

Responsibility of the Overseer. **169.** A mine overseer, appointed to assist the manager in the direction and control of the underground works, shall hold a certificate as set forth in Chapter XXIII., and he shall have, in the absence of the manager, the responsibilities of the manager, so far as all underground works are concerned, but the appointment of such a person shall not relieve the manager of any personal responsibility.

Mine may not be worked without a Manager. **170.** No mine shall be worked without a certificated manager for a longer period than fourteen days.

In case, for the time being, no certificated manager is obtainable, any other capable person, not holding a manager's certificate, may,

with the approval of the Inspector of Mines, be appointed as manager, but for not longer than three months.

171. In every case where and so long as a mine is worked without a certificated manager, as provided for in the preceding Article, the owner of the mine shall be answerable for all the obligations of the manager under this Law. Responsibility of owner.

172. The manager shall provide for the safety and proper discipline of the men employed above and below ground, and shall appoint such persons as may be necessary to carry out the provisions of this Law or any part thereof, and unless he proves that he has taken all reasonable measures by publishing, and, to the best of his ability, enforcing these rules, he shall be guilty of an offence against this Law. Discipline of workmen.

173. When the manager of a mine can prove that the necessary means for carrying out this Law have been refused him by the owner or his agent, the latter shall be held responsible for the consequences. When means refused by owner.

174. The manager, or the mine-overseer, or the shift boss, acting under the former's instructions, shall at least, once in every shift, whilst the men are at work, visit each working place, and shall see that safety is assured in every respect. Inspection of working places.

CHAPTER XXII.

CERTIFICATES FOR MANAGERS.

175. Every mine manager shall be the holder of a certificate of competency obtained under the provisions of this Law, except as provided for in Article 167, par. 3. Manager's certificate.

176. For the purpose of examining any candidates for certificates of competency, a Board of Examiners shall be appointed from time to time, which shall give regular reports of its proceedings to the State Mining Engineer, who shall, on the recommendation of the Board, grant a certificate to the candidate. This Board shall consist of five members, viz :—of a Chairman, who shall be an Inspector of Mines, and of four others, two of whom shall be selected by the majority of mine-managers of the inspection circuit concerned, and the other two by the State Mining Engineer. All the members of the Board shall be appointed by the State Mining Engineer, and shall hold office at his pleasure. Board of Examiners.

The discharge of any member shall be, however, subject to the sanction of the Government.

Should any difficulty or disagreement arise with regard to the selection of the examiners by the body of mine managers, the State Mining Engineer shall also select these from amongst mine managers.

177. No person shall be allowed as a candidate for examination who has not attained the age of 23 years and has not had practical experience in mines for at least five years. Any person, however, who can satisfy the examiners that he has successfully passed through the curriculum of a recognised mining school or academy, shall be exempt from two of the above five years. Candidates.

Decision of
disputed
points.

178. Should any difference of opinion arise in any matter connected with the examination of a candidate it shall be decided by a majority of votes of the examiners.

Rules.

179. Rules for the conduct of such examination shall be made by the State Mining Engineer, who shall have power to alter and revoke such rules as occasion may require.

The remuneration of every member of the Board of Examiners shall be £4 per day and that of the Secretary 5/- per hour.

Fees.

180. The State Mining Engineer shall determine the fees to be paid by applicants, which shall not exceed £6 for examination, and £2 for a certificate.

When exam-
ination dis-
pensed with.

181. The Board of Examiners may, without the usual examination, recommend the State Mining Engineer to grant a certificate of competency to a person who furnishes satisfactory proof of his qualifications, provided that such person has been the manager of a mine for at least three years.

Inquiry into
conduct of
manager.

182. If at any time representation is made to the State Mining Engineer by an Inspector of Mines that a manager holding a certificate under this Law is by reason of incompetency or gross negligence unfit to discharge his duties, the State Mining Engineer may, if he thinks fit, cause inquiry to be made into the conduct of such manager, and with respect to such an inquiry, the following provisions shall have effect:—

- (a) The Commission of Appeal as constituted under this Law, Chapter XXVI., shall be a Commission of inquiry.
- (b) The inquiry shall be public and shall be held at such place as the State Mining Engineer shall appoint.
- (c) The State Mining Engineer shall, before the commencement of the inquiry, furnish to the manager concerned a statement of the case on which the inquiry is instituted.
- (d) The manager may attend the inquiry in person, or be represented by an admitted legal practitioner, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case.
- (e) The Commission shall have the power to cancel or suspend the certificate of the manager.
- (f) The Commission shall have for the purpose of inquiry all the powers of a Court of summary jurisdiction and all the powers of an Inspector of Mines under this Law.
- (g) The Commission may subpoena all such persons as it thinks fit to call and examine for the purpose of the inquiry.
- (h) A manager may, in addition to having his certificate suspended or withdrawn, be compelled to pay all or part of the costs of such inquiry as the Commission may decide.

CHAPTER XXIII.

CERTIFICATES FOR MINE OVERSEERS.

Mine
overseers'
certificates.

183. Every mine overseer shall be the holder of a mine manager's or mine overseer's certificate. The latter shall be obtainable in

accordance with the following provisions and shall be granted by the State Mining Engineer upon the recommendation of the Board of Examiners duly constituted as per Art. 176.

184. An applicant for a mine overseer's certificate shall satisfy the Board of Examiners that he has had at least four years' practical experience in the working of mines, and has had charge of the underground works of a mine for at least one year either as chief or sub-manager. Qualifications.

Any person, however, who can satisfy the examiners that he has successfully passed through the curriculum of a recognised mining school or academy, shall be exempt from two of the above four years.

He shall be examined, *vive voce*, in ventilation, timbering, and general mining, and shall produce evidence of his experience, ability, sobriety, and general good conduct.

The examiners may waive the provision about the one year charge of works if applicant satisfies them that he is fully competent to undertake the duties of a mine overseer.

185. The State Mining Engineer shall determine the fees to be paid, which shall not exceed £3 10s. for examination, and £1 for a copy of a certificate. Fees.

186. The rules provided in Arts. 178, 179 and 182 for managers, shall also apply to mine overseers. Rules applicable to mine overseers.

CHAPTER XXIV.

INSPECTIONS.

187. An Inspector of Mines under this Law shall have power to do all or any of the following things, viz. :— Powers of Inspector of Mines.

- (a.) To make such inquiry and examination as he may consider necessary to ascertain whether the provisions of these regulations, or his notices, are duly complied with.
- (b.) To enter and examine any mine and any part thereof, and any machinery used in connection with such mine, and any mining area, at all reasonable times by day and by night, but so as not to impede or obstruct the working of the mine.
- (c.) To examine into and make inquiry respecting the state and condition of any mine, or any part thereof, and the ventilation of the mine and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto, or in any mining area, or the care and treatment of horses and other animals used in the mine or mining area.
- (d.) To exercise such powers as may be necessary for carrying these regulations into effect.

188. Every person who wilfully obstructs an Inspector of Mines in the execution of his duty under this Law, and every manager of a mine who refuses or neglects to furnish to the Inspector the means and Obstructing an Inspector of Mines.

assistance necessary for making any entry, inspection, examination or inquiry under this Law in relation to the mine or mining area under control of such manager, shall be guilty of an offence against this Law,

Compliance
with this
Law.

189. No person shall be precluded by any agreement from doing, or be liable under any contract in damages for doing, such acts as may be necessary in order to comply with the provisions of this Law.

Extent of
jurisdiction
of Inspector.

190. The power of the Inspector of Mines shall extend over the whole of the mining area to which he may be appointed, in so far as the general safety of life and limb is concerned.

CHAPTER XXV.

QUALIFICATIONS REQUIRED FOR INSPECTORS OF MINES.

Qualifications

191. Inspectors of Mines shall be properly qualified Mining Engineers, who have held the position of manager or assistant manager of mines in this State, with a manager's certificate, for at least two years. In making such appointments, however, persons born in the South African Republic, complying with these conditions, shall have preference over foreigners.

CHAPTER XXVI.

COMMISSION OF APPEAL.

Commission
of Appeal.

192. Whenever an Inspector of Mines finds that any mine or part thereof, or any thing or practice connected therewith, for which provision has not in any or every respect been made by this Law, or by any special rule of the mine, is dangerous or defective, or that the absence of any such thing may be dangerous to life and limb, he shall give notice thereof in writing to the manager of such mine, stating in the notice the particular matter or practice requiring remedy, and may demand that the same be forthwith remedied. The manager of the said mine shall, however, have the right of appeal. Such appeal shall be made in writing to the State Mining Engineer within eight days, and shall be heard without delay by a Commission properly constituted for that purpose.

Constitution
of the
Commission.

193. The Commission of Appeal shall consist of five members, of whom the State Mining Engineer (or, in the event of his absence, the Acting State Mining Engineer), shall be, *ex-officio*, a member as well as the Chairman. The remaining four members shall be appointed as follows :—

One, who shall be an Advocate of the High Court of this Republic, by the State Attorney, and the three others by the parties concerned, viz. :

One by the owner, one by the manager, and one by the Inspector of Mines.

Sending in
of names.

194. The owner and the manager shall each furnish the name and address of the person they severally wish to be represented by on the Commission at the time the appeal is noted by the manager.

195. The Commission shall hold its sittings at such places and time as may be appointed by the Chairman, of which he shall give due notice to the other members of the Commission. Time and place of sittings.

The parties shall have the right to be represented before the Commission by an admitted legal practitioner.

196. The Commission shall appoint a Secretary, who shall keep proper minutes of what is done at each sitting in a book specially kept for the purpose, and shall give its decisions in writing, in cases of a pressing nature within eight days, and, in ordinary cases, within a month from the date of the lodging of the appeal by the manager. The decision of the Commission, or of the majority thereof, shall be binding on both parties, and may, by application of either party, be made an order of the High Court of this Republic. Secretary.

197. The Commission shall have the power to subpoena witnesses and to examine the parties and their witnesses on oath, and may consult such persons as they may deem advisable or necessary, and order that such pecuniary payment be made to the witnesses or the persons consulted as they may consider proper. Witnesses

198. The remuneration of every member of the Commission shall be £5 per day, and that of the Secretary shall be 5/- per hour. Remuneration.

199. The costs of the dispute shall be borne by one or both parties, in their capacity as Manager or Inspector of Mines, in the discretion of the Commission. Costs.

CHAPTER XXVII.

CONTRAVENTIONS AND PENALTIES.

200. Any owner, manager, or any other person concerned, who shall contravene, or fail or neglect to comply with any of the provisions of this Law, or with the provisions of any of the special rules in force at any mine, or with the provisions of any notice or order issued under terms of any of them, shall be guilty of an offence against this Law, and shall, upon conviction thereof before a competent Court, where no penalty is expressly prescribed, if he be an owner or his representative, or a manager, be liable to a penalty not exceeding £150, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one year: and if he be any other person, to a penalty not exceeding £10, or in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month. Penalties.

Where an owner or his representative, a manager, or any person employed in or about a mine, is guilty of any act which may reasonably be considered to endanger the safety of any person employed in or about a mine, or cause serious personal injury to any person, and which was committed wilfully by the personal act, default or negligence of the person accused, such person shall be liable, if the Court is of opinion that a fine will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding six months: and if such person is guilty of any such act which has actually resulted in serious personal injury to any person, he shall be liable, if the Court

is of opinion that a fine will not meet the circumstances of the case, to imprisonment, with or without hard labour, for a period not exceeding one year.

Nothing in this Law shall prevent any person from being indicted or liable, under any other Law of this State or otherwise, to any other higher penalty or punishment than is prescribed for any offence by this Law, provided that no person be punished twice for the same offence.

CHAPTER XXVIII.

CONCLUDING PROVISIONS.

Appeal.

201. A mine manager may, if he thinks fit, appeal through the Inspector of Mines to the State Mining Engineer from any instruction given him by the Inspector of Mines.

Inspectors of
Mines are
Justices of the
Peace.

202. Every Inspector of Mines shall be *ex-officio* a Justice of the Peace for his district.

Jurisdiction.

203. The Courts of Landdrost, Special and Assistant Landdrost, shall have jurisdiction in all cases of contravention of any Art. of this Law. From the decisions of these Courts an appeal shall, however, lie in the ordinary way.

Power of the
Executive
Council.

204. The Executive Council shall have the power to add further regulations to the provisions of this Law, if found of urgent necessity, which regulations, however, shall not be in any respect in conflict therewith, and to give such regulations the force of law immediately after publication in the *Staatscourant*. Such additions shall be submitted to the Volksraad at its next ensuing session for approval.

Laws No. 3, 1893, and No. 11, 1897, are hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
20th August, 1898.

LAW No. 13, 1898.

REGULATING THE MANUFACTURE AND THE ADMINISTRATION OF POSTAGE AND REVENUE STAMPS IN THE SOUTH AFRICAN REPUBLIC, THE PROPER CARE AND CONTROL AND THE SAFE CUSTODY THEREOF.

(Approved and enacted by Resolution of the Second Volksraad, Art. 952, dated August 9th, 1898, noted and accepted by the First Volksraad by Art. 1,039 of the Minutes, dated August 29th, 1898.)

WHEREAS it is necessary to revise the law with regard to the manufacture and administration of postage and revenue stamps, and the proper control and care thereof, it is hereby provided and enacted as follows :—

1. There shall be a Stamp Commission consisting of three persons, two of whom shall be appointed by the Government, and the third shall be the director of the State printing office, which commission shall have the exclusive administration of the stamps of the State. Stamp Commission.
2. The Stamp Commission shall be provided by the Government with the necessary paper and machinery required under this Law. In manufacturing the necessary dies and plates the provisions laid down in Art. 4 of this Law must be observed. Requisites supplied by Government.
3. It shall be the duty of the Stamp Commission to see that there is a sufficient supply of postage and revenue stamps on hand, and for this purpose to take steps from time to time for their manufacture at the State printing office of the South African Republic. Supply of stamps.
4. During the manufacture of the postage and revenue stamps at least two of the members of the Stamp Commission must be present. Manufacture of stamps. Presence of 2 members.
5. All stamps, dies, plates, and paper for the manufacture of stamps connected with the work of the Stamp Commission must be received, stored and kept by the Stamp Commission under three different locks in an apartment specially fitted up for the purpose at the State printing office at Pretoria. Storing of stamps, &c., at State printing office.
6. Each of the members of the Stamp Commission shall be in possession of one of the keys of the said locks. Keys.
7. The Stamp Commission shall issue the aforesaid stamps to the Stamp Master only on request made by him and on obtaining a receipt under regulations to be laid down by the Government. Stamp master.
8. The Stamp Commission shall be bound to keep a Stamp Commission book or books, in which all manufactured stamps shall be duly entered, and shall render a monthly account to the Auditor General. Books to be kept. Account rendered to Auditor General.
9. The members of the Stamp Commission shall receive a grant, as fixed in the Estimates, for their work and responsibility. Remuneration of Stamp Commission.
10. The members of the Stamp Commission shall give security to the satisfaction of the Government, as provided by law. Security.
11. The postage and revenue stamps shall have their money value impressed on them. The form, design and colour thereof shall be Value of stamps.

determined by the Government in consultation with the officials in question.

Definition of postage stamps.

12. By postage stamps shall be understood all stamps, postcards, stamped envelopes, stamped wrappers for newspapers, or other stamps for the purpose of franking, as shall be determined by the Government from time to time. By revenue stamps shall be understood all other stamps to be determined by the Government from time to time for the collection of the State revenue.

Definition of revenue stamps.

Penalty for Forging &c.

13. Any person shall on conviction be liable to imprisonment with hard labour for a period not exceeding seven years :—^[1]

(a.) If he counterfeits, alters, forges, or assists in counterfeiting, altering or forging any postage or revenue stamp, or uses, utters or offers any forged or counterfeit postage or revenue stamp, knowing that the same is counterfeit.

Engraving plates.

(b.) If he engraves on a plate or any material any stamp or figure used for the purposes of this Law, without the authority of the Government (the onus of proving the authority shall in this case be on the accused person.)

Possession of implements.

(c.) If he makes, causes to be made, or has in his keeping or possession, without lawful excuse (the onus of proving which shall be on the accused person) any form, frame or other tool on which are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage and revenue stamps, or if a person makes, causes to be made or has in his possession or keeping, without lawful excuse (the onus of proving which shall be on the accused) any paper in the fabric of which there are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage and revenue stamps, and intended for forging the same, or to be passed off as such.

Using dies,&c. for own benefit.

(d.) If he uses for his own benefit or purposes, or with fraudulent intent, any die, paper, plate, stamp or colouring, provided by anyone whose duty it is to manufacture the aforesaid postage and revenue stamps.

Repeal.

14. Law No. 3, of 1875, is hereby repealed, as well as all other Laws and Resolutions having reference to the manufacture of postage and revenue stamps.

Operation.

15. This Law shall come into operation on a date to be proclaimed by the Government in the *Staatscourant*.

S. J. P. KRUGER,

State President.

F. W. REITZ,

State Secretary.

Government Office,

Pretoria,

8th September, 1898.

¹ Literally "Any person who is guilty of any of the following offences," but this taken in conjunction with the wording of the Sub-sections does not make sense.

LAW No. 14, 1898.

To AMEND LAW No. 26, 1896.

(Approved by Resolution of First Volksraad, Art. 492, dated June 13th, 1898.)

WHEREAS it is deemed necessary to make certain amendments in Law No. 26, 1896, it is hereby enacted as follows :—

1. Art. 3 of the said Law is amended as follows :—

“Printed matter published from time to time within the Republic, such as newspapers and periodicals, must moreover contain on each number or each issue the name and place of residence of the responsible editor.”

Printed matter.
Name and Residence of editor.

“The responsible editor must be a person who has his fixed residence in the Republic.”

Editor must reside in Republic.

“All contributions or articles of a political or personal nature appearing in periodical prints must be signed by the writer with his full and correct name.”

Signing of articles.

“For publishing any contributions in conflict with the preceding paragraph, the responsible editor and publisher shall be liable to such punishment as is fixed in Art 9, of Law No. 26, of 1896.”

Penalty.

“The publisher is bound to forward to the office of the State Secretary, as soon as possible after each publication, a copy of the paper published.”

Copy of paper to be sent to State Secretary.

2. To Art. 4 of the said Law the following is added :—

“When the publisher or owner is a company, association or other body, the name of the local manager or representative must be given.”

Name of local manager of company to be given.

3. Art. 7 of the said Law is amended as follows :—

“When a punishable offence has been committed by means of any periodical print, the responsible editor or the printer and the publisher both shall be punished as the offender, no matter whether they wrote the contribution or article complained of or not.”

Responsibility of editor, printer and publisher.

4. In Art. 9 of the said Law, sub-section “b” and “c” are amended as follows :—

(b.) “The responsible editor and the publisher for contravention of Art. 3 of Law 26, 1896, as in Art. 1, herein above amended.”

Responsible editor.

(c.) “The publisher, for contravention of Art. 4, Law 26, 1896, as amended by Art. 2 herein above.”

Publisher.

5. Between Art. 9 and Art. 10 of the said Law a new Art. 9(a) is inserted, reading as follows :—

“Where in this Law the printer and the publisher are made liable to punishment, and it appears that the printer or the publisher is a company, association or other body, every local manager or representative of such company, association or other body may be prosecuted as the printer or the publisher.”

Responsibility of local manager of company.

Operation

6. This amendment shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria,
September 12th, 1898.

LAW No. 15, 1898.

THE GOLD LAW OF THE SOUTH AFRICAN REPUBLIC.

On the digging for and dealing in Precious Metals.

(Amended and approved by the Second Volksraad, by Art. 1,211 of its minutes, dated 16th September, 1898, and amended and approved by the First Volksraad by Art. 1,402, dated 6th October, 1898.)

CHAPTER I.

General Provisions.

Disposal of
precious
stones, &c.

1. The right of mining for and disposing of all precious metals shall belong to the State.

This Law
applicable to
gold, &c.

2. This Law shall be applicable to gold, and further to silver and quicksilver, if the latter are found as pure metal, and to such other precious metals as the State President, with the advice and consent of the Executive Council, with reference to this Article of this Law, shall make known.

Public dig-
gings.

3. The term "public diggings" shall signify a proclaimed area, thrown open by lawful authority for prospecting, digging and mining.

Claim.

The word "claim" shall signify either that portion of the field on which a person or persons or companies has or have lawfully obtained the right to dig or to prospect, or the right to dig or prospect on such piece of land.

Private land.

"Private land" shall signify the land belonging to private persons or companies, as shown by the title deed or deed of transfer.

Government
land.

"Government land" shall signify all land belonging to the State.

Coloured
person.

The term "coloured person" shall signify any African, Asiatic, Native or coloured American person, Coolie or Chinamen.

Unwrought
gold.

"Unwrought gold" or "unwrought precious metal" shall signify gold or precious metal in any form or connection whatsoever, which, although smelted, is not manufactured or made up into any article of commerce. It shall include also unrefined precious metal, under which, therefore shall also be comprised amalgam, slimes and scrapings.

Gold ore.

"Gold ore" shall signify all auriferous ores, including concentrates, tailings and slimes.

Stand town-
ship.

"Stand township" shall be taken to mean every area of land situated on a proclaimed diggings or on land proclaimed for the purpose of

stands, which has been either wholly or in part surveyed for stands by a Government land surveyor, and has been proclaimed as such or been approved by the Government.

“Prospecting” shall be taken to mean the doing of all work which is necessary for the express search of the precious metals mentioned in Art. 2, or which has in view the testing of the nature of the precious metals and mineral deposits, and the minerals present therein, which have been found.

Prospecting.

“Digging” or “mining” shall be taken to mean the intentional extraction of the precious metals mentioned in Art. 2, including all work necessary for the purpose, irrespective of whether such extraction is effected by underground mining works, open cuttings, boring or otherwise.

Digging or mining.

Further, all words shall be understood in the sense in which they are ordinarily used.

Words to be understood in the sense in which they are ordinarily used.

4. The State President shall have the power, with the advice and consent of the Executive Council, to make rules and regulations, whether general or special (for instance, for one or more fields), for the regulation of matters mentioned in this Law or connected therewith, provided they are not in conflict with this Law.

Powers of State President to draw up regulations.

The rules and regulations mentioned in this Article shall also include provisions for penalties and taxes. These rules and regulations shall have the force of Law from the date of publication in the *Staatscourant*; they shall be laid before the Volksraad at the first ensuing session.

Special rules and regulations shall take effect on every proclaimed field immediately after proclamation in the *Staatscourant*.

The State President shall have the power, with the advice and consent of the Executive Council, to make any alterations in or additions to the said special rules upon the proposal of the Mining Commissioner, in consultation with the head of the Mining Department.

Alterations and additions.

Such alterations or amendments shall take effect fourteen days after publication in the *Staatscourant*.

5. Whenever it may be found necessary in the general interest for public purposes to take away, wholly or in part, rights once granted, the Government shall have the right to do so on payment of compensation to be mutually agreed upon between the interested parties and the Government.

Expropriation on payment of compensation.

In the event of such an agreement being impossible the amount of compensation shall be fixed by way of arbitration by one or more persons appointed by both sides, subject to a reference to an umpire chosen by the arbitrators, and named beforehand, who, if the arbitrators cannot agree on one or more points in dispute, shall decide upon such points.

Arbitration.

6. When according to this Law a sentence of a money fine is imposed, such fine shall be replaced by imprisonment on default of payment. The duration of such imprisonment shall be fixed when judgment is given, as far as possible in proportion to the fine inflicted, with this proviso, however, that such imprisonment may not exceed a period of one month, in case the fine inflicted amounts to £5 or less, of three

Imprisonment on default of payment of fine.

months if the fine amounts to from £5 to £20; of six months if the fine amounts to from £20 to £100; and of one year if the fine amounts to more than £100. It may be decided when judgment is given that such imprisonment shall be coupled with hard labour.

CHAPTER II.

The Department of Mines.

Head of the Mining Department.

7. There shall be a department of mines in this Republic. At the head of this department shall be someone with the title of Head of the Mining Department, who shall, at the same time, possess the qualifications laid down in the Grondwet, and shall be responsible according to the instructions framed by the Volksraad.

State Mining Engineer and State Geologist.

The Head of the Mining Department shall be assisted by properly qualified experts, to be appointed by the Government in consultation with the Head of the Mining Department, with the titles of State Mining Engineer and State Geologist respectively, whose duty and responsibility are described in the instructions laid down by the Volksraad.

The State Mining Engineer shall be assisted by properly qualified experts on the diggings.

Commissions, appointment of.

8. The Government shall have the right, from time to time, to appoint one or more commissions of trustworthy and competent persons to investigate any question relating to mines, and to report to it thereon.

Mining Commissioner.

9. For each proclaimed field a competent person shall be appointed, if necessary, by the Government in consultation with the Head of the Mining Department, as Mining Commissioner.

Special Landdrost.

The Government shall, moreover, have the right to appoint, if necessary, for every proclaimed field, a special judicial official, with the title of Special Landdrost, with criminal and civil jurisdiction equivalent to that of the Landdrost.

Limits of jurisdiction.

On the appointment of such judicial official the boundaries within which he shall have jurisdiction shall be accurately defined by the Government. Within these boundaries the Landdrost of the district concerned shall no longer have criminal and civil jurisdiction.

Laws and customs applicable.

In the exercise of jurisdiction by the Special Landdrost the Laws and customs in use in Landdrost Courts shall be applied. The same rules shall also apply with regard to appeals to a higher Court. This Special Landdrost shall have, within the boundaries of the field over which he has jurisdiction, the same powers with regard to marriages as are given to a Landdrost by the Marriage Ordinance.

Appeals. Powers with regard to marriages. Other judicial officials.

The Government shall also have the right to appoint, besides the Special Landdrost, other judicial officials with the jurisdiction of a Landdrost in criminal and civil cases and power to hold preparatory examinations, and further to lay down instructions for such officials.

Mining Commissioner's clerk.

10. The Mining Commissioner shall be given a clerk who, if there be no Special Landdrost, shall also be Public Prosecutor and Registrar of the Lower Court.

Further clerks.

11. If required, the Government shall assign one or more clerks to the department of the Mining Commissioner.

12. The Government shall have the power, if necessary, to appoint one or more Claim Inspectors for each field, and to make such regulations with regard to their duties as it may deem necessary.

Claim Inspectors.

13. The Mining Commissioner shall be the head and have the supervision of the field over which he is appointed. He shall also be vested with the power to regulate and manage all matters relative to the diggings in accordance with this Law and all regulations which, by virtue of this Law, may be published by the Government.

Powers of Mining Commissioner.

He shall also pay attention to the grievances of the diggers, and do all that may conduce to the general interest, to the furtherance of the prosperity of the diggings and of the sanitary condition of the population there; he shall determine the places where digging and prospecting shall be forbidden, intended for the keeping open of roads, under which are also included roads or ways from the claims to the batteries, and places suitable for water-rights, and such other places as instructions shall be given about by the Government from time to time, and no one shall be allowed to peg off such land or to prospect or dig thereon, under penalty, in case of contravention, of a fine of £100, or six months' imprisonment with hard labour, to be inflicted by a competent Court.

When digging prohibited.

He shall regulate the issue of stand licences, and point out the places where building may or may not take place.

Where, however, more than five stands would adjoin, or be near each other, he shall first obtain the consent of the Government, through the Head of the Mining Department, before issuing licences for stands in excess of that number.

Where more than five stands adjoin.

The Government shall have the power to depute to him, or another person under him, the collection of direct taxes within the boundaries of his field, under such regulations as the Government, after consultation with the Head of the Mining Department, shall deem necessary to make.

Collection of personal taxes.

In case no Special Landdrost has been appointed he shall have criminal and civil jurisdiction equal to that of the Landdrost.

Jurisdiction.

He shall, *ex-officio*, be a Justice of the Peace for the whole Republic.

Ex-officio Justice of the Peace.

With regard to the exercise of civil and criminal jurisdiction by the Mining Commissioner, the Laws and customs in use in Landdrosts' Courts shall apply.

Laws and customs applicable.

Also with regard to appeal to a higher Court the same regulations shall apply.

Appeal.

In case no Special Landdrost has been appointed the Mining Commissioner shall have the same powers with regard to marriages, within the boundaries of the field over which he is appointed, as are granted to a Landdrost by the Marriage Ordinance.

Powers with regard to marriages.

14. The land reserved, according to Art. 30, for houses, buildings, water furrows, gardens or arable lands, as also that under Art. 25 for "mynpachts," and further, all pieces of land which are wholly enclosed by a public diggings, shall be under the jurisdiction of the Mining Commissioner, and, if there be such, of the judicial officials of such diggings.

Limits of Mining Commissioner's jurisdiction

The Government shall have the right, by proclamation, to bring under the jurisdiction of the officials on the public diggings, farms or portions of land adjoining such public diggings or situated in the neighbourhood thereof, and shall also have right to direct, by proclamation, that unproclaimed private land, which is entirely enclosed by a public

Landdrost of the district.

diggings, be brought under the jurisdiction of the Landdrost of the district.

Legal practitioners.

Licences.

Any person may appear in person.

Bills of costs.

15. All admitted advocates, attorneys, notaries, agents, conveyancers and sworn translators, who, according to the law of the land, are entitled to practise in the Civil Courts of the country and to follow their profession, shall be admitted to practise on these fields. The tariff of licences required for the exercise of any one of these professions on the fields shall be according to law. No unadmitted and unlicensed person shall have the right to conduct cases in any Court for others, or to carry on the business falling under the professions of the aforesaid practitioners. Any person shall, however, be entitled, should he so desire, to conduct his case in person before a Court on the fields, or to transfer in person any stand, claim, or any portion thereof, or otherwise, being his lawful property. He shall not, however, have the right to draw up bills of costs for the defence of his case, or to claim costs for any deed of cession or transfer, except for witness expenses, court fees, summons, or stamp dues.

Appeal from Mining Commissioner.

16. There shall be an appeal from the judgment of the Mining Commissioner, or of the Special Landdrost or other judicial officials, if there be such, to the Circuit Court, the Judge sitting in Chambers at Pretoria, or the High Court.

Revenue and expenditure.

Registers.

Inspection of.

17. The Mining Commissioner shall keep proper account of all revenue and expenditure. He shall also keep proper registers of all licences and rights granted by him to persons or partnerships, and such other registers as the Head of the Mining Department shall from time to time prescribe.

The public shall be allowed to inspect these registers, but the person concerned shall previously intimate upon what matter information is desired. The sum of 1s. 6d. shall be paid for each inspection. In the case of written information an amount of 5s. shall be paid in each case, consisting of stamps, which shall be affixed to the document and cancelled.

Responsible clerk.

Stands for.

May issue licences.

18. The Government shall, after consultation with the head of the mining department, on such fields as it may deem desirable and necessary, appoint one or more clerks of the Mining Department on such fields as Responsible Clerk or Clerks.

The Government, after consultation with the Head of the Mining Department, shall have the right to assign to such Responsible Clerks separate stands on different portions of the proclaimed field. The responsibility of the Mining Commissioner shall remain unaffected by the responsibility of such a clerk serving in the head office of the Mining Commissioner himself.

A Responsible Clerk may issue all licences falling within his department and may also receive transfer dues, auction dues, fines, market dues, rents and other special revenue, and may also perform such other work as shall from time to time be given him to do by the Mining Commissioner.

Licences signed and issued by such a clerk shall confer the same rights as if they had been signed and issued by the Mining Commissioner himself.

Responsible Clerks, having their own department, shall keep proper registers of all licences issued by them, and shall, as soon as possible, deposit with the Mining Commissioner all monies received by them, and within four days after the end of each month send in their returns and monthly statements to the Mining Commissioner.

Shall keep registers.

Monthly statements.

The Government shall have the right to invest such Responsible Clerk with the power and jurisdiction of a Resident Justice of the Peace within such boundaries as the Government may determine.

Jurisdiction of.

19. The Mining Commissioners and Responsible Clerks shall pay strict attention to the following :—

Duty of Mining Commissioner and Responsible Clerk.

Licences.

(a.) That no person shall follow any calling or trade, dig or prospect, without proper licence.

(b.) That their clerk or clerks keep proper records and minutes of all cases dealt with or decided in their Court, and that their subaltern and subordinate officials fulfil their duties and render account of everything deputed to them, or of monies entrusted to them.

Records.

(c.) That all Government offices, buildings, and other Government property, with the exception of prisons and police offices, are kept in good order. In places where a permanent official is appointed under the Department of Public Works, this duty shall be entrusted to the said official.

Government Property.

(d.) That the stamp and transfer dues owing to the Government on all transfers of claims and stands are properly paid.

Stamp and transfer dues.

(e.) That all fees or monies due to the State according to this Law, or later Laws and regulations, are promptly paid, and that all official documents are subject to stamp duty.

Fees.

(f.) All fines and Court fees received at the office of the judicial officials shall be deposited with the Mining Commissioners monthly on or before the 4th day of each month, together with a specified statement of the persons fined.

Fines and fees, deposit of.

20. The same oath shall be required from a Mining Commissioner as from a Landdrost. All officials, on whatever diggings appointed, shall be properly sworn in upon taking up their positions.

Oath.

21. The Head of the Mining Department and the officials of his department, as well as Special Landdrosts, Assistant Landdrosts, Judicial Commissioners, and the officials of their departments, as well as their wives, whether married in community of property or not, shall not be permitted to hold claims, directly or indirectly, on a proclaimed field; or to carry on any business, or conduct any kind of agency whatever, or to have any share in a mining company or syndicate or partnership relating to mining matters.

Officials not allowed to hold claims.

Landdrosts, head officials and their subordinates, shall also be prohibited from being connected with a mining company as directors, advisers, controllers, or officials. Should it be found that the above-mentioned officials contravene the provisions contained in this Article, they may, according to the nature of the case, be fined, suspended from office by the Government for a certain time, or dismissed.

May not be directors, &c

Penalty.

CHAPTER III.

Prospecting, Digging, and Mining.

§ 1. PROSPECTING BY OR WITH PERMISSION OF THE OWNER.

Owner may prospect without licence.

22. Every landowner shall be at liberty (after giving notice of his intention to the Landdrost of his district, or the nearest Mining Commissioner or Responsible Clerk) to prospect for precious metals within the boundaries of his property without licence, and for that purpose to employ, besides coloured persons, not more than four white persons drawing wages, and, under conditions hereinafter prescribed, to exploit mines on his land, or cause the same to be exploited. No one, except the State President, with the advice and consent of the Executive Council, shall be allowed to throw open land to the public as public diggings.

No one but President can throw open land as public diggings.

Investigation re prospecting.

The Government shall always have the right to cause investigation to be made concerning the prospecting. On the discovery of precious metals on private land, the owner shall be obliged within seven days after the discovery, to give notice thereof to the nearest Mining Commissioner, Responsible Clerk, or Landdrost, as well as of the particulars thereof, under penalty of a fine not exceeding £5 on neglecting to do so.

Notice of discovery of precious metals.

Written permission from owner to prospect.

23. Anyone having written permission^[1] from the owner of a private farm or piece of land to prospect on his property, shall be able to obtain the requisite prospecting licence, on payment of the licence monies, from the Landdrost of the district where he desires to prospect, or from such other officials as may be appointed by the Government, for the period mentioned in such written permit, but not to exceed six months.

When, however, the said permit is granted for a period longer than six months, the Landdrost, or such other official as shall be appointed by the Government, shall, after the expiration of the first six months, have the right, after proper investigation, to extend the term for which the licence was granted from time to time, in accordance with the permit, such extension to be always for the period of six months.

§ 2. DECISION AS TO PAYABLENESS.

State Mining Engineer judge as to payableness.

24. The State Mining Engineer, or such other experts nominated by him, deputed by the Head of the Mining Department, either separately or in commission, shall be the competent judges of the payableness of precious metals.

§ 3. EXPLOITATION UNDER MYNPACHT OR CONCESSION.

Owner must obtain "mynpacht-brief."

25. The owner of a farm or piece of land, upon which precious metals have been found by the owner himself, or in accordance with Art. 23 by a prospector, who desires to possess the right to open and exploit mines on such farm or piece of land, must be in possession of a "mynpacht-brief," to be obtained from the Government. A tenth portion of the private land or farms of which notice of throwing open as public diggings has been published, as laid down in Art. 38, shall be granted under "mynpacht-brief."

In surveying land for "mynpacht-brieven" the reef shall not be taken lengthwise only, but the proportion of breadth to length shall be, at the highest, as one to two.

¹ Vergunning.

In no case shall the Government have the right to refuse a Government
 "mynpacht," even should the Government decide not to proclaim the cannot refuse
 land as a public diggings. "mynpacht."

26. The "mynpacht-brief" referred to in Art. 25 shall be issued for Duration of
 a period of not less than five and not more than twenty years. The "mynpacht-
 holder of such "mynpacht-brief" shall, however, be at liberty to brief."
 renew such "mynpacht" from time to time, for a period of another Renewal.
 twenty years, or less, subject to the conditions of the then existing law.
 This right of renewal shall also be given to holders of "mynpachts"
 already granted, after the expiration of the period for which the
 "mynpacht-brief" was granted.

The sum of 10s. per morgen per annum shall be paid on the "myn- 10s. per mor-
 pacht-brief," payable in advance to the official under whose administra- gen.
 tion the "mynpacht" is situated, while the holder of such "mynpacht-
 brief" shall be subject to the following conditions:—

- (1.) He shall keep proper accounts of all finds, and use such forms Account of all
 in doing so as the Government may deem it necessary to finds.
 prescribe.
 - (2.) Inspection of the books shall at all times have to be granted to Inspection of
 the Mining Commissioner or official under whose administra- books.
 tion the "mynpacht" is situated, or to any other official
 appointed for that purpose.
 - (3.) The Government shall always have the right, instead of the 2½ per cent.
 payment of 10s. per morgen, to claim payment of 2½ per cent. of gross
 of the gross income during the past year, as shown by the income.
 the books or other vouchers.
- "Gross income" shall be taken to mean the average market Gross income.
 value on the mining area of the amount of all the worked
 marketable products and unworked marketable products
 obtained by mining operations during the past calendar year.
- (4.) If such is demanded by the Government officials, the accuracy Returns
 of the returns of the books shall be verified on oath by the verified.
 owner or his book-keeper.
 - (5.) Such other conditions as the Government may deem desirable, Further
 not, however, in conflict with the spirit or provisions of this conditions.
 Law.

When the payment for the "mynpacht-brief" for such "mynpachts" When pay-
 is six months in arrear, the Mining Commissioner or official under ment for
 whose administration the "mynpacht" is situated, shall demand "mynpacht-
 payment thereof in the *Staatscourant*, and by notice in writing to brief" in
 the owner. arrear.

The Mining Commissioner, or official under whose administration the When demand
 "mynpacht" is situated, shall be obliged to make this demand to be made.
 immediately after the expiration of the six months.

If within three months after the date of the publication of such Lapsing of
 demand payment of all monies due has not been made, the Government "mynpacht-
 shall have the right to declare the "mynpacht-brief" to have lapsed. brief."

27. All angles of a "mynpacht" shall be indicated by stone beacons Beacons at
 of masonry, as stated in Art. 40, and bear an inscription, "Mynpacht angles of
 No. " (being number of the "mynpacht-brief"), as also the "mynpacht."

official number of the beacon to be given by the Claim Inspector, while the sides shall be indicated as stated in Art. 41.

Maintenance of.

For the proper maintenance of these beacons, to the satisfaction of the Mining Commissioner, or Landdrost if no Mining Commissioner has been appointed, the holder of the "mynpacht-brief" shall be responsible, according to Art. 3 of Law No. 3 of 1864, as approved by Volksraad Resolution, Art. 519, dated March 22nd, 1866.

When erected by the Government.

In case of default these beacons shall be erected and kept in repair by the Government, at the expense of those entitled to the "mynpacht," after notice has been given in accordance with Art. 42.

Absence, &c., of beacons.

The absence or the imperfect condition of the beacons shall not be a ground for disputing the size of the "mynpacht-brief" granted.

Lessee of mineral rights may obtain "mynpacht-brief."

28. Anyone hiring a portion of a farm or of a piece of land from the owner thereof, for the purpose of exploiting mines thereon, or buying the mining rights from such owner, may in the same way and on the same conditions as the latter, obtain a "mynpacht-brief," provided he causes his lease or memorandum of purchase to be drawn up notarially and registered. This "mynpacht" shall be renewable as long as he remains the lessee or owner of the mining rights.

With knowledge of owner.

The taking out or the renewal of a "mynpacht-brief" shall be effected with knowledge of the owner or of his representative.

Transfer of "mynpachts."

29. "Mynpachts" and leased land with licences or "mynpachts" thereon, may be transferred, either wholly or in part, from one person to another, under the conditions laid down in Law 20 of 1895.

Division of "mynpachts."

On the division of a "mynpacht" the holders of portions shall render themselves jointly and severally responsible to the Government for the payment of the whole of the monies due, according to the original "mynpacht-brief," from the date on which the registration of the transfer of the portions accruing to them took place, and for the strict carrying out of the legal provisions applicable to "mynpachts."

These provisions shall, as regards division, also be applicable to "mynpachts" already granted.

Stamp.

Every deed of transfer shall bear a stamp according to Law 5 of 1882, Schedule A.

Sale in execution of "mynpachts."

In the case of a sale in execution of "mynpachts" and leased land, the same provisions shall apply as in the case of a similar sale of immovable property.

Renewal of "mynpachts."

30. In regard to the renewal of "mynpachts" under Artt. 28 and 29 the following rules shall be applicable:—

In name of registered holder.

(1.) That no "mynpachts" shall be renewed except in the name of the persons or companies in whose favour they were last registered, unless transfer has been made in the name of the new applicant.

Renewal in favour of lessee.

(2.) That the renewal of a "mynpacht" to a lessee, according to Art. 28 of this Law, may take place only when it appears from the contract to be produced by him and notarially registered that the lease is still current, or has been properly renewed.

When lessee becomes owner.

(3.) That when a person was formerly a lessee, but since that time has also become owner of the land on which the "mynpacht" is situated, and it appears that he has, in consequence, the

owner's rights as well as the mineral rights in his possession, the renewal may take place.

- (4.) That in case a "mynpacht" term has expired, and it is desired on renewal of this "mynpacht-brief" to divide the "mynpacht" in accordance with Art. 29, then this shall be effected for as many parts as application for renewal is made for, in which divided "mynpacht-briefen" the obligations mentioned in Art. 29 shall appear, and provided that with each such divided "mynpacht-brief" proper surveyor's diagrams in quadruple are lodged. Division of "mynpacht" on renewal.
Diagrams.
- When, on the renewal of a "mynpacht-brief," it appears that the "mynpacht" belongs to more than one owner, and that some or any of the owners do not wish to renew their portions or portion, those portions for which application is made may be renewed, provided that on each such partial renewal proper surveyor's diagrams in quadruple are filed, and in cases of undivided "mynpachts" such applicant or applicants shall be entitled to take out the portion of the "mynpacht" accruing to them in conformity with Par. 3 of Art. 25, while the Government shall be obliged to proclaim the remaining portion of the original "mynpacht" as a public diggings within six months after the day of expiry. When one of the owners does not wish to renew.
- (5.) That the extension or renewal may be effected for from five to twenty years, just as in the case of a new "mynpacht-brief," in conformity with Art. 26 of this Law. Renewal from 5 to 20 years
- (6.) That the "mynpacht-brief" shall be granted on the payment and on the conditions now laid down by law or to be laid down later. Conditions.
- (7.) That in case of the division of a still current "mynpacht-brief" of the portion to be sold, a new "mynpacht-brief" shall be issued, by virtue of a notarial cession, with proper diagrams, and that on application the original "mynpacht-brief" shall also be sent in, in order that a note of the division may be made thereon by the Registrar of Deeds, which shall also have to be done when a portion of a "mynpacht" is afterwards sub-divided. Division of a current "mynpacht-brief."
- A "mynpacht-brief" to be issued in this way may be granted only up to the time to which the original "mynpacht-brief" has run.
- 31.** No concession on Government land shall be granted in future. When, however, localities are discovered where insufficient advantages are to be derived from the working of the claims by individual diggers, or where the land, after having been worked as claims, has been abandoned, such localities may be given out under "mynpacht" to a digger or diggers for a definite number of years, in order to work them by machinery or otherwise, on the following conditions :—
- (a) The extent of pieces of land under "mynpacht" shall not be less than 150 by 150 yards, and not more than 500 by 500 yards. No concession on Government land.
When land may be given out under "mynpacht."
Extent.
- (b) Each application shall be posted at the office of the Landdrost of the respective district during one month, or, should the land be under a Mining Commissioner, at his office, and also on Application to be posted.

the land applied for, and shall contain a full description of the land, as regards the extent, the situation, and whether it has already been worked or not.

Objections against granting of "mynpacht."

(c) Every interested person shall have the right to lodge objections against the granting, under "mynpacht," of a portion of land, which shall be done in writing, giving the ground of his objections, the validity of which shall be inquired into by the Landdrost or Mining Commissioner.

Application to be sent to head of Mining Department.

(d) Immediately after the expiration of the time of notice the Landdrost or the Mining Commissioner shall send in the application to the Head of the Mining Department with his report. Should the Government, after consultation with the Head of the Mining Department, approve of it, the "mynpacht" shall be granted according to the form appearing in the Schedules of this Law.

10s. per morgen.

(e.) For this "mynpacht" a yearly rental, always payable in advance, shall be paid, calculated at 10s. per morgen yearly. The "mynpacht-brief" shall bear a stamp of the value of two pounds ten shillings sterling (£2. 10s.).

Transfer of "mynpachts."

(f.) "Mynpachts" may be transferred in the same manner and under the same conditions as claims and other mining rights.

When land not worked.

(g.) Should the land for which a "mynpacht-brief" has been granted not be worked, the "mynpacht-brief" shall not be renewed except with the express written consent of the Government.

2½ per cent. of gross income.

(h.) The Government shall always have the right, instead of the payment of 10s. per morgen, to demand 2½ per cent. of the gross income during the past year, as shown by the books and other vouchers.

Holders of concessions may allow persons to dig.

32. Persons and companies holding concessions or "mynpachts" on private or Government land shall be at liberty, without violating the concessions or "mynpachts," to permit persons to dig on their own behalf on such land under concession or "mynpacht," under such lawful agreements as the said concessionaires or "mynpacht" holders and persons may mutually enter into, provided that every person so digging obtains a licence from the official under whose administration the land is situated. It shall be clearly stated on such licence on which "mynpacht" or concession the same is granted, while the payment shall be ordinary licence money per claim. The regulations regarding claims shall be applicable in this case, excepting those relating to the reversion to the Government in case of non-payment of licence monies, while, further, the extra licence monies referred to in Art. 83 need not be paid. The concessionaire or "mynpacht" holder shall not thereby be relieved of his obligations incurred under the concession or "mynpacht-brief."

Licence.

No reversion to the Government.

Notice of permission granted.

The concession or "mynpacht" holder shall be obliged to give notice to the official under whose administration the said land is situated of every permit granted. Every contravention shall be punished with a fine not exceeding £10, or on non-payment with imprisonment as laid down in Art. 6.

Penalty.

Jurisdiction over diggers on land under concession.

33. Diggers on land under a concession or "mynpacht" shall be under the Mining Commissioner under whose administration such land

falls, or the nearest Mining Commissioner, or the Landdrost of their district as the Government may decide.

34. The concessionaire or "mynpacht" holder who permits diggers to dig on the land which he holds under a concession or "mynpacht" according to Art. 32 shall be entitled to receive from the Government three-fourths of the monies paid for licences at the end of every month.

Three-fourths of licence monies.

§ 4. PROCLAMATION AND THROWING OPEN AS PUBLIC DIGGINGS.

35. The State President shall have the power, with the advice and consent of the Executive Council, to proclaim Government land and, after consultation if possible with the owner, also private land and, to throw it open as public diggings, or, upon proclamation, to attach it to a previously proclaimed field, and in this connection it must be remembered that no land shall be proclaimed which is not absolutely necessary for the diggings. The proclamation of the Government and private land shall be published in the *Staatscourant* at least thirty days beforehand, mentioning the day and date of throwing open.

Power of President to proclaim land.

Such proclamations shall, moreover, be posted either at the office of the Mining Commissioner within whose jurisdiction the land is situated, or, if it is situated outside his jurisdiction, at the office of the Landdrost of the district.

Publication of proclamation.

Proclamations to be posted up.

In future no private or Government land declared a public diggings by proclamation shall be available for the pegging off of claims before the proclamation has been read by the official under whose jurisdiction such land is situated, in front of his office, where also the licences shall be issued.

Proclamation to be read.

No person shall have the right to peg off claims before he or his representative is present with his licences on the ground which he wishes to peg off.

Person must have his licence on the ground which he wishes to peg.

36. Where in future it may appear to the Head of the Mining Department that, on the proclamation of private farms and Government land, the circumstances require it, the Government, with the advice and consent of the Executive Council, shall have the power to instruct the Surveyor General to cause such farms or Government land, if desirable, to be wholly or partially surveyed in claims, and to have a diagram thereof made before the day of throwing open, which claims shall be properly numbered on such diagram.

Government may instruct Surveyor General to have land surveyed in claims.

On this diagram shall further appear the situation of the claims mentioned in Artt. 43, 44 and 45 of this Law, which must likewise be surveyed and numbered before the day of throwing open, as also the "mynpachts," homestead grounds (*werf*), building and arable lands granted, and other land reserved under Art. 53, and the land reserved by the Mining Commissioner in accordance with Art. 13 of this Law.

Diagram of claims, "mynpachts," &c.

The claims thus surveyed and reduced to diagram, with the exception of those claims and grounds mentioned in the above paragraph of this Article, shall be given out by lot to the public on the day of throwing open, and, if necessary, on the following days.

Drawing of lots.

In no case shall more than twelve claims be awarded to one person by lot, in connection with which Art. 13 shall be observed, or such other

Not more than twelve claims by lot.

provision as may at present exist, or in future be made thereon in the Gold Law.

Expenses of survey.

The expenses of surveying the claims thus surveyed shall be paid to the Government by the claim-holder immediately on issue of the licence, in default of which the Mining Commissioner or Responsible Clerk shall be entitled to refuse the licence, in which case such claims shall be dealt with in terms of Art. 85. In case, on the day of throwing open, all the claims have not yet been surveyed, only the claims which have been surveyed or reduced to diagram shall be drawn for. The remaining portion of the proclaimed farm shall be available for pegging in the manner defined in this Law.

When claims not all surveyed.

Manner of drawing lots regulated by head of Mining Department.

The manner of drawing lots shall be regulated by the head of the Mining Department, in consultation with the Government, while, after the termination of every drawing, a report must be sent in by the Mining Commissioner as soon as possible to the Head of the Mining Department.

When the President may not proclaim land.

37. As long as an owner himself does not prospect, or has not given permission to others to do so, the State President, with advice and consent of the Executive Council, shall have no power to proclaim his land as a public diggings, nor shall anyone else be able to force him to allow his land to be prospected.

Notice of proclamation to owner.

38. The Government shall give notice to the owner of a farm or piece of land which it desires to throw open as a public diggings three months prior to the proclamation, by publication in the *Staatscourant* of such intention, so as to enable the owner to take out his owner's claims, according to Art. 45, and his "mynpacht-brief," and to define his homestead-grounds (werf), building and arable lands, according to Art. 50.

All private land to be surveyed before proclamation.

39. Before the proclamation of a public diggings takes place all private land and that mentioned in the foregoing Article shall be properly surveyed, and diagrams thereof shall be made, which diagrams must be confirmed according to law. All "mynpachts" and homestead grounds (werven) which have been properly surveyed and reduced to diagram and have been confirmed by the Government shall be indisputable. The lines between the beacons shall likewise first be beacons off by a duly admitted Land Surveyor, according to Art. 41.

Beacons. Likewise Government land.

All Government land to be proclaimed as public diggings shall likewise be surveyed and reduced to diagram before proclamation, if possible. The lines between the beacons shall, however, in every instance, be beacons off by an admitted Land Surveyor, according to Art. 41.

If private land not surveyed by owner.

If private land to be proclaimed is not surveyed by or on behalf of the owner of such land within three months after the date of the notice to do so, and the diagrams sent into the office of the Surveyor-General, the Government shall have the right to have the survey made at the owner's expense.

Beacons at angles.

40. All angles of all surveyed proclaimed ground shall be indicated by square beacons of solid masonry four feet high, bearing a notice, upon which shall appear the name and number of the farm corresponding with the registers of the Registrar of Deeds, as well as the official number of the beacon.

Beacons on sides.

41. The sides of all surveyed proclaimed grounds, farms, portions of farms, being divisions of proclaimed public diggings, shall, except where

natural boundaries exist, be indicated at clearly visible distances by round intermediate beacons of masonry, three feet high, and also, should the Head of the Mining Department, after consultation with the Surveyor General, consider it necessary, where the nature of the ground permits such, by a trench at least six inches deep. The distance of such beacons from each other shall not be less than one thousand yards.

Trenches.

42. The Government beacons mentioned in Arts. 40 and 41 shall, on Government land, be erected by the Government at the expense of the State, after proper tenders have been called for. In the case of private land written notice shall be given to the owner to erect the beacons within seven days after the State President has decided to proclaim such land in terms of this Law. Should the owner not comply therewith within six weeks from the date of this notice the Government shall, after calling for proper tenders, cause the beacons to be erected at the expense of the owner.

Beacons erected at Government expense on Government land.

Tenders.

43. Permit (vergunnings) claims may be granted and issued by the owner of a farm or piece of land to other persons before the proclamation of such farm or piece of land, subject to the ordinary licence after proclamation, according to the following scale :—

“ Vergun- nings ” claims before proclamation.

Below	100 morgen	-	-	-	8 claims.
100 morgen	to 200	”	-	-	15 ”
200	”	400	”	-	20 ”
400	”	1,000	”	-	30 ”
1,000	”	1,500	”	-	45 ”
1,500	”	2,000	”	-	60 ”

For every hundred morgen that the farm or piece of land consists of in excess of 2,000 morgen the owner shall have the right to give out two claims more, under the same conditions as laid down in the foregoing paragraph.

44. The discoverer of payable precious metal on private farms or Government land, at least six miles distant from a locality already worked, shall, on proclamation of such farm or land, be entitled to possess and beacon off six claims, either reef or alluvial, which shall be called and registered as “ discoverer’s claims.” Moreover he may work thereon without licence as long as he remains owner thereof.

Discoverer’s claims on land six miles distant from locality already worked.

45. Should the State President, with the advice and consent of the Executive Council, desire to proclaim a farm or piece of land, or portion thereof, or to throw it open, the owner thereof shall have the right to beacon off his owner’s claims for himself before diggers (the discoverer of the precious metal excepted).

Owner’s claims.

The owner or owners of a proclaimed farm or farms shall be entitled to beacon off for themselves a number of claims, either reef or alluvial, which shall be called “ owner’s claims,” namely, for a piece of land of 50 morgen or less, one claim; for a piece of land from 50 to 200 morgen, two claims; and for every 250 morgen in addition, one claim more, with a maximum of 10 claims for a farm, and to hold them under licence, after the discoverer who discovered the payable precious metal has pegged off discoverer’s claims. After this beaconing off of discoverer’s, permit (vergunnings) and owner’s claims, the persons mentioned in Art. 59 may peg off claims for themselves according to law.

Number of.

Pegged off after the discoverer’s claims.

Discoverer shall not lose his rights through unwillingness of Government to proclaim land.

Discoverer also enjoys rights of digger.

Entitled to use of water.

When this Article not applicable.

Owner entitled to half of the claim licence money.

Three-fourths of stand licence money. When this provision not applicable.

Monies, even in case of lease, paid out to owner.

Compensation for damage to grazing rights.

Prospecting on locations.

Who entitled to the preference.

Portion available for prospecting to be pointed out.

46. The prospector who, in accordance with Art. 23, and the discoverer who, in accordance with Art. 44 of this Law, finds payable precious metal, shall not lose his rights through the unwillingness of the Government to proclaim the land as a public diggings, or to attach the same to an already proclaimed farm or diggings by proclamation.

47. The holder of a prospecting licence shall, immediately inquiries have been instituted on his report, and the Government has decided about the payableness of the precious metal in the ground discovered by him, enjoy all the rights of an ordinary digger, over and above his special right as a discoverer : and he shall have these rights on private land, even should such land not be proclaimed as public diggings.

He shall, in that case, be entitled to use the water on the farm for the purpose of working his claims, as may be agreed upon in writing between himself and the owner.

This Article shall not be applicable in cases where a landowner specially hires someone to prospect for him, or also when a separate agreement is made prior to the granting of the written permit mentioned in Article 23, whereby the discoverer, in order to obtain the written permit, waives his claim to the privileges under this Article in writing.

48. The owner of the private proclaimed land on which digger's and prospecting licences are issued shall receive monthly half of the proceeds of the digger's and prospecting licences.

Of the proceeds of stand licences three-fourths shall go to the owner and one-fourth to the Government. This provision shall not be applicable in cases where contracts already exist, or may be entered into between the Government and the owner.

The accounts of all these monies shall always be made out in the name of the owner, and the monies, also in case of lease, shall be paid out only to the owner or his authorised representative.

Where damage is caused by proclamation to rights existing at the time of the proclamation (for instance, grazing rights) the person entitled thereto shall be awarded compensation by the owner. The fixing of the amount to be paid shall be effected by arbitration in the manner prescribed in Art. 56.

49. When a Chief with his Council desires that the land which has been pointed out to him by the Government for a dwelling-place with his people (location), which he occupies with his people, should be prospected for precious metals, he may apply to the Government to cause such to be done by white persons. The persons proposed by the Chief and his Council shall in the first place be taken into consideration by the Government. Should the Government consider it desirable to authorise other persons to prospect, this may be done without reasons being given, those persons excepted whose farms were expropriated by the Government on behalf of the extension of the location, to whom the preference shall be given. The Government shall cause to be pointed out to the person or the persons authorised by it what portion of the location has been rendered available for prospecting.

Whenever it appears through prospecting that payable precious metals are found within such locations, the State President shall have the right, with the advice and consent of the Executive Council, to declare such land, either wholly or in part, public diggings, under the regulations laid down in this Law for Government land, with this proviso, however :—

- | | |
|---|---|
| (1.) That the grazing rights shall be left to the Chief and his people. | Grazing rights. |
| (2.) That their kraals and lands shall be excluded, and shall not be disturbed, except with their consent. | Kraals and lands. |
| (3.) That sufficient water shall be left for their households and for their cattle. | Water. |
| (4.) That a "mynpacht" under the terms of this Law may be granted to the person or persons authorised by the Government to prospect, when they give sufficient proof of the payableness of the ground, the size to be fixed in consultation with the Superintendent of Natives and with the Head of the Mining Department, but in no case greater than the maximum fixed for private land by Art. 25, paragraphs 2 and 3 of this Law, computed according to the number of morgen to be thrown open. | Mynpacht.

Extent of. |
| (5.) That compensation shall be given to the Chiefs and their people who have obtained the locations gratis from the Government, computed at a fourth of the proceeds of the licence and "mynpacht" monies. | Compensation to Chiefs.
When one-fourth. |
| (6.) That compensation, computed at a third of such proceeds, shall be granted to the Chiefs and their people who have acquired the location land wholly or in part at their own expense. | When one-third. |
| (7.) The Government shall have the power to make such regulations regarding the portion of licences and "mynpacht" monies to Moshette, and the kaffir chiefs of equal standing with him, as it may deem fit. | Compensation to Moshette. |

50. Where private land is proclaimed as public diggings or is attached by proclamation to already proclaimed fields, the Government shall first consult with the owner, if possible, to determine on what plots of ground, such as plots built on, homestead grounds (werven), gardens, cemeteries, kraals, arable lands and watercourses in the neighbourhood thereof, it shall be prohibited to prospect and to dig. Owners may, before the proclamation, in consultation with the Government, the Mining Commissioner, or the Landdrost of the district, beacon off a "werf" on unworked farms or pieces of land which are not occupied, which shall be reserved for homestead, building or arable lands. All homestead grounds (werven) properly surveyed and reduced to diagram and confirmed by the Government shall be indisputable.

Where, according to paragraph 1 of this Article, homestead grounds have been reserved by the owner before the proclamation of the farm or piece of land, he shall be entitled to a "mynpacht" on such land, over the whole surface thereof.

On farms where no already cultivated homestead grounds exist before the proclamation the homestead grounds on which "mynpachts" are obtained may not exceed one-thirtieth of the size of the farm.

Proclamation of locations as public diggings.

Grazing rights.
Kraals and lands.

Water.

Mynpacht.

Extent of.

Compensation to Chiefs.
When one-fourth.

When one-third.

Compensation to Moshette.

Consultation with owner as to where it shall be prohibited to prospect.

"Werven" on unoccupied farms.

"Werven," when indisputable.

Mynpacht on homestead grounds.

When it may not exceed one-thirtieth of the farm.

Water for use of owner.

51. Under all circumstances sufficient water shall remain free for the use of the owner, his family, his cattle, and for the irrigation of all gardens and arable lands existing at the time of the proclamation, and for the working of the "mynpachts" granted under the provisions of this Law.

Quantity fixed by order of Head of Mining Department.

The quantity of water required for these purposes shall, before the proclamation as public diggings, be gauged by order of the Head of the Mining Department, and shall be determined by him. Thereafter the water so gauged may be used by the owner for other purposes or disposed of by him. The rest of the water, and the water not so used, shall always be allowed to flow away unobstructed. The use thereof shall be regulated by the lawful authorities according to the provisions of this Law. Lessees, servitude holders, or others entitled to water, shall retain the right to such water in so far as at the time of the proclamation they make use thereof for the purposes mentioned in the first paragraph, and after the quantity thereof shall have been determined by the Head of the Mining Department, which shall take place before proclamation. In this respect the provisions of the second paragraph of this Article shall also apply.

May be used for other purposes.

Remainder to flow away unobstructed.

Use of,

Water for lessees, &c.

Werven, &c., to be enclosed by owner.

52. The Government shall further have the right to demand from the owner, or his representative, that plots built on, homestead grounds, gardens, burial places and arable lands, be properly enclosed and reduced to diagram, within a time to be fixed by the Government, which time, however, shall not be less than three months.

Diagrams.

In the event of this not being done within the period fixed, the Government shall have the right to do so at the owner's or his representative's expense.

Right of Government to take land for public buildings, &c.

53. On proclaimed land, both private and Government, the Government shall have the right, as long as the proclamation continues, to occupy and build on such pieces of land, without payment, as shall be necessary for offices and other public buildings, for the deposit of rubbish, for burial grounds, locations for coloured persons, for the purposes of stands in accordance with Art. 13 of this Law, and for other general purposes. Such pieces of land shall, if possible, be beacons off by the Mining Commissioner, in consultation with the owner, at the expense of the State, and a diagram thereof shall be drawn up by a qualified land surveyor.

Diagram.

Buildings, property of State.

The buildings mentioned in the preceding paragraph shall remain the property of the State.

When land may be given out for gardens, &c.

54. On private proclaimed farms, two years after proclamation of the same, pieces of land may be given out for gardens, arable lands and plantations, on places where it has not appeared that there are gold-bearing reefs or alluvial deposits and under the following conditions:—

Given out by the Government.

(1.) The granting of such land shall be effected by the Government on the request of the owner, under such conditions as the latter may fix, after inquiry by the Mining Commissioner concerned, and on the recommendation of the Head of the Mining Department.

If gold-bearing reefs discovered.

(2.) If it should afterwards appear that gold-bearing reefs exist, that portion through which such reefs pass shall be given out in the ordinary way provided that if damage is done

to gardens, arable lands, plantations, and buildings and erections, mentioned in sub-section 3 of this Article, such damage shall be paid by the licence holder or holders, according to assessment to be fixed by arbitrators.

Com-
pensation.

(3.) The Mining Commissioner shall have the right to grant leave free of payment to the registered owner of the proclaimed farm to put up the necessary buildings and erections, exclusively for the purpose of the working and supervision of such gardens, arable lands and plantations.

Leave to
owner to put
up buildings.

55. When pieces of land are given out according to the preceding Article for gardens, arable lands, and plantations, such pieces of land may not be used for any other purpose.

Such land
may not be
used for any
other purpose.

56. Where a person or company, holder of claims, or a "mynpacht," on the various proclaimed diggings, wishes to construct a dam for the accumulation of tailings or rain water (provided it be not from an existing water-course or springs and depositing site for tailings that have been worked out), to lay down a main, pipe, or other conductor, for the purpose of bringing water to his or its machinery stand, or to construct a roadway either for ordinary wagons drawn by draught animals, or for so-called trucks conveyed along rails, aerial railways for the conveyance of quartz or material from the claims or "mynpacht" to the machinery stand, provided such trucks be not propelled by steam or electricity, the Mining Commissioner may grant permission for that purpose.

Dam.

Pipes.

Roadways, &c.

Permission of
Mining
Commissioner.

Written
application.

If such water-courses, or pipes, ordinary roads, truck roads, or aerial railways, go over claims, "mynpachts," water-courses, or pipes, streets, railways, aerial railways, tramways, or stands belonging to other persons, the applicant shall make a written application therefor to the Mining Commissioner concerned, accompanied by a surveyor's diagram, in order to obtain the necessary permission for the construction and exploitation thereof. This application shall be published for a month in the *Staatscourant* and in one of the local papers by, and at the expense of, the applicant, for the information of parties, who must send in their objections and claims for compensation within that time to the Mining Commissioner concerned. Any person constructing such water-courses or pipes, dams, ordinary or truck roads, or aerial railways over claims, "mynpachts," water-courses or pipes, streets, railways, aerial railways, tramways or stands belonging to other persons, without having previously obtained the permission of the Mining Commissioner to do so, shall be punished with a fine not exceeding £10, or, on non-payment, with imprisonment for a period not exceeding six weeks, without prejudice, however, to the right of the surface owner or owners to compensation. The amount of this compensation shall be decided upon by two arbitrators. One of them shall be chosen by the applicant and the other by the interested party. Before proceeding to deal with the dispute or disputes the two aforementioned arbitrators shall appoint an umpire. If the two arbitrators are unable to agree in the choice of an umpire the Mining Commissioner shall act as umpire.

Publication of
application.

Penalty for
constructing
such road-
ways, &c.,
without
permission of
the Mining
Commissioner.
Compensation
fixed by
arbitrators.

57. The Government may, by special agreement, grant provisional permission, subject to confirmation by the second Volksraad, for the laying of conductors for the transmission of electric currents for the use of the mines and mining works.

Permission to
lay conductors
for electrical
currents.

When a proclaimed area may be closed.

58. An area once declared a public diggings, or portion thereof, may not be closed, either wholly or in part except by proclamation, when the number of digger's claims within the boundaries of such portion, which it is requested or proposed should be closed, is less than a number computed at one digger's claim for every twenty morgen, and it further appears from the reports of the Government experts that gold is not found in payable quantities within the limits of the ground to be closed, provided always that the closing of such proclaimed ground shall not affect the rights and claims to machinery stands, tailings sites, water-rights, or other "bezitrecten" previously obtained.

Such proclamation shall be indisputable proof of such closing.

Closing does not affect persons whose claims are being held under licence, unless claims are expropriated.

This closing shall not affect the rights of those persons whose claims are still being held under licence, unless such claims are expropriated on payment of proper compensation. The amount of such compensation shall be fixed by mutual agreement between the Government and interested parties, and in the event of their not being able to agree, by way of arbitration.

Compensation fixed by arbitrators.

§ 5. EXPLOITATION OF CLAIMS UNDER LICENCE.

Who entitled to licences.

59. Every white person of full age of the male sex who subjects himself to the laws of the land, and produces to the official charged with the issuing of the licences mentioned in this Article, the receipt or certificate that he has paid his personal tax according to law for the current year, shall have the right to not more than fifty digger's licences to dig or mine for precious metals on a public field, on one claim for every licence, to be obtained on payment of 20s. per month per licence.

50 digger's licences.

20s. for licence when machinery is being used.

This licence of 20s. may, however, be demanded only for claims on which machinery has already been erected and is in working order, or if, no matter where, use is already made of machinery for the crushing of quartz coming from those claims.

Otherwise 15s.

50 prospecting licences.

5s. per month on private land.

2s. 6d. on Government land.

Where, in other cases, the Mining Commissioner orders the taking out of a digger's licence, only 15s. per month need be paid for it. Every person, as above mentioned, provided he complies with the same conditions, shall also have the right to obtain not more than 50 (fifty) prospecting licences, which shall give him the right to prospect on proclaimed Government land, situated within the jurisdiction of the official who issues the licences, or on private land, in accordance with the provisions of this Law. For every licence to prospect on private land, 5s. per month shall be paid, and on Government land, 2s. 6d. per month, besides a stamp of 1s. 6d. per claim for the first month in every case of pegging or taking out the claim licences.

Persons who have pegged off prospecting claims before proclamation shall be entitled to remain in possession of them after proclamation. Every male child of 16 years or more entitled to peg 50 claims.

60. If under this Law an area is declared a public diggings, the person or the persons who has or have beacons off prospecting claims on such area, under prospecting licence, shall be entitled to remain in possession of such claims, provided this Law be complied with.

61. Every male child of the age of 16 years or more shall have the right to peg off not more than fifty claims, provided that the Field-Cornet or Assistant Field-Cornet of his ward certifies that he is registered on his Field-Cornet's list, is known to him as an inhabitant of his ward, and obedient to the laws of the land.

Unmarried female persons of full age, as well as widows, shall also have the right to peg off not more than fifty claims.

Likewise unmarried female persons and widows.

All persons mentioned in this Article, who pay no personal taxes under the laws of the land, shall produce a certificate that their father or guardian has paid personal taxes for the current year.

Persons who pay no personal taxes.

Persons mentioned in this Article who are not liable to pay personal taxes, and are not assisted by father or guardian, shall produce a certificate to that effect from their Field-Cornet or Assistant Field-Cornet, for the purpose of this Article.

Certificate of Field-Cornet.

The Field-Cornet or Assistant Field-Cornet shall attach a stamp of one shilling to each certificate for the signing of the certificate and the examining of his books, to be paid by the holder of the certificate, whereof 6d. shall be refunded to him monthly for each certificate, by the Government. The Field-Cornet, or Assistant Field-Cornet, shall keep a proper register of the certificates issued, and shall hand in monthly a certified list, with his account, to the proper official of his district. The Field-Cornet or Assistant Field-Cornet who sends in incorrect statements or accounts as correct, and certifies the same in order, shall be punished by a fine of not less than £5 and not more than £25, and in default of payment, with imprisonment for a period not exceeding three months with or without hard labour.

Stamp.

Registrar of certificates.

Penalty for sending in incorrect statements.

Male persons of full age, domiciled abroad, may cause to be pegged off by a holder of a Power of Attorney, one digger's or prospector's claim, and thereafter hold the same, provided the Power of Attorney be notarially drawn up and duly legalised, and such Power of Attorney shall bear a stamp of this Republic of the value of £1 sterling, in addition to the ordinary stamp of 1s. 6d. per claim.

Persons domiciled abroad.

Power of attorney.

This stamp shall be renewed annually, and shall be valid for the current year for each power used by the same person on any goldfield in this Republic.

Stamp renewed annually.

The holder of the Power of Attorney may obtain a receipt or duplicate receipt for the same from the official who cancelled the stamp on the first Power of Attorney given by the same mandator for such current year.

Receipt.

62. Every licensed digger shall be entitled to hold under his licences, on every proclaimed farm, three alluvial claims, and as many reef claims as laid down in Arts. 59 and 61 of this Law. He shall also be at liberty to purchase a number of claims from other licensed claim-holders; he shall, in that case, hold a digger's licence for each claim, unless the Mining Commissioner considers a prospecting licence sufficient for the time being.

Three alluvial claims.

Right to purchase claims. Mining Commissioner decides whether digger's or prospecting licence must be taken out.

The licence holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal within thirty days to the Government, through the Head of the Mining Department, whereupon the Government, on the report of the latter, shall decide finally.

Appeal to Government.

63. The price of a digger's licence on an alluvial claim shall be 20s. per month.

Digger's licence on alluvial claims, 20s.

64. When a claim-holder or the joint claim-holders of an amalgamated block have had their respective shares registered for the purpose of this

When a claim-holder may peg off fresh claims.

Article with the Mining Commissioner or Responsible Clerk concerned, on payment of 10s. per claim, each one of them shall be at liberty to peg off claims afresh.

Discoverer of payable gold reefs on and in proclaimed diggings entitled to 50 additional claims.

65. The discoverer of payable gold reefs on and in proclaimed public diggings shall be granted not more than fifty claims, in addition to the maximum of fifty claims granted to him in Art. 59, but subject to a tax of 6s. 6d. per claim on proclaimed private land, and of 4s. per claim on proclaimed Government land, for the first month, and thereafter the usual licences.

What if alluvial gold is found on quartz reef claims or *vice versa*.

Original claim-holder entitled to preferent right.

66. If on a quartz-reef claim alluvial gold, or, *vice versa*, on an alluvial claim quartz reef gold is also found, then the holder of the first licence, whether for alluvial or reef claims shall, during three months after the application therefor has come in to the Mining Commissioner (who thereupon gives written notice of this application to the original holder of the claim or his representative), be entitled to the preferent right to obtain licences to dig for such alluvial or quartz reef gold. He shall be entitled to take out in alluvial claims the entire extent of his reef claims. Should the holder of the first licence above indicated not make use of this preferent right, the officials concerned may issue a licence to prospect and dig for quartz or alluvial gold to the other applicant, who may then peg off and work such ground in the way prescribed in this Law.

Claim-holders must not inconvenience one another.

The workers of the alluvial ground and of the quartz reef shall be careful not to cause each other any damage or inconvenience in the working of the ground, and shall be liable to one another for any damage or inconvenience caused.

Owner of claims may lodge objection, if he has doubt as to *bona fides*.

Mining Commissioner shall refuse second licences if no reef or alluvial gold.

67. Should there be any doubt with the owner of the claims on which application is made, in terms of the former Article, to peg, as to the *bona fides* of the application, he may lodge an objection with the Head of the Mining Department, who shall then institute an investigation by the officials mentioned in Art. 24.

Should it appear from this investigation that there is no reef or alluvial gold on the claims upon which licences are applied for, the Mining Commissioner or official entrusted with the issuing of licences, after having been informed thereof by the Head of the Mining Department, shall refuse the issue or renewal of the second licences on the same ground.

Registration of discoverer's claims.

68. The registration of one or more discoverer's claims shall be effected by a Mining Commissioner, when the discovered precious metal-bearing ground is situated within the boundaries of his field, or otherwise by the Landdrost of the district wherein said ground is situated.

An amalgamation of claims.

69. Diggers or prospectors, being holders of claims adjoining each other, who desire to unite or to amalgamate their claims, may cause such claims to be registered as amalgamated, with all water-rights belonging to such claims, on application at the office of the Mining Commissioner or Responsible Clerk concerned, on production of a chart showing the situation of the claims, and signed by the surveyor or the person who did the pegging.

Share of each digger must be clearly described.

On registration the share of each digger or prospector shall be clearly and plainly described.

On the granting of the certificate of such union or amalgamation, under a stamp reckoned at 3s. 6d. per claim, the holders of the amalgamated claims shall enjoy the usual privileges, according to the regulations thereanent on the field where they are situated. The union or amalgamation of claims shall not lapse through licences being changed.

On discovery that a person is holding ground under a prospecting licence and is not properly working it, to the satisfaction of the Mining Commissioner, with the object of finding precious metal, the Mining Commissioner shall have the right to order him to take out a digger's licence.

The licence holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal to the Government within thirty days, through the Head of the Mining Department, whereupon the Government shall decide finally on the report of the latter.

70. Each application for a "mynpacht," right to lead water, protection, amalgamation of claims, and other similar applications shall bear stamps to the value of 5s.

71. It shall not be lawful to peg off claims between sunset and sunrise, as also on Sundays and Church and public holidays recognised by law.

Pegging off at such forbidden times shall be regarded as unlawful, shall not be recognised, and shall give no right whatsoever.

72. Every owner of a reef claim or of an amalgamated block of reef claims, under prospecting licence, shall be obliged to hand in to the Mining Commissioner, Responsible Clerk or Landdrost concerned, within two months after the date of the first licence, a surveyor's diagram, or, if there is no surveyor, a sketch of the situation of the claims or blocks, signed by the person who made the survey. Such claims shall not be transferred without a proper surveyor's diagram. For alluvial digger's claims it shall be sufficient to hand in only a sketch, as long as they are not transferred, in which case a surveyor's diagram is compulsory.

The provision of the foregoing paragraph shall not apply to unhealthy gold regions.

73. Every holder of a reef claim, or an amalgamated block of reef claims, under digger's licence, shall be obliged within six months after the date of the first licence, to deposit with the Mining Commissioner, Responsible Clerk or Landdrost concerned, confirmed surveyor's diagrams in triplicate of a survey of his ground, made by a surveyor, and compiled on such a scale as shall be defined by the surveyor-general.

Such survey shall show all works, buildings, tramlines, roads, pathways, machinery stands, and the local nature of the ground, and must be connected by trigonometrical or other survey with such fixed points or permanent beacons of another survey as the Surveyor-General shall define, or in such other manner as the Surveyor-General shall consider sufficient to accurately define the place.

Privileges on amalgamation.

Amalgamation does not lapse through licences being changed.

The holder of a prospecting licence who does not work his claim may be ordered to take out a digger's licence.

Appeal to the Government

Every application for "mynpacht," &c., to bear a stamp of 5s.

When pegging is forbidden.

Such pegging unlawful.

Diagram to be filed within two months in case of prospecting claims. Claims may not be transferred without diagram. Sketch of alluvial claims.

Diagram on transfer. This not to apply to unhealthy regions.

Confirmed diagram of digger's claims to be filed within six months.

Contents of diagram.

Confirmed by Surveyor General.

These diagrams shall be examined and confirmed at the Surveyor-General's office.

Publication of notice that diagrams have been sent in.

The Surveyor-General shall, before the diagrams are signed by him, make known, by a notice in the *Staatscourant*, that such diagrams have been sent in, and that they will be signed by him if, within the time of one month from the date of publication, no protest be lodged against the same.

Protests must be proceeded with within one month.

Should protests be lodged, the same must be proceeded with within the period of one month, failing which the diagram shall be signed by the Surveyor-General just as though no protest had come in against the same.

Provisions of Art. 111 apply.

With regard to diagrams already confirmed, and hereafter to be confirmed, under this Article, the same provisions regarding validity and cancellation of incorrect diagrams as laid down in Art. 111 shall apply. Before a surveyor may survey claims or grounds, the beacons thereof shall be pointed out to him by the owner, or his representative, in company with the Claim Inspector of the respective fields.

Beacons to be pointed out by owner.

Period for sending in diagrams may be extended.

74. The period for sending in the diagram referred to in Art. 73 may, for well-founded reasons, be extended by the Head of the Mining Department.

When a person holds more ground than he has licences for.

75 If a person has more ground than he holds licences for, anyone who is provided with the proper number of licences shall have the right to beacon off afresh the number of surplus claims within the pegs or beacons of such person, provided, however, that such claims beacons off afresh adjoin one another on one of the sides of the block or piece of land, but in no case on places that have been worked, or so as to interfere with the other claim holder.

