



G.

R

THE UNION OF SOUTH AFRICA
Government Gazette Extraordinary.

PUBLISHED BY AUTHORITY.

Buitegewone Staatskoerant
VAN DIE UNIE VAN SUID-AFRIKA.

UITGEGEE OP GESAG.

Vol. LXVII.

PRICE 6d.

CAPE TOWN, 11th MARCH, 1927.

PRYS 6d.

No. 1613.

House of Assembly,
9th March, 1927.

The following Bills, having been introduced into the House of Assembly, are published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

Volksraad,
9 March, 1927.

Die volgende Wetsontwerpe ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

PAGE.

A.B. 30—'27. Durban Borough (Extension of Area) Bill.	ii
A.B. 31—'27. Native Administration Bill.	vii
A.B. 32—'27. Payment of Quitrent (Cape) Bill	xix
A.B. 33—'27. Prevention of Cruelty to Animals Act, 1914, Amendment Bill	xx

BLADS.

A.B. 30—'27. Uitbreiding van die Stadsgebied van Durban Wetsontwerp	ii
A.B. 31—'27. Naturelleadministrasie Wetsontwerp	vii
A.B. 32—'27. Betaling van Erfpagg (Kaap) Wetsontwerp.	xix
A.B. 33—'27. Voorkoming van Mishandeling van Diere Wet, 1914, Wysigings Wetsontwerp.	xx

BILL

To extend the area of the borough of Durban; to relieve the South African Railways and Harbours Administration from the payment of certain rates and taxes in respect of property within the said borough; to provide for the vesting in the Town Council of the borough of Durban of certain roads within that borough; to regulate the issues of trading licences within the said Administration's harbour jurisdiction at Durban; and to ratify and confirm an agreement made between the said Administration and the Town Council of the borough of Durban.

(Introduced by the MINISTER OF RAILWAYS AND HARBOURS.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Extension
of limits of
Borough
of Durban.

1. (1) The boundaries of the Borough of Durban, (hereinafter called the "Borough"), as defined in the Proclamation of the Lieutenant Governor of the 24th June, 1854, which are hereby declared to have been further extended as from the first day of June, 1894, in terms of the Agreement between the Town Council and the Natal Harbour Board, made in pursuance of section four of Law 42 of 1888 (Natal) and referred to in paragraph (a) of section two of the Durban Bay Embankment Act, 1895 (Natal), are hereby further extended so that portion of the southern boundary of the said Borough is such as is described in paragraph 1 of the First Schedule to this Act and includes the several areas described in paragraphs 2 and 3 of the said Schedule. The areas affected by this subsection and referred to in the said Schedule are hereinafter referred to as the "extension area" and are indicated on the plan numbered (S.G.O. Sub. Vol. 699 fol. 97) (hereinafter referred to as the "extension plan") and filed in the office of the Surveyor-General of Natal: Provided that the provisions of this Act and of the Agreement referred to in section five shall not apply to the area indicated on the extension plan by the letters L.M.N.O. or any part or parts of such area except only as and when and to the extent to which such area or such part or parts shall hereafter be reclaimed under the provisions of the Durban Harbour Works Construction Act, 1917, or any amendment thereof.

(2) Section one hundred and twenty-six of Law 19 of 1872 (Natal) shall cease to apply in respect of such portions of the said lands as are described in paragraph 3 of the said Schedule.

Restriction
of rating
Administra-
tion's
property in
extended
area.

2. Notwithstanding anything contained in the Government Property Rating Act, 1910 (Natal) or in any other law, the Town Council of the Borough of Durban (hereinafter called the "Council") shall not be empowered to levy any rate or charge upon or in respect of—

- (a) any property situated within the extension area which is occupied or controlled by the Railways and Harbours Administration (hereinafter called the "Administration"), for or in connection with any work or business carried on under the Railways and Harbours Regulation, Control and Management Act, 1916, or any amendment thereof;
- (b) any property of the Administration together with any alteration thereto or improvement thereon, which is situated in the Borough outside the extension area which was taken over by the Administration from the Government of Natal and was at the time of such taking over exempted under any law from the payment of rates or taxes to the Council, whether or not such property is occupied, or any business is conducted therein, by the Administration;

[A.B. 30—27.]

WETSONTWERP

Tot uitbreiding van die Durbanse stadsgebied; tot vrystelling van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens van bepaalde belasting op eiendom in voormelde stadsgebied; tot oordraging van die eiendom in sekere paaie in voornoemde stadsgebied aan die munisipale raad van die stad Durban; tot reeling van die uitgifte van handelslisensies in die hawegebied te Durban van voormelde Administrasie en tot goedkeuring en bekragtiging van 'n ooreenkoms aangaande tussen voornoemde Administrasie en die munisipale raad van die stad Durban.

(Ingedien deur die MINISTER VAN SPOORWEE EN HAWENS.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat, en die Volksraad van die Unie van Suid Afrika, as volg:—

1. (1) Die grense van die stadsgebied van Durban, (hieronder die "stad" genoem,) soos in die Proklamasie van die Luitenant-Goewerneur van die 24ste Junie 1854 omskrywe, en wat hierby verklaar word verder uitgebrei te wees vanaf die eerste dag van Junie 1894, ooreenkomstig 'n ooreenkoms tussen die stadsraad en die Natalse Hawe-raad, ingegaan ingevolge artikel vier van Wet No. 42 van 1888 (Natal), en waarop verwys word in paragraaf (a) van artikel twee van die Wet op die indyking van grond aan Durban-baai, 1895 (Natal) word hierby verder uitgebrei sodat 'n gedeelte van die suidelike grens van voormelde stadsgebied ooreenstem met die in paragraaf 1 van die Eerste Bylae tot hierdie Wet omskrywe grenslyn, en sodat dit die afsonderlike, in paragrafe 2 en 3 van bedoelde Bylae genoemde grondstukke insluit. Die grondstukke waarop hierdie sub-artikel betrekking het en waarna voornoemde Bylae verwys, word hieronder die "uitbreidings-gebied" genoem, en is aangedui op 'n kaart genummer S.G.O. Sub. Vol. 699, fol. 97, vir bewaring ingelewer by die kantoor van die Landmeter-generaal van Natal, en word hieronder die "uitbreidingskaart" genoem: Met die verstande dat die bepalings van hierdie Wet en van die in artikel vyf vermelde ooreenkoms nie van toepassing is nie op die gebied of op enige gedeelte van die gebied wat in die uitbreidingskaart deur die letters L.M.N.O. aangedui is behalwe wanneer, en dan insover as, so'n gebied drooggelê word ingevolge die Durban Havenwerken Aanleg Wet, 1917, of 'n wysiging daarvan.

(2) Artikel honderd-ses-en-twintig van Wet No. 19 van 1872 (Natal) is nie meer van toepassing nie op die in paragraaf 3 van voornoemde Bylae genoemde grondstukke.

2. Nieteenstaande die bepalings van die Wet op Belasting van Regeringseiendom, 1910, (Natal) of van enige ander Wet het die Durbanse stadsraad (hieronder die Raad genoem) geen bevoegdheid om belasting te hef op, of ten opsigte van—

- (a) eiendom in die uitbreidingsgebied wat deur die Administrasie van die Spoorweë en Hawens (hierin "die Administrasie" genoem) bewoon of beheer word vir die oogmerke van of in verband met enige werksaamheid of besigheid uitgevoer of gedrywe kragtens die Spoorwegan en Havens Reglement, Bestuur en Beheer Wet, 1916 of 'n wysiging daarvan;
- (b) eiendom van die Administrasie, met inbegrip van veranderings of verbeterings daarop aangebring, in die stadsgebied maar buite die uitbreidingsgebied wat die Administrasie van die Natalse Regering oorgeneem het en wat tydens die oortreffe ingevolge enige wet vrygestel was van belastingbetaling aan die raad, of bedoelde eiendom ook al bewoon word of besigheid daarin gedrywe word deur die Administrasie of nie;

[A.B. 30—27]

Uitbreiding
van
Durbansse
stadsgebied.

Beperking
van
belasting op
eiendom van
admini-
strasie in
uitbreidings-
gebied.

- (c) any store or shed, the property of the Administration, wherever situated within the Borough, and notwithstanding that storage, demurrage or other charges are recoverable or received by the Administration in respect of goods deposited, or of business being carried on therein: Provided that where rent is paid to the Administration in respect of any such store or shed, the property may be made subject to rate or charge by the Council; and
- (d) buildings, including compounds and barracks for Indians and natives and stables, the property of the Administration wherever situated within the Borough, on which rates were not at the commencement of this Act levied by the Council.

Vesting of certain roads within extended area in the Durban Corporation.

3. From time to time as land within the extension area has been reclaimed and levelled up to the final level fixed by the Administration and the new roads and thoroughfares thereon have been properly hardened, kerbed and channeled by the Administration in accordance with the Council's standards for roads carrying a similar class of traffic, the Administration may notify the Council thereof in writing whereupon such roads and thoroughfares on the said area as are contiguous to rateable property shall vest in the Council free of cost.

Regulation of issue of licences in harbour area.

4. Whenever in the exercise of any power conferred by the Railways and Harbours Regulation, Control and Management Act, 1916, the Administration imposes any licence duty, fee or charge within the area of the Administration's jurisdiction at the port or harbour of Durban, no licence duty or fee, save a licence for the carrying on of any business of selling or hawking, shall be imposed by the Council in respect of the matter made subject to licence, duty, fee or charge by the Administration, and in so far as any by-law or regulation of the Council is in conflict with this section it shall be deemed to be repealed.

Ratification of agreement between Administration and Council.

5. (1) Save where otherwise provided in this Act the Agreement made between the Minister of Railways and Harbours, of the one part, and the Mayor, Councillors and Burgesses of the Borough of Durban, of the other part, a copy whereof is set out in the Second Schedule to this Act, is hereby ratified and confirmed: Provided that the Council and the Administration may agree upon a modified scheme of drainage to that set out in the said agreement so as to cause a minimum amount of inconvenience to the Administration's works existing at the commencement of the Act and to its proposed lay out of sites, sidings and other works contemplated at that time having due regard to the estimated original cost to the Council of the scheme and to the Council's requirements as to the disposal of storm-water over and across the reclaimed area.

(2) The Administration, out of moneys to be voted by Parliament, shall make all such payments due or which may become due by it in terms of the said Agreement.

(3) The Administration and the Council respectively may, notwithstanding anything contained in any law, do all such things as may be necessary to carry out their undertakings as specified in the said Agreement.

Short title.

6. This Act may be cited as the Durban Borough (Extension of Area) Act, 1927.

First Schedule.

The line following the bay edge of the Victoria Embankment, from a point where the northern boundary of Rutherford Street, if produced, would cut the bay edge of the Victoria Embankment to the beacon marked P.1 at the southern end of Russel Street, then along the southern boundary line of Lot B.1 around the bay edge of the Fishing Jetty (X Y Z) to the Congella Wharf, then along the water line of that wharf and along the line of extension authorized to the limit thereof (Beacon D.1), and thence in a straight line to the southernmost beacon of Lot A.3, known as Gallier's Beacon No. U.3, on the Umbilo River, the area embodied thereby being as coloured red on the plan registered in the Surveyor-General's Office, Pietermaritzburg, Sub. Vol. 699, folio 97.

Point and Addington Lands.

The land bounded by the northern boundary of Rutherford Street from the western boundary of Shepstone Street to where the northern

- (c) 'n pakhuis of loods wat die eiendom van die Administrasie is, waar of dit ook al in die stadsgebied geleë mog wees, niesteenstaande dat pakhuisfooie, lêgeld of ander fooie deur die Administrasie invorderbaar is of verkry word in verband met goedere wat daarin gebêre of besigheid wat daarin gedrywe word: Met die verstande dat indien aan die Administrasie huur betaal word vir so'n pakhuis of loods, die Raad daarop belasting kan hef; - en

- (d) geboue met inbegrip van kwartiere en barakke vir Indiërs en naturelle, asook stalle wat die eiendom van die Administrasie is waar dit ook al in die stadsgebied geleë mog wees, waarop die Raad met die inwerking-treding van hierdie Wet geen belasting gehef het nie.

3. (1) Sodra van tyd tot tyd grond in die uitbreidingsgebied drooggelê en tot op die finale, deur die Administrasie vasgestelde hoogte opgevol is en die nuwe paaie en weë daarop behoorlik hardgemaak is en van randstene en kantvore deur die Administrasie voorsien is in ooreenstemming met die standaarde van die Raad ten opsigte van paaie waarop dieselfde soort van verkeer plaasvind, kan die Administrasie die Raad daarvan skriftelik kennis gee; dan gaan bedoelde nuwe paaie en weë mits hulle aan belasbare eiendom grens, kosteloos oor in die eiendom van die Raad.

Oorgang van eiendomsreg in sekere paaie in die uitbreidingsgebied op die stadsbestuur van Durban.

4. Wanneer die Administrasie in die uitoefening van 'n bevoegdheid kragtens die Spoorwegin en Havens Reglement, Bestuur en Beheer Wet, 1916, in die gebied by die Durbanse poort of hawe wat onder beheer van die Administrasie staan, 'n lisensiefooie, fooie of belasting oplê, dan kan die Raad, met uitsondering van 'n lisensiefooie om 'n verkoop- of marskramers-besigheid te drywe, geen lisensiefooie of belasting hef nie op die reeds deur die Administrasie belaste handeling, en insover 'n verordening of regulasie van die Raad met hierdie artikel teenstrydig is, word bedoelde verordening of regulasie geag herroep te wees.

Reëling van die uitgifte van lisensies in hawengebied.

5. (1) Behalwe insover hierdie Wet anders bepaal word die ooreenkoms tussen die Minister van Spoorweë en Hawens aan die een kant en die Burgemeester, Raadslede en ingesetenes van die Stad Durban aan die ander kant, 'n afskrif waarvan in die Tweede Bylae tot hierdie Wet verskyn, hierby goedgekeur en bekragtig: Met die verstande, dat die Administrasie en die Raad bevoeg sal wees om te akkordeer oor 'n wysiging van die skema vir waterafvoer wat in bedoelde ooreenkoms vervat is, sodat die bedryf van die Administrasie wat met die inwerking-treding van hierdie Wet bestaan en die tydens die inwerking-treding beoogde aanleg van bouterreine, halte en ander werke so min as moontlik belemmer word; met inagneming van die oorspronklike beraming van waarop dit die Raad te staan sal kom asook van die benodighede van die Raad insake afvoer van reënwater oor die drooggelegde streek.

Bekragtiging van ooreenkoms tussen Administrasie en Raad.

(2) Die Administrasie betaal uit die geld daarvoor deur die Parlement gestem, alle geldsomme wat luidens voormelde ooreenkoms betaalbaar is of word.

(3) Niesteenstaande andersluidende bepalinge in enige Wet kan die Administrasie asook die Raad alles doen wat nodig mog wees om hulle verpligtings ingevolge voornoemde ooreenkoms na te kom.

6. Hierdie Wet mag aangehaal word as die Wet tot Uit-Kort titelbreiding van die Stadsgebied van Durban, 1927.

Eerste Bylae.

'n Lyn wat die water-kant van die Victoria-Dyk volg van 'n punt waar 'n verlenging van die noordelike grens van Rutherfordstraat die waterkant van die Victoria-Dyk sou sny tot die P.1. gemerkte baken by die suideinde van Russelstraat; vervolgens langs die suidgrens van perseel B.1. om die waterkant van die visserspier (X.Y.Z.) tot by die Congella-kaai; dan langs die waterkant van die kaai en langs die grens van die gemagtigde uitbreiding tot aan die end daarvan (baken D.1) daarvandaan in 'n regte lyn tot die mees suidelike baken van perseel A.3, bekend as Galliers Baken No. U.3, aan die Umbilo: die so ingesluite gebied is rooi gekleur op die kaart wat op die Landmeter-generaalskantoor, Pietermaritzburg, sub-Vol. 699, Vel. 97 geregistreer is.

Punt- en Addington-Grond.

