



THE UNION OF SOUTH AFRICA
Government Gazette Extraordinary.

PUBLISHED BY AUTHORITY.

Buitegewone Staatskoerant
VAN DIE UNIE VAN SUID-AFRIKA.

UITGEGEE OP GESAG.

VOL. LXVIII.

PRICE 6d.

CAPE TOWN, 19TH MAY, 1927.

PREYS 6d.

No. 1630.

House of Assembly,
17th May, 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.

	Page.
A.B. 49—'27. Radio Act, 1926, Amendment Bill	vii
A.B. 50—'27. Women's Provincial Enfranchisement Bill	viii
A.B. 51—'27. Marburg Immigration Settlement (Local Board of Management) Bill	ix
A.B. 52—'27. South African Nationality and Flag Bill	xi

Volksraad,
17 Mei 1927.

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

DANL. H. VISSER,
Klerk van die Volksraad.

	Bladsy.
A.B. 49—'27. Radio Wet, 1926, Wysigings Wetsontwerp	vii
A.B. 50—'27. Vroue Prowinsiale Kiesreg Wetsontwerp	viii
A.B. 51—'27. Plaaslike Bestuursraad van die Immigrante-Nedersetting Marburg Wetsontwerp	ix
A.B. 52—'27. Suid-Afrikaanse Nasionaliteits en Vlag Wetsontwerp	xi

PROCLAMATION

BY MAJOR-GENERAL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF ATHLONE, KNIGHT GRAND CROSS OF THE MOST HONOURABLE ORDER OF THE BATH, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, KNIGHT GRAND CROSS OF THE ROYAL VICTORIAN ORDER, COMPANION OF THE DISTINGUISHED SERVICE ORDER, PERSONAL AIDE-CAMP TO HIS MAJESTY THE KING, HIGH COMMISSIONER FOR SOUTH AFRICA AND GOVERNOR-GENERAL AND COMMANDER IN CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.*

No. 137.]

WHEREAS the *Durban Borough (Extension of Area) Bill*, 1927, is a Bill which under section sixty-four of the South Africa Act 1909, has been reserved by me for the signification of His Majesty's pleasure;

AND WHEREAS under section sixty-six of that Act such a Bill has no force or effect unless and until within one year from the day on which it was presented to me for His Majesty's assent, I have made known in manner prescribed by that section that it has received His Majesty's assent;

AND WHEREAS the said Bill was presented as aforesaid on the twentieth day of March, 1927;

NOW THEREFORE, under and by virtue of the powers in me vested by section sixty-six of the South Africa Act, 1909, I do hereby declare, proclaim and make known that by Order-in-Council dated the twenty-second day of April, 1927, His Majesty the King declared his assent to the *Durban Borough (Extension of Area) Bill*, 1927.

The said Bill to which His Majesty's assent has thus been given is hereby promulgated hereunder as Act No. 12 of 1927.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa, at Cape Town, on this the ninth day of May, One Thousand Nine Hundred and Twenty-seven.

ATHLONE,
Governor-General.

By command of His Excellency the Governor-General-in-Council.

J. B. M. HERTZOG.

PROKLAMASIE

VAN GENERAAL-MAJOR SY EKSELLENSIE DIE HOOGEDELAGBARE DIE GRAAF VAN ATHLONE, GROOTKRUISRIDDER VAN DIE MEES EDELAGBARE BATHORDE, GROOTKRUISRIDDER VAN DIE MEES ONDERSKEIE ORDER VAN ST. MICHAEL EN ST. GEORGE, GROOTKRUISRIDDER VAN DIE KONINKLIKE VICTORIA ORDER, RIDDER VAN DIE ONDERSKEIE DIENSORDE, PERSOONLIKE AIDE-DE-CAMP. VAN SY MAJESTEIT DIE KONING, HOE KOMMISSARIS VIR SUID-AFRIKA, EN GOEWERNEUR-GENERAAL EN OPPERBEVELHEBBER IN EN OOR DIE UNIE VAN SUID-AFRIKA.

No. 137.]