Second pegger must give written notice of his pegging.

The second pegger shall be obliged, within 48 hours after such pegging, to give written notice thereof to the Mining Commissioner or Responsible Clerk of the field in question, as also to the holder or the holders of the claims, and he shall, moreover, within 21 days thereafter, send in to the official concerned a surveyor's diagram of the whole block of claims, showing not only the claims pegged off by him, but also the exact position of the claims of the other claim holder, after which the Mining Commissioner may award the ground pegged off in excess to the person pegging over. An appeal from this decision of the Mining Commissioner may be noted within 14 days after the decision to the Head of the Mining Department, whose decision shall be final.

Diagram within 21 days.

Appeal to the Head of the Mining Department

Penalty for pegging when there is no open ground.

Should it appear that the second pegger has pegged between the beacons and pegs of the holder of the claims, without there being open ground, the second pegger shall be punished with a fine of from £100 to £500, or, in default of payment, with imprisonment according to Art. 6.

Meaning of "more ground."

The words "more ground" shall signify more ground in superficial area, and have no reference to the direction of the reef.

Surveyors have the right to go on to another's land after giving notice.

76. Surveyors who are engaged in surveying claims shall have the right to enter for that purpose on another's land, after giving notice to the persons entitled to such land, or their representatives, should they be on the ground, and to place there the necessary instruments and flags for the survey.

Penalty for obstructing.

Every person who prevents or obstructs them therein or puts difficulties in the way of the operations for the survey shall be punished with a fine not exceeding £25.

77. All surveyors shall be obliged to supply the Head of the Mining Department, through the Surveyor General, with a copy of all diagrams which they have made for companies, syndicates, or private persons, in so far as they have reference to public diggings.

Surveyors must supply Head of the Mining Department with copies of diagrams. Penalty.

The penalty for contravention shall be a fine not exceeding £100.

78. (1) Any person who does not comply with the depositing of diagrams and sketches, prescribed in Articles 72 and 73, within the time fixed shall be punished with a fine not exceeding £15.

Penalty for not depositing diagrams.

(2) With the sentence a time shall be fixed within which the deposit shall be made.

Time for depositing to be fixed.

(3) If the diagrams are not sent in within the time fixed the claims shall lapse to the Government, and shall be dealt with in accordance with the 2nd, 3rd, 4th and 5th paragraphs of Article 85.

If diagrams not sent in within time fixed claims lapse to Government.

79. An alluvial claim for digging for precious metals shall be in extent 150 by 150 feet, and shall be beaconed off with clearly visible pegs and furrows at right angles in the direction of the sides.

Extent of alluvial claim.

A quartz reef claim shall be 150 feet in length (*i.e.*, in the direction of the reef), and 400 feet in breadth, in such a way that each claim, if possible, forms a rectangle, the breadth to be taken on one or both sides of the reef as desired.

Extent of quartz reef claim.

In a case where the contour of the country does not allow a claim to be pegged off in accordance with the above mentioned provision the pegger shall be entitled to peg off a claim in any shape whatever, to any extent not exceeding 60,000 square feet, as far as a reef claim is concerned, and to an extent not exceeding 22,500 square feet in the case of an alluvial claim,

Where a claim cannot be pegged off in rectangular shape.

With regard to a quartz reef claim pegs placed in the middle of each of the long sides of the claims shall be sufficient beacons for the first seven days.

What pegs are sufficient for first seven days.

After the expiration of that time four corner pegs shall be substituted, and the direction indicated by beacons as prescribed by law.

Four corner pegs after seven days.

The foregoing paragraph shall not be applicable when the four corner pegs are at once put in.

In the case of quartz reef blocks of amalgamated claims four corner pegs for each block, with the necessary line beacons erected at visible distances, shall be sufficient, but the name of the respective claim-holders in the block must be legibly marked on each corner peg, with the date of amalgamation.

Corner pegs in case of amalgamated claims.

No one shall have the right to fence in his claim or "mynpacht" without the previous written permission of the Head of the Mining Department, who shall decide, in consultation with the Government, and in no case shall a greater portion of the ground be fenced in than is necessary to protect the works, and to guard against obstructions and trouble with the workmen.

Fencing in claims or "mynpacht."

All fences made, or to be made, without permission, as aforesaid, shall be removed by those entitled to the ground thus fenced in, and in default thereof the Government shall cause the same to be removed at their expense.

Fences put up without permission to be removed.

Contraventions of this Article shall be punished with a fine not exceeding £25, or in default of payment with imprisonment according to Art. 6 of this Law.

Penalty.

Height of
corner pegs.

80. The corner pegs or beacons of a claim shall project not less than three feet above the ground.

Diameter.

These corner pegs or beacons shall be not less than three inches in diameter.

Trenches.

Where the nature of the ground permits, at each peg or beacon two trenches shall be dug, which trenches shall indicate the direction of the boundaries, of at least three feet long, at least half-a-foot wide, and at least a foot deep, which shall form a right angle at each peg or beacon; moreover the sides of a claim, or amalgamated block of claims, shall be clearly indicated by trenches or piles of stones at least half-a-foot high, and three feet long, boundary beacons placed at mutually clearly visible distances or other marks.

Line beacons.

Beacons when
diagram
exists.

When a surveyor's diagram of claims or amalgamated block of claims is in existence, it shall be sufficient if the corner beacons are erected and the furrows round the claims are dug.

Boards on
corner
beacons.

All claims and amalgamated blocks of claims shall have on each corner beacon a board at least nine inches square, on which shall be clearly and legibly written, printed or painted, the official number to be given by the Claim Inspector, the names of the mining property and the claimholder or claimholders, the date of the licence and the date of the pegging off.

Claim In-
spector must
see that pro-
visions are
complied
with.

The Claim Inspector shall be obliged to see that the provisions of this Article are complied with. On non-compliance he shall have the right to impose a fine therefor of at least 5s., and not exceeding 10s. per claim. He shall notify the owner or his representative thereof and shall at the same time inform the Mining Commissioner of this.

Fine.

Appeal.

The person fined shall have the right within eight days to appeal to the Special Landdrost, if their be one, or otherwise to the Mining Commissioner; if, after the expiration of such term fixed for the appeal, no appeal has been noted, and the fine has not been paid at the office of the Mining Commissioner, and the beacons have not been put in order, the Mining Commissioner shall issue no further licence for the claim in respect of which the contravention has occurred, and Art. 83 shall in this case be applicable.

Mining
Commissioner
shall refuse to
issue further
licence if
beacons not
put in order.

Abandonment
of claims.

81. If, on a public goldfield, a digger wishes to abandon his claim or claims in order to peg a new claim or claims for himself, he shall have the right to do so, provided he notifies the Mining Commissioner or Responsible Clerk to that effect, before these officials can issue new licences to him. On the receipt of such notice the Mining Commissioner or Responsible Clerk shall have such claim or claims sold by public auction as laid down in Art 85.

Claims to be
sold by public
auction.

When
renewal of
licence shall
be refused.

82. The renewal of a prospecting or digger's licence shall be refused by the Mining Commissioner or Responsible Clerk when claims have been pegged off on places where, by virtue of Artt. 13, 53 and 118 of this Law, it is forbidden to prospect or dig, and on places which, in the opinion of the Mining Commissioner or Responsible Clerk, are in indisputable lawful possession of others.

Holder of
claim must
not allow
material from
his claim to be
a nuisance
to others.

83 No holder of a reef claim situated higher up shall have the right to allow the material from his claim to be a nuisance to another, or to hinder any person who is working lower down.

In case holders of claims require ground for depositing tailings or other refuse from batteries, for placing settling tanks or pans, dams instead of pans or reservoirs for the storing of ores, such ground may be given to them, as far as possible on their own claims, after written application accompanied by a surveyor's diagram has been made therefor by the interested party to the Mining Commissioner or Responsible Clerk concerned, which officials may grant the application if there are no well founded objections thereto. For this no extra licence need be paid.

Storage sites for depositing tailings, &c.

No extra licence.

This provision shall not apply to those "bewaarplaatsen" (storage sites), which have already been given out under licences at 2s. 6d.

The provisions laid down in Art. 105 with regard to the non-payment within the proper time of the licences on specially registered claims shall also be applicable to this Article.

Provision of Art. 105 applicable.

Applicants shall, within a month after the award, hand in plans in triplicate to the said officials, drawn up as indicated in Art. 72 of this Law.

Plans.

Mining Commissioner decides where prospecting and where digger's licences must be taken out.

84. On proclaimed fields the Mining Commissioner may decide where prospecting may take place under prospecting licences, and also decide for what places digger's licences shall be taken out.

The Mining Commissioner shall have the right, in the event of application being made therefor, to change digger's licences under which claims are held to prospecting licences, after due inquiry and after having received the report of the Claim Inspector thereanent.

He may change digger's into prospecting licences.

Every Landdrost, excepting on the proclaimed fields where a Mining Commissioner has been appointed or assigned, may issue prospecting licences within the boundaries of his district.

Landdrost may issue prospecting licences.

85. If a digger's or prospecting licence expires, without being renewed on or before the date of expiry, the claim for which the licence was issued shall not be pegged off by another person, but shall lapse to the Government, and such claims shall be dealt with as follows :—

When claims lapse to the Government.

Former holder may recover the claims within three months.

Extra licence monies.

If new licence taken out within fourteen days.

Sold by public auction after the three months.

When Head of the Mining Department bound to give claims back to original holder.

Money to be deposited on application.

During three months after such day of expiry the former holder of such claims shall have the right to recover his rights to such claims by taking out new licences therefor, on additional payment of extra licence monies equal to one-fourth of the amount of the arrear licence monies. Should, however, the new licence be taken out by the former claim holder within fourteen days after the date of expiry, only the licence monies for such days need be paid. After expiry of the said term of three months, the Head of the Mining Department shall cause such claims to be sold by public auction. The Head of the Mining Department shall, however, be obliged to give back the claims in question, before such sale takes place, to the original holders thereof, should they make application therefor, and should there be no further disputes, on additional payment of all arrear licence monies, as well as the costs incurred in connection therewith.

On such application for the return of lapsed claims a sum of money consisting of the arrear and extra licence monies, as well as the costs incurred, shall be deposited.

Conditions of sale.

The conditions under which these claims which have lapsed to the Government shall be sold are to be found in the Schedule "A" attached to this Law.

Money due to the Government to be paid first. Half of the excess goes to Government and other half to owner of farm.

Out of the proceeds all monies due to the Government shall first of all be paid. If the claims realize more than the amount of the expenses, ordinary and extra licence moneys, half of the excess shall be paid to the owner of the farm, and the other half shall be paid into the Treasury

If claims not sold the Head of Mining Department bound to declare ground open thirty days after sale.

If the claims are not sold by public auction the Head of the Mining Department shall be obliged to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

Protection granted when claim-holder on commando.

86. Any person who is on commando, or has personally responded to a call for the preservation of order and peace, shall *ipso facto* have protection for his claim or claims (whether reef or alluvial) during the time that he is on commando or said special service, and in the case of commando, also for thirty days after his release from such commando, without its being necessary that such protection be specially granted, provided he gives notice of such call to the Mining Commissioner concerned.

Notice to Mining Commissioner.

No licence monies need be paid.

During the time of this protection no licence monies need be paid on the claims.

Provisional exemption from payment of licence monies provided claims be worked.

87. Provisional exemption from the payment of claim licence monies (whether for reef or alluvial) may be granted in case of sickness or owing to the unhealthiness of the locality, provided that work be done on such claims before and at the time of the application for protection, such as in the opinion of the Mining Commissioner may be considered sufficient for the granting of such exemption. Every such case of exemption shall be sent as soon as possible by the Mining Commissioner, with a full report, to the Head of the Mining Department, for final approval or disapproval by the Government, who may grant or refuse confirmation of the exemption.

Report by Mining Commissioner.

Government confirms exemption.

No payment necessary.

The period of exemption shall be fixed according to the nature of every case, while nothing shall be charged for the granting thereof.

Claims belonging to estate of deceased person.

88. Claims belonging to the estate of a deceased person shall not lapse unless the executor fails to comply with the provisions of the law for thirty days after receipt of his appointment, or the confirmation thereof by the Orphan Master.

Such claims are assets of the estate.

On further regular compliance with the provisions of the law such claims shall be regarded as assets of the estate and shall be dealt with as such, according to the provisions of the Orphan Chamber Law.

Transfer and registration of portions of claims.

89. Transfer and registration of portions of claims may be effected, provided a confirmed surveyor's diagram of such a portion be deposited at the office where the registration shall take place. Such a portion of a claim shall be considered and registered as a separate claim.

Registered as separate claim.

Licence holder not

90. The possession of a licence for a claim shall not include the right of disposing of the surface of the ground, which right of disposal

the Government reserves for itself, for the purpose of defining roads and other works, without, however, obstructing the working of the claim.

entitled to dispose of surface of the ground.
Right of disposal belongs to the Government.

6. STANDS.

91. Every licensed digger or prospector shall be entitled to a stand for his dwelling on his claims, for which stand he need not pay any licence monies, and on which stand no licence to trade or carry on business may be granted or renewed.

Licensed digger entitled to stand for dwelling on his claim.
No licence to trade.

The Mining Commissioner shall, subject to the approval of the Head of the Mining Department, grant to the owners of mining properties which are being developed, as far as this is possible, without payment, the right to put up the necessary buildings, erections, and work places, exclusively for the benefit of the mining industry.

Mining Commissioner shall grant to owners of mining properties the right to put up necessary buildings, &c.
Diagram of ground required for buildings.

A proper surveyor's diagram of the ground required for such buildings, erections and work places shall be filed with the application therefor.

Second peggers, according to Art. 66 not entitled to privileges of first paragraph.

The second peggers, referred to in Art. 66, shall not share in the advantages defined in the first paragraph of this Article.

Person wishing to erect house on proclaimed field must make application for stand licence.
Stand 50 by 50 feet.

92. Every white person who wishes to erect a shop, or houses, or dwelling on a proclaimed field, but not in stand townships, shall make application to the Mining Commissioner for one or more stand licences and produce a diagram clearly indicating the locality. The Mining Commissioner shall decide whether such application shall be granted or not.

Subject to the rights obtained under Second Volksraad Resolution, Art. 729, dated July 25th, 1894, each stand licence shall confer the right to a piece of ground of 50 by 50 feet on a locality approved of by the Mining Commissioner, but not on mining ground held under "mynpacht-brief" or claim licence.

Such stands shall be beaconed off by the licence-holder in such manner as the Mining Commissioner shall define.

The Government, in consultation with the Head of the Mining Department, shall, on the recommendation of the Mining Commissioner, have the right to give out stands of a larger size where it deems this necessary, under one licence. The price of such licence shall be fixed by the Government.

Government may grant stands of larger size.
Price.

The price of a stand licence on proclaimed ground, of 50 by 50 feet, shall be 7s. 6d. per month.

Stand licence 7s. 6d. per month.

The stand licence, whether monthly or yearly, at the option of the applicant, shall be renewed either monthly or annually.

Renewed monthly or annually.

When stand licences three months in arrear.

If new licence taken out within fourteen days.

Government may proclaim private proclaimed ground as stand township.

Preferent right sold publicly.

Half of licence money goes to the State and half to owner.

Government land and unproclaimed private land.

Contracts with the owners.

Confirmation by Volksraad.

Government land for stands.

Provisions of foregoing article not applicable.

Preferent right to stands on Government land to be publicly sold.

Preferent right granted for 99 years.

No compensation if diggings closed.

Manner of sale regulated by Government.

Stand licences issued to buyers.

Price.

If licence not renewed. Stand may be recovered within three months.

When the payment of stand licences on proclaimed ground is three months in arrear these stands shall be dealt with in the manner prescribed in Art. 94. If the new licence, however, is taken out within 14 days after the date of expiry by the former licence-holder, only the licence monies for those days need be paid.

93. The Government shall have the power, when such is necessary in the public interest, to cause private proclaimed ground, after consultation with the owner, if possible, to be surveyed as it stands, and to cause it to be proclaimed as stand townships. The preferent right to or lease of these stands shall be publicly sold by the Government, and the proceeds of the sale, after deduction of the expenses, shall be paid to the registered owner or owners of the ground. Of the stand licence monies received on such stand townships half shall go to the State, and the other half to the registered owner or owners.

The Government shall also have the right to cause Government land as well as unproclaimed private land, after consultation with the owner of the ground, to be surveyed as stands, to proclaim it as stand townships, and to join the latter to an already proclaimed diggings and to place them under the jurisdiction of the Mining Commissioner, and the judicial officials of such diggings. For that purpose the Government may enter into contracts with the owners of the unproclaimed private land, which is proclaimed for the purposes of stands, with a view to laying out stand townships, which contracts shall be submitted for approval or disapproval at the first ensuing session of the Volksraad.

Notice shall be given in the *Staatscourant* of all Government land intended for the purposes of stands, or already laid out as stand townships by the Government, or which, in accordance with the foregoing provisions may be laid out. The provisions of the foregoing Article shall not be applicable to these stands.

The preferent right to or lease of stands situated on Government land shall be sold by public auction for the benefit of the State.

The preferent right to or lease of stands in stand townships on Government land and on private proclaimed land, mentioned in the first paragraph of this Article, shall be granted for 99 years from the date of allotment, and shall be held as long as regular payment of the stand licence monies due is made by the holder.

This preferent right or lease shall give no right to compensation if the public diggings, on which the stands are situated, should be closed within the period of 99 years.

The manner of the sale of and of payment for this preferent right or lease shall be regulated by the Government.

94. After the preferent right to or lease of such stands has been publicly sold stand licences shall be issued to the buyers.

The price of a stand licence in stand townships which have been approved and proclaimed on Government land and on private proclaimed land shall be 7s. 6d. for stands of 50 by 50 feet, and 11s. 3d. for stands 50 by 100 feet per month.

In case a stand licence is not renewed at the proper time the holder of the stand licence shall have the right to get back his stand under a new licence, within a period of three months thereafter, on payment of all the arrear licence monies, and, as a fine, a sum of money equal to one quarter of the arrear licence monies (extra licence monies).

If the new stand licence, however, is taken out within 14 days after the day of expiry by the former licence holder, only the licence monies for those days need be paid.

If such stands are not recovered by the former holder within the said three months the Head of the Mining Department shall cause the preferent right to or lease of such stands to be sold by public auction, under the supervision of the Mining Commissioner, of which sale at least one month's previous notice shall be given in the *Staatscourant* and in a local paper. When on the public sale of the preferent right to or lease of a stand the proceeds exceed the amount of the arrear and extra licence monies, the balance shall be paid back to the previous holder. In the event of its proving unsaleable the stand shall be at the disposal of the Government.

The Head of the Mining Department shall, however, be bound, before such sale takes place, to give back the stand or stands in question to the former holder or holders, if the latter make application therefor, on payment of all arrear and extra licence monies, as well as the costs incurred in connection therewith.

The manner of sale of and of payment for this preferent right or lease shall be regulated by the Government.

95. It shall not be lawful to grant stand townships on land given out under "mynpacht-brief" or on land held under mining concession.

96. It shall not be lawful to alter claims into stands

No prospecting or digger's licences shall be issued on stands surveyed or yet to be surveyed on proclaimed ground held under contracts entered into for the purpose with the Government before the coming into operation of this Law, as well as on streets, squares, or pieces of open ground in existing stand townships.

97. Where at the time when this Law comes into force, in conflict with the provisions of Art. 95 and 96, or, where on private proclaimed farms, or on unproclaimed private land, adjacent to or situated in proclaimed diggings, small pieces of land (whether called stands or otherwise), situated together, given out under lease or licence are found, so that they together, in the opinion of the Government, form a village, it shall have the right to impose a special tax of two shillings and sixpence per month per stand on the companies, syndicates, concessionaires, or private persons who are owners of stands as indicated in this Article.

Notice hereof shall be given in the *Staatscourant*.

The payment hereof shall be made at the same time as the payment of the monies due for stand licences or rent, on the receipts for which the receipt thereof must be noted, in so far as these monies are paid to the Government. For the rest, payment shall take place monthly at the office of the Mining Commissioner. If payment of this tax on a stand is in arrear the renewal of the licence for such stand may be refused in so far as such payment takes place at the office of the Mining Commissioner. Where the owners themselves receive the stand licence monies they shall be held responsible for the amount of such arrear special tax.

If new licence taken out within fourteen days.

After three months' preferent right sold.

Month's notice.

Balance paid to former licence holder.

Head of Mining Department bound to give back stamps before sale.

Manner of sale regulated by Government.

No stand townships on land under "mynpacht-brief" or concession.

Alteration of claims into stands forbidden.

No prospecting or diggers' licences to be issued on stands, &c.

When stands form a village.

Special tax.

Notice.

Monthly payment. When renewal of licence may be refused. When owners receive stand licence monies they are held responsible for special tax.

Transfer and registration of portions of stands.

98. Transfer and registration of portions of stands may take place provided a confirmed surveyor's diagram of such portion be deposited in the office where the registration has to take place.

Portion registered as separate stand.

Such a portion of a stand shall be considered and registered as a separate stand, for which a separate stand licence shall be due as follows:—For portion of stands of 50 by 50 ft., 3s. 9d. per month; and for portion of stands of 50 by 100 ft., 5s. 9d. per month.

Tax payable.

On such a portion of a stand the whole tax of 2s. 6d. mentioned in Art. 97 shall be payable.

Registration of transfer of claims.

99. The registration of transfer of claims and stands and portions of claims and portions of stands shall be effected at the office of the Mining Commissioner or Responsible Clerk concerned, while the same stamp dues shall be levied in accordance with Law No. 5 of 1882.

Stamp dues.

Stands for machinery.

100. The company or the person importing machinery to work one or more claims shall, for the purpose of erecting such machinery, where this is practicable without encroaching upon the rights of others, have the right to acquire stands in extent 150 ft. square on a locality which is not known to contain precious metals.

Written application and diagram.

For this purpose written application, accompanied by a proper surveyor's diagram, shall be made to the Mining Commissioner concerned, who may grant such application if there are no well-founded objections thereto.

Price.

The price of such a machinery stand licence shall be 2s. 6d. per month per stand.

7. SPECIAL REGISTRATION.

Special registration of claims.

101. Every digger's claim, or every block of amalgamated digger's claims, may be specially registered in the manner hereunder set forth.

Application for.

102. Persons wishing to have their claims or blocks of claims specially registered shall make application therefor to the Mining Commissioner concerned.

Stamp.

This application shall bear a stamp as laid down in Art. 70, and shall be accompanied by a diagram framed by an admitted surveyor. The application with diagram shall lie at the office of the Mining Commissioner for a period of one month for the inspection of the public.

Diagram.

Inspection of application.

Notice.

The Mining Commissioner shall thereupon issue a notice to the applicant, wherein day and date of hearing shall be fixed. (Between date of publication of notice and date of hearing there shall be a period of at least one month.)

Publication of notice.

This notice shall be published once in the *Staatscourant* and twice in a local newspaper.

Mining Commissioner may grant application.

The Mining Commissioner may grant the application if, before the said hearing, no notice of objection has been given to the Mining Commissioner and the applicant, and, for the rest, the law has been complied with, and the special registration shall then be effected as herein further set forth. A notice of objection shall bear a stamp of 5s., according to Art. 70.

Stamp on notice of objection.

Should such a notice of objection be received by the Mining Commissioner before the said hearing, the special registration shall provisionally stand over.

The person objecting shall take legal proceedings against the applicant to have his objection declared valid within ten days after notice of objection.

This declaration of validity may be asked for by application. The official charged with the civil jurisdiction on the field shall have jurisdiction herein, and he shall give such order regarding the special registration as he may deem necessary.

In case the application for special registration of a claim or claims is granted, such registration shall be effected in a separate register to be opened for the purpose, the form of which shall be prescribed by the Head of the Mining Department.

A certificate of such special registration shall be issued.

Such certificate shall bear a stamp of a value calculated at the rate of 10s. per claim.

No certificate shall be issued unless all monies due on the claim or claims have been paid.

103. It shall not be lawful for the Mining Commissioner to bring back under prospecting licences specially registered claims on which a bond has been passed.

104. Article 85 shall not be applicable to specially registered claims.

When the payment of digger's licences for such claims is six months or more in arrear the Mining Commissioner shall demand payment of the same in the *Staatscourant* and also in a local newspaper.

The Mining Commissioner shall be obliged to make this demand immediately after the expiry of the said six months, and at the same time to give written notice thereof to the bondholders per registered letter.

In case the payment of all monies due is not made within three months after the date of the publication of the demand the claim or claims shall be publicly sold, in which case the special registration on such claims shall lapse.

The date of sale shall be published in the *Staatscourant* and also in a local newspaper at least fourteen days previously.

Out of the proceeds all monies owing to the Government shall first of all be paid. In such monies an amount of £2 10s. per claim shall be reckoned as a fine and for costs. Should the claims realise more than the amount of the fines and expenses half of the excess shall be paid to the owner of the farm, and the other half shall be deposited in the public treasury.

If the claims are not sold at the public auction the Head of the Mining Department shall be bound to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

When notice of objection received.

Objector must take steps within ten days.

Application. Who has jurisdiction herein.

Separate register.

Form of.

Certificate of special registration.

Stamp.

No certificate unless all monies paid.

Specially registered claims on which bond has been passed may not be brought under prospecting licences.

Article 85 not applicable.

When licence in arrear.

Demand.

Notice to bondholders.

If payment not made within three months claims publicly sold and special registration lapses.

Date of sale to be published. Half of excess to owner of farm and half to the State.

If claims not sold.

Article 104 applicable to claims for special registration of which application has been made.

105. Article 104 shall also be in force with regard to digger's claims or amalgamated blocks of digger's claims, for special registration of which application has been made in terms of Art. 102, but provisionally and only so long as progress is made with the application, according to the provisions and within the terms laid down in Art. 102, until such application shall be granted or refused.

Mortgage on specially registered claims.

106. On specially registered claims a mortgage may be given at the office of the Mining Commissioner concerned, just as on fixed property, the registration of which shall be effected at the office of the official named, and not at the office of the Registrar of Deeds.

Same provision as in case of immovable property.

The same provisions shall hold good in this respect as in the case of a mortgage on immovable property, such as *inter alia* with regard to the rights of creditors and sales in execution; also as regards the drawing up of deeds of hypothecation and mortgage bonds and the persons entitled to do so.

Stamp dues.

The stamp dues, as laid down by the Law with reference to fixed or immovable property, shall also apply here.

Special registration of stands.

107. Stands on proclaimed ground, proclaimed townships or townships approved by the Government, may be specially registered in the same manner as hereinbefore prescribed with reference to digger's claims; no publication of a notice, however, shall be necessary and the Mining Commissioner may in this case immediately grant the special registration and issue a certificate thereof, should he have no objections against the same.

No publication of notice.

Certificate of.

In case of stands in townships created in terms of Art. 93, written permission of owner necessary.

When these stands are situated in stand townships which have come into existence by virtue of a contract with the Government in accordance with Art. 93, written permission from the owner of the land for the purpose shall be produced before special registration is granted by the Mining Commissioner.

Payments of licences on specially registered stands.

108. With regard to the payment of the licences on specially registered stands, the rules prescribed in Art. 104 with reference to specially registered claims shall apply.

If stand unsaleable it reverts to the Government or owner of township.

If the stand or stands proves or prove to be unsaleable at the public auction it or they shall revert to the Government, or in cases where contracts exist, to the owner of the stand township.

Mortgage on specially registered stands.

109. A mortgage may be effected on specially registered stands under exactly the same provisions as are herein laid down with respect to mortgage on specially registered claims.

8. BEZITRECHT.

What "bezitrecht" includes. May be transferred. Indisputable. Unless obtained by fraud.

110. A bezitrecht shall include all rights obtained under permit, contract, or licence, and may be duly transferred, either wholly or in part, by those entitled thereto, and such bezitrecht shall be indisputable.

All bezitrechten granted according to law shall be indisputable and unassailable in law, unless they have been obtained by fraud on the part of the possessor thereof.

111. The Government shall have the right, either in consultation with or on the recommendation of the Head of the Mining Department, to instruct the Surveyor-General to cause worked or developed diggings, or portions thereof, to be surveyed, after notice of at least six weeks, in manner provided for in Art. 112, second paragraph, in such a manner that every water-right, "mynpacht," water-course or pipe, digger's claim, or block of digger's claims, or any other right or permit necessary for the development of the diggings, shall be properly reduced to diagram, and shall also be shown in a general compilation diagram or plan.

Government may instruct Surveyor-General to have developed diggings surveyed. Diagram and general compilation plan.

These diagrams shall be confirmed by the Surveyor-General according to Art. 73. When such diagrams are once confirmed and signed no objection to the boundaries fixed by this survey shall be taken into consideration by any Court. Should it appear that such a diagram has been incorrectly framed it shall be amended or cancelled by an order of the High Court, and a new diagram shall then be confirmed in the usual manner.

Confirmed by Surveyor-General.

No objection can be made when diagram once confirmed. Cancellation or amendment by order of High Court.

Such cancellation shall take place in accordance with the Law on the General Survey by the Surveyor-General at the request of the owner.

Cancellation in accordance with Law on General Survey.

112. As soon as possible after this survey the Mining Commissioner concerned shall issue a notice containing the name of the owner or possessor of the rights, the description of the rights, the number of the diagram having reference thereto, and at the same time calling upon all persons who wish to make objections against the same to do so.

Notice calling for objections.

Such notice shall be published in the *Staatscourant* during three months, and shall further be posted at the office of the Mining Commissioner within whose jurisdiction the land is situated or at the office of the nearest Landdrost, and the diagram or diagrams having reference thereto shall, during that period, lie for inspection at the office of the Mining Commissioner concerned.

Publication in *Staatscourant* Diagrams to lie for inspection.

113. Should no objection be lodged within the stated term the Mining Commissioner shall issue to the person entitled thereto the diagram confirmed by the Surveyor-General, according to Art. 73, registered and signed, besides a certificate of "bezitrecht" in the form to be prescribed by the Head of the Mining Department.

If no objections. confirmed diagram issued.

Certificate of bezitrecht.

114. Should objections be lodged with the Mining Commissioner he shall appoint a day on which the objection or case shall be heard by him.

Day fixed for hearing objections.

Such objections shall bear a stamp in accordance with Art. 70.

Stamp.

The Mining Commissioner shall decide, awarding the rights to the person who, in his opinion, is entitled to the same.

Mining Commissioner decides.

If one of the parties is dissatisfied with this decision he shall be obliged to institute an action in the High Court or Circuit Court within three months after the date of the decision of the Mining Commissioner, in default of which it shall be considered that the decision of the Mining Commissioner is final, and the diagram and certificate of "bezitrecht" shall be issued in accordance with his decision.

Dissatisfied party must institute action within three months.

Certificate of bezitrecht in accordance with judgment of Court.

115. In case of an action the Mining Commissioner shall issue diagram and certificate of "beztrecht" according to the judgment of the Court.

Parties must take out duplicates of confirmed diagrams.

116. Parties interested shall be obliged to take out duplicates of the confirmed diagrams within two months after notice from the Mining Commissioner on payment of a sum to be decided upon by the Government, in proportion to the expenses incurred by the Government in connection therewith.

Penalty for not doing so. Renewal of licences may be refused if duplicate not taken out within one month after the fine.

Should the party interested neglect to take out such diagrams within the two months as herein above mentioned, they shall incur a penalty not exceeding £10. The Mining Commissioner shall give them notice that on failure to take out diagrams within one month after the fine has been inflicted the renewal of their licences, or confirmation of their rights, may be refused.

Application for certificate of bezitrecht.

117. Every person or company in possession of a claim, block of claims, or water-right, truck ways, machinery stands or water-courses, or any other right or permit necessary for the development of the diggings, may deposit with the Mining Commissioner an application in writing, properly signed, and accompanied by a confirmed surveyor's diagram of the claims or water-right, for an investigation of his or its claims to a certificate of "beztrecht."

Investigation by Mining Commissioner.

It shall thereupon be lawful and compulsory for the Mining Commissioner to institute an investigation with regard to such claims. If it appears after such investigation that there exists no doubt as to the legality of the rights of the applicant, then he shall immediately issue a certificate of "beztrecht."

Certificate granted at once where no doubt exists.

Where it shall appear that the formal legal proof of "beztrecht" is defective owing to:—

When the Mining Commissioner may grant certificate, notwithstanding certain defects.

- (a.) Transfer not having been passed ; or
- (b.) Any defect in the competency or the authority of any person who may have given transfer, or may have pretended to give transfer ; or
- (c.) The death or absence of the person in whose name the rights in dispute may be registered ; or
- (d.) The original acquisition of claims through defective or false powers of attorney or otherwise, provided that the person making application for the "beztrecht," or who holds it, shall not have been a party to the making of such a false power of attorney, and is a *bona fide* possessor ;

Transfer duty to be paid.

then the Mining Commissioner shall, nevertheless, have the right to issue to such applicant a certificate of "beztrecht" signed by him. Before such certificate of "beztrecht" is issued transfer duty shall be paid according to the valuation of the Mining Commissioner on these claims.

Twelve months' peaceful possession.

Before the issue of such a certificate of "beztrecht," however, it shall first be proved that the applicant has been for at least twelve successive months in peaceful possession and enjoyment, and entitled to claim the rights for which he has made application, and whether or no the right of the applicant is clear, the Mining Commissioner shall not immediately issue a certificate of "beztrecht" to him, but shall publish a notice asking for objections to the issue of such certificate of "beztrecht" to be made within a month from the date thereof.

Mining Commissioner publishes notice calling for objections.

Such notice shall be published three times in the *Staatscourant* in the Dutch language, and at least once in the local newspaper, and shall indicate as clearly as possible the situation of the property, the nature of the rights claimed in respect thereof, the name of the person who makes the claim, and in case any other person is registered as the holder, the name of such person.

Contents of notice.

Should no objections be lodged within the said one month, the decision of the Mining Commissioner shall be final.

If no objections, decision of Mining Commissioner final.

Should objections be lodged the Mining Commissioner, as such, shall decide thereupon, and the proceedings shall be in accordance with the provisions of Art. 114.

Mining Commissioner decides.

On a certificate of "bezitrecht" for claims or blocks of claims and machinery stands a stamp duty shall be paid of five shillings per claim, stands and machinery stands, and in the case of other certificates of "bezitrecht," a stamp of ten shillings shall be placed on each certificate.

Stamp.

9.—UNDERGROUND MINING RIGHT.

118. It shall not be lawful to prospect on or in towns, villages, stand townships, public squares, streets, roads, railways, cemeteries, erven, stands, permanent fortifications, locations (with the exception of those indicated under Art. 49), townlands, gardens, storage sites (bwaarplaatsen), machinery stands, water-rights, and places where tailings lie heaped up, and such localities as may be pointed out by the Mining Commissioner in accordance with Arts. 13, 14 and 53, as also within a certain distance from the aforementioned localities to be defined by the Government by proclamation.

Where prospecting and digging are prohibited.

10.—WATER RIGHTS.

119. The State President shall have the right, in reference to the pollution or making turbid of rivers or watercourses by gold mining companies, gold diggers, or other companies or persons, to take measures and to make provisions in accordance with Art. 4 of this Law.

State President may make provisions re the muddying of rivers, &c.

120. With reference to the division of water, it shall be left to the Mining Commissioner of every proclaimed field, subject to the approval of the Government, after consultation with the Head of the Mining Department, to make such regulations with respect to the division of water as may be considered fair and reasonable according to the circumstances of such field, regard being had to the rights of private owners.

Division of water by Mining Commissioner.

With reference to public fields it is expressly declared that no digger, under any circumstances whatever, shall have any proprietary right in the water running in any river, watercourse, or constructed water furrow. He shall only have the right to use the said water according to law or regulations. In cases where, under certain circumstances, damages must be paid, the value of the water shall not be taken into consideration.

No proprietary right in water. Value of water not taken into consideration in fixing compensation.

Special water rights.

The Government may, by agreement, grant special water-rights on Government land, and also for the public benefit on proclaimed private land.

Who entitled to water rights.
Workers of tailings.

121. Holders of "mynpachts" and properly developed digger's claims, shall be entitled to obtain water-rights.

Workers of tailings shall have the right to obtain water-rights under such regulations as the Mining Commissioner, after consultation with the Head of the Mining Department, may grant thereanent.

Where there are irregularities no certificate of bezitrecht will be granted.

122. Should it appear that irregularities have taken place, such as for example, when on the granting thereof they were not connected with claims, "mynpacht," or right to work tailings, or when such mining right for which they were granted has already lapsed, then no certificate of "bezitrecht" shall be issued for such water-rights, and they shall not be confirmed by the Head of the Mining Department.

No water-rights granted unless connected with claims, &c.

123. In future no water-rights shall be granted on proclaimed land which are not connected with claims, "mynpacht," or a right to work tailings, except with the express permission of the Government.

Application for water-rights.

124. Applications for water-rights shall be made to the Mining Commissioner, and every application shall bear a stamp of the value of 5s., and shall be accompanied by plans in quadruple, framed by an admitted land surveyor, which shall contain such connections and particulars as shall be desired by the Surveyor-General. The plans shall be signed by the Claim Inspector as being in conformity with the beacons.

Stamp.
Plans must be signed by Claim Inspector.

The applications shall be made in such form as from time to time may be prescribed by the head of the mining department.

Provisions of Art. 111 applicable.

The same provisions with regard to validity and cancellation of incorrect diagrams, laid down in Art. 111 of this Law, shall hold good for diagrams to be confirmed under this Article or diagrams already confirmed by the Surveyor-General.

Notice of application to be published.

125. A notice of these applications shall be published three times in the *Staatscourant* and at least once in a local newspaper by the applicant. This notice shall be issued by the Mining Commissioner in the form fixed by the Head of the Mining Department.

Stamp on objections.

The applications with plans shall at the same time lie at the office of the Mining Commissioner during one month for inspection by interested parties, who may lodge their objections, which shall bear a stamp of the value of 5s. in accordance with Article 70, with the Mining Commissioner concerned within that period.

Mining Commissioner decides.

Should those objections be found groundless by the Mining Commissioner, after hearing the parties, he may grant the application.

If more than one applicant make application to obtain one and the same water-right the Mining Commissioner, after having heard the parties, shall decide who is entitled thereto.

Appeal to the Head of the Mining Department.

There shall be an appeal within fourteen days from the decision of the Mining Commissioner to the Head of the Mining Department whose decision shall be final.

126. All grants of water-rights shall be sent up to the Head of the Mining Department for confirmation, accompanied by a copy of the application, the plans, and the report of the Mining Commissioner regarding the desirability, or otherwise, of the confirmation, and regarding the consideration of the objections, if there were any. In future no water-rights shall be considered valid unless confirmed by the Head of the Mining Department, or included in a certificate of "bezitrecht."

127. On all water-rights intended or used for motive power the sum of 1s. per month shall be paid for each horse-power for each water-right not exceeding ten horse-power, and 2s. 6d. per month for each horse-power above ten horse-power. Licences on claims with which a water right is connected, and on which water-right the payment in accordance with this Article must be made, shall not be renewed unless the monies due on the water-right have been duly paid.

128. On the lapsing of claims or "mynpacht" or of a right to treat tailings, the water-right granted for the working of such claims, "mynpacht," or tailings, shall lapse likewise. The last holder of such water-right shall, however, during one month after the date on which the above-mentioned mining right lapsed, have a preferent right to recover the water-right for working other claims, "mynpacht," or tailings, belonging to him, upon sending in a new application for the same in the usual manner.

If the Mining Commissioner thinks that proper use is not being made of a water-right he shall give notice to this effect to the registered owner of such water-right, calling upon him at the same time to show cause why his water-right shall not be declared to have lapsed, and he shall fix a day at least three months after the date of such notice to enable the owner to be heard. At the hearing of the matter the Mining Commissioner shall keep proper minutes, which minutes, together with his report, he shall thereupon send to the Head of the Mining Department. If the Head of the Mining Department declares the water-right to have lapsed the owner thereof shall have the right to bring such decision in review within one month after the date thereof before the High Court.

Provided, however, that no water-right shall be delared to have lapsed if the claims, "mynpacht," or any other rights to which the water-right is attached, or any of them, are worked or developed at any time before the published date of the proposed cancellation, or if any claim or claims or any portion of any "mynpacht," or other rights, belonging to the owner of the water-right in connection with which the water-right can be used, is or are being used or developed.

A water-right which has lapsed in this way shall not be pegged off as claims, but shall be renewed for the purposes of a water-right.

129. A water-right may be transferred from one owner to another without transferring the claim or claims, "mynpacht," other mining rights, or rights to work tailings to which it is attached, provided that at the time of such transfer the water-right is attached to another claim or other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to the person to whom it is transferred, and provided such transfer be properly registered at the office of the Mining Commissioner.

Grants of water-rights must be confirmed by the Head of the Mining Department.

No water-rights valid unless confirmed or included in certificate of bezitrecht. Water-rights used for motive power. Licences on claims not to be renewed unless monies due on water-right duly paid.

When water-right lapses. Last holder has preferent right to recover water-right.

When water-right not properly used Mining Commissioner gives notice to owner.

Day of hearing. Mining Commissioner to keep minutes.

Appeal to High Court.

Cannot be cancelled if claims are worked.

Lapsed water-right cannot be pegged as claims.

Water-right may be transferred independently of the claims. Transfer to be registered.

Water-right may be attached to other claims, &c., provided alteration be registered.

If the owner of a water-right attached to certain claims, "mynpacht," other mining rights, or rights to work tailings, wishes to attach such water-right to certain other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to him, he may do so, provided such alteration be properly registered at the office of the Mining Commissioner.

Running water may not be dammed up. Water obtained by artificial means.

130. No owner of a claim shall have the right to dam up natural or running water for his own use to the detriment of the other claim holders, unless he has taken out a water-right according to this Law. Water obtained by artificial means shall not fall under this provision.

11. RIGHT TO FIREWOOD.

Firewood on Government land.

131. A permit may be obtained for the right to cut or carry away firewood on or from Government land, reckoned at the rate of one pound (£1) per wagon load, seven shillings and sixpence (7s. 6d.) per Scotch cart load, and sixpence (6d.) per one person's load.

Permit for cutting wood on private land.

The said permits may be obtained on Government land from the Mining Commissioner or Responsible Clerk. In regard to the cutting of wood on private land an agreement shall be entered into with the owner.

Claim-holder may not cut wood for sale.

If a person pegs off a piece of land as a claim on which wood grows he shall not be entitled to cut and carry away such wood for sale or trading purposes.

Private lands.

With regard to private land these sums shall be repaid to the private owners.

Penalty for cutting wood without permit.

Any person cutting or carrying away wood without a permit, or without leave from the owner, shall be punished with a fine not exceeding £25, or, in default of payment, with imprisonment not exceeding six months, over and above the claim for damages for the wood cut or carried away.

Penalty for carrying away more wood than permit entitles to.

If it be found that more wood is being carried away under a permit than the permit gives a right to the offender shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment, with or without hard labour, for a period not exceeding twelve months.

Informant entitled to half of fines.

The person who reports such contraventions shall be entitled to half of the fines paid.

Wood for domestic use gratis on Government land.

132. Any white person or family shall, however, be at liberty to obtain wood without payment from Government land for his or their own domestic use, under permit to be obtained from the Mining Commissioner, Responsible Clerk, Justice of the Peace or Field-Cornet, on payment of 1s. per month per permit, under which permit no more than one wagon load of firewood may be removed, such permit to be renewed monthly.

Permit. Renewal.

CHAPTER IV.

Provisions of a Miscellaneous Nature.

Coloured person.

133. No coloured person may be a licence holder, or in any way be connected with the working of the diggings, but shall be allowed only as a workman in the service of whites.

134. Any person digging a water furrow through a roadway or footpath which is used shall construct a sufficiently safe bridge, failing which any person may fill up the furrow, and the offender shall further be liable to a fine of from £1 to £10, or in default of payment to imprisonment, as laid down in Article 6.

Bridge over water-furrow. Penalty for not constructing.

Any person who in any other way closes or obstructs a road or footpath shall be subject to the same fine.

Obstructing roadway.

135. Any person removing ore from the claim, "mynpacht" or concession of another, or from ground falling under Article 118, shall be responsible for all damages, and shall, moreover, have to pay as compensation three times the value of what has been taken by him, apart from the criminal prosecution to which he exposes himself.

Removal of ore from claim of another. Penalty.

Any person who shall be guilty of altering, shifting or removing the beacons of a claim, shall be punished with a fine not exceeding £100, or, in default of payment, with imprisonment as laid down in Article 6.

Removing, &c., beacons of a claim. Penalty.

137. Anyone who shall be guilty of damaging or destroying a mine, claim, machinery, watercourse or other mine property or belongings, or even shall be guilty of attempting to commit the said crimes, shall be punished with a fine of from £100 to £1,000, or with imprisonment with hard labour for a period of from one to ten years, according to the nature of the case.

Damaging mining property. Penalty.

138. Subject to the provisions of Article 66, every person who shall be guilty of pegging off claims belonging to others and which are in proper order according to law, shall be punished with a fine of not less than £25, and not more than £100, per claim thus pegged off, or with imprisonment as laid down in Article 6.

Pegging claims belonging to others.

139. Every inhabitant or licence holder shall, when called upon, render assistance for the preservation of public order under penalty of loss of licence and a fine not exceeding the sum of £25.

Every inhabitant must assist to preserve public order.

140. Every one within the boundaries of a proclaimed field and every holder of a claim, "mynpacht," or concession, or every shareholder in a syndicate or company which is owner of a claim, "mynpacht," or concession, who commits the crime of public violence, treason, or high treason against this Republic shall, over and above the punishment fixed by law for such crime, forfeit all his property, both movable and immovable, for the benefit of the State.

High treason, &c.

Forfeiture of property.

When the cessation of work on a mining concern may not, in the opinion of the Government, after proper investigation, for preponderant reasons of public interest, continue any longer, the holder or worker of the "mynpacht," claim or concession, shall be bound to renew development within a defined time on receiving an order to do so.

When company may be ordered to continue work.

On refusal or non-compliance, the "mynpacht-brief," claim licence or concession may be withdrawn by the Government, without prejudice to the rights of bond holders.

Penalty for not complying.

N.B.—This Article has been suspended by the First Volksraad in order to enable the Second Volksraad to reconsider it.

Special licence for trading in precious metal.

Exception.

Buyer must convince himself that seller is entitled to sell.

Trading in unwrought precious metal without special licence.

Being in possession thereof.

Penalty.

Unwrought gold given back to owner or forfeited to State.

Dealer in unwrought precious metal to keep books.

Examination of books.

Penalty.

Bank managers, &c., who buy, &c., unwrought gold must make declaration.

141. No person may carry on any trade whatsoever in unwrought precious metal, under which is included the buying or selling, the bartering or exchanging of such unwrought precious metal, unless he has a special licence to do so, for which he shall pay £25 per annum; provided that the individual digger or a company need not take out any licence for the sale of the unwrought precious metal dug out or found by him or it, personally or on his or its instructions.

No one may buy any unwrought gold unless he convinces himself that the seller is entitled to sell, for which purpose the latter shall deliver to the purchaser a certificate issued by the Mining Commissioner of the goldfield, or the Landdrost of the district.

142. Any person who deals in unwrought precious metal as laid down in Art. 141 without having a special licence for the purpose, or who is found in possession thereof, and cannot give any proof that he came into possession thereof in a lawful manner, shall be punished with a fine not exceeding £500, or imprisonment, with or without hard labour, for not more than two years, or both together, according to the nature of the case, for the first offence. For the second offence he shall be punished with a fine not exceeding £1,000 or three years' imprisonment, with or without hard labour, or both together, and for any further offence with a fine or imprisonment, or both together in the discretion of the Court.

The unwrought gold which is found in his possession shall, by order of the judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

143. A licensed dealer in unwrought precious metal shall keep such books of his business as the Government shall from time to time deem expedient to determine, and the said dealer shall send up to the Inspector of Mines monthly, on the first day of each month, a true and sworn copy of such books, and in such form as the Government shall from time to time prescribe.

The Government shall have the right at any time to cause such books to be examined.

Every contravention of this Article shall be punished with a fine not exceeding £50, or in default of payment, with imprisonment as laid down in Art. 6.

144. The managers of banks, shopkeepers, agents, and in general all persons who buy, sell, exchange, take or give for safe keeping, or despatch unwrought gold shall be obliged to send in, thereanent, before or on the 15th of each month, to the office of the Inspector of Mines concerned, a declaration in duplicate for the last preceding month.

In case no Inspector of Mines office is established on or near the place where the transaction takes place such declaration shall be forwarded to the Mining Commissioner, Responsible Clerk or Landdrost of the district. These declarations shall be made according to the forms prescribed for that purpose by the State Mining Engineer.

Contraventions of this provision shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment for a period not exceeding three months.

The persons who are obliged according to this Article to make monthly returns may obtain the forms required for the purpose for one or more

months in advance at the offices of the officials to whom the declaration must be forwarded, either by personal application or in writing by post, and shall be liable for the consequences when they do not provide themselves with the forms early enough.

Forms required.

The forwarding of the returns may be effected by personally handing them in at the appointed office, or by post, in which latter case the letter must be registered, and the sending-in shall be considered to have taken place on the day that the return was sent by post. Should the last day of the time for sending in fall on a Sunday or public holiday, the return shall be made on the previous day.

When last day is a Sunday returns must be made the previous day.

145. Everyone trading without a trading licence shall be liable to the penalties laid down by the law of the land; subject to the provisions of Arts. 22, 25, 31, and 32, and to the right granted to the discoverer by Art. 44, shall further be punished with a fine of not less than £5, and not more than £25, or, in default of payment, with imprisonment as laid down in Art. 6, for every contravention:—

Trading without trading licence

Penalty for.

(a.) Any person who digs or prospects for precious metal without licence.

Digging or prospecting without licence.

(b.) Any person who beacons off a claim or claims without prospecting or digger's licence. Moreover such beaconing off shall be considered unlawful, shall not be recognised, and shall entail no right whatever.

Pegging without licence.

(c.) Any person who, with or without licence, digs or prospects for precious metal on Government land which has not been proclaimed for the purpose by the Government, unless special permission has been given by the Government. This special permission, however, shall not be given for longer than twelve months, and shall lapse if, within the six months after date of the permission, no prospecting has been begun.

Digging or prospecting on unproclaimed Government land. Special permission.

(d.) Any person who, with or without licence, prospects or digs for precious metal on unproclaimed private land.

Digging or prospecting on unproclaimed private land.

146. It shall not be lawful for any person to pay his servants in unwrought precious metal, under penalty of a fine not exceeding the sum of £100, or in default of payment, of imprisonment as laid down in Art. 6, besides forfeiture of such unwrought precious metal in favour of the State.

Servants may not be paid in unwrought precious metal

Penalty.

Forfeiture.

147. Every person who digs for gold or precious metals according to Article 2 of this Law, whether it be on his own or on another's account, shall show his licence if such is desired by an official declared competent by the law or the Government for that purpose, and in default thereof he shall be punished with a fine of from £1 to £3 and, failing payment, with imprisonment not exceeding 14 days.

Digger must show his licence when requested.

148. Any one purchasing, bartering, or accepting unwrought precious metal from coloured persons, either on a proclaimed public field or elsewhere within the boundaries of the South African Republic, shall be punished with a fine of not more than £1,000, or imprisonment, with or without hard labour, for a period not exceeding the term of five years

Purchasing unwrought precious metal from coloured person.

Penalty.

Gold given back to the owner or forfeited.

The unwrought gold which is found in his possession shall, by order of the Judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Coloured person selling unwrought metal.
Penalty.
Forfeiture.

149. A coloured person selling, bartering, handing over or receiving unwrought precious metal, or being found in possession of unwrought precious metal, shall be punished with lashes not exceeding fifty in number, and imprisonment for a period not exceeding five years with or without hard labour.

The unwrought gold which is found in his possession shall, by order of the judge who passes the sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Coloured person must have pass.

150. Every coloured person of African origin within the boundaries of a public diggings shall be bound to have a monthly pass, which shall be obtainable at the office of the Mining Commissioner or other persons appointed for the purpose, on payment of a sum calculated at 1s. per month, except in cases where Law No. 31 of 1896 is in force.

Penalty.

For every contravention of this Article the offender shall be punished with a fine of five shillings, or, in default of payment, with a number of lashes not exceeding 10.

Where article applicable.

This Article shall apply also to coloured labourers exclusively employed in mining and digging on private unproclaimed land and on private farms where, according to Article 23, a written permit has been obtained, and on land which is worked under concession or mynpacht, and also on Government land and stand townships.

Penalty for coloured person misbehaving himself in service.

151. A coloured person who has entered into a contract, whether verbally or in writing, to serve his master as domestic servant, or as a shop or warehouse servant, or to assist him in working a claim, machinery, or water furrow on any proclaimed field, and who leaves his master's service without permission, or who is neglectful, or refuses to do any work in discharge of his duty which can be asked and required of him according to law, or who uses threatening and insulting language towards his master, his master's wife, or any other person placed in lawful authority over him, shall be punished with a fine not exceeding the sum of £2, or with imprisonment with or without hard labour, for a term not exceeding one month, or with lashes not exceeding twenty-five in number.

White servant.

A servant as above mentioned, not being a coloured person, found guilty of any of the offences described in this Article shall be punished with a fine not exceeding £5, or with imprisonment, with or without hard labour, for a term not exceeding three months. The Mining Commissioner shall further, within the limits of the field over which he is appointed, have the same duties and rights which, according to Law 11. of 1892, Landdrosts have, except on fields where Special Landdrosts have been appointed.

Duties of Mining Commissioner

CONCLUDING PROVISIONS.

152. All earlier Laws, resolutions of the Volksraad, legal provisions and regulations concerning diggings, in conflict with this Law, and more especially the Laws, Resolutions of the Volksraad, legal provisions and regulations mentioned in Schedule B of this Law, are hereby repealed,

with the exception of Art. 1 261, First Volksraad Resolution, dated August 25th, 1896, with the reservation of all rights and claims acquired under those Laws, Resolutions of the Volksraad, legal provisions and regulations.

153. This Law shall come into operation on November 1st, 1898. Operation.

SCHEDULE A.

CONDITIONS OF SALE OF CLAIMS THAT HAVE LAPSED TO THE GOVERNMENT, REFERRED TO IN ART. 85 OF THIS LAW.

1. The sale shall take place by public auction for cash to the highest bidder, and payment together with the licence money from the date of purchase shall be due to the Mining Commissioner or his subordinate immediately after purchase, and in default of payment the property shall immediately be put up to auction again, and the loss sustained in consequence of a smaller price being obtained shall be charged to the first purchaser. Public auction.
 2. Of such public sale a notice shall be published in the *Staatscourant* and in a local newspaper, at least 14 days beforehand. Notice.
 3. Seeing that there are in some instances no diagrams in existence, and the situation of the claims is unknown to the Mining Commissioner or the Claim Inspector, the Government does not guarantee the existence, size, situation, extent, or otherwise of the claims, nor can it undertake to point out the claims to purchasers. Government does not guarantee existence, size, etc., of claim.
 4. The purchasers of lapsed claims shall file with the Mining Commissioner, Responsible Clerk, or Landdrost, within two months, a proper diagram of their purchased claims, as provided by Art. 71 of the Gold Law. Diagram.
 5. If any dispute arises through these claims trespassing upon, or being trespassed upon by, claims of previous or subsequent peggers, the sale of such claims in dispute shall lapse, and the purchasers shall get back only the money paid by them on such claims, but shall not be entitled to any compensation. If dispute arises sale lapses.
 6. In case water rights, storage sites (*bewaarplatsen*), machinery stands or any other rights are attached to lapsed claims, the purchasers of such claims shall not be able to lay claim to such rights, or to obstruct such rights in any way. Purchasers of lapsed claims not entitled to the water-rights attached thereto.
 7. The receipt for the purchase price, together with the first licence for the claims thus sold by the Government, shall be purchaser's evidence of title to the claims bought by him. Receipt and first licence evidence of title.
 8. The upset price for these claims shall be five shillings per claim. Upset price.
- The following addition to the conditions of sale of claims that have lapsed to the Government was passed by the Executive Council by resolution, Art. 1015, dated October 25th, 1898, in terms of paragraph 2 of Art. 4 of Law No. 15, 1898 :—
1. (a.) In cases where a person, company, or syndicate, was owner of more than 10 claims which have now to be sold under these regulations, the Claim Inspector shall put up a maximum of 10 claims for sale together, in the order published in the *Staatscourant*. Ten claims put up together.
- If the remaining portion of the lot consists of less than 10 claims all such remaining claims shall be sold together.
- On the auction roll shall be clearly entered the numbers of the claims put up to auction, the purchaser and the purchase price, and if no bid be obtained this fact shall be mentioned on the auction roll. Auction roll.
- If claims are not numbered the Claim Inspector shall have a sketch thereof at the sale, and point out to the public which claims are being sold, and note this fact clearly on the auction roll. Sketch.

SCHEDULE B.

LOCAL LAWS, 1849-1885.

Ordinance defining the laws on mining of October 31st, 1866.
Volksraad Resolution, 14th June, 1870, Art. 181.

21st December, 1870, Art. 16.

Law No. 1, 1871.

„ No. 2, 1872.

Volksraad Resolution, 11th March, 1873, Art. 39.

Law No. 7, 1874.

„ No. 6, 1875.

Volksraad Resolution, Art. 580, dated 26th June, 1882.

Law No. 1, 1883.

Proclamation, 17th June, 1884.

Volksraad Resolution, 18th August, 1884, Art. 155.

Appendix Law No. 1, 1883.

Law No. 8, 1885.

Volksraad Resolution, dated 15th November, 1871

„ „ „ 21st February, 1872.

LOCAL LAWS, 1886-1887.

Appendix Law No. 8, 1885.

Law No. 10, 1887.

Volksraad Resolution, 10th May, 1887, Art. 68.

5th May, 1887, Art. 37, Par. 2.

„ „ 27th July, 1887, Art. 1302.

Amendment Law No. 8, of 1885.

LOCAL LAWS, 1888-1889.

Volksraad Resolution, dated 9th July, 1888, Art. 937.

Law No. 9, 1888.

„ No. 8, 1889.

Proclamation, dated 16th April, 1889.

Volksraad Resolution, dated 13th May, 1889, Art. 80.

„ „ „ 18th May, 1889, Art. 181.

„ „ „ 15th July, 1889, Art. 965.

LOCAL LAWS, 1890 TO 1893 AND 1894.

Law No. 8, 1890.

„ No. 10, 1891.

„ No. 18, 1892.

First Volksraad Resolution, dated 13th June, 1893, Art. 313.

„ „ „ 11th August, 1892, Art. 1105.

„ „ „ 10th August, 1894, Art. 1249.

Law No. 14, 1894.

„ No. 22, 1894, Par. 19, amended Art. 52d.

LOCAL LAWS, 1895.

First Volksraad Resolution, dated 14th August, 1895, Art. 916.

„ „ „ 28th August, 1895, Art. 1023.

Law No. 19, 1895.

First Volksraad Resolution, dated 20th September, 1895, Art. 1282.

„ „ „ 23rd September, 1895, Art. 1290.

LOCAL LAWS, 1896, 1897 AND 1898

Law No. 21, 1896.

First Volksraad Resolution, Art. 1565, dated 19th October, 1897.

„ „ „ Art. 1595, „ 21st October, 1897.

„ „ „ Art. 695, „ 26th July, 1897.

„ „ „ Art. 314, „ 31st May, 1898.

S. J. P. KRUGER,

State President.

F. W. REITZ,

State Secretary.

Government Office,

Pretoria,

7th October, 1898.

LAW No. 16, 1898.

Regulating the obligations between the South African Republic and the Orange Free State in regard to mutual assistance.

Approved and enacted by resolution of the First Volksraad, Art. 1354, dated October 4th, 1898.

Not translated. Obsolete.

LAW No. 17, 1898.

BEING THE LAW WITH REGARD TO TOWN COUNCILS.

Approved by the Second Volksraad by Art. 1292 of its minutes dated September 26th, 1898, and noted and accepted by the First Volksraad by Art. 1422 of its minutes, dated October 24th, 1898.

In pursuance of Arts. 164 and 167 of the Grondwet it is provided as follows:—

1. Every village in this Republic with a population of not less than 500 inhabitants entitled to vote in terms of Art. 3 of this Law may be declared by the Government, with the advice and consent of the Executive Council, to be a town in accordance with this Law, with the power and qualification of a person in the eye of the law.

What constitutes a town.

2. Such town shall be entitled to place the regulation and the management of the municipal affairs of the town under a Town Council, consisting of six or eight members, according to the population, at the head of whom a Burgomaster, shall be placed by the Government, who shall be *ex officio* chairman of the Town Council and shall receive a salary from the State.

Town Council and Burgomaster.

3. The Landdrost of the district shall be entitled and bound, when a request in writing is made to him by not less than 25 inhabitants entitled to vote, to convene a meeting of inhabitants entitled to vote to decide whether a Town Council shall be established.

Landdrost to convene meeting.

Inhabitants entitled to vote for the purposes of this Law are:—

Inhabitants entitled to vote.

(a.) The enfranchised burghers who reside in the town in question :

Enfranchised burghers.

(b.) The male white people of full age who reside in this State, and who possess fixed property in the town in question of the value of not less than £100, with this proviso that loss of the requisite fixed property shall entail immediate loss of the power to vote.

Fixed property qualification £100.

Loss of fixed property.

Until the valuation of the fixed property has taken place in accordance with Art. 8 of this Law the valuation by the Landdrost and the Field Cornet of the village shall hold good.

Valuation by Landdrost and Field Cornet.

(c.) The male white persons of full age who reside in the town in question, and pay at least £25 house rent annually.

£25 house rent per annum.

4. Of this meeting notice shall be given by the Landdrost at least three weeks previously: such notice shall be published three times in the *Staatscourant*, and in one of the local newspapers in the official language, and shall be posted in front of the office of the Landdrost of the district

Three weeks' notice of meeting.

In *Staatscourant* and local papers.

Registration of names of persons entitled to vote.

Persons who according to this Law have the power to vote, and desire to record their vote at the meeting to decide the question whether a Town Council shall be established, must have their names registered at the Landdrost's office during the said three weeks. Only the persons so registered shall have the right to vote at such meeting.

Landdrost to be chairman of meeting.

5. The Landdrost shall be chairman of this meeting, and shall cause the question whether there shall be a Town Council or not to be decided by a majority of the inhabitants entitled to vote in accordance with Art. 3 of this Law.

Election of Commission.

6. Should it be decided to be established a Town Council, a Commission shall at the same time be elected by a majority of votes from among the residents entitled to vote to frame regulations for the government, management and municipal administration of the town.

To frame regulations. Regulations to be framed within two months.

7. This Commission shall within two months frame and forward to the Landdrost the town regulations. This official shall immediately convene a meeting by notice in the manner prescribed by Art. 4, and submit the draft regulations which have been forwarded to him.

Landdrost to call meeting to consider regulations. Dissolution of Commission. Fresh meeting convened.

At this meeting the Landdrost shall be chairman. If the Commission does not within two months carry out its instructions it shall be dissolved. The Landdrost shall then convene a fresh meeting in the manner prescribed by Art. 4, and a new Commission shall be chosen as provided in Art. 6.

Limits of town wards. Valuation of fixed property. Further provisions.

8. In the town regulations the limits of the town shall be described, the town, if necessary, divided into wards, the number of ward masters determined, and their duties and powers described, and provision shall be made with regard to the classification and valuation of the fixed property, and provision shall moreover be made therein with regard to all other purposes of general interest, and with regard to fines and penalties for contravention of the regulations.

Voting on regulations.

9. At the meeting mentioned in the first part of Art. 7 each regulation shall first be put to the vote separately, and then all the regulations together, to decide whether they shall be adopted, amended or rejected.

Regulations forwarded to State Secretary. Publication.

10. The regulations adopted by the meeting shall immediately be forwarded by the chairman to the State Secretary for approval or alteration by the Executive Council, after which they shall be published in the ordinary way and have the force of law until further decision with regard thereto by the First Volksraad.

Alteration of regulations.

11. After the regulations have been determined and have obtained the force of law they may be amended from time to time, but for this purpose a request in writing, signed by at least twenty-five inhabitants entitled to vote, must be sent to the Town Council, which shall then, after at least fourteen days' notice in the manner hereinbefore described, cause a meeting of inhabitants entitled to vote to be held, at which meeting the desired amendments shall be adopted in the same manner, to obtain thereafter the approval of the Executive Council and force of law, as laid down in regard to the original regulations.

Calling of meeting.

regulation in conflict with this Law.

12. No town regulations may be in conflict with this Law.

13. After the town regulations have been approved and published the Landdrost shall, after at least fourteen days' notice in the manner hereinabove provided, cause the members of the Town Council to be elected at a meeting of which he shall be chairman.

Election of members of Town Council.

14. The following are the only persons who are eligible as members of the Town Council, viz., male inhabitants of the town in question, of full age, who are entitled to vote under this Law, and who are owners of fixed property situated in the town, or pay at least £75 house rent annually in the town.

Persons eligible for election. Fixed property. £75 house rent.

The office of member of the Town Council may not be held by persons who are in the employ of such Council, whether they receive a fixed salary or not.

Employees of town council not eligible. Civil servants not eligible.

Further, no officials in the service of the State shall be eligible as members of the Town Council.

15. The election of members of the Town Council shall be by majority of votes, by ballot, the candidate having first of all been proposed by one of the inhabitants entitled to vote and seconded by another; when the votes are equal the voting shall take place again, and should they be equal a second time the candidates concerned shall draw lots.

Mode of election. Ballot.

No one shall be considered elected who does not get at least twenty-five votes.

Drawing lots. Minimum of 25 votes.

16. At the end of the first election half of the members, such half to be determined by lot, shall retire, and thereafter at the end of each following year the remaining half in rotation, and a proper register thereof shall be kept. The members retiring shall, however, be eligible for re-election.

Retirement of members in rotation. Members eligible for re-election.

17. A member elected in place of another, whose period of service has not elapsed at the time of his resignation or death, shall retire at the same time at which his predecessor would have had to retire.

Retirement of member selected to fill vacancy.

18. The further election of members of the Town Council, and also every election of a member to fill the place of another who retires or ceases to be a member, shall take place in accordance with the town regulations which shall have been made and enacted in regard thereto.

Election in accordance with town regulations.

19. Any member of the Town Council who ceases to possess the required fixed property, or without permission absents himself from the Town Council for more than four ordinary sessions, or becomes insolvent, or unable, owing to bodily or mental infirmities, to perform the duties of his office, or accepts employment under the Town Council to which remuneration is attached, shall forfeit his office as member of the Town Council.

When member shall forfeit his office.

(a.) Any member of the Town Council who either directly or indirectly enters into a contract with the Council, or applies or causes application to be made for such contract, shall thereby forfeit his office as member. The contract shall, moreover, be declared cancelled.

Member contracting with Council shall forfeit office.

20. If the Town Council neglects to cause an election to be held to fill a vacancy occurring in the membership of the Town Council, the

Neglect of council to fill vacancy.

Landdrost may call meeting.

Landdrost shall be at liberty, on a request in writing being made by five or more inhabitants entitled to vote, to convene a meeting for the purpose of causing such election to take place.

Town Council to meet twice a month.

21. The members of the Town Council shall hold their regular meetings for the transaction of business at least twice a month.

Quorum.

22. A quorum of members of the Town Council for the transaction of business shall consist of one more than half of the total number elected.

Appointment of officials.

23. The Town Council may appoint and dismiss from service a Secretary and a Treasurer, and such other officials as are allowed by the town regulations.

Treasurer to give security.

The Treasurer shall be bound to give security to the satisfaction of the Town Council for the proper discharge of his duties.

No member to receive salary.

24. No member of the Town Council shall receive from the Town Treasury any salary or reward for attendance at the Sessions, on pain of forfeiture of his office.

Minutes to be kept.

25. The Town Council shall cause regular minutes of its transactions to be kept, which minutes shall, after confirmation, be signed by the Chairman and Secretary.

Books of revenue and expenditure. Inspection.

26. The Town Council shall cause proper books to be kept of the revenue and expenditure: the books shall, on the first Wednesday in each month, be open to inspection and examination by the inhabitants entitled to vote.

Account closed on December 31st. Inspection.

27. The account of the Town's revenue and expenditure shall be closed on December 31st of each year, and a copy thereof shall, before the end of the month of January ensuing, be placed at the office of the Town Council for inspection and examination by the inhabitants entitled to vote.

The account shall also be published in the *Staatscourant* in the month of January.

28. The revenue of the town shall consist of:—

What revenue consists of. Tax on erven.

(a.) The tax to be paid according to law by every owner of an erf or portion thereof.

1d. in pound on assessed value of erven.

(b.) A certain tax on the assessed value of the erven, whether built upon or not, and dwellings, not exceeding one penny in the pound.

Market dues, &c.

(c.) The proceeds of the market and pound dues and cab licences.

Hire of town property.

(d.) Hire for the use of town property.

Fines.

(e.) All fines for contravention of the town regulations.

(f.) All other town revenues.

Imposition of new tax.

The Town Council shall previously obtain the approval of the First Volksraad for the imposition of any further tax.

- 29.** No State or Church property or charitable institution shall be subjected to any tax ; the erven, however, which are given out for a public Church square shall remain untaxed only as long as they are not enclosed. What property not subject to taxation.
- 30.** The town revenue shall be collected by the Treasurer or any person authorised by the Town Council and accounted for by him to the Town Council. Revenue collected by Treasurer.
- 31.** The town taxes may be collected from the owner as well as from the occupier of the fixed property taxed, without prejudice to the right of compensation of either, and with this proviso, that no occupier who is not owner shall be liable for the tax which became payable on the property occupied by him before the time of his occupation. Both owner and occupier liable.
- 32.** The Town Council shall have the power to appoint night watchmen and street guards to take care of the streets and public works and property, and to keep the peace in the town, with the powers of policemen. Appointment of night watchmen &c.
- 33.** The Town Council shall have the power to buy fire-hoses, to erect lamps in the streets, squares and other public places in the town, to construct bridges, dams and other waterworks, to divide water for the irrigation of erven, and to maintain and control all public town grounds. Powers of Town Council.
- 34.** The Town Council shall have the power to establish markets and pounds under such regulations in regard thereto as shall be approved by the inhabitants entitled to vote and confirmed by the Executive Council. Markets and pounds, &c.
- 35.** In the town regulations provision shall also be made for the examination and marking of measures and weights, for the keeping of shambles and the external and internal cleanliness of the same, for furious driving or riding through the streets with wagons, carts, or on horseback, for the removal of obstructions and filth, and, finally, for whatever may be necessary in a well-ordered town administration. Measures and weights.
- 36.** The Town Council may enter into agreements for the carrying out of public works and the supply of necessary things, but no such agreement may be made involving an amount of more than £30 without duly calling for tenders, and no member of the Town Council shall have a share, directly or indirectly, in such agreement or tender, on pain of losing his office as member of the Town Council, and of forfeiture of all profit from such share, as well as of a fine not exceeding one hundred pounds sterling. Contracts. Tenders. Members cannot have interest in. Penalty.
- 37.** The Town Council shall be entitled to buy or hire houses or ground for town purposes, but, in the first instance, the approval of at least two-thirds of the inhabitants entitled to vote, present at a public meeting lawfully convened for the purpose by the Town Council in terms of Art. 4, and the confirmation of the Executive Council shall be obtained. Purchase or hire of houses by Council.
- 38.** The right of ownership in all the fixed town property shall be vested in the Town Council, without the power of alienation, either by Fixed town property vested in Council.

Alienation. way of sale, gift, lease or otherwise, unless permission for that purpose be given at a public meeting of the inhabitants entitled to vote, lawfully convened in terms of the preceding Article, at which at least one-fourth of such inhabitants are present, by at least two-thirds of the votes. Thereafter the approval of the Executive Council shall be necessary, and this body shall have a perfect right to refuse such approval.

Movable town property vested in Council. **39.** The right of ownership in all the movable town property shall be vested in the Town Council, which may dispose of it according as the interests of the town demand.

Inventory. The Town Council shall be bound to keep an inventory of all movable town property ; the inventory shall be framed on January 1st of each year, and shall show clearly in what way it differs from that of the previous year, and shall, during the month of January, lie at the office of the Town Council for inspection by the inhabitants entitled to vote.

Fines and penalties. **40.** The Town Council shall, in the first instance, impose the fines and penalties which are prescribed by the town regulations, and shall determine the amount of the tax that is lawfully due in the manner to be laid down by the town regulations. In default of payment, the Landdrost of the district is empowered and shall be bound to execute the judgment of the Town Council in the same manner as a sentence or judgment given by him ; from the judgment of the Town Council the person against whom judgment was given may appeal to the Landdrost, and thereafter to the Higher Courts, in the same manner as provided in the rules for civil and criminal proceedings.

Landdrost to execute judgment. **41.** The fines inflicted under the town regulations shall be for the benefit of the town treasury, but it shall be lawful for the Town Council to award a portion thereof to the informant in any case.

Fines go to town treasury. **42.** At all meetings fixed in this Law, and where no provision has been made as to who shall be chairman, the chairman shall be elected by the majority of the inhabitants present entitled to vote, unless otherwise provided in the town regulations. The chairman shall, in the case of an equality of votes, have a casting vote, and in the first instance decide as to the eligibility of a candidate proposed at the meeting.

Chairman. **43.** All expenses incurred in bringing the provisions of this Law into operation shall be borne by the town treasury.

Casting vote. **44.** Erven and ground (not being common village or town ground) standing in the name of the Government at the moment that a Town Council comes into being, shall remain the property of the State.

Expenses. **45.** The common village or town ground shall be considered to be the property of the State, but the regulation of the use thereof shall be entrusted to the Town Council. When, however, the Government requires the village or town grounds or a portion thereof for temporary or permanent use for the extension of the town or for military or other purposes in the interests of the State, permission for that purpose may be given by the Executive Council. The ruling and decision of the Executive Council in regard thereto shall be final, subject to the approval of the First Volksraad.

Property of the State. **46.** The common village or town ground shall be considered to be the property of the State, but the regulation of the use thereof shall be entrusted to the Town Council. When, however, the Government requires the village or town grounds or a portion thereof for temporary or permanent use for the extension of the town or for military or other purposes in the interests of the State, permission for that purpose may be given by the Executive Council. The ruling and decision of the Executive Council in regard thereto shall be final, subject to the approval of the First Volksraad.

Town ground property of the State. **47.** The common village or town ground shall be considered to be the property of the State, but the regulation of the use thereof shall be entrusted to the Town Council. When, however, the Government requires the village or town grounds or a portion thereof for temporary or permanent use for the extension of the town or for military or other purposes in the interests of the State, permission for that purpose may be given by the Executive Council. The ruling and decision of the Executive Council in regard thereto shall be final, subject to the approval of the First Volksraad.

46. All provisions appearing in Laws or in town regulations in conflict with this Law, with the exception of the Law on the Town Council of Johannesburg are hereby repealed. All town regulations shall be made to conform to this Law. The decision on this matter and the regulation thereof shall be entrusted to the Executive Council. Repeal.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
November 2nd, 1898.

LAW No. 18, 1898.

FOR THE REGULATION OF THE POSTAL DEPARTMENT IN THE SOUTH AFRICAN REPUBLIC.

(Approved by the Second Volksraad by Art. 1393 of its Minutes, dated October 18th, 1898, and noted and accepted by the First Volksraad by Art. 1567 of its Minutes, dated November 4th, 1898.)

WHEREAS it is necessary to revise the legislation relating to the Postal Department, it is hereby determined and enacted as follows:—

1. No one but the State shall be entitled to carry letters for hire, and no letter shall be carried in a vehicle used for the conveyance of passengers unless in a post bag or parcel which may be thereby conveyed. Any person who shall send or convey a letter otherwise than by post, or who for hire shall take charge of the same, shall, on conviction, be liable to pay a penalty not exceeding ten pounds sterling for every such letter. Nothing in this Article contained shall extend to— No one but the State to carry letters for hire.

(a.) Letters which are conveyed within the precincts of a Post Office or Post Office Agent's Office, for the purpose of being posted. Penalty.

(b.) Letters concerning goods with which they are conveyed, or concerning proceedings or pleadings in a Court of Justice, affidavits or depositions. Exceptions.

(c.) Letters which are conveyed at the same time, being from one sender or from persons belonging to one family, or in cases where only one letter is conveyed at a time, provided in both cases the conveyance takes place within the State, and the person who conveys the letters is not the contractor or the manager of the carrying business by which the letters are conveyed, or in the employ of such contractor or carrying business.

2. The administration of the Postal Department for the whole State shall be entrusted to a Postmaster-General. He shall have the supervision over all Post Office officials and persons in the employ of the Postal Department, and also over Post Offices; he shall be bound to call for tenders for the conveyance of the post; he shall be entitled to give instructions concerning the manner in which the administration of the postal arrangements shall be conducted; he shall be charged with the Postmaster-General to have control of Postal Department. Rights and duties.

correspondence with the Postal Administrations of other countries and States, and further with everything concerning the regulation of the Postal Department.

Estimate of revenue and expenditure.

3. The Postmaster-General shall annually deliver to the Treasurer-General an estimate of the probable revenue and expenditure for his department for the ensuing year, with an explanatory memorandum thereon.

Responsible to President.

4. The Postmaster-General shall be responsible to the State President. He shall annually hand in to the State President a report on the work of his department, together with proposals for alterations or improvements in the administration of the Postal Department for consideration by the Second Volksraad.

Has access to all Post Offices.

5. The Postmaster-General shall at all times have access to all Post Offices, and the Post Office officials shall be bound to produce or forward their books and other documents for inspection, if such is demanded by him.

Shall visit the various Post Offices.

6. The Postmaster-General shall, if necessary, visit the different Post Offices in the country, in order to convince himself of the regular conveyance of the post, and the good order of the Post Offices. He shall have the power to commission suitable persons to inquire, if necessary, into the administration of a Post Office Official and to report thereon.

Shall decide disputes.

7. The Postmaster-General shall decide any disputes arising between him and his subordinates in regard to the administration of the Postal Department, and against such decision an appeal may be made to the State President, whose judgment shall be final.

Appoints and discharges Post Office agents.

8. It shall be the duty of the Postmaster-General to appoint and discharge Post Office agents, and to establish new Post Office agencies, provided the amount voted for that purpose be not exceeded. Post Office agents shall not be considered in this respect as officials.

Payments to be approved by him.

9. Unless approved by the Postmaster-General or his lawful representative no payments relating to the Postal Department shall be made by the Treasurer-General.

Establishment of Post Offices.

10. Post Offices shall be established at the principal place in each district, and also at such other places as shall be determined on by the Postmaster-General, with the approval of the State President, and such Post Offices shall be open to the public at such hours as shall be fixed by the Postmaster-General, provided that such offices shall be closed during the making up or sorting of mails.

Delivery of letters.
Letter boxes.