Die grond wat begrens word as volg: deur die noordelike kant van Rutherfordstraat van die westelike grens van Shepstonestraat tot waar

boundary of Rutherford Street, if produced, would cut the bay edge of the Victoria Embankment, thence by the water line of the wharves to the North Pier, thence by the water line of the North Pier to the Low Water Mark on the Indian Ocean, thence by that Water Mark to a point at which the southern boundary of Bell Street, if produced, would cut the said Low Water Mark, thence by the southern boundary of Bell Street produced from the said Low Water Mark to the eastern boundary of the land known as Addington and portion of the Point granted to the Mayor, Council and Burgesses of Durban, thence by the eastern, southern and western boundaries of those lands to where the western boundary line of Shepstone Street intersects the northern boundary line of Rutherford Street, also the area known as Lots 1, 2, N.G.R. of 3, N.G.R. of 4, N.G.R. of 5, N.G.R. of 6, all of Block E, Scott Street, and Lots 4, 5, 6, 7 and 8 all of Block E, Shepstone Street, and Lot N.G.R. of Addington; all as coloured green on the plan registered in the Surveyor-General's Office, Pietermaritzburg, Sub. Vol. 699, folio 97, in so far as the area is not already included in the said Borough.

Ordinance Land, Durban.

The following portions of Ordinance Land, Durban, all as coloured blue on the plan registered in the Surveyor-General's Office, Pietermaritzburg, Sub. Vol. 699, folio 97, in so far as they are not or may not be already included in the said Borough:—

Remainder of A of Ordinance Land, Durban, with the exception of the portion occupied by the Gaol.

Subdivision D of B of A of Ordinance Land, Durban.

"	D 1 of B of A of	"	"	"
"	1 of B of A of	"	"	"
"	H of B of A of	"	"	"
"	F of B of A of	"	"	"
"	L of B of	"	"	"
"	A of B of A of	"	"	"
"	S.A.R. of B of A of	"	"	"
"	S.A.R. of A of Reserve of	"	"	"
"	S.A.R. of B of	"	"	"

Second Schedule.

AGREEMENT MADE AND ENTERED INTO by and between the MINISTER OF RAILWAYS AND HARBOURS of the Union of South Africa, and as such representing the GOVERNMENT of the UNION in its Department of Railways and Harbours (hereinafter referred to as the "ADMINISTRATION") of the one part, and the MAYOR, COUNCILLORS AND BURGESSES OF THE BOROUGH OF DURBAN (hereinafter referred to as the "CORPORATION") of the other part,

WHEREBY IT IS AGREED AS FOLLOWS:—

First.—The boundary of the Borough of Durban shall be extended as follows to include all lands between the existing Borough Boundary and the Bay of Natal, coloured pink on the plan signed by the parties as forming part of this Agreement, to be filled with the Surveyor-General (hereinafter referred to as "the Durban Borough Extension Plan"), viz., along the sea edge of the Victoria Embankment from the commencement at Cato Creek to its termination at Albert Park, Russell Street, thence to the wharf at Congella and along its sea edge to the point where the wharf extension authorized by Act 34 of 1917 commences; thence along the line of extension so authorized to the limit thereof; and then in a straight line to the beacon indicating the Borough Boundary on the north bank of the Umbilo River, known as "Galliers Beacon."

Second.—The said Borough Boundary shall also be extended as follows:—

- To include the area coloured green on the Durban Borough Extension Plan from a point at the west end of Bay Terrace to embrace the wharves, jetties and the like near thereto, then along the sea edge of the existing wharves, following their line to a point close to the North Pier, then to Low Water Mark of the Indian Ocean to a point opposite Bell Street, and then at right angles thereto until the existing boundary is reached.
- To include, so far as competent or necessary, all the lands originally reserved for the Imperial War Department, coloured green on the Durban Borough Extension Plan.

Third.—The Corporation's power to levy rates upon the Administration's property within the areas included in Clauses 1 and 2 shall not apply to any lands or buildings occupied or controlled by the Administration in connection with any of the works or businesses authorized by Act 22 of 1916; nor shall the Corporation levy rates upon the Administration's properties elsewhere in the Borough that have been taken over from the Natal Government and were at the time of taking over exempted from payment of rates and taxes by statute, irrespective of the occupation or business conducted therein by the Administration under Act 22 of 1916, and no stores or sheds belonging to the Administration shall be rateable by reason of any storage or demurrage charges or other ordinary charges (not being rent), being from time to time imposed or paid, or recoverable, in respect of goods deposited in such stores or sheds, or in connection with the business being carried on therein, nor shall any rates be levied upon or in respect of Indian and Native compounds and barracks, stables or buildings of the Administration on which rates are not at present levied.

'n verlenging van die noordkant van Rutherfordstraat die waterkant van die Victoria-Dyk sou sny en daarvandaan deur die waterkant van die Kaai tot by die Noordelike Hawehoof daarvandaan af deur die waterkant van die Noord-Hawehoof tot by die laagwatermerk aan die Indiese Oseaan; daarvandaan af deur genoemde laagwatermerk tot by die punt waar 'n verlenging van die suidkant van Bellstraat bedoelde watermerk sou sny; daarvandaan af deur 'n verlenging van die suidkant van Bellstraat tussen voormelde laagwatermerk en die oosgrens van die grond wat as Addington bekend is en 'n gedeelte van die Punt, wat aan die Burgemeester, stadsraad en ingesetenes van Durban toegeken is; daarvandaan deur die oosgrens, suidgrens en wesgrens van genoemde grond tot waar die weskant van Shepstonestraat die noordkant van Rutherfordstraat sny, asook die grond wat bekend staan as persele, 1, 2, N.G.R. van 3, N.G.R. van 4, N.G.R. van 5, W.G.R. van 6, almal van blok E, Scottstraat, persele 4, 5, 6, 7, 8, almal in blok E, Shepstonestraat, en perseel N.G.R. van Addington, alles soos groen gekleur op die kaart wat in die kantoor van die Landmeter-generaal, Pietermaritzburg, geregistreer is sub. Vol. 699, Folio 97.

Artilleriegrond, Durban.

Onderstaande gedeeltes van Artilleriegrond, Durban, blou gekleur op die kaart wat in die kantoor van die Landmeter-generaal, Pietermaritzburg, sub. Vol. 699, Folio 97 geregistreer is, insover hulle nie reeds in bedoelde stadsgebied inbegryp is nie:—

Die orige gedeelte van A. van die Artilleriegrond, met uitsondering van die gedeelte wat beset is deur die Gevangenis:—
Onderdeel D. van B. van A. van Artilleriegrond, Durban.

"	D.1 van B. van A. van	"	"
"	1 van B. van A. van	"	"
"	H. van B. van A. van	"	"
"	F. van B. van A. van	"	"
"	L. van B. van A. van	"	"
"	A. van B. van A. van	"	"
"	S.A.R. van B. van A. van	"	"
"	S.A.R. van A. van Reserwe	"	"
"	S.A.R. van B. van	"	"

Twede Bylae.

OOREENKOMS GESLUIT tussen die MINISTER VAN SPOORWEE EN HAWENS van die Unie van Suid-Afrika; die Unieregering verteenwoordigende in sy Departement van Spoorweë en Hawens (verder hierin die "ADMINISTRASIE" genoem) aan die een kant en die BURGERMEESTER, RAADSLEDEN EN INGESETERE VAN DIE STAD DURBAN (verder hierin die "STADSBESTUUR" genoem) aan die ander kant:—

WAARIN DIT AS VOLG GEAKKORDEER IS:—

Eerstens.—Die grens van die Stadsgebied van Durban word uitgesit soos volg, om al die grond tussen die bestaande grens van die stadsgebied en Natalbaai in te sluit, wat verteenwoordig word deur die ligroo gekleurde gedeelte op 'n kaart, wat die partye onderteken het as 'n onderdeel van hierdie ooreenkoms om ingelewer te word vir bewaring aan die Landmeter-generaal (verder hierin die Stadsgebied, Durban uitbreidingskaart genoem) te wete: langs die waterkant van Victoria-Dyk van die aanvang by Cato Creek tot aan die end-by Albert Park, Russelstraat, daarvandaan tot, daarvan na die Kongellakaai en langs die waterkant daarvan tot by die punt waar die by Wet No. 34 van 1917 gemagtigde kaaiuitbreiding begin; daarvandaan langs die aldus gemagtigde uitbreidingslyn tot aan die end daarvan; daarvandaan in 'n regte lyn na die baken bekend as Galliers Baken wat die grens van die stadsgebied op die noorder oewer van die Umbilo aantoon.

Ten Tweede.—Voormelde Stadsgebied word verder uitgebrei as volg:—

- Om die groengekleurde streek op die Stadsgebied, Durban uitbreidingskaart in te sluit van 'n punt af aan die weskant van Baaiterras en met inbegrip van die nabysynde kaai, hawehoofde, ens., dan langs die seekant van die bestaande kaai, vervolgens langs genoemde kaai tot 'n punt na aan Noordelike Hawehoof; daarvandaan na die laagwatermerk aan die Indiese Oseaan en langs daardie laagwatermerk tot 'n punt teenoor Bellstraat en daarvandaan met 'n reghoek tot by die bestaande grens.
- Om al die grond wat oorspronklik vir die Imperiale Oorlogsdepartement voorbehou was en op die Stadsgebied Durban Uitbreidingskaart groen gekleur is in te sluit, insover dit nodig en doenlik is.

Ten Derde.—Die bevoegdheid van die Stadsbestuur om belasting te hef op die in Klousules 1 en 2 inbegrepe streek word nie uitgeoefen nie ten opsigte van grond en geboue wat die Administrasie in verband met kragtens Wet No. 22 van 1916 gemagtigde bedrywighede bewoon of beheer; die Stadsbestuur hef geen belasting op eiendom van die Administrasie wat elders in die Stadsgebied geleë is, wat van die Natalse Regering oorgeneem is en wat met die oornamewetlik vrygestel was van betaling van belasting, afgesien van die bedrywighede of besigheid wat die Administrasie ooreenkomstig Wet No. 22 van 1916 daarin voer; nóg word pakhuis of loodse van die Administrasie belas omdat lêgeld, pakhuis- of ander gewone fooie (huur uitgesonder) gehef, betaal of betaalbaar word ten opsigte van goedere wat in bedoelde pakhuis of loodse gebêre word of omdat besigheid daarin gedrywe word; nóg word belasting gehef op kwarriere en barakke vir Indiërs of naturelle en op geboue van die Administrasie waarop teenswoordig geen belasting gehef word nie.

Fourth.—The Corporation shall put in and bear the entire cost of all stormwater drainage mains comprising culverts and canals that may, in the opinion of the Corporation, be necessary in consequence of the new line of reclamation at Congella being placed further in Durban Bay, as sanctioned by the Durban Harbour Works Construction Act, 1917, and the culverts and canals necessary for the drainage within the new reclamation area shall be the alternative scheme recommended by the Borough Engineer in his report of the 28th December, 1921, providing for main culvert and three main outlet canals; but the plans of the said scheme shall be submitted for the Administration's approval. Should the Administration require, as it shall have the right to do, a more substantial main culvert or tributary culvert, at any spot within the new reclamation area where a railway or other heavy structure or traffic crosses such main culvert or tributary culvert, the Corporation shall, when requested in writing to do so, be obliged at the cost of the Administration to put in a more substantial main or tributary culvert for railway purposes, as it may specify, such request to be conveyed to the Corporation prior to the construction of the culvert concerned.

The Administration shall, at its own cost, construct over canals all road bridges required to complete the road system, which is to be constructed by the Administration as provided for in Clause 9 of this Agreement, and the width of each bridge thus constructed shall be not less than three-fourths of the width reserved for the road on either side of the canal: Provided that all such bridges, after construction by the Administration, and vesting in the Corporation in terms of Clause 9, shall be maintained at the expense of the Corporation.

Any bridges required solely for railway purposes over the said canals shall be constructed and maintained by the Administration at its own cost.

Should the Administration and the Corporation mutually agree that, for their joint use, a further bridge or bridges other than those aforesaid is or are necessary or advisable, the nature, extent and capacity of such bridge or bridges shall be determined by agreement between the parties, and in so far as the requirements of the Administration in connection with such bridge or bridges increase the cost of and incidental to the construction and erection thereof over and above the cost of and incidental to the construction and erection of a bridge or bridges which would be sufficient for Corporation purposes alone, the Administration shall pay such increase and the Corporation shall pay the balance of the cost. Such additional bridge or bridges shall, on completion, be maintained at the joint expense of the Administration and the Corporation.

The cost of connecting drains necessary to drain private or Administration or other Government properties to the main or tributary culverts in roads taken over by the Corporation shall be borne by the proprietors served by the said main or tributary culverts.

Fifth.—The Administration shall contribute towards the cost of the alternative scheme referred to in the preceding clause a sum of Seventy thousand pounds sterling, in addition to its obligation to do, at its own expense, the further works, and pay for the strengthening and maintenance referred to in the said clause. The said sum of seventy thousand pounds (£70,000) sterling shall be paid quarterly as the work progresses, upon a fixed basis that for every two pounds expended by the Corporation the Administration shall contribute one pound up to the limit of its liability. Such payments shall be made upon certificates of the Borough Engineer, accompanied by particulars of the work and details of the cost thereof, covering the period to which the certificate refers. The Administration shall be entitled to examine such particulars and details before making payment. The Borough Engineer shall supply the Administration from time to time with an estimate cost of the said work concerned for the purpose of the Administration's estimates for submission to Parliament.

Sixth.—Sub-sections (a) and (b) of Clause 13 of Part II of the Agreement between the Corporation and the Colonial Government of Natal, dated the fourteenth day of April, 1904, as annexed to Act 36 of 1904, shall be applicable *mutatis mutandis* to the whole of the reclaimed area.

Seventh.—The Corporation will not hinder or embarrass the Administration in the establishment of abattoirs on the Administration's new reclaimed lands at Congella: Provided that such abattoirs shall be subject to the Municipal Bye-Laws from time to time in force relating generally to buildings and to public health, and also subject to drainage and disposal, and/or treatment of sewerage and waste products, being arranged by the lessees or owners of such abattoirs or slaughter houses to the satisfaction of the Corporation, and provided also that the Corporation shall have the right of inspection, grading, condemnation and destruction of meat slaughtered or stored for local consumption, and such meat shall be submitted for inspection at the Municipal Abattoir, and shall be subject to the charges current as if the slaughtering had taken place at the Municipal Abattoir.

Eighth.—It is recognised by the Corporation and the Administration that the wharves and lots on the Administration's reclaimed lands at Congella are mainly used and to be used for storage of timber and heavy goods, and for manufacturing purposes, and that the facilities provided in the leases that have been or may be granted by the Administration in respect of such lands, such as the use of railways or tramlines in the streets, or transporters and mechanical appliances overhead, are essential to the progress of the industrial pursuits of the lessees in the Congella area, and so add to the prosperity of the port and Borough of Durban. It is therefore agreed that the following conditions shall apply to the new reclamation area:—

(I) The Corporation shall not raise any objection or opposition against railway lines being constructed along the roads contiguous to rateable property within the said area so as to facilitate the transport or handling of traffic, and when the Corporation has

Ten Viende.—Die Stadsbestuur lê aan, en dra al die koste van alle afvoer-pype en slote vir reënwater met inbegrip van riolering en kanale wat volgens oordeel van die Stadsbestuur nodig mog wees as gevolg van die feit dat die nuwe grens van die droogleggingstreek by Kongella verder in Durban Hawe versit is soos gemagtig is by die Durban Hawenwerken Aanleg Wet, 1917, en die riolering en kanale wat in die nuwe droogleggingstreek vir afvoer nodig is word aangelê ooreenkomstig die alternatiewe skema wat aanbeveel is deur die Stadsingenieur in sy verslag van die 28ste Desember, 1921, en wat voorsiening maak vir 'n hoofriool en drie uitloopkanale; maar die plan van bedoelde skema word aan die Administrasie vir goedkeuring voorgelê.