NADemaal die *Wetsontwerp tot Uitbreiding van die Stadsgebied van Durban*, 1927, 'n Wetsontwerp is wat ingevolge artikel vier-en-sestig van die Zuid Afrika Wet 1909, deur my gereserveer is ter inwinning van Sy Majesteits behae;

EN NADemaal onder artikel ses-en-sestig van daardie Wet so'n Wetsontwerp nie in werking tree nie tensy en tot ek, binne een jaar vanaf die dag waarop dit aan my vir Sy Majesteits toestemming aangebied is, op die wyse in daardie artikel voorgeskrewe, bekend gemaak het dat Sy Majesteits toestemming verleen is.

EN NADemaal genoemde Wetsontwerp soos voormeld op die nege-en-twintigste dag van Maart, 1927, aangebied is;

So is dit dat ek ingevolge en uit krag van die aan my deur artikel ses-en-sestig van die Zuid Afrika Wet 1909, verleende bevoegheid, hiermee verklaar, proklameer en bekend maak dat deur Raads Besluit gedateer die twee-en-twintigste dag van April, 1927, Sy Majesteit die Koning sy toestemming aan die *Wetsontwerp tot Uitbreiding van die Stadsgebied van Durban*, 1927, verleen het.

Gesegde Wetsontwerp waaraan Sy Majesteits toestemming aldus verleen is, word hiermee hieronder uitgevaardig as Wet No. 12 van 1927.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseel van die Unie van Suid Afrika te Kaapstad op hierdie negende dag van Mei, Een Duisend Nege Honderd en Sewe-en-twintig.

ATHLONE,
Goewerneur-Generaal.

Op las van Sy Eksellensie die Goewerneur-generaal-in-rade.

J. B. M. HERTZOG.

No. 12, 1927.]

ACT

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.

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:—

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 the third paragraph of the said Schedule.

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;

No. 12, 1927.]

WET

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 reëling van die uitgifte van handelslisensies in die hawegebied te Durban van voormelde Administrasie en tot goedkeuring en bekragtiging van 'n ooreenkoms aangegaan tussen voornoemde Administrasie en die munisipale raad van die stad Durban.

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, aangegaan ingevolge artikel vier van Wet No. 42 van 1888 (Natal), en waarna 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 stukke grond insluit. Die stukke grond 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 daardie kaart word hieronder die "uitbreidingskaart" genoem: Met die verstande dat die bepaling van hierdie Wet en van die in artikel vyf vermelde ooreenkoms nie van toepassing is nie op die stuk grond of op enige gedeelte daarvan wat in die uitbreidingskaart deur die letters L.M.N.O. aangedui is behalwe wanneer, en dan insover as, so'n stuk grond of gedeelte daarvan 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 die derde paragraaf van voornoemde Bylae genoemde stukke grond.

2. Nieteenstaande die bepaling 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 Spoorwega 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 stad maar buite die uitbreidingsgebied geleë 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;

Extension
of limits of
Borough
of Durban.

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

Uitbreiding
van
Durbanse
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.

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 channelled 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.

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.

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.

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 Galliers 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 stad geleë mog wees, niteenstaande 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 stad geleë mog wees, waarop die Raad met die inwerking-treding van hierdie Wet geen belasting gehef het nie.

3. 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.

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 opleë, 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 handelinge, en insover 'n verordening of regulasie van die Raad met hierdie artikel teenstrydig is, word bedoelde verordening of regulasie geag herroep te wees.

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.

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

(3) Niteenstaande 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 tittelbreiding van die Stadsgebied van Durban, 1927.

Eerste Bylae.

'n Lyn wat die waterkant 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 Kongella-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 kant 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	"	"	"
"	A of B of A of	"	"	"
"	S.A.R. of B of A of	"	"	"
"	S.A.R. of A of Reserve of Ordinance Land, Durban,	"	"	"
"	S.A.R. of B of Ordinance Land, Durban,	"	"	"

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 filed 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, then along 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 soas groen gekleur op die kaart wat in die kantoor van die Landmeter-generaal, Pietermaritzburg, geregistreer is sub. Vol. 699, Folio 97, insover dit nie reeds in bedoelde stadsgebied inbegryp is nie.