11. The Postmaster-General shall regulate the manner in which letters and other documents shall be delivered at places where a delivery service shall be established, and the placing of letters in private letter boxes at offices where provision shall have been made for the purpose. Before delivering "poste restante" letters and other documents, the officials ought, if necessary, by calling for the production of some proof, to satisfy themselves as far as possible of the identity of the person applying.

Poste restante.

12. The Postmaster-General shall annually cause a general time table to be published in the *Staatscourant*, mentioning the hours of arrival and departure of the different posts, and at the same time give notice therein of any alterations.

Time table of arrival and departure of post.

13. The Postmaster-General may, subject to the approval of the State President, enter into or amend postal arrangements or conventions with the proper authorities of foreign States or Colonies, for the following purposes :—

Postal conventions.

(a.) The issue and payment of Money Orders and Postal Orders, and the payment of Post Office Savings Bank Orders ;

Money orders, &c.

(b.) The transmission to any place beyond the limits of this State of letters and other documents, free of postage, or upon such terms as to the amount of postage or fine to be paid on delivery, and as to the application thereof as may be agreed upon ;

Transmission of letters beyond limits of State.

(c.) Determining the amount and collection of postage and other charges upon letters and other documents conveyed between this and any other State ;

Amount of collection of postage.

(d.) The division and mutual accounting for, and payment of money collected or due under any agreement ;

Division of money.

(e.) For the purposes mentioned in sub-sections (c) and (d) in the case of letters and other documents transmitted or received through another State or Colony to or from any part of the world ;

Letters transmitted through another State.

(f.) The payment (in full or otherwise) of postage due on letters and packets.

Payment of postage.

14. So soon as any postal arrangement or convention shall have been made under the authority of this Law, the State President shall issue a proclamation defining a time for such arrangement or convention to come into operation.

When convention to come into operation.

15. Copies of all conventions and agreements made between the Postmaster-General and the proper authorities of other States and Colonies, and copies of all regulations or orders issued by the State President under the provisions of this Law, shall be laid before the Volksraad in the first ensuing session.

Copies of conventions to be laid before Volksraad.

16. In the interpretation of this Law the expression "this State" shall include the territory under the administration of the Government of the South African Republic, and the words "Post Office" shall include all places intended for the receipt or delivery of letters, postcards, printed matter, packets and other documents, under the supervision of the Postmaster-General.

Definition of "this State." "Post office."

17. The Stamp Master on being requested so to do, shall supply the Postmaster-General with as many stamps and other means of franking as are required by him, and it shall not be lawful to supply the same to anybody else.

Stamp Master to supply same to Postmaster-General.

18. The Postmaster-General shall see that at all Post Offices postage stamps and postcards are obtainable by any person on payment of the

Postmaster-General must see that stamps, &c., obtainable

amount impressed thereon or fixed by the State President. The Postmaster-General shall have the right to authorise private persons to sell postage stamps.

What stamps to be used.

19. The stamps used for the franking of documents shall be genuine and not counterfeit, and shall not belong to issues which are no longer in circulation, and further they may not be stamps which have already been used once and they may not be defaced or obliterated, and may not be embossed, cut out or separated from the paper, card or other material, upon which they were embossed or impressed. All current postage stamps or stamp impressions on documents shall, without distinction, be cancelled by means of a stamp at the office of transmission. The Government shall, at the instance of the Postmaster-General, make known in the *Staatscourant* when any issue of stamps shall be withdrawn from circulation.

Use of forged stamps, &c.

20. Letters, newspapers and other documents provided with one or more postage stamps which have already been used once, or which have been forged, written upon or in any way damaged, or which have been printed on, shall be handed to the Postmaster-General who shall hand them to the State Attorney, which official shall have the right, by opening the letters and other documents, to satisfy himself of the name and address of the sender, in order to take action in accordance with the provision appearing in Art. 95.

State Attorney may open letters.

Inland postage.

21. The postage for every inland letter, postcard, newspaper, packet or other document shall be in accordance with Schedule "A" annexed hereto.

Foreign postage.

22. The postage for foreign and oversea correspondence shall be regulated in conformity with the postal conventions made or to be entered into with regard thereto, according as the same have been or may be hereafter published in the *Staatscourant*, but every letter, postcard, packet, or newspaper received by post from any place beyond the limits of this State, shall be delivered within this State without further payment, except as shall hereafter be mentioned and except where it shall be necessary to collect the postage, under an arrangement or convention which has already been entered into or may hereafter be entered into, in which case all money due on such letter, postcard, newspaper or packet may be demanded before the delivery of the same.

Postage to be prepaid.

23. Except in those cases which are expressly mentioned in this Law, the postage on all inland letters, packets, newspapers or parcels shall be prepaid by affixing postage stamps, in default of which double the ordinary postage payable thereon shall be charged on such letters or other documents. Every unstamped newspaper may be destroyed.

Transmission of re-addressed letters free.

24. The transmission to their destination of all letters and other documents, except packets, returned or sent to a different address within the State, shall be free unless delivery has already taken place once.

Insufficient postage.

25. All inland letters, packets, or other documents on which either no payment or insufficient payment has been made by affixing stamps, shall be regularly transmitted and delivered, but before delivery within

the State double the amount of postage so omitted to be prepaid shall be paid in money. The sum so to be paid shall be written or printed on the letters or other documents by the Postmaster who transmits or delivers the same.

Double postage.

26. All letters shall be marked with an impression of the date stamp of the day on which they are posted, and on transmission before issue to the addressee or interested person shall be provided with an impression of the date stamp of the day on which they are received at the office of delivery.

Date stamp.

27. The person who asks for the return of a letter posted by him before the transmission or delivery of the same shall be bound to produce proof that the letter was his. This proof may consist of the production of a complete copy of the address of the letter, written in the same hand, and accompanied by an impression of the seal with which, or a description of the manner in which the letter was closed, in order to enable the one to be compared with the other. If, after such comparison, there is any uncertainty, but the Post Office officials have no reason for doubting the genuineness of the claim of the applicant, the letter shall be opened in their presence, and they shall be entitled to have the signature of the writer of the letter shown to them before the same is returned. When the person, who makes application for the return of a letter is unknown to the Post Office officials, the letter shall not be returned until he shall have proved his identity by proper means.

Application for return of posted letter.

28. The public prosecutors, to the exclusion of all other authorities or officials, may demand, provided they do so on request made to them in writing, that a note should, in the interests of justice, be kept of all documents intended for, or presumably coming from persons who are suspected of any crime. If the said public prosecutors make such request on their own responsibility the said document shall not be transmitted or delivered, but shall remain for the time being at the office. Delivery of such documents to the public prosecutor may take place only on the authorisation of the State Attorney. The officials shall be bound to inform the Postmaster-General immediately of every application mentioned in this Article, and shall, at the same time, lay the application before him.

Public prosecutors.

How to act when crime suspected to have been committed.

29. The Postmaster shall, at the beginning of each month, put up for public information a proper list of letters, postcards, and packets, which are unclaimed at their office, giving a clear reproduction of the addresses. All the aforesaid articles, which have lain there six weeks without being claimed, shall be forwarded to the General Post Office. All newspapers which have not been claimed during the said period of six weeks may be destroyed.

Unclaimed letters, &c.

30. All letters and other documents which are unclaimed, or cannot be delivered, and which are sent to the General Post Office, and which were not originally posted within this State, shall be returned by the Postmaster-General to the proper authorities of the country from which they came. All such letters and other documents which have been posted within this State shall be returned to the writers. Where it does not clearly appear on the envelope of the letter who the writer is,

What to be done with unclaimed letters, &c.

such letters and other documents shall be opened in the presence of the official of the General Post Office appointed by the Postmaster-General; if, however, the name and address of the sender cannot be found out, and such letters contain no articles or documents of value, they shall be destroyed; if the sender does not wish to take them back they shall be returned to the General Post Office to be destroyed.

When letters contain valuables.

31. All letters and other documents containing money or other valuables, the addressee or the sender of which cannot be found, shall be kept by the Postmaster-General for the period of three months. If no application is made for them within the said period the letters shall be destroyed and the contents, if they have any value, shall be sold in such manner as the Postmaster-General shall order.

The coin, as well as the proceeds of the sale of the articles found in such letter or other documents shall, along with a list of particulars, be deposited with the Treasurer-General for the period of one year, after the expiration of which such deposited money shall lapse to the State, and restitution thereof may be made only on special authorisation from the Postmaster-General.

Penalty for non-payment of postage.

32. The sender of an unclaimed letter or other document, opened under the provisions of this Law, shall, on demand, pay the postage and other fines due thereon, if the postage was not duly prepaid, and in the event of his refusing to do so, he shall on conviction pay a fine not exceeding twenty shillings sterling, and in any proceedings for the recovery of such fine the person from whom the letter or other document is presumed to have come shall be looked upon as the sender, unless he shall prove that such letter or other document was not sent by him.

When letters are suspected to contain valuables, &c.

33. All letters or other documents which there is reasonable ground to suspect contain valuables or saleable articles, or anything in conflict with or in contravention of any Law with regard to Customs duties, or in contravention of any orders given under authority of this Law, or which have been posted with intent to evade the charges due thereon, shall be opened in the presence of the person to whom they are addressed or his representative, and the Customs duties due thereon shall be recovered before delivery. The Postmaster shall, on receipt of such letters or other documents, immediately give notice thereof to the addressee.

Postcards.

34. No other postcards than those which are issued on behalf of the State may be sent as such. An exception to this rule shall be made only in the case of the answer halves of postcards, to which the answer is prepaid, coming from abroad. The face is intended only for the postage stamps, for the directions relating to the postal service and the address of the addressee. In addition to this the sender may mention his name and address on the face, either in writing, or by means of a stamp or any other typographical means. Engravings or announcements may be printed on the face. They shall in no respect, however, interfere with the clear directions of the address, the affixing of the stamps or the notes of the postal service. With the exception of the postage stamps it shall not be lawful to couple anything with or affix anything to postcards. If this regulation is contravened, the postcards shall be treated as letters.

What may be written on the face.

35. As newspapers shall be considered all daily, weekly and monthly papers which appear at regular intervals, to wit, all publications which consist wholly or chiefly of political or other news or articles thereon or other current topics, with or without advertisements, the full title and date of publication shall be printed at the top of the first page, and the whole or part of the title on each of the following pages.

Newspapers—
what are ?

Supplements belonging to a newspaper and sent therewith shall not be considered as separate newspapers. The supplement shall, in order to pass as such, be a continuation of a newspaper, namely, that portion for which the usual paper form, on which the newspaper is printed, does not afford sufficient space, but which, in other respects, although printed on a separate sheet, clearly forms an actual part of such newspaper, and is not separately obtainable and is not intended for separate circulation. Maps, railway time tables and insurance tables, as also prospectuses, catalogues and price lists, &c., shall not be allowed to pass as supplements.

Supplement.

36. Newspapers shall be sent in a wrapper, without covers, and shall be open at both ends, so that the nature of the thing sent may easily be ascertained. No notification, addition, erasure or indication, of any kind whatsoever shall be made on, or in the newspaper, or on the outside or inside of the wrapper, except the title of the newspaper, with the printed names of the printer, publisher or sender, as also the address and the date of transmission; and nothing, with the exception of the supplements herein above described, shall be enclosed in, or with, or accompany the newspaper. Any portion of the text of newspapers to which it is desired to draw attention may be underlined, enclosed in brackets or indicated in any other way.

How news-
papers to be
sent.

37. In the event of a newspaper being posted in conflict with the provisions of the preceding Article, it shall be sent at the letter rate, but if the sender is known he shall be punished with a fine not exceeding five pounds, or imprisonment for a period not exceeding one month.

Penalty.

38. By printed matter shall be understood all the following articles which are done up in open wrappers or in such a manner that the Post-Office officials can easily note the contents.

Printed
matter—
what is ?

(a.) All printed papers, such as newspapers, periodicals, books, pamphlets (ephemeral writings), pieces of music, visiting cards, address cards, proofs of printing, with or without the manuscript relating thereto, documents in puncture writing (for the blind), engravings, photographs and albums with photographs, prints, drawings, plans, maps, catalogues, prospectuses, announcements and notices of various kinds, even if in the form of a letter, whether printed, engraved, lithographed or autographed, and in general all impressions or copies obtained upon paper, parchment or cardboard (but not upon wood or papier mache) by means of printing, engraving, lithographing or autographing, or any other mechanical process easy to recognise, except those made by the copying press or the typewriter. On the same footing as printed matter are placed impressions from an original, made either with the pen or with the typewriter, when such impressions are obtained

by mechanical process (chromography, &c.); but in order to be allowed to come under the tariff for printed matter at least twenty exactly similar copies of such impressions must be tendered at the post offices.

Commercial papers.

- (b.) Commercial papers, namely, all papers or documents written or drawn wholly or partly by hand, provided they are not communications in the nature of an actual or personal correspondence, such as documents of legal procedure, deeds drawn up by public functionaries, way bills or bills of lading, accounts, documents of insurance companies, copies of or extracts from deeds written on stamped or unstamped paper, written scores or loose sheets of music, separately sent manuscripts of books and newspapers, and corrected school work of students, but not including any report on such work.

What may be written on printed matter.

39. The printed documents shall not contain any additions or annotations howsoever made after being printed. This rule shall, however, admit of the following exceptions :—

- (a.) The name, the commercial firm and the residence of the sender may be mentioned on the document.
- (b.) On printed Christmas, New Year or other cards the address of the sender, his title, as also wishes, congratulations, messages of thanks or of condolence or other polite messages, expressed in not more than five words or by means of letters in general use (as for instance p.f.) may be added by hand.
- (c.) On the printed matter itself the date of transmission, the signature of the commercial firm, and the calling, as well as the name and address of the sender may be mentioned or altered, either by hand or by mechanical process.
- (d.) The manuscript may be sent with corrected proofs of printing, and in such proofs of printing corrections and additions may be made provided they have reference to the correction, the form or the printing (in the event of insufficiency of space such additions may be made on loose sheets).
- (e.) Printer's mistakes may be corrected, in other printed matter as well as in proofs of printing.
- (f.) Any portions of a printed text may be scored out in order to make them illegible.
- (g.) Words or portions of the text to which it is desired to draw attention may be accentuated by marking or underlining.
- (h.) On price lists, tenders of advertisements, stock exchange intelligence, trade circulars and prospectuses, the figures may, either with the pen or by mechanical means, be mentioned or corrected, and similarly on the notices of intended visit the name of the traveller and the date and the name of the place which he proposes to visit may in like manner be mentioned or corrected.
- (i.) In announcements in regard to the departure of ships the date of departure may be mentioned by hand.
- (k.) On invitation cards and notices of meetings the name of the person invited, the date, the object and the place of meeting may be mentioned.
- (l.) On books, music paper, newspapers, photographs, engravings, Christmas and New Year cards, a dedication may be made, and the invoice relating to the work itself may be added.

- (m.) On order cards or subscription forms relating to publications of the book trade, books, newspapers, engravings and musical pieces, the desired or offered works may be mentioned, and the printed information may be either wholly or partly scored out or underlined.
- (n.) Fashion plates, maps and charts may be coloured.
- (o.) On cuttings from newspapers and periodicals the title, the date, the number and the address of the editions from which they were taken may be added by hand or by mechanical process.

40. As samples or specimens of merchandise only such things as are really in the nature of specimens or samples, and so have no commercial value, shall be allowed to be sent. As such shall be considered small portions of any product of agriculture or horticulture and industry which are supplied gratis and which are intended to enable a person to form an opinion about the quality of the thing which the sample represent, or about the article from which it has been taken. Samples.

Objects of natural history, dried or cured animals and plants and samples of earthenware, which are not sent for the purposes of trade, are also allowed to come under the tariff for samples.

41. The only notifications allowed to be made on samples are the following:—the name of the firm of the sender, the address of the addressee, a factory or trade mark, consecutive number, prices and directions as to weight, measure or dimensions, or such directions as are necessary to indicate the source and the nature of the merchandise. Notifications on samples.

42. All packets shall be capable of being opened for inspection, or accompanied by a declaration signed by the sender to the effect that they contain no letters or other articles subject to a higher postage or in conflict with the provisions of this Law. They shall not be more than three feet long and a foot-and-a-half broad or high, and shall not weigh more than eleven pounds. Every Postmaster is entitled, if there are grounds for suspecting that the aforesaid provisions have been contravened, to open packets and to satisfy himself of the contents, in the presence of the addressee or a witness. Requirements in case of packets.

43. Packets may be sent by post, but shall not contain articles subject to higher postage, gunpowder, cartridges, matches, or other articles of an explosive or dangerous nature, live animals or insects, dirty things, or things likely to carry infection, fish, meat, or the like. (Glass articles, liquids, knives, scissors, needles or other sharp or dangerous instruments, oil, greasy substances, powder, as well as live bees, may be sent by post, provided they are packed in such a manner that no damage or injury can be done to the Post Office officials, or things entrusted to the post.) All such packets may not be sent by post and the Post Office officials shall refuse to accept them. No packets containing precious stones, coins, money, gold (whether wrought or unwrought), or ostrich feathers, may be sent by post, except on payment of postage, and unless they are properly closed and registered. What may not be sent in packets.

44. Where it appears that the entire post, without exception, cannot be sent, the packets may be kept back till the following post is sent. Packets shall also not be sent to such offices as circumstances render it impossible to take them to. The Postmaster at the office where such packets are left shall give notice thereof to the addressee. When packets may be kept back.

What may be registered.

45. All letters, with or without valuables, and also enclosed documents which do not contain any money, paper representing any money value, precious metals or valuable articles, for which, after payment of a registration fee, a receipt is given to the sender at the office of transmission may be registered.

When registration shall not take place.

46. No letter shall be registered which is not closed on all sides in such a way that it is impossible to open it or to take anything out in any other way, without tearing the cover or breaking or damaging the seal or one of the seals with which the letter is sealed. The contents shall moreover not be mentioned on the letter.

Compensation.

47. The sender of a document registered in accordance with the provisions of both of the preceding Articles shall be entitled to compensation in case of loss thereof and also in case of the contents or a portion thereof being missing, provided that on delivery of the letter it was so damaged that robbery was possible, and provided further that the contents have been ascertained in the presence of the Post Office official. The compensation shall be fixed at the amount of two pounds sterling (fifty francs) in the case of any registered document, no matter what the value of the thing lost may be, and even if the loss is the result of superior force.

When liability to pay compensation.

The liability to pay compensation ceases as soon as the registered document has been delivered and a receipt given.

The claim to compensation shall lapse if no application in writing for payment is made to the Postmaster General within a year from the date of the receipt given to the sender.

If the thing missed is wholly or partially recovered, notice thereof shall be given if possible to the sender and to the addressee. The sender may get back the thing found, on repayment of the compensation paid, provided this takes place within one month after the aforesaid notice was given to him. If the said period lapses without the sender having claimed the thing found, an opportunity shall be given to the addressee, during a like period, to get it back on payment of the amount which was paid to the sender.

If the addressee does not avail himself of this opportunity the thing found shall lapse to the State.

Postmasters to render account of registered letters.

48. Postmasters shall at all times be bound to render an account of the registered letters received by them. If a registered letter be missing or wrongly delivered the sender shall have a civil action against the person through whose negligence the letter was lost. The right to bring an action for damage shall lapse, however, if it be not instituted within a year from the date of the receipt issued to the sender. The sender shall be bound to give, as far as he is able, all required information to enable all measures within the reach of the Postmaster-General and the respective Post Office officials to be taken to search for such letter which has been missed or wrongly delivered.

When no compensation payable.

49. No compensation shall be paid for losses incurred by neglect, delay, injury to or leaving behind of any letter, postcard, packet, newspaper, or parcel, posted or received for transmission under the provisions of this Law, or in consequence of delay in the payment of the amount of a money order, postal order or Post Office Savings Bank order.

When registration compulsory.

50. Registration shall be compulsory in case of the transmission of money, bank notes, paper money, precious metals, ostrich feathers or

valuables. Should there be reasonable ground to suspect that the sender has acted in conflict with this provision, the registration shall be done officially, and double the amount of the registration fee shall be due, and shall be payable by the addressee before delivery takes place. If such person shall, on delivery of the letter or the packet, open the same in the presence of the Postmaster or Post Office official, and it shall appear that it contains no money or other valuables, the registration money shall be returned to him.

51. The delivery of registered documents shall take place only to the addressee or his authorised representative after the signing of such receipt as shall be provided for the purpose. The authorised representative herein mentioned shall produce a written power of attorney to the satisfaction of the Postmaster. Such powers of attorney shall be exempt from the present stamp duties.

Delivery of registered documents.

52. All officials of the State shall be entitled to send their service letters or official correspondence free of postage; such letters shall be marked at the top with the words "On service," and in the left hand bottom corner of the envelope the name and office of the official shall be written or stamped.

Official correspondence free of postage.

The following letters and other documents shall, however, be liable to the ordinary postage, namely, those sent:—

- (a) To the Registrar of Deeds, and containing deeds passed before the Landdrost and transmitted by him;
- (b) By Sheriffs and Messengers of the Court in civil cases;
- (c) To the Master of the High Court, dealing with insolvent or sequestrated estates.
- (d) To the Orphan master, dealing with testate or intestate estates, with the exception, however, of death notices, wills and inventories which may be sent free of postage.

What documents not free.

53. Letters, newspapers and books from and to persons on commando in time of war and from and to the military on active service, shall be free of postage.

Letters from and to persons on commando.

54. Donations to the State museum and all consignments and correspondence from the State library shall enjoy exemption from postage.

State museum and State library.

55. Teachers and secretaries of School Boards shall be entitled to send their correspondence to the Department of Education free of postage, provided it relates only to education, and provided the provisions of Art. 51 of this Law are complied with.

Correspondence relating to education with the Department of Education.

56. In special cases the State President shall have the power, on the proposal of the Postmaster-General, to grant exemption from the payment of postage.

Special exemptions.

57. Letters addressed "on service" to the Government or to Heads of Department in their official capacity by private persons may be sent by the Postmaster at whose office they are posted, but on delivery of the same the Postmaster, by whom such letters are received, may demand that they be opened in his presence in order to satisfy himself as to whether they deal with official or private matters, and, in the latter case, report thereon to the proper official in order to enforce Art. 61 of

When letters addressed "on service" by private persons to the Government.

this Law. In case a Postmaster, however, has reasonable ground for suspecting that letters are being sent as aforesaid in contravention of the provisions contained in this Article, he shall have the power to demand from the sender that the contents be shown to him.

Memorials or petitions to the Legislature.

58. Memorials or petitions addressed to the Legislature or to a member thereof, whether with or without an accompanying letter, shall be free from postage. On the outside of the envelope the word "Memorial" shall be written, and, at the bottom, the name and the residence of the sender.

Staatscourant.

59. The *Staatscourant* shall be sent free of postage, but only if enclosed in a wrapper, open at both ends, and with the words "on service," together with the title of the same and the name of the printer printed thereon, and only if received at the Post Office direct from the printing office.

Exchange numbers of newspapers.

60. Publishers of newspapers shall be entitled to send their exchange numbers, that is, newspapers exchanged between publishers of newspapers, free of postage. The newspapers shall have the word "exchange number" on the envelope, and shall be signed by the editor, publisher, or a responsible person whose signature has been handed in at the local Post Office.

Penalty for sending private correspondence.

61. Should it be proved that an official or other person has sent letters or other documents dealing with private matters, on service, he shall be punished by a court with a fine not exceeding five pounds sterling for the first offence, and for any subsequent offence he shall be prosecuted by the proper authorities for fraud.

Conveyance of inland posts.

62. All inland posts shall be carried under contract entered into by the Postmaster-General on behalf of the Government for a period not exceeding five years, except in cases where the post is carried by natives. The Postmaster-General shall, however, reserve the right to terminate the contract on giving four months' notice.

Post contractors.

63. The post contractors shall be bound to carry the post from one Post Office to another within the time defined in the contract, and shall be bound to touch at all Post Offices or Post Office agents' offices, established or to be established, on their way for the receipt and delivery of postbags or post packets, and the time of waiting shall be fixed by the Postmaster-General.

Late arrival of posts.

64. In case of the late arrival of posts the Postmaster-General shall not take into consideration any excuse except that the delay was caused by swollen rivers or streams, or by other reasons, in consequence of which it was practically impossible for the post contractor to continue without running the risk of losing the postbags, but this excuse shall, however, be proved to the satisfaction of the Postmaster-General, and, if need be, by affidavit. In all other cases the penalty mentioned in the contract shall be strictly enforced, and, in case of a repetition, may be doubled. The fine shall, however, in the case of the first late arrival not exceed one pound sterling per hour.

Postmaster-General may call for new tenders.

65. Notwithstanding the provisions contained in the preceding Articles the Postmaster-General shall have the right, if the post con-

tractor fails three times in succession to deliver the post within the time fixed, to immediately call for tenders for a new contract for the conveyance of the said posts, and the damages caused to the Government in consequence thereof shall be paid by the defaulting contractor or his sureties.

66. In the event of a post contractor generally showing continuous carelessness in carrying out his obligations, in making use of bad or unsuitable conveyances or draught animals, bad employees, or otherwise, the Postmaster-General shall have the right to terminate the contract immediately, without any proof or form of process being necessary for the purpose, or to demand from the sureties of the contractor the further performance of the contract, or to call for fresh tenders, and the excess of the contract price and the expenses incurred shall be recovered from the defaulting contractor or his sureties.

When Postmaster may terminate contract.

Carelessness of contractor.

Performance by sureties.

67. The post rider or driver shall be provided with a horn or trumpet in order to make known therewith the departure and arrival of the post, and also in order to warn the drivers of conveyances along the road to take care that the post is not delayed. If after a timely warning by blowing the horn persons refuse to make way as required in order to enable the post to pass, the provisions of Art. 97 of this Law may be applied to them.

Post drivers to have horn or trumpet.

68. If a postrider or driver, in the carrying out of his duties, shall be guilty of being drunk or of abuse of strong drink, or shall delay along the road without lawful reason for doing so, in consequence of which the post shall not reach its destination at the time fixed, he shall be liable to a fine not exceeding ten pounds, or imprisonment for a period not exceeding three months, with hard labour. This shall not, however, exempt the contractor from liability to the fine prescribed in Art. 64 of this Law.

Drunkenness of post driver.

Penalty.

69. Post contractors shall be personally responsible for all damage or loss which may be caused to letters or other documents through their doing or through the negligence or carelessness of themselves or their subordinates, and compensation for such damage or loss may be recovered from them or their sureties either by the Government or by private persons.

Responsibility of post contractors.

70. The post contractors shall convey the post along the road mentioned in the contract, but the Postmaster-General shall have the power to alter the route as long as the distance is not appreciably increased. They shall unconditionally conform to the alterations of time to be fixed by the Postmaster-General for the conveyance of the post, whether such conveyance shall take place by day or by night, without being able to claim special compensation therefor.

Route to be followed by post contractors.

71. If at the hour when the post ought to depart the post cart or post wagon is not in readiness to depart in front of the Post Office, the Postmaster of such Post Office shall be entitled to hire other means of conveyance which shall carry the post for account of the contractor, and the expenses shall be deducted from the contract price without the defaulting contractor being able to object to the same, except in case of other instructions to be issued in special cases by the Postmaster-General to the Postmaster.

When Postmaster may hire other conveyance.

When entire post does not arrive.

72. In the event, on arrival of a postal conveyance, of its appearing to the Postmaster that not all the post bags, post packets, or other articles belonging to the post, according to the way bill, have arrived, the Postmaster shall immediately report the matter to the Postmaster-General, and the defaulting contractor shall be liable to be fined by the Postmaster General a sum not exceeding twenty-five pounds for each post-bag or packet that is missing, unless the contractor shall bring sufficient proof to the satisfaction of the Postmaster-General that such loss was occasioned by unforeseen circumstances entirely beyond the control of him (the contractor), or of his subordinate. The post contractor and his sureties shall nevertheless be liable, in accordance with Art. 68 of this Law, for all damage or loss occasioned thereby.

Postmaster to give way bill to post driver.

73. On the departure of a post a proper way-bill shall be handed by the Postmaster to the post rider, which way-bill shall mention the day and hour of the departure of the post, and the number of post bags and post packets, together with the name of their place of destination. This way-bill shall be signed by each Postmaster or Post Office agent at whose office the post stops, with a note mentioning the time of arrival and departure, and the dropping or picking up of post bags or packets.

No dangerous article to be conveyed.

74. No articles likely to cause fire or explosion, or which, through the breaking of bottles, or otherwise, are liable to cause damage, shall be carried with the post.

Free conveyance of writing materials for Government offices.

75. The post contractors shall be bound to convey with the post writing materials for the Government offices in the country districts without being able to claim any special payment therefor.

Seat to be kept for Government official.

76. The post contractors shall, when notice thereof is given an hour before the departure of the post, keep a seat for any official or private person who has received instructions from the Government to proceed by the post, without receiving any remuneration therefor. The contractor shall be bound to carry the Postmaster-General or his lawful representative free of charge, and to give the Government the preferent right to as many seats as it may consider necessary at any time. The Government shall, however, have the power to make contracts for the conveyance of posts without free carriage of passengers, but with the preferent right aforementioned on payment of the usual fare. No one shall, however, make use of such right without a written order from the Postmaster-General.

Treasurer-General to pay contract price to Postmaster-General.

77. The contract price for the conveyance of the post shall be paid by the Treasurer-General monthly to the Postmaster-General. The Postmaster-General shall, however, not make any payments until all fines incurred, and all other sums due by the post contractor, for non-compliance with the terms of his contract have been deducted.

Sureties.

78. The post contractors shall, on entering into an agreement with the Postmaster-General, give two substantial sureties, approved of by the latter, such sureties to be domiciled within this State, and each of them to be owner of unmortgaged fixed property within this State to the value of at least five hundred pounds sterling (£500), and to bind themselves jointly and severally for the contractor in favour of the State, and also in favour of private persons who may suffer damage through the loss of letters or post bags or post packets, to make good

all damage or loss which may be caused by negligence or wilful default or any other cause, on the part of or occasioned by the contractor, and which the contractor shall prove unable to satisfy. In the event of the contractor, for whom they stand security, failing to comply with the terms of his contract, in consequence of which the contract is cancelled by the Postmaster General, the said sureties shall carry it out just as though they had each undertaken the obligations for themselves. If the Postmaster General should deem it more advisable, under the provisions of this Law, to call for fresh tenders for the further conveyance of the post, they shall also be bound to acquiesce therein, and shall make good all damage or loss occasioned thereby.

79. Nothing contained in Articles 62 to 78 inclusive shall apply to the conveyance of the post by train. The conveyance of the post by train shall take place in accordance with the provisions of the contracts entered into on behalf of the Government by the Postmaster General with the recognised representatives of the railway companies in pursuance of the existing railway concessions, contracts or agreements relating thereto.

Arts. 62 to 78 inclusive not to apply to conveyance of post by train.

80. Persons living alongside a post road may have a private post bag in which their correspondence may be transmitted, subject to such provisions and at such prices as shall be fixed by the Postmaster General.

Private post-bags.

81. At those Post Offices where private letter lockers or boxes have been put up by, or on behalf of the Government, such boxes may be leased at a yearly rental, the amount of which shall be fixed by the Postmaster General. Payment shall be made in advance, and the hire shall be subject to such conditions and regulations as may be fixed by the Postmaster General.

Lease of private letter-boxes.

82. Money orders and postal orders shall be obtainable by the public for sums not exceeding ten pounds sterling, provided that the Government shall have the right at any time in consultation with the Postmaster General, to suspend this provision.

Money orders and postal orders.

83. The State President shall have the power, on the proposal of the Postmaster General, to issue, alter or amend such regulations with regard to the money order or postal order administration, as may be considered necessary. In such regulations, moreover, provision shall be made for the commission to be charged for issuing the same. All such regulations framed by the State President shall be binding and final for all officials of the Postal Department, and for interested persons to whom money orders shall be issued, and the said regulations shall, one month after publication in the *Staatscourant*, in all respects have the same force and effect as if they had been taken up and included in this Law.

Regulations in regard to money orders, &c., issued by President.

84. After a money order or a postal order shall once have been paid, no matter by whom it was presented, the Postal Department shall no longer be liable for any further claim. The Postmaster General shall, however, have the power to claim from any Postmaster the amount which may have been wrongly paid out through negligence or neglect of duty.

Payment of money orders, &c.

Oath to be taken by officials.

85. The Post Office officials or all other persons in the employ of the Postal Department shall, before entering on their employment, take the following oath before a qualified person :—"I promise and solemnly swear that I shall act loyally to the people and the laws of the South African Republic in my appointment and office, honourably, justly and fairly, without respect of persons, in accordance with the law and to the best of my knowledge and conscience ; that I shall always observe the strictest secrecy with regard to the matters entrusted to the post, including the affairs of the Post Office Savings Bank ; that I shall not open, keep back or cause to be kept back, in conflict with my duty as _____, any letters or anything else entrusted to the post and placed under my charge, save with the consent or in the presence of the addressees or authorised persons, and that I shall in no way make away with letters or other articles entrusted to the post ; that I shall obey according to law the orders of those placed over me, and that I shall render an account of the money entrusted to my care, when and wherever such may be demanded of me. So truly help me God Almighty."

Officials to obey orders of Postmaster-General.

86. All Post Office officials shall be subject to the orders of the Postmaster General, which orders they shall carry out strictly.

Secrecy and inviolability of correspondence.

87. All officials in the employ of the Postal Department shall be bound to strictly observe the secrecy and the inviolability of the correspondence and other affairs belonging to the Postal Department.

Admission to interior of Post Offices.

88. It shall not be lawful for Postmasters to admit persons who do not belong to the postal service to the interior of the Post Office, unless such persons be provided with a special permit from the Postmaster General, or unless they be persons who have a general authorisation from the government to be admitted.

Penalty for misconduct by officials.

89. The officials shall, in the case of misconduct or non compliance with the duties entrusted to them by the Postmaster General, be punished with a fine not exceeding five pounds sterling, or be suspended from office.

Postmaster not to open post bags intended for another office.

90. No Postmaster shall be entitled to open closed post bags or packets intended for another Post Office and passing through his office, unless he is authorised to do so by the Postmaster General.

When Postmaster may delay post.

91. If at the time for transmission of a mail other mails have not arrived, the Postmaster shall have the power to delay the transmission, provided no considerable interference be caused thereby to the regular conveyance of the post in other places. In all cases the Postmaster shall give notice to the Postmaster of the office to which the post is going of the time and the hour of the final departure, by means of the way bills given to the post contractors. For no other reason shall the post be delayed without the consent of the Postmaster General.

When letters, &c., to be forwarded to the General Post Office.

92. All letters, postcards, or other documents shall be forwarded by the Post Office officials without delay to the General Post Office :—
 (a.) When on the outside thereof blasphemous, filthy, insulting or libellous things are written or drawn ;
 (b.) When they contain no address or no legible or clear address, or when they cannot be delivered at the address written thereon ;

- (c.) When the persons to whom they are addressed refuse to accept them or to pay the postage due thereon ;
- (d.) When it is known, or when there is any reasonable ground for suspecting, that they have been posted or that they contain anything in conflict with this Law, or in contravention of the Law on Customs Duties, or that they contain anything immoral.

93. The following provisions shall have the force of law with regard to the custody and destruction of old documents relating to the postal service :

Custody and destruction of old documents.

The following things shall be kept :—

- (a.) For a period of one year, viz., applications for and acknowledgments of the receipt of postage stamps and other means of franking, statistics of correspondence received and transmitted, lists of published and unclaimed letters, accounts of letter-boxes and post-bags, way bills of posts transmitted between Post Offices, and other documents which are regularly booked, and which are included in other reports and books :
- (b.) For a period of three years, viz., paid money order forms issued in South Africa, reports of irregularities which have taken place at offices, way-bills relating to the conveyance of posts, reports and investigations in regard to missing articles, and other correspondence or reports in regard to the conduct of postal affairs which in the nature of the case are of no further use ;
- (c.) For a period of five years, viz., registers of registered correspondence, forms of oversea money orders which have been paid out, money order journals for use in Post Offices, and such other registers or forms as have been registered in the permanent books of the head office.

94. Any person who is guilty of any of the following offences shall be liable to imprisonment with hard labour for a period not exceeding seven years :—

Penalty for

- (a.) If he shall counterfeit, alter, forge, or shall assist in counterfeiting, altering or forging any postage stamp, postcard (with or without stamp), envelope, money order or postal order in use or made on the authority of the State President for the purposes of this Law, or shall use, utter or offer any counterfeit or forged postage stamps, envelopes, postcards, money orders or postal orders, knowing that the same are counterfeit or with fraudulent intent.
- (b.) If, without the authority of the State President (the onus of proving which authority shall in this case lie on the accused person), he shall engrave on a plate or any material any stamp or figure used for the purposes of this Law.
- (c.) If he shall make, cause to be made, or have in his possession or keeping without lawful excuse (the onus of proving which shall lie on the accused person), any form, frame, or other tool on which are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage stamps,

Forging postage stamps, &c.

Engraving plate, &c.

Having in possession tools, &c.

money orders or postal orders, or if any person shall make, cause to be made, or assist in making, or have in his possession or keeping without lawful excuse (the onus of proving which shall lie on the accused) any paper in the fabric of which are any words, letters, figures, marks, strokes or devices peculiar to paper which is used for postage stamps, money orders or postal orders, and intended for the purpose of forging the same or to be passed off as such.

Selling, &c.,
paper on
which money
orders, &c.,
re printed.

(d.) If he shall, without any lawful excuse (the onus of proving which shall lie on the accused) buy, sell, trade in, take or have in his possession or keeping, any paper on which money orders, or postal orders or postage stamps are printed.

Using for
own benefit
any stamp,
&c.

(e.) If he shall, for his own benefit and purposes or with fraudulent intent, make use of any stamp, plate, paper or colouring provided by anyone who is charged with the manufacturing of stamps, plates, paper or colouring for the purposes of this Law.

Penalty for
contravention
in case of
foreign issues
of stamps, &c.

95. If any person is guilty of any of the contraventions mentioned in the preceding Article, as far as concerns foreign issues of postage stamps, money orders and postal orders of countries belonging to the General Postal Union, he shall, on conviction, be liable to imprisonment, with or without hard labour, for a period not exceeding three years.

Penalty for
removing
stamp.

96. If any person, with intent to commit fraud, shall remove from a letter or other document entrusted to the post a stamp that is affixed thereto, or shall remove from any previously used stamp any mark which has been made thereon, or shall knowingly utter or use such a postage stamp, he shall, on conviction, be liable to a fine not exceeding fifty pounds sterling, or to imprisonment, with or without hard labour, for a period not exceeding six months.

Penalty for
opening post
bags.

97. With the exception of the persons authorised thereto by the Postmaster General or by this Law, no one shall be entitled to open post bags, post boxes or post packets, either on the way or elsewhere, and any person guilty of so doing shall be punished with imprisonment, with or without hard labour, for a period not exceeding three years.

Penalty for
interfering
interfering
with convey-
ance of post.

98. Any person who shall wilfully interfere with the conveyance of the postcard on its way, or whose fault it shall be that the post is interfered with on its way, shall be fined a sum not exceeding five pounds sterling for each hour or portion thereof during which the post is delayed, or, in default of payment, shall be punished with imprisonment for a period not exceeding one month, with this proviso—that in cases of riot or other disturbances, where there is any suspicion of treason, letters, post bags and post packets may be opened by military officers on active service, who must be at least three in number.

Penalty on
official open-
ing letters,
&c.

99. If it shall be proved that letters or other documents have been opened or done away with by a Post Office official, such official shall be immediately discharged from his office and punished with imprisonment, with or without hard labour, for a period not exceeding five years.

Penalty for

100. Any person convicted of any of the following acts or offences shall be liable to a fine not exceeding fifty pounds ster-

ling, with or without hard labour, for a period not exceeding six months:—

- (a.) If he shall post or cause to be posted a packet or printed matter the contents of which are subject to a higher tariff, or shall wilfully write on the outside of a packet a false description of the contents.
- (b.) If he shall wilfully injure, break, or damage any place intended for the reception of letters or other documents, or shall place in or throw into any box intended for the reception of letters or other documents, any substance by which damage may be caused to a letter or other document, or to the *personnel* of the post office.
- (c.) If he shall open, keep back, hide, keep or destroy any letter or other document which ought to be delivered to anybody else, or any postbag, box, letter or other document which shall be found by him or anybody else.
- (d.) If he shall, by means of false pretences or representations, induce any Postmaster or other official of the Postal Department to deliver to him any letter or other document not addressed to him.

Damaging places intended for reception of letters.

Opening letter, &c., which ought to be delivered to another person.

Inducing Postmaster to deliver to him a letter not addressed to him.

101. In any prosecution for any offence or contravention committed in regard to any postbag, letter box or packet, or letter, postcard or newspaper transmitted by post, or any property, money, postal orders or money orders under the control or administration of the Postmaster-General; or when any act shall be committed or done with any malicious, injurious or fraudulent intent, having regard to or affecting the Postal Department, or any property, money, money orders or postal orders, it shall be sufficient to state that the right of ownership is in the Postmaster-General, or that the things above mentioned are in his lawful possession, and that any offence of this nature has been committed with intent to injure or to defraud the Postmaster-General, without mentioning his name.

102. When any fine inflicted under the provisions of this Law is not immediately paid, the Court which has found the person guilty shall order him to be placed in prison for a period not exceeding twelve months, unless the fine imposed on him be paid.

Imprisonment for non-payment of fine.

103. In cases where the law contains a prohibition clause for which no penalty is provided in this Law, the Court, on finding anybody guilty of a contravention of such prohibition clause, shall have the power to punish him with a fine not exceeding fifty pounds sterling, or imprisonment for six months, and where the only penalty mentioned is a fine the Court may proceed to fix such fine only.

Penalty in cases where no penalty provided in prohibition clause.

104. Law No. 1, 1886, and the amendments of that Law effected by Law No. 19, 1887, and No. 1, 1890, are hereby repealed, as also all Laws and provisions with regard to the Postal Department, with the exception of contracts entered into or agreements made before the coming into operation of this Law.

Repeal.

105. This Law shall come into operation on January 1st, 1899.

SCHEDULE "A."

LETTERS.—Posted for delivery within the same place, or for delivery by another Post Office within the State, for every half-ounce or portion thereof - - - - -	One penny.
NEWSPAPERS.—For each newspaper, if not more than four ounces in weight - - - - -	One half-penny.
POST-CARDS.—For each post-card - - - - -	One half-penny.
BOOKS AND SAMPLE PACKETS.—For every two ounces or portion thereof - - - - -	One half-penny.
PACKETS.—For each packet not exceeding eight ounces in weight -	Four pence.
For every additional four ounces or portion thereof -	Two pence.
REGISTRATION.—For the registration of each separate article -	Four pence.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, November 11th, 1898.

LAW No. 19, 1898.

REGULATING THE MANNER IN WHICH WINES, SPIRITUOUS OR MALT LIQUORS, WHEREIN IS INCLUDED KAFIR BEER, MAY BE SOLD.

(Approved by the Second Volksraad under Art. 1546 of its Minutes dated 7th November, 1898, whilst the First Volksraad, under Art. 1830 of its Minutes, dated the 25th November, 1898, passed the following resolution) :—

“ The First Volksraad having regard to the Government note, dated the 15th inst., containing certain proposals for the amendment of Arts. 9 and 10 of the Liquor Law, at present under consideration :

“ The Raad having learned that memorials have been presented to the Government against certain provisions of the Liquor Law :

“ Resolves not to accede to the proposals mentioned, but instructs the Government to draw up the necessary amendments of this Law and to publish them in time for the next Ordinary Session, and to submit them to the judgment of the burghers of this Republic, especially with regard to the provisions of the Law referring to the limitation of the number of licences in the villages and for roadside inns, and finally with regard to the right of the burghers to sell liquor distilled from their own products without any limitation, as laid down by Arts. 1 and 2 of Law No. 13 of 1892, and to lay them before the First Volksraad for consideration, together with any memorials of burghers that may be presented regarding the same ; and resolves to note and accept the note of the Second Volksraad ; and further instructs the Government to give a reasonable time to those dealers in liquor, who may already have obtained licences under the Liquor Law, which they would have to lose under the new Liquor Law, to sell out their liquor within a time not exceeding six months.”

Licence to
sell.

1. No one shall sell, dispose of or trade in any wines, spirituous or malt liquors, under which shall be included Kafir beer, or any other

intoxicating brew or mixture, without being duly provided with a special licence for that purpose, as hereinafter set forth.

Any person contravening this Article shall be punished for the first offence, at the discretion of the Court, with a fine of not less than £75 and not more than £150, or, in default of payment, with imprisonment, with or without hard labour, for a period of not less than six months and not more than one year, or may be punished with imprisonment with or without hard labour for a period of not less than six months, and not more than one year, without the option of a fine; for the second offence with a fine of not less than £200 and not more than £400, or, in default of payment, with imprisonment with or without hard labour for a period of not less than one year and not more than two years, or with imprisonment, with or without hard labour, for a period of not less than one year and not more than two years without the option of a fine; for a third offence with imprisonment with hard labour for a period of not less than two years and not more than three years.

Penalties.

Holders of licences under this Law who contravene the conditions of their licence, shall be punished with the punishment provided for in the preceding paragraph, with cancellation of their licence for the second or third offence, and no licence under this Law shall be granted for the same premises for a period of five years from date of the sentence.

Cancellation of licence.

An owner or occupier of a farm or piece of land, or the person thereto by him authorised, may on such farm or piece of land, sell without a licence, the liquor made from fruit or grapes grown thereon, but in no smaller quantity than by the bottle.

No licence for farmers.

2. The person mentioned in the last paragraph of Art. 1 shall moreover be entitled without licence to convey, to sell or to barter in the above-named quantities the wines or spirituous liquors mentioned therein, but not on hotel premises or town lands, or on stand townships, or within three miles of any mining works.

Sale by farmers.

Such persons shall, however, be entitled to sell wholesale, without licence on public markets "in accordance with par. 'm,' of Art. 15 of Law No. 8, 1888," and also to licensed dealers in liquor, provided he has a certificate from the Field-Cornet of his ward, or from the Landdrost of his district, certifying that the wines or spirituous liquors have been made or distilled from the fruit or grapes grown or produced on the farm or piece of land mentioned in the last paragraph of Art. 1, of this Law.

Sale on public markets, &c.

3. No licence under this Law shall be granted except in fixed and recognised towns, villages, or stand townships, or on proclaimed diggings, or on proclaimed transport, or high or post roads, excepting the so-called Main Reef Road on the Witwatersrand, on which no licence shall, under this Law, be granted or renewed.

Places for which licences are granted.

4. The licences mentioned in Art. 1, shall be the following :—

Kinds of licences.

(a.) *Licence to sell wholesale.*—Under this licence there shall not be sold quantities of less than two-gallon casks or 12 bottles.

Wholesale.

(b.) *Licence for a bottle store.*—Under this licence there shall not be sold quantities of less than a half-bottle, provided always that the liquor sold under this licence shall not be consumed on the premises for which the licence is granted.

Bottle store.

- Retail. (c.) *Licence to sell by retail.*—Any quantity of liquor may be sold under this licence, and be consumed on the premises for which the licence is granted.
The licences under *a, b,* and *c* shall be granted only in towns, villages or stand townships.
- Retail licence outside the limits of towns, &c. (d.) *Licence to sell by retail outside the limits of towns, villages or stand townships :*
This licence shall be granted only for roadside inns ; such inns shall be at least six miles distant from the Government office of any town, village or stand township, seat of the Landdrost, Mining Commissioner or Resident Justice of the Peace.
- Malt liquors. (e.) *Licence for the sale of malt liquors by retail :*
Under this licence fall beer-halls where only malt liquors are sold. Such liquors may be sold under this licence in quantities less than a bottle and be consumed on the premises for which the licence is granted.

Railway stations in unhealthy districts.

5. Notwithstanding the provisions of Arts. 3 and 4 of this Law, licences to sell by retail may be granted for such railway stations in unhealthy districts as may be recommended for the purpose by the Government Commissioner for Railways, the State Attorney, the General Manager of the railway company in question or the owner of the land on which the railway station is situated. Any quantity of liquor may be sold under this licence and be consumed on the premises for which the licence is granted.

Sale to coloured persons prohibited.

6. No person shall be entitled to barter or to sell to any coloured person wine, spirituous or malt liquor, methylated spirits or spirits of wine ; if he does so, he shall be liable to the penalties provided by Art. 1 of this Law.

Definition of "coloured persons."

The term "coloured person" shall signify any African or Asiatic native or coloured American or St. Helena person, Coolie or Chinaman, whether male or female.

Giving wine to coloured persons on proclaimed diggings prohibited.

7. It shall not be lawful to give wine, spirituous or malt liquor, under which is included Kafir beer, to coloured persons, or to buy the same for them or on their behalf, on diggings under Government administration, excepting in the case where agricultural or cattle farmers give liquor to natives *bonâ fide* in their service on their farms or land situated within proclaimed diggings. Any person who contravenes the provisions of this Article shall be punished with a fine not exceeding £500, or with imprisonment, with or without hard labour, for a period not exceeding one year.

Duration of licences.

8. The licences shall be issued for a period not exceeding one year, *i.e.*, ending with the financial year, to the 31st of December. The licences may be issued for one or more quarters.

Amount of licence money.

Payments for licences shall be as follows :—

- (a.) Licence to sell wholesale, £50 for one year, £18 for a quarter.
(b.) Licence for a bottle store, £50 for one year, £18 for a quarter.
(c.) Licence to sell by retail, £100 for one year, £30 a quarter.
(d.) Licence for roadside inns, £50 for one year, £18 for a quarter.
(e.) Licence for the sale of malt liquor, £25 for one year, £9 for a quarter.

(f.) The Government shall have the right to authorise the amount of the retail liquor licences granted by the local Board in small villages with a population of not more than 100 white male persons above the age of 16 years, to be reduced to the amount of £75 per annum, or £22. 10s. per quarter, provided the applicant has proper accommodation for six persons, and stabling for eight horses, mules or donkeys.

Reduction on retail licence.

9. It shall not be lawful to distil wine or spirituous liquor from any article within the South African Republic, saving, however, the rights granted under the Concession of the 22nd June, 1885, and saving the right of the owner or the occupier of a farm or piece of land, or the person thereto authorised by him, to distil without licence the grapes or fruit grown on such farm or piece of land, into wine or spirituous liquor.

Distilling forbidden.

Exceptions.

No licence shall be necessary in order to brew malt liquors, but brewers or wholesale liquor dealers, the persons mentioned in the last paragraph excepted, who sell such malt liquors, or who sell liquor wholesale, shall take out a licence to sell liquor wholesale, whereupon they shall be entitled to sell, and on non-compliance herewith they shall be liable to the fine fixed for the sale of liquor without a licence according to Article 1 of this Law.

No licence necessary in order to brew malt liquors.

In order to obtain such licence it shall not be necessary to make application to the Board mentioned in Art. 10 of this Law, but application shall be made in the districts to the Landdrost, and on the public diggings to the Special or First Special Landdrost or Mining or Judicial Commissioner who are charged with the criminal jurisdiction, which officials shall grant to actual brewers, distillers, as mentioned in paragraph 1, and wholesale dealers, a certificate authorising the official charged with the issuing of licences to issue to such person a licence to sell wholesale.

For wholesale licence not necessary to make application to Board mentioned in Art. 10.

After the application has been presented to the official charged with the criminal jurisdiction, and at least 14 days before it shall be considered, the applicant shall be bound to insert a notice of such application in the *Staatscourant* and in a local paper, in which shall be mentioned the exact locality for which the certificate is desired. Any interested party may then make or lodge objections with the official whose duty it is to issue the certificate against the granting of such applications.

Notice in *Staatscourant*.

The Landdrost, Special or First Special Landdrost, or Mining or Judicial Commissioner charged with the criminal jurisdiction, shall have the right to refuse such certificate without giving reasons. In case a certificate is refused, the applicant, and in case it is granted, any interested party, shall have the right to appeal to the State Attorney, whose decision shall then be final.

Appeal.

No transfer of such licence, either from one place to another place or from one person to another, shall be allowed, except with the consent in writing of the Landdrost, the Special or First Special Landdrost, the Mining or Judicial Commissioner charged with the criminal jurisdiction.

Transfer.

10. There shall be a Board in every district and on every public diggings for the consideration of applications for liquor licences, which Board shall be called "The Liquor Licensing Board."

The "Liquor Licensing Board."

Composition.

11. This Board shall, in accordance with the provisions of Art. 14 of this Law, be composed as follows:—On the public diggings the Special Landdrost charged with the criminal jurisdiction, (or where there are more, the first Special Landdrost so charged); where there is no such Special Landdrost, the Mining Commissioner; in the districts, the Landdrost of the district, which official shall, at the same time, be *ex officio* chairman of the Board, and who shall be assisted by four members, to be appointed by the Government after consultation with the State Attorney.

Duration.

This Board shall be appointed for a period not exceeding one year, with this proviso that, irrespective of the date of their appointment, the Government and the State Attorney shall appoint new members before or on the 1st of December of each year. The retiring members may be re-appointed.

Secretary.

The chairman shall recommend a person to the Government to act as Secretary.

Town Council.

Where a Town Council exists on a proclaimed gold-field or stand township, or in any other town or village, such Town Council shall have the right to nominate and appoint two members from its own number, who shall be added to the Licensing Board.

Quorum.

12. Three members of this Board shall form a quorum. When the votes are equal the Chairman shall have a casting vote, and if at the hour and on the day fixed by the Chairman there be no quorum, or all licences cannot be considered, the Chairman shall have the right to adjourn the Board to a day fixed by him, of which fresh notice shall be given by him to the members.

Days of sitting.

The Board shall meet on the second Monday in the months of March, June, September and December, or as soon as possible thereafter, for the consideration of applications for licences.

No special sitting of the Board shall be held.

Reports.

13. As soon as the Board shall, at such a meeting, have considered all the licences, its Secretary or local Secretary shall send a copy of the minutes of the Board, and also a report of its proceedings, to the Government through the State Attorney, in which the following points shall be dealt with:—

- (a.) A return of the number of licences existing immediately before the sitting, with a return of the average population per licence, in accordance with Art. 19 of this Law.
- (b.) A return of the number of licences renewed.
- (c.) A return of the number of licences transferred to other premises in accordance with Art. 20 of this Law.
- (d.) A return of the number of new licences granted in accordance with Art. 19 of this Law.
- (e.) A return of the number of licences refused or cancelled.
- (f.) A return of the average population per retail licence and bottle store licence falling under (b), (c) and (d).

This report shall be made by filling in the particulars in the form fixed in Schedule F.

In considering applications for the issuing of licences, Licensing Boards shall be bound to adhere to the provisions of this Law, and the Government shall, in case of default, have the power, after consulting

the State Attorney, to fine offending members an amount not exceeding £10 for every offence committed by them against this Law.

14. Members of the Licensing Board shall receive a remuneration of £2 each for each day on which they sit, and the Secretary of the said Board £2 per day as aforesaid, 2s. 6d. for every application, and 2s. 6d. for every permit.

Remuneration.

15. The following persons shall not be capable of being chosen or appointed, or, if chosen or appointed, of continuing to act as such members of the Licensing Board :—

Persons disqualified from being members.

- (a.) The holder of any licence under this Law.
- (b.) Any person who brews malt liquor or distils wine or spirituous liquor.
- (c.) Any person concerned or interested in any company or partnership with any holder of such a licence as above mentioned, or with any brewer or distiller.
- (d.) Any person employed either directly or indirectly as agent for the purpose of making application for a licence on behalf of any other person, or on behalf of any partner, or of any person so employed as agent.
- (e.) Any person, owner of a farm or piece of land where a liquor licence has already been granted, or for which an application for a licence is being made.
- (f.) Any police officer.
- (g.) Any person, either owner or holder of any property, or the agent or manager of, or a partner in any trade or occupation carried on upon any property possessing a liquor licence, or who has made application for a licence, or the holder of any mortgage bond on such property. The property herein mentioned must be construed as meaning property situated in the division within which the Licensing Board has jurisdiction.
- (h.) An unrehabilitated insolvent.
- (i.) A person who, here or elsewhere, has had a criminal dishonouring sentence against him.
- (j.) Any person who is habitually under the influence of drink or publicly leads a bad life.

Anyone who accepts or retains, contrary to this Article, an appointment as member of a Licensing Board, shall be punished with a fine not exceeding £500, or with imprisonment for a period not exceeding three years, with or without hard labour.

Before entering upon the membership of the Licensing Board the members shall take the oath or make the promise set out in Schedule E., before the chairman.

Oath.

16. In order to obtain a licence authorising the sale of wines, spirituous or malt liquors within this Republic, the applicant shall first send in an application for this purpose to the Secretary of the Licensing Board of the district or the diggings wherein he wishes to carry on his business. The Secretary shall at once register the same in a book kept for that purpose, publish it as laid down in Art. 17, and lay it before the Board at its next sitting.

Application for licence.

The application shall be accompanied by a sum to cover the costs thereof and bear a £1 stamp.

17. Applications for the aforesaid objections to be handed in at least six weeks before the first day of the sitting of the Board to the Secretary of the Licensing Board of the district or the diggings where the premises are situated for which application is made. The Secretary shall furthermore have the application posted on the office door of the official charged with the criminal jurisdiction, and also on the erf or on the house or apartment for which licences are desired, and have it published at least once in one of the local newspapers, if there be such, in the Dutch language, and once in the *Staatscourant*, appearing at least one month before the sitting of the Board.

Objections.

All objections and complaints against the granting of any application shall be handed in in writing to the Secretary, and notice thereof shall be given to the applicant by the person or persons objecting. This shall be done personally or by means of a registered letter, at least five days before the sitting of the Board.

This provision shall not apply to complaints handed in by officials of the State, or of any municipality.

Applicants for liquor licences must appear in person before the Licensing Board.

Representation.

It shall be lawful for any applicant to be represented before the Board, but only by advocates, attorneys or law agents duly admitted and licensed according to the laws of this State.

Places for which no licences shall be issued.

18. The granting of licences for the sale of any kinds of liquor on any land given out as *mijnpacht*, claim, storage, site (*bewaarplaats*), machinery stand, or water-right, or on stands situated on any of the localities mentioned, or on lands reserved according to Art. 53 of the Gold Law of 1898, or in any compound, is totally forbidden.

Persons disqualified for obtaining licences.

19. No liquor licence shall be granted to:—

- (a.) A person who, here or elsewhere, has had a criminal and dishonouring sentence registered against him.
- (b.) Anyone not resident within the South African Republic.
- (c.) An unrehabilitated insolvent.
- (d.) A person under the age of 21 years.
- (e.) Coloured persons.

If it should later on appear that a licence has been granted or transferred to any person disqualified as above mentioned, the licence shall be considered null and void, and the building, where the business has been carried on, shall be closed immediately upon the order of a Landdrost or the official charged with the criminal jurisdiction. Any licence money paid for same shall not be refunded by the Government to a person whose application for a liquor licence has been refused by the Board owing to contravention of the Liquor Law, no licence shall be granted within five years after such refusal. If any licence is cancelled by a judicial sentence no licence shall be granted for the same locality for the sale of wines, spirituous or malt liquor, for a period of five years from date of sentence.

Refusal of licence.

When a licence is declared forfeited according to this Article, and the licence holder notes an appeal, the licence shall be treated as cancelled, notwithstanding the appeal, until the High Court shall decide, and the building or buildings shall immediately be closed, and the sale of wine, spirituous or malt liquors prohibited.

Cancelled during appeal.

The Board, when considering applications for liquor licences, retail, and for bottle stores, shall pay due regard to the complaints of the police, the detectives, and the public, and also to the complaints of the Mining Inspectors on the diggings, and shall limit the number of retail and bottle store licences gradually in proportion to the population within the jurisdiction of the Licensing Board, so that no more than six licences are granted for 1 to 400 persons, and no more than one licence for every 200 above 400 white male persons above the age of sixteen years.

Who may object.

Licences must be proportionate to population.

The number of the population shall be taken from the registers of inhabitants which are kept by the Field Cornets according to Art. 8 of Law No. 2, 1885.

It shall not be lawful for any Licensing Board to grant any new licence under letters *b*, *c*, and *d* of Art. 4, until the number of retail licences is brought within the scale above laid down.

The Board shall have the right to refuse new licences or the renewal of already granted licences without giving reasons. The Board may grant a licence subject to such conditions as it may fix, which conditions must be stated in the licence. Whenever the Board deems it necessary it shall be entitled to call up any person to examine him on oath, and if it be proved that the witness has made a false declaration, he shall be considered to have committed the crime of perjury and be punished according to law.

Examination on oath.

The Board shall not take into consideration the number of the population when considering applications for liquor licences according to Art. 5 of this Law.

20. The Board shall, with due regard to Art. 19 of this Law, be entitled to transfer licences from one person to another for the same place where such business is carried on.

Transfer to different person.

For every such transfer a duty of £1 shall be charged, affixed in stamps to the application.

In case of the decease of the licensed dealer in liquor the chairman shall have the right to temporarily transfer the licence to the name of the executor or executrix of his estate for the current period for which the licence was issued.

The Board shall have the right to transfer licences already granted from one place to another on payment of £1 in stamps as herein above laid down.

Transfer to different place.

Six weeks' notice must be given of such application for transfer as laid down in Art. 17 of this Law.

When by reason of fire or collapse of the building such becomes imperatively necessary, the chairman of the Licensing Board shall, subject to the further decision of the Board, have the right to transfer a licence from one place, building or apartment to another.

Temporary transfer.

In special cases the chairman of the Licensing Board shall have the right to grant permission to licensed liquor dealers, on application, to sell liquor on other premises as well for a period not exceeding six days, on payment of £1 per day in stamps, affixed to the permit.

21. The decisions of the Board, or of the chairman of the Licensing Board, as mentioned in the preceding Articles, shall be communicated as soon as possible to the official charged with the issue of the licences and to the officials charged with prosecutions within the sphere of juris-

Communication of decision.

diction where the licence is granted, who shall then act in accordance with the decisions of the Board.

Surety bond.

22. As soon as a retail licence, or one for roadside inns, shall have been granted to any person who has applied for the same, such person shall pass a surety-bond before the official charged with the issue of licences, and who is hereby authorised to accept such surety-bond, for the sum of £300 sterling, with two substantial sureties, who shall be jointly and severally responsible.

Form of surety bond to be according to Schedule, Part A.

Sign-board.

23. Any person who has obtained any wholesale or retail licence as aforesaid shall place or fix on the wall, in a visible place on the exterior of the building where wines, spirituous or malt liquors are sold, a sign-board, on which shall be painted in large, visible and legible letters of at least two inches in length, his full name, or in the case of partnerships, the name or title of the firm or the partnership, and under such name or title the words "Licensed Dealer," or "Dealer in wines, spirituous or malt liquors by wholesale or retail measure," as the case may be, and shall keep such sign-board in good condition during the continuance of such licence, and if he shall fail to fix such sign-board, or to keep it in good condition in the manner aforesaid, he shall be liable and subject to a fine of not less than £5, and not more than £15, and in case the whole amount of the fine inflicted, and of the costs, be not paid within three days after the judgment of the judge, to imprisonment for a period not exceeding one month, unless the fines and costs are paid previously. But nothing contained in this Law shall be interpreted to mean that it is necessary for any sign-board to be fixed or placed in front of a hotel, boarding or lodging house or club.

Hotels, clubs,
&c.

Unauthorised
sign-boards.

24. Anyone not having obtained such licence aforesaid, who shall fix any such sign-board in front of or on his house, shop or warehouse, or any other place, shall be punished with a fine of not less than £15, and not more than £50, and, in default of payment, with imprisonment for a period not exceeding three months.

No coloured
person
allowed to
serve liquor.

25. A licensed dealer in liquor shall not have the right to employ a coloured person as a servant to sell, give, or in any other way dispose of spirituous or malt liquors to any customer.

In case of contravention of the above-mentioned provision the licence-holder shall be punished with a fine of not less than £7. 10s., and not more than £25, or, in default of payment, with imprisonment with or without hard labour for a period not exceeding three months.

No back
doors.

26. The holder of a licensed canteen, bar or beer-hall in a town, village, stand township, on the premises of a railway station, or on a diggings, shall not allow any customers to enter or leave the apartment intended for the sale of liquor, by a back or side door, or by a door communicating with a shop or business, under penalty of, for the first offence, a fine of at least £5—and not more than £10—or imprisonment for a period not exceeding one month; for a second offence, a fine of at

least £7. 10s., and not more than £20, or imprisonment not exceeding three months; for a third offence a fine of at least £25—and not more than £50—or imprisonment for a period not exceeding six months, and forfeiture of the licence.

27. A licensed retail dealer in liquor shall not be permitted to carry on any other business in the same apartment, except the sale of liquor under this Law, and of tobacco, cigars and cigarettes by retail.

Articles that may be sold in bars.

It shall not be lawful to serve liquor on any premises where any commercial business is carried on, either gratis or for payment.

No drinks to be served in goods shop.

In case of contravention the licence-holder shall be punished with a fine of at least £7. 10s.—and not more than £25—or imprisonment for a period not exceeding two months.

28. If a licensed dealer in liquor, under the provisions of this Law, shall allow anyone else to manage, supervise or control the building or buildings for which, or in which he is licensed to sell spirituous or malt liquors, during his absence, or in any other way, for longer than 28 successive days, without previous permission in writing from the Landdrost or official charged with the criminal jurisdiction, he shall be liable to a fine of at least £15—and not more than £50—or imprisonment for a period not exceeding three months.

Substitutes.

29. Upon the written application of both parties, signed in the presence of two witnesses, the Landdrost or official charged with the criminal jurisdiction shall have the right to transfer temporarily any licence under this Law to anyone else empowering him to manage aforesaid business as above mentioned on behalf of the licensed dealer in liquor for a period to be fixed by him. Such manager shall thereupon be responsible during this period for all contraventions of this Law, or any other Laws regulating the sale of liquor in the same manner as set forth in Art. 51 of this Law.

Temporary transfer to substitutes.

30. A holder of a licence under this Law shall not sell any liquor or keep open any of his rooms or apartments in his building or buildings for the sale of such liquor as aforesaid, or allow liquor to be drunk or consumed in any of such rooms during any part of Sunday, Good Friday, Easter Monday, Ascension Day, Whit Monday, Dingaan's Day or Christmas Day, or between the hours of 9 in the evening and 6 in the morning of any other day, except in the hotels, boarding and lodging houses approved of by the Board, in which such liquor as they may require may be sold to lodgers and boarders at meals, provided also that nothing contained in this Article shall refer to the sale of liquor in any clubs approved of by the Government.

Forbidden days and hours.

Hotels, &c.

Clubs.

Contraventions of the above provisions shall be punished with a fine of at least £7. 10s. and not more than £25 or imprisonment, with or without hard labour, for a period not exceeding two months.

31. The Board shall at its ordinary sittings have the power to give permission to licensed retail dealers in liquor to keep open after 9 in the evening till 12 p.m. on working days.

Extension of hours.

Such permission may be granted for a period not exceeding three months with the right of withdrawal.

The permit shall bear a stamp of the value of 5s. for the first day and 2s. 6d. for every succeeding day.

Any person keeping open without permission as aforesaid shall be punished with a fine of at least £15—and not more than £50—or imprisonment with or without hard labour for a period not exceeding two months.

Coloured persons found in possession of liquor.

32. A coloured person found in the possession of wines, spirituous or malt liquor, unless he is lawfully conveying such wine, spirituous or malt liquor, in the service of his employer, shall be punished with imprisonment with or without hard labour for a period not exceeding three months; he may also be given lashes not exceeding twenty-five in number. The liquor found on him shall be declared forfeited for the benefit of the State Treasury.

Permits to coloured persons.

33. Any person who shall give a written consent or permit to any coloured person not in his service, or who shall falsify any written consent or permit, or any coloured person who shall issue such a permit either for himself or for others, shall be punished with a fine of not more than £100, or imprisonment, with or without hard labour, for a period not exceeding six months. In the case of coloured persons lashes not exceeding twenty-five in number may also be added.

Children and intoxicated persons.

34. No person shall, with or without licence, sell, give, exchange or in any other way dispose of wines, spirituous or malt liquors, to any child under the age of 16 years, or to any person already under the influence of any spirituous or intoxicating liquor, under a penalty, upon contravention of this Article, of a fine of not more than £50, or imprisonment, with or without hard labour, for a period not exceeding six months.

If a licensed dealer in liquor contravenes this Article a second time he shall be punished with withdrawal of the licence granted to him.

Removal of intoxicated persons.

If a person already under the influence of any spirituous or intoxicating liquor shall come into the canteen, the bar or the beer-hall of a licensed dealer in liquor, the licensed dealer in liquor shall immediately have the local police informed thereof, if there are any, who shall thereupon take such person away under their care, or shall remove such person or have him removed from the premises of such public-house.

In case of negligence or neglect in this respect the same punishments shall be inflicted as provided in the first part of this Article.

Warning against selling to certain persons.

35. Nobody shall, with or without licence, sell, exchange, give, or in any other way dispose of or serve wines, spirituous or malt liquor to any person when he has been warned by the Landdrost or official charged with the criminal jurisdiction, or by the husband or wife or any other relative of such person, or by any one else interested in such person, that he or she is habitually guilty of drunkenness, and where he is requested by such Landdrost or official charged with the criminal jurisdiction, or relative or any other interested person, not to sell or in any other way dispose of wines or any other intoxicating liquor to such person as aforesaid. In case of any contravention of the provisions contained in this Article or any part thereof, the transgressor shall be liable, for the first offence, to a fine of not less than £15 and not more

than £50, or imprisonment, with or without hard labour, for a period not exceeding six months, and shall, moreover, be bound to pay compensation for any fine or any other injury to the person to whom he shall have sold or given such liquor as aforesaid, and which such person, in consequence thereof, may have suffered, and also to pay compensation for all damage done or caused by such person so acting under the influence of liquor to any other person or to the property of any other person.

In case of the sale of wines, spirituous or malt liquors on credit in any such case as aforesaid, the purchase price shall not be recoverable in any Court of Law.

36. In future no licence for road-side inns shall be granted or renewed unless the applicant hands in the consent in writing of at least two-thirds of the inhabitants registered in the books of the Field-Cornet who reside within 12 miles of the place for which a licence is applied for (within this radius shall not be included the inhabitants of towns, villages or stand-townships), and also produces a certificate from the Field-Cornet of the ward declaring that the persons who have given their consent are registered in his books, and that there exists on the place for which a licence is requested a proper building for a hotel built of stone or of iron properly lined inside with wood, with at least three bedrooms, one dining-room and one sitting-room, all properly furnished and giving sufficient accommodation for at least six persons. There shall further be a proper stable, provided with everything necessary, for at least eight horses, mules or donkeys, besides the necessary water-closets, all of which must be in good order.

Conditions for
licences for
roadside
hotels.

In case of new applications the person to whom a licence for a road-side inn has been granted shall be bound to comply with the conditions above laid down within three months after the granting of such licence.

The keeper of a road-side inn shall be bound to supply travellers with good and substantial food as well as with good forage for horses.

In the building for which a licence is desired no other business shall be carried on except the sale of liquor, tobacco, cigars and cigarettes by retail.

On non-compliance with the provisions of paragraph 1 of this Article, the licence shall be refused by the Board.

On non-compliance with paragraph 2 of this Article the licence shall be withdrawn by the Board, the Landdrost or the official charged with the criminal jurisdiction.

37. In towns, villages or public diggings no hotel, boarding or lodging house licence in terms of Law No. 13 of 1887 shall be granted for buildings where wines, spirituous or malt liquors are also sold, without the consent of the Board, which shall first convince itself that the buildings are suitable for that object, and that the business therein carried on is that of a *bonâ fide* hotel, boarding or lodging house.

Licence for
hotels, &c.

38. For the better preservation of the public peace and order it shall be lawful for any Landdrost, Justice of the Peace, Field-Cornet,

Right of
entry.

or Police Officer within his jurisdiction to enter at any time any building, erf, place or stand of any licensed dealer in liquor where any riot or breach of the peace is taking place, or has taken place, or when persons are there at hours or on days forbidden by this Law, or any place which is found to be visited by men or women of publicly-known bad fame and character, for the purpose of removing all riotous or peace-breaking or drinking persons found there who do not *bonâ fide* reside there, or to place such persons in safe custody, and if the licence-holder of such house or his representative or subordinate shall refuse to admit any of the aforesaid officials, or shall obstruct or hinder them in the exercise of their duty, he shall be punished with a fine of not less than £15 and not more than £50, or imprisonment with or without hard labour for a period not exceeding six months.

Provided, further, that in case such official be refused admittance he shall have the right to enter such house, apartment or place, by means of force, if necessary.

Closure in
case of
disturbance.

39. The Landdrost or official charged with the criminal jurisdiction, or any Justice of the Peace, Field-Cornet, or assistant Field-Cornet, shall have the right, whenever a riot or disturbance takes place, or has taken place, to close or to cause to be closed any public-house for a period not exceeding one month, and if any one keeps open despite the order of such official, he shall be punished with a fine of not less than £15 and not more than £50 or imprisonment, with or without hard labour, for a period not exceeding three months, and his licence may be declared forfeited.

The official aforesaid shall thereupon within 3 days send a complete report with all documents to the State Attorney, who is hereby empowered according to circumstances to reduce the period fixed above in case he should think it desirable to do so.

Arrest of
intoxicated
persons.

40. Anyone found by the Landdrost, Field-Cornet, Justice of the Peace, or police officers in a state of drunkenness, or drunk and incapable, or drunk and noisy, in or near a street, road or lane, or in a public-house, shop, warehouse, hotel, or in any place whatsoever, may be arrested without a warrant, and if such take place in the evening, be locked up in prison, or placed in a house of correction, and shall in any case be brought up without any postponement on the following day or as soon as possible thereafter, when that is not a Sunday or public holiday, before the Landdrost or Justice of the Peace who has jurisdiction there. Every such person shall, after having been found guilty, be fined not less than £1, and not more than £5, for the first offence, and in default of payment be punished with imprisonment, with or without hard labour, and with or without spare diet, for a period not exceeding 14 days; in case of a repetition of the offence, with a fine of not less than £5, and not more than £15, or imprisonment, with or without hard labour, and with or without spare diet, for a period not exceeding one month. In case of coloured persons so arrested lashes may also be added, not exceeding 15 in number for the first offence and not exceeding 25 for every following offence.

Unlawful
possession of
liquor.

41. Any Landdrost, or official with similar jurisdiction, Public Prosecutor, Resident Justice of the Peace, or Field-Cornet, shall, in

case he is satisfied by a sworn declaration that there is reason to believe that on any premises, in any building, apartment, or in a vehicle of any kind whatsoever, wine, spirituous, or malt liquor, has been sold or is kept there for the purpose of sale without the owner, occupier, or person entitled in any way thereto, having a licence under this Law, have the power to grant a search warrant. The person or persons executing the warrant shall, if necessary by means of force, enter the house, place, or vehicle, named in the warrant, and seize any wines, spirituous, or malt liquor, together with the casks or bottles, and cases containing the liquor, and shall take into lawful custody the person or persons in whose possession the aforesaid liquor is found.

The owner, occupier, or person entitled as aforesaid shall, if found guilty, be punished according to Art. 1 of this Law, and everything that has been seized shall be confiscated for the benefit of the State Treasury, provided that all reasonable costs of the seizure shall be made good by the realization of the goods seized.

42. When any person shall, on oath, give information to the Landdrost, Resident Justice of the Peace, or official with similar jurisdiction, and shall show reasonable grounds for his suspecting anyone of selling any of the liquors above mentioned without licence, it shall be lawful for such Landdrost, Resident Justice of the Peace, or official with similar jurisdiction, to summon such suspected persons within his jurisdiction before him, and also any other person whom such official shall believe able to give good evidence in such case, in order to be examined before him on the charge against such suspected person, and should such person thus summoned as witness refuse to appear, or refuse to be examined on oath and to give evidence as aforesaid, it shall be lawful for the Landdrost, Resident Justice of the Peace, or other official as aforesaid, to put in custody any such offender for a period not exceeding one month, or until he shall no longer refuse to be examined or to give evidence as aforesaid.

Suspected selling by non-licensed persons.

43. Any Landdrost or official with similar jurisdiction, and any Resident Justice of the Peace, shall be entitled, on reasonable grounds of suspicion brought before him, that any person deals there in liquor contrary to the provisions of this Law, to grant a warrant for the searching of the shop or other building wherein liquor is suspected to be kept.

Search warrant.

44. Any Landdrost or official with similar jurisdiction, Resident Justice of the Peace, Justice of the Peace, Field-Cornet or Public Prosecutor, Chief of Police or Chief of the Detective Department or any Police Officer, shall have the right to enter a house or apartment where wines, spirituous or malt liquors are sold, and to demand inspection of the licence. When this is not produced and no reasonable grounds are shown for the non-production of the same, the licensed dealer in liquor shall be punished with a fine not exceeding £10, or imprisonment for a period not exceeding one month.

Inspection of licence.

45. In case any licensed dealer in liquor is charged with any contravention of this Law, he shall hand in his licence to the Court. This

Licence to be handed in to the Court.

Indorsement
of sentence.

document shall be sufficient proof that he is the licensed dealer in liquor referred to in the case in question. If he is found guilty the Court shall, on the back of the licence note the sentence, but in the event of a sentence being quashed in appeal, this fact shall also be noted by the Lower Court on the back of the licence. If the accused does not produce the licence or does not show good cause, he shall, at the same hearing, and without any further steps being necessary, be punished with a fine of at least £5 and not more than £10, and, in default of payment, with imprisonment for a period not exceeding one month.

Summons
need not be
served on the
person.

When a licensed dealer in liquor is summoned for contravention of any provision of this Law, or any later Laws regulating the sale of wines, spirituous or malt liquors, and the Messenger of the Court is unable to effect personal service of the summons, it shall be sufficient for him to affix to or leave a copy of the same in the building where the liquor was sold. If within 14 days thereafter the licensed dealer in liquor shall not have reported himself to the Court of the Landdrost or official charged with the criminal jurisdiction as named in the summons, the Public Prosecutor shall apply to the Court to immediately close aforesaid building or buildings for the sale of wines, spirituous or malt liquors: the Court shall thereupon have the right to order this to be done without any further proceedings and to cancel the licence.

The Registrar of the Court shall, after the sentence has been noted by him on the licence, inform the Secretary of the Liquor Licensing Board about such person.

When
considered
unlicensed.

46. When steps are being taken against any dealer or trader in, or owner of liquor, who sells liquor without a licence or in conflict with the terms of his licence, such person shall be considered as not licensed, or as not having the licence under which he is charged with having traded, until he, at the investigation of the case, produces his licence, or proves that he has the same.

Immorality.

47. If any licensed dealer in liquor allows any of his buildings or apartments to be used for immoral purposes, the Landdrost or official charged with the criminal jurisdiction shall, after due proof, have the right to declare the licence forfeited, and to close the aforesaid building or apartment for the further sale of liquors under this Law.

Sale on
credit.