Indien die Administrasie (wat dit regtens kan verlang) 'n meer soliede hoofriool of toeloopriool verlang op 'n plek in die nuwe droogleggingstreek, waar 'n treinspoor of ander swaar bouwerk of verkeer die hoofriool of toeloopriool oorgaan, dan is die Stadsbestuur, wanneer dit by geskifte verlang word verplig om ooreenkomstig die daarin vervatte aanwysing op onkoste van die Administrasie 'n meer soliede hoof- of toeloopriool vir spoorwegdoeleindes aan te lê. Bedoelde skriftelike versoek word aan die Stadsbestuur gestuur voordat die betrokke riool gebou word.

Die Administrasie lê op eie rekening oor al die kanale brugge aan om die padstelsel, wat soos in Klousule 9 van hierdie ooreenkoms uiteengesit is, deur die Administrasie gebou moet word, te voltooi. Die wyde van elke brug wat aldus gebou word is minstens drie-vierdes van die strook wat aan een of ander kant van die kanaal vir 'n pad voorbehou is: Met die verstande dat alle brugge, nadat dit deur die Administrasie gebou is en in die eiendom van die Stadsbestuur oorgegaan het ooreenkomstig Klousule 9, op rekening van die Stadsbestuur onderhou word.

Brugge oor genoemde kanale wat alleenlik vir spoorweg-doeleindes nodig is word gebou en onderhou op rekening van die Administrasie.

Indien die Administrasie en die Stadsbestuur ooreenstem dat vir hulle gemeensame gebruik nog 'n brug of brugge, behalwe voornoemdes, nodig is of dat dit raadsaam sou wees om so 'n brug of sulke brugge te bou, dan besluit die kontraktante in 'n ooreenkoms die aard, uitgestrektheid en draagvermoë van so 'n brug of brugge, en namate die vereistes van die Administrasie in verband daarmee die boukoste daarvan hoër maak dan die boukoste en aanlegkoste sou wees vir die oogmerke van die Stadsbestuur, betaal die Administrasie die verhoogde onkoste en die Stadsbestuur die res. Sulke addisionele brugge word na voltooiing onderhou op rekening van die Administrasie en die Stadsbestuur gemeenskaplik.

Onkoste wat ontstaan deur die aansluiting van riolering wat nodig is vir die waterafvoer op privaat-, Administrasie- of ander regeringsgrond aan die hoof- of toeloopriolering in paaie wat deur die Stadsbestuur oorgeneem is, dra die grondeienaars wat die baat het van genoemde hoofriool of toeloopriool.

Ten Vyfde.—Tot die koste van die in die voorafgaande klousule vermelde alternatiewe skema dra die Administrasie by die som van sewentig duisend pond sterling, boonop sy verpligting om op eie rekening die verdere werke uit te voer en vir die daarin vermelde versterking en onderhoud te betaal. Bedoelde sewentig duisend pond (£70,000) sterling word in driemaandelikse paaiemente betaal nadat die werk vorder en op die voet dat vir elke twee pond wat die Stadsbestuur uitbetaal die Administrasie een pond bydra totdat sy verpligting nagekom is. Betaling geskied op sertifikate van die Stadsingenieur met bygaande besonderhede aangaande die werk wat gedaan is en die werkkoste oor die periode waarop die sertifikaat betrekking het. Die Administrasie het die reg om voor betaling die besonderhede te ondersoek en na te gaan. Die Stadsingenieur voorsien die Administrasie van tyd tot tyd met 'n kosteberaming van die betrokke werk vir die oogmerke van die voorlegging aan die Parlement van die Administrasie se begroting.

Ten Sesde.—Klousule 13 (a) en (b) van Deel 2 van die ooreenkoms tussen die Stadsbestuur en die Natalse Koloniale Goewerment, gedateer die veertiende dag van April, 1904, soos by Wet No. 36 van 1904 bygevoeg is *mutatis mutandis* van toepassing op die hele drooggelegde streek.

Ten Sewende.—Die Stadsbestuur sal die Administrasie in die instelling van slaghuise op die nuwe drooggelegde grond van die Administrasie te Congella nie hinder of belemmer nie mits die slaghuise onderhewig is aan die Munisipale verordeninge ten opsigte van geboue en volksgesondheid, mits verder die huurders of eienaars van sulke slaghuise aan die eise van die Stadsbestuur voldoen aangaande die behandeling en beskikking oor afval en afvoer; mits ook dat die Stadsbestuur die reg het vleis vir plaaslike gebruik te inspekteer, te gradeer, af te keur en te vernietig en dat bedoelde vleis aan die Munisipale slaghuis vir inspeksie gestel word en belas word met die gangbare fooie asof dit in die Munisipale slaghuis geslag is.

Ten Agste.—Die Stadsbestuur en die Administrasie erken dat die kaaie en die persele op die Administrasie se drooggelegde grond te Congella hoofsaaklik gebruik word of bestem is vir die opberging van hout en swaar artikels en vir fabriekdoeleindes en dat die fasiliteite wat in die huurkontrakte, wat deur die Administrasie ten opsigte van bedoelde grond aangegaan is of mog word, b.v. Spoorweë of tremlyne in die straat of kraanbome of meganiese toestelle bokant die grond, nodig is vir die industriële bedrywigheid van die huurders in die Congella-streek en dus bydra tot welsyn van die Durbanse Hawe en Stadsbestuur. Derhalwe is onderstaande voorwaardes van toepassing op die nuwe droogleggingstreek:—

(I) Die Stadsbestuur sal geen beswaar maak of teenstand bied nie, teen die aanleg van spoorweë om die vervoer en behandeling van goedere te vergemaklik, langs paaie wat aan belashare grond in bedoelde streek grens. Wanneer die Stadsbestuur sulke paaie

taken over any such roads it shall, as far as possible, afford facilities to the Administration for the repairing, maintenance or relaying of such railway lines, and for that purpose the Administration may, after due notice to the Borough Engineer, take up streets or portion of streets, subject to the observance of proper precautions for the safety of the public and the proper relaying of the said streets.

(II) The Administration shall be responsible for the repair, maintenance and relaying when necessary of the roadway lying between and extending eighteen inches on the outside of all railway lines, and of rails of such lines as are laid on roads taken over by the Corporation, and shall have the right of entry upon and taking up the road for that purpose.

(III) The Corporation shall not raise any objection to transporters or other mechanical appliances being used within the said area, notwithstanding the same may overhang the roads, but as the Corporation will have no control over same, it shall not be liable for any of the consequences of their construction or working.

(IV) If the area be proclaimed by the Corporation as a brick area, such proclamation shall not be retrospective, nor shall it affect rights under existing leases. All future leases granted by the Administration in respect of this area will provide that iron structures may be erected, but only so long as the area has not been proclaimed a brick area.

Ninth.—So soon as land within the new reclamation area has been reclaimed and levelled up to the final level fixed by the Administration, and the new roads and thoroughfares have been properly hardened, kerbed and channelled by the Administration in accordance with the Corporation's standards for roads carrying a similar class of traffic, and so soon thereafter as the Administration shall have notified the Corporation in writing that further lands at Congella have been reclaimed and levelled, and are available for use, the roads contiguous to rateable property as laid out by the Administration on the new reclamation area shall vest in the Corporation, and thereupon the Corporation shall, upon the said reclaimed lands beyond its present jurisdiction, but within its new or increased jurisdiction—

(a) subject to the provisions of the fourth clause hereof, construct such conduits and extend existing stormwater drains for the purpose of taking off stormwater drainage as the Borough Engineer may deem requisite, and so soon as practicable provide proper sewerage at charges for the time being prevailing in Durban for sewerage connections, and pending the extensions of sewer mains provide sanitary services;

(b) provide lighting and water for the said area on the usual terms for the time being operating in Durban.

Tenth.—When any roads have so vested in the Corporation, it shall have and may exercise all its usual and customary powers, including the power to lay down tramways, but in the exercise of such powers the Corporation shall have due regard to the convenience of the Administration and of its lessees, and to the necessity for rail communication between the Administration's lines and the said lots or any of them and the wharf.

Eleventh.—The indemnity and undertaking given by the Administration to the Corporation in respect of reclaimed lands at Congella, as per agreement of the twenty-third day of October, 1917, are hereby withdrawn and cancelled.

Twelfth.—No licences, other than trading licences, shall be levied or claimed by the Corporation within the Administration's Harbour jurisdiction (including the Congella reclaimed lands) that may duplicate or conflict with the licences or charges imposed by Harbour Regulations published under Act 22 of 1916.

Thirteenth.—The Administration will take the necessary steps for the passing of an Act of the Union Parliament authorizing, confirming and giving full effect to this agreement, and the extensions, powers, authorities and obligations therein contained, it being understood that this Agreement is entered into subject to the passing of such Act. The Corporation shall give all the assistance in its power as regards such steps as aforesaid, provided that the draft Bill shall first be submitted to it before being published or introduced into the House of Assembly.

GIVEN under the hands of the said parties at the places and on the dates respectively set opposite to their signatures.

SIGNED by CHARLES WYNAND MALAN, in his capacity as Minister of Railways and Harbours, and as such representing the Administration at Pretoria on this tenth day of October, 1924.

As Witnesses—

1. (Signed) C. M. HOFFE. (Signed) C. W. MALAN.
2. (Signed) W. GARNER.

SIGNED by THOMAS MANSFIELD WADLEY, in his capacity as Mayor of the Borough of Durban, and as such duly authorized to act herein on behalf of the Corporation at Durban on this nineteenth day of August, 1924.

As Witnesses—

1. (Signed) Q. O. JONES, (Signed) T. M. WADLEY,
Town Clerk. Mayor.
2. (Signed) J. GOLDSMITH THOMPSON.

oorgeneem het moet die bestuur sover doenlik aan die Administrasie geleentheid verskaf om bedoelde spoorlyne te repareer, te onderhou of te herstel; vir die oogmerk kan die Administrasie na behoorlike kennisgewing aan die Stadsingenieur strate of gedeeltes daarvan opgrawe met inagneming egter van behoorlike voorsorgmaatreëls vir die veiligheid van die publiek en met die verstande dat die strate weer behoorlik gemaak word.

(II) Die Administrasie is verantwoordelik vir die reparasie, onderhoud en indien nodig vernuwing van die pad tussen die spore van sulke lyne en agtien duim aan weerskante van die spore en van spoorstawe wat gelê is op paaie wat die Stadsbestuur oorgeneem het, en die Administrasie het die reg van toegang tot sulke paaie en om hulle vir die oogmerke op te grawe.

(III) Die Stadsbestuur sal geen beswaar inbring nie teen die gebruik van krane en ander meganiese toestelle in genoemde streek, hoewel genoemde toestelle oor die paaie môg hang; dog aangesien die Stadsbestuur geen beheer oor bewuste masjienerie sal hê nie is die bestuur ook nie aanspreeklik vir die gevolge van die aanleg en gebruik daarvan.

(IV) Indien die Stadsbestuur die streek tot 'n "steenstreek" proklameer, het so 'n proklamasie geen terugwerkende mag nie en is ook nie op bestaande regte ingevolge huurkontrakte van toepassing nie. Alle toekomstige huurkontrakte wat die Administrasie ten opsigte van hierdie streek ingaan moet bepaal dat hout- en sinkgebou opgerig kan word, maar net vir die tyd en wyl wat genoemde streek nog nie tot 'n steenstreek verklaar is nie.

Ten Negende.—Sodra grond in die nuwe droogleggingsstreek drooggelê en opgevol is tot op 'n hoogte wat die Administrasie as finaal vasstel en die nuwe paaie en strate behoorlik deur die Administrasie hard gemaak en voorsien is van randstene en kantvore ooreenkomstig die standaard van die Stadsbestuur vir paaie wat aan soortgelyke verkeer onderhewig is en sodra die Administrasie daarna die Stadsbestuur skriftelik kennisgee dat die verdere grond by Congella drooggelê, opgevol en vir gebruik gereed is, dan gaan die eiendom in paaie wat deur die Administrasie op die nuwe droogleggingsstreek aangelê is en wat aan belasbare eiendom grens, oor op die Stadsbestuur; daarop moet die Stadsbestuur op die drooggelegde grond wat teenswoordig buite sy regsgebied val maar in die nuwe of uitgebreide regsgebied val—

(a) met inagneming van die bepalinge van die vierde klousule van hierdie ooreenkoms, waterleidings en riolering vir die afvoer van reenwater aanlê nadat die Stadsingenieur mog nodig ag, en so spoedig doenlik behoorlike afvoer-riolerings instel teen die prys wat dan in Durban gangbaar is ten opsigte van riool-aansluiting; en totdat die hoofriool verleng is voorsiening maak vir afvoerdienste;

(b) vir beligting en watervoorraad voorsiening maak in daardie streek op die gewone voorwaardes wat dan in Durban gangbaar is.

Ten Tiende.—Wanneer die paaie aldus oorgegaan het op die Stadsbestuur kan laasgenoemde al sy gewone bevoegdhede daaromtrent uitoefen met inbegrip van die reg om trempore aan te lê. Maar in die uitoefening van bedoelde bevoegdhede moet die Stadsbestuur die gemak van die Administrasie en sy huurders behoorlik in ag neem asook die noodsaaklikheid van spoorwegverbinding tussen die spoorlyne van die Administrasie en voornoemde persele en tussen die persele en die kaai.

Ten Elfde.—Die ooreenkoms van die drie-en-twintigste Oktober, 1917, waarin die Administrasie die Stadsbestuur skadeloos stel ten opsigte van drooggelegde grond by Congella word hierby herroep en vernietig.

Ten Twaalfde.—Die Stadsbestuur hef of eis geen lisensiefooi nie binne die regsgebied van die Administrasie se Hawe (met inbegrip van die drooggelegde grond by Congella) wat in stryd kan wees met die lisensies of fooie neergelê by Haweregulasies ingestel kragtens Wet No. 22 van 1916, of wat sodanige lisensies of fooie mog verdubbel.

Ten Laaste.—Die Administrasie sal die nodige stappe neem om die aanname van 'n wet deur die Unie Parlement te verkry wat hierdie ooreenkoms magtig goedkeur en bekragtigt. Met die verstande dat hierdie ooreenkoms afhang van die aanname van so 'n wet. Die Stadsbestuur gee alle moontlike bystand by bedoelde stappe mits die Wetsontwerp, voor en alreë dit gepubliseer of in die Volksraad ingedien word, eers aan die Stadsbestuur voorgelê word.

Gedaan by handtekening van voornoemde kontraktante op die plekke en datums wat teenoor hulle handtekenings staan.

Geteken deur CHARLES WYNAND MALAN in sy hoedanigheid as Minister van Spoorweë en Hawens in verteenwoordiging van die Administrasie, te Pretoria, 10 Oktober, 1924.

As getuie:

(Geteken) C. W. MALAN.

1. (Geteken) C. M. HOFFE.
2. (Geteken) W. GARNER.

Geteken deur THOMAS MANSFIELD WADLEY in sy hoedanigheid as Burgemeester van die Stad Durban en as sulks behoorlik gemagtig om op te tree namens die Stadsbestuur, te Durban die 19de Augustus, 1924.

As Getuie:

1. (Geteken) Q. O. JONES, (Geteken) T. M. WADLEY,
Stadsklerk. Burgemeester.
2. (Geteken) J. GOLDSMITH THOMPSON.

BILL

To provide for the better control and management of native affairs.

(Introduced by the MINISTER OF NATIVE AFFAIRS.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

CHAPTER I.**ADMINISTRATION.**

Appoint-
ment of
native com-
missioners,
chiefs, etc.

1. (1) The Governor-General may, subject to the law relating to the public service, appoint for any area an officer, to be styled chief native commissioner, who shall exercise such powers and perform such duties as the Minister may from time to time prescribe.

(2) The Governor-General may, subject to the law relating to the public service, appoint for any area in which large numbers of natives reside a native commissioner and so many assistant native commissioners as he may deem necessary. Such officers shall perform such duties as may be required by any law or assigned to them by the Minister, and shall, within the area for which they are appointed, have the powers of justices of the peace.

(3) Any person who at the commencement of this Act holds the position of native commissioner or sub-commissioner shall be eligible for appointment under sub-section (2). No person shall thereafter be appointed to be a native commissioner or assistant native commissioner unless he has passed the civil service lower law examination or an examination determined by the Public Service Commission for the purposes of this section to be equivalent thereto.