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 van	"	"
"	S.A.R. van B. van	"	"

Twede Bylae.

OOREENKOMS GESLUIT tussen die MINISTER VAN SPOORWEEËN 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 BURGEMEESTER, RAADSLEDEN EN INGESETENES 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 ligrooi 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, 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 nabysynende 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 oorspronklike wetlik 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 kwartiere 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 Havenwerken Aanleg Wet, 1917, en die riolering en kanale wat in die nuwe droogleggingsstreek 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 droogleggingsstreek, 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 wydte 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 vermeldde 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 vermeldde versterking en onderhoud te betaal. Bedoelde sewentig duisend pond (£70,000) sterling word in driemaandelikse paalemente 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 Kongella 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 slaghuise 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 Kongella 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 Kongella-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 belastbare 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 the 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 CHARL 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) A. 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 dié 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 veruwing 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 mog hang; dog aangesien die Stadsbestuur geen beheer oor bewuste masjinerie 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 aangaan moet bepaal dat hout- en sinkgeboue 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 droogleggingstreek 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 Kongella drooggelê, opgevol en vir gebruik gereed is, dan gaan die eiendom in paaie wat deur die Administrasie op die nuwe droogleggingstreek aangelê is en wat aan belastbare 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 riolerings 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 tremspore 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 Kongella word hierby herroep en vernietig.

Ten Twaalfde.—Die Stadsbestuur hef of eis geen lisensiefout nie binne die regsgebied van die Administrasie se Hawe (met inbegrip van die drooggelegde grond by Kongella) wat in stryd kan wees met die lisensies of foote neergelê by Haweregulasies ingestel kragtens Wet No. 22 van 1916, of wat sodanige lisensies of foote 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 bekragtig: 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 aleer 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 CHARL 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) A. O. JONES, (Geteken) T. M. WADLEY,
Stadsklerk. Burgemeester.
2. (Geteken) J. GOLDSMITH THOMPSON.

BILL

To amend the Radio Act, 1926 (Act No. 20 of 1926).

(Introduced by the MINISTER OF POSTS AND TELEGRAPHS.)

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
thirteen of
Act No. 20
of 1926.

1. Section *thirteen* of the Radio Act, 1926, is hereby amended by the addition thereto of the following sub-section (2), the existing section becoming sub-section (1):—

“(2) Any person who sells, gives or in any manner whatever supplies any valve, loudspeaker or telephone receiver for radio to any person who is not a licensed listener under this Act shall within seven days after such supply notify the Postmaster-General thereof by written notice setting out the name and address of the person so supplied. Failure to comply with the provisions of this sub-section shall constitute an offence.”

Short title.

2. This Act may be cited as the Radio Act, 1926, Amendment Act, 1927.

WETSONTWERP

Tot wysiging van die Radio Wet 1926 (Wet No. 20 van 1926).

(Ingedien deur die MINISTER VAN POSWESE EN TELEGRAFIE.)

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

1. Artikel *dertien* van die Radio Wet, 1926, word hierby gewysig deur toevoeging daaraan van onderstaande sub-artikel (2) terwyl die bestaande artikel sub-artikel (1) word:—

“(2) Elkeen wat aan iemand wat nie 'n ingeolge hierdie Wet gelisensieerde luisteraar is nie, 'n gloeilamp, luidspreker of 'n ontvangstelefoon vir radio verkoop, gee of op welke manier ook al verstrek, moet binne sewe dae na bedoelde verstrekking die Posmeester-generaal daarvan by skriftelike kennisgewing, waarin die naam en adres van die persoon aan wie aldus verstrek is vermeld word, in kennis stel. Versuim om die bepalings van hierdie sub-artikel na te kom is 'n misdryf.”

Wysiging
van artikel
dertien van
Wet No. 20
van 1926.

2. Hierdie Wet kan aangehaal word as die Radio Wet, 1926, Kort titel. Wysigings Wet, 1927.

BILL

To amend the law relating to the franchise in respect of Provincial Council elections.