48. No one shall be entitled to institute or bring any case, action, or process for recovery of any sum of money for or on account of any wines, spirituous or malt liquors sold on credit in any quantities less than the quantity allowed to be sold under the licence referred to under (b) of Art. 4 of this Law, and in case any person shall take or receive from anybody any pledge by way of security for payment of any sum or sums of money so due for such liquor, or shall take or receive, in payment thereof, any article whatever in place of money, he shall be liable to a fine of not less than £7. 10s., and not more than £20, for every pledge thus taken or received by him, and the person or persons to whom such pledge may belong, shall have the same right to

recover such pledge, or the value thereof, as if it were not given as a pledge.

49. If anyone, not having a licence to sell by retail measure, gives to anyone else liquor for which he receives consideration, although he pretends the consideration is received for something else, he shall, notwithstanding that such consideration be actually and in reality given partly for something else, be liable to be found guilty of selling liquor without licence and be punished with the punishment laid down in Art. 1 of this Law.

When sale of liquor considered as without licence.

50. Public Prosecutors of the different Courts shall be bound, in all cases where coloured persons are brought up for drunkenness, to institute the closest inquiry into the cause of the drunkenness and the place where, and the persons by whom liquor has been supplied them, for the purpose of instituting proceedings against the person for unlawful dealing in spirituous liquors.

Inquiry into cause of drunkenness of coloured persons.

If the coloured person brought up for drunkenness refuses to disclose the name of the person who has served him with liquor, or to point out the place where he has obtained such liquor, he shall be punished with a fine of not more than £5, or with imprisonment, with or without hard labour, for a period not exceeding one month, and with or without lashes not exceeding twenty-five in number.

51. Every licensed dealer in liquor shall be responsible for any and every contravention of this Law, committed in his building or apartment or on his erf or stand, even if such contravention be committed by his employee, subordinate, representative or by any other person. When, however, it shall clearly appear that such contravention was committed with the object of injuring or causing to be punished such dealer in liquor as aforesaid, such dealer in liquor shall not be responsible for such contravention.

Responsibility of dealer for unlawful acts.

52. It shall not be lawful for any licensed dealer in liquor to sell, give, exchange or in any other way dispose of, any wine, spirituous or malt liquors to a policeman or gaol warder during the time that he is on guard or during the execution of his duty or when in uniform, under penalty of a fine of at least £15 and not more than £50, or imprisonment for a period not exceeding one month.

No liquor to police officer.

53. It shall not be lawful for a Police officer to have directly or indirectly any interest in, or concerning any business where wine, spirituous or malt liquors are sold, or directly or indirectly to receive any gift or favour from any licensed dealer in liquor. Upon contravention the offending Police officer, as well as the giver, shall be punished with the punishment laid down in Art. 1 of this Law.

Police officer not to have any interest in bar, &c.

Gifts to police officers.

54. All contraventions of this Law may be brought before, and decided by the Landdrost or official with similar jurisdiction, or the

Jurisdiction.

Resident Justice of the Peace, within whose jurisdiction they are committed.

No licence required for bailiffs, &c.

55. Nothing contained in this Law shall mean or shall be interpreted to mean that a licence is required for the sale of any of the liquors aforesaid by any bailiff or other official acting by virtue or authority of any Court, Judge or Landdrost, or by trustees in insolvent estates, or executors testamentary or dative.

Time allowed for selling out.

56. On cancellation of a licence by a Court without confiscation of the liquor, the Court shall have the power to give to the person sentenced time to sell out, not exceeding a period of fourteen days.

This Law may be extended to other places.

57. The provisions concerning public diggings shall also be applicable to those tracts of land that are, either by law, or by Government resolution, brought under the jurisdiction of the official on the diggings.

Reward of informant.

58. The Government may award a part, but not more than a third, of the fine imposed and paid, to the informant.

Repeal.

59. All former Laws and provisions for the sale of wines, spirituous or malt liquors hitherto in force, shall be repealed on the coming into operation of this Law.

Operation.

60. This Law shall come into operation on the 1st December, 1898.

SCHEDULE A.

SURETY BOND FOR SALE OF LIQUOR.

Appeared before me _____ on this _____ day of _____ residing at _____ who declares himself to be indebted to the State Attorney of the South African Republic, or his lawful successors in office in the sum of £ _____ sterling and _____ and _____ who declare themselves each to be indebted to the State Attorney in the sum of £ _____ sterling, to be levied on the property, both movable and immovable of each of them if the said contravenes any provision of the Liquor Law.

Thus done, &c., &c.

SCHEDULE B.

FORM OF WHOLESALE LICENCE.

I (*fill in name and capacity of official*) of _____ declare
 on this _____ day of _____ that
 residing at _____ is hereby authorised and empowered to
 sell wines, spirituous or malt liquors by wholesale measure at
 and nowhere else, for _____ from the
 day of _____ 190 _____ and not longer.

Signed _____
 office

SCHEDULE C.

FORM FOR RETAIL LICENCE.

I (*fill in name and capacity of official*) of _____
 declare on this _____ day of _____ that
 residing at _____ is hereby authorised and empowered to sell
 wines, spirituous and malt liquors by retail at _____ and
 nowhere else for _____ from the
 day of _____ 190 _____ and not longer.

Signed _____
 office

SCHEDULE D.

PERMIT IN TERMS OF ART. 31.

Permission is hereby granted to the licensed dealer in liquor
 to keep open his, her, or their building, for the purpose of the
 sale of liquor according to law, until 12 o'clock at night.

Valid for _____ days, being from the _____ day of
 till the _____ day of _____ 190 _____

Signed _____
 office

SCHEDULE E.

As nominated and appointed a Member of the Liquor Licensing Board at
 I solemnly promise and swear that I shall be faithful to the people
 and the Government of this State; that, in the exercise of the duty imposed upon
 me, I shall conduct myself in accordance with the "Law regulating the manner in
 which wines, spirituous or malt liquors, wherein is included kafir beer, may be sold;"
 that I shall act impartially, without respect of persons; that I am competent to be
 a member of a Liquor Licensing Board and do not belong to the persons named
 under letters *a, b, c, d, e, f, g, h, i, and j* of Art. 15 of above-mentioned Law, that I

have promised or given to nobody any gift or favour in order to obtain this post; that I shall accept from no one any gift or favour when I have reason to suppose that this is done or granted in order to influence me in my position in favour of the giver or granter of the favour, and that I shall have no other aim in view than the prosperity, the welfare and independence of the country and the people of this Republic.

So help me God Almighty

Sworn before me at
190 .

this day of

SCHEDULE F.

Licences.	Number of bottle stores.	Number of retail licences.	Number of retail licences outside towns and villages.	Total.	Population per retail and bottle store licence.
Existing before the Sitting)					
Renewed -					
Transferred -					
New licences					
Refused - -					

S. J. P. KRUGER, *State President.*

F. W. REITZ, *State Secretary.*

Government Office,
Pretoria, 30th November, 1898.

LAW No. 20, 1898.

ON MILITARY SERVICE IN THE SOUTH AFRICAN REPUBLIC.

(Approved by the First Volksraad by Art. 1548 of its Minutes dated 3rd November, 1898.)

(Not translated. No longer applicable.)

LAW No. 21, 1898.

LICENCES.

(Repealed by Law No. 17, 1899.)

THE DIAMOND LAW.

LAW No. 22, 1898.

ON THE DIGGING FOR AND DEALING IN PRECIOUS STONES IN THE SOUTH AFRICAN REPUBLIC.

(Approved by the Second Volksraad by Art. 1715 of its Minutes dated 21st November, 1898, and noted and accepted by the First Volksraad by Art. 1980 of its Minutes dated 8th December, 1898.)

CHAPTER I.

General Provisions.

1. The right of mining for and disposal of all precious stones, in places where they are found *in situ*, and the right to regulate the trade in precious stones, shall belong to the State. The right of mining and disposal of precious stones belongs to the State.
 2. This Law shall be applicable to diamonds and such other precious stones as the State President, with advice and consent of the Executive Council, with reference to this Article, shall make known by proclamation in the *Staatscourant*. Law applicable to diamonds, &c.
 3. The words "public diggings" shall signify a proclaimed area thrown open by lawful authority for prospecting, digging and mining. Public diggings.
 The word "claim" shall signify either that portion of the field on which a person or persons or companies has or have acquired a legal right to dig or to prospect, or the right to dig or prospect on such a piece of land. Claim.
- By "Homestead grounds" (Werf) within the meaning of this Law shall be understood that portion of land on a farm which is occupied by dwellings, buildings, gardens, cemeteries, kraals, arable lands, and water-furrows. (Werf)
"Homestead grounds."
- "Private land" shall signify the land belonging to private persons or companies as shown by title-deed or deed of transfer. "Private land."

“Government land.”
“Claimholder.”

“Government land” shall signify all land belonging to the State.

The word “Claimholder” shall signify each person, firm, syndicate or company, who holds one or more claims or portion of a claim under licence.

“Coloured person.”

The words ‘Coloured person’ shall signify every African, or Asiatic native, or coloured American person, Coolie or Chinaman.

“Prospecting.”

By “prospecting” shall be understood the doing of all work which is necessary for the express search of the precious stones mentioned in Article 3.

“Digging or mining.”

By “digging” or “mining” shall be understood the intentional extraction of the precious stones mentioned in Article 2, including all work necessary for the purpose, whether such extraction is effected by underground mining works, open cuttings, boring, or in any other way.

“Deposit sites.”

“Depositing Site” shall signify a piece of land used for depositing and working of diamondiferous ground, and for the accumulation of washed ground.

All words to be understood in the sense in which ordinarily used.

Further, all words shall be understood in the sense in which they are ordinarily used.

CHAPTER II.

Prospecting.

Landowner may search for precious stones without licence.

4. Every landowner, after having given notice of his intention to the Mining Commissioner, Landdrost, or Responsible Clerk concerned, shall be at liberty to search for precious stones within the boundaries of his property, without a licence, and he may for that purpose employ a number of white persons, not exceeding four, drawing wages, besides coloured persons.

Written permits from owner. Term not to exceed 12 months.

5. Any person, who has a written permit^[1] from the owner of a private farm or piece of land to prospect on his property, may obtain the necessary prospecting licence from the official concerned, upon payment of ten pounds sterling, and for the term mentioned in such permit, not exceeding a term of twelve months. Without such written permit from the owner nobody shall be permitted to search or prospect for precious stones, except the persons mentioned in the third paragraph of Art. 13 of this Law.

Extension of term.

When, however, the said permit is granted for a longer term than twelve months, the official concerned shall have the right, after investigation, to extend the term for which the licence was granted, in accordance with the permit, upon payment of five pounds sterling for a renewal licence. Such extension may take place once, and may not exceed the term of six months.

Licence to prospect on proclaimed Government land.

6. Any person who desires to prospect for precious stones on Government land which has been thrown open to prospecting by the Government by notice in the *Staatscourant*, and which has not been reserved according to Article 10, shall be entitled to do so, after having obtained a licence to do so from the Mining Commissioner, Landdrost, or Responsible Clerk, on payment of ten pounds sterling.

Area of 1,000 square yards.

This licence shall give him the right, subject to the provisions as to time in Art. 5, to prospect on such Government land within the boundaries of an area in extent one thousand yards square.

¹ Vergunning.

The ground shall be marked by four corner pegs, on which shall appear the name of the prospector and the number of the licence. Four corner pegs, &c.

In places where the nature of the ground permits, there shall, at each corner peg, be dug two furrows forming a right angle at the peg, three feet long, six inches wide, and one foot deep, which furrows shall indicate the direction of the boundaries. Furrows.

7. The Government shall always have the right to cause investigation to be made as to the prospecting. Government has right to make inquiries *re* prospecting.

8. Every discoverer of precious stones, to which this Law is applicable, shall be bound to give or to send notice within twenty-four hours, or to take steps in other ways for the notification, of such discovery and the particulars thereof to the Mining Commissioner, Landdrost, or Responsible Clerk concerned, under penalty of a fine not exceeding one hundred pounds sterling, or, in default of payment, of imprisonment for a period not exceeding six months. Notice of discovery.

Penalty.

9. The State Mining Engineer, or some other expert or experts appointed by him, delegated by the Head of the Mining Department, either separately or as a Commission, shall be the competent judges of the payableness and size of the area where precious stones are found. State Mining Engineer, judge of payableness.

10. It shall not be lawful to prospect or dig on or in towns, villages, stand-townships, public squares, streets, roads, railroads, burial-grounds, erven, stands, stands for head gear, depositing sites, permanent fortifications, locations, with exception of the locations mentioned in Art. 18 of this Law, townlands, gardens, storage sites (*bewaarplaatsen*) stands for machinery, water-rights, and places where tailings have accumulated, and such other grounds as the Mining Commissioner, Landdrost or Responsible Clerk shall, at any time, either in general or in special cases, in consultation with the Government, point out. Where prospecting, &c. forbidden.

CHAPTER III.

Proclaiming and Closing of Public Diggings.

11. The State President shall have the power, with advice and consent of the Executive Council, to proclaim and throw open as public diggings Government land, and after deliberation with the owner, if possible, also private land; or to annex it by proclamation to an already proclaimed field; in connection with which it must, however, be borne in mind, that no land shall be proclaimed which is not necessarily required for the diggings. President's power to proclaim

The proclamation of Government and private land shall be published in the *Staatscourant*, mentioning the day and date of throwing open, at least 30 (thirty) days before hand. Publication of notice.

Such proclamation shall furthermore be posted up at the office of the Mining Commissioner, within whose jurisdiction the land is situated, or at the office of the nearest Landdrost. Proclamation to be posted up.

The Government does not guarantee the presence of precious stones in payable quantities on proclaimed fields. No Government guarantee.

When owner may not oppose proclamation.

Government may attach private farm to a proclaimed field.

Access to ground.

Owner must get 3 months' notice.

All land surveyed before proclamation.

When (werven) "homestead grounds" indisputable.

Survey at expense of owner.

State Mining Engineer or State Geologist to determine the probable extent of mine. Surveyor General to have the ground pegged off.

Beacons of masonry.

Diagram compiled by Surveyor General.

Tenders for erection of beacons.

12. The owner of a private farm or piece of land, where there are signs of precious stones, shall not have the right to oppose the proclamation of his farm or piece of land.

If it be found necessary for the development of diamondiferous ground, to proclaim or to annex to a proclaimed field a private farm or piece of land, on which no signs that it contains precious stones exist, the Government shall have the right to do so only with the consent of the owner.

It shall not be lawful to refuse access to the ground to the persons sent by the Government to examine it, or to hinder them in the execution of the work.

13. If the Government wishes to throw open as a public diggings a farm or piece of land, it shall, three months before the proclamation of throwing open takes place, give notice of its intention by publication in the *Staatscourant*, and, if possible, by registered letter to the owner or his representative, in order to enable the owner to secure for himself according to this Law his owner's claims and (Werf) "homestead grounds."

14. Before the proclamation as a public diggings takes place all Government and private land shall be properly surveyed and reduced to diagram, which diagrams shall be approved according to law.

All homestead grounds (werven), which have been properly surveyed and reduced to diagram and approved by the Government shall be indisputable.

The angles and lines shall also first be beacons off by a properly admitted surveyor according to Arts. 15 and 16.

If private land is to be proclaimed the survey and beaconing off thereof shall be effected by the owner. If this is not done within three months from the date of notice thereof the Government shall have the right to cause the survey and beaconing off to be done at the expense of the owner.

Before the proclamation the Government shall instruct the State Mining Engineer or the State Geologist to determine the probable extent of the diamondiferous ground, if necessary by prospecting, and shall thereafter instruct the Surveyor General to have this ground pegged off into a network of claims adjoining each other, each thirty feet square, the sides of which shall run from North to South, and from East to West. Beacons of masonry three feet square on the ground and four feet high shall be erected at the outside of the diamondiferous ground, at distances of three hundred feet from each other, as fixed points from which the lines of the claims may at all times be determined.

These beacons shall be properly marked.

The Surveyor General shall cause a diagram to be made, whereon the claims shall appear properly numbered, and on which the above-mentioned beacons with their marks shall be shown. This diagram shall be indisputable.

For the erection of the beacons tenders shall be called for.

Before the licences shall be issued to the claimholders the cost of such pegging, survey, and prospecting, shall be paid by the said claimholders, in proportion to the number of claims allotted to them.

Costs of survey, &c., paid by claimholders previous to allotment.
Angles.

15. All angles of all surveyed proclaimed ground shall be indicated by beacons of solid masonry, three feet square on the ground, and four feet high. To these beacons boards shall be affixed, on which shall appear the name and the number of the farm corresponding with the registers of the Registrar of Deeds, and also the official number of the beacon.

16. The sides of all surveyed proclaimed ground, farms, and portions of farms being divisions of proclaimed public diggings, shall, except where natural boundaries exist, be indicated at clearly visible distances by round intermediate beacons of masonry. Such beacons shall be three feet high.

Sides.

Further, the boundaries shall, when the Head of the Mining Department, after consultation with the Surveyor General, considers it necessary, and where the nature of the ground admits it, be indicated by a trench at least 6 inches deep.

17. An area once declared a public diggings, or portion thereof, shall not be closed, either wholly or in part, except only by proclamation, when the number of claims within the boundaries of such portion, which it is requested or proposed to be closed, is less than a number computed at one claim for every twelve morgen, and it further appears from the reports of the Government experts that no precious stones in payable quantities are found within the limits of the area to be closed; provided always that the closing of such proclaimed ground shall not affect the rights and claims to stands for head gear, machinery stands, deposit sites, water-rights or other possessory rights previously obtained.

Closing of a proclaimed diggings.

Such proclamation shall be indisputable proof of such closing.

Proclamation proof of closing.

Such closing shall not affect the rights of those whose claims are still held under licences, unless such claims are expropriated on payment of proper compensation. The amount of such compensation shall be fixed by mutual agreement between the Government and the interested parties, and, in case they cannot agree, by way of arbitration.

No violation of certain rights; compensation, arbitration.

18. When a Chief with his Council desires that a search be made in a location, which he inhabits with his people, for precious stones, he may apply to the Government to cause such to be done by white persons.

Native Chief.

The persons proposed for this purpose by the Chief with his Council shall in the first instance have the consideration of the Government. If the Government considers it desirable to authorise other persons, it may do so, after consultation with the Superintendent of Natives, and the Head of the Mining Department, without ascribing reasons. Those persons whose farms were expropriated for the purpose of extending the location shall in each instance have the preference.

The persons proposed by Chief to have the preference.

Other persons.

The Government shall cause to be shown to the person or persons authorised by them what portions of the location have been made available for prospecting purposes.

Government
may proclaim
location.

When it appears from the prospecting that payable precious stones are found in such locations the State President shall have the power, with advice and consent of the Executive Council, to declare such grounds either in whole or in part a public diggings, under the provisions laid down in this Law in regard to Government land; provided, however,

Grazing
rights.

1. That the right to graze their cattle shall be left to the Chief and his people.

Kraals and
lands.

2. That their kraals and arable lands shall be excluded, and shall not be interfered with except with their consent.

Water.

3. That sufficient water shall be left for their families and their cattle.

Ninety
discoverer's
claims.

4. That ninety discoverer's claims shall be granted to the person or persons authorised by the Government to prospect, if they supply satisfactory proof of the payableness of the grounds.

One-fourth
of licence
monies.

5. That to the Chiefs and their people who have received the locations from the Government free of payment compensation shall be awarded, computed at a fourth of the proceeds of the licence monies.

One-third
of licence
monies.

6. That to the Chiefs and their people who have obtained the location land either wholly or in part for their own account compensation shall be awarded, computed at one-third of such proceeds.

Moshette.

7. The Government shall have the power to make such provisions as it may deem fit concerning the portion of licence monies to be apportioned to Moshette and other Kaffir chiefs of the same rank.

When 'werf'
may be
proclaimed.

19. Should precious stones in payable quantities be found on or in "homestead grounds" (*werf*), as mentioned in Art. 78 of this Law, which have been reserved by the owner for himself, such grounds may only be proclaimed with the consent of the owner.

The Government shall in case of proclamation deal with such a piece of land in the manner prescribed in this Chapter.

Thirty
owner's
claims.

In such a case only thirty owner's claims shall be allotted to the owner.

Discoverer
entitled to
10 claims.

The discoverer shall have the right to ten discoverer's claims only, provided the place where alluvial precious stones were found is distant at least two miles from an alluvial diggings already being worked, or if the place where the diamonds were discovered forms a new pipe.

Mynpachts.

20. In case precious stones are found in payable quantities on "mynpachts," or claims which have been granted in accordance with the provisions of the Gold Law, the Government shall have the right to proclaim such "mynpachts" or claims, on condition that no existing rights be injured. In such cases, the holders of such "mynpachts" or claims shall have the right to reserve sufficient ground on the surface for the working thereof.

Existing
rights.

When pro-
visions of
Art. 29 not
applicable.

21. In the case provided for in Art. 19, the provisions laid down in Art. 29 with reference to the discoverer's claims shall not apply, but such claims shall only be allotted in case of proclamation.

CHAPTER IV.

Issue of Claim Licences.

22. The claims to dig for precious stones shall have a superficial area not exceeding nine hundred square Cape feet. The sides of the claims shall run from North to South, and from East to West, and, where possible, they shall be thirty feet square. Superficial area of claims.

23. In case of proclamation the owner of the farm or piece of land shall have the right, before the land is thrown open as a public diggings, to reserve for himself a number of claims, namely, the one-eighth portion of the number of surveyed claims, provided that he shall in no case receive less than ninety claims. Owner's claims.

For these owner's claims, which shall form a block, a licence of five shillings per month and per claim shall be paid. As soon as the owner has transferred these claims to another person, firm, syndicate or company, the licence fixed by Art. 25 shall be due. Licence per claim.

24. After the owner, the discoverer of precious stones on unproclaimed ground, shall have the right, before the ground is thrown open, to reserve for himself a number of claims in a block : provided the place where the alluvial precious stones were found is at least two miles distant from an alluvial diggings already being worked, or provided the place where the diamonds were discovered forms a new pipe. Discoverer of new pipe or field entitled to a block of claims.

The number of claims shall be fixed as follows :—If the discoverer is the holder of a prospecting licence according to Arts. 5 and 6 of this Law, and he has discovered the precious stones within his prospecting area : or, if he is the owner of the land on which he has discovered the precious stones, and if notice has been given by him in terms of Art. 4 to the proper official, then the number of discoverer's claims shall not exceed thirty. Number not to exceed 30.

In any other case the number of discoverer's claims on unproclaimed ground shall amount to ten, unless the discoverer has been guilty of trespass. In any other case not less than 10.

So long as the discoverer remains the holder of the discoverer's claims, the licence monies for each of such claims shall be five shillings per month. In case of transfer of such claims to another person, firm, syndicate or company, the licence fixed by Art. 25 shall be paid. Licence money.

25. After the farm or the piece of land has been thrown open in terms of Art. 11, claim licences shall be issued subject to the following provisions :— Issue of licences after proclamation.

Every white person of the male sex, of full age, and every white female person who is legally entitled to act for herself, and also every male child 16 years of age or older, shall be entitled to four digger's licences, to dig or to mine on four claims on a public diggings for precious stones upon payment of twenty shillings (20s.) per licence per month : provided that the Field-Cornet or Assistant-Cornet of their ward certifies that their names appear on his Field-Cornet's list, that they are known as inhabitants of his ward, obedient to the laws of the land, and provided they prove that they have been resident in the State at least three months. Who entitled to four digger's licences.
Field-Cornet must certify.

The persons who are obliged to pay poll taxes shall produce to the proper official a certificate showing that they have paid the said tax for the current year, before a licence may be issued to them. Receipt of poll taxes.

Lottery of claims.

26. Where it may appear to the Head of the Mining Department, on the proclamation of private farms and Government land, that the circumstances demand it, the Government may, with advice and consent of the Executive Council, award the claims by lot.

Lottery at Mining Commissioner's office.

27. The lottery shall comprise the registration of the names and the drawing of the lots.

After reading of proclamation.

The lottery shall take place in public, in or in front of the office of the Mining Commissioner, Landdrost or Responsible Clerk. It shall commence immediately after the proclamation of the public diggings has been read, and shall continue on that day, and, if necessary, on the following working days.

Who may participate.

Only those persons mentioned in Art. 25 who present themselves on the day of the throwing open at the above-mentioned office during office hours shall be entitled to obtain one lot per person free of payment.

Number of

The number of lots shall be the same as the number of persons who have applied in terms of the foregoing paragraph.

Blocks of four claims.

Blocks of four claims each shall be allotted.

Procedure.

The names of the persons wishing to participate in the lottery shall be placed in the Lottery Box No. 1, and the numbers of the blocks of claims in the Lottery Box No. 2.

Blank lots.

When the number of persons present who desire to participate in the lottery exceeds the number of blocks of claims, a sufficient number of blank lots shall be placed in Lottery Box No. 2, in order to make up the difference.

Manner of drawing lots.

The official mentioned in the second paragraph of this Article shall draw a lot out of the Lottery Box No. 2, while another official thereto appointed by the Head of the Mining Department shall draw one name out of the Lottery Box No. 1.

Each block of four claims that is drawn corresponding with the name of a person registered shall be allotted to that person. A blank lot which is drawn shall confer no right whatsoever.

Result of Lottery.

The result of the lottery shall be recorded and signed by both officials, and sent to the Head of the Mining Department within seven days.

Licences.

The licences shall be issued subject to the conditions hereunder provided.

Costs.

The costs of prospecting, survey, pegging according to paragraph 4 of Art. 14, and of the lottery of claims shall be paid in proportion to the number of claims, immediately on the issue of the licence, to the official under whose jurisdiction the claims are situated; in default of which the Mining Commissioner, Landdrost or Responsible Clerk shall refuse the licence.

If not paid.

These licences shall then be granted to the first applicant who has legally applied for same and who pays the costs.

Diagram.

28. The diagram mentioned in Art. 14, which shall furthermore indicate the position of the homestead grounds (werf), and that of the owner's and discoverer's claims, shall be affixed to the wall of the office of the official concerned during the lottery.

Owner of unproclaimed farm entitled to 90 claims and discoverer as per Art. 24.

29. If a farm or piece of land where precious stones are found is not proclaimed, the owner shall be entitled to ninety owner's claims, and the discoverer to the discoverer's claims mentioned in Art. 24 of this Law.

These claims shall be situate in one block and pegged according to lines, which shall run from north to south, and from east to west.

CHAPTER V.

Pegging of Claims.

30. The corner pegs or beacons of a claim shall be not less than three feet above the ground. Corner pegs.

These corner pegs or beacons shall not be less than three inches in diameter.

To every corner peg or beacon of claims shall be affixed a board of at least nine inches square, on which shall appear, written, printed or painted in a legible way, the official number of the claim, the name of the claimholder, the date of pegging, and the date of the licence, and the name of the mine, if there be one. Boards.

In the event of several claims being amalgamated into one block in accordance with Art. 33 of this Law, such block may be beacons off in the same way as a claim. Amalgamated blocks.

The corner boards shall plainly indicate the numbers of the claims, the names of the claimholders, the date of amalgamation, and the name of the mine, if there be one. Boards.

If during the working of the mine the beacons or pegs of blocks or claims become destroyed, and any doubt should arise in regard thereto, their position shall be fixed by a legally admitted surveyor, by connecting the survey with the beacons mentioned in Art. 14, paragraphs 4 and 5. If beacons destroyed.

31. Surveyors who are engaged in the survey of claims and other rights shall be entitled, for that purpose, to enter upon another person's land, after notice to the persons entitled to such land, or their representatives, if they are in occupation of such land. Surveyors: right to enter.

They shall furthermore have the right to place on such land the instruments and flags required for the survey. Instruments, &c.

Every person who prevents or obstructs them therein, or who places obstacles in the way of the survey, shall be punished with a fine not exceeding twenty-five pounds sterling, or, in default of payment, with imprisonment for a period not exceeding 14 days. Preventing or obstructing a surveyor.

CHAPTER VI.

Rights and Duties of Claimholders.

32. Every claimholder shall have the right to dig on his claim or claims for precious stones, and for that purpose to have stands for head gear, machinery stands, deposit sites, water-rights, and dwelling stands, in accordance with the provisions of this Law. Stands for machinery, water rights, &c.

Topases, garnets, olivines, zircons and other minerals, which are found in a claim in conjunction with diamonds, shall be considered as by-products, and shall belong to the claimholder. By-products.

33. When a claimholder or the joint claimholders of an amalgamated block have had their respective shares registered with the Mining Commissioner, Landdrost, or Responsible Clerk concerned, for the purposes of this Article, upon payment of ten shillings per claim, each one of them shall be at liberty to take out licences *de novo* for not more than four claims. When claimholder may peg afresh.

Buying and selling claims.

34. Every white person shall be allowed to buy or sell claims or portions of a claim, and with respect thereto the Law relating to the transfer of landed property shall be applicable.

Portions of claims registered.

Registration of the transfer of a portion of a claim may be effected, provided an approved surveyor's diagram of such portion of a claim be lodged in the office where the registration is to take place.

Considered a separate claim.

Such portion of a claim shall be considered as a separate claim for which full claim licence shall be paid.

Registration and stamp duties.

35. The registration of transfer of claims and portions thereof shall take place at the office of the Mining Commissioner, Landdrost or Responsible Clerk, while the same stamp duties shall be levied according to Law No. 5, 1882, and the amendments thereof.

Lapsed claims.

36. If a digger's licence lapses without being renewed on or before the due date, the claims for which this licence was issued shall not be pegged by another person, but shall revert to the Government, and such claims shall be dealt with as follows:—

Recovery of lapsed claims.

During three months after the due date the former holder of these claims shall have the right to recover his title to such claims by taking out new licences on payment of extra licence monies, equivalent to the amount of arrear licences.

If, however, the new licences are taken out by the former claimholder within fourteen days after due date, the amount of the licence monies for those days only shall be paid.

When claims lapse.

If the three months have expired without payment by the claimholder of all current, arrear and extra-licence monies, the rights to these claims shall lapse.

Public auction.

After expiration of the said three months the Head of the Mining Department shall be bound to sell these claims by public auction to the highest bidder or to cause them to be sold.

Notice of sale.

A notice of such public sale by auction shall be published in the *Staatscourant* and in a local paper, at least fourteen days beforehand.

If not sold.

If the claims are not sold at the public auction, such claims shall be considered as open ground seven days after the holding of the public auction, and may thereafter be taken up by any person entitled to do so.

Abandonment of claims.

37. When a person desires to abandon his claims he shall give notice thereof in writing to the Mining Commissioner, Landdrost or Responsible Clerk, before he shall have the right to take up new claims.

Sale.

The Head of the Mining Department shall sell or cause to be sold such abandoned claims within six weeks after the receipt of the notice of abandonment, by public auction to the highest bidder in terms of Art. 36, paragraph 6.

If not sold by public auction these claims shall be dealt with according to Art. 36, paragraph 7.

Claimholders on commando.

38. Any person who is on commando, or has personally complied with a summons for the purpose of preserving order and peace, shall have protection for his claim or claims during the period that he is on commando, or on the said special service, and in case of commando, for a further period of thirty days after his discharge from such commando, without such protection being specially granted, provided he shall give notice to the proper Mining Commissioner, Landdrost, or Responsible Clerk of such summons.

During the period of this protection the claim-holder shall be exempted from the obligations imposed on him as such by this Law, unless he has the claims worked by someone else.

39. The Mining Commissioner, Landdrost, or Responsible Clerk may grant provisional exemption from payment of claim, licence monies in case of the illness of the claimholders, or on account of the unhealthiness of the locality, or on account of the flooding of his alluvial claims : provided the work done on those claims previous to and at the time of the application for exemption be considered sufficient by the said authorities.

Exemption from payment of licence monies.

The official concerned shall send a full report as soon as possible relating to such case of exemption to the Head of the Mining Department, for the Government's final approval or disapproval.

Report sent to Government.

The time of exemption shall be determined according to the nature of every case, while nothing shall be charged for the granting thereof.

Terms.

40. In case claims belong to the estate of a deceased person, the three months fixed according to Art. 36, paragraph 2, shall be reckoned from thirty days after the executor has received the appointment, or the confirmation thereof, by the Orphan Master.

Claims of deceased persons.

After further regular compliance with the provisions of this Law, such claims shall be considered as assets of the estate, and shall be treated as such under the provisions of the Orphan Chamber Law.

41. In case any person acquires or tries to acquire more claims on a proclaimed field than he is entitled to according to this Law, he shall be punished with a fine not exceeding one hundred pounds sterling, or in default of payment, with imprisonment, with or without hard labour, for a period not exceeding six months, and moreover his rights to the last acquired claims shall be null and void.

Penalties for acquiring more claims than entitled to.

42. Every person who digs or prospects under the provisions of this Law shall be obliged to show his licence to the proper official, and in default thereof he shall be punished with a fine not exceeding three pounds sterling, or in default of payment, with imprisonment, with or without hard labour, for a period not exceeding one week.

Exhibition of licences to officials.

43. Any person who prospects or digs for precious stones, without being entitled to do so in terms of this Law, shall be punished with a fine not exceeding three hundred pounds sterling, or in default of payment, with imprisonment, with or without hard labour, for a period not exceeding twelve months.

Penalty for prospecting or digging illegally.

44. Any person who illegally appropriates diamondiferous ground shall be responsible for all damage caused to the lawful owner, and shall be fined an amount equivalent to three times the value of that which he has taken away, without prejudice to any criminal prosecution to which he exposes himself.

Illegally appropriating diamondiferous ground.

45. Where on the various proclaimed diggings a person or company, holder of claims, desires to construct a dam for the collecting of tailings or rain-water (provided it be not from an existing water-course, or spring, or deposit site for ground which has been worked out), to

Mining Commissioner may grant permission for construction of dams, &c.

lay down a main, pipe or other conductor, for the bringing of water to his or its machinery stand, or deposit site, or to construct a roadway for the conveyance of quartz or material from the claims to the machinery stand, or deposit site, whether it be for ordinary wagons drawn by draught animals, or for so-called trucks propelled along rails, or aerial railways, provided these be not propelled by steam or electricity, the Mining Commissioner may grant permission for that purpose.

When application in writing.

If such aqueducts, ordinary roads or truckrails and aerial railways go over the claims, aqueducts, streets, railways, aerial railways and tramways, or stands of other persons, then the applicant shall, in order to obtain the necessary permission for the construction and exploitation of the same, make written application, accompanied by a surveyor's diagram, to the Mining Commissioner concerned. This application shall be published for one month in the *Staatscourant*, and in one of the local newspapers by and at the expense of the applicant, for the information of parties, who shall within that period send in their objections and claims for compensation to the Mining Commissioner concerned.

Penalties in case of such construction without permission.

Any person constructing such aqueducts, dams, ordinary or truck roads, and aerial railways, over the claims, aqueducts, streets, railways, aerial railways, tramways, stands, or deposit sites of other persons, without having obtained the Mining Commissioner's permission to do so, shall be punished with a fine not exceeding £10, or in default of payment with imprisonment for a period not exceeding six weeks, without prejudice to the right of the owner or owners of the surface to compensation. The amount of such compensation shall be determined by two arbitrators. One of them shall be chosen by the applicant and the other by the interested party. Should the arbitrators differ the Mining Commissioner shall act as umpire.

Compensation determined by arbitration.

Laying conductors for transmission of electric currents.

46. The Government may, by special agreement, grant provisional permission, subject to the approval of the Second Volksraad, to lay conductors for transmission of electric currents for the use of the mines and mining works.

Fencing claims, &c.

47. Every claimholder shall have the right to fence in his claims, stands for head gear, machinery stands, and deposit sites, in such manner as he deems fit.

CHAPTER VII.

Stands for Head Gear, Machinery Stands and Deposit Sites.

Machinery.

48. Every claimholder shall have the right to erect machinery on his own claims for the purpose of working the same.

Accumulation of debris.

It shall not be lawful to allow washed ground to accumulate on claims.

Elevator, machinery and deposit sites.

49. Every claimholder shall be entitled to one stand for head gear, machinery stand, and deposit site, on the proclaimed ground, outside the diamondiferous grounds.

50. The superficial area of a stand for head gear shall not exceed 2,000 square feet for the first claim, to which shall be added :—

Superficial area.

1,000 square feet per claim for the following 3 claims.

500 " " " " " " " " 20 "
and 250 " " " " " " " " for every claim above the number of 24 claims.

The stands for head gear shall be used for the erecting of hoisting gear and machinery in connection therewith.

The area of ground outside the diamondiferous ground shall be reserved exclusively for these stands for head gear, provided, however, that a space of at least 50 feet shall be left open between the diamondiferous ground and the stands for head gear, and that no such stands be granted outside an area fixed by the Mining Commissioner, or the official concerned, with advice of the State Mining Engineer.

51. The superficial area of a machinery stand on which any sort of machinery may be erected for the working of the claims, for washing and sorting of the ground, shall be reckoned at the rate of 100 feet square per claim.

Machinery stands : size.

52. The superficial area of a deposit site shall be reckoned at the rate of 250 feet square for every claim.

Deposit sites : size.

53. Applications for stands for head gear, machinery stands, and deposit sites shall be made to the Mining Commissioner, Landdrost or Responsible Clerk concerned.

Application to be made to Mining Commissioner. Stamps, diagrams.

Every application shall bear stamps to the value of five shillings, while diagrams in quadruple shall be attached thereto, signed by an admitted surveyor, who shall beacon off the ground with pegs at least three feet above the ground with a diameter of at least three inches.

The Mining Commissioner, Landdrost or Responsible Clerk shall grant the application for a stand for head gear, machinery stand, or deposit site, after having convinced himself that it does not infringe the rights of other persons.

As soon as the application has been granted the applicant shall beacon off the ground with beacons of masonry at least four feet high and three feet square at the bottom, to which a board shall be attached, showing the name of the holder and the nature and the official number of the right that has been granted.

Beacons.

Special care shall be taken that no such stands or deposit sites are issued on ground which is known to be diamondiferous.

Diamondiferous ground excluded. Exemption from payment of licence money.

No licence monies shall be paid for stands for head gear, machinery stands, or deposit sites. The rights to these shall lapse with the claims to which they belong.

54. Persons, not being claimholders, who desire to rewash ground that has already been worked, may under the provisions of this Law acquire a right to the machinery stands and deposit sites required for the purpose, on payment of a monthly licence reckoned at the rate of ten shillings for the rights to machinery stands and deposit sites, as fixed for a claim.

Non-claimholders rewashing tailings, stands for.

Such rights shall be subject to the same provisions as regards lapsing as are laid down for the lapsing of claims.

Provisions for lapsed claims applicable.

The lapsed rights to such machinery stands and deposit sites shall not be sold, but application may be made for them immediately after the expiration of the three months mentioned in Art. 36 of this Law.

Not sold.

CHAPTER VIII.

Water-rights.

Distribution of water. Mining Commissioner makes regulations.

55. With regard to the distribution of water on fields proclaimed under this Law, it shall be left to the Mining Commissioner or Landdrost concerned, subject to the approval of the Government after consultation with the Head of the Mining Department, to make such regulations regarding the distribution of water as may be considered fair and reasonable according to the circumstances of such field, regard being had to all rights of private owners.

No proprietary rights in.

It is expressly declared that claimholders shall not have any proprietary right to the water of any river, watercourse, or canal, under any circumstances whatsoever. The claimholders shall only have the right to use the water according to the provisions of the Law or Regulations, and, therefore, in cases where damages have to be paid, the value of the water shall not be taken into consideration.

Special water-rights.

The Government may, by agreement, grant special water-rights on Government land, and also in the general interest on proclaimed private land.

Claimholders and washers may obtain water-rights.

56. Claimholders, and holders of machinery stand and deposit site rights, who rewash ground that has already been worked, shall be entitled to obtain water-rights.

Application for water-rights.

57. Applications for water-rights shall be made to the Mining Commissioner or Landdrost, and each application shall bear a stamp of the value of five shillings, and shall be accompanied by plans in quadruple prepared by an admitted surveyor, and shall contain such connections and particulars as the Surveyor General shall desire.

Plans.

Form of application.

The applications shall be made in such form as shall be laid down by the Head of the Mining Department from time to time, and all the particulars therein required shall also appear on the plans.

Notice.

A notice of these applications shall be published by the applicant three times in the *Staatscourant*, and once in a local newspaper.

Diagrams approved.

The same provisions with regard to the validity and cancellation of erroneous diagrams, laid down in Law No. 9, 1891, and Law No. 7, 1897, shall apply to diagrams to be approved of under this Article or diagrams of water-rights already confirmed by the Surveyor General.

Application to lie for inspection.

This notice shall be issued by the Mining Commissioner or Landdrost in the form prescribed by the Head of the Mining Department.

Hearing of parties.

The application with plans shall, for one month after publication in the *Staatscourant*, lie at the office of the official concerned for inspection by interested parties, who may send in their objections to the Mining Commissioner or Landdrost within that period.

Granting in whole or in part.

Should the Mining Commissioner or official concerned, after hearing the parties, find these objections groundless, he may grant the application.

No larger water-right than necessary.

If, however, he finds the objections to be well-founded, the Mining Commissioner or official concerned shall decide whether the water-right shall be granted to the applicant or not, either wholly or in part, and if so, to what extent.

Particular care should be taken that no larger water-right be granted than is necessary for the purposes of the applicant.

From the decision of the Mining Commissioner or Landdrost an appeal may be made, within fourteen days, to the Head of the Mining Department, whose decision shall be final.

Appeal to Head of Mining Department.

58. All grants of water-rights shall be forwarded to the Head of the Mining Department, accompanied by a copy of the application, plans, and a copy of the local newspaper in which the publication appeared, and also the report of the Mining Commissioner or official concerned regarding the desirability or otherwise of the confirmation, and with regard to the consideration of objections, if there were any.

All grants of water-rights sent to Head of Mining Department.

No water-right shall be considered valid unless confirmed by the Head of the Mining Department.

Water-right confirmed by Head of Mining Department.

After confirmation the water-right shall be marked out by beacons of masonry, three feet square at the bottom and four feet high, on which a board shall be placed, with the name of the owner and the official number of the water-right, either printed or painted thereon.

Water-rights marked out by beacons.

59. On all water-rights intended or used for motive power the sum of 1s. per month shall be paid for each horse-power, not exceeding 10 horse-power, and 2s. 6d. per month for each horse-power above 10 horse-power.

Water-rights for motive power.

The licences for claims or machinery stands and deposit sites to which a water-right is attached, upon which payment must be made according to the foregoing paragraph of this Article, shall not be renewed unless the monies due on the water-right have been duly paid.

Renewal of licences refused.

60. On the lapsing of claims, or the lapsing of the rights to machinery stands and deposit sites of persons who are re-working ground already worked before, the water-right granted for the same shall also lapse.

Lapsing of water-rights.

The last holder of such water-right shall, however, for a period of one month after the date on which the above-mentioned right lapsed, have a preferent right to recover the water-right for the working of other claims or ground already worked belonging to him, provided he sends in an application for the same to the Mining Commissioner or official concerned.

Recovery by last holder.

61. A water-right may also, on the representation of the Mining Commissioner or Landdrost, be declared by the Head of the Mining Department to have lapsed when, within two years after the confirmation thereof, the machinery for which the water-right was applied for is not in working order, or when no proper use is made of the water-right.

Head of Mining Department may declare water-right lapsed.

62. No claimholder or holder of rights to machinery stands, and deposit sites, shall have the right to dam up water for his own use, unless a water-right has been taken out by him in terms of this Law.

The damming up of water prohibited.

Water obtained by artificial means, for instance, by boring or sinking, shall not fall under the provisions of the foregoing paragraph.

Provisions not applicable to water obtained by artificial

CHAPTER IX.

Stands.

Stands for public buildings.

63. On proclaimed private land the Government shall have the right to reserve, without payment, as many stands of such size and in such position as may be necessary for other public buildings, deposit sites, sanitary purposes, burial grounds, and such like.

Consultation with owner.

These stands shall be selected, on behalf of the Government, by the Mining Commissioner, Landdrost, or Responsible Clerk, if possible after consultation with the owner of the ground.

Special care shall be taken that such stands are not situate on diamondiferous ground.

Diagrams of these stands shall be framed by an admitted surveyor at the Government's expense.

Buildings Government property.

The buildings erected on such stands shall remain the property of the State.

Stands for dwelling purposes.

64. Every claimholder shall be entitled to a stand for dwelling purposes on the proclaimed land, in extent 50 feet square.

If he has in his service, for the purpose of working his claims, more than one white or coloured person, then the size of the dwelling stand shall be computed at the rate of 500 square feet for every additional white employee and 200 square feet for every additional coloured employee.

No licence money.

The dwelling stands, in terms of this Article, shall be exempt from the payment of licence monies.

Workers of washed ground.

Any person who works washed ground anew (Art. 54) shall have the same rights as a claimholder with regard to this Article.

Applications for such dwelling stands shall be sent in to the Mining Commissioner, Landdrost, or Responsible Clerk concerned, and each application shall bear a stamp of the value of five shillings, and shall be accompanied by plans in quadruple, signed by an admitted surveyor.

The Mining Commissioner or official concerned shall grant the dwelling stands after he has satisfied himself that they do not infringe the rights of other persons.

Special care shall be taken that such stands are not granted on ground that is diamondiferous.

Lapsing.

The rights to dwelling stands, mentioned in this Article, shall lapse with the claims or with the rights to machinery stands or deposit sites to which they belong.

Shops and houses, &c.

65. Every person who desires to erect on a proclaimed field, shops, or houses, or dwellings, may make application for one or more stand licences.

50 feet square.

Each licence shall entitle him to a piece of ground 50 feet square.

Licence money.

The licence money for such a stand shall amount to seven shillings and sixpence per month.

No stands on diamondiferous ground.

For stands, mentioned in this Article, the official concerned shall fix certain localities, subject to the approval of the Head of the Mining Department, but not on diamondiferous ground, and no such stand shall be granted outside these localities.

Survey.

The Head of the Mining Department shall, on the recommendation of the Mining Commissioner, Landdrost, or Responsible Clerk, after

consultation with the Government, cause a survey to be made of such localities by an admitted surveyor, and such survey shall define the situation of all existing stands, which shall be properly numbered and laid out in blocks, bounded by streets and squares.

The surveyor shall send in a proper diagram, on which shall be indicated all surveyed stands with their respective numbers.

Applications for such stands, giving the number as it appears on the official diagram, shall be sent in to the Mining Commissioner, Landdrost or Responsible Clerk, and shall bear a stamp of the value of five shillings. Applications.

If a stand licence is not renewed at the proper time the holder of the stand licence shall have the right within a period of three months thereafter to recover his stand under a new licence, on payment of all arrear licence monies, and, as a fine, a sum equal to one-fourth of the arrear licence monies (extra licence monies). Recovery by former licence holder.

Should, however, the new stand licence be taken out by the previous licence-holder within 14 days after due date, then only the licence monies for those days need be paid.

If such stands are not recovered by the previous holder within the said three months, the Head of the Mining Department shall cause the preferent right to (lease of) such stands to be sold by public auction, under supervision of the Mining Commissioner, of which sale notice shall be given at least one month beforehand in the *Staatscourant* and in a local newspaper. When, by public sale of the preferent right to (lease of) a stand, the proceeds exceed the amount of arrear and extra licence monies, the balance shall be refunded to the former holder. If unsaleable, the stand shall be at the disposal of the Government. Sale by public auction.

The Head of the Mining Department shall, however, be bound to hand back the stand or stands mentioned to the former holder or holders before such sale takes place, if the latter makes or make application for the same, on payment of all arrear and extra licence monies, and the costs incurred in connection therewith. When stands returned to former owner.

66. The transfer of stands or portions thereof shall be subject to the same provisions as prescribed in this Law for the transfer of claims or portions thereof. Transfer of stands.

CHAPTER X.

Special Registration.

67. Every claim, portion of a claim, and every amalgamated block of claims, together with the stands for head gear, machinery stands, deposit sites, and dwelling stands, which belong thereto, may be specially registered in the manner hereunder set forth. Special registration of claims, amalgamated blocks, &c.

68. Persons who desire to have their claims or blocks of claims specially registered shall, for that purpose, make application to the Mining Commissioner or Landdrost in the manner hereunder prescribed. Application.

These applications shall bear stamps to the value of five shillings, and shall be accompanied by diagrams compiled in quadruple by an admitted surveyor, showing the situation of the claim or claims, the stands for head gear, machinery stands, deposit sites, and dwelling stands to which they belong. Stamps and diagrams.

Notice of hearing.

The official concerned shall thereupon issue a notice to the applicant wherein the day and date fixed for the hearing of the application are stated.

Publication.

This notice shall be published at the expense of the applicant once in the *Staatscourant* and twice in a local newspaper.

One month between date of publication and hearing.

There shall be a period of at least one month between the date of the publication in the *Staatscourant* and the date of the hearing of the application.

Inspection.

During the same period of at least one month the application and diagram shall lie for public inspection at the office of the official concerned.

Objections.

Objections in writing against the application shall be handed in to the official concerned before the date fixed for the hearing of the application.

Every notice of objection shall bear stamps to the value of five shillings.

Granting the application.

If no objections have come in, and the applicant has complied with the provisions of the Law, the official concerned shall grant the application.

Special registration refused.

If a notice of objection has been received by the official concerned in time before the hearing, the special registration shall not be granted for the time being.

Legal proceedings.

Within ten days after notice of objection the person who objects shall take legal proceedings against the applicant in a competent Court to have his objection declared valid: if he fails to do this, his objection shall be considered null and void.

Certificate of special registration.

69. If the application for special registration is granted, such registration shall be effected in a special register opened for that purpose, the form of which shall be prescribed by the Head of the Mining Department, and a certificate of the special registration shall be issued to the applicant.

This certificate shall bear stamps to a value calculated at ten shillings per claim.

No certificate shall be issued unless all monies due on the claim or claims are paid.

Mortgage on specially registered claims. Provisions.

70. A mortgage may be effected on specially registered claims in the same manner as on landed property.

The same provisions as laid down with respect to mortgage on landed property shall apply in this respect.

Stamp duties.

The stamp duties as fixed by law for immovable property shall also be applicable here.

Art. 36 not applicable.

71. Art. 36 shall not be applicable to specially registered claims.

Payment of arrear licences.

In case the licence monies due on such claims are six months in arrear, the Mining Commissioner or Landdrost shall immediately after the expiration of the six months demand payment thereof, per registered letter to the claimholder, and by publication in the *Staatscourant* and in a local newspaper.

Sale of claims and lapse of special registration.

If the payment of all due licence monies is not made within three months after date of publication of the demand, the Government shall

sell such claims by public auction in terms of Art. 36, paragraphs 5, 6 and 7, in which case the special registration of such claims shall lapse.

Out of the proceeds the amount due to the Government shall first of all be paid. An amount of two pounds ten shillings per claim shall be charged to these monies for costs, and thereafter the amount due under mortgage upon such claim or claims shall be handed over to the mortgagee. Proceeds.

If the sale of the claim or claims realises more than the amount of the fines and the debts secured by mortgage, then half of the surplus amount shall be paid to the owner of the farm, and the other half shall be paid into the Public Treasury. Surplus.

72. The provisions made in this chapter shall be applicable to dams, mains, pipes or other aqueducts, to roads, truck roads and aerial railways, as mentioned in Arts. 45 and 46, to machinery stands and deposit site rights mentioned in Art. 54, to water-rights. and to stands mentioned in Art. 65. Provisions applicable to dams, pipes, &c.

The value of the stamps to be affixed according to Article 69, paragraph 2, shall be reckoned at ten shillings for every dam, main, pipe or other aqueduct, every road, truck road or aerial railway, for every machinery stand and deposit site right, according to the method of computation per claim under Arts. 51 and 52 of this Law, for every water-right and for every stand. Stamp duties.

CHAPTER XI.

Working of the Claims.

73. The Government shall have the right, when it considers such desirable in the public interest, to compel the holders of one or more claims under the provisions of this Law to work their claim or claims, or to cause the same to be worked. Compulsory working of claims.

74. In the case mentioned in the foregoing article the Mining Commissioner or Landdrost shall call upon the claimholder concerned by registered letter, or should the claimholder's address be unknown, then by publication in the *Staatscourant*, to work his claim or claims properly, according to his orders within a period to be fixed by him, being not less than six months. Notice by Government to claimholder.

75. If the claimholder after the expiration of the period mentioned in the foregoing Article, after notice from the Mining Commissioner or Landdrost, fails to work his claim or claims as prescribed, then the official concerned shall give the claimholder notice that his claim or claims have been declared forfeited to the State and that they will be sold publicly in the manner prescribed in Art. 36 of this Law. If unsaleable, these claims shall be dealt with as laid down by the last paragraph of the said Article. Forfeiture of claims to the State.

76. There shall be an appeal to the Head of the Mining Department from any order of the Mining Commissioner or Landdrost in connection with the compulsory working of claims, within fourteen days, and from such decision of the Head of the Mining Department there shall be an appeal within one month to the State President, who shall decide finally, and who shall have the right before deciding to appoint a commission of inquiry, which commission shall be obliged to report to him. Appeal.

Appeal to
President
in writing.

77. The appeal to the State President shall be made in writing, and shall bear stamps to the value of £25. Pending the State President's decision no further steps shall be taken against the claimholder in the matter of the compulsory working of the claims.

CHAPTER XII.

Owner's Rights.

(Werf)
homestead
grounds
reserved by
owner.

Water for
owner.

Quantity.

Used for other
purposes also.

Water during
terms of lease,
servitude, &c.

Owner's
claims.

Owner
receives half
of all licence
monies.

Also half
licence monies
of owner's and
discoverer's
claims.

Rights remain
to the owner
in the absence
of special
agreement.

Notarial
deed duly
registered.

Lessee may
renew
owner's
claim.

78. If private land is proclaimed a public diggings, or is added on to another field already proclaimed, the owner shall have the right, after consultation with the Government, to reserve portions of land for "homestead grounds" (werf).

A sufficient quantity of water shall be left free for the use of the owner, his family and his stock, and for the irrigation of the "homestead grounds" (werf) existing at the time of the proclamation.

The quantity of water required for these purposes shall, by order of the Head of the Mining Department, be gauged and then fixed by him before the proclamation.

Thereafter this water, so gauged, may also be used by the owner for other purposes, or disposed of.

Lessees, servitude holders and others entitled to water, shall retain their rights to such water during the term of their lease, servitude or other right, to an amount fixed in the same way as laid down in paragraph 2 of this Article.

79. The owner shall have the right to owner's claims as provided by Arts. 23 and 29 of this Law.

80. The owner shall be entitled to half of all licence monies paid for owner's claims, discoverer's claims, and ordinary claims, in terms of Arts. 23, 24 and 25, of the extra licence monies paid in terms of Art. 36, of the ordinary and extra licence monies paid for machinery stand and deposit site rights in terms of Art. 54; of the licence monies paid for water-rights in terms of Art. 59; of the proceeds of the public sale of ordinary and registered claims, after deduction of the costs in terms of Arts. 36, 71 and 75, and three-fourths of the stand licence monies paid in terms of Art. 65.

The owner shall be entitled to half of the licence monies paid for owner's and discoverer's claims mentioned in Art. 29.

81. In case the owner of a farm or piece of land leases or sells in one way or another the mineral rights thereon, it shall be understood that, unless special provisions thereanent are made in the contract of lease or the deed of sale, the rights granted by the preceding Article shall remain to the owner of the farm or piece of land.

The owner's claims shall be given out to the purchaser or lessee of the mineral rights only if the lease or agreement is embodied in a notarial deed and registered.

The owner's claims may be renewed in favour of the lessee of the mineral rights, but only so long as he remains the lessee.

After termination of the lease or after the lapse of the claims in terms of Art. 36 or Art. 71, the owner of the land shall be entitled to the owner's claims, provided he also accepts the responsibilities of the existing mortgage bonds.

After lapse of claims or lease owner gets owner's claims on acceptance of payment of existing mortgage bonds.

CHAPTER XIII.

Committee of Management.

82. The State President, with the advice and consent of the Executive Council, shall at all times have the power to make and to bring into operation regulations for the election of digger's committees on any diamond diggings where he may consider such necessary, and to determine the duties, rights and power of such digger's committees, and to cause regulations to be drawn up for the working thereof.

Digger's Committees.

The State President as before mentioned may determine whether such a digger's committee shall be elected for one or more diggings in such manner as he shall consider desirable, and also whether and when a digger's committee shall be abolished and dissolved.

President makes regulations.
Abolition of Digger's Committee.
Regulations force of Law.

Such regulations shall have force of law fourteen days after publication in the *Staatscourant*, and shall be submitted for the consideration of the Second Volksraad in its first ensuing session.

CHAPTER XIV.

Kafir Dwellings (Compounds).

83. When the coloured persons, who work in the mines for precious stones, are kept in the compounds for a certain time, without their being permitted to leave such compounds for any other purpose than to perform mining work, the provisions of this Chapter shall be observed.

Native compounds.

84. No coloured person shall be kept in the compound against his will, except only for the completion of a contract voluntarily entered into by him. No contract of this nature shall be valid for longer than six months. Such contract may, however, be renewed.

No compulsory keeping of natives in compounds

85. The payment of the wages to coloured labourers shall only be made in current hard cash.

Payment of wages.

86. When a claimholder desires to erect a compound he shall be obliged to give notice thereof to the Mining Commissioner or Landdrost, accompanied by plans in duplicate, and also draft regulations for the arrangement of the compound, sanitary measures and visitation of of coloured labourers.

Erection of compounds.

The Mining Commissioner or Landdrost with the Inspector of Mines of the field concerned shall examine these applications and forward them with their recommendation to the Head of the Mining Department for decision and confirmation.

Mining Commissione and Mine Inspector examine and report

87. Notwithstanding the provisions of Law No. 6, 1882, Art. 2, and of the Law relative to Trading on Mining Areas, goods may be delivered in the compounds on the Diamond Fields to the coloured

Trading on mining areas.

persons dwelling therein by the claimholder, to whom the compound in question belongs : provided, however :—

Shopkeepers of the district deliver goods by monthly turns.

Selling price.

(a.) That all articles for trade in the compounds be delivered by the shopkeepers in the district where such mine is situated every month in turns.

(b.) That the sale in the compounds shall take place for the actual selling price of the goods and without profit ; the selling price of the goods not to be higher than the average price prevailing in the district.

Lists of names of shopkeepers.

88. Before the opening of such shop businesses the Mining Commissioner or Landdrost concerned shall, in consultation with the owner of the compound, make up a list of the names of shopkeepers from whom goods may be purchased in monthly turns.

Regulations of sale to be approved by Mining Commissioner.

The regulations under which the sale to Kafirs in the compounds shall take place shall be submitted to the Mining Commissioner or Landdrost for approval.

Proper books to be kept.

89. Claimholders, who in terms of the foregoing Article carry on shop businesses in their compounds, shall keep proper books, and shall keep the bills of lading, invoices, and other documents showing all particulars of the goods bought and sold, ready and always open to inspection by the official thereto authorised.

Sale of spirituous liquors forbidden in compounds.

90. In no case shall it be lawful to sell, exchange, or in any other manner provide the coloured persons in the compounds with spirituous liquor.

Mining Commissioner sees to the observance of provision.

91. The Mining Commissioner or Landdrost shall be specially entrusted with the supervision of the proper observance of the provisions of this Chapter. He shall have the right to empower his subordinate officials to take his place for this purpose. Such authorisation shall be made in writing.

CHAPTER XV.

Trading in Diamonds.

No possession of or trade in diamonds unless authorised.

92. It shall not be lawful for any person, firm, syndicate or company to be in possession of or to trade in diamonds, unless specially authorised thereto by this Law.

The word "diamonds" shall signify "uncut diamonds."

For the purposes of this Law the word "diamonds," whenever used, shall be taken to signify "uncut diamonds."

Trading in diamonds.

For the same purpose the expression "trading in diamonds" shall signify the following :—

The buying, dealing in, importing, exporting, receiving as a gift, in exchange or as a pledge, the selling, exhibiting for sale, offering for sale,

for exchange or as a pledge, the disposing, or delivering, for whatsoever purpose, of one or more diamonds; the acting as principal, agent or in any other capacity in such buying, dealing in, importing, exporting, receiving, selling, offering for sale, exhibiting, disposing or delivering, of one or more diamonds.

93. The persons, firms, syndicates or companies specially authorised to be in possession of and to trade in diamonds shall be the following :

Persons authorised to trade in diamonds and to possess.

Registered claimholders and prospectors.

Banks licensed and registered.

Licensed diamond dealers.

Licensed diamond brokers.

- (1.) All registered claimholders and holders of prospecting licences, with this proviso, that their right to trade shall be limited to diamonds found in their claims or prospecting grounds.
- (2.) All holders of Bank licences properly registered according to the Laws of the South African Republic.
- (3.) Any person properly registered as the holder of a diamond dealer's licence.
- (4.) Any person properly registered as the holder of a diamond broker's licence.

With this proviso, however, that the said registered claimholders and licence holders shall comply with the special provisions laid down in this Chapter, and that they shall only trade in such diamond or diamonds of which they are the *bona fide* owners, or of which they are in lawful possession, and such registered claimholders, bankers or licence holders may at any time be called upon to produce proof thereof.

94. A diamond cutter's licence may be issued to any person who wishes to exercise the calling of a diamond cutter, with this proviso, that such person shall have no right to trade in diamonds as set forth in Art. 92 of this Law.

Diamond cutter's licence carries no right to trade in diamonds.

Such a licence shall only entitle the holder to receive one or more diamonds, and to keep the same for the purpose of his calling for such a period as may reasonably be necessary for the completion of his work.

95. Any person in whose possession one or more diamonds are found, and who cannot prove that he is the lawful owner or has in a lawful way come into possession of such diamond or diamonds according to Arts. 93, 94, and 118 of this Law, or any person who shall be convicted of trading in diamonds, and not falling under the provisions of Art. 93 of this Law, shall, upon conviction, be punished with a fine not exceeding two thousand pounds sterling, or with imprisonment, with or without hard labour for a period not exceeding ten years, or with both fine and imprisonment.

Penalty for illegal possession or trading.

The diamonds found in his possession shall, by order of the Judge who pronounces the sentence, be returned to the owner, if he be known, and otherwise be declared forfeited to the State and be sold by public auction.

Diamonds returned to the owner or sold for benefit of the State.

96. Any registered claimholder, holder of a bank licence, holder of a prospecting licence, holder of a diamond dealer's or diamond broker's licence, who shall trade in diamonds with any person, firm, syndicate or company, not authorised thereto under the provisions of this Law, or who shall hand over one or more diamonds to the holder of a diamond

Licensed bankers, &c., trading with any person, &c.

cutter's licence for any other purpose than the cutting thereof, shall, upon conviction, be punished with the punishment provided in Art. 95 of this Law and any kind of licence held by him at that time shall be declared cancelled.

Diamond cutter receiving diamonds for other purposes than cutting.

97. The holder of a diamond cutter's licence who shall receive one or more diamonds for any other purpose than the cutting thereof, shall, upon conviction, be punished with the punishment provided in Art. 95 of this Law, and his licence shall be declared cancelled.

Diamond dealer's licence.

98. A diamond dealer's licence shall bear stamps to the value of one hundred pounds sterling for an annual licence, and thirty pounds sterling for a quarterly licence.

Form A.

Such a licence shall be made out according to form "A" hereafter set out.

Diamond broker's licence.

A diamond broker's licence shall bear stamps to the value of twenty-five pounds sterling for an annual licence, and seven pounds ten shillings sterling for a quarterly licence.

Form B.

Such a licence shall be made out according to form "B" hereafter set out.

Diamond cutter's licence.

A diamond cutter's licence shall bear stamps to the value of ten pounds sterling for an annual licence, and three pounds sterling for a quarterly licence.

Form C.

Such a licence shall be made out according to form "C" hereafter set out.

Applicants must deposit Field-Cornet's certificate.

99. Any person applying for a diamond dealer's, diamond broker's or diamond cutter's licence shall first deposit with the Mining Commissioner, Landdrost or Responsible Clerk, a certificate from the Field-Cornet of his ward in accordance with the form "D" hereafter set out.

Form D.

Dishonouring sentence.

Nobody shall obtain a licence if any dishonouring sentence has been pronounced against him, either in this or any other country.

No holder of liquor licence may obtain above licences.

No person shall obtain a licence who is already the holder of any liquor licence.

Applicant must prove his fitness and qualification.

It shall not be lawful for the Field-Cornet to sign and issue the certificate form "D," unless the applicant has satisfied him that he is a fit and proper person to carry on the business of a diamond dealer or diamond broker, or that he possesses the necessary knowledge and skill for the cutting of diamonds.

Surety for diamond dealers and brokers.

The applicant for a diamond dealer's or diamond broker's licence shall give security to an amount of two thousand pounds sterling, in two sureties for one thousand pounds sterling each, to the satisfaction of the Mining Commissioner, Landdrost or Responsible Clerk.

Surety for diamond cutters.

The applicant for diamond cutter's licence shall give security to an amount of five hundred pounds sterling, in two sureties for two hundred and fifty pounds sterling each, to the satisfaction of the Mining Commissioner, Landdrost or Responsible Clerk.

Cancellation of licences obtained under false pretences.

100. Any person who has obtained a licence under false pretences, or by concealment of such facts as, if known, would have led to the refusal of the licence, shall, on conviction, be punished with the

punishment provided in Article 95, and all licences held by him under this Law shall be declared void, and the holder of any liquor licence shall moreover lose his liquor licence.

101. All quarterly licences, irrespective of the date of issue, shall expire on the last day of each quarter, these days being, respectively, 31st March, 30th June, 30th September and 31st December, and all yearly licences, irrespective of the date of issue, shall expire on the 31st December.

Termination of quarterly and annual licences.

102. Every licensed diamond dealer, diamond broker or diamond cutter, shall keep an office or place of business, which shall be described in his licence, and at the entrance door of his office or place of business, above or at the side thereof, in a conspicuous place, he shall affix a signboard bearing his name or that of the firm, syndicate or company, and the words "Licensed Diamond Dealer," or "Licensed Diamond Broker" or "Licensed Diamond Cutter," as the case may be, thereunder.

Offices and signboards.

The letters of such a signboard shall be plainly legible, and at least two inches high.

Legible letters.

Every licensed diamond dealer, diamond broker or diamond cutter, who does not comply with these provisions, shall be liable to a fine not exceeding one hundred pounds sterling, or in default of payment, to imprisonment for a period not exceeding six months, and the licence held by him may be suspended for such period as the Court may determine.

Penalties.

103. It shall not be lawful for any licensed diamond dealer, diamond broker or diamond cutter to conduct his business in any other place than the office or place of business described in his licence, and any person found guilty of contravening the provisions of this Article shall be liable to the penalties provided in Art. 95 of this Law, and his licence may be withdrawn.

No business to be conducted in other office.

104. It shall not be lawful for any licensed diamond dealer, diamond broker, or diamond cutter, to remove his office or place of business, unless the Mining Commissioner, Landdrost or Responsible Clerk concerned issues a certificate authorising such removal.

No removal of office unless officially authorised.

Any person guilty of contravening this Article shall be subject to the penalties provided in Art. 102 of this Law.

Penalties.

105. Every person, firm, syndicate or company mentioned in Art. 93 and 94 of this Law, shall be compelled to exhibit his licence to any official authorised to inspect such licences, and also to any official authorised thereto in writing by the Mining Commissioner, Landdrost, or Responsible Clerk concerned.

Inspection of licences.

Any person, firm, syndicate, or company, refusing to show his or its licence to the person authorised in writing to inspect the same, shall be liable to the penalties provided in the last paragraph of Art. 102.

Refusal to exhibit.

106. It shall not be lawful for any person, firm, syndicate, or company to hold more than one licence as set forth in Art. 98 of this Law.

Only one licence to be held.

All diamonds registered.

107. All diamonds imported into or produced in this State shall be registered with the Mining Commissioner, Landdrost or Responsible Clerk.

Registration time for.

Such registration shall take place within forty-eight hours after the importation, and in case of production, a true copy of the register mentioned in Art. 110 shall be sent in weekly to the above-mentioned official.

Certificate in form "E."

The official concerned shall, after registration, issue a certificate to the person concerned, showing all particulars mentioned in Form "E" hereafter set out, on payment of one half per cent. of the value of such registered diamonds.

Experts for valuation.

The official entrusted with the registration shall be at liberty to call in a sworn expert to value the diamonds, and if the value declared by the owner is 25 per cent. lower than the valuation of such expert, the costs of valuation shall be borne by the owner.

Inquiry *re* registration.

The official with whom the registration shall take place shall at all times have the right to inquire or to cause an inquiry to be made as to whether all diamonds produced or imported within his jurisdiction have been properly and accurately registered.

Penalties for fraudulent registration.

Should it appear from such inquiry that any claimholder, holder of a bank licence, or licence mentioned in Art. 98, paragraphs 1, 2 and 3 of this Law has failed to effect the registration above-mentioned, or has made a false registration, or has registered diamonds whereof he is not in lawful possession, such person shall be liable to the penalties provided in Art. 95 of this Law : moreover his licence may be suspended for such period as the Court may deem fit, and such diamonds as shall be proved not to have been registered, or to have been registered falsely, shall, by order of the Judge who passes the sentence, be given back to the owner, if he be known, or otherwise declared forfeited in favour of the State and be sold by public auction.

Certificate of export.

108. No diamonds shall be imported into this State unless the importer file a certificate of export with the official mentioned in the first paragraph of Art. 107, signed by the proper official in the State or Colony from which such diamonds have been imported, and a sworn declaration to the effect that the certificate is authentic, and that the diamonds in question are the same as those mentioned in the certificate.

Penalties.

Any person contravening the provisions of this Article shall be liable, upon conviction, to the penalties provided in Art. 95 of this Law, and the diamonds thus found and not registered shall, moreover, be declared forfeited, and sold by public auction.

Broker's certificate.

109. Every licensed diamond broker shall, on entering into any transactions, give the seller a certificate of sale, and the buyer a certificate of purchase, both properly stamped according to law, and made out according to form hereafter set out.

All other persons also to grant certificates of purchase or sale.

All other persons, firms, syndicates, or companies, appearing under the provisions of Art. 111 of this Law, shall on entering into any sort of transaction, give the buyer a certificate of purchase, or the seller a certificate of sale made out in the manner prescribed in the first paragraph of this Article.

Particulars of certificates.

All these certificates shall show the following particulars :—

1. The total weight of the parcel of diamonds bought or sold, and the total price.

2. The total weight and the price per carat of all diamonds under 10 carats each.
3. The number of diamonds weighing 10 carats or upwards, the price thereof per carat, and their total price.
4. A separate description of each diamond valued at one hundred pounds sterling or upwards.

Such a certificate of sale and purchase shall be certified correct by the broker or person who has the disposal of the diamonds.

Broker or person to certify correct.

Any person not complying with the above-mentioned provisions shall, upon conviction, be subject to a fine not exceeding two hundred pounds sterling, or in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one year. The Court may, moreover, declare his licence null and void, and forbid the renewal thereof for such a period as it may deem fit.

Penalties.

110. Every person, firm, syndicate, or company, falling under the provisions of Arts. 93 and 94 of this Law, shall, besides the business books required by law, also keep a true register of all transactions entered into in the form "G." hereafter set out.

Books and registers to be kept.

This register shall mention on the left hand page (debit) all diamonds received, and on the right hand page (credit) all diamonds disposed of together with the following particulars :—

Register must show debit and credit.

(a.) The date on which any kind of diamonds were produced, received, imported, sold or exported, or were disposed of in any other way.

Dates.

(b.) The name of the receiver, buyer, seller, broker, owner, diamond cutter, or other person, firm, syndicate or company, with whom the transaction was entered into, and the nature thereof.

Names.

(c.) And further, all particulars mentioned under the figures 1, 2, 3, and 4 of Art. 109.

All particulars.

Every person mentioned in the first paragraph of this Article, who shall have neglected to enter any transaction in this register, or who shall not have entered such transaction accurately therein, shall, if found guilty, be subject to the penalties mentioned in Art. 95 of this Law, and his licence shall be suspended for such period as the Court may deem fit.

Penalties.

111. Every person, firm, syndicate or company mentioned in Art. 93 of this Law, shall send in to the Mining Commissioner, Landdrost, or Responsible Clerk concerned, within the first ten days of each month, a true and certified copy of the register form "G" for the past month.

True and certified copies of register as per form "G."

Persons failing to comply herewith shall be liable to the penalties provided by Art. 109 of this Law.

Penalties.

112. Every person, firm, syndicate or company, who imports diamonds from one district of the State into another, shall register the same, or cause them to be registered, within forty-eight hours from the time of receipt of such diamonds, with the Mining Commissioner, Landdrost, or Responsible Clerk concerned.

Registration of all diamonds conveyed from one district to another.

Certificate issued gratis.

The official concerned shall issue to the person in question the said certificates of export and import free of payment, and therein shall appear all particulars set out hereafter in the form "H." and "L."

Penalties.

Any person failing to comply with the provisions of this Article, shall, on conviction, be liable to the penalties provided in Art. 108 of this Law.

No conveyance without certificate.

No diamonds shall be conveyed from one district to another, or from one diggings to another, unless the holder or conveyer mentioned in Art. 107 exhibits a certificate of transmission signed by the proper official of the district or the diggings whence the diamonds are transmitted, and a sworn declaration that the certificate is authentic, and that the diamonds in question are the same.

Registers to be kept by the Mining Commissioner.

113. The Mining Commissioner, Landdrost, or Responsible Clerk concerned shall keep a register according to form "I" as hereinafter set out of all diamonds produced or imported, and a register in the form "J" as hereinafter set out of all diamonds exported from his district.

Exportation beyond the State.

114. No export of diamonds from the State shall take place before the exporter shall have obtained a certificate in the form "K" on payment of one per cent. of the value of the diamonds to be exported. With reference to the valuation the provisions of Art. 107 shall be applicable.

Objections against export registration

115. Any white person residing in this State shall be entitled to object to the export registration of any kind of diamonds, provided he declares upon oath that the diamonds offered for registration were not obtained in a lawful manner by the person desirous of exporting them.

If possession be unlawful diamonds forfeited to the State.

If after inquiry by a competent Court it appears that the person who desires to export has not obtained the diamonds in a lawful way, such exporter shall, on conviction, be liable to the penalties provided in Art. 110 of this Law, and the diamonds found in his possession may, by order of the Judge who pronounces the sentence, be returned to the owner, if he be known, and otherwise be declared forfeited in favour of the State, and be sold by public auction.

Duplicates of certificates of sale or purchase to be kept and exhibited.

116. Every person, firm, syndicate or company, falling under the provisions of Arts. 93 and 94 of this Law, shall keep duplicates of his or its certificates of sale or purchase, and shall be obliged to exhibit such duplicates to the person duly authorised in writing by the Mining Commissioner, Landdrost or Responsible Clerk of his district to inspect the same.

Penalties.

Any person as above-mentioned, who shall refuse to comply with the provisions of this Article, shall on conviction be liable to the penalties provided in Art. 102 of this Law.

Diamond cutters may receive a diamond for cutting.

117. A licensed diamond cutter may receive one or more diamonds from a person not falling under the provisions of Art. 93, for the purpose of cutting such diamonds, provided such person produce a written permit from the Mining Commissioner, Landdrost, or Responsible Clerk of his district in terms of Art. 118 of this Law.

Permission to buy for private use or for sale by private person.

118. It shall be lawful for the Head of the Mining Department to grant to any person of whose honesty he is convinced, a written permit to purchase a diamond for his private use, or for any other special purpose, or to sell a diamond which is his property.

The applicant for such a permit shall make a sworn declaration mentioning the names of the persons who deliver or receive the diamond, and also the value thereof, that they are lawfully authorised to deliver or to receive such diamond, and further that such transaction has not been entered into for purposes of trade.

Applicants must make a sworn declaration.

The holders of such a permit shall fall under the provisions of Art. 105 of this Law.

Art. 105 applicable to above.

The Head of the Mining Department shall keep a register of all such like permits issued by him.

Head of Mining Department must keep register.

119. Any person in possession of diamonds on the date when this Law comes into operation shall make a sworn declaration with reference thereto before the Mining Commissioner, Landdrost, or Responsible Clerk, and this official shall issue a certificate free of charge to such person with reference thereto, wherein the particulars mentioned in Art. 109 shall appear.

Declaration to be made by persons in possession of diamonds when this Law comes into operation.

These declarations shall be made within sixty days after this Law comes into operation.

Within 60 days after.

120. Any person finding one or more diamonds in any place where diamonds are not found *in situ* shall hand over the same to the Mining Commissioner, Landdrost or Responsible Clerk concerned, within forty-eight hours after the finding, who shall advertise such diamond or diamonds three times in the *Staatcourant* and in a local newspaper.

Of diamonds elsewhere than *in situ*.

Should the owner of the diamond or diamonds report himself, and prove that he is the lawful owner, such diamond or diamonds shall be handed over to him, upon payment by him of all expenses and a premium of twenty per cent. of the value of such diamond or diamonds to the finder.

Proof of ownership.

If nobody can prove that he is the legal owner, such diamond or diamonds shall be returned to the finder upon payment of the expenses incurred.

If nobody proves ownership.

Any person who finds a diamond or diamonds under the circumstances described in paragraph 1 of this Article, and fails to hand over such diamond or diamonds as there provided, shall be liable, if found guilty, to the penalties provided in Art. 95 of this Law.

Penalty.

121. It shall not be lawful to trade in diamonds on Sunday, or public holidays, or between sunset and sunrise.

Trading on Sundays prohibited.

122. It shall not be lawful to trade in diamonds with coloured persons.

No trade in diamonds with coloured persons.

It shall also not be lawful for coloured persons to have diamonds in their possession.

No coloured persons may possess diamonds.

Upon contravention the penalties of Art. 95 shall be applicable here.

Penalties.

CHAPTER XVI.

Miscellaneous Provisions.

Firewood.

123. Every white person shall have the right to cut firewood on Government land after having obtained a permit for the purpose from the Mining Commissioner or Responsible Clerk, on payment of one pound sterling for every wagon-load, and seven shillings and sixpence for a Scotch cart-load.

Special agreement on private land.

With regard to the cutting of wood on proclaimed private land, a special agreement shall be entered into with the owner of the land.

Value of wood.

A claimholder, standholder, or machinery standholder and deposit site-holder shall not be entitled to cut wood growing on the land held under his licence, before he has deposited with the Mining Commissioner an amount equal to the assessed value of the wood.

Valuation.

This assessment shall be made by the Mining Commissioner or official concerned, who shall pay over such monies to the Government.

Monies paid for wood on private land refunded to the owner.

If the land where the wood has been cut be private land, these monies shall be refunded by the Government to the owner of the land in question.

Penalties.

Any person contravening the provisions of this Article may be punished with a fine not exceeding twenty-five pounds sterling, and in default of payment, with imprisonment, with or without hard labour, for a period not exceeding three months, and shall moreover be obliged to compensate the lawful owner for the value of the wood carried away.

Revocation of Rights: compensation determined by mutual agreement or arbitration.

124. If it shall be found necessary in the public interest for public purposes to revoke wholly or in part rights once granted, the Government shall have the right to do so on payment of compensation, to be fixed by mutual agreement between interested parties and the Government.

In case such an agreement is impossible the compensation shall be fixed by arbitration, by one or more persons appointed by each side, who, in the event of their failing to agree on one or more points in dispute, may refer such points for decision to an umpire previously elected and appointed by them.