(4) Every native commissioner and every assistant native commissioner in the Transvaal Province shall, within the area for which he is appointed, have the power to solemnize marriages between coloured persons.

(5) Notwithstanding the provisions of sub-section (3), the Minister may, when circumstances require, appoint any person to act temporarily as a native commissioner or assistant native commissioner in the place of or in addition to the ordinary incumbent of the post.

(6) The Minister may appoint superintendents to assist in the control and supervision of locations, and may prescribe their duties.

(7) The Governor-General may recognise or appoint any person as a chief or headman in charge of a tribe or of a location, and is hereby authorized to make regulations prescribing the duties, powers and privileges of such chiefs or headmen.

(8) Any person obstructing any officer, chief or headman in this section mentioned in the lawful execution of his duty shall be guilty of an offence.

CHAPTER II.**TRIBAL ORGANIZATION AND CONTROL.**

When tribe
bound for
contract or
obligation
of chief.

2. (1) Subject to the provisions of this section, a native people or tribe shall not be responsible for the personal obligations of its chief; nor shall a tribe or the ground occupied by a tribe be bound in any way whatsoever by any contract entered into or any liability incurred by a chief unless it has been approved by the Minister after having been adopted by a majority of the adult male members of the tribe present at a public meeting convened for the purpose of considering such contract or liability.

[A.B. 31—'27.]

WETSONTWERP

Om voorsiening te maak vir betere bestuur en beheer van Naturellesake.

(Ingedien deur die MINISTER VAN NATURELLESAKE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

HOOFSTUK I.**ADMINISTRASIE.**

1. (1) Die Goewerneur-generaal mag met inagneming van die Wet op die Staatsdiens vir enige gebied 'n amptenaar onder die benaming van hoof-naturellekommissaris aanstel, wat sodanige bevoegdhede moet uitoefen en sodanige werksaamhede moet verrig as wat die Minister van tyd tot tyd mog bepaal.

(2) Die Goewerneur-generaal mag met inagneming van die Wet op die Staatsdiens vir enige gebied waarin 'n groot aantal naturelle woon, 'n naturellekommissaris en soveel assistent-naturellekommissarisse aanstel as wat hy nodig ag. Bedoelde amptenare moet sodanige werksaamhede verrig as wat een of ander wet voorskryf of die Minister aan hulle mog opdra en het in die gebied waarvoor hulle aangestel is, die bevoegdhede en gesag van vrederegters.

(3) Iemand wat by die inwerkingtreding van hierdie Wet die betrekking van naturellekommissaris of onder-naturellekommissaris beklee, kan kragtens sub-artikel (2) aangestel word. Niemand mag daarna as naturellekommissaris of assistent-naturellekommissaris aangestel word nie tensy hy die laer staatsdiens-wetseksamen afgelê het of 'n eksamen wat die Staatsdienskommissie verklaar het vir die doeleindes van hierdie artikel daarmee gelyk te staan.

(4) Elke naturellekommissaris en elke assistent-naturellekommissaris in Transvaal is, in die gebied waarvoor hy aangestel is, bevoeg om huwelike tussen kleurlinge te bevestig.

(5) Nieteenstaande die bepalinge van sub-artikel (3) mag die Minister, as die omstandighede dit vereis, iemand aanstel om tydelik as naturellekommissaris of assistent-naturellekommissaris op te tree in die plek van of benewens die gewone bekleder van die betrekking.

(6) Die Minister mag superintendente aanstel om behulpsaam te wees by die beheer van en toesig op lokasies en mag hulle werksaamhede bepaal.

(7) Die Goewerneur-generaal mag enigeen erken of aanstel as kaptein of hoofman met gesag oor 'n stam of oor 'n lokasie, en word hiermee gemagtig om regulasies uit te vaardig waarin die werksaamhede, bevoegdhede en voorregte van sulke kapteins of hoofmanne bepaal word.

(8) Iemand wat 'n in hierdie artikel vermelde amptenaar, kaptein of hoofman by die wettige verrigting van sy werksaamhede belemmer is aan 'n misdryf skuldig.

HOOFSTUK II.**STAM-ORGANISASIE EN STAM-BESTUUR.**

2. (1) Met inagneming van die bepalinge van hierdie artikel is 'n naturelle-volk of -stam nie verantwoordelik vir die persoonlike verpligtings van sy kaptein nie en 'n stam of die grond wat 'n stam bewoon is ook op generlei wyse verbonde deur 'n kontrak of aanspreeklikheid wat 'n kaptein aangegaan het, tensy dit deur die Minister goedgekeur is nadat die meerderheid van die volwasse manlike lede van die stam, teenwoordig op 'n publieke vergadering wat byeengeroep is om daardie kontrak of aanspreeklikheid te oorweeg, dit aangeneem het.

[A.B. 31—'27.]

Aanstelling
van
Naturelle-
kommissarisse,
kapteins,
ens.

Wanneer
kontrak of
verpligtings
van kaptein
sy stam
verbind.

(2) The written certificate of a native commissioner that the contract or liability referred to therein has been adopted in terms of sub-section (1) shall be conclusive evidence of that fact.

3. No legal proceedings in regard to the ownership, occupation or acquisition of land by a native tribe shall be instituted or maintained against the chief of such tribe or against such tribe, or both, by an individual member or members of the tribe concerned unless such member or members produce a written certificate issued by the Secretary for Native Affairs, stating that the Governor-General has approved of the institution of such proceedings.

4. (1) The Governor-General may—

- (a) define the boundaries of the area of any tribe or of a location, and from time to time alter the same, and may divide existing tribes into one or more parts or amalgamate tribes or parts of tribes into one tribe, or constitute a new tribe, as necessity or the good government of the natives may in his opinion require;
- (b) whenever he deems it expedient in the general public interest, order the removal of any tribe or portion thereof from any place to any other place within the Union upon such conditions as he may determine: Provided that in the case of a tribe objecting to such removal, no such order shall be given unless a resolution approving of the removal has been adopted by both Houses of Parliament;
- (c) order the removal of any native from any place to any other place within the Union if he is satisfied that such native has been guilty of any such offence as the Governor-General may by regulation prescribe: Provided that any authority heretofore exercised by the Governor-General in any part of the Union as supreme chief of natives shall not be affected in any way by the provision of this paragraph.

(2) Any native who neglects or refuses to comply with any order issued under paragraph (b) or (c) of sub-section (1), or with any conditions thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or to imprisonment for any period not exceeding three months.

(3) Any magistrate, native commissioner or assistant native commissioner within whose area of jurisdiction the place from which the removal is to be made is situate, may, upon such conviction, take all such steps as may be necessary to effect the removal in terms of the order.

CHAPTER III.

LAND REGISTRATION AND TENURE.

5. (1) All the powers and duties hitherto vested in or imposed upon any registrar of deeds in regard to the custody, transfer and registration of titles issued to natives in respect of such land situated within any area included in the schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, as may be defined by proclamation, shall, upon the issue of such proclamation, devolve upon the chief native commissioner of the area in which such land is situate.

(2) The Governor-General may make all such regulations as he may deem expedient for giving effect to the provisions of sub-section (1), and may in such regulations prescribe the fees to be charged by chief native commissioners in the exercise of any function under that sub-section.

6. (1) The Governor-General may revoke any grant of land in a location made on individual tenure to a native upon quitrent conditions, and issue a substituted deed of grant in favour of the holder or of such person as may be adjudged to be the holder in conformity with the procedure prescribed in section seven.

(2) Such substituted grant shall be registered in the appropriate registry established under section five, and shall be in

(2) Deur die skriftelike sertifikaat van 'n naturellekommissaris dat die daarin vermelde kontrak of aanspreeklikheid ooreenkomstig sub-artikel (1) aangeneem is, word daardie feit onweerlegbaar bewys.

3. Geen regsgeding met betrekking tot die eiendom, besit of verkryging van grond deur 'n naturellestam mag deur 'n enkele lid of enkele lede van die betrokke stam teen die kaptein van daardie stam of teen daardie stam of teen albei ingestel of voortgesit word nie, tensy bedoelde lid of lede 'n skriftelike sertifikaat vertoon wat deur die Sekretaris van Naturellesake uitgereik is en wat verklaar dat die Goewerneur-generaal die instelling van daardie geding goedgekeur het.

4. (1) Die Goewerneur-generaal mag—

- (a) die grense van die gebied van 'n stam of van 'n lokasie bepaal en van tyd tot tyd verander en mag bestaande stamme in twee of meer dele verdeel of stamme of gedeeltes van stamme tot een stam samesmelt of 'n nuwe stam stig, na gelang die noodsaaklikheid of die goeie bestuur van die naturelle dit volgens sy oordeel mog vereis;
- (b) wanneer hy dit in die algemene publieke belang dienstig ag, die verwydering beveel van 'n stam of van 'n deel daarvan van enige plek na enige ander plek in die Unie, en wel onder sodanige voorwaardes as wat hy mog bepaal: Met die verstande dat in geval 'n stam teen die verwydering beswaar maak, so 'n bevel nie uitgevaardig mag word nie, tensy albei Parlements huise 'n besluit geneem het waarin die verwydering goedgekeur word;
- (c) die verwydering beveel van 'n naturel van enige plek na enige ander plek in die Unie as hy oortuig is dat daardie naturel hom skuldig gemaak het aan so 'n misdryf as wat die Goewerneur-generaal by regulasie mog vasstel: Met die verstande dat die bepaling van hierdie artikel hoegenaamd geen inbreuk maak op die gesag wat die Goewerneur-generaal voorheen in enige deel van die Unie as opperhoof van naturelle uitgeoefen het.

(2) 'n Naturel wat versuim of weier om te voldoen aan 'n bevel uitgevaardig kragtens paragraaf (b) of (c) van sub-artikel (1) of aan die voorwaardes daarvan is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tien pond of met gevangenisstraf van hoogstens drie maande.

(3) 'n Magistraat, naturellekommissaris of assistent-naturellekommissaris binne wie se regsgebied die plek geleë is waaruit die verwydering moet plaasvind, mag na daardie veroordeling alle maatreëls neem wat hy nodig ag om die verwydering ooreenkomstig die bevel te bewerkstellig.

HOOFSTUK III.

REGISTRASIE EN BESIT VAN GROND.

5. (1) Alle bevoegdhede en pligte wat totnogtoe aan 'n registrateur van aktes toegekom of op hom gerus het met betrekking tot die bewaring, oordrag en registrasie van tieltels uitgereik aan naturelle in verband met sodanige grond, geleë in 'n gebied opgeneem in die Bylae tot die Naturellen Grond Wet, 1913 (Wet No. 27 van 1913) of 'n wysiging daarvan, as wat by proklamasie vasgestel mog word, gaan met die uitvaardiging van daardie proklamasie oor op die hoof-naturellekommissaris van die gebied waarin daardie grond geleë is.

(2) Die Goewerneur-generaal mag alle regulasies uitvaardig wat hy dienstig ag om die bepalinge van sub-artikel (1) te verwesenlik en mag in daardie regulasies die fooie vasstel wat hoof-naturellekommissarisse by die verrigting van werksaamhede ingevolge daardie sub-artikel moet bereken.

6. (1) Die Goewerneur-generaal mag 'n toekenning van grond, in 'n lokasie aan 'n naturel vir afsonderlike besit onder lenings- of erfpagvoorwaardes verleen, herroep en dit vervang deur 'n grondbrief ten gunste van die besitter of van die persoon wat ooreenkomstig die prosedure wat artikel sewe voorskryf, tot besitter verklaar is.

(2) Daardie vervangende grondbrief moet in die toepaslike registrasiekantoor, wat ingevolge artikel vyf ingestel is,

Bepanking van regsgeding teen kaptein of stam in verband met grond.

Reëling en stigting van naturelle-stamme en verwydering van naturelle.

Registrasie van grond-tieltels deur Hoof-Naturellekommissaris.

Vervanging van tieltel-bewyse in sekere gevalle.

such form and subject to such conditions as the Governor-General may by proclamation prescribe.

Determina-
tion of right
of occupation
or ownership
of certain
lands.

7. (1) The Governor-General may at any time appoint a commissioner for the purpose of investigating and determining the rights of occupation or ownership of natives claiming to own land in respect of which a deed of grant or title has at any time been issued.

(2) The commissioner shall be the magistrate of the district in which the land in question is situated, or some other official selected for the purpose.

(3) The commissioner shall have all the powers conferred by law on magistrates' courts for the summoning of witnesses, their examination on oath, and to compel the production of documents.

(4) Witnesses called by the commissioner shall be subject to all the duties and liabilities, and shall be entitled to all the privileges of witnesses called to give evidence in a magistrate's court.

(5) When necessary, a surveyor may be appointed to assist the commissioner in an advisory capacity in his investigations.

(6) It shall be the duty of the commissioner to enquire into the ownership of all lands in respect of which he has been appointed, and to submit to the Minister a certified list of all lots found to be actually occupied by registered holders.

(7) When land is found by the commissioner to be in the occupation of a native who is not the registered holder, he shall enquire into and determine who is the person entitled to be registered as the holder of such land, and a certificate by the commissioner in the form prescribed by regulations made under sub-section (10) that the person named therein is the person entitled to be registered as the holder of the land specified shall, without it being necessary to pass transfer to any intermediate owner or occupier, be sufficient authority for the registration in the appropriate registry established under section five of such person as the lawful owner, free of any transfer duty on payment of a fee of one pound.

(8) Should the commissioner be unable to discover the owner of any such land he shall report accordingly to the Minister, who shall take such steps in regard to such land as may be prescribed by regulations framed under this Act.

(9) Any person deeming himself to be aggrieved by any decision of the commissioner may appeal in writing to the Governor-General: Provided that such appeal is lodged within one month and prosecuted within three months from the date of the decision appealed against, unless an extension of time has been specially sanctioned by the Minister. The decision of the Governor-General shall be final.

(10) The Governor-General may make regulations for the effective carrying out of the provisions of this section.

CHAPTER IV.

JUDICIAL PROCEDURE.

Courts of
native com-
missioner.

8. (1) The Governor-General may, by proclamation in the *Gazette*, constitute courts of native commissioners for the hearing of all civil causes and matters between natives arising out of native law and custom.

(2) Every such court shall be a court of law, and shall be presided over by a native commissioner or an assistant native commissioner.

(3) The Governor-General shall prescribe the local limits within which such courts shall have jurisdiction, and may, by proclamation in the *Gazette*, abolish or alter the area of jurisdiction of any such court.

(4) The Governor-General may make regulations prescribing in respect of courts of native commissioners—

- (a) the manner and form of procedure to be observed;
- (b) the times and places of holding courts;
- (c) the keeping of records;
- (d) the costs, fees or charges;

geregistreer word en moet in die vorm wees en die voorwaardes bevat wat die Goewerneur-generaal by proklamasie mog voorskryf.

7. (1) Die Goewerneur-generaal mag te eniger tyd 'n kommissaris aanstel om die besitreg of eiendomsreg van natuurlike, wat beweer die eienaars te wees van grond in 'n lokasie, in verband waarmee te eniger tyd 'n grondbrief of tielbewys uitgereik is, te ondersoek en te bepaal.

Bepaling
van besit- of
eiendomsreg
van sekere
gronde.

(2) Die kommissaris moet die magistraat wees van die distrik waarin die betrokke grond geleë is, of 'n ander amptenaar wat vir die doel uitgesoek is.

(3) Die kommissaris het al die bevoegdthede wat regtens aan magistraatshofe toekom om getuie te dagvaar, hulle onder eed te ondervra, en om oorlegging van dokumente af te dwing.

(4) Getuies wat deur die kommissaris opgeroep word is onderhewig aan alle verpligtings en is geregtig op alle voorregte van getuies wat opgeroep word om in 'n magistraatshof getuie te lê.

(5) Indien nodig mag 'n landmeter aangestel word om die kommissaris by sy ondersoek van advies te dien.

(6) Die kommissaris is verplig om ondersoek in te stel na die eiendomsreg van alle gronde ten opsigte waarvan hy aangestel is en om aan die Minister 'n gesertifiseerde lys voor te lê van alle persele wat volgens sy bevinding werklik beset is deur geregistreerde besitters.