Maintenance of public order.

125. Every digger, resident or licence holder on a proclaimed field shall, when called upon, render assistance to any official authority to maintain public order, under penalty of the loss of his licence, and of a fine not exceeding twenty-five pounds sterling, or in default of payment, imprisonment, with or without hard labour, for a period not exceeding three months.

Pass Laws.

126. The provisions of the Pass Laws for public diggings may by proclamation be applied to the fields proclaimed for precious stones.

No coloured person can hold a licence.

127. A coloured person shall not be capable of being a licence holder or in any way connected with the working of the diggings, but shall only be allowed as a servant in the service of whites.

CHAPTER XVII.

Administration.

128. The Government shall have the right to invest the officials appointed under the provisions of the Gold Law with the rights and duties of this Law, to increase the staff, and, if necessary, to appoint new officials. Government has power to appoint and increase the official staff.

129. The Government shall draft instructions regulating the service for the officials charged with the administration of this Law, and shall fix the forms to be used and the books to be kept ; these shall, however, not be in conflict with this Law. Regulations and instructions for official service.

130. Inspection of all registers to be kept according to this Law shall be allowed to the public, but the subject upon which information is desired shall first be mentioned by the person concerned. Inspection of registers.

A fee of one shilling and sixpence shall be paid for every inspection. Inspection fee.

In the event of written information the sum of five shillings shall be paid in stamps to be attached to the document. Extracts.

This Article shall not be applicable to the registers kept in terms of Chapter XV. of this Law. Not applicable to registers mentioned in Chapter XV.

131. It shall not be lawful for the Head of the Mining Department and the officials of his department, and also the Special Landdrosts and Assistant Landdrosts, Judicial Commissioners and officials of their departments, and also the police officers as well as their wives, married with or without antenuptial contracts, to hold claims directly or indirectly on a proclaimed field, to carry on any sort of business, to undertake any agency of whatever nature, or to have any share in a mine, company or syndicate, or partnership connected with mining matters. Officials prohibited from holding claims.

It shall also not be lawful for Landdrosts, Head officials and their subordinates, to be connected with any kind of mining company as directors, advisers, controllers or officials. Should it be found that the above-named officials are guilty of contravening the provisions contained in this Article, they may, according to the circumstances, be suspended from office for a certain period, or dismissed by the Government. May not be directors.

132. The Mining Commissioner shall be at the head of and have the supervision of the field for which he is appointed. Mining Commissioner to have supervision on fields.

He shall also be invested with power to regulate and manage all matters relative to the diggings according to this Law, and according to all regulations which may by virtue of this Law be published by the Government. Rights and duties.

He shall also pay attention to the grievances of the diggers, and do everything which may be conducive to the public interest, to the advancement of the prosperity of the diggings and of the sanitary condition of its population, he shall define the places where the diggers

- Penalties. specting or digging shall be allowed, and where roadways are to be kept open, among which are also included ways or roads on the diggings and places suitable for water-rights, and such other places as the Government may from time to time give instructions about, and nobody shall be permitted to peg this ground, or to dig thereon, under penalty upon contravention of a fine of £100 or six months' imprisonment with hard labour to be imposed by a competent Court.
- Poll taxes. The Government shall have the power to authorise him or any other person under him to collect the poll taxes within the boundaries of his field, under such regulations as the Government, after consultation with the Head of the Mining Department, shall consider necessary to lay down.
- Jurisdiction. If no Special Landdrost has been appointed, he shall have criminal and civil jurisdiction equal to that of the Landdrost.
- Justice of the Peace. He shall be *ex-officio* Justice of the Peace for the whole Republic.
- Laws and customs applicable. With regard to the exercise of civil and criminal jurisdiction by the Mining Commissioner, the laws and customs in use in the Landdrosts Courts shall be applied.
- Appeals. The same rules shall apply also with reference to appeals to a higher Court.
- Marriages. If no Special Landdrost has been appointed, the Mining Commissioner shall have the same power, within the limits of the field for which he is appointed, with regard to marriages, as is granted to a Landdrost by the Marriage Ordinance.

CHAPTER XVIII.

Penalties.

- Penalties where no special penalties are provided. **133.** In the cases wherein no special penalties are provided contraventions of this Law shall be punished by a fine not exceeding one hundred pounds sterling, or, in default of payment, imprisonment, with or without hard labour for a period not exceeding one year.
- Causing damage to a mine. **134.** Any person who is guilty of causing damage to a mine, claim, machinery, water-course, or other mining property or belongings, or who is guilty even of an attempt to commit such an offence, shall be punished with a fine not exceeding one thousand pounds sterling, or with imprisonment, with or without hard labour, for a term not exceeding five years.
- High treason, &c. **135.** Every person within the boundaries of a proclaimed field, and every holder of a claim or every shareholder in a syndicate or company, who is the owner of a claim, who commits the crime of public violence, treason, or high treason, against this Republic, shall over and above the penalties provided by law for such crime, forfeit in favour of the State all his or her property, movable as well as immovable.

- Fraud by placing diamonds in other places. **136.** Any person who shall lay or place precious stones in any place, or who shall be an accessory thereto, or who shall make a false declaration for the purpose of misleading anybody as to the value of the place or farm, shall be guilty of the crime of fraud.

CHAPTER XIX.

Concluding Provisions.

137. The State President shall have the power, with advice and consent of the Executive Council, to make provisions and regulations either general or special (for instance for one or more fields) for the regulation of matters mentioned in this Law, or in connection therewith, provided they be not in conflict with this Law.

President may make general or special provisions.

Under the provisions and regulations mentioned in this Article shall also be included provisions as to penalties and provisions as to taxes. These provisions and regulations shall have force of law fourteen days after publication in the *Staatscourant*. They shall be submitted for the consideration of the Second Volksraad in its first ensuing session. Special provisions and regulations shall have force of law on every proclaimed field immediately after publication in the *Staatscourant*.

Provisions force of Law.

Special provisions.

The State President shall have the power, with advice and consent of the Executive Council, to make any amendment in or addition to the said special provisions upon the recommendation of the Mining Commissioner in consultation with the Head of the Mining Department. Such alterations or amendments shall have force of law fourteen days after publication in the *Staatscourant*, and shall be dealt with by the Second Raad in its first ensuing session.

Amendments to provisions.

138. All parcels and letters, containing diamonds, shall, previous to the despatch thereof, be registered according to the Post Office Law, and shall be accompanied by a certificate according to a form setting forth all the necessary particulars signed by the Mining Commissioner, Landdrost or Responsible Clerk of the district or of the diggings in the State from which the diamonds are despatched and containing a declaration to the effect that the parcels and letters may be despatched by post.

All parcels and letters containing diamonds registered.

139. All former Laws, Resolutions of the Volksraad, provisions of law and regulations relating to the digging for and the trading in precious stones, are herewith repealed.

Repeal.

140. This Law shall come into operation on the first day of Operation. January, 1899.

S. J. P. KRUGER,
State President.

T. J. KROGH,
Acting State Secretary.

Government Office, Pretoria.
15th December, 1898.

FORM A.

DIAMOND DEALER'S LICENCE.

I, _____ of the district _____ hereby declare
that the said _____ having his office at _____
has complied with the provisions of Art. 98 of Law 22,
1898, and is hereby authorised to carry on the business of a Diamond
Dealer.

This licence terminates on the _____ day of _____ 189 .
Issued this _____ day of _____ 189 .

Signed

FORM B.

DIAMOND BROKER'S LICENCE.

I, _____ of the district _____ hereby declare
that the said _____ having his office at _____
has complied with the provisions of Art. 98 of
Law No. 22, of 1898, and is hereby authorised to carry on the business
of a Diamond Broker.

This licence terminates on the _____ day of _____ 189 .
Issued this _____ day of _____ 189 .

Signed

FORM C.

DIAMOND CUTTER'S LICENCE.

I _____ of the district _____
hereby declare that the said _____ having
his office at _____ has complied with the
provisions of Art. 98 of Law No. 22, 1898, and is hereby authorised to
carry on the business of a Diamond Cutter.

This licence terminates on the _____ day of _____ 189 .
Issued this _____ day of _____ 189 .

Signed

FORM D.

CERTIFICATE OF THE FIELD-CORNET IN TERMS OF ARTICLE 99
OF LAW NO. 22, 1898.

I _____ Field-Cornet of the ward _____
hereby certify that the said _____
residing at _____ has this
day produced proof in writing, and has sworn a solemn oath at my
office that he is a qualified and a fit person to carry on the business of
a _____ that no
dishonouring sentence has been pronounced against him, either in the
South African Republic or in any foreign country, and that he is not
the holder of any licence for the sale of spirituous liquors.

Issued this _____ day of _____ 189 .

Signed

FORM E.

CERTIFICATE OF REGISTRATION OF DIAMONDS IMPORTED OR PRODUCED.

I, _____ of the district _____
 hereby certify that the said _____
 residing at _____ has this day
 registered with me in terms of Art. 107 of Law No. 22, 1898, a
 diamond or parcel of diamonds, as follows :

PARTICULARS OF PARCEL.	Amount.	d.
		s.
		£
	Total carats.	
	Amount.	d.
		s.
		£
	Price per carat.	
Carats.		
Number of stones of 10 carats each or upwards.		
Total weight of stones under 10 carats each.		
From where imported or where produced.		

For which he has paid the sum of _____, being
 one half per cent. of the value of the diamonds as described above.

Issued this _____ day of _____, 189 .

Signed

FORM F.

CERTIFICATE OF PURCHASE OR SALE IN TERMS OF ART. 109 OF
LAW No. 22, 1898.

A.

(Duplicate to be kept by the Seller or Broker.)

No.

189

Bought of
Sold to

PARTICULARS OF PARCEL.

Total weight of stones under 10 carats each.	Number of stones of 10 carats each or upwards.	Number of stones of the value of £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.		
					£	s.	d.		£	s.	d.

Certified as correct,

A.D. 1898.]

Diamond Law.

[No. 22.]

1099

FORM F.

CERTIFICATE OF PURCHASE OR SALE IN TERMS OF ART. 109 OF
LAW No. 22, 1898.

B.

(Note of sale to be handed over by the broker to seller.)

No.

189

Sold to

PARTICULARS OF PARCEL.

Total weight of stones, each below 10 carats.	Number of stones of 10 carats each or upwards.	Number of stones of the value of £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.		
					£	s.	d.		£	s.	d.

Certified as correct,

FORM F.

CERTIFICATE OF PURCHASE OR SALE IN TERMS OF ART. 109 OF
LAW No. 22, 1898.

C.

(Note of purchase to be handed over by the broker or by the seller to the buyer).

No. 189 ,

Bought of

PARTICULARS OF PARCEL.

Total weight of stones each below 10 carats.	Number of stones of 10 carats each or upwards.	Number of stones of the value of £100 or upwards.	Carats.	Price per carat.	Amount.	£	s.	d.
Total carats.	Total amount.	£	s.	d.				

Certified as correct.

FORM G.

DEBIT.

(Register to be kept by all persons, firms, syndicates, and companies mentioned in Art. 110 of Law No. 22 of 1898.)

PARTICULARS OF PARCEL.

Date.	Particulars of production, purchase, importation, &c.	Total weight of stones each under 10 carats.	Number of stones of 10 carats each or upwards.	Number of stones of the value £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.			
							£	s.	d.		£	s.	d.	

FORM G.

CREDIT.

(Register to be kept by all persons, firms, syndicates and companies mentioned in Art. 110 of Law No. 22 of 1898.)

PARTICULARS OF PARCEL.

Date	Particulars of sale, export, &c.	Total weight, stones under 10 carats each.	Number of stones of 10 carats each or upwards.	Number of stones of the value £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.			
							£	s.	d.		£	s.	d.	

FORM H.

CERTIFICATE OF REGISTRATION OF DIAMONDS IMPORTED FROM ONE DISTRICT OF THE SOUTH AFRICAN REPUBLIC INTO ANOTHER DISTRICT.

I, _____ of the district _____ residing at _____ has this day in terms of Art. 112 of Law No. 22, 1898, registered a diamond or parcel of diamonds, as follows:—

Total amount.	d.
	s.
	£
Total carats.	
Amount.	d.
	s.
	£
Price per carat.	
Carats.	
Number of stones of the value of £100 or upwards.	
Number of stones of 10 carats each or upwards.	
Total weight of stones under 10 carats each.	
From where imported.	

PARTICULARS OF PARCEL.

The diamonds above described have been registered free of charge.

Issued this _____

day of _____

189

FORM I.

REGISTER OF DIAMONDS PRODUCED AND IMPORTED TO BE KEPT BY THE
 PROPER OFFICIAL IN TERMS OF ART. 113 OF LAW No. 22, 1898.

PARTICULARS OF PARCEL.

Date.	By whom imported.	Name of importer.	Name of exporter.	Total weight of stones under 10 carats each.	Number of stones of 10 carats each or upwards.	Number of stones of the value £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.			Amount of Import Duties.		
									£	s.	d.		£	s.	d.	£	s.	d.

A.D. 1898.]

Diamond Law.

[No. 22.]

1085

FORM J.

REGISTER OF DIAMONDS EXPORTED, TO BE KEPT BY THE PROPER
OFFICIAL IN TERMS OF ART. 113 OF LAW NO. 22, 1898.

PARTICULARS OF PARCEL.

Date.	By whom exported.	To whom addressed.	Total weight of stones under 10 carats each.	Number of stones of 10 carats each or upwards.	Number of stones of the value of £100 or upwards.	Carats.	Price per carat.	Amount.			Total carats.	Total amount.			Amount of Export Duties.				
								£	s.	d.		£	s.	d.	£	s.	d.		

FORM K.

CERTIFICATE OF REGISTRATION OF DIAMONDS EXPORTED FROM A DISTRICT
OF THE SOUTH AFRICAN REPUBLIC TO FOREIGN COUNTRIES.

I, _____ of the district _____
hereby certify that the said _____
residing at _____
has this day in terms of Art. 112 of Law No. 22, 1898, registered with
me a diamond or parcel of diamonds as follows:—

PARTICULARS OF PARCEL.

Total amount.	£
	s.
	d.
Total carats.	
Amount.	£
	s.
	d.
Price per carat.	
Carats.	
Number of stones of the value of £100 or upwards.	
Number of stones of 10 carats each or upwards.	
Total weight stones under 10 carats each.	
Name and address of consignee.	

For which he has paid the sum of _____ being
one per cent. of the value of the diamonds above described.

Issued this _____ day of _____, 189 _____.

FORM L.

CERTIFICATE OF REGISTRATION OF DIAMONDS EXPORTED FROM ONE DISTRICT OF THE SOUTH AFRICAN REPUBLIC INTO ANOTHER DISTRICT.

I, _____ of the district _____ hereby certify that the said _____ residing at _____ has this day in terms of Art. 112 of Law No. 22, 1898, registered with me, a diamond or parcel of diamonds as follows:—

PARTICULARS OF PARCEL.	Total amount.	d.
		s.
		£
Total carats.		
Amount.	Price per carat.	d.
		s.
		£
Carats.		
Number of stones of the value of £100 or upwards.		
Number of stones of 10 carats each or upwards.		
Total weight of stones under 10 carats each.		
Name and address of consignee.		

The diamonds above described have been registered free of charge.

Issued this

day of

189 .

LAW No. 23, 1898.

IMMORALITY LAW.

(Repealed by Law No. 11, 1899.)

GOVERNMENT NOTICE No. 121.

The following Regulations relating to the administration and the division of the estates of deceased coloured persons, approved by the Executive Council by Art. 237 of its minutes dated March 4th, 1898, are herewith published for general information.

Dr. W. J. LEYDS,
State Secretary.

Government Office, Pretoria,
March 10th, 1898.

REGULATIONS UNDER ART. 16 OF LAW No. 3, 1897.

(Enacted with advice and consent of the Executive Council, by virtue of Resolution, Art. 237, dated March 4th, 1898.)

Superintendent of Natives to liquidate estates of deceased coloured persons.

1. It shall be the duty of the Superintendent of Natives to liquidate the estates of deceased coloured persons, and he shall be vested with all the powers and charged with all the duties entrusted to the Orphan Master of the South African Republic by the Orphan Chamber Law, due regard being had to the special provisions of these Regulations.

Commissioners of Natives and Landdrosts represent Superintendent of Natives.

2. The Commissioners for Natives, and, in the districts where there are no Commissioners, the Landdrosts shall represent the Superintendent of Natives in all matters relating to the estates of deceased coloured persons, and they shall be obliged to carry out his instructions.

Powers of Field-Cornets under Orphan Chamber Law.

3. The powers and duties entrusted to Field-Cornets by the Orphan Chamber Law shall vest in the Commissioners and Sub-Commissioners for Natives under these regulations.

Fees and stamps.

4. All fees and stamps recoverable under the existing Orphan Chamber Law of the South African Republic shall also be payable under these regulations.

When estate does not exceed £150 in value.

5. If it appears that the estate of a deceased coloured person does not exceed £150 in value, the Superintendent of Natives, or his representative, shall have the right to cause the estate to be liquidated by the Sub-Commissioner, or any other person, without following the usual forms, provided a report thereon be made to the Superintendent of Natives.

The Superintendent of Natives may entrust the liquidation of such estates to any one of his representatives, provided a proper report be made thereon.

6. In the distribution of estates of coloured persons who have died intestate the existing rule as followed in the Orphan Chamber of the South African Republic shall be observed, but nothing, however, shall prevent children born of heathen parents, although the latter may not have been legally married, from inheriting the lawfully acquired property of such parents, if it shall be proved to the satisfaction of the Superintendent of Natives or his representative that such parents looked upon themselves as man and wife, and lived together as such, and did not indulge in polygamy. Moreover, nothing shall prevent unmarried heathen parents, as aforesaid, from having and exercising the same claim to and rights over their children as if such children had been born in lawful wedlock, provided, however, that in the case of separation or desertion by the father, the mother alone shall retain the right of disposal over her own children and the claim to their property.

Distribution of estates of coloured persons who have died intestate.

7. The Superintendent of Natives may appoint appraisers where necessary, or otherwise entrust the valuation of estates to his representatives or to a Sub-Commissioner.

Appraisers.

8. The Superintendent of Natives may appoint guardians over the minor children of deceased coloured persons.

Guardians.

9. The Superintendent of Natives shall, for the carrying out of these regulations, open the necessary registers and books, and shall render accounts in a manner to be defined by the Government.

Books and registers.

In *Staatscourant* of April 20th, 1898, p. 525, appears a Government Notice, publishing, *inter alia*, the following Amendment, approved by Executive Council Resolution, Art. 321, in terms of Art. 10, of Law 11, 1895, and having force of Law immediately after publication.

Cab regulations for Pretoria. Amendment of Art. 9, letter d.

Amendment of Art. 9, letter "d" of the Cab Regulations for the town of Pretoria (Law No. 16, 1895).

Letter "d" was added to Art. 9, of Law 16, 1895, and was approved by the Second Volksraad by Art. 1161 of its minutes, dated August 10th, 1896, and noted and accepted by the First Volksraad by Art. 1308 of its Resolutions dated September 1st, 1896.

Hire per hour for one person, 5s.

Hire per hour for two or more persons, 7s. 6d.

For every extra 10 minutes waiting, 1s.

This tariff applies only to town land and Sunnyside, Arcadia, to the east of the bridge, Trevenna, Muckleneuk or to the burgher-right erven district.

For journeys beyond the said places, 7s. 6d for one person and 10s. for two or more persons shall be charged per hour.

10. Children under the age of 12 years shall go for half price.

D. E. SCHUTTE,
Com. of Police.

P. E. ERASMUS,
Major, S. A.

G. M. J. VAN DAN,
Com. of Police, Johannesburg.

¹ See Appendix.

By FIRST VOLKSRAAD RESOLUTION, Art. 296, dated May 27th, 1898, the Raad approved of Executive Council Resolution, Art. 415, dated April 14th, 1898, reading as follows:—

Re renewal of first Volksraad Resolution, Art. 344, dated June 1st, 1892.

“On the order, Minute R. 3264/98 (Ex. Council Res. 339/98), enclosing a proposal from the Superintendent of Education, with reference to representations from Johannesburg, to the effect that the Government should recommend the First Volksraad to renew for a further period of three years First Volksraad Resolution, Art. 344, dated June 1st, 1892, which lapses on June 30th next in favour of those English and German schools which have hitherto made a *bond fide* use of the provisions contained in the said Resolution,

(Education).

The Executive Council, after consideration of the matter, having regard to the verbal explanation of the Superintendent of Education,

Resolves to adopt the proposal of the Superintendent of Education as aforesaid, and to recommend the First Volksraad in its ensuing session to take a resolution to that effect.”

By FIRST VOLKSRAAD RESOLUTION, Art. 688, dated 29th June, 1898, the Raad approved of Executive Council Resolution, Art. 341, dated March 30th, 1898, reading as follows:—

Amendment of Art. 5 of Law No. 3, 1891. (Dog Tax.)

“On the order Minute R. 12446/96 (E.C.R. 246/98) enclosing correspondence in regard to the jurisdiction of Commissioners for Natives and Sub-Commissioners for Natives, relative to the application of Law No. 3, 1891, Law on the Dog Tax. The Executive Council, having regard to Art. 6, Law No. 4, 1885, relating to the administration of justice among natives, as supplemented and amended by First Volksraad Resolutions, Art. 1481-1488 and 1489 of 1894;

Jurisdiction of Commissioners and Sub-Commissioners for natives.

Having regard to the contents of the schedule mentioned in Art. 6 of Law No. 4, 1885, and being of opinion that it is desirable to lay down by law definitely what persons shall have jurisdiction in the event of the Law on the Dog Tax being contravened by natives;

Having regard, further, to the advice of the acting State Attorney on the subject;

Resolves: To recommend the First Volksraad to add to Art. 5, Law No. 3, 1891 (Law on the Dog Tax) the following words:—

“The Commissioners for Natives and Sub-Commissioners for Natives shall have jurisdiction in the event of contravention hereof committed by coloured persons within their jurisdiction.”

SECOND VOLKSRAAD RESOLUTION, July 1st, 1898.

664. "The Second Volksraad, having regard to the report of the Head of the Mining Department, Part VIII., Art. 15, and in connection therewith Second Volksraad Resolution, Art. 1219, dated September 22nd, 1897, and also the report of the commission mentioned in the said resolution, and having regard to the discussion on the subject,

Filing of diagrams of homestead grounds. ("werven.")

"Resolves: To instruct the government that the time for the filing of diagrams of homestead grounds ("werven") referred to in the said resolution and report of the commission shall terminate on December 31st, 1898, and to instruct the Head of the Mining Department to have this resolution duly published."

FIRST VOLKSRAAD RESOLUTION, July 14th, 1898.

815. "The First Volksraad, having regard to the item 'Collection of taxes among the natives,' now under discussion, resolves to note and accept the same.

Native taxes, collection of.

The Raad resolves, further, to instruct the Government to have the taxes collected in strict accordance with Law No. 24, 1895, also on the Gold fields and in towns where such natives or coloured persons live, and, finally, the Raad resolves that the Commissioners and Sub-Commissioners shall, for collecting the 10s. dog tax, be awarded 5 per cent. thereof."

Dog tax 10/-.

FIRST VOLKSRAAD RESOLUTION, July 15th, 1898.

829. Resolved to approve the Executive Council Resolution, Art. 626, dated July 1st, 1898, appointing a responsible Assistant State Attorney who should be competent to appear in Court on behalf of the State Attorney and should receive a salary of £1,500 a year.

Assistant State Attorney.

FIRST VOLKSRAAD RESOLUTION, July 18th, 1898.

844. "The First Volksraad, having regard to the Government minute, dated July 15th, 1898, now under discussion, adopts the same and resolves to repeal First Volksraad Resolution, Art. 1200, dated August 13th, 1896."*

Repeal of First Volksraad Resolution, Art. 1200. (13.8.1896.)

* The Resolution of 1896 imposed a special duty of 2s. per lb. on tobacco from the neighbouring Colonies.

Money paid
to informant.

FIRST VOLKSRAAD RESOLUTION, Art. 1009,
22nd August, 1898. [1]

FIRST VOLKSRAAD RESOLUTION, August 29th, 1898.

Law 17, 1894,
(Volunteer
corps) sus-
pended.

1042. "The First Volksraad, having regard to the memorials, now on the order, relating to the suspension of Law No. 17, 1894, seeing that the vast majority of memorialists declare themselves in favour of the suspension of the said Law, and having regard to the First Volksraad Resolution, Art. 287, of May 7th, 1898.

Resolves that Law No. 17, 1894, shall be suspended from December 31st, 1898, and further instructs the Government to take steps at an early date for the disbandment of the existing Volunteer Corps."

Pretoria
waterworks.

FIRST VOLKSRAAD RESOLUTION, Art. 1016,
23rd August, 1898. [2]

In the *Staatscourant* for August 31st, 1898, p. 1225, appears Executive Council Resolution, Art. 792, dated August 26th, 1898, taken by virtue of Art. 7, of Law No. 24, 1895, adding to Art. 6 of that Law a new sub-section "h" as follows:—

Supplement-
ing Art. 6 of
Law No. 24,
1895.—
Summary
execution on
non-payment
by native of
taxes.

"In the event of non-payment or refusal to pay the tax by a native from whom the same is due, which native is in possession of property or cattle, the tax collector, instead of acting in terms of sub-section "f," shall be entitled, without any writ or further authorisation, to seize so much of such property or cattle as he may consider sufficient to cover the amount of the tax due, and to execute, or cause to be executed, thereon by way of summary (parate) execution, *i.e.*, without any further process or judgment. This right of summary (parate) execution he may exercise by selling, or causing to be sold, the property or cattle by public auction after due notice has been given to the person from whom the tax is due of the date of sale, and on his failing to pay the tax before such sale.

Stock run
down by
trains.

FIRST VOLKSRAAD RESOLUTION, Art. 1852,
29th November, 1898. [3]

Branch Rail-
way Lines on
Goldfields.

FIRST VOLKSRAAD RESOLUTION, Art. 1855,
29th November, 1898. [4]

FIRST VOLKSRAAD RESOLUTION, December 2nd, 1898.

Sale of
underground
mining rights.

1911. "The First Volksraad, having regard to the Government minute dated November 28th, 1898, relating to the sale of underground mining rights, at present under discussion, resolves: to grant the Government the authorisation therein asked for, if the Executive Council should consider the time therefor has come, provided that such sale shall be effected in accordance with the First Volksraad Resolution relating thereto, wherein it is provided that such sale shall be effected by public auction and that the proceeds shall not be paid into the public treasury, and shall not be used to meet the ordinary expenditure of the Country."

FIRST VOLKSRAAD RESOLUTION, December 5th, 1898.

Import duty of
3s. on mineral
waters.

1917. Resolved that the amount of the duty on Mineral Waters imported into the South African Republic shall be 3 shillings per dozen bottles, to take effect from January 1st, 1899.

¹ See Appendix.

² See Appendix.

³ See Appendix.

⁴ See Appendix.

AMENDMENT OF LAW No. 14, 1897, ART. 4.

Approved by the Second Volksraad by Art. 1749, dated November 22nd, 1898, and noted and accepted by the First Volksraad by Art. 1975, dated December 8th, 1898.

4a. If a licence granted on Government land in accordance with Art. 4 of Law No. 14, 1897, expires without being renewed on or before the date of expiry, the claim for which the licence was issued may not be pegged off by another person, but shall lapse to the Government, and such claims shall be dealt with as follows:—

Base metals,
when claims
lapse to
Government.

During three months after such date of expiry, the previous holder of such claims shall be entitled to recover his rights to such claims by taking out new licences for the same, on payment of extra licence monies equal to a fourth of the amount of the arrear licence monies.

If the new licence, however, is taken out within 14 days after the day of expiry by the former claimholder, only the licence monies for those days need be paid. After the expiry of the said period of three months the Head of the Mining Department shall cause such claims to be sold by public auction. The Head of the Mining Department shall, however, be bound to give back the claims in question to the original holders thereof, before such sale takes place, if the latter make application therefor and if there are no further disputes, on payment of all arrear licence monies as well as of the costs incurred in connection therewith.

Sale by public
auction.

On such application for the return of lapsed claims, a sum of money consisting of the arrear and extra licence monies, as well as the costs incurred, shall be deposited.

The conditions under which these claims which have lapsed to the Government shall be sold are the same as those contained in Schedule A to Law No. 15, 1898.

If the claims are not sold by public auction the Head of the Mining Department shall be obliged to declare such claims open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

In *Staatscourant* for January 5th, 1898, p. 1, appears a Proclamation by the President by virtue of the Volksraad Resolution, Art. 77, dated May 10th, 1890, and Second Volksraad Resolution, Art. 1098, dated September 8th, 1897, noted and accepted by First Volksraad Resolution, Art. 1330, dated September 29th, 1897, *re* a Town Board for Pretoria.

Town Board
for Pretoria.

In *Staatscourant* for January 5th, 1898, p. 1, appears a Proclamation by the President by virtue of Art. 88 of Law No. 27, 1896, to the effect that the said Law shall come into operation on January 1st, 1898.

Coming into
operation of
Law No. 27,
1896.

In *Staatscourant* for January 5th, 1898, p. 2, appears a Proclamation of the President by virtue of Law No. 12, 1895, appointing a Special Committee of Health for the Witwatersrand, Boksburg, and Krugersdorp Goldfields: and then follow the regulations for such Special Committee of Health.

Special
Committee of
Health.

Barberton
Hospital
Regulations.

In *Staatscourant* for January 12th, 1898, p. 28, appear Regulations for the Barberton Hospital.

Streets of
Pretoria under
control of
Landdrost.

In *Staatscourant* for February 16th, 1898, p. 229, appears a Proclamation by the President to the effect that the Streets, &c., of Pretoria shall be under the control of the Landdrost assisted by the temporary Town Board.

In *Staatscourant* of February 2nd, 1898, p. 177, appears the following Proclamation :—

Killing game
on Town
lands of
Pretoria.

“The hunting, killing or catching in any way, of any game on the town lands of Pretoria and on the farm “Groenkloof” (The Fountains) shall be prohibited for a further period of three years, dating from February 1st, 1898, and the prohibition, contained in the proclamation of February 26th, 1895, against the killing, hunting or destroying in any way of oribis in the South African Republic, is extended for one year.

Law 5, 1894,
Art. 20.

Any contravention of these provisions shall be punished with the penalties laid down in Art. 20 of Law 5, 1894.”

Art. 29 of
Law No. 27,
1896 (Ex-
plosive).
suspended.

In *Staatscourant* for February 16th, 1898, p. 229 appears a Proclamation by the President suspending the operation of Art. 29 of Law No. 27, 1896, (Explosives) from January 31st, 1898, until further notice.

Importation
of Raw Hides.
Law No. 12,
1895.

In *Staatscourant* for February 16th, 1898, p. 229, appears a Proclamation by the President by virtue of Law No. 12, 1895, prohibiting the importation of raw hides, &c., which are not disinfected.

Smallpox
Rietfontein.
Lazaretto.

In *Staatscourant* for February 16th, 1898, page 234, appear regulations for visitors, patients, &c., for the smallpox lazaretto at Rietfontein.

Johannesburg
Municipal
Regulations
in terms of
Art. 30, of
Law No. 9,
1897.

In *Staatscourant* for February 16th, 1898, page 243, appear municipal regulations for the town of Johannesburg, in terms of Art. 30, of Law 9 of 1897.

Law applica-
ble in Swazie-
land.

In *Staatscourant* for February 23rd, 1898, page 270, appears a Proclamation by the President to the effect that the laws of the South African Republic shall be applicable in Swazieland.

In *Staatscourant* for March 2nd, 1898, p. 305, appears an Executive Council Resolution advising the First Volksraad to empower the Government to extradite criminals in certain cases where no extradition treaty exists.

Extradition of criminals.

In *Staatscourant* for March 9th, 1898, p. 328, appears a Proclamation by the President with regard to the importation of cattle in connection with the prevention of the spread of rinderpest, &c. See Law 3 of 1870.

Rinderpest, importation of cattle. Law No. 3, 1870.

In *Staatscourant* for March 16th, 1898, p. 377, appear Regulations with regard to public buildings and places for outspanning in terms of Art. 30 of Law 9, 1897.

Public buildings and outspans. Art. 30 of Law No. 9, 1897.

In *Staatscourant* for March 30th, 1898, p. 419, appears a Proclamation by the President amending Art. 1 of the Proclamation with regard to the spread of rinderpest mentioned as appearing in the *Staatscourant* of March 9th, 1898, p. 328.

Rinderpest—Amending previous Proclamation of 9-3-1898.

In *Staatscourant* for April 6th, 1898, p. 455, appear Regulations for the importation of native labour from the Province of Mozambique for those districts and diggings where Law No. 31, 1896, is not applicable; drawn up in terms of Art. 5 of Law No. 21, 1896, "Gold Law," and First Volksraad Resolution, Art. 1670, dated November 4th, 1897, and approved by Executive Council Resolution, Art. 332, dated March 29th, 1898.

Regulations for importation of native labour from Mozambique in terms of Art. 5 of Law No. 21, 1896, and V.R.R. Art. 1670, dated 4-11-1897.

In *Staatscourant* for April 6th, 1898, p. 456, appears Executive Council Resolution, Art. 313, dated March 24th, 1898, containing regulations with regard to the importation of seed oats for farmers without payment of Customs duties by virtue of Art. 1, letter "g," of Law No. 4, 1894.

Importation of seed oats for farmers under Law No. 4, 1894, Art. 1, letter g.

In *Staatscourant* for April 6th, 1898, p. 458, appear Regulations in terms of Art. 10 of Law 11 of 1895 (Police Law).

Regulations in terms of Art. 10 of Law No. 11, 1895. "Police."

In *Staatscourant* for April 13th, 1898, p. 479, appears a Proclamation by the President by virtue of First Volksraad Resolution, Art. 1230, dated September 17th, 1895, re the establishment of a Government game preserve.

Government game preserve by virtue of V.R.R. Art. 1230, dated 17-9-1895.

See also Law No. 5, 1894, Art. 19.

In *Staatscourant* for April 20th, 1898, p. 516, appear the Regulations for the Detective Department.

Regulations for Detective Department.

Regulations for Sanitary Board of Ward No. 2, District Krugersdorp. In *Staatscourant* for April 20th, 1898, p. 526, appear Regulations for the Sanitary Board of Ward No. 2, District Krugersdorp.

Game Law,—Proclamations under Law 5, 1894, Art. 18. In *Staatscourant* for May 4th, 1898, p. 595, appear Proclamations by the President by virtue of Art. 18 of Law No. 5, 1894 (Game Law).

South African Postal Union Convention. In *Staatscourant* for May 25th, 1898, p. 711, appears a South African Postal Union Convention.

Operation of Law No. 14, 1886 (Extradition, Cape Colony) extended. In *Staatscourant* for June 15th, 1898, p. 859, appears a Proclamation by the President extending the operation of Law 14 of 1886 (Extradition, Cape Colony), for a year from May 9th, 1898.

Regulations for supply of electric light. In *Staatscourant* for June 15th, 1898, p. 861, appear Regulations for the installation and supply of electric current for light and power.

Amendment of Municipal Regulations, Johannesburg. By Executive Council Resolution, Art. 545, dated June 2nd, 1898, Art. 38 of the Municipal Regulations for the Town of Johannesburg was amended. (*Staatscourant*, June 22nd, 1898, p. 895.)

In *Staatscourant* for May 18th, 1898, p. 679, appear Instructions of the Portuguese Superintendent of Natives to his representatives.

Regulations for Johannesburg Hospital. In *Staatscourant* for July 27th, 1898, p. 1029, appear Regulations for the Johannesburg Hospital.

Vaccination, Artt. 16, 28 and 32 of Law No. 12, 1895. In *Staatscourant* for September 7th 1898, p. 1267, appears a Proclamation by the President by virtue of Artt. 16, 28 and 32 of Law No. 12, 1895, containing Regulations for vaccination in Pretoria.

Regulations for Sanitary Board for Bremersdorp, Law No. 12, 1895. In *Staatscourant* for September 7th, 1898, p. 1293, appear Regulations for the Sanitary Board for Bremersdorp, Swaziland, under Law No. 12, 1895; and on p. 1294 appear Regulations for the Sanitary Board for Mahamba, Swaziland.

Regulations for Hospital for Swaziland. In *Staatscourant* for September 21st, 1898, p. 1336, appear Regulations for the Hospital for Swaziland.

In *Staatscourant* for October 5th, 1898, p. 1387, appears a Proclamation by the President amending Art. 5 of the Regulations for vaccination in Pretoria mentioned as appearing in *Staatscourant* for Sept. 7th, 1898, p. 1267, and also explaining paragraph 1 of Art. 33 of Law 12, 1895, as follows :—Under paragraph 1 of Art. 33 of Law 12, 1895, must be understood :—“Children or persons who have not been vaccinated in consequence of negligence or remissness,” and not “such persons as have remained unvaccinated either through conscientious scruples or serious illness.”

Amendment of Art. 5 of Regulations for vaccination, and explanation of par. 1 of Art. 33 of Law 12, 1895.

In the *Staatscourant* for Oct. 5th, 1898, p. 1388, appears a Proclamation by the President giving a Provisional Agreement entered into between the Postmaster-General of the S. A. R. and the Director of the Postal Department of the District of Lorenzo Marques.

Provisional Agreement with Director Postal Department of Lorenzo Marques.

In the *Staatscourant* for Oct. 12th, 1898, p. 1438, appears a Protocol about Swaziland, between Great Britain and the S. A. R.

Protocol *re* Swaziland.

In the *Staatscourant* for October, 1898, p. 1486, appears a Proclamation by the President giving the General Postal Union.

General Postal Union.

In the *Staatscourant* for November 2nd, 1898, p. 1543, appear Regulations in terms of Art. 12 of Law 15, 1897, with regard to Lepers.

Leprosy—Regulations under Art. 12 of Law No. 15, 1897.

GOVERNMENT NOTICE, No. 152. [1]

Coolies, &c.

GOVERNMENT NOTICE, No. 621.

For general information it is hereby made known that the Executive Council by Resolution, Art. 1101, dated 15th November, 1898, has resolved :—

1. That the Coolies and other Asiatic coloured persons who are not yet residing and carrying on business in the location appointed for that purpose, but in contravention of the law reside and carry on business in a town or stand township, or in other places not appointed for the purpose, shall be given notice by the Landdrost, or by the Mining Commissioner, or on their instructions, by the Field-Cornet, to go and reside and carry on business in the location appointed for the purpose before January 1st, 1899, in terms of Law No. 3, 1885, as amended in 1886 by Volksraad Resolution, Art. 1419, dated August 12th, 1886.

Locations for Coolies under Law No. 3, 1885, as amended by Volksraad Resolution, Art. 1419, dated August 12th, 1886.

¹ See Appendix.

2. That the Landdrosts or the Mining Commissioners shall, however, prepare two lists of the names of Coolies and other Asiatic coloured persons who have for a considerable time carried on a large business at some other place than the location appointed for the purpose, and for whom it would consequently be difficult to remove their business in so short a time. On one list may be placed the names of Coolies or other Asiatic coloured persons to whom in the opinion of the Landdrost or the Mining Commissioner a maximum extension of three months may be granted, and on the other list the names of Coolies or other Asiatic coloured persons to whom, in the opinion of the Landdrost or the Mining Commissioner, a maximum extension of six months may be granted, and who, therefore, must comply with the said Law before April 1st, 1899, and July 1st, 1899, respectively.

Extension of
time granted.

The Coolies or other Asiatic coloured persons must personally apply for such extension, giving their reasons therefor.

Bazaar.

3. That if application be made therefor, the question of rendering a piece of land in the location available for the erection of bazaar or covered building with shops shall be taken into favourable consideration in order to assist Coolies and other Asiatic coloured persons who carry on trade.

When Coolies
consider that
they do not
fall under the
said Law.

In connection with the foregoing resolution it is further made known that Coolies or other Asiatic coloured persons who consider that they do not fall under the terms of Art. 2 (b) and 2 (d) of the said amended Law No. 3, 1885, either because they, years ago, entered into a lease for a long period which has not yet expired, or because they have obtained transfer, are invited to give notice before January 1st, 1899, stating their reasons therefor to the Landdrost or the Mining Commissioner, who shall report the same to the Government.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
November 19th, 1898.

Instructions
for State
Chemist—
Regulations
for Sanitary
Board of
Ward 3,
district
Krugersdorp.
Instructions
for Inspector
of Explosives.

In *Staatscourant* for December 28th, 1898, p. 2076, appear Instructions for the State Chemist, and on page 2077 appear Regulations for the Sanitary Board of Ward No. 3, district of Krugersdorp.

In the *Staatscourant* for December 28th, 1898, p. 2099, appear Instructions for the Inspector of Explosives in the South African Republic.

LAW No. 1, 1899.

CONCERNING THE ESTABLISHMENT AND MAINTENANCE OF A
SCHOOL OF MINES IN THE TRANSVAAL.(Approved by 1st Volksraad, Art. 200, dated 18th May, 1899.)^[1]

- 1.** The Government of the South African Republic feels itself called upon, to establish a School of Mines under State supervision, in order to give young persons and especially sons of the country, an opportunity to obtain in the country itself the requisite knowledge to enable them to fill offices in the Mining Industry and associated branches of that industry. Establishment of a School of Mines.
- 2.** This School of Mines has as its objects the qualifying of : Objects.
 (a) Mining Engineers.
 (b) Mine Surveyors.
 (c) Mechanical Engineers.
 (d) Electricians.
- 3.** The control of this institution shall be entrusted to a Curatorium of at least 5 members, three of whom shall be nominated by the Government and two by Corporations, who have as an object the advancement of the Mining Industry in this country. Control entrusted to a Curatorium.
 They shall elect a Chairman from their own number. Chairman of Curatorium.
 The members nominated shall hold office for a term of one year and thereafter from time to time be again eligible (for reappointment).
 No salaried teacher of the School of Mines may be a member of the Curatorium. Salaried teacher may not be member of Curatorium.
- 4.** To the attainment of the objects proposed in Art. 2, a practical working term of one year and a three years course of lectures at the Mining School itself will be required. Practical working term, 1 year and 3 years study.
 The rule is, that during the first year and a-half all students shall receive the same instruction, thereafter a division shall be made, according as the student selects for his further instruction the branch of Mining Engineer, Mine Surveyor, Mechanical Engineer or Electrician. Rule of work.
- 5.** The one year term of practical work shall as a rule precede the term of studentship and be completed to the satisfaction of the Curatorium of the School of Mines. Courses of instruction.
 Where Managers of Mines give access to the Mines to students of the School of Mines, the latter shall be given the opportunity to make a practical study of the various works in the Mine.
 Further regulations as to the term of practical work time shall be framed by the Curatorium.
- 6.** The courses of instruction shall be :—
 (a) Mathematics “Differential and Integral calculus, optional.”
 (b) Theoretical and applied mechanics.
 (c) Physics.
 (d) General and Analytical Chemistry.
 (e) Mineralogy.
 (g) Geology and Palaeontology.
 (h) Mining, inclusive of mechanical treatment of ores.
 (i) Mine Surveying.

- (j) Machinery.
- (k) Metallurgy, specially with a view to the processes of gold extraction
- (l) Assaying.
- (m) Technology.
- (n) Electricity.
- (o) Mechanical drawings.
- (p) Bookkeeping and administration.
- (q) Mining jurisprudence.
- (r) Political Economy.
- (s) Ambulance.
- (t) Practical working of wood and metals.

The courses of instruction must be so distributed throughout the three years, that during the first year the purely scientific courses are principally dealt with. The second year shall serve to give the students jointly instruction in the technical courses, whilst in the third year the students shall be instructed by means of more exhaustive lessons in their special courses of science, repetitions and practical work.

The courses of instruction for the different years of study at the School of Mines are fixed by the Council of Teachers, subject to the approval of the Curatorium.

Workshop
department

7. As a subdivisional department of the School of Mines, a workshop for the working of wood and in metals shall be established, and shall be under the supervision of the Curatorium and the Director.

- 8.** To instruction in the Mining School, only those shall be admitted :
- (a) Who have successfully passed the 4th class B, or the 5th class A of the Staats Gymnasium.
 - (b) Who, by submission of foreign diplomas, or at a preliminary examination give proof of an efficiency equivalent to that mentioned under "a."

Attendants to
lectures

Admission of Attendants to Lectures is regulated by standing rules.

9. To a higher class are admitted all students, who according to the opinion of the Council of Teachers, to be declared by resolution and subject to confirmation by the Curatorium are sufficiently advanced to follow with good result the instruction in a higher class.

Diplomas.

At the end of the entire course the diploma for :—

- (a) Mining Engineer.
- (b) Mine Surveyor.
- (c) Mechanical Engineer.
- (d) Electrician.

shall be issued after the successful passing of a public examination, held by the professors under the supervision of Commissioners, who shall be nominated by the Government, upon recommendation of the Board of Examiners, and after a term of work in the mines of at least two months.

To the holders of such a diploma certain facilities will be granted in entering for the examinations prescribed by other laws for Head Overseers of Mines, Mine Surveyors, &c., which facilities will be more fully described in the laws relative thereto.

Director and
Assistants.

10. The instruction in the School of Mines shall be given by the Director, assisted by as many Professors in the various branches as the Curatorium may deem needful, subject to ratification by the Government.

The number of hours of instruction shall be regulated by the Curatorium, subject to the approval of the Government. Hours of instruction.

The Director and the Professors shall be appointed by the Government, upon recommendation of the Curatorium.

11. The regulation of the studies and the maintenance of discipline are committed to the Council of Professors, in which all Teachers have a seat, and whereof the Director is ex-officio chairman, with a casting vote, in case of an equality of votes. Discipline.

12. The salaries of the Director and the Professors and the School fees shall be fixed by the Government, upon proposal of the Curatorium, subject to confirmation by the first Volksraad. Salaries of Professors.

13. The vacations at the School of Mines may not exceed three months per year and shall be arranged by the Curatorium. Vacations.
Two thirds of the vacation time must be devoted to work in the Mines.

14. The Superintendent of Education shall have the supervision of the institution contemplated by this Law. Supervision.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office,
Pretoria, 29th May, 1899.

LAW No. 2. 1899

RELATING TO THE APPOINTMENT, SUSPENSION AND DISMISSAL OF; THE GRANTING OF LEAVE TO; AND THE FURNISHING OF SECURITY BY OFFICIALS IN THE SERVICE OF THE GOVERNMENT OF THE SOUTH AFRICAN REPUBLIC.

(Approved by the First Volksraad Article 185 of its Minutes, dated 17th May, 1899.)

WHEREAS it has been deemed necessary to amend and supplement the existing provisions relating to the appointment, suspension and dismissal of, the granting of leave to, and the furnishing of security by Officials BE IT HEREBY ENACTED as follows:—

1. All Officials, in so far as they have not to be elected, according to law, shall be appointed by the State President. Appointment.

The State President shall obtain the approval of the Executive Council before appointing any Head-Official.

Appointments approved by the State President may be signed by the State Secretary on behalf of the State President.

The State President may, but only in very urgent cases, delegate the appointment of subordinate Officials to a Head-Official.

All appointments of Head and other Officials shall be subject to confirmation by the First Volksraad.

Executive Council is "fons et origo" of all Civil Administration.

2. The General administration of the Country derives its authority from the Executive Council, and shall be carried on by Administrative Departments.

There shall be a Head Official over each Administrative Department.

The following shall be deemed to be Head-Officials:—The Under State Secretaries for both Home and Foreign Affairs, Commandant-General, State Attorney, Treasurer-General, Auditor-General, Superintendent of Education, Orphan-Master, Registrar of Deeds, Surveyor-General, Postmaster-General, Head of the Mining Department, Head of the Telegraph Department, Chief of Public Works, Chief-Inspector of Offices, Superintendent of Natives, Inspector-General of Customs, and Government-Commissioner for Railways.

Superintendent of Natives and Chief of Mines.

3. Only persons who possess the qualifications, as laid down in the Grondwet for Volksraad Members, shall be eligible as Superintendent of Natives or Head of the Mining Department.

Oath.

4. The State President shall, either in person or through the proper officials, cause the oath of office to be administered to and signed by the newly-appointed official, and shall cause the instructions to such official to be read out and to be declared, and shall together with his appointment furnish such official with a copy of his instructions.

Officials must be Burghers.

5. Every official and every white person in the service of the State shall be required to be a fully enfranchised or naturalised burgher.

The State President shall, however, have the power in special cases, with advice and consent of the Executive Council, where the interest of the Country or the peculiar circumstances of the case may demand to dispense with the application of the provisions of the preceding paragraph.

Order of preference in appointments.

6. In the nomination and appointment of officials, the claims of fully enfranchised burghers shall be considered, and as far as possible preferred to those of naturalised burghers.

Relations.

7. In the nomination and appointment of officials, the rule must be observed that no persons who stand to each other in the relation of father, son or son-in-law, shall be appointed in the same office.

Dishonouring Sentences, &c.

8. No person may be nominated or appointed to any official position, who shall have done anything to the prejudice of the independence of the Republic, or who shall have any dishonouring sentence against him, or who shall be in receipt of a pension from any Foreign State.

Members of Volksraad.

9. No official may at the same time be a Member of either Volksraad, or Manager, Director, Commissioner, Secretary or Agent of any Company; save only in cases where dispensation herefrom shall be deemed necessary by the Executive Council in the interest of the State.

State President.

10. No official who shall have a fixed appointment to any office from the State President, and who as such enjoys a fixed monthly or yearly salary, may offer himself as a candidate for the office of State President, unless he shall have previously resigned his office in writing.

Vacancies.

11. Whenever a vacancy shall occur in the service, the Government shall immediately during a period of one month thereafter, call for applicants for the appointment which has fallen open, and meanwhile if the requirements of the work necessitate a temporary filling of the

vacancy, shall temporarily appoint some person, with such temporary salary, as shall be deemed desirable, provided always that the person in such manner temporarily appointed, shall not thereby obtain any preference over any other applicant upon the vacancy being finally filled up.

Should any new offices be established, no temporary appointments for the provisional filling thereof may be made, but applications shall be first called for.

12. Should a vacancy arise in any department, and it be possible to fill such vacancy by promotion of the junior officials, such promotion shall be made. Promotion.

Any appointment which shall have become open, or any vacancy, if it be not possible to fill such vacancy, by promotion of the junior officials, may also be immediately filled up by the appointment thereto of some person who is already an official, such as, *e.g.*, a clerk from another office.

13. No official may fill any two appointments at the same time for which separate salaries are paid by the State, save in cases where the Executive Council may deem it necessary for the proper administration of the country, and may consider that it will tend to save expense. No official to have two appointments.

14. All persons who wish to make application for any Government billet shall address such application to the State Secretary. Applications for billets.

15. The applications shall be written in the official language and in the handwriting of the applicant himself, and shall be accompanied by a certificate of burghership from the Field-Cornet of the Ward, setting out in clear terms whether the applicant is a fully enfranchised or a naturalised burgher, and submitting a certificate of membership of some Protestant Communion. Must be in writing.

16. The applications which shall be sent in shall be entered in consecutive order in a register specially provided therefor. Register.

17. The State President shall have the power, subject to his being responsible for any such action to the Volksraad, to suspend any official from his appointment without payment of any salary. Suspension by State President.

18. Each Head Official shall have the power to provisionally suspend any of his subordinate officials without payment of any salary, until the State President shall have given his decision. Suspension by Head Official.

Such Head Official shall be obliged to give immediate notice of such suspension and the reasons therefor to the State Secretary, as also a copy thereof to the official suspended.

19. Both in the case of Article 17 and Article 18, the suspension, should it not be followed by a dismissal within six weeks, shall lapse, *ipso facto*, and the official concerned be restored to his former appointment, unless the State President shall have expressly determined otherwise. Lapse of Suspension.

20. The State President may dismiss any official subject to his being responsible for his action to the First Volksraad. Dismissal.

Head Officials may upon instruction from the President dismiss any subordinate officials.

Summary dismissal.

21. An official may at any time be summarily dismissed for misconduct or incapacity.

Notice.

22. In all other cases, such as abolition of the appointment or otherwise, notice shall be given to the official concerned at least one calendar month prior to the intended dismissal, and in such case the dismissal shall be without discredit.

Financial administrators.

23. Officials charged with financial administration shall not be granted a full and clear discharge before they have rendered a due and proper account of their administration.

24. The suspension and dismissal of the State President, the Members of the Executive Council, and Members of the High Court, shall be effected as is laid down in the Grondwet.

Leave.

25. Leave shall be granted to officials, for any period over six weeks, by the State President only on such conditions as he shall deem fit. The head of any department may grant his subordinate officials yearly, leave for any period not exceeding six weeks on full pay, but without laying any further burden upon the State Treasury.

Each official shall be entitled to a leave of six weeks per annum.

Should any official not avail himself of such right during a period of five years, the State President may upon request of such official grant him leave for any period not exceeding six months.

Head officials and heads of departments shall apply direct to the Government for any "leave" which they may desire for themselves.

Security.

26. Each Government official, whether provisionally or finally appointed, who shall as such be either directly or indirectly charged with any responsibility for monies, members of the Stamp Commission being included, shall upon assuming office, give proper security to an amount to be fixed by the Government upon recommendation of the Auditor-General.

Form of Security.

27. Such security shall be either by way of first bond upon fixed property, or by guarantee from some Assurance Company registered according to Law in this State, or by personal undertaking secured by two approved sureties.

Ditto.

28. The Security shall be furnished to the satisfaction of the Auditor General, who shall also approve of the sureties.

In the event of insolvency, withdrawal of the deed of Suretyship, or if the suretyship shall in any other way lapse or become insufficient, the Auditor-General shall immediately demand the furnishing of fresh security.

What Officials may not be sureties for another.

29. Officials referred to in Art. 26 may not become sureties for any other officials.

Withdrawal of Suretyship.

30. No deed of Security may be withdrawn until after three months previous notice of withdrawal shall have been given to the Auditor-General.

The Surety shall thereafter be entitled to have his final discharge, but until it shall have been given the Deed of Security shall remain in force.

Retention of $\frac{1}{2}$ salary till Security given, &c.

31. So long as any official shall not have furnished the security required of him, he shall be only entitled to receive half of his salary.

Should the security not be furnished within six months after the same shall have been demanded, the official concerned shall be dismissed.

As soon as an official shall have furnished the required security, he shall be entitled to receive the half of his Salary that was kept back.

32. No Stamp duty shall be claimed upon Surety Deeds or Bonds passed according to this Law. No Stamps on Security Deed

33. The Deeds of Security shall be passed in the form annexed (Schedule). Form.

34. Upon this Law coming into operation the following Laws shall be repealed. Repeal.

Law No. 7, 1885 ; Art. 16 of Law No. 22, 1894 ; V. R. Resolutions Art. 188, dd. 3rd June 1875 ; Art. 733, dd. 3rd October 1884 ; Art. 224, dd. 19th May, 1886 ; First V. R. Resolutions :—Art. 1291, dd. 6th August, 1891 ; Art. 412, dd. 21st June, 1893 ; Art. 474, dd. 27th June, 1893 ; Art. 938, dd. 21st July, 1894 ; Art. 1636, dd. 10th September, 1894.

Regulations for the appointment of officials in the Service of the S. A. Republic approved by First Volksraad Resolution dd. 27th June, 1896, Art. 732 and the following Articles, and all other Laws, Resolutions and Regulations in conflict with this Law.

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

SCHEDULE.

Deed of Security for Officials charged with Finance Administration.

BE IT KNOWN to all whom it may concern—

That on this the _____ day of the month _____ in the
year _____ we _____ residing
at _____ as principal
debtor and _____ residing at _____

as sureties and coprincipal debtors, have bound ourselves jointly and severally to pay to the State Secretary of the South African Republic, or his lawful successor, the sum of _____ for the due and lawful payment whereof we firmly bind ourselves and each of us his heirs, executors and administrators.

THUS DONE at _____ in the South African Republic,
upon day and date aforesaid.

WHEREAS the above named _____ has been appointed to
the office of _____ in the service of the Government of the
South African Republic, the conditions of this obligation are hereby laid down as follows :—

1. That the Government without further action or notification may apply to have this Deed of Security declared executable, upon the person, goods and property of the persons or companies, who have signed the same (and who hereby specially renounce the benefit of excussion as also the benefit of division), in any of the following cases, to wit :—

- (a) Should such official remain in default in the rendering, as often as the same shall in any lawful manner be required of him, of a due account of the official administration carried on by and entrusted to him.
- (b) Should such official refuse to hand over to the person entitled thereto any document, which has come into his hands in his official capacity.
- (c) Should he be guilty of gross neglect, or of embezzlement, or forgery, or theft of monies, Government property or documents which have come into his hands in his official capacity.

In any such case the Government shall have the right to apply to have the Deed of Security declared executable for such amount as it may consider shall be required to make good the damages or costs.

2. That this bond shall be null and void should none of the four contingencies above specified occur.

THUS DONE and signed at place and date aforesaid, in presence of the subscribing witnesses.

S. J. P. KRUGER,
State President,

F. W. REITZ,
State Secretary,

Government Office, Pretoria,
7th June, 1899.

LAW No. 3, 1899.

CONCERNING NATURALISATION AND FULL FRANCHISE.

(Not translated).

LAW No. 4, 1899.

FOR REGULATION OF LAND TAXES.

Approved by the First Volksraad.

Art. 565, dd. 20th July, 1899.

Tax on Loan
Farms.

1. The registered owner or owners of a Loan Farm (Leenings-plaats), or portion thereof, or piece of land situate beyond the boundaries of a proclaimed Township or Stands Township, shall yearly pay therefor as Land-Tax (quit rent), an amount of one shilling and sixpence for each 100 morgen or portion thereof.

Tax on Free-
hold Farms.

The Land Tax for freehold (Eigenaars) farms shall remain unaltered.

Unsurveyed
Loan Farms.

2. So long as a loan farm or portion thereof is unsurveyed the Land Tax due thereon shall be paid according to the hitherto existing laws.

Foreign
owners pay
double.

3. Where the registered owner or owners referred to in Art. 1 is or are domiciled in foreign parts, the Land Tax shall be estimated at double the amount per 100 morgen defined in Art. 1 (viz., 3s.)

Tax on Land
of Native
Tribes.

4. The provisions of Arts. 1 and 2 shall also be of application to farms or portions thereof, or pieces of land registered in the name of the Superintendent of Natives, in trust for natives, and the tax will have to be paid by such natives.

Tax on erven.

5. The registered owner or owners of an erf or portion thereof, situate within the bounds of a proclaimed town, shall pay a yearly Land Tax :—

- (a) For each erf with a building or buildings thereon and for each portion of an erf, larger than half an erf, with a building or buildings thereon £1. 10s. 0d.
- (b) For each half erf or portion less than a half erf with a building or buildings thereon 15 shillings.
- (c) For each erf which is not built upon, and for each portion of an erf not built upon, being greater in extent than half an erf 10 shillings.
- (d) For each half erf or portion less than half an erf, not built upon, 5 shillings.

6. The collection of the land-tax shall take place according to the *Collection of Laws and Volksraad Resolutions relating thereto.* Tax.

7. All legal enactments conflicting with the provisions of this Law are hereby repealed with the exception of the provisions in this connection laid down with reference to the tax on burgher-right erven. Repeal.

8. This Law shall come into operation on 1st January, 1900.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Office, Pretoria,
9th August, 1899.

LAW No. 5, 1899.

(ARTILLERY LAW AMENDMENT.)

Amending Art. 21 of Law No. 1, 1896.

(Not Translated.)

LAW No. 6, 1892.

Being amendment of Law No. 15 of 1899.

REGULATING THE COMPENSATION IN CASES OF CATTLE, &c., BEING RUN DOWN BY TRAINS.

(Approved and enacted by First Volksraad, Art. 995, dated 30th July, 1892, and amended by Resolution of First Volksraad, Art. 1852 dated 29th November, 1899).

1. The proprietors of a railway or steam tramway undertaking are obliged to give compensation to the owner of live stock killed or fatally injured by a train, in cases where:— *Cases for Compensation.*

- (a) The running down takes place between sunrise and sunset.
- (b) The portion of the railway or tramway running alongside or through the grounds of the owner of such live stock is not fenced in.
- (c) No compensation has been given or indemnity paid for the land, on which the live stock is killed or fatally injured.
- (d) The live stock which has been killed or fatally injured belongs to the occupier of the ground, including cattle farms, on which the cases of running down have taken place.
- (e) The live stock runs loose without herding and are not driven nor attended.

2. The owner or overseer of the killed or fatally injured stock shall, within 48 hours, give notice of the running down to the nearest station-master, and shall arrange and keep safely as much of the remains of such stock as possible, and shall, within 24 hours after the said notice, point out the same to the station-master or some person appointed by him, at the place where the stock is killed or injured, in order to enable him to determine the sort and the number thereof. *Owner must report the running down to nearest station-master.*

Inspection by
Railway
Officials.

If the Railway or Steam-tramway management does not avail itself of this time of 24 hours in order to institute an enquiry, then the correctness of the report (notification) is taken to be admitted.

Compensation

3. Compensation shall be given by the various Railway Companies for the following animals:—horses or mules, oxen, donkeys, sheep or goats, and such like for the full value of the animals run down, and where a difference arises between the owner of the stock and the Company as to the value of the stock, it shall be decided by arbitrators, of whom one shall be nominated on either side.

Cases in which
compensation
is not granted.

4. Compensation will not be granted in the two following cases:—
(a) When the owner neglects to act as is prescribed in Art. 2.
(b) When the competent Judge decides that the owner has been guilty of fraudulent conduct, or has supplied inaccurate and exaggerated particulars, whereby the owner shall also render himself liable to prosecution, and to the penalties provided by law against such dealings.

Common Law.

5. In so far as this Law does not depart therefrom, the provisions of the Common Law as to damage inflicted are of application.

6. This Law comes into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
16th August, 1899.

LAW No. 7, 1899.

Regulating the competency of the Native Commissioners and Sub-Commissioners for Natives to punish legal practitioners in such Courts for any improper conduct in these Courts.

(Approved by Second Volksraad, Art. 624 dated 26th July, 1899:—
Noted and accepted by First Volksraad, Art. 830, dated 11th August, 1899).

Practitioners
guilty of
contempt of
Court in
Native
Courts.

1. The Commissioner for Natives or Sub-Commissioner for Natives may punish any agent or practitioner who is guilty of contempt of Court, with a fine not exceeding £10, or upon non-payment with imprisonment for a period not exceeding 14 days.

Appeal.

Subject to the provisions with reference to appeals, it is open to the Agent to appeal to a higher Court against any order of the Commissioner or Sub-Commissioner of Natives given against him under this Article.

Suspension
from practice.

In the case of Attorneys and Advocates practising in these Courts, the Commissioner or Sub-Commissioner for Natives is competent in respect of proved misconduct or otherwise, to refuse to allow them to practise in such Court, subject however to the right of appeal.

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

S. J. P. KRUGER,
State President,

F. W. RIETZ,
State Secretary.

Government Office, Pretoria,
23rd August, 1899.

LAW No. 8, 1899.

Being Supplement to Law No. 2, 1882.

(Approved by the Second Volksraad, Art. 668, dated 28th July, 1899 :—Noted and accepted by the First Volksraad, Art. 930, dated 18th August, 1899).

1. Pound-masters are hereby strictly forbidden to sell in their said capacity under any pretext whatsoever any stock that has not been delivered to them in terms of the said Pound Ordinance, to be detained by them in the Pound. Improper sale
of stock by
Pound-master

Contravention of this provision shall be punished by a fine of £10, or in default of payment thereof, a month's imprisonment. Penalty.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
31st August, 1899.

LAW No. 9, 1899.

Being in substitution for and amendment of Law No. 9, 1897, for a Town Council at Johannesburg.

(Modified and confirmed by the Second Volksraad. Art. 828, dated 16th August, 1899; noted and accepted by the First Volksraad. Art. 960, dated 25th August, 1899).

1. The town of Johannesburg shall be managed by a Town Council, consisting of not more than 24 members, half of whom shall be burghers of the South African Republic, entitled to vote, who satisfy the requirements fixed by Art. 9. Town Council
to have not
more than
24 Members.

Two members shall be elected for each ward as at present established under the jurisdiction of the Sanitary Board. Wards.

The Town Council may during the course of the first year effect a redistribution of the wards. Redistribu-
tion of Wards.

The boundaries of the town of Johannesburg shall be defined by the Executive Council (of the S. A. R.) before the coming into operation of this Law, and may be further revised from time to time. Town limits.

- Burgomaster** **2.** The Chairman of the Council shall be designated the "Burgomaster," and be appointed by the State President for a term of 5 years, and may be thereafter reappointed; he may at any time be dismissed by the President.
- His Salary.** The salary of the "Burgomaster" shall be paid by the Government. He shall in the daily administration of the town be assisted by two or more Aldermen, to be elected by the Council out of its own number.
- Executive.** The "Burgomaster" and Aldermen constitute the daily management or executive authority of the town.
- Secretary and Treasurer.** They shall be assisted by a Secretary and Treasurer, who shall be appointed by the Council, but may not themselves be members of the Council.
- Town Police.** The Town Council may also nominate and appoint its own Town Police, provided that the approval of the Executive Council in consultation with the State Attorney is first obtained thereto.
- Sub-committees.** The Town Council shall also have the right to appoint sub-committees from amongst its own members, and to determine the functions, duties and powers of such sub-committees.
- Officials.** The Council may, besides, from time to time appoint such officials as may appear to be necessary.

Election of Councillors. **3.** The members of Council shall be elected by the white male inhabitants of full age of the town of Johannesburg, who shall have established themselves as residents there at least three months prior to the election, and who are:—

- Voters.**
- (a) Burghers entitled to vote.
 - (b) Owners of a stand or building there worth at least £100—with this proviso, that loss of such property shall entail immediate loss of the right to vote.
 - (c) Persons who pay a yearly house, office or room hire of at least £50.

Assessment. **4a.** The Town Council shall from time to time, as it may deem desirable, and at least once every three years, cause a valuation to be made of all the hereinafter specified rateable property by competent persons or by a Commission, elected from amongst persons other than the members of Council.

What is rateable property. By rateable property shall be understood:—All immovable property or landed property, including therein all ground held as freehold, all stands held in terms of the Gold-law, all property and erven or pieces of land held under lease for a longer period than five years or under lease, with right of renewal, which right, if exercised, would extend the term of the lease for a longer period than five years, together with all buildings and other erections thereon, and all buildings which may be erected under any contract of lease, or any right whatsoever, with the exception of:—

1. Ground or houses, being the property of the Government of this Republic, not in use or being used for public purposes.
2. Ground or houses in use for State purposes.
3. Places exclusively used for public worship, charitable purposes, schools, reading rooms or museums.
4. Grounds or buildings exclusively used for or as hospitals, asylums, charitable refuges, or orphanages.

- (b) The Town Council may at all times cause a similar valuation of all properties to be made, which at the time of the original valuation were inadvertently omitted from the valuation roll, or of property which has been subdivided, or of buildings or erections put up in the intervals between the general valuations, or of properties which have become rateable in as much as they have ceased to be property excluded from assessment.
- (c) As soon as a valuation as aforesaid shall be completed, the valuation roll shall lie for inspection of all interested parties at the office of the Town Council, during a period of at least 21 days, and notice that it is so lying for inspection shall be given in one or more of the local newspapers, and in such other way as the Town Council shall determine.
- (d) The Town Council shall further fix a day for the hearing of and decisions as to objections to the valuations. At least fourteen days' previous notice of such day and of the hour of meeting shall be given in one or more of the local newspapers, and in such other manner as the Town Council shall determine.
- (e) On the day and at the place and hour mentioned in such notice, the Town Council shall hold a Special Session, and shall hear all objections which may be brought by parties interested against the valuation, and shall inquire into the merits of the objections, and confirm, modify, decrease, or (if it may deem it advisable so to do) increase the valuations.

Objections to Assessment.

Special Session to hear Objections.

The Town Council shall have the right to make rules regarding the manner in which the objections are to be substantiated before the Council convened for that purpose in Special Session, and regarding the procedure to be adopted in connection with the hearing of these objections, and may from time to time adjourn the Special Sessions as it shall deem fit.

- (f) Anyone who feels aggrieved at the valuation of any property of which he is owner or occupier, shall have the right, within 21 days after the decision of the Town Council at its Special Session, to appeal to a competent Court against such decision.
- (g) Each valuator shall for the purposes of valuation have the right at all reasonable hours of the day to visit or enter rateable properties within the circle of the Town Council's jurisdiction.
- (h) Each valuator shall have the right to address to any person who is in the enjoyment of any rateable property or inhabits, manages or has charge thereof, as also to any owner of rateable property, which the said valuator is authorised to value, questions concerning all matters which may be necessary to enable the valuator to arrive at a correct valuation and to specify who the owner or person in enjoyment of such property is, besides such other particulars as it may be deemed necessary to mention in the valuation roll. Where such occupier, manager, caretaker or owner, or person in enjoyment of such property is notified by the valuator of the latter's intention to put such questions and of his authority so to do, and such persons shall refuse or wilfully neglect to answer the questions to the best of their knowledge, or shall give or make false answers or declarations, any such person shall be punished for each offence or default by a fine, not exceeding £10 or by imprisonment with or without hard labour for a period not exceeding one month.

Appeal.

Valuator may enter rateable premises. 15EA

Valuator may put questions.

Elections for
Councillors.

5. The first Wednesday of the month of November in each year shall be the regular time for elections for the Town Council.

Vacancies.

6. The elections to fill vacancies occasioned by dismissal, decease, or from other causes shall be held on a day to be fixed by the Burgomaster and Aldermen within two months after the vacancy has occurred.

How elections
held.

7. The election shall be held in such manner as shall be hereafter defined by law.

The members shall be elected by a majority of votes registered for them in any ward; no one shall however be deemed to be elected unless at least 50 votes have been registered in his favour.

In case of an equality of votes the decision shall be by lot.

The election takes place by ballot.

Acceptance
of office.

8. The person elected shall notify his acceptance of office within fifteen days after he shall have been informed by the Secretary of the Town Council of his election.

If he does not notify his acceptance within this time, he shall be deemed not to have accepted office.

Who may be
Councillors.

9. Only male white persons of full age, who have established themselves as residents, and who have resided in the town of Johannesburg for at least three months prior to the day on which the election is to be held, and who shall be owners or lessors of one or more stands or buildings to a value of at least £200, situate there, and who are not excluded by the following article, shall be eligible as members.

Who may
not be
Councillors.

10. The office of member of the Council may not be filled by persons who are in the Council's employ, irrespective of their enjoying a fixed salary or not.

Further, no Civil Servant is eligible as member of Council.

Disputes arising in respect of this article shall be enquired into and decided by the Executive Council (South African Republic), except the Executive Council refers the matter to a competent Court.

Councillors
may not be
employed as
Attorneys, &c.
in town
affairs nor in
underhand
leases, &c. of
Town
property.
Tenders
opened in
open meeting.

11. The members of Council may not be employed as advocates or attorneys in lawsuits which concern the town, nor may they directly or indirectly participate or be interested in any out of hand lease of town property, or revenue, or in any other way obtain or earn money from the Council.

All tenders for work or materials to be supplied to or on behalf of the Town Council, shall be opened at a meeting of the Council, which shall be open to the public, and be initialled and signed by the Burgomaster.

Whoso acts contrary to these provisions, shall be suspended by the Council until such time as a competent Court shall have decided as to the truth of the complaint.

Councillors
hold office for
two years.

12. The members of the Council shall hold office for two years.

Half of them shall vacate their seats at the end of the first year according to a roster to be fixed by the Council. The time at which they shall retire in accordance with the roster shall be fixed by lot.

Every member chosen in the stead of another whose term of office was not yet lapsed, shall vacate his seat at the time his predecessor would have had to do so.

13. The Council shall enquire into all matters relating to the election of its members and shall decide all differences subject to a right of appeal to the High Court. Council decides as to disputed elections Appeal to High Court.

The newly elected Councillors shall not take part in such enquiry nor attend the deliberations with reference thereto, but may, if need be, be heard as witnesses.

The decision of the Council shall set out the grounds on which it is based on pain of nullity.

14. The Council shall meet at least once a month according to regulations to be framed by the Council. Council meetings.

The Burgomaster shall have the right at all time to convene the Council in special cases.

15. The meetings shall be open to the public, unless the majority of Councillors present or the Burgomaster shall deem it necessary to hold the meeting with closed doors.

Proper minutes shall be kept in Dutch of the proceedings of all meetings. Minutes.

16. At a meeting with closed doors the following matters may be discussed but may not be decided upon:— Matters which may not be decided at meeting with closed doors.

(a) The admission of newly elected members.

(b) The estimates.

(c) The introduction, modification or abolition of rates.

(d) The raising of loans.

(e) The encumbrance, alienation, loan or letting of town properties.

(f) The out of hand leasing, letting or loan of such properties.

(g) The out of hand letting out of works or supply contracts.

(h) And any other matter which the Council may deem fit.

17. No member of Council shall be liable to criminal prosecution for his vote or opinion expressed in Council. Privilege

18. The quorum of the Council shall be one member more than half of the full number elected. Quorum.

The members of Council present, being not less than nine in number, shall however be competent to take resolutions in cases where after the second summons no quorum is present.

19. All resolutions shall be taken by a clear majority of votes.

In cases of an equality of votes the taking of the resolution shall stand over to the next meeting, if there is then again an equality of votes the proposition shall be deemed lapsed. Voting at meetings.

The voting in all matters shall be by word of mouth and by counting of heads, but in selecting persons or passing resolutions the voting shall be by signed ballot papers where the Council shall so determine.

The Council shall furthermore frame its own standing orders, subject to confirmation by the Executive Council (South African Republic).

20. The members of Council shall not receive any payment or compensation for attendance at the ordinary meetings of the Council, but may be compensated for official services in connection with the business of the Council. Such compensation shall be fixed by the Council. Councillors get no remuneration except for special services.

21. Only a fully enfranchised burgher shall be eligible for appointment as Burgomaster. Burgomaster must be full burgher.

May not hold other appointments.

The Burgomaster shall not hold any appointment whatsoever in addition to that of Burgomaster.

Commando service.

22. The Burgomaster, the Aldermen and the Members of Council shall be exempt from Commando services.

They shall, however, not be exempt from payment of war costs, should that be necessary.

Burgomaster has casting vote.

23. The Burgomaster is Chairman of the Council, and as such may speak, but not vote.

Opens all correspondence except tenders. He signs documents.

24. The Burgomaster receives and opens all official documents addressed to the Council or to the Burgomaster and Aldermen, with the exception of tenders, which shall be opened before the full Council.

He shall sign all documents which proceed from the Council or from the Burgomaster and Aldermen, and is charged with the execution thereof.

He may refuse to give effect to resolutions conflicting with law

Resolutions which, in his judgment, conflict with the law, he shall not be obliged to give effect to.

Executive S.A.R. to decide thereon.

Upon such a dispute arising he shall be bound within two days after the day on which such resolution has been taken, to apply to the Executive Council (South African Republic) by means of a petition duly setting forth the grounds on which it is based, with a request that the Executive Council shall decide as to the legality or illegality of such resolution of Council.

Legal proceedings.

Lawsuits, whether the Town Council be Plaintiffs or Defendants, shall be conducted in the name of the Burgomaster.

The Council shall decide by a majority of votes whether the town shall institute or defend legal proceedings.

Burgomaster to reside in Johannesburg.

25. The Burgomaster shall after his appointment, reside in Johannesburg. He may not leave that place without consent of the Government.

Senior Alderman acts in Burgomaster's absence.

26. The place of the Burgomaster shall in his absence be taken by the Senior Alderman.

Duties of officers.

27. The duties of the Aldermen, as also of the Secretary, Treasurer and other officers of the Council, shall be defined by regulations laid down by the Council.

Power to frame Regulations. Salaries.

28. The Council shall be competent to frame all regulations which are requisite in the interests of public safety, order, morality or health.

The Town Council fixes and regulates the salaries of officials and the security to be given by officials entrusted with financial administration, should the Council have required that security should be given.

Purchase or lease of land.

The Council shall be entitled to purchase or hire houses or ground for Town purposes, but in the first case the approval of at least two-thirds of the inhabitants entitled to vote, present at a public meeting, lawfully convened by the Town Council for that purpose, and the confirmation thereof by the Executive Council (South African Republic) shall be obtained.

Dominium. Alienation of immovable property.

The right of ownership in all fixed property belonging to the town, shall be vested in the Town Council without power of alienation, whether by means of sale, gift, lease, or otherwise, unless consent be thereto given by at least two-thirds of the votes at a public meeting of inhabitants entitled to vote, lawfully convened in terms of the

preceding paragraph, whereat at least one-fourth of such inhabitants shall be present.

In addition thereto, the approval shall be required of the Executive Council (South African Republic), which shall be fully entitled to withhold its approval.

The right of ownership in all movable property belonging to the town shall be vested in the Town Council, which may dispose of the same according to the best interests of the town.

Movable property.

The Town Council shall be obliged to keep an inventory of all movable property belonging to the town. The inventory, framed on the 1st January in each year, shall, with a due explanation of the points of difference between it and together with that of the previous year, lie open to the inspection of the voters during the month of January, at the office of the Town Council.

Inventory of movable assets.

The Town Council may enter into agreements for the carrying out of public works and the delivery of necessaries, but no such agreement may be concluded for a sum exceeding £30, without tenders being duly called for.

Contracts.

The Council shall also decide as to the leasing and letting of Town property and the exemption from payment or reduction of rents should such be necessary.

Leases of Town assets.

The squares, works, streets and ways intended for public traffic as at the time this Law comes into operation, shall remain open to the public traffic, unless the closing thereof is approved of by the Government, but shall be administered and maintained by the Town Council.

Maintenance of squares and streets.

Buildings, stands and pieces of land, now the property of the Government of the South African Republic, shall continue to be so, and shall be administered and maintained by the Government.

Government properties.

29. The Council shall have the right to fix penalties for contravention of its regulations, not exceeding an imprisonment for a period of 14 days with or without hard labour, or a fine not exceeding £25, or in the case of natives, lashes not exceeding 25 in number.

Penalties.

The Landdrost shall have jurisdiction in regard to contraventions of Town regulations where a penalty is provided. An appeal shall lie from his decision to the High Court.

Jurisdiction.

The proceeds of fines shall go to the benefit of the Town.

Fines

30. The Burgomaster shall be obliged within four days after a regulation has been framed and accepted to notify each such regulation to the Executive Council.

New regulations

The Executive Council shall have the right within one month after the date of receipt of such notice to annul such regulation.

No regulation of the Council shall be binding, which shall not have been published in the *Staatscourant* and in such other manner as the Council shall deem fit, at least fourteen days prior to its coming into operation.

31. The Burgomaster and Aldermen shall have a yearly compilation of all regulations passed by the Council and confirmed by the Executive Council prepared and issued.

Yearly publication of rules.

32. The revenue of the Town shall in addition to the fines mentioned in Sub-Art. 22, consist of:—

Revenue.

(a) A tax to be paid by such owner of rateable property, to be fixed by the Town Council, but not to exceed 3d. (three pence) per £

Rates.

per annum, of the appraised value as specified above, in terms of Art. 4.

The Town Council may from time to time as often as it shall deem fit assess rates on all rateable property as aforesaid, and for such purposes as shall be deemed necessary, which rates shall be payable by or recoverable from the owner of the property.

In the case of stands or other rateable properties which are not in use (occupied), the owner shall be deemed to be both owner and occupier.

Rents.

(b) The rent for the use of Town property.

Cab licences,
&c.

(c) The licences for vehicles and theatres, market and pound dues, and such other taxes as the Town Council shall deem it necessary to levy, in which case it shall however require the sanction of the Volksraad.

The Volksraad Resolution that confers such sanction, need not be previously submitted to approval of the people

The Town revenue shall be collected by the Treasurer on behalf of the Town Council.

Property
excluded from
assessment.

33. All Government properties and property exclusively devoted to and intended for religious or charitable purposes or schools, are excluded from this assessment and may not be taxed.

Loan.

34. The Council shall have the right to conclude loans and to bind the Town property as security, where the previous approval of the Executive Council shall have been obtained.

Estimates of
revenue and
expenditure
to be framed.

35. The Burgomaster and Aldermen shall frame an estimate of revenue and expenditure for each service year, and the same shall be discussed by the Council at least fourteen days prior to the commencement of the new service year.

Payments.

No monies may be paid out as expenditure which are not provided for in the estimates, unless the Town Council shall take a resolution to that effect by way of supplementary estimates.

The Members who have authorised such expenditure shall be personally responsible therefor.

Books.

36. The Town Council shall cause proper books of revenue and expenditure to be kept.

Inspection of
books.

The books shall be open to inspection by the inhabitants who are entitled to vote on the first Wednesday in each month.

Audit.

The books and accounts of the Council shall be audited yearly or at such other times, as may be found necessary, by two auditors to be appointed by the Council from time to time for that purpose.

Balance
sheets.

The account of Town expenditure and income shall be closed on the 31st December of each year, and a copy thereof filed before the end of the month of January following thereon, at the office of the Town Council for inspection and examination by inhabitants entitled to vote.

Furthermore, this account shall be published in the *Staatscourant* in the month of January.

TRANSITIONAL PROVISIONS.

First election
of Councillors

37. The last valuation roll of the Sanitary Board and List of Voters in Johannesburg shall be taken as a basis for the first election of members of Council.

All costs in connection with the bringing into operation of this Law shall be borne by the Town Council.

- 38.** Immediately after the Council shall have been elected and constituted for the first time under this Law, the present Sanitary Board shall cease to exist. Former Sanitary Board.
- All officials and persons in employ of the Sanitary Board shall be taken into the employ of the Council, which shall however not be bound to continue to pay the same salaries as at present, or to retain them in their present offices, subject however to what is provided in the following Article. Officials of former Board.
- 39.** The Council takes over all assets, liabilities and obligations of the Sanitary Board as at the date hereof. Obligations of former Board.
- 40.** The regulations of the present Sanitary Board at Johannesburg, shall in as far as not in conflict with this Law, continue of force until they shall be modified or repealed by the Council. [1] Regulations of former Board.
- 41.** The present Sanitary Board shall, so long as the Town Council shall not have been elected and constituted under this Law, continue to act as such. Board shall continue to act.
- 42.** This Law shall come into operation at a time to be more definitely fixed (proclaimed) by the Government. Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 5th, September, 1899.

LAW No. 10 of 1899.

FOR THE ESTABLISHMENT OF A DEPARTMENT FOR THE IDENTIFICATION OF CRIMINALS AND SUSPECTS.

(Approved by Second Volksraad, Article 972, dated 28th August, 1899. Noted and accepted by First Volksraad, Article 1,195, dated 11th September, 1899.)

WHEREAS it has appeared desirable in order to establish a record of the personal appearance of criminals and suspected persons in the South African Republic to have a better personal description, filed of record, than up to the present has been the case, to which end the well-known "Bertillon" system gives the most satisfactory results, it is hereby provided and enacted as follows—

- 1.** A Department shall be established in this Republic, entitled the "Department for the Identification of Criminals and Suspects," and shall be placed under supervision of the State Attorney, in which Department portraits and personal descriptions of the persons indicated by this Law shall be prepared and kept. Identity Department established.

¹ In *Staatscourant* for 16th February and 16th March, 1898, pages 243 and 337, Municipal Regulations for Johannesburg in terms of Art. 30, Law 9 of 1897, are published, and also regulations in regard to public buildings and outspans.

Portraits and
personal
descriptions.

2. Such portraits and personal descriptions shall be prepared in the gaols to be pointed out for that purpose by the Government in consultation with the State Attorney, and by officials entrusted with the carrying out of the above-mentioned system, and appointed for that purpose by the Government, upon recommendation of the State Attorney.

Who may be
subjected
thereto.

3. The following persons may be subjected to bodily measurement, personal description and photographic portraiture, viz. :—

- (a) Those condemned to imprisonment for a period of three months or longer, with or without hard labour.
- (b) Accused persons committed to trial before the Circuit Court.
- (c) Suspected persons, who may be thereto pointed out by or on behalf of the State Attorney.

Refractory
persons.

4. The persons named in the previous Article, who prove refractory to the officials charged with the work of examination for identity purposes, or who refuse to submit themselves to the photographic portraiture or the bodily measurement and personal description shall be reported by the aforesaid officials or their substitutes to the State Attorney, by whom they shall be deemed, dealt with and punished as refractory prisoners, as is set forth and provided in Art. 10 and 12 of the Gaol Law (No. 14 of 1880) which Articles shall be applicable to these facts or as may be provided by the Articles of any law which may take the place of the said Gaol Law.

Rules to be
framed.

5. The Government shall in consultation with the State Attorney frame rules, regulating the establishment, departmental service, administration expenses, &c., of the Identity Department.

6. This law shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
20th September, 1899.

LAW No. 11, 1899.

BEING THE LAW ON IMMORALITY.

(Approved by Second Volksraad, Art. 934, dated 24th August, 1899;
Noted and accepted by First Volksraad, Art. 1191, dated 11th
September, 1899.)

Penalty for
public
violation of
decency.

1. Public violation of decency shall be punished by a fine not exceeding £300, or imprisonment with or without hard labour for a period not exceeding two years.

Definition of
term.

Public violation of decency includes the case where a person of publicly bad conduct exhibits himself or herself at doors or windows or elsewhere in the public roads and streets, with or without clothes, and the enticing or soliciting of passers-by by words, the giving of signs, as well as otherwise, with the object of committing an immoral act.

2. The keeping of a brothel is prohibited. Contravention is punished by imprisonment with or without hard labour for a period not exceeding five years, with or without banishment from the Republic.

Brothels prohibited.
Penalty.

The following persons shall be taken to be holders of a brothel subject to the foregoing penalty:—

Persons punishable.

- (a) The actual holder or proprietor of a brothel.
- (b) Every person, who represents himself, or who acts as one, who has taken upon himself, the control or management of a brothel, although he or she is in reality not the holder or owner thereof.
- (c) Any person who imports a woman or women from elsewhere or conveys her or has her conveyed from one place to another in this Republic for immoral purposes.
- (d) Any person who is lessor of any building which is used as a brothel or for the commission of immoral acts, and who, upon application of the Police or of a Public Prosecutor, refuses to give up the name or the names of the lessee or lessees, or who, after being thereto requested in writing by the State Attorney or his representative, shall neglect to duly take legal steps before a competent Court for Civil Causes for ejection against the persons who use such building as a brothel or for the commission of immoral acts.

Where the lessor as aforesaid is a firm or company, all the partners or directors and managers shall be responsible as keepers of a brothel.

- (e) He who in a house, room or other locality belonging to or hired by him affords facilities for the commission of immoral acts, or permits immoral acts to be there committed.
- (f) He who lets out any chamber, room, or place belonging to him or hired by him, knowing that the hirer will keep a brothel there or otherwise give opportunity for the commission of immoral acts or will allow immoral acts to be there committed.
- (g) He who habitually associates with women of openly bad conduct or altogether or in part lives upon the monies earned by them.

3. Where it is brought to the notice of the lessor of any dwelling, room or locality, that the lessee keeps a brothel, or otherwise affords facilities for the commission of immoral acts, or permits the commission of immoral acts there, and the lessor does not forthwith give notice thereof to the State Attorney or Public Prosecutor to enable him to take the necessary steps according to law, the lessor shall be punished with a fine not exceeding £200, or imprisonment not exceeding one year.

Lessor's duty.

4. The woman who makes her living by the commission of immoral acts, or takes or receives money or any other consideration therefor, or allows the same to be received by a third party, either directly or indirectly, shall be punished by a fine not exceeding £500, or imprisonment with or without hard labour for a period not exceeding two years, and with or without banishment from the Republic.

Penalties against prostitution and living on the earnings thereof.

5. Any person shall be guilty of a contravention of this Law, and upon proof thereof shall be punished by imprisonment with hard labour for two years, who shall detain any woman or girl against her will:—

Detention of women or girls against their will.
Penalty.

- (a) On or in any place or locality, with the object that she should be able to have unlawful carnal intercourse with any man, whether with a particular man or generally.
- (b) In a brothel.

Where a woman or girl is at any place or in any locality, with the object of committing any act of immorality, or is in any brothel, a person shall be deemed to detain such woman or girl against her will, at such place or in such locality or brothel, if such person, with the intention of compelling or inducing her to remain in such place or in such locality or brothel, withholds any clothes or other property belonging to such woman or girl, or where any clothes are lent or otherwise supplied to such woman or girl by or upon order of such person, such person threatens the said woman or girl that legal proceedings will be taken against her if she takes with her the clothes so lent or supplied.

No legal steps, whether civil or criminal, may be taken against any such woman or girl for taking with her or being found in possession of any such clothes as were necessary to enable her to leave such place, locality or brothel.

Penalty for other cases.

6. The white woman who wilfully commits an immoral act with a coloured man shall be punished by imprisonment, with or without hard labour, for a period not exceeding five years, and with or without banishment from the Republic.

Coloured man.

7. The coloured man who commits an immoral act with a white woman, with her consent, shall be punished by imprisonment with hard labour for a period not exceeding six years, and with lashes not exceeding fifty.

Parents, guardians, &c.

8. Punishable by imprisonment with hard labour for a period not exceeding six years, are immoral acts committed :—

- (a) By parents, guardians, ministers of religion, or teachers, with minors committed to their care or charge.
- (b) By managers or overseers in working institutions, work places, or factories, with their minor servants or subordinates.
- (c) By officials with persons who are subjected to their authority, or entrusted or recommended to their care.
- (d) By managers, medical men, teachers, officials, overseers or employees in gaols, hospitals, lunatic asylums, or charity institutions, with persons being inmates thereof.

Pimps.

9. He, who in the pursuit of gain, wilfully brings about or furthers the commission of an immoral act by a minor with a third party, shall be punished by imprisonment with or without hard labour for a period not exceeding four years.

Parents, &c.

10. The father, mother, or guardian, who wilfully brings about or furthers the commission of an immoral act by his or her minor child, or the minor under his or her guardianship, shall be punished by imprisonment with or without hard labour for a period not exceeding five years.

Definition of term coloured man.

11. In this Law the words "coloured man" shall be deemed to be of application to male persons of all native and coloured races of Africa, Asia, America or St. Helena, as also to Coolies or Chinese.

Term male.

12. For the purposes and administration of this Law, the term "male" shall be deemed and taken to include female.

13. Where upon the submission of sworn affidavits a Public Prosecutor has a strong suspicion that a man or woman has committed an immoral act, he or she may apply to the Court for a writ of habeas corpus, and the Court may grant such writ, and the person so committed may be taken to the place to which he or she is committed, and there kept in custody until he or she is released.

room, or locality, used for any sort of licensed business, such Public Prosecutor shall be entitled to take from the holder of the licensed business a sworn affidavit to the effect that no immoral acts are being committed in the said building, room, or locality.

If, after the making of such sworn declaration, the holder of the licensed business wilfully affords facility for or permits the commission of immoral acts, he may be prosecuted for perjury. Upon refusal to make such sworn declaration his license may be declared lapsed by the Landdrost, Mining Commissioner, or other competent official.

14. Landdrosts, Mining Commissioners, Special and Assistant Landdrosts, Judicial Commissioners and Resident Justices of the Peace shall have Special Jurisdiction in respect of all contraventions of this Law, with reservation of the right of the State Attorney to put an accused on his trial before the High Court or Circuit Court. Jurisdiction.

No judgment given by any of the judicial officers as aforesaid shall be carried into effect before the proceedings shall have been submitted to and confirmed by one of the Judges of the High Court.

To that end the Registrar of the Lower Court concerned therein shall forthwith prepare copies of the proceedings in the case, and certify the same as correct, keep them in his office and transmit the originals to the Registrar of the High Court at Pretoria for submission to one of the Judges thereof.

Such Judge shall, within at least one month after receipt of the documents, certify thereon that the proceedings and the judgment have really been justly and fairly held and given, and the Registrar of the High Court shall then return the documents with this certificate to the Lower Court concerned therein, in order that the sentence may be carried out.

The Judge in question of the High Court may, in case of suspected irregularity or of doubt, transmit the documents to the State Attorney, with instructions to him to argue the case before him, and likewise to request an Advocate to do so on behalf of the accused.

The Judge in question shall likewise have the power to modify the sentence or wholly or partially annul it. If it should appear that evidence has been admitted by the Judicial Officer referred to in the second paragraph of this article, which ought not to have been admitted, the sentence of such Judicial Officer shall not be annulled on this ground, provided it shall appear from the documents that, apart from the improperly admitted evidence, there was sufficient other evidence and proof of the guilt of the accused.

15. All Laws and enactments in conflict with this Law, and more especially Law No. 2, 1897, and Law No. 23, 1898, are hereby repealed. Repeal.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Whenever more services than one have to be done on the same journey, the distance from the town to the place of service can be only once brought into account, and the distances to the other places of service must be calculated, each one from the last preceding place of service and back to the town in the same way.

Postage in Criminal matters free.

„ in Civil matters, as per post tariff.

	£	s.	d.
Making of inventory, not exceeding a foolscap folio of			
30 lines - - - - -		2	6
For each following foolscap folio - - - - -		2	6

Where a writ is withdrawn after execution, but before advertisement in the *Staatscourant*— $\frac{1}{2}$ per cent. of the amount of the writ. After advertisement, but before the sale has taken place 1 per cent., and where the sale has taken place $2\frac{1}{2}$ per cent. on the first £100 and $1\frac{1}{2}$ per cent. on each following £100.

If monies are taken in execution $\frac{1}{2}$ per cent. shall be charged on the first £100 and $\frac{1}{4}$ per cent. on each following £100.

	£	s.	d.
Keeping possession of goods which necessitate continuous care, per diem - - - - -		7	6
Keeping possession of other goods - - - - -		3	0

Whenever anyone has to be sent beyond the limits of the town to take or keep charge of goods, per diem - - - - - 15 0

If goods have to be removed the usual rent can be charged, besides the necessary costs of conveyance.

	£	s.	d.
For the execution of any writ whether of arrest, ejection or against movables or immovables - - - - -		1	0 0
Drawing any Deed of Security - - - - -		0	10 0
Notice of attachment of immovables to Registrar of Deeds or Defendant (for each notice) - - - - -		0	3 0
Drawing advertisements - - - - -		0	2 0
In case of execution of a writ against movables and sale thereof, for copies thereof to transmit to the High Sheriff		0	7 6
For each letter enclosing documents for service despatched to the Deputy Sheriffs - - - - -		0	2 6
For assistance in framing inventories beyond the limits of the town, besides horse hire as per tariff, per diem - - - - -		0	15 0
Do. within the town - - - - -		0	10 0

In criminal cases only horse hire, service, return of registration (*sic*), may be brought into account, according to tariff in civil cases.

	£	s.	d.
For attending and supervising the carrying out of a sentence of death - - - - -		2	0 0

Lower Courts
Tariff.

11. An advocate, attorney or agent, appearing in any case in the Lower Court, shall not be entitled to further costs than—

	£	s.	d.
Demand - - - - -		0	3 0
For drawing of summons and taking charge of case if undefended - - - - -		1	11 6
If defended, or witnesses heard for first day, not exceeding		3	3 0
Each day following thereon not exceeding - - - - -		1	11 6
For appearance to note judgment - - - - -		0	10 6

	£	s.	d.
Drawing power - - - - -		3	0
For copies, per folio - - - - -		1	3
Drawing of Petition or declarations per folio - - - - -		2	6
Copies, per folio - - - - -		1	3
Drawing of subpoena - - - - -		5	0
Copies of each - - - - -		2	6
Notice of set down - - - - -		3	0
„ of withdrawal - - - - -		3	0
„ of taxation - - - - -		3	0
For attending taxation whether defended or not - - - - -		5	0
Drawing and issuing writ - - - - -		5	0
Copies of writ - - - - -		2	6
Writ for personal arrest - - - - -		10	0
Drawing of “ Deed de Restituendo ” - - - - -		5	0

For collection of moneys 5 per cent. commission for £100 or portion thereof and for amounts over this 2½ per cent.

12. Where judgment is given by the Lower Courts, for the payment of money, the attorney or agent shall not be entitled to costs of collection. Collection.

13. No Attorney or agent, practising in the Lower Courts, shall be entitled to receive payment of his bill of costs before the same shall have been taxed, under pain of suspension or being struck from the roll, according to the nature of the case. Bill of Costs.

Tariff of Stamps for the Office of the Registrar of Lower Courts.

	£	s.	d.	Lower Court Stamps Tariff.
Power to sue or defend - - - - -	0	1	0	
Substitution of power - - - - -	0	1	0	
Summons - - - - -	0	1	0	
Subpœna - - - - -	0	1	0	
Writ - - - - -	0	2	0	
Each document submitted in a case - - - - -	0	1	0	
Judgment - - - - -	0	2	0	
Petition or notice of application - - - - -	0	2	0	
Affidavit - - - - -	0	2	0	
Certified copy of a document - - - - -	0	1	0	
Orders and interdicts - - - - -	0	2	0	
Notice of withdrawal of a case - - - - -	0	1	0	
Deed of security in case of appeal - - - - -	0	1	0	
Bills of cost in all cases and applications 1 per cent. on the amount to be taxed.				
Consent to judgment - - - - -	0	1	0	
Notice of appeal - - - - -	0	7	6	

Tariff for Messengers of Court—Civil Cases.

	£	s.	d.	Messengers' tariff.
For registration of each summons - - - - -	0	0	6	
Return of each service - - - - -	0	1	0	
Effecting any service - - - - -	0	1	6	
Effecting a personal arrest - - - - -	0	10	6	
Drawing and execution of deed suretyship or guarantee - - - - -	0	4	0	
Taking of inventory, not exceeding 100 words with copy - - - - -	0	2	6	
Each following 100 words - - - - -	0	1	0	

If no security is given and the goods have to be taken care

of by some one, per diem 0 5 0

If the goods are removed, the necessary costs of conveyance,
store rent, &c.

	£	s.	d.
Notice in the Gazette and copy besides the publication	-	0	2 0
Execution of a judgment for eviction	-	-	0 10 6
Laying an attachment in goods	-	-	0 10 6
Horse hire per hour	-	-	0 4 6

Whenever the messenger at the same time has to make more than one service, he is, besides 1/- for registration of each summons and 1/- return of each service, entitled to 2/6 for the person and 4/6 per hour for horse hire, reckoned according to the distance, which he actually has to travel.

Every judgment in execution placed in the hands of the messenger but satisfied before attachment 5/-.

Every attachment, but where after advertisement of sale, no sale takes place 1 per cent. on the amount of the judgment only, without inclusion of costs.

After attachment and sale 2½ per cent. on the amount realised.

Where the messenger draws a salary from the Government he shall, in criminal cases, be entitled only to 4/6 per hour for horse hire.

General Provisions.

Taxation of
messengers
account.

14. A Messenger can claim payment under this tariff only after his account shall have been duly taxed by the Registrar of the Landdrost Court of his district.

Loss of
stamps, &c.
on Bills
of Costs, -

15. If one-fourth of a bill of costs is taxed off by the thereto appointed officer, the attorney or agent, for whom the bill is taxed shall pay all costs with reference to the taxation of the said account.

Costs of taxation shall be the costs connected with the drawing of the Bill of Costs, the attendance upon taxation thereof, and the stamps payable thereon.

Where the half of a bill of costs is taxed off, the taxing officer shall notify the Judge before whom the Attorney or Agent practises thereof, who shall act according to the circumstances of the case.

The Taxing Master of the High Court or Circuit Court, or the Registrar of the Lower Court or Landdrost Clerk shall see that no charge is made in bills of costs for work which was unnecessary, except in Bills of Costs between Attorney and Client, where it appears in writing that the Client has instructed the Attorney to do such work.

If one-fourth of a bill of costs tendered for taxation by the Sheriff or Messenger, be taxed off, the Sheriff or Messenger shall be mulcted in a fine, equal to the amount that is taxed off, and in the event of a repetition, double the amount so taxed off.

Misconduct
of Taxing
Master.

Where it appears that the Taxing Master of the High Court or Circuit Court, or the Registrar or Landdrost clerk of the Lower Court, has wilfully passed one or more items in a bill of costs, which ought not to have been allowed or even, where in this respect he is guilty of gross negligence, the Judge of the Court under which he is, shall fine him according to the circumstances, in an amount not exceeding one-fourth of the bill of costs, and in the event of a repetition he may be dismissed from his office.

Attorney's
consultations
in party bills.

16. In a bill of costs as between party and party not more than six consultations with the Attorney in trial cases and not more than two in applications, motions or provisional cases shall be allowed.

17. If one of the parties is not satisfied with the taxation of a bill of costs by the Taxing Master of the High Court, he may within fourteen days after termination of the taxation, bring the same in revision before a Judge in Chambers by way of application.

Revision of Taxation.

If one of the parties is not satisfied with the taxation of a Bill of Costs by the Registrar of a Lower Court or Landdrost clerk, he may likewise within fourteen days after completion of the taxation, bring the matter by way of application in revision before the Judge of the Lower Court to which such Registrar is attached.

18. Documents, which are not written or printed in the Dutch Language may, in any case of whatsoever nature, be put in and used without being accompanied by a sworn translation unless the Court or Judge shall direct otherwise.

Translations of documents.

All documents, however, which must be filed shall be admitted only in the Dutch Language.

19. The compensation for work charged in the bills of cost referred to in this Law, and done before the date of the coming into operation of this Law, shall be estimated according to the Tariffs at that time in force.

Work already done.

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

Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 26th September, 1899.

LAW No. 13, 1899.

TARIFF FOR MINE SURVEYORS, ADMITTED IN THE SOUTH AFRICAN REPUBLIC.

Approved by Second Volksraad Resolution Article 1054, dated 1st September, 1899, noted and accepted by first Volksraad Resolution Article 1257, dated 18th September, 1899.

I.

Travelling and working days: A day's travelling shall be deemed to be; A journey of at least 4 hours or 24 miles; A working day shall contain at least six hours.

Travelling working day.

II.

Travelling expenses and compensation:—

1. All travelling expenses shall be paid to the Mine Surveyor, as also the cost of conveying his instruments, diagrams and other necessaries. Besides this, £2. 10s. 0d. shall be paid him for each day's journey.

Travelling expenses.

The amount of travelling expenses and remuneration, shall, where the Mine Surveyor in the course of the same journey has visited different mines, be apportioned amongst the various mines visited, *pro rata* to the time taken up.

2. If the time spent in travelling is less than 4 hours, the journey shall be charged for at the rate of 12/6 per hour.

Charge per hour.

Delays.

3. Should the Mine Surveyor be kept from commencing the work, by causes for which he is not responsible, he shall be entitled to his remuneration of £2. 10s. 0d. per day during such delay.

Work not specified in tariff.

4. If after the Mine Surveyor has commenced his survey, he shall be prevented from continuing the same, or if he has to do work not specified in the tariff, he shall be entitled to a remuneration of 15/- per hour, not however exceeding the sum of £4 per diem.

III.—TARIFF.

Tariff.

SURVEYS.	No. of Metres.	Above Ground.			Under Ground.		
		£	s	d.	£	s	d.
1. For selecting and determining a corner beacon ; charge per day or per hour, in terms of II. 4.							
2. For Tri-gonometrical surveys with the Theodolite, calculation of the Co-ordinates of the corner beacon, locating the position on the draft-plan and insertion of the observations and calculations in the survey (field) book, for each angle :—							
(a) in triangulations - - - - -	—	0	15	0	—		
(b) in polygon-surveys - - - - -	—	0	10	0	0	15	0
(c) in correlating the points and directions of lines in surface surveys to points within the mine, by means of soundings - - - - -	—	0	15	0	1	10	0
(d) in fixing points by trigonometrical survey, in relation to three known points for each such point - - -	—	3	0	0	—		
For each further point surveyed and used in the calculations - - - - -	—	0	15	0	—		
(e) If in placing the instrument, more than one angle is surveyed, as in the case of polygon extensions or determining points of intersection, a charge may be made, for each additional angle of - - - - -	—	0	4	0	0	6	0
3. For calculating and recording trigonometrical surveys with the gauging compass as under 2.							
(a) By observations from the sextant -	10	0	1	3	0	2	0
(b) Without observations from the sextant - - - - -	10	0	1	0	0	1	6
4. For calculating and recording trigonometrical surveys with the gauging compass and making a double survey (once forward and once back) in order to eliminate any error caused by local deflection of the magnetic needle, as in terms of 2 :—							
(a) By observations from the sextant -	10	0	2	0	0	6	6

Gauging compass and sextant.

III.—TARIFF.—*continued.*

SURVEYS.	No. of Metres.	Above Ground.			Under Ground.			
		£	s.	d.	£	s.	d.	
(b) Without observations from the sextant - - - - -	10	0	1	6	0	2	6	Pendulant compass.
5. For calculating and recording surveys with the pendant compass:—								
(a) With compass and sextant - - - - -	10	0	1	3	0	2	0	
(b) With compass only - - - - -	10	0	1	0	0	1	6	
(c) With sextant only - - - - -	10	0	0	6	0	1	0	
(d) For survey of distances with chain and rod - - - - -	10	0	0	4	0	0	6	
(e) For extension of the lines - - - - -	10	0	0	4	—			
6. For taking levels:—								Levels.
(a) With the hydrostatic levelling instrument, for each time the instrument is placed (in surveying forward and backward) - - - - -	—	0	0	9	0	1	6	
(b) For each additional survey with the vertical sextant of the theodolite - - - - -	—	0	0	5	0	0	9	
For each time the instrument is placed (in surveying forward and backward) - - - - -	—	0	1	0	0	1	6	
For each additional Survey - - - - -	—	0	0	9	0	1	0	
With the sextant for each reading - - - - -	—	0	0	6	0	0	9	
The survey of distances by taking of levels shall be reckoned according to III. 5 (d) or III. 7.								
The extension of lines by taking superficial levels in terms of III. 5 (e) and the charting per day or hour, in terms of II. 4.								
7. For a carefully executed survey of extension, including the check surveys - - - - -	10	0	1	0	0	2	6	Extension Surveys.
Base surveys will be charged for by the day or per hour (II. 4).								
8. Should the surveys referred to in Articles 2-7 be executed in mine workings having an incline of from 20° to 40°, 1½ times as much shall be charged, and in mine workings having more of an incline than 40°, twice as much.								Base Surveys.
A double charge may be made in respect of surveys for the purposes of a connection between two opposite passages.								
9. For taking soundings of shafts and measuring the sounding lines in shafts - - - - -	10	—			0	4	0	
Soundings, serving for the purpose of calculating waterlevels shall be charged for by the day (II. 4).								

III.—TARIFF.—*continued.*

SURVEYS.	No. of Metres.	Above Ground.		Under Ground.	
		£	s. d.	£	s. d.
<p>10. Determining and pointing out the spot where a new shaft or borehole has to be made, the direction in which a passage must be driven, or locating the boundary line of the mine at any point underground, if effected with the theodolite, shall be charged for according to 2 (c), and in other cases per day.</p> <p>The work which is sometimes required as a preliminary to the above mentioned work shall likewise be charged for per diem or per hour (II. 4).</p>					
<p>Pointing out shaft directions.</p>					
<p>11. For Tachometrical surveys. For each point determined thereby</p>	—	0	2 6	—	—
<p>Tachometrical surveys.</p>					
<p>12. If the surveys have to be executed in very wet or very warm mine workings (above 80° F.) or in mining areas charged with mephitic air or explosive gas (as in coal mines) or in low passages less than 1.25 m. in height, the survey costs will be increased by one third, as also in respect of surveys effected in the hours between 8 p.m. and 6 a.m.</p>					
<p>Special difficulties.</p>					
<p>13. Surveys executed with other than the above instruments, shall be charged for per diem or per hour (II. 4).</p>					
<p>Other instruments.</p>					
<p>14. In case the mine surveyor has himself paid his assistants (one or more of whom may be a white person) he shall be entitled to bring their wages into account.</p> <p>The wage of a white assistant shall not exceed the average wage of a white miner, and that of a coloured assistant shall not exceed the average wage of coloured persons by more than one fourth.</p>					
<p>Assistants.</p>					

(B) *Draughtsmanship.*

1. Preparing all descriptions of plans, as also the filling in of plans shall be charged for by the day (II. 4).

2. For copying plans the following tariff shall apply :—
For every 100 square centimetre portion of plans filled in

	s.	d.
On a scale of from 1 : 100 to 1 : 1,000	-	- 1 6
On a scale of from 1 : 1,000 to 1 : 4,000	-	- 3 6
On a scale of from 1 : 4,000 to 1 : 10,000 and upwards	-	6 0

Topographical draughtsmanship shall be charged for per hour or per diem (II. 4).

No charge shall be made in respect of that portion of the plans which is not drawn upon but merely contains the drawing lines.

3. Should plans be reproduced on a smaller or larger scale, twice the amounts allowed in B 2 shall be allowed for any eight fold or less change of the linear dimensions, and for a greater change $2\frac{1}{2}$ times the said amounts shall be allowed. Reproduction of plans on different scale.

4. For copies of plans on tracing paper or linen, half of what is allowed for ordinary copies may be charged. Tracings.

5. For colouring plans framed on a scale of from 1 : 100 to 1 : 1,000 one-third, and on a scale of upwards of 1 : 1,000 one-fourth more than the amount allowed in B 2 may be charged. Colouring.

6. Instead of charging per tariff, a charge may be made by day or per hour for draughting work (II. 4). Time charges.

7. All expenditure incurred by the Mine Surveyor for transmission of the plans, purchase of draughting paper, portfolios and other requisites, may be brought into account by him. Reimbursement of expenditure.

IV. CONCLUDING PROVISIONS.

8. Mine Surveyors and employers may at all times enter into special agreements. Special contracts.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 26th September, 1899.

LAW No. 14, 1889.

REQUIREMENTS FOR THE EXAMINATION FOR MINE SURVEYORS IN THE SOUTH AFRICAN REPUBLIC.

Approved by the First Volksraad by Article 1,000 of its minutes dated 29th August, 1899, noted and accepted by the First Volksraad by Article 1,252 of its minutes dated 18th September, 1899.

1. Every person who wishes to be admitted a Mine Surveyor in the South African Republic shall enter for an examination to be held by the Board of Examiners. Examination for Mine Surveyors.

If in terms of Article 3 of the Law constituting a Board of Examiners, an Examining Committee is appointed to hold an examination for Mine Surveyors, then the State Mining Engineer and the State Mining Surveyor shall be appointed members thereof.

Persons already in possession of a certificate or diploma as Mine Surveyor obtained in Foreign Countries, may be exempted from the

whole examination, or from a portion thereof, if such certificate or diploma shall be considered by the Board of Examiners as of the same value as certificates granted by them.

Admission to Examination.

2. Conditions of admission to the Examination.

Every person who desires to be admitted to the examination for Mine Surveyor shall observe the General Provisions on Examinations and Admission.

The application shall be accompanied by—

(a.) An account of the applicant's life, drawn up and written by himself.

Such account shall, amongst other things, contain a statement of the name, birth-place and training of the applicant.

(b.) A certificate that he has passed the Introductory examination as required for the Surveyor's examination.

(c.) A testimonial from an admitted Mine Surveyor with reference to the candidate's practical experience in the various duties of Mine Surveyors for a period of at least two successive years.

Land Surveyors.

3. Fully qualified land surveyors and persons in possession of the diploma for the final examination of the State Mining School for Mine Surveyors and Experts who desire to be admitted to the Mine Surveyor's Examination, only require to prove that they have been acting as Mining Surveyors on a mine or mines for a period of at least twelve successive months. Also persons, who are not land-surveyors, and who can shew that at the date of the coming into operation of this Law they have been acting as Mining Surveyors on a mine or mines for a successive period of at least five years, shall be admitted to the examination.

4. The examination shall consist of a theoretical part and a practical part.

(A.)—*Theoretical Part.*

Theoretical Examination.

(a.) Candidates for the Mine Surveyor's examination shall first satisfy the requirements set for the theoretical part of the surveyor's examination.

(b.) The Board of Examiners shall be entitled to grant exemption from the requirements of knowledge of the Dutch Language, as prescribed in the General Provisions on Examinations and Admissions, provided always that the candidates shall know enough to be able to understand the plans and specifications drawn up in that language.

(c.) In Mine Surveying is further required a thorough knowledge of all instruments connected with underground surveying and levelling, their construction and management, their errors and the correction of the same, knowledge of and practice in connecting surface and underground surveys, and of the various methods of surveying and levelling, of representing the mine workings by sketches on the plans, and experience in the solution of practical problems in connection with Mine Surveying.

(d.) In Mine Construction is required, such general knowledge as is indispensable for a Mine Surveyor, in particular of the various mine workings.

- (e.) In Mineralogy and Geology is required, knowledge of the most important stones and ores appearing in the South African Republic, the peculiarities of the ore-beds (strata and veins), their faults (displacements) and the rules for tracing their faulted or displaced portions.
- (f.) In Assaying is required, such knowledge as is indispensable for a Mine Surveyor, in particular the making of assaying plans.
- (g.) In Mining Jurisprudence is required knowledge of the Local Laws and Provisions relating to the Surveying of Law and Mines.
- (h.) In Draughtmanship, to give proof of his skill in draughtmanship the candidate shall produce some drawings which shall be set him, to be signed by himself. In addition he shall make a Mine Surveyor's plan or chart to the satisfaction of one of the Examiners and from data to be supplied by the latter. Such plan or chart shall not be on too large a scale so that it may be completed in three days at most.

B.—Practical Portion.

- (i.) Of the persons mentioned in Article 3 only Land Surveyors shall be exempted from the portion as stated in A (a). Persons in possession of a Diploma for Mine Surveyor or Mining Expert of the State Mining School, may be exempted from such theoretical subjects as the Board of Examiners, after consultation with the Curatorium of the Mining School, shall determine. Practical Examination.

- (j.) Test Surveys. The test survey shall be carried out on a mine in working.

The surveys, as also the levellings shall be carried out both underground and on the surface, both surveys (underground and surface) shall be connected with each other, so that the location of objects on the surface shall be shown in relation to those in the mine.

There shall always be two surveys made as above, one carried out with the theodolite and the water-level, the other by the "boussole" and the clinometer.

Each of such surveys shall be accompanied by a check survey, the particulars thereof regarding the manner in which the surveys shall be made shall be prescribed. The surface and underground surveys shall in like manner be laid to the true meridian, and the fixed points for the surveys determined by calculation from the co-ordinates.

The horizontal and vertical plans shall be worked out as provided in the Instructions for Mine Surveyors in the South African Republic, and the calculations of the lines of survey and the levels shall be given as fully and as clearly as prescribed in the instructions aforesaid.

The candidate shall sign the plans and calculations pertaining thereto, and make a declaration under oath that he has made them without any help from others.

5. Time for sending in the test work. The Board of Examiners shall determine the time within which the test survey shall be sent in, and this time may only be extended by reason of some unavoidable delay. Test work.

Re-examination.

6. If the candidate fails in the whole examination, or in any part thereof, he may not offer himself for re-examination until the expiration of six months.

Repeal.

7. All laws relating to requirements for the examination of Mine Surveyor in the South African Republic are hereby repealed, and more particularly Law No. 5, 1895, and Law No. 9, 1896.

Operation.

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

S. J. P. KRUGER,
President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 25th September, 1899.

LAW No. 15, 1899.

For the Levying of Stamp Duty on Estates of Deceased Persons, being Amendment of Law No. 2, 1871. Approved by Second Volksraad, Article 1,063, dated 4th September, 1899. Noted and accepted by First Volksraad, Article 1,296, dated 20th September, 1899.

Stamp duty on estates of deceased persons.

WHEREAS, it has appeared desirable to amend Law No. 2, 1871, as regards the stamp duties on estates of deceased persons, at present defined by Art. 7 of the above-mentioned law relating to stamp duties, so it is that the following provision is enacted and substituted in lieu of that portion of the said tariff, Art. 7, commencing with the words "testaments and other writings of this nature," up to and inclusive of the tariff for "liquidation accounts in estates or administration," to wit :

One per cent. on value of estate or amount of vendu roll.

1. The stamp duty on inventories of deceased persons, shall be estimated according to the assessed value of the estate of the deceased, or upon sale of the estate according to the vendu roll, and shall amount to one per cent. on the amount of the inventory. Bequests, legacies, and any apportionment or sale of land, shall be brought up in such inventory as directed by the testament. In the case of persons married in community of goods, the stamp duty of one per cent. shall, upon the decease of one of the spouses, be estimated upon half of the joint estate, according to inventory or vendu roll.

Repeal.

2. All Laws and provisions conflicting with this Law are hereby repealed.

Operation.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
26th September, 1899.

LAW No. 16, 1899.

PENSION LAW.

Approved by First Volksraad Resolution, Art. 1379, dated
26th September, 1899.

WHEREAS it is deemed necessary to provide for pensions to Officials and their widows and orphans, be it hereby enacted as follows :—

CHAPTER I.—*General Regulations.*

1. A pension shall be granted to Officials or their widows or orphans if the latter be under the age of 21 years, and shall be a charge upon the Pension Fund to be established under this Law in all cases falling under this Law and subject to the conditions and rules provided by this Law. Pension Fund.

2. Every person nominated and appointed by or on behalf of the Government to an official position, and drawing a fixed salary in respect thereof from the State Treasury, shall be deemed to be an official in terms of this Law. Landdrosts, Policemen, Gaolers and Warders, and Members of the State Artillery shall also be deemed to be such officials. Term "Officials."

3. The time spent in the service of the State by the officials referred to in Art. 2 prior to as well as that spent in the said service subsequent to, the introduction of this Law, shall be considered part of their term of service. Term of Service.

The time between the dismissal and the re-appointment of any official shall also be considered part of his term of service, if in consequence of any administrative changes he shall have been temporarily discharged without any fault of his own.

The time of service which any official shall have spent in the Civil Service of Stellaland, and Land of Goshen, the New Republic and Swaziland prior to the annexation of these countries, such official having transferred to the Civil Service of the South African Republic, shall for the purposes of this Law be considered part of his term of service.

If an official shall have been discharged upon his own request, but subsequently re-appointed, the term of service prior to such discharge shall count equally with that subsequent to the re-appointments, but the term intervening between the time of his discharge and re-appointment shall not count.

Services rendered on special commissions and temporary services shall not in any case be taken into account.

4. The term "orphans" as used in this Law shall be understood to refer to the lawful children of any deceased official or pensioned official, who has not left a widow, him surviving. Term "Orphans."

5. The Pension Fund shall be administered by the Treasurer-General as Director thereof, assisted by a Pension Board. The Government shall frame instructions for the guidance of the Director. Administration of Fund.

6. The Pension Board shall consist of five members appointed by the Government from among the officials. They shall serve without remuneration. Pension Fund Council.

7. The Pension Board shall frame its own by-laws, but the same shall be subject to the approval of the Executive Council. One of the officials employed in the office of the Treasurer-General shall act as Secretary of the Board. By-laws.

Application
for Pension.

8. Any person who shall consider that he is entitled to a pension in terms of this Law, shall apply in writing to the Pension Board for such pension, and shall at the same time submit such vouchers as may be necessary in order to establish his claim to a pension.

In cases falling under Art. 20 there shall also be included amongst such vouchers a certificate signed by two competent and duly admitted medical men, stating that they have examined the official concerned and clearly setting out the reasons why, in their opinion, he is unable and cannot properly be expected to continue in the service of the State.

Investigation
of applica-
tions.

9. The Pension Board shall enquire into applications for pensions and decide with regard thereto according to the finding of the facts. The person claiming such pension may appeal from their decision to the Executive Council.

How payment
made.

10. All pensions shall be paid out in monthly instalments by the Director of the Pension Fund upon proper receipts being granted therefor.

No pension shall be granted until after the certificate referred to in Art. 16, establishing the right to such pension shall have been deposited by the party entitled thereto with the Director of the Pension Fund.

Execution.

11. Execution may not be levied upon any pension.

State Presi-
dent and other
officials.

12. The terms of this Law shall apply also to the State President, Commandant-General, Members of the Executive Council, Commandants and Field-Cornets, provided however, that any such persons shall be entitled, should they, by reason of the will of the people or the Volksraad, lose their office before they shall have become entitled to a pension, to have the contributions to the fund already paid in by them refunded to them, together with interest at the rate of 5 per cent. (per annum ?) computed from the time the payments were made by them. In the event of the decease of any such official before the fifteen years' service shall have expired, he shall be treated as if he were an ordinary official.

CHAPTER II.—*The Pension Fund.*

Pension Fund.

13. A Pension Fund shall be established for officials and their widows and orphans. This fund shall consist *inter alia* of—

(a) The hereinafter mentioned contributions by officials.

(b) A Subsidy from the Government to an amount of £15,000, to be paid in upon establishment of the Fund repayable at the expiration of ten years without interest; provided always, that the Government shall have the right at any time to withdraw the amount of this Subsidy, upon giving one year's previous notice of its intention so to do.

(c) The interest accruing in respect of such fund.

(d) Voluntary contributions.

The Pensions to be granted in terms of this Law shall be paid out of this fund.

Deductions
from salary.

14. One and a half per cent. shall be deducted by the Treasurer-General from the salary of each official upon payment of such salary, and shall be paid into the Pension Fund by the Treasurer General.

15. All Heads of Departments shall be obliged upon request of the Executive Council to furnish the Council with any required information. Heads of Department.

16. Where a Pension is granted, the Pension Board, or in case the Executive Council has been appealed to, the Executive Council, shall issue a certificate to that effect to the party interested. Certificate.

CHAPTER III.—*Pensions for Officials.*

17. Any officials to whom the provisions of this Law apply, shall be entitled to a pension : When official entitled to pension.

- (a) If he shall have attained the age of 50 years, and at the same time
- (b) Have been at least 15 years in the service of the South African Republic.
- (c) If after 10 years' service he shall be unfit for the discharge of his official duties, in consequence of any mental or bodily infirmity, sickness or otherwise, without regard being had to the age of such official.

18. The Pension for each official shall be computed for each year of service at one-sixtieth of the average yearly amount of salary enjoyed by such official during the last five years of his service. How pension computed.

The Pension shall not exceed two-thirds of such average yearly amount.

19. Officials who have been 35 years in the service of the South African Republic shall be entitled to a yearly pension equal to two-thirds of the average yearly amount referred to in the preceding Article. Officials 35 years in service.

20. Any official, who has been at least 10 years in the service of the South African Republic, and in consequence of any mental or bodily infirmity, sickness or otherwise, is unfit for the discharge of the duties of his office, shall, without any regard being had to his age, be entitled to a yearly pension equivalent to one-third of the yearly average amount referred to in Art. 18. Officials 10 years in service.

Should such unfitness be a consequence of wounds or injuries received by such official in the exercise of or whilst exercising his functions or by reason of his having exercised his functions, whether as a result of any violent assault or opposition or in connection with duties the performance of which was associated with danger, he shall be entitled to a yearly pension equivalent to two-thirds of the yearly average amount referred to in Art. 18.

Should an official leave office for any of the above reasons within a period of ten years, the $1\frac{1}{2}$ p. c. already paid in by him shall be refunded to him, together with interest thereon at the rate of 5 p. c.

21. If it shall subsequently appear that any official who shall draw a pension under Art. 20 has recovered, such official shall, if the State President or the First Volksraad so desire, again enter the service of the State, provided, however, that the salary attached to the office offered him shall be equal to that enjoyed by him at the time of his retirement upon pension. When official may be called upon to re-sume service.

Any pensioned official who shall be elected as Member of either Volksraad shall not be paid his pension so long as he shall continue to be a Volksraad Member.

22. Should the official referred to in Art. 21 return to the service of the South African Republic, and subsequently again apply for a Effect of refusal to re-sume service.

pension, he shall be deemed to have been continuously in the service of the South African Republic, provided however that the time during which he shall have been enjoying his pension shall not be considered part of his term of service.

Stoppage of pension.

23. Should the officer referred to in Art. 21 refuse to again enter the service, the Pension Board may stop his pension. From the decision of such Board an appeal shall lie in terms of the provisions of Art. 9.

Officials not entitled to a pension.

24. The following officials shall not be entitled to a pension :—

- (a) Those who have resigned before the time that a right to a pension shall have accrued to them.
- (b) Those dismissed for misconduct.
- (c) Those who have not furnished a proper account of their administration.
- (d) Those against whom a dishonouring sentence shall have been passed.

All officials who shall have been convicted of the crime mentioned in the Laws relating to the bribery of officials shall fall under the category of persons referred to in the preceding subsection (d).

Foreign Orders, &c.

25. No pension shall be granted, and any pension already granted shall lapse if the official pensioned shall, without special leave of the State President, accept any order of knighthood, title, rank of honour from any foreign power or receive any salary or pension from any foreign power.

CHAPTER IV.

Widows.

26. The yearly pension to be granted to the widow of an official or pensioned official shall be computed as follows :—

- (a) If the Salary of such official at the time of his death or at the time of his retiring from office on a pension shall not have exceeded the sum of £300, one-third of such Salary.
- (b) If the Salary of such official at the time of his decease, or at the time he retires from service on pension amounted to from £300 to £500, one-fourth of such Salary, but not less than £100.
- (c) If the Salary of such official at the time of his decease, or at the time he retired on pension shall exceed £600, one-fifth of the Salary, but not less than £150.

Orphans.

27. The Orphans of the deceased official or pensioned official who has left no widow him surviving, shall be entitled to the amount of pension to which his widow would have been entitled. This amount shall be equally divided amongst them. As soon as any one of such children shall cease to be entitled to enjoy such pension, his share thereof shall accrue to the remaining children.

Widows and Orphans.

28. The widows and orphans referred to in Artt. 26 and 27, who have a claim and are entitled to any pension, may receive the amount of such pension immediately after the death of such official, without his term of service being taken into regard with reference thereto.

When Widow's Pension ceases.

29. The pension of the widow of a deceased official or pensioned official, shall upon her decease or re-marriage, accrue to the orphans (sic) and be divided amongst them in terms of the provisions of Article 27.

30. The pension to which an orphan as above-mentioned shall be entitled, shall determine as soon as he or she shall have attained the age of 21 years, or before attaining this age have married.

When Orphan's pension ceases.

31. The lawful children of female officials, whose spouses are deceased, shall upon decease of such female officials, be entitled to a pension computed in the manner provided in Article 26.

Children of female Officials.

The provisions of Article 30 shall also apply to such children.

CHAPTER V.

32. In no case shall any contributions to the pension fund collected and paid in terms of this Law, be refunded except in the cases in this Law specified.

Refund of Contributions.

CONCLUSION.

33. This Law shall come into operation on the 1st January, 1900.

Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 2nd October, 1899.

LAW No. 17, 1899.

Approved by Second Volksraad, Art. 1118, dated 12th September, 1899, noted and accepted by First Volksraad, Art. 1421, dated 29th September, 1899.

(Being modification of and in substitution for Law 21, 1898. Approved by Second Volksraad, Art. 1901, dated 2nd December, 1898, whilst the First Volksraad by Art. 1952, dated 7th December, 1898, took the following Resolution:—

“The First Volksraad, having regard to Government Note, dated 5th instant, requesting the revision of First Volksraad Resolution, “Art. 1881, of November last, now being discussed.”

Resolves: To agree to the said proposal and furthermore deeming it necessary, in cases where so called kaffir eating houses exists, that a proper control should be kept over them, and that they should be so managed as not to become a *nuisance* or annoyance to other inhabitants, as also with a due regard to the sanitary condition of such places.

Resolves: To instruct the Government to frame and carry into effect the necessary measures until the Raad shall have more definitely decided with reference thereto.

AND finally the Raad resolves to suspend the operation of the following sentence of the said Art. 1, to wit:—

“No kaffir eating houses shall be permitted in the town, or on proclaimed goldfields, until such time as the First Raad shall have further “decided with reference thereto.” [1]

WHEREAS it is deemed necessary to amend the existing enactments relative to the licences required for the exercise of the various callings and businesses, it is hereby enacted as follows:—

¹ This portion in brackets appears to have been unnecessarily included in the text, being a reprint from the Law of 1898.

Licences
required.

1. Licences shall be levied for the exercise of the professions and trades and businesses specified in Articles 6 and 7 of this Law, for the amounts therein set forth and with a due regard to the following provisions.

Term for
which
granted.

2. Except where the contrary is in this Law specifically laid down the licences shall not be granted for a longer or shorter time than up to and including the last day of December in the year in which the licence is issued.

How amount
computed.

3. The amount due for the licence shall be paid upon the issuing thereof and calculated from the commencement of the quarter in which the issue takes place, in proportion to the sum paid for the licence.

Quarterly
licences.

4. Licences may be taken out per quarter, and paid for at an amount calculated in proportion to the yearly licence paid with an increase of ten per cent.

Assignment.

5. All trade licences, which are taken out for one year, may be assigned by endorsement, save those for which security is given or which are of a personal nature or with regard to which special laws have provided or will provide.

Such assignment, shall however, not be lawful, until expressly approved of in writing by the Controller of Licences.

Amounts.

6. The amount of the various licences is fixed as follows :—

	Per Year.	
	£	s. d.
1. Advocate - - - - -	25	0 0
2. Attorney - - - - -	25	0 0
3. Notary - - - - -	10	0 0
4. Agent - - - - -	10	0 0
5. Conveyancer - - - - -	5	0 0
6. Sworn Translator - - - - -	3	0 0
7. Sworn Valuator - - - - -	2	0 0
8. Land Surveyor - - - - -	10	0 0
9. Auctioneer - - - - -	7	10 0
10. General Agent, Broker, Book-keeper, or Accountant -	7	10 0
11. Doctor of Medicine - - - - -	5	0 0
12. Physician - - - - -	5	0 0
13. Dentist - - - - -	5	0 0
14. Banks, for each branch - - - - -	150	0 0
15. Boards of Executors or Companies of like kind, for each branch - - - - -	50	0 0
16. Pedlars and Hawkers - - - - -	5	0 0
17. Travelling trader domiciled here - - - - -	20	0 0
18. Travelling trader not domiciled here - - - - -	30	0 0
19. Traveller or representative of foreign trading houses -	20	0 0
20. Bakers, for each store or bake-house - - - - -	2	0 0
21. Butchers, for each store or butcher-shop - - - - -	2	0 0
22. Hotel-keeper in a town or village - - - - -	20	0 0
23. Proprietors of a Boarding or Lodging-house as follows :—		
From 5 to 10 boarders - - - - -	5	0 0
More than 10 boarders - - - - -	7	10 0

(Excluded herefrom are boarding or lodging-houses for school-children.)

	£	s.	d.
24. Proprietor of a wayside hotel - - - - -	12	0	0
25. Kaffir eating house licences - - - - -	5	0	0
(Only to be issued for locations; no Kaffir eating houses will be permitted in the town or on the proclaimed goldfields.)			
26. Keeper of public billiard table, per table - - -	20	0	0
27. Keeper of a bagatelle table, per table - - -	5	0	0
28. Miller or keeper of a mill, which cannot grind more than 5 muids in 24 hours - - - - -	0	10	0
Mills which can grind 5 muids in 24 hours - - -	1	0	0
Mills which can grind from 5 to 10 muids per hour - - -	2	0	0
From 10 to 15 muids - - - - -	4	0	0
From 15 to 25 muids - - - - -	7	0	0
From 25 to 35 muids - - - - -	10	0	0
From 35 muids upwards - - - - -	15	0	0
29. Wood sawyer - - - - -	10	0	0
30. Foreign transport riders, per wagon - - - - -	8	0	0
31. Pawnbrokers - - - - -	40	0	0
32. Keepers of coffee and tea rooms - - - - -	3	0	0

7. For dealers, storekeepers, apothecaries or Companies carrying on any business in this State not specified in Art. 6 the amount of the yearly licence for each business or branch business shall be estimated according to a tariff rising in proportion to their sales as hereinbelow set out, the sales of products of agriculture and cattle breeding raised in the South African Republic being excluded in the making of such estimate :—

Storekeepers.

	£	s.	d.
For sale of £2,500 or less - - - - -	7	10	0
„ „ £2,500 to 5,000 - - - - -	10	0	0
„ „ £5,000 „ 7,500 - - - - -	12	10	0
„ „ £7,500 „ 10,000 - - - - -	15	0	0
„ „ £10,000 „ 15,000 - - - - -	20	0	0
„ „ £15,000 „ 20,000 - - - - -	25	0	0
„ „ £20,000 „ 25,000 - - - - -	30	0	0
„ „ £25,000 „ 30,000 - - - - -	35	0	0
„ „ £30,000 „ 40,000 - - - - -	45	0	0

and so on for every £10,000 or portion thereof £10 more.

It shall be permitted to storekeepers to have a separate establishment under the one licence and on the one erf or stand for carrying on sales to natives provided that only one set of books is kept.

8. The person or the Company who has to take out a licence in terms of the previous section shall yearly before the 1st January, hand in to the Landdrost, Civil Commissioner, Mining Commissioner, Responsible Clerk or Resident Justice of the Peace a sworn declaration setting out what amount he has to take out a licence for.

Declaration by Store-keeper.

In the calculation thereof the average amount of the sales during the last three years may be taken or where the business or the trade has not been established for so many years, during the time it has existed.

9. The person or the Company, who established a trading business as aforesaid, shall commence by paying for a licence of the lowest class; but shall be obliged before the 15th December of the current

How to act when business first started.

year to supplement the same according to the above scale, until he reaches the class he ought to be ranked in, and he shall pay up the balance which is due by him.

Supplement-ary payments. **9a.** This obligation of making a supplementary payment shall operate in respect of all businesses where it appears that the amount of the sales exceeds the estimate of the declarant.

Refunds. **10.** If it be proved, that the estimate made by the declarant exceeds the amount of the sales the Government will upon request refund the amount overpaid, provided that application is made therefor within six months after lapse of the year for which the licence was taken out.

Administra-tion. **11.** The Landdrosts, Civil Commissioners, Mining Commissioners, Responsible Clerks, and Resident Justices of the Peace are charged with the signing and issuing of licences, with the exception of special marriage licences, which are signed and issued by the Under State Secretary.

Monthly returns. **12.** The above-mentioned officials shall monthly transmit a complete list of the licences so issued, to the "Controller" appointed over their department, who shall monthly transmit a complete return to the Inspector General of Import dues.

The Government appoints Controllers of licences, who shall be subject to the instructions of the Inspector General of Import dues.

Register of Licences. **13.** The Controllers of licences shall keep a register of all licences issued.

Duty of Controller of Licences. They shall be obliged after the end of each month to publish a list in the *Staatscourant*, containing the names of the persons to whom and the object and the time for which such licences have been granted, in addition to the date of issue.

Powers. **14.** The Controllers shall at all times have the right to order any holder of a licence to produce his licence.

Refusal to comply with such order shall be punished by a fine not exceeding £100, and in default of payment, by imprisonment, with or without hard labour, for a term not exceeding six months.

15. The Controllers of licences are authorised to enquire into the correctness of the facts alleged in the declaration made in terms of Art. 8.

Inspection of Books. In the event of well-grounded suspicion or complaint they shall be competent to inspect the books of the declarant, or to take possession of the same in order that they may be inspected.

Any person, who has such books in his possession or under his charge or control, and shall refuse in the case mentioned in the previous paragraph, to exhibit or hand the same to the Controller of Licences, shall be punished by a fine not exceeding £300, and in default of payment, by imprisonment, with or without hard labour, for a period not exceeding nine months.

Prohibition to Trade, &c. without Licence. **16.** No person or Company shall exercise or carry on any calling or business, specified in Articles 6 and 7 of this Law, unless he be provided with the licence requisite therefor according to this Law.

- 17.** Each contravention of this provision shall be punished by a fine of five times the amount of the licence due, and in default of payment by imprisonment with or without hard labour for a period not exceeding one year. Penalty.
- 18.** He, who being provided with a trading licence, allows or enables any person who is not entitled to carry on business, to trade by means of the said licence shall be punished by a fine not exceeding £500, or imprisonment with or without hard labour for a period not exceeding one year. Penalty for permitting unauthorised persons to trade.
- 19.** He, who in the declaration, which he is obliged to submit in terms of Articles 8 and 9, understates the amount of the sales, shall be punished by a fine equal to five times the amount of licence money short paid due in respect of the amount understated, and in default of payment by imprisonment with or without hard labour for a period not exceeding one year. Penalty for false declaration.
- 20.** In case any contravention punishable according to this law, is committed by a Company or firm, each partner, manager or local director of the Company shall be held responsible therefor. Companies and firms.
- 21.** The Government shall have the right to award a portion, not exceeding one half, of any fine inflicted by and paid up under this Law, to the informant. If the informant is a salaried official, not more than one fourth of the fine inflicted and paid shall be awarded him. Informant.
- 22.** The Landdrosts, special and Assistant Landdrosts, Judicial Commissioners and resident Justices of the Peace, shall have special jurisdiction in respect of all contraventions of this Law; the right of the State Attorney to bring an accused to trial before the High or Circuit Court being reserved. Jurisdiction.
- 23.** The regulation of licences for the exercise of callings and businesses, for which provision is made or shall be made by special Laws is left to be dealt with in terms of such Laws. Special Laws
- 24.** All licences which, before the coming into operation of this Law, were issued for the exercise of any calling or business as specified by Artt. 6 & 7 of this Law, shall remain of effect for the period for which granted, and all legal provisions which were of effect before the passing of this Law shall continue to be applicable to such licences. Licences already issued.
- 25.** The removal or transfer of licences under this Law from one place or locality to another within the same district, town or village, shall be effected without any additional payment of licence for the period for which the licence is taken out: provided the holder of the licence gives notice of such transfer or removal to the officer charged with the issue of licences, who in his turn gives notice thereof to the Controller of licences. Transfer of Licences.
- 26.** No licence mentioned in this Law shall be issued to persons who according to law are subject to the payment of personal taxes, until they shall by production of a receipt or certificate have satisfied the officer charged with the issue of licences, that they have paid their personal taxes for the current year. Personal taxes.
- 27.** All Laws conflicting with this Law are hereby repealed, and more especially Law No. 21, 1898. Repeal.

Operation.

28. This Law shall come into operation immediately after publication.S. J. P. KRUGER,
*State President.*F. W. REITZ,
*State Secretary.*Government Offices, Pretoria,
5th October, 1899.

LAW No. 18 OF 1899.

Approved by First Volksraad by Art. 1418, dated 29th September, 1899.

WHEREAS it has appeared necessary to make certain provisions, whereby the goods of persons who are guilty of crimes against this Republic may be declared forfeited, it is hereby enacted as follows:—

Confiscation.
Riot, treason,
etc.

1. Every person, within this Republic, who is guilty of the crime of riot, public violence, high treason or treason or of inciting or urging to the commission of any of these crimes, shall be liable to the penalties fixed by the General Law for the said crimes. All property, whether movable or immovable, belonging to such person or to which he directly or indirectly may or can lay claim within this State at the time of the commission of the said crime or at any time thereafter, may be wholly or in part declared forfeited in favour of the State, without prejudice, however, to the rights of bondholders provided such bonds were passed and registered prior to the commission of the crime.

Plotting
beyond limits
of the State.

2. Where it is proved to the satisfaction of a competent Court, that any person or persons residing beyond the limits of the State, has instigated, incited or stirred up any inhabitant of this State to the commission of any acts of riot, high treason, public violence or treason, all the property whether movable or immovable belonging to such person or persons or which they may directly or indirectly be entitled to within this State, at the time of the commission of such crimes or at any time thereafter may be either wholly or in part declared forfeited in favour of the State, without prejudice, however, to the rights of bondholders, provided that their bonds were passed and registered prior to the commission of the crime and without prejudice to the punishments, which are prescribed in respect of such crimes according to the laws of this Republic.

Plotting with
Foreign
Powers.

3. Where it is proved to the satisfaction of a competent Court, that any person or persons, beyond the limits of this State, has projected plots or has entered into an understanding with foreign powers or their representatives in order to persuade them to hostile acts or to the undertaking of war against this Republic, or in order to provide them with the means so to do or where such persons endeavour to commit any treasonable act or any act of hostility to this Republic. All their property, whether movable or immovable, or any rights to any such property whether direct or indirect, which such persons may or can lay claim to at the time of the commission of the above misdeeds or at any time thereafter, may wholly or in part be declared forfeited in favour of the state, without prejudice to the rights of bondholders, provided that their bonds were passed and registered before the crime was

committed and without prejudice to the punishments, which are prescribed according to the laws of this Republic in respect of the crimes of riot, public violence, high treason or treason.

4. Where it is proved to the satisfaction of a competent Court that any burgher of this Republic, after notice has been given him by the Officer of War having jurisdiction over him, that he is to hold himself in readiness for any commands or military service, or where he is ordered with a view to such service not to leave his ward, or where after being commanded to render such service, he has left the country, without written leave from the said military officer concerned or from the Government, all his property, whether movable or immovable, whether such burgher may or can directly or indirectly at the time of the commission of the said act or at any time thereafter lay claim to any such property, may be declared forfeited in favour of the State, without prejudice to the rights of bondholders, provided that their bonds were passed and registered before the commission of the misdeed and without prejudice to the punishments prescribed by other laws for such acts.

Confiscation of property of burgher who evades military service.

5. All legal enactments, in so far as they conflict with the above-mentioned provisions, are hereby repealed.

Repeal.

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

Operation.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
5th October, 1899.

LAW 19, 1899.

(dated 14th October, 1899.)

ALIENS EXPULSION LAW.

In same terms as Law 5 of 1898, passed in substitution of the repealed Law 25, 1896.

LAW No. 20, 1899.

Being addendum to Law 20, 1898.

MILITARY SERVICE.

(dated 14th October, 1899.)

LAW 21, 1899.

Being supplement to Law 20 of 1898, for military service in the Transvaal,

Providing punishment for natives who do not render services for which they are commanded.

LAW No. 22, 1899.

TAX ON THE GROSS YIELD OF GOLD IN THE SOUTH AFRICAN
REPUBLIC.

WHEREAS it has appeared necessary to make provision for the obtaining of further funds, to meet the enormous expenses occasioned by the war now being waged; and whereas the First Volksraad by Resolution Art. 1416, "a" dated 28th September, 1899, authorised the Government to take such Resolutions, and issue such instructions, during the recess, as it might find necessary in the interests of the country, and directed that such Instructions and Resolutions should have the force of Law, until such time as the First Volksraad should more definitely have decided with reference thereto:—

Now therefore the Government, by virtue of the aforesaid First Volksraad Resolution and of Art. 4 of Law No. 15, 1898, as also of Art. 140 of the said Law, as at present amended and approved by the Second Volksraad, in its Resolution Art. 1182, dated 18th September, 1899, and confirmed by the First Volksraad Resolution Art. 1425, dated 29th September, 1899,^[1] with the advice and consent of the Executive Council as per Art. 996 of its Minutes, dated 18th December, 1899, resolves to levy a special Tax upon the gross yield of Gold, and hereby enacts and provides as follows:—

Tax on gross
yield.

1. On the gross yield of gold, obtained by individuals, syndicates, concessionaires or companies from claims, mijnpachts, concession-grounds, or other mining properties a special tax shall be levied for the benefit of the Treasury of the South African Republic

This Tax upon the gross proceeds shall amount

30 per cent.

(a) to thirty (30) per cent. of the gross proceeds in cases where the individual owners, syndicates or companies themselves work the mines.

50 per cent.

(b) to fifty (50) per cent. of the gross proceeds in cases where private properties are being worked by or on behalf of the Government of the South African Republic.

30 per cent.

(c) A tax of thirty (30) per cent. shall be levied on the gross yield of all mines in the South African Republic which have stopped work.

For the calculation of the 30 per cent. upon the gross yield of the mines in which work has been stopped, the yield produced during the last three months (or portion thereof) that such mines were worked shall be taken as a basis.

(d) A tax of thirty (30) per cent shall be levied upon the net profits derived from the yield of gold from metallurgical institutions, chlorination works and suchlike companies established for the working of slimes, slags, concentrates, &c., carrying gold, in all cases where such companies shall be working such slimes, &c., for their own benefit and not for payment from, nor on behalf of other individuals, syndicates, concessionaires, companies, &c., in which latter case such other individuals, syndicates, &c. shall have to pay such tax of 30 per cent.

Returns of
gold won.

2. Before the tenth day of each month, an accurate return of all gold won during the preceding month, and the value thereof, shall be sent to the Chief Inspector of Offices by the person, syndicate,

¹ See page 1110.

concessionaire, institution, or company concerned, in a form such as the Chief Inspector of Offices shall direct, and such returns shall be confirmed by oath.

It shall be the duty of the Chief Manager of a mine, and the owner or manager of any institution for the treatment of ores by mechanical, chemical, or artificial processes, to file the returns above referred to and to confirm the same by oath, and they shall in addition thereto, be responsible for the due filing and for the correctness of all other documents, the filing of which is directed by this Law, or required by the officials charged with carrying into effect the provisions of this Law in connection with such mine or institution.

3. Where necessary, proper forms for book-keeping shall in consultation with the Inspection and Mining Departments be prescribed, and such forms shall be filled in with particulars concerning the gold yield from claims, mijnpachts, or other mining properties, by the owner, syndicate, concessionaire, institution, or company.

Book-keeping

The Chief Inspector of Offices shall at all times have the right to inspect, or cause to be inspected, the books of such owner, syndicate, institution, or company.

4. The persons, syndicates, concessionaires, institutions, or Companies, referred to in Article 1 of this law, letters *a*, *b*, *c*, and *d*, shall within one month after sending in the returns referred to in Article 2 of this law, pay in the amount due to the Mining Commissioner or responsible clerk, under whose jurisdiction the mining property or the institution is.

Proceeds, &c., to be paid in to Mining Commissioners.

The Manager of the mine, or the owner or overseer of a mine or institution, shall be responsible for the due deposit of the monies, as hereinabove mentioned.

5. Seven days after the coming into operation of this Law all individuals, syndicates, concessionaires, institutions or companies, which at the time of the coming into operation of this Law shall be producing gold, shall notify such fact to the Chief Inspector of Offices.

All companies producing gold must report themselves.

Individuals, syndicates, concessionaires, institutions or companies, who after the coming into operation of this Law shall commence to extract gold, shall also within seven days thereafter give notice thereof to the Chief Inspector of Offices.

6. The owner, syndicate or company, who shall be producing gold upon the date of this Law coming into operation, shall be obliged to fill in and complete its mine plans up to the date of this Law coming into operation, and up to the end of each financial year.

Mining charts

The owner, syndicate or company, commencing or resuming the work of winning gold after the date that this Law comes into operation, shall be obliged to fill in the mine plans from the date that work is so commenced or resumed, up to the end of each financial year.

All data which may be required in order to control the returns referred to in Art. 4 of this Law, shall be clearly set out on such mine plans.

7. The Chief Inspector of Offices, if he shall suspect that there is anything wrong in the returns of value and ores, tailings, slimes, concentrates, or other productions, shall be entitled to have the same assayed himself, or to require the production of the assays made by the mine owner, syndicate, institution or company.

Assays.

Any such request made by a competent official shall be immediately complied with.

Penalty for obstruction.

8. Any person, who shall in any respect obstruct or hinder or being in a position to do so shall not assist the officials charged with the carrying into effect of the provisions of this Law in the exercise of their duties, shall be deemed to be guilty of a contravention of this Law, and may be sentenced to undergo the penalty mentioned in Art. 11 hereunder.

Security to be given in certain cases.

9. Where owners, syndicates, institutions or companies, shall have sent their financial books out of the country, so that the Inspection Department shall not be in a position to verify the returns sent in by such owners, syndicates, institutions or companies, the Chief Inspector of Offices shall have the right to claim that such owner, syndicate, institution or company, shall lodge with the Mining Commissioner or responsible Clerk, under whose jurisdiction the Mining properties shall be situate, such amount as the latter shall deem necessary, but in any case not being less than £500 sterling, as security for the correctness of the returns sent in by such owner, syndicate, institution or company.

Should the said claim of the Inspection Department not be complied with within fourteen days, the owner of the mine or institution, each member of the syndicate and each director of the company, shall be liable to be punished in terms of Art. 11 for contravention of this Law.

In addition thereto a writ of summary (*parate*) execution shall be granted by a competent Court for the recovery of such amount, and shall be executable upon any property belonging to such owner, syndicate or company in such manner as the Court shall direct.

Should it be found upon a subsequent comparison of the said returns with the financial books of the owner, syndicate, institution or company, that the former are correct, the amount deposited as security shall be refunded to the owner, institution or company concerned, or should the head office of the owner, syndicate, concessionaire, institution or company be established in any foreign country, so that the Inspection Department shall not be in a position to verify the returns sent in by such owner, syndicate, concessionaire, institution or company, true copies of the books kept at the head office shall be present at the local office in the South African Republic, and the correctness of such books shall be verified under oath, by the book-keeper of the owner, syndicate, concessionaire, institution or company; and if the above-mentioned provision be not complied with within two months after a request thereto in writing shall have been made by the Chief Inspector of Offices, the latter (Chief Inspector of Offices) may take the same steps as are directed in par. 1 of this Article, and the same procedure shall be observed for the recovery of the aforesaid amount as is directed in paragraphs 2 and 3 of this Article.

Penalty for false returns, etc.

10. Any person connected with any mine or institution affected by this Law who shall be guilty of making any wrong statement, returning any false items, or who shall be guilty of any fraud with the object of obstructing the State in the recovery of the share of the gross proceeds to which it shall be entitled according to this Law, shall be punished by a fine not exceeding five hundred pounds (£500) stg., or in default of payment by imprisonment, with or without hard labour for a period not exceeding two years; and the owner of the Mine or

institution concerned, each member of the Syndicate, each director of the Mine or institution may be fined an amount equal to five times the value of the amount concealed or embezzled, and for the recovery of such amount a writ of summary execution may be issued by any competent Court, executable upon any property belonging to such owner, syndicate or company, in such manner as the Court shall direct.

Should such fine not be recoverable, the owner, each member of the syndicate or each director of the company or institution shall be condemned to imprisonment, with or without hard labour, for any period not exceeding two years.

11. Any contravention of the provisions of this Law shall, in so far as no penalties have yet been provided therefor, be punished by a fine not less than £100 and not exceeding £500, or in default of payment by imprisonment with or without hard labour, for a period not exceeding two years. General Penalty.

12. Executive Council Resolutions, Art. 1,121, dated 17th November, 1898; Art. 102, dated 30th January, 1899; Art. 117, dated 8th February, 1899; and Art. 762, dated 14th August, 1899, all relating to the levying of a tax of 5 per cent on the net proceeds of the Mines in the South African Republic, and all regulations published in conjunction therewith, as also Executive Council Resolutions, Art. 1,116, dated 16th November, 1898, and Art. 207, dated 20th February, 1899, relating to the levying of an impost of $2\frac{1}{2}$ per cent. on the gross yield of *mijnpachts* in this State and the regulations published in conjunction therewith, shall be and are hereby repealed, and rendered inoperative during the time that this Law shall be in force. Repeal.

13. Should the gold production of any mines or institutions referred to in this Law be so low, that either no or but very little profit can be made, and it would be inequitable to levy the full tax in terms of Art. 1 of this Law; the Government shall be competent, exercising its own discretion after consultation with the Chief of Mines, to grant any such mine or institution a reduction of the tax imposed by Art. 1 upon such mines and institutions. Remission of Imposts.

This law shall come into operation immediately after publication in the *Staatscourant*, and it is hereby specially provided, that the provisions of this Law shall be applied as and from 11th October, 1899, the date of proclamation of Martial Law. (Law No. 20, 1828).

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
21st December, 1899.

LAW No. 23, 1899.

NATIVES PASS LAW ON GOLDFIELDS.

Being Amendment of the Amended Law No. 31, 1896, approved and provisionally declared in force by Executive Council Resolution, Art. 109, dated January 31st, 1899, and published in *Staatscourant* dated 1st February, 1899.

Regulations having for their object the facilitating and regulating of the supply of native labour on the Public Diggings of this Republic, and the better control and regulation of natives in service and the relation of employer and native employee, and the repeal of the Regulations published in *Staatscourant* of the 18th January, 1899.

These regulations apply to Goldfields.

1. These Regulations shall be in force and effect within the boundaries of such proclaimed public diggings of this State as the State President with advice and consent of the Executive Council shall from time to time determine, and declare by proclamation in the *Staatscourant* to fall within the scope of these Regulations, and shall therefore, unless otherwise provided in these Regulations, in no way be considered to be in conflict with Law No. 13 of 1880, No. 3 of 1876, and No. 6 of 1880, or with Law No. 22 of 1895 (Native Pass Law), which Laws shall remain in full force and effect on the proclaimed public diggings, in so far as they are not in conflict with the provisions of these Regulations (these Regulations being regarded as a special supplementary Law for the proclaimed area). The areas mentioned in Clause 3 of Art. 150 of the Gold Law shall be deemed as also falling under these Regulations.

Coal mines and lime-burning institutions on proclaimed and unproclaimed ground shall, unless situate in the same district as the proclaimed public diggings (*sic*) where these Regulations are of effect, also fall within the scope of these Regulations.

State President may proclaim same as applicable to other areas.

2. These Regulations shall furthermore come into force and effect for such private unproclaimed grounds in this State, as shall have been proclaimed in terms of Art. 1 of these Regulations.

Labour districts.

3. With regard to what is provided in Art. 2, the jurisdiction of the pass officials shall extend over the same area as that of the Mining Commissioner or responsible clerk concerned, and the fields or areas falling within such jurisdiction shall be divided into as many labour districts as there shall then be Mining Commissioners and Judicial Officers on such diggings, and any such labour district shall have the same boundaries and be the same as the division falling under the jurisdiction of any such Mining Commissioner or Judicial Officer.

These Regulations shall not apply to natives under fourteen years of age, who are not in service.

Term "native."

4. In these Regulations the word "native" shall be deemed to apply to the males of all coloured people, and coloured races of South Africa.

Every native, on entering any district which falls under these Regulations, who is in possession of the travelling pass required by the existing

law, shall immediately go to the District Office and take out a pass, as is hereinafter further provided for, and in proceeding to the said office he shall be protected by the (ordinary) pass which he (already) has.

5. Upon entering the boundaries of proclaimed diggings, and private unproclaimed grounds, where these Regulations are in force, the native shall be obliged, before entering the service of any employer, to repair to the office of the Pass Officer appointed for that district, and there exchange his travelling pass, obtained in accordance with Art. 3, Law No. 22, 1895, or Art. 10 of these Regulations, for a District Pass according to the form Schedule A. Such travelling passes shall be filed of record during a period of twelve months.

Travelling
pass.

6. The Pass Officer appointed for the District shall enter in a register to be kept for that purpose, according to Schedule B., the name of the native, his tribe, chief, district or country, height, and marks, if any, &c.; and he shall give each native a consecutive number for the current year. Such registered number shall thereafter be the native's official mark as long as he remains within that (labour) district. All these particulars shall likewise be enumerated on the District Pass (form Schedule A.), which shall be issued free of charge.

District pass.

7. Such district pass shall enable and authorise the native to whom it is issued to seek work within the labour district for which it is issued for a period of six days from date of issue.

Effect of
district pass.

8. If the native fail to find work within the prescribed six days from date of issue of the district pass, or after discharge by his last employer, he shall return to the Pass Officer who issued the pass and may obtain an extension of three days, which shall be noted on the said pass by the Pass Officer on payment of two shillings, for which a receipt shall be handed to him (form G). If he find no work within the said extension of three days he shall return to the Pass Officer, and the Pass Officer or officers entrusted with the administration of these regulations shall be competent to demand from such native his district pass and to issue to him in return a departure or travelling pass in terms of Art. 10, and the native shall pass on to another labour district or return to his home.

Duty of
native who
cannot find a
master.

9. The district pass shall remain valid as long as the native resides in the labour district.

Term of
district pass.

If a native coming from elsewhere to a labour district on a visit, or with any other lawful purpose, wishes to remain there temporarily without entering into service, and is in possession of the travelling pass mentioned in Art. 5 of these Regulations, it shall be lawful for him so to remain there provided that he immediately reports himself to the Issuer of Passes and exchanges his travelling pass for a permit (form I) upon payment of a sum of two shillings sterling; but he shall not so remain for a longer period than one month.

10. A native working on a public diggings, and wishing to depart from his labour district to another district, situate on the same or another proclaimed public diggings, or to his home or to any other part of the Republic situated beyond his labour district, shall first apply for leave to do so from the Pass Officer in his district, and such leave shall be

Travelling
pass on
leaving.

granted him if he has a district pass in proper order, which pass his last employer (if any) shall have filled in with a full discharge, as is required on the district pass (form A), provided that he shall to that end have reported himself within the time as and from the date of Registration or dismissal by his last employer which is allowed him to look for work. Thereupon the Pass Officer shall issue to him a travelling pass according to the form prescribed in Schedule C, in exchange for the district pass in possession of such native on payment by such native of one shilling.

Form.

11. The Pass Officer shall register the date, number and particulars of such travelling pass against the name and number of such native in the register (form Schedule B), and shall file the district pass for reference during a term of 12 months.

Procedure on arrival at new labour district.

12. Upon arrival in any new labour district of a proclaimed public diggings, a native travelling under the pass above described shall be obliged to go immediately to the officer appointed for that purpose, and shall there take out a district pass in manner and form as above described.

Natives leaving gaol.

13. Any native released from gaol, or acquitted by the Landdrost of the crime with which he may have been charged, shall be provided by the gaol or charge-office officials with a letter of discharge (according to form K), and thereupon such native shall immediately proceed to the Pass Officer in order to exchange his letter of discharge for a district pass.

If he has already been registered he shall take out a new district pass according to Art. 17 of these Regulations.

The exchanged letter of discharge shall be filed for reference during 12 months and thereafter destroyed.

No native shall be registered who is out on bail.

Natives temporarily working in a labour district.

14. The Pass Officer shall be competent, in the case of registered natives in the service of an employer proceeding to work temporarily in some other labour district, to issue a certificate, granting to such natives leave to go and work temporarily in such other district in the service of and under supervision of their employer.