(7) As die kommissaris bevind dat grond beset is deur 'n natuurlike wat nie die geregistreerde besitter is nie, moet hy ondersoek en bepaal wie geregtig is om as besitter van daardie grond geregistreer te word en 'n sertifikaat van die kommissaris in die vorm voorgeskrywe by regulasies ingevolge sub-artikel (10) uitgevaardig, dat die daarin genoemde persoon geregtig is om as besitter van die omskrewe grond geregistreer te word, is, sonder dat dit nodig is om transport te gee aan iemand wat ondertussen eienaar of besitter van die grond was, voldoende magtiging vir die registrasie, in die toepaslike ingevolge artikel vyf ingestelde registrasiekantoor, van daardie persoon as die wettige eienaar, vry van hereregte, teen betaling van 'n fooi van een pond.

(8) Mog die kommissaris nie in staat wees om die eienaar van sodanige grond te ontdek nie, dan moet hy dit meedeel aan die Minister, wat met betrekking tot daardie grond sodanige stappe moet neem as wat bepaal mog wees deur regulasies, kragtens hierdie Wet uitgevaardig.

(9) Iemand wat beswaar het teen die beslissing van die kommissaris mag skriftelik na die Goewerneur-generaal appelleer, mits die appèl ingedien word binne een maand en voortgesit word binne drie maande na die dag van die beslissing waarteen geappelleer word, tensy die Minister 'n termynsverlenging spesiaal toegestaan het. Die beslissing van die Goewerneur-generaal is finaal.

(10) Die Goewerneur-generaal mag regulasies uitvaardig om aan die bepalinge van hierdie artikel doeltreffend gevolg te gee.

HOOFTSTUK IV.

REGSPROSEDURE.

8. (1) Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* natuurlikekommissaris-howe instel vir die verhoor van alle siviele aksies en sake tussen natuurlike wat steun op natuurelereg en -gebruik.

Natuurlike-
kommissaris
howe.

(2) Elke sodanige hof is 'n gereghof onder die voorsitterskap van 'n natuurlikekommissaris of assistent-natuurlikekommissaris.

(3) Die Goewerneur-generaal moet die gebied omskrywe waarin daardie howe regsmag het en mag by proklamasie in die *Staatskoerant* so 'n hof afskaf of sy regsgebied verander.

(4) Die Goewerneur-generaal mag regulasies uitvaardig wat met betrekking tot natuurlikekommissaris-howe bepaal—

- (a) die manier en vorm van prosedure wat in ag geneem moet word;
- (b) die tye en plekke van hofsittings;
- (c) die notulering;
- (d) die koste, fooie of leges;

- (e) the execution of process;
- (f) the appearance of representatives on behalf of parties; and
- (g) such other matters as the Governor-General may deem necessary for the proper carrying out of the purposes of this section.

Different regulations may be made for different classes of cases or for different areas.

What law to be applied in native commissioner's courts.

9. (1) In any action or proceeding in a court of native commissioner, the law to be applied shall be native law save in so far as it shall be repugnant to the principles of natural equity: Provided that it shall not be lawful for any court to declare that the custom of lobola is repugnant to such principles.

(2) If in any such action or proceeding in which the law to be applied is native law it should appear that, by reason of difference of tribe or otherwise, the same law is not applicable to all the parties, the matter shall be determined in accordance with the law applicable to the defendant.

Settlement of civil disputes by native chiefs or headmen.

10. (1) The Governor-General may authorize any native chief or headman recognised or appointed under sub-section (7) of section one to hear and determine civil claims by natives against natives resident within his jurisdiction brought before him by consent of the parties.

(2) The judgment of such chief or headman shall be executed in accordance with such procedure as may be prescribed by regulations made under sub-section (5).

(3) Any party dissatisfied with the judgment may, within seven days thereof, notify the chief or headman of his intention to appeal to the native commissioner, and thereupon such judgment shall be suspended.

(4) The court of native commissioner may confirm, alter or set aside the judgment after hearing such evidence (which shall be duly recorded) as may be tendered by the parties to the dispute, or may be deemed desirable by the court.

(5) The Minister may make regulations for the effective carrying out of the provisions of this section.

Native appeal court

11. (1) The Governor-General shall, as soon as practicable after the commencement of this Act, by proclamation in the *Gazette*, constitute one or more native appeal courts for the hearing of appeals in civil actions and proceedings in which native law has been applied.

(2) A native appeal court shall consist of three members (one of whom shall be president), to be selected on account of their knowledge of native laws and customs.

(3) The president shall be appointed by the Governor-General, and if not already a member of the public service of the Union shall become a member thereof and shall receive such salary as the Governor-General may determine.

(4) The members of the court other than the president shall be appointed from time to time by the Minister for each particular session of the court, and shall be selected from magistrates, native commissioners or other qualified persons.

(5) The Governor-General may from time to time make rules regulating—

- (a) the appointment and duties of the officers of the court, the records to be kept, the practice and procedure in the court;
- (b) the mode of compelling the attendance of witnesses and assessors, and the allowances to be paid to them;
- (c) the fees which may be charged by advocates and attorneys, and the taxation of costs;
- (d) the fees and charges to be imposed and taken by officers of the court;
- (e) the noting of appeals and the suspension of the judgment appealed against;
- (f) the appearance of parties or of persons on their behalf in a native appeal court;
- (g) generally, all such other matters relating to the courts as the Governor-General may deem necessary for the purposes of this section.

(6) The native appeal courts shall sit at such times and places as the Minister may, by notice in the *Gazette*, appoint.

(7) The decision of the majority of the members shall be the judgment of the court.

- (e) die tenuitvoerlegging van prosesstukke;
- (f) die verskyning van verteenwoordigers van partye; en
- (g) sodanige ander sake as wat die Goewerneur-generaal nodig mog ag vir die behoorlike verwesenliking van die doeleindes van hierdie artikel.

Verskillende regulasies mag uitgevaardig word vir verskillende klasse van gevalle of vir verskillende streke.

9. (1) In 'n aksie of geding in 'n natuurellekommissaris-hof word natuurelereg toegepas, behalwe vir sover dit in stryd is met die beginsels van natuurlike billikheid: Met die verstande dat 'n hof nie bevoeg is nie om te verklaar dat die lobola-gebruik met daardie beginsels in stryd is.

(2) As in so 'n aksie of geding waarin natuurelereg toegepas moet word, mog blyk dat weens verskil van stam of om ander redes dieselfde reg nie op alle partye toepaslik is nie, moet die saak beslis word ooreenkomstig die reg wat op die verweerder toepaslik is.

10. (1) Die Goewerneur-generaal mag 'n natuurelle-kaptein of -hoofman, wat kragtens sub-artikel (7) van artikel een erken of aangestel is, magtig om siviele eise van natuurelle teen natuurelle woonagtig in sy regsgebied, wat volgens ooreenkoms van die partye voor hom gebring word, te verhoor en te beslis.

(2) Die vonnis van so 'n kaptein of hoofman word ten uitvoer gelê ooreenkomstig die prosedure wat voorgeskrywe mag wees deur regulasies ingevolge sub-artikel (5) uitgevaardig.

(3) 'n Party wat met die vonnis geen genoeë neem nie, mag binne sewe dae nadat dit gevel is aan die kaptein of hoofman kennis gee van sy voorneme om na die natuurellekommissaris te appelleer en daardie vonnis word daarop geskors.

(4) Die natuurellekommissaris-hof mag, nadat hy die getuienis (wat behoorlik genotuleer moet word) wat die partye in die geskil mog voordra of wat die hof mog wenslik ag, gehoor het, die vonnis bekragtig, verander of vernietig.

(5) Die Minister mag regulasies uitvaardig om die bepalinge van hierdie artikel doelmatig uit te voer.

11. (1) Die Goewerneur-generaal moet so spoedig as doenlik na die inwerkingtreding van hierdie Wet by proklamasie in die *Staatskoerant* een of meer natuurelle-appèlhowe instel om appèls in siviele aksies en gedinge, waarin natuurelereg toegepas geword is, te verhoor.

(2) 'n Natuurelle-appèlhof bestaan uit drie lede (waarvan ene voorsitter is) wat gekies word op grond van hulle kennis van natuurelereg en -gebruik.

(3) 'n Voorsitter word deur die Goewerneur-generaal aangestel en as hy nie reeds 'n lid van die staatsdiens van die Unie is nie, word hy 'n lid daarvan en ontvang die salaris wat die Goewerneur-generaal mog vasstel.

(4) Die lede van die hof wat nie voorsitter is nie word van tyd tot tyd deur die Minister vir elke afsonderlike sitting van die hof aangestel en word gekies uit magistrats, natuurellekommissarisse of ander bevoegde persone.

(5) Die Goewerneur-generaal mag van tyd tot tyd vasstel, verander of intrek reëls tot reëling van—

- (a) die aanstelling en werksaamhede van die amptenare van die hof, die aantekeninge wat gehou moet word en die praktyk en prosedure in die hof;
- (b) die manier waarop die verskyning van getuies en assessors afgedwing word en die toelae wat aan hulle betaal moet word;
- (c) die fooie wat advokate en prokureurs mag bereken en die taksasie van koste;
- (d) die fooie en leges wat amptenare van die hof moet bereken en invorder;
- (e) die aantekening van appèls en die opskorting van die vonnis waarteen geappelleer word;
- (f) die verskyning van partye of van persone namens hulle, in 'n natuurelle-appèlhof;
- (g) oor die algemeen alle sodanige ander sake in verband met die hof as wat die Goewerneur-generaal vir die doeleindes van hierdie artikel nodig ag.

(6) Die natuurelle-appèlhowe moet sitting hou op die tye en plekke, wat die Minister by kennisgewing in die *Staatskoerant* mog bepaal.

(7) Die beslissing van die meerderheid van die lede is die vonnis van die hof.

Welke reg in natuurellekommissaris-hof toegepas word.

Beslegting van siviele geskille deur natuurelle-kapteins of -hoofmanne.

Natuurelle-appèlhof.

Settlement of conflicting decisions of native appeal courts.

Jurisdiction of native appeal court.

Legal practitioners in native appeal courts.

Abolition of existing courts.

Appeal from native commissioner's court.

Native assessors in native appeal courts and courts of native commissioner.

Powers of chiefs to try certain offences.

12. Whenever any decision is given by a native appeal court which is found to be in conflict with a decision of another native appeal court, the Minister may cause a special case to be prepared and to be argued before the Appellate Division of the Supreme Court of South Africa, in order to obtain its ruling thereon, and such ruling shall thereafter be deemed to be the correct decision in the matter.

13. A native appeal court shall have full power to review, set aside, amend or correct any order, judgment or proceeding of a native commissioner's court within the area of its jurisdiction, or to direct a case from such a court to be retried or reheard or to make any such order upon the case as the interests of justice may require: Provided that no judgment or proceeding shall, by reason of any irregularity or defect in the record or proceedings, be reversed or set aside unless it appears to the court of appeal that a failure of justice has in fact resulted therefrom.

14. Advocates and attorneys of the Supreme Court of South Africa shall be entitled to appear in a native appeal court.

15. (1) As from the date on which a native appeal court having jurisdiction in the Province of Natal is constituted under section eleven, the Natal Native High Court shall cease to have jurisdiction in all matters in which such native appeal court has jurisdiction.

(2) As from the date on which a native appeal court having jurisdiction in the Transkeian Territories is constituted under section eleven, the Native Territories Appeal Court constituted under Proclamation No. 145 of 1923 shall be abolished, and the powers up to that date vested in such court shall in so far as they relate to matters coming within the jurisdiction of such first-mentioned native appeal court, vest in such court and in so far as they do not relate to such matters shall vest in the Eastern Districts Local Division of the Supreme Court.

(3) As from the date of the constitution in any area of the Province of the Transvaal of a court of native commissioner under section eight, the court of native commissioner previously existing in that area under the provisions of Ordinance No. 3 of 1902 of the Transvaal shall be abolished.

(4) As from the date of the constitution in any area of a court of native commissioner under this Act, a magistrate's court shall cease to have jurisdiction in that area in respect of any civil suit arising under native law and custom.

(5) Any case pending in any court when the jurisdiction of that court is limited or determined by any provision of this section, shall be dealt with in every respect as if this section had not been enacted.

16. (1) Notwithstanding anything in any law contained, no appeal shall lie from the judgment of a court of native commissioner in respect of an action or proceeding in which native law has been applied in accordance with sub-section (1) of section nine, except to a native appeal court constituted under section eleven.

(2) Save as is provided in section twelve, the decision of a native appeal court shall be final and conclusive.

17. (1) In any case in which a native appeal court or native commissioner's court deems it desirable, it shall be at liberty to call to its assistance not more than two native assessors to sit with such court in an advisory capacity.

(2) The opinion of such assessors shall be recorded, and form part of the record.

18. (1) The Governor-General may grant to any native chief jurisdiction over members of his own tribe resident upon tribal land or in a tribal location within his area in respect of offences punishable under native law and custom, but not under the common law or any statute.

(2) The Governor-General may at any time revoke such grant of jurisdiction.

(3) In the exercise of jurisdiction conferred upon him under sub-section (1), a chief may impose a fine not exceeding five head of cattle or fifteen pounds upon any person convicted by him of any such offence.

(4) The procedure at the trial of any offence under this section, the manner of execution of any penalty imposed in respect of

12. Wanneer 'n natuurelle-appèlhof 'n uitspraak gee wat blyk in stryd te wees met 'n uitspraak van 'n ander natuurelle-appèlhof, mag die Minister 'n spesiale saak laat opstel en laat bepleit voor die Afdeling van Appèl van die Hooggeregshof van Suid-Afrika om sy beslissing daaromtrent te erlang en daarna word daardie beslissing geag die juiste beslissing in die saak te wees.

13. 'n Natuurelle-appèlhof het volle bevoegdheid, om enige order, vonnis of verrigting van 'n natuurellekommissaris-hof binne sy regsgebied te hersien, te vernietig, te wysig of te verbeter of om te gelas dat 'n saak uit so 'n hof opnuut verhoor moet word of om so 'n order in die saak uit te vaardig as wat die regsbelang mog vereis: Met die verstande dat geen vonnis of verrigting weens 'n onreëlmatigheid of gebrek in die notule of geding in teenoorgestelde sin verander of vernietig mag word nie tensy aan die appèlhof blyk dat 'n regsskending werklik die gevolg daarvan was.

14. Advokate en prokureurs van die Hooggeregshof mag in 'n natuurelle-appèlhof verskyn.

15. (1) Vanaf die dag waarop 'n natuurelle-appèlhof met regsmag in die provinsie Natal kragtens artikel elf ingestel word, vervel die regsmag van die Natalse Natuurelle Hoë Hof in alle aangeleenthede waarin daardie natuurelle-appèlhof bevoeg is.

(2) Vanaf die dag waarop 'n natuurelle-appèlhof met regsmag in die Transkeise Gebied kragtens artikel elf ingestel word, word die Appèlhof van die Natuurellegebied, ingestel kragtens Proklamasie No. 145 van 1923, afgeskaf en die bevoegdhede wat tot dan aan daardie hof toegekom het, gaan vir sover hulle betrekking het op aangeleenthede wat binne die regsmag van eersgenoemde natuurelle-appèlhof val, op daardie hof oor, en vir sover hulle nie op sodanige aangeleenthede betrekking het nie, gaan hulle oor op die Oostelike Distrikte se Plaaslike Afdeling van die Hooggeregshof.

(3) Vanaf die dag waarop kragtens artikel ag 'n natuurellekommissaris-hof in 'n deel van die provinsie Transvaal ingestel word, word die natuurellekommissaris-hof wat voorheen in daardie deel kragtens Ordonnansie No. 3 van 1902 van Transvaal bestaan het, afgeskaf.

(4) Vanaf die dag waarop kragtens hierdie Wet in 'n gebied 'n natuurellekommissaris-hof ingestel word, vervel 'n magistratshof se regsmag in daardie gebied in verband met 'n siviele geding wat uit natuurelereg of -gebruik ontstaan het.