Such certificate shall not be issued for longer than two consecutive months, and a copy of the same shall be sent as notice to the Pass Officer of the district whither such natives may be proceeding to look for work.

Such natives shall be provided with travelling and monthly passes, according to Schedule D, of the district where they are registered.

Natives leaving one district for another.

15. If natives should be transferred from one labour district to another, or should wish to depart, in accordance with Art. 10 of these Regulations, for the purpose of working there, the monthly pass, after being endorsed and having the new registration number written on it by the officer concerned, shall remain valid in respect of that labour district until the end of the current month.

Penalties.

16. Any native who shall be found in any labour district to be without a district pass, according to form A of that labour district, or to be without a travelling or employer's pass, or to have a lapsed travelling pass, or any native contravening Articles 5 and 8 may be punished with a fine of at least £5 and not exceeding £10, or with imprisonment with or without hard labour, for a period of not less than

six weeks and not longer than three months, and with or without lashes not exceeding twenty-five in number.

Any native sent by his master, or who wishes, with the consent of his employer, to travel within the labour district wherein he may be residing, shall be provided by his employer with a special permit, setting forth the circumstances and the object of his mission, the date of issue, and the time for which the pass is granted. This permit shall, however, in no case be issued for longer than three consecutive days.

Any native sent by his employer beyond the district in which he is working shall provide himself with a printed one shilling travelling pass, but, if such native should be travelling with his master, such travelling pass shall not be necessary, and, in the case of any native travelling by rail, the railway ticket for such native may be issued only to his master, who shall be required to submit proof that the native is *bonâ fide* in his service by exhibiting the said native's monthly pass for the current month.

Any native who shall be found in a labour district without such permit, and who is not in possession of a district pass, according to which he is in search of work, shall be punished in conformity with the penalties as above stated in this Article.

17. Any native who has lost his district pass may apply to the Pass Officer for a new pass in substitution for the one lost, and the said officer shall issue a new district pass (according to form H) on payment of five shillings, if he be convinced of the identity and *bonâ fides* of the applicant by means of a letter from his last employer (if any). Lost district pass.

If the loss of the district or monthly pass shall have been due to the employer, the latter shall pay for the new pass.

18. Any native who :

- (a) Is in possession of, or makes use of a district pass, employer's pass, travelling pass, or departure pass belonging to another ; or
- (b) Falsely states that he has not been previously registered, or makes any other false statement or commits any act with the object of deceiving the Pass Officers, or of contravening these Regulations ; or
- (c) Hands over to any other native his pass hereinbefore described and belonging to himself ;

Penalties for using another's pass, &c.

Shall be deemed to be guilty of contravening these Regulations and shall be punished with a fine of at least £5, or imprisonment for one month with hard labour, and with or without lashes not exceeding fifteen in number, or with a fine not exceeding £10, or imprisonment with hard labour for a period not exceeding two months, or with lashes not exceeding twenty in number.

19. The Government shall take such measures as it shall consider desirable, so that each labour district shall use and issue a pass distinctive in colour from that of the other labour districts in order to facilitate the detection of vagrants or natives residing in any labour district without a pass of that labour district. Distinctive passes for separate district.

20. Any native who shall be guilty of desertion of service, or shall leave the service of his employer before the term of the contract or agreement under which he shall have accepted service shall have expired, shall be punished in accordance with the penalties imposed by Penalty for desertion of service.

Article 16 of these Regulations, and, after having satisfied the requirements of the law, he shall, if his employers so desire, be ordered to return to work and to complete the term of his contract.

Any native leaving his labour district for another without being in possession of the travelling pass hereinbefore described, shall, upon being arrested, be immediately handed over to the authorities of the labour district which he has left for punishment in manner above set forth in this Article.

Penalty for leaving labour district without a pass.

21. Any native who leaves a labour district without the proper travelling pass, according to form C., shall be punished with a minimum fine of £5, or with one month's imprisonment with hard labour, with or without lashes. Should it appear to the satisfaction of the Court that the native has left in violation of his labour contract with his last or any employer, the said fine may be increased to £7, and the said term of imprisonment to two months.

No boy may be hired who does not produce a district pass, &c.

22. It shall not be lawful for any person within a labour district—

- (a) To engage or have in his service any native, unless such native be provided with a proper district pass at the time he seeks employment.
- (b) To engage or have in his service any native unless his district pass shall show that he has been duly discharged by his last employer, if any.
- (c) To engage or have in his service any native whose district pass shows that such native has been registered longer than six days, or, in case of an extension in terms of Article 8, longer than nine days.
- (d) To engage or have in his service any native who has been longer discharged by his last employer than six days, or longer than nine days if in possession of an extended pass according to Article 8 of these Regulations.
- (e) To engage or have in his service any native who has not been engaged or discharged according to law (or both) by the previous employer or employers (*sic*); and particulars (*sic*) filled in according to the prescribed pass-form.
- (f) To furnish a native labourer who is not *bonâ fide* in his service with a monthly pass.
- (g) To take away, do away with or destroy the travelling pass, the letter of discharge from the gaol, or any other document on which a native may be registered.
- (h) Not being himself an employer, to hire natives for others, or take away, do away with or destroy any district or monthly pass, or write on either of these passes or issue a permit to any native not actually in his service.
- (i) To act as agent or intermediary relative to the issuing and procuring of passes for native labourers according to this Law.

Monthly pass.

23. Immediately after engagement, the employer shall enter on the district pass of the native engaged all particulars as required according to district pass (form A).

The employer shall take from the native such district pass, and shall issue in the place thereof an employer's pass (form D), properly filled in with ink, and bearing the stamp for the current month. Such employer's pass shall be renewed monthly on the first day of each month, and each native shall pay the sum of two shillings for the first pass and for every renewal of the pass.

The employer shall be responsible to the Government for the amount of such pass monies in respect of each native in his service, and he shall further be responsible for issuing the passes monthly to each and every native in his service, the passes, duly stamped by the issuer of passes to be supplied by and purchased from the Government.

Before a monthly pass can be renewed, the pass for the preceding month shall be produced, or payment shall be made from the date of the latest pass, or, if no monthly pass can be exhibited, the amount of the monthly passes from the date of registration of the native shall be paid. The passes for the preceding months shall be cancelled by the Pass Officer.

24. The employer shall receive and be accountable for the safe keeping of all district passes as long as the native remains in his service, and at the expiration of the native's service, the employer shall note on the district pass in ink such particulars of the discharge of such native as are required in the pass form, on which pass nothing else shall be written by the employer, who shall then restore the pass to the lawful owner thereof.

Employer keeps district pass.

25. Any employer, agent, intermediary, or other person who shall be convicted of contravening, or failing to comply with any of the Clauses 22 to 24, or any person who shall illegally withhold district passes from, or coerce any native shall, if convicted, be punished with a fine not less than £5, and not exceeding £100 for each contravention or non-observance in respect of every native, or in default of payment, with imprisonment for a period not exceeding six months, with hard labour. If the employer be a company or syndicate, the Manager or his representative, or, if there be no representative, the Chairman of such company or syndicate shall be responsible. If anyone is appointed by a private employer to represent him, such representative shall be responsible.

Penalties: Clauses 22 to 24.

26. Every employer, having in his service more than twenty native labourers, shall be obliged to keep a register according to Schedule or form F, of all native labourers in his employ, and at the end of each month and not later than the fifteenth day of the month following, shall fill and send in a return to the Pass Officer of the district, according to the form under Schedule E, giving the registered number of the district passes with the names, &c., of all who have been engaged, discharged, have deserted and died during that month.

Employer of more than twenty natives.

The district passes of such natives as have deserted shall be sent, together with the returns according to form E, to the Pass Officer, and a note shall be made of such desertions in the district pass books and other registers.

Any employer having in his service less than twenty natives shall be obliged to notify the Issuer of Passes whenever he employs a native, and to give the name and register number of such native, and the residence.

and address of such employer. Upon any native deserting service, notice shall be immediately given to the Issuer of Passes, and the district pass of such native shall be handed over. Notices as above described shall be according to form L.

Penalty on false returns, &c., by employer.

27. Any employer who fails to comply with the foregoing, or who makes fraudulent or false returns shall, if convicted, be punished with a fine not less than £5, and not exceeding £100, or with imprisonment, with or without hard labour, for a term not exceeding three months.

Penalty for employer making wrong use of powers.

28. Any person making use of the provisions of these Regulations for the purpose of imposing on and defrauding a native labourer in respect of his wages, rations, or advantages due to him, shall, upon conviction of such offence, be punished with a fine not exceeding £100, or with imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for falsifying passes.

29. Any person convicted of forging, imitating, or altering one or more of the passes, stamps, or numbers, which, in terms of these Regulations, may have been issued to native labourers, and to employers, or who makes any entry, alteration, name, or mark, on the same, or writes thereon, with the object of misleading the Government officials, or of depriving the employers of the services of native labourers, or prevents any native from being registered, or coerces him into not being registered or not complying with the provisions of the Law, or into otherwise frustrating the provisions thereof, shall be punished for each contravention with a fine of from £10 to a maximum of £100, or with imprisonment for a term not exceeding three months, with or without hard labour.

Labour Inspectors.

30. The Government shall appoint such officers in each district as may from time to time be found necessary for the due and exact carrying out of these Regulations, and shall further appoint Special Labour Inspectors for each district, with power to summarily arrest all natives contravening these Regulations.

The duties of such Special Labour Inspectors shall *inter alia* be :—

- (a) To make regular and frequent inspections of registers kept for native labour by the employers, to inspect all natives who are in service, to assure themselves that the passes of such natives are in order, and, if need be, to identify any native with the description of him given in the district pass filed by the employer.
- (b) To inspect the monthly passes of such natives.
- (c) To inspect all employer's passes or district passes of all natives, when and wherever met.
- (d) Generally to see that the provisions of the Law and of these regulations are carried out.
- (e) To make a proper report to the Pass Officer of their district of each inspection made by them in accordance with the above provisions, and to keep a proper diary of their work.
- (f) Every employer shall be obliged to bring his employees before the Labour Inspector whenever requested to do so, for the purpose of being inspected, and to produce the district passes and the registers for comparison. Upon his refusing to comply the

Labour Inspector shall have the right to enter upon the place where the natives work, or are to be found, and to hold the inspection. Offenders against this provision shall be punished with fines ranging from £5 to £50, or with imprisonment with or without hard labour, for a term not exceeding six months.

31. Any native found by the police or Special Labour Inspector without district, travelling or employer's pass, or being an offender under Article 8, shall immediately be arrested and fined or punished by any competent Court having jurisdiction in terms of these Regulations. Powers of Arrest.

32. All complaints by employers relating to desertion of service by natives shall be reported to the District Officer or to the Inspectors, whose duty it shall be to take the pass numbers names, etc., of such deserters, and to do everything that may be required to arrest such deserters, so that they may be punished in terms of these Regulations. Complaints by employers.

33. All complaints by natives against employers shall be made to the Inspectors, who shall at once report to the District Officer appointed for that purpose, whose duty it shall be to institute without delay a full and proper investigation into the cause of the complaint, and, if need be, to submit the case to the Public Prosecutor, who shall at once take legal proceedings against the employer, under the provisions of these Regulations. Complaints by natives.

34. All fines imposed under these Regulations shall be paid to the Government of the South African Republic. Fines go to Government.

35. All contraventions of these Regulations, and or any of the provisions thereof, may, with due regard to the provisions in Article 41 hereinafter mentioned, be dealt with by any court having jurisdiction under the Masters' and Servants' Law, No. 13, 1880, and under Law No. 22, 1895 (Native Pass Law), and in whose jurisdiction the offender may be found. Such courts are authorised to adjudicate on all such contraventions and to impose fines and penalties in accordance with these Regulations and the schedules belonging thereto. All complaints under these Regulations shall, with due regard to the provisions in Article 38 hereinafter mentioned, be brought before the court within forty-eight hours after the arrest of the offenders, the court, however, having the right to grant postponement of the cases. Jurisdiction.

These Regulations shall not affect the validity of the Supplementary Regulations of the Johannesburg Sanitary Board, published under Government Notice No. 385, on the 8th November, 1893, but, on the contrary, such Supplementary Regulations shall remain in full force and effect, and natives affected thereby shall be exempt from the provisions of these Regulations with regard to district passes and employer's passes as long as they remain (reside) as such under the said Regulations of the Sanitary Board.

36. All Pass Issuers appointed in terms of this Law for the various labour districts shall, ex officio, be Justices of the Peace. Pass distributors.

37. The administration of this Law, as well as of any other Pass Laws and Regulations, shall be vested in a Pass Commissioner, who shall be responsible to the Superintendent of Natives. The Pass Commissioner shall be, *ex-officio*, a Justice of the Peace for the whole Republic. [1] Administration.

¹ See Amendment of this Article, Ex. C.B., Article 254, 6th March 1899.

Special W.W.
Rand §
regulations.

38. The following Regulations shall furthermore apply to the Witwatersrand Fields:—

The Pass Offices at Johannesburg, Boksburg and Krugersdorp shall be provided with guard rooms of adequate size, in which shall be placed all coloured persons who are found within these labour districts without a pass, or who commit some or other contravention of this Law; and these coloured persons shall be detained until their masters shall fetch them, provided, however, that the period of detention in any guard room shall not exceed six days.

If a native should be found outside his proper labour district, he shall be at once sent thither in order to be detained there in the guard room.

After a native shall have been detained for six days in the guard room at Boksburg or Krugersdorp without his master having reported himself, and, if it should at the same time not appear quite clear that such native belongs to the Boksburg or Krugersdorp labour district, he shall be sent to the central guard room at Johannesburg in order to be detained there for a period of six days.

Pass
distributors.

39. If the master should appear at the guard room within the said period of detention for the purpose of claiming the native, he shall produce to the Issuer of Passes the district pass under which the native was registered and further satisfy the Issuer of Passes as to the identity of the native, thereupon the Issuer of Passes shall punish the native by a fine not exceeding £1 or by lashes not exceeding 15 in number, and after the native has undergone such punishment and upon the master's having defrayed the costs of detention of such native in the guard room and costs (if any) of bringing him to the guard room, he shall be entitled to take such native with him so that the latter may further complete and serve out his contract.

How native
dealt with if
employer does
not report
himself.

40. If within the said period of detention, no master shall have reported himself at the guard room, the native shall be dealt with as follows:—

- (a) All employers in want of native labourers shall be entitled to leave their names with the Issuer of Passes for the district, mentioning the number of labourers required by them, and the Issuer of Passes shall write out a list of such names.
- (b) If, upon expiry of the detention period, the real master shall not have appeared, the native shall there and then immediately select an employer from the list of employers, thereafter the Issuer of Passes shall punish the native by a fine not exceeding £1 or by lashes not exceeding 15 in number, and after such native has undergone the punishment inflicted, the employer selected, after paying the cost of the detention of such native in the guard room and the costs (if any) of bringing such native there, shall be entitled to take the native into his service after he (the native) shall have been registered in terms of Art. 6 of these instructions.

If the native refuses to select an employer as above described, or if no employer is found willing to take him into service on the conditions above named, the native shall be immediately dealt with, by the Landdrost or other officer charged with the exercise of Criminal jurisdiction, according to Art. 16 of these Regulations.

(c) If during the period of detention the actual master of the native who is detained should appear, but refuse to pay costs of detention, he shall forfeit all his right to the services of such native, and such native shall be dealt with as set forth in the preceding sub-section.

(d) The guard room charges shall be according to the following tariff:— Guard room charges.
Detention and guarding in guard house for each native for 24 hours or portion thereof 1/6.

Food for each native per meal 7½d.

Each native to be provided with 2 meals per day of 1½ pound weight mealie meal, porridge or rice, well prepared and cooked, which if need be shall be submitted to the approval of a medical practitioner.

The delivery of rations shall be made upon tenders called for by the Auditor General with a maximum scale according to the above tariff and a minimum weight of rations as above specified.

The Contractor shall give security to the satisfaction of the Pass Commissioner and the Auditor General for the proper delivery of the requisite rations.

41. The Pass Distributors at Johannesburg, Boksburg and Krugersdorp shall be sworn in as Special Justices of the Peace, and shall be competent to dispose of all cases relative to detained natives as above described. Pass distributors

42. The manner of procedure for the Special Justices of the Peace and Special Landdrost under this Law shall be a summary procedure, the same as that of the native courts of the South African Republic, *mutatis mutandis*. Summary proceedings.

43. No Field-Cornet of a Public Diggings or whose ward adjoins a Public Diggings, under the provisions of this Law, shall be entitled to issue any passes of whatsoever kind, except to natives being *bonâ fide* residents of his ward and not falling under these regulations. Field-Cornets.

Any native who applies to the Field-Cornet for a pass (under this Law) shall be sentenced by him to pay a fine not exceeding £10 or to receive lashes not exceeding 20 in number, and after such native shall have undergone the punishment inflicted, the Field-Cornet shall issue to him a Travelling pass in order that he may proceed to the Issuer of Passes of the said Diggings, as also a receipt for the fine paid or a certificate in respect of the lashes inflicted, and in case of any contravention of this provision by such Field-Cornet the latter shall be liable to a fine not exceeding £25.

44. The amended Law No. 31, 1896, shall hereby lapse, as also the Regulations published 18th January, 1899. Repeal.

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

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 31st January, 1899.

[For forms see *Staatscourant* for 8th February, 1899, p. 366.]

F. V. R. R., ART. 329, 1899.

(PROMULGATED BY GOVERNMENT NOTICE No. 150, 1899).

SCHEDULE "A" OF POSTAL LAW.

No. 18, 1898, amended

Instead of "Book and Samples post, read—

"For every four ounces or portion thereof, $\frac{1}{2}$ d."

Book and Samples post: For every two ounces or portion thereof, $\frac{1}{2}$ d. (with a minimum for samples and packages of 1d.).

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria, 20th March, 1899.

REGULATIONS for Towns in the South African Republic, being modification and amendment of the Regulations drafted in 1858, and confirmed by First Volksraad resolution, Art. 77, dated 12th May, 1890; Art. 1,013, 14th July, 1896, modified by Second Volksraad resolution, Art. 1,050, dated 1st September, 1899, and noted and accepted by First Volksraad, Art. 1,256, dated 18th September, 1899.

(Published in *Staatscourant* of 25th October, 1899, page 1,673.)

Town
commonage.

1. The Public Town-lands of towns in this Republic remain State property, but may be used by the inhabitants of the town, and shall also be available for and may be used by travellers, in so far as not otherwise provided by the First Volksraad upon recommendation of the Executive Council.

Number of
cattle which
each person
may
depasture.

2. No person shall be allowed to keep more cattle in any town than one span of oxen or draft cattle, ten cows and a flock of sheep, the number of sheep not to exceed one hundred; unless the Landdrost or Town Board or Council shall have granted a permit allowing a larger number to be kept for any period.

Sluices, &c.

3. The Landdrost or Town Board or Council shall see that the main town water-furrow is kept clean and in good condition; and wherever necessary shall have proper sluices for the furrows made in the Government erven or lands, or in the streets, so that the free course of the water through the town may not be hindered or polluted.

Duty of
inhabitants
in regard to
furrows.

4. The Landdrosts shall particularly attend to and see that the inhabitants of the towns or owners of erven shall keep the public water-furrows running alongside or through their erven clean, tidy and in

good order, so that no nuisance or trouble may be caused to the other inhabitants or owners of erven by any uncleanness or neglect.

- 5.** Every possessor or owner of one or more erven may use the water allowed him, or dispose of it, but it shall not be lawful for him to make use of the same at any other than his allotted time unless he has previously obtained leave from his neighbour or some one else entitled to the water; and at the same time every person shall take care in diverting the water that a sufficient stream of drinking water is left in the furrow for household use. Use of water in Town furrows.
- 6.** As soon as the time allotted for the irrigation of an erf has elapsed, the owner or possessor thereof shall be bound and obliged immediately to divert or cause the water to be diverted into the public water-furrow, so that no unpleasantness or offence may by neglect thereof be caused to the other inhabitants. And the lower erven, where any of the public water-furrows ends shall have the right to use the discharge water, subject to the approval of the Landdrost or Town Board or Council. Distribution of water.
- 7.** No person shall have the right to cause any damage to sluices or water-furrows, or to meddle in any way with those of others; nor to dig any hole, ditch, or water-furrow in the streets or on Government land, unless he has previously obtained leave thereto from the Landdrost or the Town Board or Council. Damages to sluices.
- 8.** No one may bathe in any dam, public watercourse, sewer or ditch, or wash therein or throw in any dirt, or pollute the water in any other way. Bathing in water-courses.
- 9.** Any person throwing any dirt, rubbish, earth or ground, in any street, public place or square, without the consent of the Landdrost or the Town Board or Council, shall pay for the removal of the same and also pay the fines herein imposed. Deposit of dirt.
- 10.** Pigs and poultry found in any public water-furrow or dam shall be without exception killed. Pigs and Fowls.
- 11.** The Landdrosts or Town Managers or Town Councillors of the towns shall be obliged to see particularly that no damage is done to dams or springs. Dams and Springs.
- 12.** No horse or live stock shall be allowed to run free in any street or public place in this town, and such animal being found thus wandering shall or may be sent to the pound, and the ordinary pound-fees shall be payable upon its release. Impounding of stray cattle, &c.
- 13.** No waggon or other conveyance shall be allowed either in loading or off loading to block the way in any street; nor shall two or more vehicles, waggons or carts be allowed to stand next to each other in any street, passage or thoroughfare, and the owner or driver in charge of such conveyance if he does not immediately remove the same shall be liable to the fine hereby imposed. Blocking the way.

Traffic
impeded.

14. It shall not be permitted in any way impede traffic in the streets.

Dead animals,
&c.

15. No dead animals, which have died a natural death, branches or anything else may be dragged through the streets of the Towns or through the Main Town water-furrow or furrows; and all such dead animals, shall without delay be properly removed to or buried on the town commonage.

Should the owner of any such dead animal, that is found within the limits of the town or its suburbs after proper notice given him through the Landdrost or Town Board or Council, refuse or neglect to remove such animal within 12 hours to the appointed or proper place, it shall be lawful for the Landdrost or Town Board or Council to have such animal conveyed thither at the cost of such owner, who shall besides be prosecuted for contravention of these regulations, unless he shall within 24 hours after the death of the animal have notified the same to the Landdrost or Town Overseer, and have declared himself ready to bear the costs of removal according to tariff.

Depositing or
collecting
filth.

16. No person shall throw or cause to be thrown any filth or offensive matter, either on his own erf, or in the streets, squares, or other public erven in the town, in such quantity that the same might be a nuisance to his neighbours or the public.

It shall further not be lawful within the limits of the town, village or suburbs to dry skins or hides, or collect stinking skins, stinking horns, stinking bones or decomposing substances, or to throw or cause to be thrown, keep or cause to be kept any offensive liquids in such quantities that offensive exhalations are thereby occasioned to the annoyance of the public.

Trades which
are nuisances
by reason of
injurious
exhalations.

17. It shall not be lawful to prosecute any calling or occupation within the limits, or in the immediate neighbourhood of the Town or suburbs, or to carry on any business, which gives rise to injurious or offensive exhalations or vapours.

Firewood, &c.,
left in streets.

18. No timber or firewood shall be left lying on the public streets or squares during the night, without the consent of, or leave from, the Landdrost or Town Board or Council.

Builders.

19. In building houses or other similar operations after due notice and with leave of the Landdrost, or Town Board or Council, a space of 12 feet of the street may be used for the carrying out of such work.

Impounding
cattle.

20. Every owner or possessor of one or more erven shall be obliged to enclose his erf or erven with a wall four feet high, or to fence it in with four strands of wire and keep such wall or fence in good order, otherwise he shall not be entitled to any compensation for damage occasioned by cattle.

No willows may be planted along the water-furrows in the towns.

Hunting.

21. No person shall be allowed to gallop in the streets of the towns, or to ride harder than at an ordinary slow canter or trot.

22. No person shall be permitted or allowed to carry any loaded gun or other firearm in or through the town, or to fire off the same, or explode any dynamite or any explosive substance within a distance of 1,000 yards from the town. Shooting off firearms, &c.

This article shall, however, not have reference to police in the execution of their duties, or to such other persons as may be *acting under authority* from the Landdrost.

23. Should it be suspected that any unsanitary state of affairs exists it shall be lawful for the Landdrost, or upon order from him, the town inspector or other proper officer to inspect at any reasonable time any erf, house, privy or room (with the exception of houses inhabited by white people), and to give the owner or occupier orders for the cleansing thereof. Should any person, without any reasonable excuse, refuse or neglect to carry out such orders within the appointed time, it shall be lawful for the Landdrost, or upon his order some other proper officer to cause such erf, house, room or privy to be cleansed at the cost and for account of the occupier or owner, provided always, that if the owner is not the offender, the Town Inspector or other official competent so to do, shall first warn him as well as the offender. Sanitary inspection.

24. Any person who within the limits of the Town at any place other than the place to that end appointed shall relieve nature in such a way as to offend against decency, may be arrested without Warrant and thereafter punished. Sanitary.

25. It shall not be lawful to keep pigs within the limits of the town and the suburb, in such number or in such manner as to be an annoyance to any member of the Public. Pigs.

26. No Butcher by calling may slaughter any animal within the limits of the town or suburbs. All animals slaughtered by him shall be slaughtered at the slaughter poles or shambles appointed by the Landdrost, or Town Board or Council. Butchers

27. All slaughter poles, shambles and Butcher's wagons or Carts intended for the conveyance of meat, must be kept clean and sweet. Such wagons or carts must be lined with tin. Shambles, &c.

The Town inspectors or other officer competent so to do, shall have the right to inspect all shambles, slaughter poles and Butcher's wagons or carts at all reasonable times.

28. It shall not be lawful to sell or offer for sale any meat, fish, milk, vegetables, fruit or any other article of diet which is unfit for human consumption. Tainted food-stuffs, &c.

It shall be lawful for the Town Inspectors or Police Officers, if they consider that such articles are unfit for human consumption, to immediately attach the same and without loss of time have the same inspected by the District Surgeon, the Landdrost of the district, the Chief Constable or a competent expert, and (if after such inspection the articles attached are declared to be unfit for human consumption) to cause the offender to be prosecuted in the manner laid down in these regulations.

Contagious diseases.

29. Any animal suffering from a contagious disease and found within the limits of the town, village or suburbs, shall be killed and then buried at the place appointed for that purpose, unless it be isolated immediately after notice to the owner or his representative.

Upon refusal or neglect on the part of the owner, it shall be lawful for the Town Inspectors or Police Officers to kill and bury such animals at the expense of the owner, who may be further prosecuted for contravention of these regulations.

Cycling on sidewalk.

30. It shall not be lawful to cycle on the sidewalks.

Dangerous buildings.

31. Any wall or building abutting on a street or otherwise which may be insecure or dangerous, shall be demolished by the owner, or repaired or supported in such manner as may be appointed by the Local Board, Council or Landdrost for account of the owner, who shall furthermore be liable to the penalties laid down in these regulations.

Trees, &c., on town lands.

32. It shall be punishable to damage or destroy any trees or plants growing on the Town Lands, or planted in any public square or place.

Vehicles left without proper supervision.

33. No vehicle, wagon or other conveyance, in which any draught animals are inspanned, shall be allowed to proceed in any street or to halt therein without being in proper charge; in case such draught animals are oxen, proper charge shall be taken to mean that there must be a leader. Any contravention of this Article shall be punished in terms of Article 41 of these regulations.

Disturbance of the Peace.

34. It shall not be lawful for any person to disturb the Public Peace, or commit a nuisance by keeping any House of Illfame or Brothel or by making any unnecessary noise, whether by day or by night, whether in the street or in any public place, or in any public or private building or place where divine service is held. Nor shall it be lawful for anyone to use any indecent or blasphemous words in public.

Bitches.

35. It shall not be lawful to permit bitches or female dogs to run about loose while in heat.

Sidewalks.

36. Coloured persons are prohibited from walking on the sidewalks of the streets, or on any stoep serving as a sidewalk.

Native Passes.

37. Every male coloured person above the age of 12 years, residing in any town or village, shall be provided with a printed Town pass, setting out the name of his master and time of service.

Natives must be clad.

38. No coloured person, male or female, may enter or go about in any town or village improperly clad.

Natives may not reside in or along streets.

39. Coloured persons may not reside in any place abutting on the public street in any town or village, but every householder, or owner of an erf may keep in his back yard whatever servants he requires for domestic service.

40. Any person, who by violence shall hinder or obstruct any officer in the execution of his duties under these regulations, may be immediately arrested without warrant and thereafter punished. Obstructing
Officials.

41. All contraventions of any provision contained in these regulations shall be punished by a fine not exceeding £10 sterling, or, in default of payment, by imprisonment for a period not exceeding three months. Penalty
Clause

42. The Landdrost, Assistant Landdrost, Resident Justice of the Peace or any officer with like jurisdiction, shall have jurisdiction in respect of all contraventions of these regulations to deal with the same by way of summary process. Procedure.

43. These regulations shall come into operation immediately after publication in the *Staatscourant*. Operation.

REGULATIONS REGARDING THE PAYMENT OF THE 5 PER CENT. TAX
ON THE NET PROFITS OF GOLD MINES.

Published in the Government Gazette of the 15th February, 1899.

1. A tax of five per cent. (5 %) shall be imposed on the annual net profits obtained from the working of all claims or mining properties within this Republic, whether the same be the property of, and be developed by, individuals or syndicates or companies, provided, however, that such tax shall not be imposed on the gross output of mijnpachts on which the Government shall, in terms of Art. 26 of the Gold Law, have imposed, or shall impose, a tax of $2\frac{1}{2}$ per cent. Tax 5% on net
profits levied.

A further tax of 5 per cent. shall be imposed on the annual net profits of metallurgical institutions, chlorination works, and similar companies for the working of slimes, slags, concentrates, &c.

2. By net profits shall be understood the value of the precious metal produced after deducting the cost of production. By cost of production shall be understood amounts actually paid for inclining or stoping, development, transport or tramming, hoisting and pumping, maintenance, breaking and sorting, crushing or stamping, maintenance and repair of buildings and roads, chlorination, cyaniding and so forth, as also all reasonable amounts for general expense and writings off, at the discretion of the Government. What is
understood by
net profits.

All working capital, that is to say, all expenditure in connection with bringing a mining property to the productive stage shall be redeemed by writing off equal annual amounts in proportion to the estimated "life" of the mine. Furthermore, if additional stamps or any other requisite equipment, as authorised by the Boards of Directors, shall be erected or constructed, such expenses shall be added to the original working capital, and the annual sinking fund be accordingly increased.

and, on the other hand, if claims be sold the proceeds shall be deducted from the working capital.

The Government shall be entitled, in the event of liquidation of any company, syndicate or mining property, to receive 5 per cent. of any balance remaining.

How accounts are to be kept.

3. Whenever necessary, proper forms for keeping books shall be prescribed by the Government, in consultation with the Inspection and Mining Departments, which forms shall be filled in by the owners, the syndicates, or the mining companies, respecting the gold output of claims or mining properties, and the Chief Inspector of Offices shall give instructions as to the inspection of such books.

No alteration shall be required in the present form of book-keeping in vogue with the different mining Companies. Forms 1 and 2 of profit and loss account and alternative statement, according to annexed drafts, are hereby approved and shall be drawn up annually, in accordance with the Company's books, and sent, as soon as possible, and not later than two months after expiry of the financial year to the Chief Inspector of Offices, in order to enable that official to inspect the accounts.

How accounts are sent in.

4. The owner, the syndicate or the company which develops mining property shall immediately upon expiry of the financial year, and upon handing in the statements referred to in Art. 2 aforementioned, deposit the five per cent. amount on the net profits of the previous book year with the Mining Commissioner or responsible clerk under whose jurisdiction the mining property is situated.

Mine plans.

5. The owner, the syndicate, or the company which develops a mining property, shall be obliged (upon expiry of the financial year, and after sending in the statements referred to in Art. 2, hereinbefore mentioned) to have the mine plans for the preceding year duly completed up to date, and upon such plans all data necessary for the purpose of elucidation, shall be given.

Mijnpacht accounts.

6. Whereas at some mines, in addition to the claim or claims, mijnpachts are also developed, the quantity of tons of quartz obtained from such mijnpachts and claims shall be mentioned separately, and also the output from the same. As a check upon the above, the excavations relating to the same shall, from time to time, be indicated on the mine plans in manner to be hereafter determined by the State Mining Engineer.

Tailings, &c.

7. If ore, tailings, slimes, concentrates, or other by-products of any mine be sold to metallurgical institutions or to others, the value of the gold shall be taken at the net amount received by the owner, syndicate, or company, according to the realisation returns.

The value of the concentrates, slimes, &c., shall be taken at the amount received by the owner, syndicate, or company, as shown by the realisation returns.

It, shall, however, be left to the discretion of the Chief Inspector of Offices to base the value of the same upon assays made or to be made.

7a. The period in respect of which the levying of the said 5 per cent. tax shall be reckoned shall commence from December 1st, 1898. Time of Levy.

8. The Government may further lay down such provisions, regulations and instructions as it may deem necessary, and the same shall have force of law until confirmed by the First Volksraad at its next ensuing session. Regulations.

9. If such be required by the Government officials, the correctness of the returns in the books shall be supported on oath by the owner or his book keeper. Verification of books.

10. Any misstatement, false entry or fraudulent act on the part of the owner or book keeper in connection with the foregoing shall be punished with a fine of five times the amount of the sum concealed, and in addition thereto with a fine of £50, or with three months' imprisonment, with or without hard labour. Penalty for false statements.

SCHEME "A."

PROFIT AND LOSS ACCOUNT No. 1.

	£	s.	d.		£	s.	d.
Mine Exploitation—				Gold Account—			
Mining - - -				Mill.....ozs. fine			
Development - - -				gold from.....tons			
Shaft sinking - - -				crushed - - -			
Milling - - -				Cyanide.....ozs. fine			
Cyaniding sands - - -				gold from.....tons			
Cyaniding slimes - - -				treated - - -			
Charges, including—				Slimes, concentrates,			
Secretary's salary - - -				&c., sold - - -			
Directors' fees - - -							
Claim licences - - -							
Insurance - - -							
Printing, stationery							
and advertising - - -							
Expenses, native							
labour - - -							
Maintenance, build-							
ings and surface - - -							
London and Paris							
Agencies - - -							
Legal expenses - - -							
Sundry expenses - - -							
Balance to Profit and							
Loss Account No. 2							

SCHEME "A"—*continued.*

PROFIT AND LOSS ACCOUNT No. 2.

	£ s. d.		£ s. d.
Depreciation—		Balance from Profit and	
(Various items) -		Loss Account No. 1	
Dividend Account -		Interest on fixed	
Debenture Redemption		Deposits - - -	
Account - - -		Rents - - -	
Reserve Fund - -			
Government Tax on			
Profits - - -			
Balance - - -			

GOVERNMENT REVENUE ACCRUING FROM THE TAX
ON MINING PROFITS.

.....GOLD MINING CO., LIMITED.

		£ s. d.
Capital expended for buildings, mining, equipment, extension, &c., to	190	- - -
Increased by the amount expended during the financial year ended	190	- - -
To be written off—		
Amount written off based on the life of the mine during year, £ per annum		- -
Profit for the financial year ending	190	
as shown in Profit and Loss Account No. 1		- -
<i>Less</i> the proportionate amount already imposed as Mijnpacht tax, £		- - -
<i>Less</i> proportionate expenses, £		- - -
<i>Less</i> amount allowed for writing off as shown above		-
Profits subject to 5 per cent. tax		-

SCHEME "B."

PROFIT AND LOSS ACCOUNT No. 1.

£ s. d.	£ s. d.
Mine exploitation—	Gold Account—
Mining - - -	Mill.....ozs. fine
Development - -	gold from.....tons
Shaft sinking - -	crushed - - -
Milling - - -	Cyanide.....ozs. fine
Cyaniding sands - -	gold from.....tons
Cyaniding slimes - -	treated - - -
Charges, including—	Slimes, concentrates,
Secretary's salary -	&c. sold - - -
Director's fees - -	
Claim licences - -	
Insurance - - -	
Printing, stationery	
and advertising -	
Expenses, native	
labour - - -	
Maintenance, build-	
ings and surface -	
London and Paris	
Agencies - - -	
Legal expenses - -	
Sundry expenses -	
Balance to Profit and	
Loss Account No. 2	

PROFIT AND LOSS ACCOUNT No. 2.

£ s. d.	£ s. d.
Depreciation—	Balance from Profit and
(Various items) -	Loss Account No. 1
Dividend Account -	Interest on fixed
Debenture Redemption	Deposits - - -
Account - - -	Rents - - -
Reserve Fund - - -	
Government Tax on	
Profits - - -	
Balance - - -	

GOVERNMENT REVENUE ACCRUING FROM THE TAX
ON MINING PROFITS.

.....GOLD MINING Co., LIMITED.

		£	s.	d
Capital expended for buildings, their equipment, extension, &c., to	190	-	-	-
<i>Less</i> amount written off to	190	-	-	-
Increased by the amount expended during the financial year ended	190	-	-	-
To be written off—				
Amount written off, based on the life of the mine during the year, £ per annum		-		
Profit for the financial year ending	190			
as shown in Profit and Loss Account, No. 1		-		
<i>Less</i> the proportionate amount already imposed as Mijnpacht Tax		-	-	-
<i>Less</i> proportionate expenses		-	-	-
<i>Less</i> amount allowed or writing off as shown above		-		
Profits subject to 5 per cent. tax		.	-	-

Duty on
raw tobacco.

GOVERNMENT NOTICE, No. 26, 1899. [1]

¹ See Appendix.

GOVERNMENT NOTICE, No. 137.

By virtue of Art. 4 of Law 15, 1898, the following provisions and regulations with regard to the levying of a 2½ per cent. tax on the gross yield of gold from the “*mijnpachts*” in the South African Republic are hereby published for general information, in terms of Art. 26 of Law No. 15, 1898, as approved by Executive Council Resolution, Art. 1,116, dated November 16th, 1898, and as further amended and supplemented by Executive Council Resolution, Art. 207, dated 20th February, 1899

Regulations with regard to the levying of 2½ per cent. on “*mijnpachts*”

F. W. REITZ,

State Secretary.

Government Office,

Pretoria,

March 18th, 1899.

Resolved by the Executive Council to levy the 2½ per cent. tax on those “*mijnpachts*” which are being profitably worked, and which shall, by order of the Government, from time to time be brought under these regulations, and which, if the said 2½ per cent. is levied, will yield more than the “*mijnpacht*” charges as at present reckoned at 10s. per morgen per annum, under the following regulations and provisions:—

1. Notwithstanding the levy of 2½ per cent. for any previous year the Government shall have the right in any subsequent year to again levy the ordinary “*mijnpacht*” charges, if it shall appear that the latter course will be more profitable.

Government may revert to the ordinary charges on “*mijnpachts*.”

2. The gross yield of gold as provided in Art. 26 of the Gold Law, No. 15, 1898, shall be taken as the amount on which the 2½ per cent. shall be calculated.

Gross yield.

3. Proper forms for book-keeping shall be prescribed by the Government in consultation with the inspection and mining departments, which forms shall be filled in by the mining companies, showing the yield of gold from the “*mijnpachts*,” and the chief inspector of offices shall cause such books to be inspected in accordance with instructions.

Forms for book-keeping

4. The “*mijnpacht*” holder or holders shall, at the end of their financial year, pay to the Mining Commissioner or responsible clerk under whose jurisdiction the “*mijnpacht*” is situate the 2½ per cent. on the value of the finds for the previous year due to the State.

Payment to Mining Commissioner.

5. The persons, syndicates or mining companies which work “*mijnpacht*” ground shall be bound to have the mine plans properly completed at the end of each financial year, and on these plans all data necessary for the elucidation thereof shall appear.

Mine plans.

6. Whereas on some mines claims are developed in addition to the “*mijnpacht*” or “*mijnpachts*,” the number of tons of ore obtained from the “*mijnpacht*” shall be recorded separately from those obtained from the claims, and this course shall also be followed as regards the proceeds therefrom, and for the purpose of checking this the respective excavations shall from time to time be indicated on the mine plans, as shall more fully be defined by the State Mining Engineer.

Proceeds from “*mijnpachts*” and claims to be kept separate.

Method of estimating value of the gold in ore sold.

7. If ore, tailings, slimes, concentrates or other bye-products from any mine are sold to metallurgical establishments or others, the net amount received by the Company as per its realisation returns shall be taken as the value of the gold.

It shall, however, be at the option of the Chief Inspector of Offices to assess the value thereof, according to assays made or to be made.

Returns.

8. Statements showing the contributions payable in terms of Arts. 4 and 7 shall be filed with the Government and subscribed by the "mijnpacht" holder, or where the holder is a Company or Syndicate, by the Managing or some other Director.

Any wrong statement, false item or fraudulent dealing on the part of the Owner or Director shall be punished by a fine equal to five times the value of the amount unaccounted for, in addition to a further fine not exceeding £500 or twelve months' imprisonment with or without hard labour.

Further provisions.

9. Such other provisions and regulations and instructions as shall be made and given by the Government from time to time.

SCHEDULE C.

Yield of gold from the "mijnpacht" for the year ending	18	
ounces gold from	tons of milled ore	£
ounces gold -	-	£
From treated with cyanide	-	£
Proceeds of tailings, slimes, concentrates, &c.	-	£
<hr/>		
Total yield of gold on which the Government gets 2½ p. c.	-	£

SECOND VOLKSRAAD RESOLUTION (Gazette, 1899, page 1597). Art. 1182, dated 18th September, 1899.

Noted and accepted by First Volksraad Resolution, Art. 1425, dated 29th September, 1899.

The Second Volksraad taking cognisance of (Government) Note BB 3115/99, dated 12th September, 1899, containing a proposition with regard to Art. 140 of the Gold Law, and having regard to Second Volksraad Resolution, Art. 1172, dated 15th September, 1899, whereby it was resolved to discuss the (Government) Note now on the order,

Resolves to make Art. 140 of the Gold Law read as follows :—

Amendment of Art. 140 Gold Law. Owners of mines which have stopped work may be called upon to proceed with the working. Failing which the Government may confiscate his property:

140. Should the Government for preponderant reasons of public interest deem it undesirable that the operations of any mine should continue to be either wholly or in great part stayed and not proceeded with; the holder or worker of the "mijnpacht" claim or concession concerned shall be obliged to resume operations within a time fixed, upon being called upon so to do by a notification given on behalf of the Government to him personally and also twice published in the *Staatscourant*.

It shall be lawful for the Government upon refusal or non-compliance to withdraw and take over the rights granted under this Law (Gold Law).

The regulations which shall be observed in such a case, and in the framing of which due regard shall be had to the interests as well of the owners as of the bondholders and other interested parties, shall be more specifically laid down by Law.

Regulations to be framed.

The mining rights in this manner taken over by the Government shall not be alienated or exploited, except with the approval of the Second Volksraad.

After withdrawal of the rights as above-mentioned, the Government shall grant the former holder such reasonable time as the State Mining Engineer may deem fit within which to remove any plant and appliances found at the mine, and in default of his so doing such plant and appliances shall be publicly sold after due notification thereof in the *Staatscourant*. The proceeds of the sale, after deduction of the costs incurred and of such arrear licences and taxes as may happen to be due in respect of such mining-rights by the former holder thereof to the Government, shall be paid over to such former holder.

Former owner must remove his plant from confiscated mines. Sale of plant if not removed.

Irrespective of what has been hereinabove provided, it shall be lawful for the Government from the time of proclamation of Martial Law until the withdrawal thereof to take under its own control any mine, such as is described in Chapter 2, Par. "A," Law No. 12, 1898, as also the appliances and implements, plant, instruments, mine plans, documents, registers and books appertaining thereto, and to work any such mine and apply the proceeds of such working to its (the Government's) own benefit.

Government may work any mine.

The Government shall in such case be obliged, upon entering into possession to make or cause to be made a proper inventory of all plant, appliances, machinery, implements, things, mine plans, documents, registers and books appertaining to such mine and found there, and shall in addition thereto keep a true account of all minerals and metals extracted by it, as also of the costs of development, and to that end the Government shall see that the mine plans and books of any such mine shall be marked out on the day of such taking over, and shall thereafter be written up and marked out from day to day.

Inventory of plant, &c.

Such mine shall within a reasonable time after withdrawal of the proclamation of Martial Law be restored by the Government to the parties interested therein, to be held by them in undisturbed possession, provided always that such interested parties shall not have been guilty of the crimes of public violence, high treason or treason, or have incited or instigated any person to commit any such crime, or have plotted or entered into any understanding with any foreign powers or their representatives, in order to induce such powers to commit any hostile act or to undertake a war against this Republic, or have supplied them with the means of so doing, or have attempted in any way to commit treason.

Return of mine to owners after withdrawal of martial law.

It shall also be the duty of the Government to properly account for and make good to the parties so interested the proceeds of the working of the mine realised by the Government, after deduction of all taxes, claims, licences and other charges, imposed by law on the said mining property, "mijnpacht" or concession, and all working expenses during the term that the Government shall have had the said mine in possession, and for (sic) all damage which may have been occasioned by the action of the Government to the plant, appliances or machinery of such mine.

Compensation.

The Government shall, however, not be responsible for the payment of any other damage, nor for the payment of any damage where property shall in the public interest and by the public authorities have

Damage for which Government not liable.

been destroyed, or either permanently or temporarily rendered useless, nor for reasonable wear and tear.

All prospecting and digging for account of the State shall in like manner be subject to the provisions of this Law.

SECOND VOLKSRAAD RESOLUTION, Art. 1183, dated
18th September, 1899.

The Second Volksraad, having regard to the acceptance of the amended Art. 140 of the Gold Law,

Resolves that the said Article shall have the force of Law immediately after publication in the *Staatscourant*.

(Published in *Staatscourant* of 11th October, 1899.)

EXECUTIVE COUNCIL RESOLUTION, Art. 254, dated
6th March, 1899.

Amendment of Law No. 23, 1899.

Resolved: Art. 37 is erased, repealed, and put out of operation, and a new Art. 37, reading as follows, substituted therefor:—

“The Superintendent of Natives shall be charged with the administration of this, as also of all other Pass Laws and Regulations.”

This Resolution is published by Government Notice 118/1899, as provisionally of force immediately upon publication, until such time as the First Volksraad shall have further decided with regard to the proposed Law.

Staatscourant, 1899, page 1,499.

SECOND VOLKSRAAD RESOLUTION, Art. 846, dated
18th August, 1899.

RESOLVED that in the opinion of this Body the words “Police Offices” (used in First Volksraad besluit, Art. 598, dated 16th June, 1896) shall be understood to apply to all guard rooms and the prisoners’ rooms and cells connected with these guard rooms, and that the State Attorney’s department shall have the control and management of all guard rooms, whilst the chief of the Prison Department shall have the control and management of the prisoners’ rooms or cells connected with the guard rooms.

GOVERNMENT NOTICE, No. 524, dated 28th September, 1899.

EXECUTIVE COUNCIL RESOLUTION, Art. 866, dated
27th September, 1899.

(*Staatscourant*, page 1596, 11th October, 1899.)

1 to 3. (These Articles refer to the protection of miners staying to work the mines, &c.)

4. Once Martial Law is proclaimed, the selling, alienating, trading or exchanging of all spirituous and malt liquors shall be prohibited throughout the land, with the exception only of places in respect of which the Government may grant special permits for the sale of liquor.

Immediately after proclamation of Martial Law, the police officers shall attach and keep in safe custody all supplies of liquor found in any licensed places within their districts.

Sale of liquor
stopped on
declaration of
Martial Law

5. All gold extracted by mine owners during war time shall be deposited with the Government of the South African Republic for safe keeping. Deposit with Government of gold extracted.

A portion thereof shall be minted into coin sufficient to defray all costs of development and exploitation and the balance, after deduction of all charges and taxes imposed or still to be imposed by Law shall upon the termination of the war be paid out to the parties entitled thereto.

6 to 10. (Refer to the special policing of Goldfields, and to Uitlanders leaving the country or being permitted to remain.)

[TRANSLATION].

GOVERNMENT NOTICE, No. 532.

R. 1400, 1899.

The following Executive Council Resolution, Art. 908, dated 3rd October, 1899, is hereby published for the information of the public :—

F. REITZ,

State Secretary.

Government Offices, Pretoria,

5th October, 1899.

EXECUTIVE COUNCIL RESOLUTION, Art. 908,

dated 3rd October, 1899.

ON THE ORDER EXECUTIVE COUNCIL RESOLUTION 1266, 1899, FOR THE DISCUSSION OF THE DESIRABILITY OF CLOSING THE SCHOOLS UNDER THE PRESENT CIRCUMSTANCES OF THE COUNTRY.

The Executive Council taking into consideration that it is desirable under the circumstances to render all available forces available for military service, guard duty, or the nursing of the sick and wounded, and being further of opinion that most pupils can be of service in different ways to the country and to their various families, and will be further but little disposed to receive regular instruction or attend school, under present circumstances.

Resolves that until further order

- 1.** All State Schools and State "Homes" shall be closed. Closing of Schools.
- 2.** All Subsidised Schools shall also be closed, unless the staff of such schools shall be in no way required for the service of the Country, and the parents of the children may wish to see the school continued Subsidised Schools.
- 3.** From the beginning of 1st October, 1899, until further order or regulation, no subsidy shall be paid for Education, etc., in terms of the Law on Education. No Subsidies after Oct. 1st, 1899.

The Executive Council resolves further :—

- 1.** That all teachers appointed by the State and enjoying salaries, shall, during the period of the closing of the schools, receive their salary on the same terms as other Government Officials. Pay of State Teachers.

Monthly Allowances.

2. That a settled monthly allowance shall be paid out to teachers of subsidised schools for the same period, according to the following tariff:—

	£	s.	d.	
(I.) Head Teachers—				
(a.) Married	10	0	0	per month.
(b.) Unmarried	5	0	0	„
(II.) Assistant Teachers—				
(a.) Married	7	10	0	„
(b.) Unmarried	4	0	0	„
(III.) Pupil Teachers	2	0	0	„

The Executive Council further resolves, that during the compulsory closing of schools all other ordinary and special subsidies shall be suspended, while the regulation of subsidies in aid of interest, and rent for school buildings, shall be taken into consideration if, D.V., the State returns to a condition of peace and order.

Finally, the Superintendent-General of Education is instructed only to pay out the before-mentioned fixed subsidies to such male and female teachers, as he shall be convinced have placed themselves at the disposal of the country in various ways to be approved of by him. Subsidised schools which may contribute in terms of point 2 of the first portion of this Resolution shall also come within the terms of this Resolution, and also the staff attached thereto.

[NOTE.]

GOVERNMENT NOTICE No. 532. R. 1400/99.

This Notice will have the force of law in terms of a First Volksraad Resolution, 1416a, dated 28th September, 1899. This Resolution was taken in Secret Session, and does not appear in any published form. The most direct reference to be found to it is in Law 22, 1899, viz. (in the preamble), “and, inasmuch as the First Volksraad has by its Resolution, Art. 1416a, dated 28th September, 1899, empowered the Government to take such resolutions and to give such instructions during the recess as may be found necessary for the interests of the country, such instructions and resolutions to have force of law until the First Volksraad shall have later decided thereon.”

PROCLAMATION dated 25th November, 1899.

RELATING TO PAYMENT OF PREMIUMS TO INSURANCE COMPANIES
DURING THE WAR.

Staatscourant, 29th November, 1899, page 1,737.

PROCLAMATION dated 25th October, 1899.

Re HOUSE RENT.

Staatscourant, page 1,685.

PROCLAMATION by the State President.

WHEREAS in consequence of the proclamation of martial law (No. 20, 1898), and by reason of the whole or partial stoppage of the earnings of the public in general, it has become necessary to lay

down certain rules with reference to the collection of rents for dwelling-houses, farms, or portions of farms held under lease :

Now therefore, I, STEPHANUS JOHANNES PAULUS KRUGER, State President of the South African Republic, with the advice and consent of the Executive Council, per Art. 966 of its minutes, dated 24th October, 1899, hereby proclaim and enact as follows :

1. From the date of proclamation of martial law, until the same shall be withdrawn, the owners or lessors of dwelling-houses shall in no case have the right to claim any rents from their lessees, and after martial law shall have been withdrawn, such owners or lessors shall have no recourse whatsoever in respect of any of the rents as aforesaid.

Rents of dwelling-houses.

The lessee of any house, in which a shop, hotel or any other business is being carried on, shall be excluded from the operation of this provision.

Only half of the ordinary rent, for which such houses or dwellings had been let and hired before the proclamation of Martial Law, may be claimed for the period that Martial Law continues ; and the owners or lessors of such dwellings or houses shall in no case after the withdrawal of Martial Law have the right to claim more than half of the rent as aforesaid.

Lessees of houses or portions thereof, in which a liquor trade shall have been carried on, which trade is at present, by order of the Government under and by virtue of Executive Council Resolution Art. 907, dated 2nd October, 1899, prohibited, shall, so long as the said Executive Council resolution shall remain of force, have the benefit of the like favourable provisions that lessees of dwelling houses enjoy as aforesaid.

Rents of liquor trade premises.

2. Lessees of farms or portions of farms shall not be liable to the owners or lessors of such farms or portions of farms for any rent as and from the time of proclamation of Martial Law until such time as the same shall have been withdrawn, and upon withdrawal of Martial Law such owners or lessors shall have no recourse whatsoever in respect of such rents.

Farm leases.

3. For private loans, for which bonds on land or other fixed property have been passed, no interest may be claimed, during the time, that Martial Law shall be of force (should it be found, after Martial Law shall have been again withdrawn, that any such interest would otherwise have accrued) ; and, such bondholder shall not have any claim for any such interest.

Interest on Bonds.

This provision shall also be in force in respect of loans upon mortgage of land or other fixed property, granted by Government institutions, such as the Amortisation Fund, &c.

GOD SAVE LAND AND PEOPLE.

Given under my hand at Pretoria this 25th day of October, 1899.

S. J. P. KRUGER,
State President.

F. W. REITZ,
State Secretary.

SECOND VOLKSRAAD RESOLUTION, Art. 849, dated
18th August, 1899.

“RESOLVED to instruct the Government, that in future a Gaoler shall not fill more than one appointment.”

GOVERNMENT NOTICE No. 670, dated 12th December, 1898.

(*Staatscourant*, 1899, page 19.)

REGULATIONS FOR THE SANITARY BOARD.

Ward No. 3, District Krugersdorp.

GOVERNMENT NOTICE No. 698, dated 27th December, 1898.

(*Staatscourant*, 1899, page 39.)

INSTRUCTIONS FOR THE INSPECTOR OF EXPLOSIVES.

GOVERNMENT NOTICE No. 15, dated 9th January, 1899.

INSTRUCTIONS FOR THE FIRST GOVERNMENT MINING SURVEYOR.

(*Staatscourant*, 1899, page 73.)

GOVERNMENT NOTICE No. 57, dated 26th January, 1899.

ZWASIELAND SANITARY COMMITTEE REGULATIONS.

(*Staatscourant*, 1899, page 404.)

GOVERNMENT NOTICE No. 27, dated 16th January, 1899.

Re "JINRICKSHAS AT JOHANNESBURG."

(*Staatscourant*, 1899, page 188.)

GOVERNMENT NOTICE No. 45, dated 24th January, 1899.

Re "BICYCLES IN JOHANNESBURG."

(*Staatscourant*, 1899, page 189.)

GOVERNMENT NOTICE No. 204, dated 23rd January, 1899.

REGULATIONS FOR MARKET HOUSE, PRETORIA.

(*Staatscourant*, 1899, page 204.)

GOVERNMENT NOTICE No. 134, dated 18th March, 1899.

SUPPLEMENTARY REGULATIONS, JOHANNESBURG TOWN COUNCIL,

re SALE OF MILK.

(*Staatscourant*, 1899, page 134.)

GOVERNMENT NOTICE, No. 138, dated 18th March, 1899.

WASHING PLACE REGULATIONS FOR JOHANNESBURG.

(*Staatscourant* 1899, page 659.)

GOVERNMENT NOTICE, No. 139, dated 16th March, 1899.

REGULATIONS FOR KLERKSDORP HOSPITAL.

(*Staatscourant*, 1899, page 660.)

GOVERNMENT NOTICE, No. 172, dated 4th April, 1899.

REGULATION *re* BUBONIC PLAGUE.

(*Staatscourant*, 1899, page 745.)

GOVERNMENT NOTICE, No. 171, dated 4th April, 1899.

REGULATIONS FOR CLAIM LOTTERIES.

(*Staatscourant*, 1899, page 749.)

GOVERNMENT NOTICE, No. 208, dated 25th April, 1899.

Re "COOLIES."

(*Staatscourant*, 1899, page 832.)

PROCLAMATION, dated 28th April, 1899.

Re IMPORTATION OF ARMS INTO SWAZIELAND.

(*Staatscourant*, 1899, page 878.)

PROCLAMATION, dated 17th May, 1899.

EXTRADITION OF CRIMINALS ACT (Cape Colony). Extended for one year ending 9th May, 1900.

(*Staatscourant*, 1899, page 939.)

GOVERNMENT NOTICE No. 215, dated May, 1899.

REPORT ON GOLD AND COAL MINES IN THE DISTRICT OF HEIDELBURG.

(*Staatscourant*, page 982.)

GOVERNMENT NOTICE No. 224, dated 17th May, 1899.

re BLOCKING OF SIDE-PATHS, JOHANNESBURG.

(*Staatscourant*, 1899, page 1005).

GOVERNMENT NOTICE No. 296, dated 17th June, 1899.

DE KAAP SANITARY BOARD REGULATION.

(*Staatscourant*, 1899, page 1161).

GOVERNMENT NOTICE, No. 325, dated 12th July, 1899.

LYDENBURG BURIAL GROUND REGULATIONS.

(*Staatscourant*, 1899, page 1182).

GOVERNMENT NOTICE, No. 349, dated 19th July, 1899.

USE OF SIGNALS AT RAILWAY CROSSINGS, AND FENCING IN OF RAILWAYS.

(*Staatscourant*, 1899, page 1203).

GOVERNMENT NOTICE, No. 349, dated 16th August, 1899.

ERMELLO BURIAL GROUND REGULATIONS.

(*Staatscourant*, 1899, page 1,343).

GOVERNMENT NOTICE No. 524, dated 27th September, 1899,

re WORKING OF MINES.

(*Staatscourant*, 1899, page 1,594).

GOVERNMENT NOTICE No. 534, dated 6th October, 1899,

re CLOSING OF BARS, &c., DURING THE WAR.

(*Staatscourant*, 1899, page 1,595).

GOVERNMENT NOTICE No. 585, dated 8th December, 1899,

re RELIEF IN RESPECT OF CLAIM LICENCES DURING THE WAR.

(*Staatscourant*, 1899, page 1,811).

GOVERNMENT NOTICE No. 607 dated 22nd December, 1899.

Publishing MODIFICATION OF AGREEMENT WITH THE DYNAMITE COMPANY.

(*Staatscourant*, 1899, page 1,811.)

R. 7497/93.

PROCLAMATION BY THE PRESIDENT.

WHEREAS it is desirable and necessary, on the proposal of the Judges of the High Court of the South African Republic, to enact several amendments and alterations in the existing Rules of the High Court, and

Whereas such may take place in accordance with Art. 17 of the Proclamation of the 9th of August, 1881, confirmed and approved by Art. 1 of Law No. 3, 1883, and Law No. 6 of 1885, and

Whereas the Rules and Regulations of the High Court, as published in the *Staatscourant* bearing date 3rd May, 1899, by the Judges of the High Court have been enacted and approved.

I, Stephanus Johannes Paulus Kruger, President of the South African Republic, hereby order and enact that from the fifteenth (15th) day of July, A.D. 1899, the Rules and Regulations of the High Court aforesaid shall be in force, and that all Rules and Regulations in conflict therewith are hereby repealed from the said date.

GOD SAVE LAND AND PEOPLE.

Given under my hand at the Government Offices this day the 29th day of June, 1899 A.D.

S. J. P. KRUGER,
President.

F. W. REITZ,
State Secretary.

RULES AND REGULATIONS (1899) OF THE HIGH COURT
OF THE SOUTH AFRICAN REPUBLIC.

GENERAL PROVISIONS.

Civil terms.

1. There shall be two terms in the year for the despatch of the Civil business of the Court, the first extending from the first day of March to the last day of June inclusive, and the second extending from the first day of August to the last day of November inclusive.

2. During the months of December, January and February, as also during the month of July in each year, there shall be a vacation, during which the ordinary business of the Court shall be suspended, but one or more officers shall attend daily at the Registrar's office for the despatch of all necessary business. Vacation.

3. The Court shall also sit in vacation time for as many days as shall be necessary for the trial of any cases which the Court shall, on application, direct to be heard and determined out of term. Vacation sitting.

4. One of the Judges of the Court shall sit daily, ('including vacation time,') in Chambers to hear and decide all applications and motions, including applications for penal interdicts, interdicts, or orders for the summary redress of wrongful acts or injuries, as also provisional cases and cases of default. Sitting in chambers.

Where an order of the High Court is required by law in cases of insolvency, or other cases dealing with estates, such judge in chambers shall be competent to issue such order. Competency of judge in chambers.

It shall also be lawful for parties by mutual consent to have a case with witnesses heard before such judge. Trial case before judge in chambers.

There shall be a right of appeal to the High Court from every final order granted, or judgment pronounced by a judge in chambers. Appeal to high court from judge in chambers.

5. The offices of the High Court shall be open every day from nine o'clock in the morning till four o'clock in the afternoon, except on Sundays and holidays hereinafter mentioned. Office hours.

The said holidays shall be: New Year's Day, 27th of February, Good Friday, Easter Monday, Ascension Day, Whit Monday, the President's birthday, Dingaan Day, Christmas, and such other days as may be proclaimed holidays. Holidays.

6. If the day, on which a sitting of the court has been fixed, falls on a Sunday or holiday, the sitting shall be held on the following day. If sitting falls on a Sunday or holiday.

7. No service of any summons, order or notice, and no proceeding or act required in any civil action, except the case of arrest, attachment, or interdict, shall be valid or effectual if performed on a Sunday. But all process returnable on a Sunday or holiday shall be returnable on the day following, and any act required to be done by any party in Court or in Chambers at a time which would fall on a Sunday or holiday, or on a day on which the Court or Judge in Chambers does not sit, may be done on the day following, or at the next ensuing sitting of the Court or the Judge in Chambers. Sunday a dies non.
A process falling due on a Sunday postponed till next Court day.

All summonses, subpoenas, process, demands and other legal documents shall be served as near as possible between the hours of nine o'clock in the morning and four o'clock in the afternoon. Documents to be served between 9 and 4 o'clock.

The service of any summons, subpoena and process of the Court, as also the execution of writs and warrants, and of any other documents, of which notice is required to be given to the opposite party, shall be effected by the High Sheriff or his deputy. Documents to be served by high sheriff or his substitute.

Telegraphic service of documents.

Any summons, writ, warrant, notice, or other process which, by any law, rule of the Court or agreement of parties, is required to be served on any person, or left at the house, or place of abode, or business of any person, in order that such person may be affected thereby, may be transmitted by telegraph by the High Sheriff or his Deputy, and a telegraphic copy duly served on such person, or left at his place of abode, or business, shall be as lawful and of the same force as if the original had been shown to him, or a copy thereof served upon such person or left as aforesaid as the case may be: provided always, however, that the original, with a copy thereof, shall be transmitted by the first post in order to be served or left at the same place where the telegraphic copy had been served or left.

Documents to be in the Dutch language and duly translated.

8. All documents of process and minutes of the Court shall be written or printed in the Dutch language, and all documents filed with the Registrar, if written or printed in a foreign language, shall be accompanied by a translation in the Dutch language, as such duly certified correct by a sworn translator admitted and enrolled by the Court.

NOTICES, SUMMONSES, POWERS OF ATTORNEY, JURISDICTION.

Applications must be filed with Registrar.

9. All memorials, petitions and special applications to the Court, or a Judge in Chambers, shall be brought before the Court or a Judge in Chambers by way of motion, and all such memorials and petitions or applications shall be filed with the Registrar the day before. The Registrar shall set them down, and call the same in the order in which they stand.

Affidavits.

All motions or applications to the Court, or a Judge in Chambers, shall be supported by affidavits of the facts and circumstances upon which the same are made.

The affidavits shall be sworn before a Judge or Commissioner of the Court.

Appearance in person.

It shall be lawful for the Court, or a Judge in Chambers, to order any person to appear personally to be examined and cross-examined.

Notice of applications to other side.

When notice to the opposite party, of such application or motion, is required, such shall be effected by the service of a written notice signed by the Attorney issuing such notice, together with copies of the petition and of the affidavits which are intended to be used in support of the said application, and in default of service of such copies; the affidavits, copies of which have not been served, shall not be capable of being used, unless the Court shall expressly otherwise order.

Powers of attorney must be filed before issue of summons.

10. In every action which shall be commenced in this Court, the Attorney of the Plaintiff shall, before any process is sued out to compel any person to appear to answer any claim or demand, file with the Registrar his power of attorney or warrant to sue, signed by the Plaintiff.

Should a power to sue be given by the Agent of the Plaintiff, or a person authorised to act for him, the Attorney shall file with the Registrar, together with such power granted to him, a duly certified copy of the power of attorney granted to the agent, in terms of which the power to sue has been given.

Defendant must be summoned before High Court.

11. In all civil cases the Defendant shall be summoned before the High Court, sitting at Pretoria, or before the Circuit Court sitting for the

district or proclaimed goldfield where the Defendant lives, or before a Judge in Chambers in cases where the latter has jurisdiction.

If, on the application of one of the parties to the suit, it shall be made to appear to the Court, or a Judge in Chambers, that it is of great importance for the parties in such case, originally commenced in the High Court, or any Circuit Court, to have the case heard at another place, the Court, or the Judge in Chambers, shall make such order as is required under the circumstances, and have the venue changed to such other Court in order to be there heard and determined.

Change of venue.

12. All summonses, subpoenas and process of the Court may be sued out by any person who has any demand or matter of complaint against any person whatever, over whom the Court, or a Judge in Chambers, has jurisdiction, excepting only the President, the Acting President, or a Judge of the High Court, unless the leave of the Court to do so has been first had and obtained.

Who may be summoned, who not.

All summonses, subpoenas or process shall be signed by the Attorney who sues out the same, setting forth his address, and shall thereafter be signed and issued by the Registrar of the Court, for which the warrant to sue shall be his authority in accordance with the requirements of Rule 10, and shall bear date on the day on which issued, and shall, subject to the provisions of Rule 20, be made returnable either during or out of term.

Signing issue of summons.

PROVISIONAL SENTENCE.

13. In all cases, where by law a person may be summoned to hear claim made for obtaining a provisional sentence, or condemnation for payment under security *de restituendo*, copies of all instruments or documents upon which the claim for provisional sentence is grounded shall be served on the person summoned, together with a copy of the said summons. The summons shall be as near as possible in the form set out in the Schedule A.

Summons in provisional cases.

14. In all cases where, by law, a person may be summoned on a provisional claim for payment, the latter shall be allowed, after having been summoned thereto, to appear personally within the bar of the Court, and there acknowledge or deny such claim.

Personal appearance of defendant.

15. Any person against whom provisional sentence has been granted, may, within six months after the levy made under the writ of execution granted by virtue of such provisional sentence, or, if he shall have satisfied the judgment without a levy, then within six months after having done so, cause appearance to be entered with the Registrar to answer the action. If the Defendant, or some one authorised in his behalf, does not enter appearance within six months after such levy or satisfaction aforesaid, the provisional sentence shall become a final judgment, and the security given by the Plaintiff shall become *ipso facto* null and void.

Appearance of defendant to answer provisional claim within six months.

Provisional sentence made final.

16. No process in civil cases whereby any person may be arrested, or held to bail in order to compel his appearance to answer any claim or complaints, and to abide by the judgment of the Court thereon, shall

No arrest when the *causa debiti* is under £20.

be sued out against any person where the *causa debiti* shall not have originally amounted to or be of the value of twenty pounds sterling or upwards, exclusive of any costs which may have been incurred in the recovery thereof.

Formalities necessary to constitute order for arrest valid.

Such writ for personal arrest shall be delivered to the Registrar for signature accompanied by a direct and positive affidavit sworn by the Plaintiff, his agent or servant, before a judge or commissioner of the Court, and filed with the registrar.

What allegations necessary in affidavit.

Such affidavit shall contain a true description of the party making the affidavit setting forth his place of abode, and a statement of the true sum due to the Plaintiff, and the cause of the debt, or in case of the unlawful detention of any moveable property, the value and description thereof. The affidavit shall further contain an allegation that the Plaintiff holds no mortgage, pledge, or security for his claim or demand, or none adequate thereto, and, in this last case, specifying the nature and extent of the mortgage, pledge, or security, and that an amount or value of twenty pounds sterling or upwards remains wholly unsecured; and in case the claim or demand shall be in respect of any personal injury or wrong sustained by the Plaintiff, that the said Plaintiff has sustained damage to the amount of twenty pounds sterling or upwards.

Allegation that defendant intends to leave the country necessary.

In all cases the affidavit shall contain an allegation that the deponent believes that the Defendant is about to remove, or is making preparations to remove, from the Republic, and stating the reasons and grounds for such belief; provided that if the Plaintiff sues as executor or administrator of any deceased person, or as assignee of an insolvent estate, it shall be sufficient in any such declaration to state that the said Defendant is indebted as stated, as appears by the books of such deceased person or insolvent, and as the deponent verily believes.

Registrar shall keep order and allow inspection.

Such warrant and affidavit shall be kept by the Registrar with his documents, and office copies of the same shall at any time be granted to the said Defendant or his attorney, and the attorney of the said Defendant shall be at liberty, without payment, at all times, to search for and see the same.

Form as in Schedule B.

In all cases where the Defendant may be arrested, or held to bail, the process shall be by a writ of arrest addressed to the High Sheriff or his deputy, and signed and endorsed in the same way as the ordinary process of the Court, and such order shall be as near as possible in the form set forth in the Schedule B.

What must be set out in the order.

In all cases where any sum of money, or a definite thing is claimed, the same shall be truly mentioned in the writ. The costs and charges of issuing any writ of arrest shall be endorsed thereon by the Registrar; and the High Sheriff or his deputy, shall, upon any arrest to be made by virtue thereof, give to the Defendant, at his request and at his charge, a true copy of the same.

Defendant entitled to a copy

Arrest by telegram from High Sheriff.

A telegram from the High Sheriff, or his deputy, to any of his deputies, stating that a warrant has been issued for the arrest of any person to appear in or to answer to any civil action or other process, shall be sufficient authority for any sheriff or deputy sheriff, or other competent officer, to execute such warrant for the arrest and detention of such person in custody, until a sufficient time, not exceeding seven days, has elapsed to allow of the transmission of the original warrant by post to the place where such person has been arrested or detained, unless the discharge of such person has been previously ordered by the Circuit Court or judge in chambers. Provided always that the Court may,

upon cause shown, order the detention of the person arrested for a further period not exceeding seven days. But in each case the warrant shall be transmitted by the first post to the place aforesaid. And after the arrival of the warrant at the place where such person has been arrested or detained, the case shall be proceeded with as hereinbefore prescribed in cases of ordinary arrest.

17. If on any arrest the Defendant, or any one in his behalf, shall give to the High Sheriff or his deputy, reasonable security by bond or obligation of the said Defendant himself, and of another person possessing sufficient means within the State, that the Defendant shall appear according to the exigency of the said writ, and shall stand to and abide by the judgment of the Court thereon, or shall surrender himself to the prison of the Court in execution of the same, or if the said defendant shall pay or deliver to the High Sheriff, or his deputy, the sum of money, or the thing mentioned in the said writ, together with the charges and costs endorsed thereon, and a further amount of one pound sterling as costs for the execution of the writ, the High Sheriff, or his Deputy, shall permit the Defendant to go at large, and free of the said arrest as to the said action.

Bail or security for appearance of Defendant or satisfaction.

The said bond of obligation to be given to the Sheriff under this rule shall be as nearly as possible in the form set forth in the Schedule C.

Deed of Security.

18. If the Defendant, on arrest, or at any time thereafter, shall satisfy the claim contained in the writ, with and including the costs of the case, and the costs of the arrest, he shall be immediately entitled to discharge from such arrest.

Defendant entitled to discharge on full satisfaction.

If security has been given by the Defendant, or by anyone else in his behalf, in terms of Rule 17, the Plaintiff shall proceed with his action in accordance with Rule 27 precisely, as if there had been no arrest, and the warrant shall in that case stand as summons in the case.

Ordinary procedure after security given.

If the Defendant shall not have satisfied the claim contained in the order, and has not deposited security as aforesaid, the Plaintiff shall on the return day of the order of the Court move for confirmation of the arrest.

Confirmation of arrest.

Any person arrested or summoned in any case of arrest or injunction shall be entitled to anticipate the day of appearance, and apply to the Court or a Judge in Chambers for dissolution of the said arrest or injunction upon giving four-and-twenty hours' previous notice thereof to the Attorney of the party suing out the same, and if there is no attorney to the party at whose request it has been issued.

Anticipation of day of appearance after notice to other party.

If the Defendant on the return day, or on the day of the anticipation of the same as aforesaid, shall admit the claim contained in the process, judgment shall be given against him and he shall be discharged from such arrest.

Acknowledgment of claim.

If the Defendant has not admitted the claim contained in the order, and has not given any security as aforesaid, the Plaintiff shall on the return day apply for confirmation of the arrest, when the Court, unless sufficient cause to the contrary shall be shown, shall confirm such arrest and return the Defendant to the prison, but shall order the Plaintiff to file his declaration within a certain time with the Registrar, or to set the case down for trial within a certain time, the writ standing as summons in the case.

Denial of claim.

Defendant entitled to discharge of arrest.

If at the trial judgment is given against the Defendant, he shall be entitled to his discharge from such arrest. Such discharge shall not free him however from his liability under the said judgment or from subsequent arrest in execution.

Simple Original Actions.

Summons in actions of first instance.

19. The ordinary manner of procedure to compel appearance of any person to answer a demand or matter of complaint in simple original actions (except provisional cases), where by law the person of the Defendant cannot be arrested, shall be by means of a summons addressed to the High Sheriff or his Deputy (except where the High Sheriff is a party to the case, in which case the summons shall be addressed to a fit person appointed by the Court or a Judge in Chambers), ordering the High Sheriff or his Deputy to command the Defendant to enter appearance to answer the Plaintiff's claim.

Form as in Schedule D.

Such summons shall be as near as possible in the form set forth in the Schedule D.

Service of summons and time within which Defendant must appear.

20. In all cases, where by law there can be no arrest of the Defendant, a copy of the summons shall be served either by delivering such copy to the Defendant personally, or by leaving the same at his place of abode or business, or at his last known dwelling-house or place of business (or if the Defendant cannot be found, it shall be considered sufficient to affix the notice to the door of the dwelling where he last resided), at least seven days before the day therein appointed for his appearance, if such service is made in Pretoria or within a circuit of fifty miles therefrom, while for every thirty miles beyond such circuit, a further period of four and twenty hours shall be allowed.

Service of summons when there is more than one defendant.

21. Where two or more persons are addressed in one summons at the same time, such summons shall be served, in the manner above mentioned, on each of the persons summoned except in the following cases :—

Local Boards.

(a.) With regard to local boards, public institutions, or charitable or religious corporations (in so far as not otherwise provided by law), service shall be made at the place where the Board of Management of the same sits, or has its office, on the Secretary or the Chief of the Board, or if the latter cannot be found, by affixing it to the door of said office, or if no office can be found, then the service shall be effected at the residence of the Secretary or the Chief of the Board, by means of affixing it as hereinbefore provided.

Partnerships.

(b.) With regard to a partnership, the service shall be made at its joint office, failing which, on one of the partners in person, or at his residence: and after dissolution of the partnership, when there are liquidators or trustees, on one of them in person or at his residence.

Syndicates.

(c.) With regard to any Syndicate, where they have a Head Office or a fixed place of business, the service shall be effected on the Secretary or Chairman or Managing Director of such Syndicate there present, but in case such Syndicate has no Head Office, or no fixed place of business, then a copy of the summons shall be served on every member of the Syndicate to be found within this Republic, and as regards the remaining members of the Syndicate, the summons shall be published either in the *Staatscourant* or in such other newspapers as the Court, on

application, may determine. The Court may also direct that personal service shall be effected on one or more members of the Syndicate who are beyond the limits of the country.

- (d.) With regard to Trustees of insolvent estates, executors, curators or guardians of minors and the like, service shall be effected on one of them in person, or at his residence or office.

Curators,
executors, &c.

22. The High Sheriff or his Deputy shall, on the return day of a summons, subpoena or other process, file with the registrar such summons, subpoena or process with a return of what he has done therewith endorsed thereon or attached thereto, and the Plaintiff or Defendant or their Attorneys may at any time take a copy of such summons or process and the return thereon.

High Sheriff
must make a
return on the
writ.

Parties may
take copies
of return.

It shall be the duty of the High Sheriff or his Deputy, where possible, to explain the contents of such summons, subpoena or process to the person on whom the service has been effected, and to state in the proper place that he has done so.

High Sheriff,
&c., must
explain sum-
mons, &c.

If the High Sheriff or his Deputy shall, by virtue of any writ, have taken from any person any money or things attached at the instance of the Plaintiff, or any bond or acknowledgment of debt, the High Sheriff shall, after the lapse of four days from the date of such return, and being thereunto required by the Plaintiff or his Attorney, hand over to the said Plaintiff or his Attorney the said sums of money or things, or assign to the said Plaintiff or his Attorney such bond or acknowledgment of debt by an endorsement given by him under his hand. This endorsement shall be as near as possible in the form set out in the Schedule E.

High Sheriff
must hand
over all
monies taken
within four
days of return.

23. In all cases where process of edictal citation would be necessary for the purpose of citing or otherwise compelling the appearance of any person to answer any complaint or demand, the Plaintiff shall, before an order of edictal citation can be issued, apply to the Court or a Judge in Chambers for directions as to the mode of serving the summons in such case, and as to the time for the appearance of the Defendant to such summons. The Court, or the Judge in Chambers, shall in his order give such instructions as shall be necessary, taking into consideration the distance of the place of residence, or the supposed place of residence of the Defendant and the circumstances of the case.

Summons by
edict.

The summons and all further notices, pleadings, warrants and other process in such case shall be served in such way as the Court or Judge in Chambers shall determine in each special case.

Service of
service
summons and
other
documents.
Service of
publication.

Service may also be effected by such publication as the Court or a Judge in Chambers may determine.

24. In all simple, original actions the party on whom the summons or process has been served, or who has been arrested and has given bail for his appearance to answer any complaint or claim, shall, either personally or by an Attorney of the High Court, enter appearance within the time allowed by the summons for such appearance.

Defendant
shall enter
appearance
either person-
ally or by his
attorney.

25. After service of the summons the Defendant shall at any time be allowed, except in actions for divorce, either personally or through his Attorney, to confess the claim or demand in writing to be filed with the Registrar. Such confession, when signed by the Defendant, shall be witnessed by an Attorney acting for him and not acting for the opposite party, or if not so witnessed the Defendant's signature shall be

Admission of
the claim by
defendant
after service
of summons.

After admission the Plaintiff may place case on the roll for judgment. Defendant in default to appear.

After appearance all documents to be served on attorneys of parties.

In case of personal appearance, Defendant must give a Pretoria address.

Declaration or claim must be served on Defendant within one month after his appearance.

Declaration may be served together with summons at risk of Plaintiff. Contents of declaration or claim.

Defendant must answer within eight days after service of declaration.

After expiry of eight days Plaintiff may warn Defendant in writing to plead within forty-eight hours.

Contents of answer or plea.

verified by affidavit. After the filing of such confession the Plaintiff may, without notice, set down the cause for judgment, and thereon sentence or judgment may be given by the Court in accordance with such confession.

26. Where any Defendant having been duly served with any summons (not being a summons for provisional sentence) has not made appearance within the time fixed by such summons, he shall be barred of his right to appear.

27. After the defendant in any action has by attorney entered his appearance, service of all future summonses, demands, notices and other proceedings in the same action made on such Attorney, and in like manner on the attorney of the plaintiff, or left at his office, shall be valid and effectual, excepting where by any procedure, order or practice of the Court personal service on parties has been specially prescribed.

A Defendant, having entered appearance personally, shall give the Registrar an address in the town of Pretoria where the service of all documents and papers in the case may be effected.

28. In all simple original actions, not falling under Rule 25, the Plaintiff shall file a declaration or claim with the Registrar, and if the Defendant has entered appearance, a copy of such declaration shall be served on the Attorney of the Defendant [or if the Defendant has entered appearance personally, on the Defendant] at any time within one month after such appearance, in default whereof the Plaintiff shall be barred from declaring or making claim.

The copy of the declaration may be served on the Defendant together with the summons, but in that case no costs shall be allowed for such declaration, if the Defendant shall tender to satisfy the Plaintiff's claim in full, within the time allowed for entering appearance.

The declaration or Claim shall state truly and concisely the name and description of the party suing, and the right in which he sues, the name of the Defendant, and the capacity in which he is sued, the nature, extent, and the cause of action, complaint or demand and such conclusions as from the form of the particular action, the Plaintiff shall by law be entitled to deduce. Where the Plaintiff seeks relief in respect of several distinct claims or causes of complaint founded on separate and distinct facts, such shall be stated, as far as may be, separately and distinctly: and the same rule shall apply where the Defendant relies upon various distinct grounds of defence, set off, or claim in reconvention.

29. In all cases where the Defendant has appeared, he shall either except, answer, plead or make claim in reconvention, and shall file with the Registrar such exception, answer or plea, and have a copy of the same served on the Attorney of the Plaintiff, within eight days next after the declaration of the Plaintiff has been served on him or on his attorney. After expiry of the said eight days, the Plaintiff may make demand of the Defendant to except, answer or plead and if no such exception, answer or plea shall be filed within forty-eight hours after such demand with the Registrar, the Defendant shall be barred from excepting, answering or pleading.

The Defendant shall in his answer or plea either admit or deny, or confess and avoid all the material facts, alleged in the declaration or claim, and shall clearly and concisely state all the material facts on which he relies.

It shall not be sufficient for a Defendant in his plea in convention or for the Plaintiff in his plea in reconvention to deny generally the facts alleged by the declaration in convention, or claim in reconvention, as the case may be.

Parties must deal specifically with each allegation of fact, of which they do not admit the truth, and every allegation of fact contained in the declaration in convention, or claim in reconvention which is not specifically denied in the plea in convention, or plea in reconvention shall be taken to be admitted.

30. After service of the answer or special plea of the Defendant, the Plaintiff shall replicate or answer the claim in reconvention put in by the Defendant, and shall file such replication or answer with the Registrar and cause a copy of the same to be served on the Attorney of the Plaintiff within eight days. In default whereof the Plaintiff shall be barred from his right of replication or answer in reconvention.

The Plaintiff may in his replication join issue with the Defendant upon the plea.

31. If the replication contains new allegations (or the Plaintiff has pleaded or answered to the claim in reconvention of the Defendant), the Defendant shall be allowed to rejoin (or replicate to the answer or plea in reconvention), and shall file such rejoinder at the office of the Registrar, and cause a copy of the same to be served on the Attorney of the Plaintiff within four days after the service of Plaintiff's replication (or his answer in reconvention.) In default thereof the Defendant shall be barred from his right of rejoinder or replication in reconvention.

32. The Plaintiff shall have the right, in like manner and subject to the provisions of the preceding rule with regard to rejoinder in convention, to rejoin in reconvention, and no other terms shall be allowed in pleading in any case but by leave of the Court or of a Judge in Chambers.

33. If it is required in terms of Rule 28, 29, 30 or 31, that a party shall put in, file or serve any pleading within a certain time, the Court or a Judge in Chambers may, on application, and on sufficient cause being shown, grant a longer time for the same, and if any person has been under the said rules barred from pleading, it shall be lawful in like manner for the Court or a Judge in Chambers to remove the bar, subject to such conditions as shall be fair. Bar may also be removed with the consent in writing of the opposite party, signed by his Attorney, and filed with the Registrar.

34. All pleadings in any case shall be signed by an Advocate and an Attorney on the roll. The word "pleadings" here does not include the summons.

All pleadings shall be filed with the Registrar within the office hours of the day on which any rule or practice of the Court requires the same to be filed.

Every allegation of facts in claim must be separately answered.

Reply or answer in reconvention must be served within 8 days.

Plaintiff may join issue in his replication.

Rejoinder or reply in reconvention must be served within 4 days.

Rejoinder in reconvention. Further pleadings only by leave of the Court.

Extension of time for service of pleadings. Removal of bar by Court or with written consent of opposite party.

Signature of pleadings.

Filing of pleadings at the office of the Registrar.

Party to a case may at all times take copies of pleadings.

Any party to a case may at all times examine such pleadings and take copies of the same.

Form of pleadings.

35. Every pleading, petition or affidavit shall be clearly typed or written on folio paper, and the allegations contained in such pleadings, petition, affidavit or special case, shall be divided into paragraphs numbered consecutively, each paragraph as near as possible containing a distinct allegation.

Allegations in pleadings must not be answered evasively.

When a party in any pleading denies an allegation of fact in the preceding pleading of the opposite party, he shall not do so evasively, but answer to the point of substance.

Superfluities may be erased.

If any argumentative or irrelevant or superfluous matter be stated in any pleading, such matter shall, if shown to the Court by way of motion, be struck out of such pleading with or without payment of costs as the Court shall direct.

Amendment of pleadings.

36. It shall be lawful for a Judge in Chambers at any stage of the proceedings before trial of a case, and for the Court at any stage before judgment, to allow any party to amend his declaration, answer, replication or other pleading, and all such amendments or alterations shall thereupon be made as shall be necessary for the purpose of determining the real question or questions actually in controversy between the parties.

Must be made within 8 days after leave.

If a party who has obtained leave to amend his plea, does not amend the same within the time fixed by order of the Court, or where no time has been thereby limited within eight days from the date of the order, such order shall on the expiration of such fixed time, or of such eight days, become *ipso facto* null and void, unless the time has been extended by the Court or a Judge in Chambers.

Contents and service of amended pleadings.

When a pleading has been amended, such amended pleading shall bear the date of the order under which the same has been so amended, and a copy of such pleading shall be served on the opposite party within the time allowed for amending the same.

Irregular procedure may be cancelled.

37. If in any trial any procedure on the part of one of the parties is irregular, or against the law, the opposite party shall be entitled, before taking any further step therein, to apply for leave to cancel such proceeding, upon a notice summoning the opposite party to show cause why such proceeding shall not be set aside for irregularity. The Court, or Judge in Chambers, shall thereon make such order as shall be required.

The Defendant may pay money into Court.

38. Where any action is brought to recover a debt or damages, the Defendant may at any time after service of the summons, and before, or at the time of serving a copy of his plea or answer, or by leave of the Court at any later time, pay into Court a sum of money by way of satisfaction or amends. Payment into Court shall be pleaded in the plea or answer, and the claim or cause of action, in respect of which such payment shall be made, shall be specified therein. Such sum of money shall be paid to the Registrar who shall give a receipt for the same. If such payment be made before serving his plea or answer, the Defendant shall thereupon cause a notice to be served on the Plaintiff that he has paid in such money, and in satisfaction of what claim

Such payment shall be pleaded or notice thereof given to Plaintiff.

Money paid into Court as aforesaid may, unless otherwise ordered by the Court, be paid out to the plaintiff or his Attorney on the written authority of the Plaintiff. No affidavit shall be necessary to verify the Plaintiff's signature, unless specially required by the Registrar. If payment into Court is made before service of plea or answer, the Plaintiff may, within four days after receipt of notice of such payment, or if such payment is first stated in the plea or answer, then before replication, accept the same in satisfaction of the causes of action, in respect of which the money has been paid in, in which case he shall give the defendant notice to that effect, and he shall be at liberty, if the sum paid in is accepted in satisfaction of the entire cause of action, to have his costs taxed, and in case of non-payment of the same within forty-eight hours, to sign judgment with the Registrar for such taxed costs.

Money may be paid out to Plaintiff.

Plaintiff may accept such payment as satisfaction of his claim.

If, in any action, any unconditional tender of money has been made or is pleaded, the Plaintiff may, if he refuses to accept the tender, claim that the money be paid over to the Registrar subject to the provisions aforesaid.

Plaintiff may if tender refused claim that it be paid over to Registrar.

39. All sums of money thus paid into Court, or deposited in Court under any order or command of the Court or a Judge in Chambers, shall be deposited by the Registrar for safe-keeping in such bank as the Court shall approve, and the Registrar shall at the same time deliver to the manager of the said bank a declaration in writing, stating the cause in which such sum has been deposited in Court, and stating further whether the sum deposited is under the preceding rule, or under a special order or command of the Court, and in this latter case a copy of the order or command of the Court with reference thereto shall be attached to such declaration.

Money paid into the Court shall be deposited in a bank.

Where a sum has been deposited under Rule 38, a cheque signed by the Registrar shall be sufficient guarantee for the bank to pay out such sum.

May be drawn out by cheque signed by Registrar.

Where a sum has been deposited under a special order or command of the Court, the party thereto entitled may obtain the same on an order of the Court, or a Judge in Chambers, to the manager of the bank directing him to pay out such sum, and such order and a receipt signed by the party shall be a sufficient guarantee to the bank.

Or by parties on order of the Court.

40. The pleadings shall be considered closed :—

Closing of pleadings.

(a.) If one of the parties is barred from the right to answer, to replicate, or to rejoin.

By bar.

(b.) If either of the parties has joined issue upon any pleading of the opposite party without adding any further or special pleading thereto : and

By joinder of issue.

(c.) If a written agreement, signed by the Attorneys of both parties that the pleadings shall be considered as closed, has been filed with the Registrar.

By consent.

If the parties cannot agree as to the closing of the pleadings, either party which shall conceive the record to be complete, and that the pleadings thereon ought to be closed, may, after notice to the opposite party, apply to have the pleadings declared closed, and the Court, or

If there is no consent either party may apply to close the pleadings.

Judge in Chambers, shall make such order as the justice of the case may require.

If Plaintiff barred, Defendant may ask for absolution.

41. If the Plaintiff shall be barred under Rule 28 from the right to make a declaration, or put in a claim, the Defendant may, after having given notice to the opposite party, apply to the Court, or Judge in Chambers, for absolution from the instance with costs, and the Court, or Judge, may make such order thereon as the circumstances may demand.

If Defendant barred, Plaintiff may immediately apply to the Court.

42. If the Defendant shall be barred under Rule 26 or 29 from the right to appear or except, answer or plead, the Plaintiff may forthwith, without further notice, set down the action on motion for judgment by a Judge in Chambers, and the Judge in Chambers, shall thereon make such order or give such judgment as upon the summons or declaration the Plaintiff shall be entitled to.

Judgment in case of bar on liquidated demand.

If in any such case the claim is for a debt or liquidated demand, it shall be lawful for the Judge in Chambers, without having any evidence, to give judgment against the Defendant.

Definition of liquidated demand.

The words "liquidated demand" shall be here understood to mean the claim for a fixed or definite thing, as for instance, a claim for transfer or ejection, for the delivery of goods, for rendering an account by a partner, for the cancellation of a contract of sale, or other contract, or the like.

Setting aside of judgment obtained under Rules 22 or 40, 25 or 42.

43. Any judgment obtained under Rule 22 or 40, 25 or 42 shall, on sufficient cause being shewn, be set aside by the Court, and permission be given to the Defendant to defend the action on such terms with regard to costs and otherwise as the Court shall deem fair.

A case consisting merely of questions of law, or, in which exceptions have been taken, may be placed on the roll for argument.

44. If in any case after the pleadings have been closed, the facts therein contained being admitted, a difference only exists about the conclusions of law, or if an exception has been taken by one of the parties, each of the parties shall have the right to set the case or exceptions down for argument, provided notice of the same be given to the opposite party eight days before the day fixed for such argument, and to that purpose notice in writing shall be given to the Registrar at least forty-eight hours before the day appointed.

Preliminary questions of law in a case may be amended by leave of the Court.

45. If it shall appear to the Court, or a Judge in Chambers on motion either before or after the closing of the pleadings, that there is in any action a question of law which it would be convenient to have decided before any evidence is given, or any decision given on any issue of fact, the Court, or the Judge may make an order accordingly and direct that such question of law shall be submitted for decision by the Court, either by way of special case or in such other manner as the Court or the Judge may deem expedient, and all such further proceedings, as the decision of such question of law shall render unnecessary, shall thereupon be stayed.

- 46.** The parties in any case may, after the summons has been issued, concur in stating the questions of law arising in the action in the form of a special case for the decision of the Court. Every such special case shall be divided into paragraphs numbered consecutively, and shall concisely and clearly state all such facts and documents as may be necessary to enable the Court properly to decide the questions raised thereby. Upon the argument of such case, the Court and the parties shall be at liberty to refer to the whole contents of the said documents, and the Court shall be at liberty to draw from the facts and documents, stated in any such special case any inference, whether of fact or law, which might have been drawn therefrom if proved at a trial.
- All and singular the rules of the Court affecting the ordinary judgments of the Court, shall apply, *mutatis mutandis*, to any judgment given in respect of any special case.
- No special case in any action to which a woman, a minor, or person of unsound mind is a party, shall be set down for argument without leave of the Court, or a Judge in Chambers, the application for which must be supported by sufficient evidence that the statements contained in such special case, in so far as the same affect the interests of such woman, minor or person of unsound mind, are true.
- Either party may set a special case down for argument, provided notice is given as provided in Rule 44.
- 47.** If in any action, after the pleadings have been closed, the facts therein stated, whether dependent upon documentary evidence or otherwise as well as the law applicable thereto, or the facts alone are disputed, the plaintiff may forthwith set down the case for trial, and for that purpose he shall give notice in writing to the Registrar at least forty-eight hours before the day appointed for trial, and if the plaintiff shall neglect to do so for six weeks (not counting the vacation times mentioned in Rule 2) after the pleadings have been closed, the defendant shall be allowed to set the case down in like manner for trial.
- 48.** Notice of trial shall be given by the party who sets down the case for trial to the opposite party forty-eight days previous to the day for trial, if the defendant lives within fifty miles of Pretoria, while for every thirty miles beyond that radius four and twenty hours more shall be given, unless a longer time has been granted by the Court, or a Judge in Chambers.
- 49.** The party who gives notice of the hearing of any case may, at any time before the case is called, remove the same from the roll on payment of the costs of the day as taxed by the Taxing Officer.
- 50.** At the trial of any issue of fact, one counsel, and no more, shall, without comment or argument, briefly state the facts which the plaintiff intends to prove, and shall then proceed to the proof thereof. And in like manner when the defendant intends to lead evidence, one counsel and no more shall briefly state the facts which the defendant intends to prove, and then proceed to the proof thereof.
- When in a case a plaintiff is entitled to lead evidence in reply, or the defendant in rejoinder, one counsel, and no more, shall on either side respectively in like manner open and lead such evidence.
- Special case.
- Contents and form.
- Range of argument.
- Judgments in special cases.
- Special case to which a woman, minor or lunatic is a party.
- Placing special case on the roll.
- Plaintiff puts case on the roll for trial.
- If plaintiff fails, defendant may place case on the roll.
- Notice of trial, time according to distance.
- Case may be taken from roll before trial.
- Opening and proof of the case.
- Evidence brought in reply.

Argument and pleading after hearing witnesses.

Upon the evidence on both sides being closed, one counsel, and no more, for the plaintiff, and afterwards, in like manner, one counsel and no more, for the defendant, shall have the right to observe generally upon the whole case of the parties respectively, after which a counsel for the plaintiff shall have the right of general reply.

If burden of proof lies on defendant.

When the burden of proving the facts lies with the defendant in the first instance, the counsel for the parties respectively shall proceed in the case in accordance with these provisions in like manner as if the defendant had been the plaintiff, and the plaintiff had been the defendant.

Examination, cross-examination and re-examination.

In leading evidence in any case before the Court, each witness shall be examined, cross-examined, and re-examined by one counsel for either party.

Argument by not more than one advocate on the same side.

In all pleas before the Court upon issues or questions of law arising on pleadings, or on motions, or incidentally or otherwise on the trial of any issue of facts, all counsel for either party shall have the right to be heard separately, after which one of the counsel for the party first heard thereon shall alone have the right of general reply.

Production of documents by parties may be ordered by the Court.

51. It shall be lawful for the Court, or a Judge in Chambers, at any time during the course of an action or other proceeding, to order the production, by any party thereto under oath, of such documents in his possession or power relating to any matter in question in such action or other proceeding as the Court or the Judge shall think right: and the Court may deal with such documents, when provided, in such manner as shall appear fair and just.

Applications for disclosure of documents.

52. It shall be lawful for any party, without filing an affidavit with the Registrar, to apply to a Judge in Chambers for an order directing the disclosure under oath of the documents relating to any matters in question in the action which are or have been in his possession or power.

When it may be made.

Except under very special circumstances, such application may only be made after the pleadings have been closed.

Contents of declaration of disclosure.

The affidavit of disclosure or production to be made by the party against whom such order in the preceding paragraph aforesaid had been granted, shall specify which, if any, of the documents therein mentioned he objects to produce, and such affidavit shall as near as possible be in the form set forth in the Schedule F.

Form as in Schedule F.

Written demand for inspection of documents mentioned in pleadings.

53. Every party to an action or other proceeding shall be entitled at any time before or at the hearing of the same, by notice in writing, to give notice to the opposite party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his attorney, and to permit him or them to take a copy thereof. Any party not complying with such notice, shall not afterwards be at liberty to put any such document in evidence on his behalf in such action, or proceeding, unless the Court shall otherwise order.

Form according to Schedule G.

The demand mentioned in this rule shall as near as possible be in the form set out in the Schedule G.

54. The party to whom such notice is given shall, within four days from receipt of the same, give notice to the party making the demand, stating a time, within four days from delivery of the same, as the time when the documents, or such of them as he does not object to produce, may be examined or inspected at the office of his attorney, and also stating which, if any, he objects to produce, and on what ground. Such notice shall be as near as possible in the form set forth in the Schedule H.

Notice by such party that the documents may be inspected.

Form as to Schedule H.

If the party served with notice under Rule 54 omits to give notice to the opposite party of a time for inspection, or objects to give such inspection, the party desiring inspection may apply to a Judge in Chambers for an order for inspection.

Neglect of notice of time for inspection.

55. If any party neglects to comply with an order for disclosure or inspection of documents, he shall be liable to civil imprisonment or fine.

Penalty for non-compliance with an order for disclosure of documents.

56. In cases not carried on by default, either party may at any time after the closing of the pleadings, and at least two days before the service by himself of notice of trial, or before or within two days after service of notice of trial by the opposite party, give notice to the latter of any documents or papers in his possession or power, proposed by him to be made use of against such opposite party, and asking to have their execution admitted for that action only by such opposite party within a reasonable time to be specified in the notice, and offering inspection for such purpose of such documents and papers at a suitable place and time. In default of such notice, or of such admission, the party so in default shall have to bear the requisite costs of proving such execution, unless the Court or a Judge in Chambers at or after the trial shall otherwise order.

Notice of production of documents at trial.

Costs demanded for proof of authenticity.

57. Either party desiring the attendance of any person to give evidence at the trial of any cause may, of right, without any prior proceeding whatsoever, take out of the office of the Registrar one or more subpoenas for that purpose. Every subpoena may contain the names of four persons. The service thereof on any of the persons named therein shall be effected by delivering him a copy of the subpoena.

Subpoenas for witnesses.

If it is necessary to summon the President or one of the Judges of the High Court to give evidence, permission shall first be asked and obtained from the Court or a Judge in Chambers.

Permission of the Court in case of President or one of the Judges.

Any person so summoned a reasonable time before the trial, his expenses having been paid or tendered to him, and not having any lawful impediment, will, on default, be liable to be attached, fined, and imprisoned for contempt of Court, without prejudice to his liability on any claim or remedy that the party aggrieved may have against him for his neglect.

Non-compliance with subpoena contempt of Court.

The subpoena shall be as near as possible in the form set out in Schedule 1.

Form of subpoena according to Schedule 1.

Subpoena
duces tecum.

If any witness have in his possession or control, any deed, instrument or writing which either party is desirous to show in evidence at the trial of the case, the witness shall be expressly summoned to produce the same, and the said form of subpoena shall be altered in that sense.

On infliction
of fine for
contempt of
Court an
order to be
issued by the
Registrar.

58. If the Court, or a Judge in Chambers, shall impose a fine on any person for contempt of Court for non-appearance or any other reasons, the Registrar shall provide the High Sheriff or his Deputy with the necessary instructions, and deliver to him an order as near as possible in the form set out in the Schedule J.

Form as in
Schedule J.

Monthly list
of fines to be
made out by
Registrar.

The Registrar shall, on the last day of every month, make out and transmit to the Auditor-General a return showing all the fines which shall have been imposed by the Court or a Judge in Chambers, specifying therein the names of the parties the amount of the fine, by whom inflicted, and the date whereon a writ for the levy thereof was delivered to the High Sheriff or his Deputy, and whether the fine was remitted, by whom it was so remitted and to what extent.

Questioning
of witnesses.

59. The witnesses at the trial of any action shall, as a general rule, be examined *viva voce* and in open Court as heretofore, but the Court, or a Judge in Chambers, may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the trial of the case on such conditions as the Court or the Judge may think reasonable, provided that where it appears to the Court or the Judge that the other party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorising the evidence of such witness to be given by affidavit.

Evidence by
affidavit.

Interrogato-
ries.

60. Where it appears convenient or necessary for the purposes of justice in any matter or cause, the Court may order the examination at any place, under oath, of a witness or witnesses by means of interrogatories or otherwise before a Commissioner of the Court, and may order any deposition so taken to be filed in the Court, and may empower any party to any such matter or cause to use such deposition in evidence on such terms as the Court may direct.

Taking evi-
dence by
shorthand
writer.

61. At the trial of any action the Court may, if it thinks fit, order the oral evidence to be taken down by a shorthand writer approved of by the Court, his fees being costs in the cause, and such shorthand writer's report of the evidence, if approved of by the presiding Judge, shall be entered upon the proceedings of the Court and shall be of record.

Action for
restitution of
conjugal
rights.

62. In any action for the restitution of conjugal rights, the plaintiff may also claim a decree of divorce. Upon the hearing of the cause the Court may order the restitution of conjugal rights, and may further direct the Defendant on a day to be appointed in the order, not being less than eight days after the day appointed for compliance with the order of restitution, to show cause why a decree of divorce shall not be

granted. If on such return day it shall be proved by affidavit or otherwise that the Defendant has failed to comply with the said order for restitution of conjugal rights, the Court may grant a decree of divorce, or make such other order as to it may seem meet.

What orders may be granted.

Execution of Sentences.

63. After the expiration of twelve months, from the day whereon the sentence shall have been pronounced, no writ of execution may be granted, but the sentence shall first be renewed on a new citation to the debtor issued for the purpose, but in such case no new proofs of the debt shall be required.

Renewal of judgment after lapse of 12 months.

Writs of execution of a sentence once issued remain in force, and sentences may at any time be executed on the same, without being renewed until the sentence has been satisfied in full.

Writs of execution remain in force.

64. The High Sheriff shall be responsible for his substitutes and Deputies who shall be duly appointed by him under his hand and seal.

High Sheriff appoints and is responsible for his substitutes.

65. The High Sheriff or his substitutes shall execute, and are hereby authorised to execute, all sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands and process of the Court, and shall make a return of the same together with the manner of the execution thereof, to the Court, and shall receive and detain in prison all persons committed to their custody by the Court, or a Judge in Chambers.

Duties and powers of High Sheriff.

66. If the Court shall direct or award any process against the High Sheriff, or shall award any process in any case in which one of the parties is related by blood to the High Sheriff, or, if there is good cause to challenge him as a proper person to execute such writ, the Court or a Judge in Chambers, may in every case, on application, appoint a fit person to execute such writ, and return the same. The said process shall be directed to such person, and the cause of such special proceedings shall be entered by the Registrar.

Appointment in some cases of another person to act instead of High Sheriff.

67. The party, in whose favour any final sentence of the Court in any civil action has been pronounced, may at his own risk sue out of the office of the Registrar one or more writs for execution thereof; provided that, except where by sentence of the Court immovable property has been specially declared executable, no such process shall issue against the immovable property of any person in order to raise any sum of money by sale thereof, until any process which may have been issued against his movable property, shall be first returned, and the Court shall perceive thereby that the said person had not sufficient to satisfy the exigency thereof.

Writ for execution of judgment.

Writ against fixed property.

No writ of execution shall be issued for the levying of costs in an action or proceeding until the same has been taxed by the Taxing Officer of the Court.

Writ for costs of action.

Taxation of costs of process, notice to opposite party.

The Attorney of either party, who desires that his costs shall be taxed, shall give due notice to the opposite party in order that he may be present at such taxation. The Taxing Officer shall in taxing proceed according to tariff, and shall pursue such instructions as shall from time to time be given to him by the Court, or a Judge in Chambers. Either party, who feels himself aggrieved by the decision of the Taxing Officer may apply to the Court, or a Judge in Chambers, by way of an application for revision of such taxation specifying the items or account objected to.

Revision of taxation.

Movable property attached may be left behind under deed of security.

68. Where any movable property has been attached by the High Sheriff or his deputies in the execution of any process of the Court, and the person whose movable property has been so attached, together with some person of sufficient means as surety, will undertake in writing that such property shall be produced on the day appointed for the sale thereof, unless the said attachment shall sooner have been legally removed, the High Sheriff or his Deputy shall leave the said property attached and inventoried on the premises where the same was found, and the deed of surety here mentioned shall be as near as may be in the form set out in the Schedule K

Form of deed as in Schedule "K."

Conveyance and custody of movable property attached.

69. If the Defendant will not undertake, together with a surety, the production of the said goods in manner provided for that purpose, then the said High Sheriff, or his Deputies, shall, on sufficient reason, either remove the same to some convenient place of security, or keep possession thereof on the premises where the same were seized; and the expense of such securing and keeping possession shall be borne by the said Defendant and defrayed out of the said levy.

Monies of defendant in hands of Bank or third party.

The High Sheriff or his Deputy may, under a writ on movable property, attach monies belonging to the Defendant in the hands of a bank or third party.

Manner of attachment of fixed property.

70. The mode of attachment of immovable property shall be by notice in writing served upon the owner thereof, and upon the Registrar of Deeds or other official charged with the registration of such immovable property. If the property be in the occupation of some person other than the owner a similar notice shall be served on the occupier. Any such notice as aforesaid shall be served either personally or by means of a registered letter, duly prepaid and posted, addressed to the person intended to be served.

Notice to the Master of attachment of fixed property.

When by the return of the High Sheriff or his Deputy to any process of the Court for attachment of any immovable property, it shall appear that he has attached the same, the Attorney of the party at whose instance the said attachment has been made, shall deliver to the Master of the High Court, to be filed by him, an office copy of the said process and return together with the particulars of the said property. Thereupon the said Master shall inquire into and ascertain the extent and particulars of all bonds, hypothecations and mortgages and other burdens which relate to the said property, and shall call upon all parties interested in the said property to meet at his office to consider the expediency of selling the same, and to propose the conditions of sale.

Examination by Master. Meeting of persons interested to settle conditions of sale.

The conditions shall state at what time and in what manner the price shall be paid, and shall be in other respects as far as possible in the form prescribed in Schedule N.

Form of conditions as in Schedule N.

71. The Master shall appoint the day and time of such meeting according to the distance the said parties, or of any of them, may reside from Pretoria, and shall advertise the same in the *Staatscourant* and in one or more local newspapers, and shall cause such further publication of the same, as, under the circumstances of the case, shall seem to him expedient.

Time for meeting of persons interested to be fixed in proportion to distance.

72. Any person interested in the said property may, for the purpose aforesaid, appear before the Master personally or by means of a duly appointed Attorney.

Appearance of persons interested personally or by Attorney.

73. Any person interested in the sale of the said property shall be allowed to object to the sale thereof, or to propose to the Master any conditions for the sale thereof, and the Master shall determine thereon as he may deem fit.

Objections to sale.

74. The conditions of sale so determined upon or adopted by the Master shall lie at his office for the inspection of all persons interested at least fourteen days before the advertisement of the sale, and any person interested shall be allowed to apply to the Court, or a Judge in Chambers, in order to obtain any alteration in the conditions of sale.

Conditions of sale shall lie at the Master's for inspection.

75. The Master shall carefully inquire into the value of the said property. Any party interested may (at his own expense) furnish the Master with a valuation of the said property made by any impartial person.

Enquiry into value of property.

76. The Master, after having ascertained the probable value of the said property (and no appeal being made against the conditions of sale, or the same being altered or confirmed by the Court, or a Judge in Chambers,) shall appoint a day for the sale of the property, such sale, however, shall only take place, except by special order of the Court, after the expiration of one month calculated from the date of the notice in accordance with Rule 70. The Master shall cause the sale to be advertised at least twice in the *Staatscourant*, and in one or more local newspapers. The said advertisement shall contain a description of the situation, extent, nature and other particulars of the property, the time and place for the holding of the sale, and the material conditions thereof.

Fixing the day of sale.

Publication and contents of the notice of sale.

77. The sale of all fixed property attached by order of the Court, or a Judge in Chambers, shall be held by the High Sheriff in the presence of the Master in the District of Pretoria, and when the Master judges it necessary to have the property put up to auction in another district, in the presence of the Landdrost of such district.

Sale by High Sheriff in the presence of the Master or Landdrost.

Sale without reserve unless protest is filed.

78. The sale in execution of immovable property shall be without reserve, unless the holders of mortgages on the property before or at the meeting mentioned by Rule 70 protest in writing against such sale, or any other interested party has obtained an order from the Court, or Judge in Chambers, ordering a sale subject to a reserve, the amount to be fixed by the Master.

Request to Court for sale with reserve.

Such interested party shall before, or at the meeting mentioned in Rule 70, give written notice to the Master of his intention to apply to the Court, or Judge in Chambers, for an order directing a sale with reserve.

Manner of sale.

The sale shall be by public auction and the property shall be knocked down to the highest bidder. The Master shall be entitled to claim $2\frac{1}{2}$ per cent. on the purchase price, of which $1\frac{1}{2}$ per cent. shall be allowed to the Sheriff, and shall be paid out by the Master, and $1\frac{1}{4}$ per cent. shall be paid by the Master to the Government. If the sale is not effected, the High Sheriff or his deputy may not charge more than £1 sterling for the auction. If the sale is not effected because the highest bid does not reach the reserve price, the Master shall demand a written declaration from the holders of mortgages on the property containing a statement of the price at which the mortgage holders shall agree that the property be sold, and the Master shall report to the Court, or a Judge in Chambers, what he has done, accompanied by the declaration of the said mortgage-holders, and await further instructions from the Court or the Judge.

If no sale the master reports to the Court.

Sale confirmed by the Court.

79. The Master shall, immediately after the sale, report the same to the Court or a Judge in Chambers, including the conditions of sale, for the purpose of the said sale being confirmed by the Court or a Judge. No transfer shall be granted to the seller until the sale has first been confirmed.

Plan of distribution drawn up by the Master shall lie for inspection.

80. Immediately after the sale the Master shall proceed to ascertain the several claims on the purchase price, and he shall duly state the same, in the order of their preference, in a plan of distribution and account, which plan shall lie not less than fourteen days after notice in the *Staatscourant* at his office for the inspection of the parties interested so as to enable any of such parties to object to the same, unless they shall signify in writing to the Master their agreement thereto.

Objections to plan of distribution.

81. Any party objecting to the plan of distribution, shall give the Master a note in writing of his said objection, and shall at the same time also give notice to all the other interested parties of his intention to appeal to the Court or to a Judge in Chambers against the said plan.

Confirmation of plan of distribution.

82. If within the period of fourteen days after notice no appeal has been made from the plan of distribution, the said plan shall be confirmed by the Master.

Master shall deposit proceeds of sales with Treasurer General or in a bank.

83. All monies, or security for monies received by the Master, as and for the proceeds of a sale of any kind, shall be immediately lodged by him, either in the office of the Treasurer-General or in such bank as shall be from time to time prescribed for the deposit of public monies until they are required for distribution.

84. After the plan of distribution has been confirmed, or if the interested parties signify their concurrence therewith in writing, the Master shall proceed forthwith to distribute the purchase-price, and shall pay over the surplus, if any, to the debtor. The Master shall take proper receipts for all monies so paid by him.

Paying out in terms of the plan of distribution.

85. The expenses of conducting any sale held by the Master shall, in the first instance, be borne by the party requiring the same, and shall be reimbursed to him out of the first proceeds of the said sale.

Costs of sale.

Actions instituted by or against paupers.

86. Any person in needy circumstances who wishes to appear before the High Court (or Circuit Court) in any action or suit, either as plaintiff or defendant, or who becomes impoverished during the progress thereof may apply to this Court or a Judge in Chambers to proceed *pro Deo*, and such application shall also be free of charge unless the Court otherwise orders.

Applications to proceed *pro Deo*.

The application shall be supported by an affidavit of the applicant and of two inhabitants of sufficient means living in his neighbourhood, stating his trade and income, and that he has no property or assets to the amount of £25, excepting household goods, wearing apparel and tools of trade, and if he is Plaintiff, setting out the nature of the claim or defence.

Supporting affidavits.

Thereupon the application shall be referred to an advocate for report, and upon the party so applying producing a certificate signed by such advocate that he has considered the case of the said party and believes him to have a good cause of action or defence, the Court shall grant a rule to the party applying. Such rule shall be in the first instance conditional, but shall become absolute after due notice thereof to the opposite party, unless he shall show sufficient cause to the contrary.

Report of Advocate.

Further procedure.

87. If the person applying for leave to proceed *pro Deo*, either as Plaintiff or Defendant, shall also pray that any advocate or attorney consenting thereto may be appointed to appear for him, the Court shall so order, or else shall appoint an advocate and attorney for the said party.

Appointment of Advocate and Attorney.

88. No fee shall be taken by any advocate, attorney or officer of the Court from any person admitted to proceed *pro Deo* for anything done by him in the conduct of the case: but if such person succeeds, and the costs shall be awarded to be paid by his opponent, then the Advocate, Attorney or other Officer of such party shall be entitled to, and shall receive all such fees as the Taxing Officer should allow them on taxation.

No honorarium in *pro Deo* cases unless opposite party is condemned in the costs.

89. Any person having been so admitted to proceed *pro Deo*, and becoming of ability during the progress of the cause, or misbehaving himself therein by any vexatious or improper conduct or proceeding, or wilfully delaying the cause, and the same being shown to the Court, shall be deprived of all the privileges of such his admission.

Cancellation of leave to proceed *pro Deo*.

Review and Appeal.

Revision of proceedings in Lower Court.

90. Either party in any suit or action, civil or criminal, in any inferior Court of Justice of this Republic, who shall desire to bring the proceedings in such suit or action under the review of the High Court (or of the Circuit Court for the district or proclaimed diggings wherein such inferior Court sits), may obtain the process of the High Court itself or of a Judge in Chambers (or of such Circuit Court) commanding the Landdrost or other judicial officer presiding in such Court, or person in whose possession or custody the record and proceedings of such inferior Court shall be, to return and certify a copy of such record and proceedings (or the originals thereof) to the High Court, or the Judge in Chambers (or the Circuit Court) before a certain day specified therein. And the party suing out such process shall also cause to be duly executed the process of the Court on the opposite party for summoning the latter to show cause on the day therein specified why the proceedings of the inferior Court therein should not be set aside or corrected. Such summons shall set forth shortly and distinctly the grounds upon which the said party seeks to have the proceedings set aside or corrected.

Decree against official of the Lower Court.

Notice to party.

Petition to set aside proceedings or to amend.

Appeal from sentences of Landdrost's Court.

91. There shall be an appeal from any sentence, judgment or order of the Landdrost's Court to the High Court or to the Circuit Court at the first ensuing sitting of the same for the district or proclaimed diggings in which the Court of the Landdrost has jurisdiction, and that both with regard to the merits and conclusions of law in the case and to the costs.

From the Circuit Court there shall be again an appeal to the High Court.

Rules of Landdrost's Court about appeal must be observed.

92. Any person who desires to appeal against any sentence, judgment or order of a Landdrost's Court shall duly observe the provisions of the temporary rules and regulations for the time being of the Landdrost's Court.

When there is no appeal from sentences pronounced by a single Judge.

93. There shall be no appeal in case of purely provisional sentences, judgments or orders pronounced or granted by a single Judge whether sitting in the Circuit Court or in Chambers.

Appeal from Circuit Court or from Judge in Chambers to be noted within 21 days after sentence pronounced.

94. Any person who desires to appeal to the High Court from any judgment, decree or order of a Circuit Court, or a Judge in Chambers, shall be allowed to do so provided that such appellant within 21 days next after such judgment, decree or order shall have been pronounced, gives notice in writing, to the respondent and the Registrar of the Court from which appeal takes place, or to the Registrar of the High Court, of the noting of such appeal.

Notes of Judge of Circuit Court or Judge in appeal.

95. The Judge of the Circuit Court, or the Judge in Chambers shall duly take a copy, or cause a copy to be taken, of all the evidence in a cause or action, and of the proceedings in the Court at the hearing

of the same. All documents and other evidence admitted by the Court shall be duly marked and authenticated by the Judge or Registrar. All papers and documents which have been tendered in evidence, but have been rejected by the Judge, shall (if at the time required by the party producing the same), in like manner be authenticated and marked as rejected, so that they may be added to the other papers in the case, in case of appeal. No evidence, however, which has not been offered either in the Circuit Court, or before the Judge in Chambers, shall be admitted or accepted by the High Court in appeal.

No further evidence admitted in appeal.

96. It shall be lawful for the Circuit Court or the Judge in Chambers to direct that the judgment, decree or order appealed against shall be stayed pending the appeal. If such judgment, decree or order shall be carried into execution, the party respondent shall, before the execution of such judgment, enter into good and sufficient security to be approved of by the Registrar; if the execution of such judgment, decree or order be stayed pending the said appeal, the party appellant shall immediately enter into good and sufficient security to be approved of by the Registrar as aforesaid for the due performance of such judgment, decree or order as the High Court shall see fit to make thereupon; Provided that it shall be lawful for the High Court or Judge to exempt the appellant or respondent from the necessity of such security.

Sentence to be given pending appeal.

Security to be given by appellant if case stayed, and by respondent if case not stayed, unless Court orders otherwise.

But until the appellant has entered into such security, or the Court has released him from the necessity thereof, the Respondent, notwithstanding the noting of appeal, shall be allowed to take out, and to cause to be taken out, a writ for execution of the judgment against the appellant.

Writ for execution pending appeal.

97. In an appeal to the High Court both from the Circuit Court and a Judge in Chambers, and from the Landdrost's Court, the appeal shall be proceeded with within six weeks (vacations as mentioned by Rule 2 not included) after the original granting of such judgment, decree or order, in default whereof the appeal shall be considered as lapsed, unless the Court grant relief on cause shown.

Appeals shall be proceeded with within six weeks after granting of sentence.

In default appeal lapsed unless the Court grants relief.

98. If the respondent feels himself aggrieved by such judgment, decree or order, he may, at the hearing of the appeal, institute a cross-appeal, provided he duly gives notice in writing of his intention to do so to the Registrar and the opposite party at least 48 hours before the hearing of the appeal.

Counter appeal by appellee.

99. When notice of the noting of appeal has been duly given each of the parties shall have the right to set the case down for hearing of the appeal, and for that purpose to give notice to the Registrar at least three days before the day fixed for the hearing of the appeal.

Placing appeal on the roll for hearing.

Notice in writing of the hearing of the appeal shall be given to the opposite party appointing the day of such hearing (unless parties otherwise agree in writing with reference thereto) at least 14 days before bringing on the case in appeal.

Notice to opposite party.

Referring case in appeal back.

100. The Court of Appeal shall be allowed to refer a case in appeal back to the original court from which the appeal came, with such command or order with regard to the taking of further evidence or otherwise as the Court of Appeal shall approve.

Commissioners of the Court.

Appointment of Commissioners of the Court.

101. The appointment of any person as Commissioner of the High Court to take bail or examine witnesses shall be made by a Commission to be issued under the seal of the Court in the form set forth in the Schedule L.

Form as in Schedule L.

Landdrosts ex-officio Commissioners.

The Landdrost of the various districts shall be Commissioners of the High Court for the purposes of taking bail, giving security and hearing evidence.

Master, Registrar and his Assistants, Justices of the Peace, &c.

The Master, Registrar and Assistant Registrars of the Court, all Justices of the Peace, and such other persons as have been specially appointed by the High Court therefor, shall be Commissioners of the Court for the purpose of taking affidavits.

The Registrar and Assistant Registrars shall in addition be Commissioners of the Court for the purposes of taking bail and security.

Advocates, Attorneys, Notaries, and Sworn Translators.

Qualifications for admission as Advocate.

102. Every person who wishes to be admitted and enrolled as advocate, must first have obtained the first degree or certificate of the first class in law of the Board of Public Examiners.

Foreign Advocates.

Advocates, who have been admitted in foreign countries, may be admitted here on production of a certificate from the Board of Public Examiners that they have passed an examination in such subjects as shall be determined by the Court.

Exemption from supplementary examination.

The High Court shall have the power to exempt persons either wholly or in part, from the supplementary examination mentioned in the preceding paragraph, where such shall be deemed desirable, or to give effect to the principle of reciprocity.

Qualifications for admission as Attorney.

103. (a.) Every male person of full age, who has received the certificate of the Board of Examiners requisite thereto, and further produces satisfactory proof that he has served with a practising Attorney in this State as clerk or pupil under a contract in writing (to be registered at the offices of the Registrar of the High Court, and of the Secretary of the Incorporated Law Society within six weeks after signature), for the period of three successive years, or that he has served for three successive years as clerk of the State Attorney, or one of the Judges of the High Court, or as Registrar or Assistant Registrar, or as Taxing Officer, may, on due application, be admitted by the High Court and enrolled as Attorney.

Qualifications for admission as Notary.

(b.) Every male person of full age, who has received the certificate of the Board of Examiners requisite therefor, and further produces satisfactory proof that he has served with a practising Attorney in this State as clerk or pupil under a contract in writing (to be registered at

the office of the Registrar of the High Court and of the Secretary of the Incorporated Law Society, within six weeks after date of signature) for the period of three successive years, or, if he is already a qualified Attorney at the time of the signature of such contract, has served for the period of a year, may, on due application, be admitted by the High Court and enrolled as a Notary Public.

Every person shall be allowed to enter into and serve a contract as pupil for the professions of Attorney and Notary with a duly qualified and practising Attorney and Notary at the same time.

Pupil contract with Attorney and Notary at the same time.

(c.) Every male person of full age, who has received the certificate of the Board of Examiners requisite therefore, may, on due application, be admitted by the High Court as Conveyancer.

Qualifications for admission as Conveyancer.

(d.) Every foreign Attorney, Notary or Conveyancer may also be admitted by the High Court as such, on receiving a certificate from the Board of Examiners that he has passed the supplementary examination required by the said Board, provided, however, that no foreign Attorney Notary or Conveyancer may, on any condition whatever, be admitted as Attorney, Notary or Conveyancer in this State, unless the Court has been satisfied that the State or Colony of which he is an Attorney, Notary or Conveyancer, admits Attorneys, Notaries, and Conveyancers of this State on the same or more favourable conditions as such, and that such foreign Attorney or Notary has served as pupil with an Attorney or Notary respectively within such State or Colony during the periods mentioned in Sections (a) and (b) of this Rule.

Foreign Attorneys, Notaries and Conveyancers.

104. Any person possessing the qualifications of an Advocate may be admitted as an Attorney of the Court, provided he satisfies the Court that he has not practised as [1] Attorney during the six months immediately preceding his application for re-admission as Advocate (*sic*.)

Advocate may be admitted as Attorney.

No one shall be admitted and enrolled in the double capacity of Advocate and Attorney or Notary.

Double capacity.

105. Any male person of full age may be admitted as Sworn Translator in the Dutch and one or more foreign languages, but only after having received the certificate of the Board of Examiners requisite therefor.

Requirements for admission as sworn Translator.

106. In every case of application for admission as Advocate, Attorney, Notary or Conveyancer, the applicant shall, at least six weeks before the day fixed for such application, give notice in writing of such application, if he wishes to be admitted as Advocate, to the State Attorney, and if he wishes to be admitted as Attorney, Notary or Conveyancer, to the Incorporated Law Society, stating time and place of the application, and accompanied by copies of the papers on which he founds his claim for admission, and shall further file an

Notices and declarations by applicants for admission as Advocate, Attorney, &c.

¹ An error in the original; the following words were apparently omitted: "An Advocate during the six months immediately preceding his application for admission as Attorney, and he may at any time thereafter be re-admitted as an Advocate provided that he satisfies the Court, that he has not practised as an Attorney." Programme, University of Pretoria, 2016

Refusal of admission and striking off the Roll.

affidavit with the Registrar, alleging that the applicant has never been struck off the roll or suspended by any Court, and further that no good and lawful reasons exist to refuse him his admission. The High Court may at any time on good and sufficient grounds refuse an application for admission, or cancel an admission and enrolment already granted.

Oath to be taken as in Schedule M.

107. Every Attorney, Notary, Conveyancer or Advocate, who is admitted by the Court, shall take the oath set out in the Schedule M.

Procedure.

108. All persons admitted to practise as Advocates in the High Court shall take precedence amongst themselves according to the priority and date of their admission by the High Court. This precedence may be departed from by mutual arrangement on the part of the Advocates on appearance in any Court.

Tariff of honoraria and stamp dues for Registrar, Master and High Sheriff.

109. The tariff of fees and stamp dues for the office of the Registrar and of the Master of the High Court respectively, and that of the High Sheriff and his deputies shall be regulated by law.

Security by Attorneys.

110. The Registrar shall at all times, whenever he thinks it necessary, demand due proof from every Attorney practising as such in this State that his sureties are still persons of substantial means, and he may demand any supplementation of the bail-bond or the production of any certificate or other proof which he may consider necessary or desirable, and, where necessary, may immediately report to the Court, and the Court shall make such order on said report as shall be considered fit to maintain the Law about the giving of security by Attorneys.

Sharing of fees by Attorney with person not qualified as Attorney.

110a. Henceforth no Attorney may (by way of the so-called allowances), share any of his fees made in any High Court case, application or appeal, with any person who is not qualified and practising as Attorney, except in the case of an admitted Law Agent:—

(a.) In respect of Landdrost Appeals, and

(b.) In respect of cases managed by such Agents in places where there are not three admitted practising Attorneys.

The Circuit Court.

Sittings of the Circuit Courts.

111. Sittings of the Circuit Courts shall be held for the different districts and proclaimed goldfields, as near as possible during the months of April, May, September and October, while for some districts or proclaimed goldfields sittings may also be held at other times. The time for such sittings shall be appointed by proclamation by the President.

Registrar of the Circuit Court.

112. There shall be in each such district a permanent Registrar of the Circuit Court for that district having his office in the town or village where the Circuit Court sits, and where no Registrar has been

specially appointed for such Circuit Court, the Registrar of the Landdrost's Court of the district shall also act as Registrar of the Circuit Court, and all summonses, writs and other process of such Circuit Court, shall be returnable and filed with the Registrar of such Circuit Court, in the same way as provided in these Rules for the High Court.

The Rules of the High Court shall be applied *mutatis mutandis* and shall be in force in the Circuit Courts, and with regard to Circuit Courts where Pretoria is mentioned in these Rules for the purposes of a case in the High Court, the town or village where a Circuit Court sits shall be understood.

Rules of High Court apply to Circuit Court *mutatis mutandis*.

Rules 16, 17, and 18 shall, however, not apply to the Circuit Courts, and a warrant for the arrest of any person under said Rules may only be issued from the office of the Registrar of the High Court at Pretoria.

Except Rules 16, 17, 18.

113. No summons or process may be issued to compel any person to appear before any Circuit Court other than that for the district in which he resides, unless in a case or action having reference to any right to, over, or in regard to any land or other immovable property, in which case a summons or process of the Circuit Court for the district in which such land or immovable property is situated shall be issued, or, unless the High Court shall have otherwise ordered.

In what case a person may be compelled to appear in another Circuit Court than that for his district.

114. Summonses and process of the Circuit Court may at any time be sued out by the parties in any case or action by means of their Attorneys, whether the day for the sitting of such Circuit Court has been already appointed or not.

Time for taking out summonses, &c. in Circuit Court.

115. All summonses, subpoenas and process of the Circuit Court may be issued by the Registrar of the High Court, or by the Registrar of such Circuit Court.

Issue of summonses, subpoenas, &c.

116. All summonses in provisional cases and in actions for civil imprisonment in the Circuit Court shall be returnable on the first day of the sitting of the Circuit Court.

Summonses in provisional cases and in actions for Civil imprisonment.

117. All cases which must come before any Circuit Court shall, subject to the provisions herein enacted for the High Court, be set down for hearing for the first day appointed for the sitting of such Circuit Court.

Placing cases on the roll in Circuit Court.

118. The Registrars of the Landdrost's Court, acting as provided in Rule 112, shall hand over the roll of cases set down before every sitting of the Circuit Court, to the Registrar of such Circuit Court, on the arrival of the latter in the town or village together with all documents in connection with said cases, and the Registrar of the Circuit Court shall place and register them among the archives of such Circuit Court.

Register of Circuit Court.

Hearing of cases by Circuit Court.

119. In calling up any case in which the parties appear in person or by means of their Advocates or Attorneys, and in which the pleadings have been completed, the Circuit Court may proceed to hear and decide the case, unless there shall be good grounds for postponing the same, or referring it to the High Court, or to another Circuit Court, but where it shall appear to the Court that the pleadings ought to be amended, the Court may order the parties then and there to amend the same, and have such amendments noted then and there, unless sufficient cause be shown to the contrary.

Return of papers in provisional cases where the Defendant has noted appearance in terms of Rule 22.

120. If any person against whom provisional sentence has been granted by any Circuit Court enters appearance in terms of Rule 22, the Registrar of the Circuit Court shall immediately give notice to the Registrar of the High Court that such appearance has been entered, and, on receipt of such notice, the Registrar of the High Court shall immediately return to the Registrar of the Circuit Court the records and proceedings in the case in which such provisional sentence has been granted.

On close of Circuit Court papers in cases pending to be handed over to the Registrar of the Landdrost's Court. And papers in cases finished to be sent to the Registrar at Pretoria. Return by Registrar of High Court.

121. The Registrar of every Circuit Court shall on the closing thereof deliver the records of all causes pending therein, the further hearing or decision whereof shall have been postponed until the next Circuit Court shall be holden for the same district, to the Registrar of the Landdrost's Court acting as provided in these Rules, who shall place the same on the roll kept by him of pleadings and proceedings in causes to be brought before the next Circuit Court: and every such Registrar shall also, on the closing of every such Court, cause the records of every other cause which shall have depended therein, and which has not been removed to another Circuit Court, to be transmitted to the Registrar of the High Court, who shall take charge of the same and deposit such records in the archives of his office, and the same shall remain to be kept in his custody and charge, except when required to be retransmitted to the Registrar of the Circuit Court in the manner thereto provided by Rule 120: and each such transmission to the Registrar of the High Court, or re-transmission to the Registrar of the Circuit Court of the records of any such cause shall be deemed and taken to have, and shall have, the effect of removing such cause from the Circuit Court to the High Court, and from the High Court to the Circuit Court respectively, in terms of Rules 123 and 11.

On close of Circuit Court list of writs issued to be transmitted to High Sheriff.

122. The Registrar of every Circuit Court shall, on the closing of the same, cause a list of all the writs of execution which shall have been issued by him to be transmitted to the High Sheriff at Pretoria; and when the process of the High Court shall be issued by a Judge thereof, whether sitting in the Circuit Court or in Chambers, in aid of any writ of execution of any Circuit Court, the Registrar, who is acting as such, shall forthwith give notice in writing to the High Sheriff of the issuing of such process.

Process of the High Court in support of the

123. In all cases wherein the process of the Court shall be ineffectual for the summoning of any person either as a party or as a

witness, or for the attachment of any property by reason of such person or property being beyond the limits of the district in which such Court has jurisdiction, the party requiring process for any such purpose may obtain the process of the High Court in aid of the jurisdiction of such Circuit Court; and such process in aid may be issued by the Registrar of the High Court at Pretoria or elsewhere by any Judge, but such process for the execution of any judgment shall not be issued by the Registrar, or a Judge, except upon inspection by him of the record of such judgment, or of an office copy thereof, or of the writ issued by the Circuit Court for the execution of the same. And when such process shall be issued by a Judge it shall be signed by him as one of the Judges of the High Court.

jurisdiction of
Circuit Court.

Process signed
by Judge.

In all cases wherein process shall be required for the execution of any sentence, judgment, decree or order of a Circuit Court, after the records thereof shall have been deposited in the office of the Registrar of the High Court, and shall not have been re-transmitted under Rule 120, the process of the High Court in execution of such sentence, judgment, decree or order, may be issued.

Writ in
execution of
sentence of
Circuit Court
after papers
have been
deposited with
the Registrar
of the High
Court.

124. The Registrar of the Circuit Court shall, immediately after the closing of the Court in every village or town, make out and transmit to the Registrar of the High Court a return shewing all the fines which have been imposed during the sitting of the Court in such village or town by the Court, specifying therein the names of the parties, the amount of the fine, the authority under which imposed, the date when imposed, and the date when a writ was delivered to the Deputy of the High Sheriff for its levy, and whether the fine was remitted to any, and if so to what, extent, or was paid without the issue of writ.

On close of
Circuit Court
account of
fines inflicted
to be sent to
Registrar of
High Court.

125. If at any place, where a sitting of a Circuit Court has been appointed, there is at such time no Advocate, for whatever reason, ready or able to appear in such capacity for any litigant or accused, the Court shall have the power to grant leave to an Attorney to appear and to act for such litigant or accused, and if there are no Advocates or Attorneys, the Court shall in the same manner allow an admitted agent or notary to appear and act as hereinbefore prescribed.

Under certain
circumstances
Attorneys
and Agents
may appear
as Advocates.

126. In any case, heard in the Circuit Court, in which any Attorney or Agent shall have been admitted to appear and to act as Advocate, it shall be competent for such Court at the time of pronouncing sentence therein, on the application of such person or Agent, to allow him such fees or honorarium as the presiding Judge shall deem fit.

Honoraria of
Attorney or
Agent appear-
ing as
Advocate.

SCHEDULE A.

Form of Summons in Provisional Cases under Rule 13.

In the High Court of the South African Republic (or Circuit Court for the District) sitting at
 Between Plaintiff.
 and Defendant.

In the name and on behalf of the People of the South African Republic.

To the High Sheriff of the South African Republic or his lawful Deputy or Substitute:—

GREETING,

Command C. D., of Street, , shopkeeper, that justly and without delay he render to A. B. the sum of £ sterling, which he owes and unlawfully withholds from the said A. B., arising from and, unless he shall do so, then summon the said C. D. that he appear before the Justices of the High Court (or before the Circuit Court for the district) or before the Judge in Chambers sitting at on the day of the month 19 , at ten o'clock in the forenoon to show wherefore he hath not done it, and also to acknowledge or deny his signature on said or the validity of the said debt, and also summon the said C. D. then and there to plead to the provisional claim of the said A. B. for payment thereof under security de restituendo with costs, and to join issue thereon, and serve on the said C. D. a copy of said whereon the said provisional claim is founded.

And return then and there this summons with what you have done thereupon.

Witness: Reinhold Gregorowski, Chief Justice of the High Court of the South African Republic.

Pretoria, the day of A.D. 19 .
 Registrar of the Court.
 Plaintiff's Attorney.

SCHEDULE B.

Form of Warrant of Arrest under Rule 16.

In the High Court of the South African Republic.

In the name and on behalf of the People of the South African Republic.

To the High Sheriff of the South African Republic, his Lawful Deputy or Substitute.

GREETING:

We command you that you take A.B., of Street, in Pretoria, merchant, if he be found in this Republic, and safely keep him so that you have him before the Justices of the High Court or the Judge in Chambers in Pretoria on the day of next, at ten o'clock in the forenoon, in order then and there to answer the claim of C. D. wherefor he hath not paid the sum of £ sterling, lawful money, which he owes to the said C. D. and unjustly detains from him, or hath not delivered to the said C. D. a certain horse, with saddle, bridle, &c., or other movable property, which the said A.B. unjustly detains from the said C. D., or hath not satisfied the said C. D. his damages, which the said C. D. hath sustained in respect of, &c. (stating any wrong or injury committed by the defendant, as the case may be), as it is said, and have you then and there this writ with whatsoever you have done thereupon.

Witness: Reinhold Gregorowski, Chief Justice of the High Court of the South African Republic.

Pretoria, the day of A.D., 19
 Registrar of the Court.

No. Street, Pretoria,
 Attorney of Plaintiff.

SCHEDULE G.

Form of Notice under Rule 53.

In the High Court "or Circuit Court."

A. B. v. C. D.

Take notice that the "Plaintiff or Defendant," requires you to produce for his inspection the following documents referred to in your (declaration of plea, or affidavit).

Dated the _____ day of _____ A.D. 19 ____ .
(Describe documents required.)

SCHEDULE H.

Form of Notice to Inspect Documents under Rule 54.

In the High Court (or Circuit Court, &c.)

A. B. v. C. D.

Take notice that you can inspect the documents mentioned in your notice of the _____ day of _____ (except the document numbered _____ in that notice) at my office on Thursday next the _____ instant, between the hours of _____ "or" That the (Plaintiff or Defendant) objects to giving you inspection of the documents mentioned in your notice of the _____ day of _____ on the ground that (state the ground).

SCHEDULE I.

Form for Subpoena of Witnesses under Rule 57.

In the High Court of the South African Republic (or Circuit Court for the district of _____ sitting at _____.)

Between _____

Plaintiff

and _____

Defendant.

To the High Sheriff or his Lawful Deputies or substitutes :

Command :

- 1.
2.
3.
4.

that laying aside all and singular business and excuses (if the travelling expenses to and from the Court have been tendered or paid them) they and every one of them shall be and appear personally before this Court to be held at Pretoria on the _____ day of _____ 19 ____ at 10 of the clock in the forenoon of the same day, [If any witness have in his possession or control any deed, instrument or writing which the party requiring his attendance is desirous to show in evidence, then the following words shall be inserted in the above summons after the words " 10 of the clock in the forenoon of the same day." " and also that you bring with you, and produce, at the time and place aforesaid, a certain deed, or instrument, or writing, bearing date, &c." (describing the instrument or thing to be produced)], to testify all and singular those things they know in a certain cause pending before this Court

Between _____

Plaintiff

and _____

Defendant.

and wherein the Plaintiff claims _____ being thereto required. on _____

And this they, or any of them, shall by no means omit, under the penalty, upon each, of one hundred pounds sterling.

Witness: Reinhold Gregorowski, Chief Justice of the High Court of the South African Republic.

Pretoria, the

day of

A.D. 19 .

Registrar of the Court.

Attorney of

SCHEDULE J.

Form of Writ under Rule 58.

In the High Court of the South African Republic, "or Circuit Court, &c."

To the High Sheriff of the South African Republic or his lawful Deputy or substitute.

Whereas at the sitting of the High Court, (Circuit Court) at on the day of A.D., 19 A. B. of one of the persons (or a witness) having been duly summoned to be present at the sitting for the purpose of serving as a Juror (or to give evidence in the case pending between E. F. and G. H.) has not appeared at the sitting of the Court in obedience to the said summons, but made default therein.

It was therefore ordered and adjudged that the said A. B. be fined in the sum of £ sterling, to be by him paid and deposited in the Treasury of the State.

These are therefore to command you that you cause the said fine to be levied out of the goods and chattels of the said A. B. and to deposit the amount so levied by you in the State Treasury, for which this shall be your warrant.

Given, &c.

Registrar of the Court.

SCHEDULE K.

Form of Deed of Security under Rule 68.

Pretoria, the

day of

, 19 .

In re

A. B. of

Plaintiff.

and

C. D. of

Defendant.

Whereas by virtue of a certain writ or process of the said Court (or Circuit Court, &c.) of the day of , 19 , directed to the Sheriff of this Republic, or his lawful Deputy, or Substitutes, and issued at the suit of A. B. of against C. D. of E. F. the lawful Deputy of the said Sheriff has seized and laid under attachment, the under-mentioned articles, viz. —

10 oxen

1 box containing silver, sealed

1 " " jewels "

&c., &c., &c.

Now therefore the said C. D. and L. M. of farmers, as surety for him, hereby bind themselves severally and in solidum to the High Sheriff or his Deputy, that the said goods shall not be made away with or disposed of, but the same shall remain in possession of the said C. D. by virtue of the said attachment,

and shall be produced to the said High Sheriff or other person authorised by him, on the _____ day of _____ (the day appointed for the sale) or on any other day when the same may be required in order to be sold, unless the said attachment shall sooner be legally removed; otherwise the said L. M. hereby binds himself, his person, goods and effects, to pay and satisfy the sum of _____ (the estimated amount of the effects seized), to the said Sheriff, or his lawful deputy, for and on account of the said A. B.

In witness whereof, the said C. D. and L. M. have hereunto set their hands, on this _____ day of _____ 19 _____.

(Signed)

C. D.
L. M.

High Sheriff.

SCHEDULE L.

*Form of Appointment of Commissioner of the High Court, under Rule 101.*To A.B., Esq.,
Landdrost of _____

or

Greeting:

We, the Chief Justice and other Judges (or Judge) of the High Court of the South African Republic, confiding in your knowledge and ability, have committed, and hereby commit to you, full power and authority, as a Commissioner of this Court, in the case pending in this Court between

C. D.

Plaintiff,

and E. F.

Defendant,

to take bail and security and to take the evidence of the following persons, &c., &c.

After the close whereof, you shall send this commission back to the Registrar of the Court, with an exact report of what you have done in the execution of the same.

Given under the seal of the High Court, on this day the _____ day of _____ A.D., 19 _____, at Pretoria, South African Republic.

By order of the Court,

Registrar.

SCHEDULE M.

Oath to be taken by Attorneys, Notaries, Conveyancers and Advocates under Rule 107.

I, A. B., Attorney, Notary, Conveyancer or Advocate, &c., of the High Court of the South African Republic, as subject of this State, swear to be loyal to the Government, the people and the laws of the land, and further, that I shall faithfully and diligently discharge my duties as Attorney, Notary, Conveyancer or Advocate.

So truly help me God.

A. B.

SCHEDULE N.

Form of Conditions of Sale in Execution under Rule 70.

In re

versus

The property that this day, the _____ day of _____ shall be put up to auction in presence of the Master of the High Court (or his substitute) consists of:—

[Describe Property.]

The sale shall be made subject to the following conditions:—

1. The property shall be sold to the highest bidder without reserve (or subject to a reserve price), and the sale shall be subject to confirmation by the Court.

2. The sale shall be for pounds sterling, and no bid of less than £ _____ shall be accepted.

3. If any dispute arises about any bid, the property may be again put up to auction.

4. If the auctioneer makes any mistake in selling, such mistake shall not be binding either on the one side or the other, but may be rectified. If the auctioneer suspects that a bidder is unable to pay off the first cash instalment, he may refuse to accept the bid of such bidder or only accept it provisionally until the bidder shall have satisfied him that he is in a position to pay the first instalment. On the refusal of a bid under such circumstances, the property may, if necessary, immediately be again put up to auction.

5. The purchaser shall as soon as possible after the sale, and immediately on being requested by the Master, sign these conditions, and, if he has bought *qua qualitate*, state the name of his principal.

6. The purchaser shall pay _____ of the purchase price in cash immediately after the sale has been confirmed by the Court, into the hands of the Master of the High Court, and the balance in _____ instalments bearing interest from this day at _____ per cent. per year as follows, viz.:—

7. If the purchaser remains in default to discharge the first or any instalment on the due day, the property may again be put up to auction at his risk and cost, and he shall be responsible for any loss thereunder, which may be recovered against him under sentence of the Court pronounced summarily on the Master's report after such purchaser shall have received notice in writing that such report shall be laid before the Court, and if he is already in possession of the property, the Sheriff may, on an order from the Master, immediately remove him therefrom.

8. The purchaser shall pay transfer dues and costs of transfer.

9. The property may be taken possession of immediately after confirmation of the sale and payment of the first instalment, and shall from that day be at the risk, profit and loss of the purchaser.

10. The purchaser may get transfer immediately after confirmation of the sale by the Court,

(a.) If he pays the whole price, in which case the claim for interest shall lapse.

(b.) If he pays the first instalment, and passes a deed of mortgage for the balance with interest in favour of the Master of the High Court, and to his satisfaction:

otherwise transfer shall only be passed after the purchaser has completed the instalments in the ordinary course as hereinbefore provided by Art. 6.

11. The Master may demand that any buildings standing on the property sold, shall be immediately insured by the purchaser for the full value of the same, and the insurance policy ceded to the Master, and kept alive as long as the whole price has not been paid; and if he does not do so, the Master may effect the insurance at the purchaser's cost, and for his account.

Pretoria _____ day of _____

19 .

High Sheriff.

I certify hereby that to-day the _____ day of _____ in presence of the Master of the High Court (or other officer representing him), the hereinbefore-mentioned property was sold to _____
University of Pretoria, 2016
 Sheriff.

APPENDIX.

NOTE TO LAW No. 2, 1874.

See Proclamation dated 19th June, 1891, defining the kinds of weights, &c., of which models are to be kept :—

WEIGHTS.—56 lbs., 28 lbs., 14 lbs., 7 lbs., 4 lbs., 2 lbs., 1 lb., 8 ounces, 4 ounces, 2 ounces, 1 ounce, 8 drams, 4 drams, 2 drams, 1 dram, $\frac{1}{2}$ dram. Weights and Measures.

DRY MEASURE.—1 bushel, $\frac{1}{2}$ bushel, 1 peck.

MEASURE for Liquids.—1 gallon, $\frac{1}{2}$ gallon, 1 quart, 1 pint, $\frac{1}{2}$ pint, 1 gill, $\frac{1}{2}$ gill.

LONG MEASURE.—1 yard divided into feet, inches and into $\frac{1}{10}$, $\frac{1}{12}$, $\frac{1}{16}$, and $\frac{1}{100}$ parts of an inch.

PROCLAMATION, 24th January, 1887.

AMENDMENT OF LAW NO. 3, 1885.

Whereas Law 3, of 1885, called “The Law about Coolies, Arabs, and other Asiatics,” and published in the *Staatscourant* of 10th June, 1885, was approved and enacted by Resolution of the Volksraad, Art. 255, 1st June, 1885.

And further, whereas an Executive Council Resolution, Art. 164, was passed on the 12th August, 1886, to the following effect :—

On the Order : Amendment of Law No. 3 of 1885.

The Executive Council perceiving that it is desirable that the said Law be amended in some respects and with a view to the short period of the sitting of the Volksraad which still remains, resolves to propose to the Volksraad to authorise the Government to amend the said Law, to the following effect :—

- (1.) That the following shall be added after the 1st paragraph of Art. 2 (b) of Law No. 3, 1885 : “Except in such streets, wards and locations as the Government for sanitary purposes shall appoint as their residence.”
- (2.) That the sum of £25 (twenty-five pounds sterling) mentioned in the second paragraph of Art. 2 (c) of the said Law shall be reduced to £3 (three pounds sterling).

- (3.) That Art. 2 (*d*) of the said Law shall read as follows: "The Government shall have the right for sanitary purposes to appoint special streets, wards and locations for their residence. This provision shall not apply to servants living with their masters."

And whereas further on the 12th August, 1886, Volksraad Resolution, Art. 1,419, was passed, reading as follows:—

"That the word 'sanitaire' (sanitary) be altered into 'gezondheids' (sanitary). Executive Council Resolution, Art. 164, 12th August, 1886. Adopted unanimously by the Raad."

Now, therefore, with the advice and consent of the Executive Council, it is hereby enacted and provided as follows:—

Coolie ownership of fixed property.

- (1.) Art. 2 (*b*) of Law No. 3, 1885, shall be amended as follows:—

"They may not be owners of fixed property in the Republic except in such streets, wards and locations as the Government shall appoint for sanitary purposes as their residence."

Registration fee.

2. The second paragraph of Art. 2 (*c*) of Law No. 3, 1885, shall be amended as follows:—

"On such registration, which shall take place within 8 (eight) days after arrival, the sum of £3 (three pounds sterling) shall be paid."

Special residences appointed.

3. Art. 2 (*d*) of Law 3, 1885, shall be amended as follows:—

"The Government shall have the right to appoint special streets, wards and locations as their residence. This provision shall not apply to servants living with their masters."

4. This Amendment of Law No. 3, 1885, shall come into operation immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President.

W. EDUARD BOK,
State Secretary.

Government Office, Pretoria.
24th January, 1887.

VOLKSRAAD RESOLUTION, 8th May, 1889.

Cruelty to animals.

44. The Raad, having regard to Executive Council Resolution, Art. 37, dated 24th January, 1889; now on the order, resolves to approve of the said Executive Council Resolution, with this addition—that it shall be the duty of all officials, as also police officers, to maintain the Law, and that any private person lodging information as to any ill-treatment, shall receive one-third of the fine inflicted.

The Executive Council Resolution above referred to is as follows:—

Resolved to specially direct the attention of the Field-Cornets and Assistant Field-Cornets in the various towns and villages to the provisions of this Law, and to enjoin on them that the same

shall be strenuously enforced, whilst further providing, that every person who lodges a complaint with the proper authorities as to a contravention of this Law, and causes a conviction to be obtained, shall receive one-third of such fine as may be inflicted if such fine be paid, and the application for such one-third of the fine be made within one month after the date of the infliction of the fine.

VOLKSRAAD RESOLUTION, 8th August, 1890.

1215. The Volksraad approved of the Executive Council Resolution, Art. 483, dated 29th July, 1890, reading as follows:—

Office fees on liquidation of estates.

“Resolved, in pursuance of the reports of the aforesaid officers, to propose to the Volksraad to amend tariff form F, Law No. 12, 1870, as follows:—Instead of ‘Assessing accounts of Executors concerning the administrative work done by them 4%,’ to read:—‘4% on the remuneration which according to Art. 20 of the Law, may be charged by Executors for the administration, irrespective whether the Executors actually charge such remuneration or not.’”

FIRST VOLKSRAAD RESOLUTION, 8th August, 1890.

1222. The Raad, having regard to Executive Council Resolution Art. 493, dated 7th August, 1890, now on the order, resolves that all underhand testaments, in so far as the number of subscribing witnesses is concerned, are hereby acknowledged and declared to be lawful, if the signatures of at least two witnesses appear on such underhand testaments. (*See* Law No. 7, 1895.)

Attestation of wills.

FIRST VOLKSRAAD RESOLUTION, dated 3rd August, 1892.

1040. The Raad unanimously accepted the Commission’s Report, which reads as follows:—

Witness fees in criminal cases.

“Your Commission submits that for persons, who are summoned from elsewhere, the witness fees shall be fixed at twelve shillings and sixpence per day for costs of living, instead of ten shillings per day (Law No. 7, 1888).

FIRST VOLKSRAAD RESOLUTION, dated 12th July, 1894.

817. The Raad notes and accepts Second Volksraad Resolution Art. 517, dated 2nd July, 1894, and resolves:—From henceforth the maximum amount of money, which will be allowed by the Commission appointed in virtue of Art. 8 of Law No. 9, 1892 [1] (on investing funds) shall be half of the appraised value of the property offered as security.

Investment of Post Office Savings Bank funds.

GOVERNMENT NOTICE No. 396, R. 11,700, 1897.

The public is hereby informed of the following Art. 584 of the Resolution of the Executive Council, dated 4th August, 1897, with reference to certain amendment in Law No. 31, 1896, the Pass Law, as amended and approved by the First Volksraad, Artt. 838 and 843 of its minutes, dated 12th and 13th August.

Government Office,
Pretoria,
17th August, 1897.

EXECUTIVE COUNCIL RESOLUTION, dated 4th August, 1897.

584. On the order : minute R , 11347/97, containing a letter from the Superintendent of Natives, dated 4th August, 1897, proposing to make certain distinguishing regulations with reference to the application of Pass Law No. 31, 1896.

The Executive Council, having considered the proposals in 1896, laid before the Volksraad with reference to the said Pass Law, and to the resolution taken by the Volksraad, Art. 1265, dated 26th August, 1896, and considering that it has again appeared desirable to exempt such natives as have reached a higher stage of civilisation under certain conditions from the provisions of Law No. 31, 1896, resolves to recommend the First Volksraad as a temporary regulation until further provision to provide as follows :—

That all native or coloured missionaries, as also such natives as have reached a higher state of civilisation, or who exercise a trade, calling, or industry, shall be and are exempted from the provisions of Law No. 31, 1896 : provided always that they have caused themselves to be specially registered, and are provided with a certificate issued by or on behalf of the Issuer of Passes.

Such certificate shall, at the choice of the applicant, be issued for the period of three months or a year, to be calculated from the 1st January. Such certificate shall bear a stamp calculated at the amount of £3 per year. From such stamp shall be exempt certificates issued to native or coloured missionaries, and native or coloured teachers, and their certificates shall be issued with a stamp to the amount of 10s. A portion of the administrative year or quarter shall be reckoned as a full year or quarter.

Natives or coloured persons exempted under this Resolution from the provisions of the Pass Law No. 31, 1896, shall always carry their certificates with them and shall show them at the request of the Police and Pass Law Officials. If found without their certificates they shall be punished by a fine not exceeding 10s., or imprisonment not to exceed three days for each such contravention.

Every person found guilty of forging, imitating or altering the certificates contemplated in this Resolution, or who makes any statements demanded for the filling in of such certificates with the intention of misleading the Government officials, or any native or coloured person who lends, gives or in any way makes over his pass to any person, as also such person who takes or uses the pass of another, shall be punished

for each contravention by a fine not exceeding £100, or by imprisonment with or without hard labour for a period not exceeding three months.

All natives or coloured persons shall be registered under this Resolution at the office of the Issuer of Passes in a register specially designed for this purpose.

And the Executive Council, considering that it has appeared desirable to elucidate the second portion of Art. 32 of Law 31 of 1896, considering the recommendation of the State Attorney, resolves further: to recommend to First Volksraad to declare the meaning of the said second portion of Art. 32 of Law 31 of 1896 to be as follows; and to declare such elucidation as immediately in force:

“The provisions of this Law shall not impair the authority of the supplementary regulations of the Johannesburg Sanitary Board published under Government Notice 385 of the 8th November, 1893; on the contrary, such supplementary regulations shall remain in full force and operation for this class of natives who are registered under the regulations. Natives not bound by this Law, who have been registered under the said regulations of the Johannesburg Sanitary Board, as exclusively carrying on the trade of ‘jobber’ and who have not been provided with a pass and badge issued by the Sanitary Board, shall be exempted from taking out district passes, metal badges and employers’ passes under this Law. The Johannesburg Sanitary Board shall, however, not register any natives as ‘jobbers’ before they have convinced themselves that their travelling passes are in order. All other natives within the jurisdiction of the Board fall, without distinction, under the provisions of this Law. Exemptions under the regulations of the Sanitary Board shall in no case give exemption from the provisions of this Law.

GOVERNMENT NOTICE No. 152 of 1898, 30th March, 1898.

It is hereby published for general information that the First Volksraad, by Resolution dated 24th February, 1898, Art. 104, has resolved to repeal its Resolution dated 5th August, 1892, Art. 1072, *re* Coolies, Asiatics, and Chinamen. The said Resolution, Art. 1072, dated 5th August, 1892, reads as follows:—

Coolies,
Chinamen,
and Asiatics

“The First Volksraad taking into consideration, &c. &c., resolves to instruct the Government to see that no Coolies, Chinamen or Asiatics carry on business within the towns and to cause all Coolie shops established after 1889 to be removed out of the towns, and as soon as the contracts entered into before 1889 have expired to cause those Coolies, Chinamen or Asiatics also to be removed out of the towns.”

FIRST VOLKSRAAD RESOLUTION, 22nd August, 1898.

1009. Resolved that the money to be paid to the informant under any Law shall be paid to the informant alone and not be divided among all the members of the Detective Force. Money paid to informant.

FIRST VOLKSRAAD RESOLUTION, 23rd August, 1898.

Exclusive
right of
Pretoria
Waterworks
Company
cancelled.

1016. Resolved to cancel Executive Council Resolution, Art. 732, dated 26th November, 1889.

FIRST VOLKSRAAD RESOLUTION, 29th November, 1898.

Stock run
down by
trains.

Amendment
of Law 15,
1892, Art. 3.

1852. Resolved to amend Art. 3 of Law No. 15, 1892, and to enact that compensation shall be paid by the various Railway Companies by whose trains animals are run down, as mentioned in Art. 3 of Law No. 15, 1892, reckoned at the full value of the animals run down, and where a difference of opinion exists between the owner of the stock and the company with regard to the value of the stock the matter shall be decided by arbitrators, one of whom shall be appointed by each side.

FIRST VOLKSRAAD RESOLUTION, 29th November, 1898.

Branch
railway lines
on goldfields.

1855. Resolved to authorise the Government to allow the construction of branch railway lines and steam tram lines for the conveyance of ore, &c., on goldfields. If the length of the line is to exceed 12 miles special permission must be obtained from the First Volksraad. The Expropriation Law is not to be applied.

(N.B.—This is not a literal translation of the Resolution, but the gist of it.)

GOVERNMENT NOTICE No. 26, R. 3458/99.

APPEARING IN *Staatscourant*, 22ND MARCH, 1899, PAGE 659.

Duty on raw
tobacco.

For the information of the public it is hereby announced that the First Volksraad has decided in Art. 224 of its minutes, dated 7th March, 1899, to withdraw the special import duty on raw tobacco being the product of the neighbouring colonies.

This Resolution shall come into operation one month after publication in the *Staatscourant*.

F. W. REITZ,
State Secretary.

Government Offices,
Pretoria,
12th March, 1899.