(5) Met 'n saak wat in 'n hof hangende is wanneer die regsmag van daardie hof deur 'n bepaling van hierdie artikel beperk of afgeskaf word, moet in elke opsig gehandel word asof hierdie artikel nie ingevoer was nie.

16. (1) Nieteenstaande enige ander wetsbepaling kan nie geappelleer word nie van 'n vonnis van 'n natuurellekommissaris-hof in verband met 'n aksie, of geding waarin volgens sub-artikel (1) van artikel nege natuurelereg toegepas geword is, behalwe na 'n natuurelle-appèlhof, kragtens artikel elf ingestel.

(2) Behoudens die bepaling van artikel twaalf is die uitspraak van 'n natuurelle-appèlhof finaal en afdoende.

17. (1) In 'n saak waarin 'n natuurelle-appèlhof of 'n natuurellekommissaris-hof dit wenslik ag, staat dit aan hom vry om die hulp in te roep van nie meer as twee natuurelle-assessors om as raadsmanne met daardie hof te sit.

(2) Die sienswyse van daardie assessors moet opgeteken word en maak 'n deel uit van die stukke.

18. (1) Die Goewerneur-generaal mag aan 'n natuurellekaptein regsmag verleen oor lede van sy eie stam wat op stamgrond of in 'n stamlokasie in sy gebied woon, met betrekking tot misdrywe wat strafbaar is kragtens natuurelereg en -gebruik maar nie kragtens die gemene reg of 'n wetsbepaling.

(2) Die Goewerneur-generaal mag te eniger tyd daardie verlening van regsmag herroep.

(3) By die uitoefening van die regsmag, kragtens sub-artikel (1) aan hom verleen, mag 'n kaptein iemand wat hy aan so 'n misdryf skuldig bevind het, beboet met hoogstens vyf beeste of vyftien pond.

(4) Die prosedure by die beregting van 'n misdryf kragtens hierdie artikel, die tenuitvoerlegging van 'n straf wat weens

Beslissing van teenstrydige uitsprake van natuurelle-appèlhowe.

Regsmag van natuurelle-appèlhof.

Regspraktisyne in natuurelle-appèlhof.

Afskaffing van bestaande howe.

Appèl van natuurellekommissaris-hof.

Natuurelle-assessors in natuurelle-appèlhowe en natuurellekommissaris-howe.

Bevoegdheid van kapteins om sekere misdrywe te bereg.

such offence, and the appropriation of fines shall, save in so far as the same may be specified by regulation which the Minister is hereby authorized to make, be in accordance with native law and custom.

CHAPTER V.

MARRIAGE AND SUCCESSION.

Marriages of natives: Property rights.

19. (1) No male native shall, during the subsistence of any customary union between him and any woman, contract a marriage with any other woman unless he has first declared upon oath, before the magistrate or native commissioner of the district in which he is domiciled, the name of every such first-mentioned woman; the name of every child of any such woman whereof he is the father; the nature and amount of the movable property (if any) allotted by him to each such woman or house under native custom; and such other information relating to any such union as the said official may require.

(2) Upon the official before whom such declaration is made being satisfied of the accuracy thereof, it shall be recorded by him, and such original record of the declaration, or a copy thereof certified under the hand of any magistrate or native commissioner of the district in which it was recorded, shall be admissible in evidence in any proceedings in which the facts therein declared may be relevant, and any document purporting to be such a record, or a copy thereof certified as aforesaid, shall *prima facie* be so admissible without proof of its execution.

(3) No minister of the Christian religion authorized under any law to solemnize marriages, nor any marriage officer, shall solemnize the marriage of any native male person unless he has first taken from such a person a declaration as to whether there is subsisting at the time any customary union between such person and any woman other than the woman to whom he is to be married and, in the event of any such union subsisting, unless there is produced to him by such person a certificate under the hand of a magistrate or native commissioner that the provisions of this section have been duly complied with.

(4) Any person contravening sub-section (3) shall be guilty of an offence, and shall, upon conviction, be liable to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

(5) Any native male person who during the subsistence of any customary union between him and any woman contracts a marriage with any other woman without having previously made a declaration referred to in sub-section (1) or sub-section (3) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months; and any native male person who knowingly makes any false statement in any such declaration shall be guilty of an offence and punishable in the same manner as if he had committed the crime of perjury.

(6) A marriage between natives, contracted after the commencement of this Act, shall not result in community of property or of profit and loss between the spouses: Provided that in the case of a marriage contracted otherwise than during the subsistence of a customary union between the husband and any woman other than the wife it shall be competent for the intending spouses at any time within one month previous to the celebration of such marriage to declare jointly before any magistrate, native commissioner, or before any marriage officer (who is hereby authorized to attest such declaration) that it is their intention and desire that community of property and of profit and loss shall result from their marriage, and thereupon such community shall result from their marriage except as regards any land in a location held under quitrent tenure such land shall be excluded from such community.

(7) No marriage contracted after the commencement of this Act during the subsistence of any customary union between

n misdryf opgelê geword is en die besteding van boetes moet in ooreenstemming wees met naturrelereg en -gebruik, behalwe vir sover dit vasgestel mog wees in regulasies tot uitvaardiging waarvan die Minister hiermee gemagtig word.

HOOFSTUK V.

HUWELIK EN ERFOPVOLGING.

19. (1) Geen naturrelle-manspersoon mag, solank tussen hom en 'n vrou 'n gebruikelike verbinding bestaan, met 'n ander vrou 'n huwelik aangaan, tensy hy eers onder eed voor die magistraat of naturrellekommissaris van die distrik waarin hy gedomicilieer is, aangegee het die naam van elke eersbedoelde vrou; die naam van elke kind van so 'n vrou waarvan hy die vader is; die soort en hoeveelheid roerende goed waarmee hy elke sodanige vrou of haar huis volgens naturrelle-gebruik bedeel het (as dit geskied is) en sulke ander inligtings met betrekking tot enige sodanige verbinding as wat bedoelde amptenaar mog verlang.

(2) As die amptenaar aan wie daardie aangifte gemaak word, van die juistheid daarvan oortuig is, moet hy dit opteken en daardie oorspronklike optekening van die aangifte of 'n kopie daarvan, gesertifiseer onder die handtekening van enige magistraat of naturrellekommissaris van die distrik waarin dit opgeteken geword is, is as bewysstuk ontvanklik in enige geding waarin die daarin opgegewe feite mog van pas wees en 'n dokument wat voorgee so 'n aantekening of 'n as voormeld gesertifiseerde kopie daarvan te wees, is *prima facie* aldus ontvanklik sonder bewys van sy opstelling en onder-tekening.

(3) Geen leraar van die Kristelike geloof wat regtens bevoeg is om huwelike te bevestig en geen huweliksbevestiger mag 'n naturrelle-manspersoon in die huwelik bevestig tensy hy eers aan daardie persoon 'n verklaring afgeneem het omtrent die vraag of op daardie tydstip 'n gebruikelike verbinding bestaan tussen daardie persoon en 'n ander vrou dan die ene met wie hy gaan trou en as daar so 'n verbinding bestaan, tensy daardie persoon aan hom voorlê 'n sertifikaat onderteken deur 'n magistraat dat aan die bepalinge van hierdie artikel behoortlik voldoen is.

(4) Iemand wat sub-artikel (3) oortree is aan 'n misdryf skuldig en is by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling, met gevangenisstraf van hoogstens drie maande.

(5) 'n Naturrelle-manspersoon wat gedurende die bestaan van 'n gebruikelike verbinding tussen hom en 'n vrou, met 'n ander vrou 'n huwelik aangaan sonder dat hy voorheen die aangifte vermeld in sub-artikel (1) of die verklaring vermeld in sub-artikel (3) gemaak het, is aan 'n misdryf skuldig en is by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling met gevangenisstraf van hoogstens ses maande; en 'n naturrelle-manspersoon wat in so 'n aangifte of verklaring met wete 'n valse bewering maak, is aan 'n misdryf skuldig en strafbaar op dieselfde manier asof hy die misdaad van meened gepleeg had.

(6) 'n Huwelik tussen naturrelle na die inwerkingtreding van hierdie Wet aangegaan, het nie gemeenskap van goedere of van wins en verlies van die eggenote ten gevolge nie: Met die verstande dat by 'n huwelik wat nie gedurende die bestaan van 'n gebruikelike verbinding tussen die man en 'n ander vrou dan die eggenote, aangegaan word nie, die toekomstige eggenote bevoeg is om te eniger tyd binne een maand voor die bevestiging van daardie huwelik gesamentlik te verklaar voor 'n magistraat of voor 'n huweliksbevestiger (wat hiermee gemagtig word om daardie verklaring te attesteer) dat dit hulle voorneme en begeerte is dat hulle huwelik gemeenskap van goedere en van wins en verlies ten gevolge moet hê, en daarop het hulle huwelik daardie gemeenskap ten gevolge, behalwe met betrekking tot grond in 'n lokasie wat onder erfpag besit word. Daardie grond is van die gemeenskap uitgesluit.

(7) Geen huwelik na die inwerkingtreding van hierdie Wet aangegaan gedurende die bestaan van 'n gebruikelike verbinding

Naturrelle-huwelik: Eiendoms-regte.

the husband and any woman other than the wife shall in any way affect the material rights of any partner of such union or any issue thereof, and the widow of any such marriage and any issue thereof shall have no greater rights in respect of the estate of the deceased spouse than she or they would have had if the said marriage had been a customary union.

20. (1) All movable property belonging to a native and allotted by him or accruing under native law or custom to any woman with whom he lived in a customary union, or to any house, shall upon his death devolve and be administered under native law and custom.

(2) All land in a location held in individual tenure upon quitrent conditions by a native shall devolve upon his death upon one male person, to be determined in accordance with tables of succession to be prescribed under sub-section (9).

(3) All other property of whatsoever kind belonging to a native shall be capable of being devised by will. Any such property not so devised shall devolve and be administered according to native law and custom.

(4) Any dispute or question which may arise out of the administration or distribution of any estate in accordance with native law shall be determined by the native commissioner, or where there is no native commissioner by the magistrate of the district in which the deceased ordinarily resided, or in respect of immovable property by the native commissioner or, where there is no native commissioner, by the magistrate of the district where such property is situate, and every decision of a native commissioner or magistrate under this section shall be subject to an appeal to the native appeal court hereinbefore referred to, and the decision of such court shall be final.

(5) Any claim or dispute in regard to the administration or distribution of any estate of a deceased native shall, unless all the parties concerned are natives, be decided in an ordinary court of competent jurisdiction.

(6) In connection with any such claim or dispute, the heir, or in case of minority his guardian, according to native law, shall be regarded as the executor in the estate as if he had been duly appointed as such according to the law governing the appointment of executors.

(7) Letters of administration from the Master of the Supreme Court shall not be necessary in, nor shall the Master have any powers in connection with, the administration and distribution of the intestate estate of any deceased native.

(8) In regard to property validly bequeathed by the will of a deceased native, native law shall not apply, in which case a certificate by the native commissioner or magistrate designating the heir or guardian, as the case may be, as executor in terms of sub-section (6) shall be regarded for all purposes as equivalent to letters of administration.

(9) The Governor-General may make regulations not inconsistent with this Act—

- (a) prescribing the manner in which the estates of deceased natives shall be administered and distributed;
- (b) defining the rights of widows or surviving partners in regard to the use and occupation of the quitrent land of deceased natives;
- (c) dealing with the disinheritance of natives;
- (d) prescribing the powers and duties of native commissioners or magistrates in carrying out the functions assigned to them by this section;
- (e) prescribing tables of succession in regard to natives; and
- (f) generally for the better carrying out of the provisions of this section.

CHAPTER VI.

LEGISLATION.

21. (1) Notwithstanding anything to the contrary in Natal Law No. 19 of 1891, the Governor-General may from time to time, by proclamation in the *Gazette*, amend the provisions of the Natal Code of Native Law.

tussen die man en 'n ander vrou dan die eggenote, het enige invloed op die materiële regte van 'n deelgenoot in daardie verbinding of van 'n kind daaruit en die weduwee van so 'n huwelik en die kinders daaruit het geen grotere regte teenoor die boedel van die oorlede eggenoot dan sy of hulle sou gehad het as bedoelde huwelik 'n gebruikelike verbinding gewees was.

20. (1) Alle roerende goedere wat aan 'n natuurel behoer en wat hy toegewys het of wat kragtens natuurelreg of -gebruik toekom aan 'n vrou met wie hy in 'n gebruikelike verbinding geleef het of aan 'n huis, gaan na sy dood oor en word beredder volgens natuurelreg en -gebruik.

(2) Alle grond in 'n lokasie wat 'n natuurel onder erfpagvoorwaardes in afsonderlike besit het gaan by sy dood oor op een-manspersoon wat bepaal word volgens tabelle van erfopvolging wat ingevolge sub-artikel (9) vasgestel moet word.

(3) Oor alle ander goedere van watter aard ook wat aan 'n natuurel behoer kan by testament beskik word. Goedere waarvoor nie aldus beskik is nie gaan oor en word beredder volgens natuurelreg en -gebruik.

(4) Enige geskil of vraagstuk wat uit die bereddering of verdeling van 'n boedel volgens natuurelreg mog ontstaan moet beslis word deur die natuurellekommissaris of waar daar geen natuurellekommissaris is nie, deur die magistraat van die distrik waarin die oorledene gewoonlik woonagtig was of met betrekking tot onroerende goed deur die natuurellekommissaris of waar daar geen natuurellekommissaris is nie, deur die magistraat van die distrik waar daardie goed geleë is en van elke beslissing van 'n natuurellekommissaris of magistraat kragtens hierdie artikel kan geappelleer word na die hierbo vermelde natuurelle-appèlhof en die beslissing van daardie hof is finaal.

(5) Enige eis of geskil in verband met die bereddering of verdeling van 'n boedel van 'n oorlede natuurel moet in 'n gewone bevoegde hof beslis word, tensy alle partye in daardie geding natuurelle is.

(6) In verband met so 'n eis of geskil word die erfgenaam of in geval hy minderjarig is, sy voog volgens natuurelreg, as eksekuteur in die boedel beskou asof hy behoortlik as sodanig benoem was volgens die wet op die benoeming van eksekuteurs.

(7) By die bereddering en verdeling van die intestate boedel van 'n oorlede natuurel is geen briewe van administrasie van die Meester van die Hooggeregshof nodig nie en die Meester het in verband daarmee ook geen bevoegdhede nie.

(8) Met betrekking tot goed wat kragtens die testament van 'n oorlede natuurel geldig vermaak is, is natuurelreg nie van toepassing nie, in watter geval 'n sertifikaat van die natuurellekommissaris of magistraat waarin na gelang van omstandighede die erfgenaam of voog aangewys word as eksekuteur volgens sub-artikel (6) vir alle doeleindes met briewe van administrasie gelykwaardig beskou word.

(9) Die Goewerneur-generaal mag regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar mag wees nie—

- (a) wat bepaal hoe die boedels van oorlede natuurelle beredder en verdeel moet word;
- (b) wat die regte van weduwees of nagelate deelgenote vasstel met betrekking tot die gebruik en besit van erfpag-grond van oorlede natuurelle;
- (c) wat handel oor ontferming van natuurelle;
- (d) wat die bevoegdhede en werkkring van natuurellekommissarisse of magistratre bepaal by die verrigting van die werksaamhede wat hierdie artikel aan hulle opdra;
- (e) wat tabelle van erfopvolging met betrekking tot natuurelle vasstel; en
- (f) oor die algemeen tot betere uitvoering van die bepalings van hierdie artikel.

HOOFSTUK VI.

WETGEWING.

21. (1) Nieteenstaande andersluidende bepalings in die Regsgeldigheid in Natalse Wet No. 19 van 1891 mag die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* die bepalings van die Natalse Wetboek van Natuurelreg wysig.

Natal van Natuurelle wetboek.

The Governor-General may, by proclamation in the end the operation of the Code of Native Law menub-section (1), and any amendment thereof, to the Province of Natal, and may repeal any code of at present in force in Zululand.

Governor-General's power to proclaim laws for scheduled native areas.

22. (1) From and after the commencement of this Act, any law then in force or subsequently coming into force within the areas included in the schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, or such areas as may by resolution of both Houses of Parliament be designated as native areas for the purposes of this section, may be repealed or amended, and new laws applicable to the said areas may be made, amended and repealed by the Governor-General by proclamation in the *Gazette*.

(2) Save where delay would, in the opinion of the Governor-General, be prejudicial to the public interest, no such proclamation shall be issued unless a draft of its provisions or of its principal provisions shall have been published in the *Gazette* at least one month previously; but the omission of such publication shall not invalidate any such proclamation.

(3) Nothing in this Act contained shall affect the powers vested in the Governor-General under the Transkeian Annexation Act, 1877 (Act No. 38 of 1877), the Walfish Bay and St. John's River Territories Annexation Act, 1884 (Act No. 35 of 1884) so far as it relates to the St. John's River territory; the Tembuland Annexation Act, 1885 (Act No. 3 of 1885), and the Transkeian Territories, Tembuland and Pondoland Laws Act, 1897 (Act No. 29 of 1897) of the Cape of Good Hope.

Proclamations to be submitted to Parliament.

23. (1) Every proclamation issued by the Governor-General under the authority of this Act shall be laid upon the Tables of both Houses of Parliament within fourteen days after its promulgation if Parliament is then in ordinary session, or if Parliament is not then in ordinary session within fourteen days after the commencement of its next ensuing ordinary session, and every such proclamation shall be in operation unless and until both Houses of Parliament have, by resolutions passed in the same session, requested the Governor-General to repeal such proclamation or to modify its operation, in which case such proclamation shall forthwith be repealed or modified, as the case may be, by a further proclamation in the *Gazette*.

(2) If the Native Affairs Commission established in terms of section one of the Native Affairs Act, 1920 (Act No. 28 of 1920), has dissented from any provision contained in a proclamation issued under section twenty-two, the record of, and the reasons for, such dissent shall, when the proclamation is laid upon the Tables of both Houses of Parliament as aforesaid, simultaneously be so presented to Parliament.

CHAPTER VII.

PREVENTION OF MISCONDUCT AND DISORDERS, REGULATION OF NATIVE LIVING, AND CONTROL OF CERTAIN VILLAGES AND TOWNSHIPS.

General regulations.

24. (1) The Governor-General may make regulations applicable to natives for all or any of the following matters:—

- (a) The exhibition of pictures of an undesirable character in any location or native compound or in any urban location or native village constituted under the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923);
- (b) the carrying of assegais, knives, kerries, sticks or other weapons or instruments;
- (c) the prohibition, control or regulation of gatherings or assemblies held for any purpose whatever;
- (d) the observance of decency; and
- (e) generally for such other purposes as he may consider necessary for the control, improvement and welfare of the natives and in furtherance of peace, order and good government.

(2) Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* die regsgeldigheid van die Wetboek van Naturelles-reg vermeld in sub-artikel (1) en enige wysiging daarvan tot Soeloeland in die provinsie Natal uitstrek en mag enige wetboek van naturelles-reg wat teenswoordig in Soeloeland van krag is, herroep.

22. (1) Vanaf die inwerkingtreding van hierdie Wet mag die Goewerneur-generaal enige wet wat dan van krag is of daarna van krag word in die naturellestreke, opgenoem in die Bylae tot die Naturellen Grond Wet, 1913 (Wet No. 27 van 1913) of 'n wysiging daarvan of in sodanige streke as wat by besluit van beide Parlements-huise vir die doeleindes van hierdie artikel as naturellestreke aangewys mog word, by proklamasie in die *Staatskoerant* herroep of wysig en nuwe wette, met regskrag in bedoelde streke, uitvaardig, wysig en herroep.

(2) Behalwe wanneer vertraging volgens oordeel van die Goewerneur-generaal tot nadeel van die algemene belang sou strek, mag so 'n proklamasie nie uitgevaardig word nie tensy 'n ontwerp van sy bepalings of van sy vernaamste bepalings minstens een maand van te vore in die *Staatskoerant* gepubliseer geword is; maar die versuim van daardie publikasie maak so 'n proklamasie nie ongeldig nie.

(3) Die bepalings van hierdie Wet maak geen inbreuk op die bevoegdhede wat aan die Goewerneur-generaal toekom kragtens die Transkeian Annexation Act, 1877 (Wet No. 38 van 1877), die Walfish Bay and St. John's River Territory Annexation Act, 1884 (Wet No. 35 van 1884, vir sover dit betrekking het op die gebied St. Johns Rivier), die Tembuland Annexation Act, 1885 (Wet No. 3 van 1885) en die Transkeian Territories, Tembuland and Pondoland Laws Act, 1897 (Wet No. 29 van 1897) van die Kaap die Goeie Hoop.

23. (1) Elke proklamasie deur die Goewerneur-generaal kragtens hierdie Wet uitgevaardig moet in beide Parlements-huise ter Tafel gelê word binne veertien dae na sy afkondiging, as die Parlement dan gewone sitting hou of as die Parlement dan nie 'n gewone sitting hou nie, binne veertien dae na die begin van sy eersvolgende gewone sitting, en elke sodanige proklamasie is van krag tensy en totdat beide Parlements-huise by besluite in dieselfde sitting geneem, die Goewerneur-generaal versoek het om daardie proklamasie te herroep of om sy uitwerking te wysig, in watter geval daardie proklamasie onverwyld herroep of gewysig moet word deur 'n verdere proklamasie in die *Staatskoerant*.

(2) As die Kommissie van Naturellesake, ingestel kragtens artikel een van die Naturellezaken Wet, 1920 (Wet No. 23 van 1920), 'n bepaling opgeneem in 'n proklamasie wat ingevolge artikel twee-en-twintig uitgevaardig is, afkeur, dan moet 'n aantekening van daardie afkeuring en die redes waarop dit steun, wanneer die proklamasie in albei Parlements-huise ter Tafel gelê word, soos voormeld, gelyktydig aan die Parlement voorgelê word.

HOOFSTUK VII.

VOORKOMING VAN WANGEDRAG EN ONLUSTE, REËLING VAN DIE LEWENSWYSE VAN NATURELLE EN BESTUUR VAN SEKERE DORPE.

24. (1) Die Goewerneur-generaal mag op naturelle toepaslike regulasies uitvaardig omtrent al die volgende sake of enigeen daarvan—

- (a) die vertoning van ongewenste prente in 'n lokasie of naturellekwartiere of in 'n stedelike lokasie of naturelledorp gestig ingevolge die Naturellen (Stadsgebieden) Wet 1923 (Wet No. 21 van 1923);
- (b) die dra van asgaai, messe, kieres, stokke of ander wapens of werktuie;
- (c) die verbod of reëling van, of toesig op samekomste of vergaderings vir watter doel ook gehou;
- (d) die inagneming van welvoeglikheid; en
- (e) oor die algemeen vir sodanige ander doeleindes as wat hy nodig mog ag vir die toesig op naturelle en vir hulle verbetering en welsyn en ter bevordering van vrede, orde en goeie bestuur.

Algemene regulasies.

(2) Any such regulations may be made applicable only in any particular areas or in respect only of particular tribes or classes, and different regulations may be made for different areas or in respect of different classes.

25. (1) The Governor-General may, by proclamation in the Gazette—

- (a) create and define pass areas;
- (b) prescribe regulations for the control and prohibition of the movement of natives into, within or from any such areas; and
- (c) repeal all or any of the laws relating to the carrying of passes by natives in any such area:

Provided that no area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, and no area to which the provisions of the Natives (Urban Areas) Act, 1923 (Act No. 21 of 1923), have been applied shall be included within a pass area.

(2) Such regulations may provide penalties for any breach thereof not exceeding a fine of five pounds or imprisonment with or without hard labour for a period not exceeding three months.

26. (1) The Governor-General may make regulations to prohibit the dissemination by any person of doctrines subversive of peace and good order among the natives of the Union.

(2) The acts which may be prohibited by such regulations shall include those done with an intention—

- (a) to incite natives to commit any unlawful act in order to alter any system of government prescribed by law, or to subvert organised government;
- (b) to incite natives to attempt to procure by unlawful methods the alteration of any matter by law established in any part of the Union;
- (c) to incite any native to commit any crime in disturbance of the public peace;
- (d) to promote feelings of hostility between different races in the Union.

(3) Any person contravening any such regulation shall be guilty of an offence and liable upon conviction to imprisonment for a period not exceeding one year.

(4) The Governor-General may order that, during a period specified in the order, a person convicted under sub-section (3)—

- (a) if he is not a native, and if the offence was committed in any area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), or any amendment thereof, shall not enter or be in any such area; or
- (b) if he is a native, and if the offence was committed outside any such area, shall not enter or be in any place outside any such area.

(5) Any person acting in contravention of any such order shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding six months, and to be removed from any place where such order prohibits him from being.

27. The Governor-General may make regulations—

- (a) for the control and management of any village or township not falling under the operation of the Natives (Urban Areas) Act, 1923, (Act No. 21 of 1923), if not less than two-thirds of its inhabitants are natives; and
- (b) for the imposition of rates or charges upon the owners of land or residents in any such village or township.

CHAPTER VIII.

GENERAL.

28. (1) In any case in which he may deem fit, the Governor-General may grant to any native a letter of exemption exempting the recipient from such laws, specially affecting natives, or so much of such laws as may be specified in such letter: Provided that no such exemption shall be granted under this section from any provision of law regulating the

(2) Sodanige regulasies mag toepaslik gemaak word alleen in bepaalde streke of alleen met betrekking tot bepaalde stamme of klasse en verskillende regulasies mag uitgevaardig word vir verskillende streke of met betrekking tot verskillende klasse.

25. (1) Die Goewerneur-generaal mag by proklamasie in die Staatskoerant—

- (a) pas-gebiede instel en omskrywe;
- (b) regulasies vasstel vir die reëling en verbod van die verkeer van naturelle na, binne of uit sodanige gebiede; en
- (c) al die wette betreffende die dra van passe deur naturelle in so 'n gebied, of enigee van hulle, herroep:

Met die verstande dat geen streek wat opgeneem is in die Bylae tot die Naturellen Grond Wet, 1913 (Wet No. 27 van 1913) of 'n wysiging daarvan, en geen gebied waarop die bepaling van die Naturellen (Stadsgebieden) Wet, 1923 (Wet No. 21 van 1923) toegepas geword is, in 'n pas-gebied mag val.

(2) Daardie regulasies mag op hulle oortreding straffe stel maar nie swaarder nie as 'n boete van vyf pond of gevangenisstraf met of sonder harde arbeid van hoogstens drie maande.

26. (1) Die Goewerneur-generaal mag regulasies uitvaardig om te belet dat iemand leerstellings versprei tot versteuring van die vrede en orde onder die naturelle van die Unie.

(2) Die handelings wat daardie regulasies mag belet, omvat dié wat verrig is met die oogmerk—

- (a) om naturelle aan te hits tot pleging van 'n onwettige handeling ten einde 'n wetlik vasgestelde regeringstelsel te verander of 'n georganiseerde regeringsvorm omver te werp;
- (b) om naturelle aan te hits om te poog om deur 'n onwettige handelwys 'n wetlike instelling in een of ander deel van die Unie te verander;
- (c) om 'n naturel aan te hits om 'n misdaad te begaan tot versteuring van die openbare vrede;
- (d) om vyandskap tussen verskillende rasse in die Unie aan te kweek.

(3) Iemand wat so 'n regulasie oortree is aan 'n misdryf skuldig en by veroordeling strafbaar met gevangenisstraf van hoogstens een jaar.

(4) Die Goewerneur-generaal mag beveel dat iemand wat kragtens sub-artikel (2) veroordeel is, gedurende 'n termyn wat die bevel vasstel—

- (a) as hy nie 'n naturel is nie en as die misdryf gepleeg is in 'n streek wat opgeneem is in die Bylae tot die Naturellen Grond Wet, 1913 (Wet No. 27 van 1913) of 'n wysiging daarvan, so 'n streek nie mag betree of daarin mag wees nie; of
- (b) as hy 'n naturel is en as die misdryf buite so 'n streek gepleeg is, 'n plek buite so 'n streek nie mag betree of daarop mag wees nie.

(5) Iemand wat in stryd met so 'n bevel handel is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf van hoogstens ses maande en kan verwyder word van 'n plek waar daardie bevel hom belet om te wees.

27. Die Goewerneur-generaal mag regulasies uitvaardig—

- (a) vir die bestuur en beheer van 'n dorp wat nie binne die bepaling van die Naturellen (Stadsgebieden) Wet, 1923, val nie, as nie minder dan twee-derdes van sy inwoners naturelle is; en
- (b) vir die oplegging van belastingen en op grond-eienaars of inwoners van so 'n dorp.

HOOFTSTUK VIII.

ALGEMENE BEPALINGS.

28. (1) In enige geval waarin die Goewerneur-generaal dit wettig ag, mag hy aan 'n naturel 'n vrystellingsbrief verleen, wat die ontvanger onthef van sodanige wette wat spesiaal naturelle betref, of van so 'n gedeelte van sodanige wette, as wat in daardie brief omskrywe staan: Met die verstande dat geen sodanige vrystelling kragtens hierdie artikel verleen mag word nie van enige regsbeveling wat die eiendom of besit van

Instelling van pas-gebiede en reëling van naturelle-verkeer.

Verbod van verspreiding van sekere leerstellings onder naturelle.

Bestuur en beheer van seker naturelle dorpe.

ownership or occupation of land, or imposing taxation or controlling the sale, supply or possession of intoxicating liquor.

(2) Any such exemption may be made subject to any condition imposed by the Governor-General and specified in such letter.

(3) Any letter of exemption issued under any law included in the Schedule to this Act shall be deemed to have been granted under sub-section (1).

(4) Any letter of exemption granted under sub-section (1), or referred to in sub-section (3), may at any time be cancelled by the Governor-General without assigning any reason.

Penalties for breach of proclamation, rule or regulation.

29. (1) Any proclamation, rule or regulation made under the authority of this Act may prescribe penalties for a contravention thereof, or default in complying therewith.

(2) In the absence of any specific penalty for any offence under this Act or any proclamation, rule or regulation made thereunder, the court convicting any person of such offence may impose upon him a fine not exceeding ten pounds, or in default of payment imprisonment for a period not exceeding three months.

(3) Different provisions may be made by proclamation, rule or regulation in respect of different localities.

Exemption from stamp duty.

30. Notwithstanding anything in any other law contained, no stamp duty or fee shall be payable in respect of any declaration made under the provisions of this Act.

Extending operation of Act.

31. The Governor-General may, by proclamation in the *Gazette*, apply *mutatis mutandis* the provisions of this Act or of any portion thereof to any area or piece of land in the district of Namaqualand in the Province of the Cape of Good Hope, which has been granted, set apart, reserved or made available for occupation by persons commonly described as Hottentots.

Interpretation of terms.

32. In this Act, and any proclamation, rule or regulation made thereunder, unless inconsistent with the context—

“customary union” means a marriage according to native law and custom;

“location” means and includes—

- (a) any area set apart or reserved for communal occupation by natives;
- (b) any area set apart or reserved and made available for native occupation under separate title, together with any commonage included therein;
- (c) land acquired by natives for tribal occupation;
- (d) any area proclaimed by the Governor-General as a location for the purposes of this Act;

“native commissioner” includes an assistant native commissioner;

“partner” means any spouse of a customary union.

Repeal of laws.

33. The laws mentioned in the Schedule to this Act, and so much of any other law as may be repugnant to or inconsistent with the provisions of this Act, are hereby repealed.

Short title and commencement.

34. This Act may be cited as the Native Administration Act, 1927, and shall commence upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

grond reël of 'n belasting op of die verkoop, verstrekking of besit van sterke drank beheers.

(2) So 'n vrystelling mag onderhewig gemaak word aan enige voorwaarde deur die Goewerneur-generaal gestel en in daardie brief omskrywe.

(3) 'n Vrystellingsbrief uitgereik kragtens 'n wet opgeneem in die Bylae tot hierdie Wet, word geag kragtens sub-artikel (1) verleen te geword het.

(4) 'n Vrystellingsbrief kragtens sub-artikel (1) verleen of in sub-artikel (3) vermeld mag te eniger tyd deur die Goewerneur-generaal sonder opgifte van 'n rede ingetrek word.

29. (1) 'n Proklamasie, reël of regulasie kragtens hierdie Wet uitgevaardig, mag op sy oortreding of nie-nakoming strawwe stel.

(2) By ontbreke van 'n bepaalde straf op 'n misdryf volgens hierdie Wet of 'n uit kragte daarvan uitgevaardigde proklamasie, reël of regulasie, mag die hof wat iemand weens daardie misdryf veroordeel aan hom 'n boete van hoogstens tien pond of by wanbetaling gevangenisstraf van hoogstens drie maande ople.

(3) Verskillende bepalinge mag by proklamasie, reël of regulasie vasgestel word vir verskillende plekke.

30. Nieteenstaande enige ander regsbepalings is geen seëlreg of fooi verskuldig nie ten opsigte van 'n verklaring ingevolge hierdie Wet afgele.

31. Die Goewerneur-generaal mag by proklamasie in die *Staatskoerant* die bepalinge van hierdie Wet of van enige deel daarvan *mutatis mutandis* toepas op enige streek of stuk grond in die distrik Namakwaland in die provinsie die Kaap die Goeie Hoop, wat toegeken, uitgehou, gereserveer of beskikbaar gestel is vir bewoning deur mense wat gewoonlik Hottentotte genoem word.

32. In hierdie Wet en 'n proklamasie, reël of regulasie uitvaardig daarvan uitgevaardig, tensy dit met die sinsverband bepaling onbestaanbaar is—

betekende “gebruiklike verbinding” 'n huwelik volgens naturellereg en -gebruik;

betekende en omvat “lokasie”—

- (a) enige gebied wat uitgehou of gereserveer is vir gemeenskaplike besit deur naturelle;
- (b) enige gebied uitgehou of gereserveer en beskikbaar gestel vir besit deur naturelle kragtens afsonderlike tittel, met enige gemeenskaplike veld daarby ingesluit;
- (c) grond deur naturelle verkry om deur hulle as stam besit te word;
- (d) enige gebied wat deur die Goewerneur-generaal vir die doeleindes van hierdie Wet tot lokasie geproklameer is;

betekende “deelgenoot” 'n eggenoot in 'n gebruiklike verbinding;

omvat “naturellekommissaris” ook 'n assistent-naturellekommissaris.

33. Die wette, opgeneem in die Bylae tot hierdie Wet en soveel van enige ander wet wat in stryd of onbestaanbaar is met herroeping, die bepalinge van hierdie Wet, word hiermee herroep.

34. Hierdie Wet mag aangehaal word as die Naturelle-administrasie Wet, 1927, en tree in werking op 'n deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stelle dag.

Strawwe op oortreding van proklamasie, reël of regulasie.

Vrystelling van seëlregte.

Gebieds-uitbreiding van Wet.

Woord-kragte van sinsverband bepaling.

Wets-veel van enige ander wet wat in stryd of onbestaanbaar is met herroeping.

Kort tittel en inwerking-treding.

Schedule.

LAWS REPEALED.

Province or Union.	No. and year of Law.	Title or subject of Law.	Extent of repeal.
Cape of Good Hope.	Act No. 17 of 1864.	The Certificate of Citizenship Amendment Act, 1864.	The whole.
"	Act No. 18 of 1864.	The Native Successions Act, 1864.	"
"	British Kaffraria Ordinance No. 10 of 1864.	The Native Successions Ordinance.	"
"	Act No. 37 of 1884.	The Native Locations Act, 1884.	So much as is unrepealed.
"	British Bechuana-land Proclamation No. 2 of 1885.	Laws and Regulations for British Bechuana-land.	Sections <i>thirty-one, thirty-two and thirty-three</i> of Schedule.
"	Act No. 39 of 1887.	The Native Registered Voters Relief Act, 1887.	The whole.
"	Act No. 25 of 1894.	The Glen Grey Act, 1894.	Sections <i>nineteen to twenty-five</i> inclusive.
"	Act No. 14 of 1905.	The Glen Grey Amendment Act, 1905.	Sections <i>one and two</i> .
Natal	Law No. 28 of 1865.	For relieving certain persons from the operation of Native Law.	The whole.
"	Law No. 26 of 1875.	The Native Administration Law, 1875.	So much as is unrepealed excepting section <i>fourteen</i> .
"	Government Notice No. 194 of 1878.	The Code of Native Law	So far as it applies to Zululand.
"	Law No. 44 of 1887.	To amend the Native Administration Law, 1875.	So much as is unrepealed excepting section <i>seven</i> .
"	Law No. 19 of 1891.	To legalise the Code of Native Law.	Section <i>two</i> .
"	Act No. 7 of 1895	To enable certain natives to dispose of immovable property.	The whole.
"	Act No. 49 of 1898.	The Courts Act, 1898.	Paragraph (e) of section <i>four</i> , and Chapters III and IV.
"	Act No. 1 of 1909	The Native Administration Act, 1909.	So much as is unrepealed.
Transvaal	Law No. 4 of 1885	To provide for the better administration of justice among natives.	So much as is unrepealed excepting section <i>ten</i> .
"	Law No. 3 of 1898	Relative to the contracts of native chiefs.	The whole.
"	Law No. 7 of 1899	Regulating the competency of native commissioners to punish legal practitioners.	"

Bylae.

HERROEPTE WETTE.

Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp van Wet.	Omvang van herroeping.
Kaap die Goeie Hoop.	Wet No. 17 van 1864.	Die Wysigingswet op Sertifikate van Burgerskap, 1864.	Geheel.
"	Wet No. 18 van 1864.	Die Wet op Naturelle-Erfopvolging, 1864.	"
"	Ordonnansie van Brits Kaffraria No. 10 van 1864.	Die Ordonnansie op Naturelle-Erfopvolging.	"
"	Wet No. 37 van 1884.	Die Naturelleloka-sies-Wet.	Wat nog nie herroep is nie.
"	Proklamasie van Brits Betsjoeland No. 2 van 1885.	Wet en Regulasies vir Brits Betsjoeland.	Artiekels <i>een-en-dertig, twee-en-dertig en drie-en-dertig</i> van Bylae.
"	Wet No. 39 van 1887.	Wet tot Tegemoet-koming aan Geregistreerde Naturellekiesers, 1887.	Geheel.
"	Wet No. 25 van 1894.	Die Glen-Grey-Wet, 1894.	Artiekels <i>negen-tien tot en met vyf-en-twintig</i> .
"	Wet No. 14 van 1905.	Die Glen-Grey-Wysigingswet, 1905.	Artiekels <i>een en twee</i> .
Natal	Wet No. 28 van 1865.	Om sekere persone van Naturellereg vry te stel.	Geheel.
"	Wet No. 26 van 1875.	Die Naturelleadministrasie-Wet, 1875.	Wat nog nie herroep is nie, behalwe artikel <i>veertien</i> .
"	Goewermementskennisgewing No. 194 van 1878.	Die Wetboek van Naturellereg.	Vir sover dit op Soeloeland van toepassing is.
"	Wet No. 44 van 1887.	Tot wysiging van die Naturelleadministrasie-Wet, 1875.	Wat nog nie herroep is nie, behalwe artikel <i>sewe</i> .
"	Wet No. 19 van 1891.	Tot wettiging van die Wetboek van Naturellereg.	Artikel <i>twee</i> .
"	Wet No. 7 van 1895.	Om sekere naturelle instaat te stel om onroerende goed te vervreem.	Geheel.
"	Wet No. 49 van 1898.	Die Geregshowe-Wet, 1898.	Paragraaf (e) van artikel <i>vier</i> en Hoofstukke III. en IV.
"	Wet No. 1 van 1909.	Die Naturelleadministrasie-Wet, 1909.	Wat nog nie herroep is nie.
Transvaal	Wet No. 4 van 1885.	Om voorziening te maken voor het betere bestuur en betere Rechtspleging onder de Naturellebevolking.	Wat nog nie herroep is nie, behalwe artikel <i>tien</i> .
"	Wet No. 3 van 1898.	Aangaande kontrakte van Naturellekap-teins.	Geheel.
"	Wet No. 7 van 1899.	Regelende de Bevoegdheid van Naturellen - Commissarissen om Legale Practizijs te kunnen bestraffen.	"

Province or Union.	No. and year of Law.	Title or subject of Law.	Extent of repeal.	Provinsie of Unie.	No. en jaar van Wet.	Titel of onderwerp van Wet.	Omvang van herroeping.
Transvaal	Proclamation No. 35 of 1901	The Coloured Persons Exemption (or Relief) Proclamation, 1901.	The whole.	Transvaal	Proklamasie No. 35 van 1901.	Die Ordonnansie tot Vrystelling van (of Tegemoetkoming aan) Kleurlinge, 1901.	Geheel.
"	Proclamation No. 28 of 1902.	The Administration of Estates Proclamation, 1902.	Sections <i>seventy</i> and <i>seventy-one</i> .	"	Proklamasie No. 28 van 1902.	Die Boedelproklamasie, 1902.	Artiekels <i>seventy</i> en <i>een-en-seventig</i> .
"	Ordinance No. 3 of 1902.	The Native Commissioners Jurisdiction Ordinance, 1902.	The whole.	"	Ordonnansie No. van 1902.	Die Ordonnansie op die Regsmag van Naturellekommis-sarisse, 1902.	Geheel.
"	Ordinance No. 28 of 1902.	The Natives Relief Ordinance, 1902.	"	"	Ordonnansie No. 28 van 1902.	Die Ordonnansie tot Tegemoetkoming aan Naturelle, 1902.	"
"	Act No. 29 of 1907	The Native Administration Amendment Act, 1907.	"	"	Wet No. 29 van 1907.	Die Naturelleadmin-istrasie-Wysigings-wet.	"
Orange Free State	Chapter XXXVI	Regarding the tribe of Paulus Mopeli.	"	Oranje-Vrystaat.	Hoofstuk XXXVI.	Over het Volk van Paulus Mopeli.	"
"	Chapter LVI	On the liquidation and distribution of Barolong Estates.	"	"	Hoofstuk LVI.	Over de Liquidatie en Distributie van Barolong Boedels.	"
"	Law No. 9 of 1898	Regarding the tribe at Witzieshoek.	"	"	Wet No. 9 van 1898.	Over het Volk te Witzieshoek.	"
"	Law No. 26 of 1899.	The Marriage Law	Section <i>twenty-eight</i> .	"	Wet No. 26 van 1899.	Die Huwelijkswet	Artikel <i>ag-en-twintig</i> .
"	Ordinance No. 2 of 1903.	The Coloured Persons Relief Ordinance, 1903.	The whole.	"	Ordonnansie No. 2 van 1903.	Die Ordonnansie tot Tegemoetkoming aan Kleurlinge, 1903.	Geheel.
"	Ordinance No. 12 of 1907.	The Coloured Persons of Distinction Exemption Ordinance, 1907.	"	"	Ordonnansie No. 12 van 1907.	Die Ordonnansie tot Vrystelling van Aansienlike Kleurlinge, 1907.	"
Union	Act No. 24 of 1913	The Administration of Estates Act, 1913.	Paragraph (<i>d</i>) of sub-section (1) of section <i>three</i> .	Unie	Wet No. 24 van 1913.	Die Boedelwet, 1913	Paragraaf (<i>d</i>) van sub-artikel (1) van artikel <i>drie</i> .
"	Act No. 7 of 1924	The Native Chiefs' Jurisdiction (Transvaal and British Bechuanaland) Act, 1924.	The whole.	"	Wet No. 7 van 1924.	Die Naturellehoofden (Transvaal en Brits Bechuanaland) Rechtsmacht Wet, 1924.	Geheel.

BILL

To regulate the payment of quitrent by part owners of land subject to payment of quitrent and situated in the Province of the Cape of Good Hope.

[SELECT COMMITTEE.]

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Payment of quitrent in respect of undivided or subdivided portion of land in Cape Province.

1. The provisions of any other law notwithstanding, no owner of any undivided share or subdivided portion of any land subject to the payment of quitrent and situated in the Province of the Cape of Good Hope and in respect of which no apportionment of quitrent has been made shall be liable for a larger proportion of the quitrent payable in respect of such land than is proportionate to the extent or area of the holding owned by him: Provided that on no such share or portion shall less than five shillings quitrent be payable.

What receipt required in case of transfer.

2. The production of the receipt or certificate of a competent revenue officer that the quitrent payable in respect of any such share or portion has been duly paid shall be sufficient compliance with the provisions of sub-section (1) of section *forty-four* of the Deeds Registries Act, 1918, (in so far as they relate to payments of quitrent) in respect of any grant or transfer of any such share or portion.

Short title.

3. This Act may be cited as the Payment of Quitrent (Cape) Act, 1927.

[A.B. 32—'27.]—Select Committee.

WETSONTWERP

Tot reëling van die betaling van erfpag deur gedeelte-eienaars van grond geleë in die provinsie Kaap die Goeie Hoop, waarop erfpag betaalbaar is.

[GEKOSE KOMITEE.]

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Niteenstaande die bepalinge van enige wet is 'n eienaar van 'n onverdeelde aandeel of onderverdeelde gedeelte van grond geleë in die provinsie Kaap die Goeie Hoop, waarop erfpag betaalbaar is en ten aansien waarvan geen verdeling van erfpag gemaak is, nie verantwoordelik vir 'n groter verhouding van die erfpag betaalbaar ten aansien van sodanige grond dan wat in verhouding is tot die grootte of oppervlakte van die grond waarvan hy eienaar is: Met die verstande, dat op geen sodanige aandeel of gedeelte minder dan vyf sjielings erfpag betaalbaar sal wees.

Betaling van erfpag ten aansien van onverdeelde of onderverdeelde gedeelte van grond in Kaap-provinsie.

2. Die oorlegging van die kwitansie of sertifikaat van 'n bevoegde inkomste-beampte dat die erfpag betaalbaar ten aansien van sodanige aandeel of gedeelte behoortlik betaal is, word geag op voldoende wyse aan die bepalinge van sub-artikel (1) van artikel *vier-en-veertig* van die Wet op Registratiekantoren van Akten, 1918 (insover hulle op betaling van erfpag betrekking het), ten aansien van enige toekenning of oordrag van so 'n aandeel of gedeelte te voldoen.

Watter kwitansie vereis in geval van oordrag.

3. Hierdie Wet kan aangehaal word as die Betaling van Korte tiel. Erfpag (Kaap) Wet, 1927.

[A.B. 32—'27] Gekose Komitee.

BILL

To amend the Prevention of Cruelty to Animals Act, 1914.

(Introduced by MAJ. G. B. VAN ZYL, M.L.A.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section three of Act No. 8 of 1914.

1. Sub-section (1) of section *three* of the Prevention of Cruelty to Animals Act, 1914, is hereby amended by the insertion after the words "of a fine" of the words:—

"or to whipping or to both such a fine and whipping or to both such imprisonment without the option of a fine and whipping."

Short title.

2. This Act may be cited as the Prevention of Cruelty to Animals Act, 1914, Amendment Act, 1927.

[A.B. 33—'27.]

WETSONTWERP

Om die Wet tot Voorkomen van Mishandeling van Dieren, 1914, te wysig.

(Ingedien deur MAJ. G. B. VAN ZYL, L.V.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Sub-artikel (1) van artikel *drie* van die Wet tot Voorkomen van Mishandeling van Dieren, 1914, word hierby gewysig deur invoeging ra die woorde "keuze van een boete" van die woorde:—

"of met lijfstraf of met zodanige boete zowel als lijfstraf of met zodanige gevangenis zonder de keuze van een boete zowel als lijfstraf."

2. Hierdie Wet kan aangehaal word as die Voorkoming van Mishandeling van Diere Wet, 1914, Wysigings Wet, 1927.

Wysiging van artikel drie van Wet No. 8 van 1914.

Korte tiel.

[A.B. 33—'27.]