(Introduced by D. M. BROWN, Esq., O.B.E., 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:—

1. (1) Notwithstanding anything contained in the Constitution Ordinance of the Cape of Good Hope, the Charter of Natal, the Transvaal Constitution Letters Patent, 1906, the Orange River Colony Constitution Letters Patent, 1907, or any amendment thereof, whereby persons of the male sex only are entitled to be registered as voters for the election of members of the House of Assembly and Provincial Councils, the said Ordinance, Charter and Letters Patent and all amendments thereof shall, in so far as the election of members of Provincial Councils are concerned, be read and construed as if the provisions thereof relating to the qualifications of voters included persons of the female as well as of the male sex.

(2) In respect of each such electoral division as is referred to in section seventy-one of the South Africa Act, 1909, the Minister of the Interior shall cause a separate voters' list to be framed containing in alphabetical order the names of all persons of the female sex who by virtue of the provisions of subsection (1) of this section are entitled to be registered as voters for the election of members of Provincial Councils.

(3) The provisions of the Electoral Act, 1918, and any amendment thereof shall apply, *mutatis mutandis*, to the framing of such separate voters lists.

2. Where by any law in force for the time being in any province the possession, occupation or renting of property or premises of a certain value is prescribed as entitling persons to be registered as voters for the election of members of the House of Assembly and Provincial Councils a married woman who is not living apart from her husband, shall be entitled to be registered as a voter for the election of members of a Provincial Council in respect of property or premises possessed, occupied or rented by her husband: Provided that the value of such property or premises, as reckoned for the purposes of the husband's qualification, is at least twice the amount prescribed by such law.

3. Nothing in this Act shall be construed so as to deprive any man who, if this Act had not been passed, would have been entitled to be registered as a voter, of the right of being so registered.

4. This Act may be cited for all purposes as the Women's Provincial Enfranchisement Act, 1927.

WETSONTWERP

Om die wet op die kiesreg ten opsigte van Prowinsiale Raadsverkiegings te wysig.

(Ingedien deur die WELED. HEER D. M. BROWN, O.B.E., L.V.)

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

1. (1) Nieteenstaande die bepalings vervat in die Konstitutie Ordonantie van die Kaap die Goeie Hoop, die Charter van Natal, die Transvaal Konstitutie Open Brief, 1906, die Oranje Rivier Kolonie Konstitutie Open Brief, 1907, of alle wysigings daarvan, waardeur alleen persone van die manlike geslag geregtig is om as kiesers geregistreer te word vir die verkiesing van lede van die Volksraad en Prowinsiale Rade, word voornoemde Ordonantie, Charter en Open Brieven en alle wysigings daarvan vir sover dit die verkiesing van lede van Prowinsiale Rade betref gelees en verklaar asof die bepalings daarvan betreffende die kwalifikasies van kiesers persone van die vroulike sowel as van die manlike geslag insluit.

(2) Ten opsigte van ieder sulke kiesafdeling as bedoel word in artikel een-en-sewentig van die Zuid Afrika Wet, 1909, laat die Minister van Binnelandse Sake 'n aparte kieserslys opstel bevattende in alfabetiese volgorde die name van alle persone van die vroulike geslag wat kragtens die bepalings van sub-artikel (1) van hierdie artikel geregtig is om as kiesers vir die verkiesing van Prowinsiale Rade geregistreer te word.

(3) Die bepalings van die Kieswet, 1918, en enige wysiging daarvan is *mutatis mutandis* van toepassing op die opstel van sulke aparte kieserslyste.

2. Waar deur 'n in 'n provinsie geldende wet voorgeskryf word dat die besit, okkupasie of huur van eiendom of persele van 'n sekere waarde aan persone die reg gee om as kiesers geregistreer te word vir die verkiesing van lede van die Volksraad en Prowinsiale Rade, het 'n gehude vrou wat nie afsonderlik van haar eggenoot woon die reg om as 'n kieser vir die verkiesing van lede van 'n Prowinsiale Raad geregistreer te word ten aansien van eiendom of persele deur haar eggenoot besit, geokkupeer of gehuur, mits die waarde van sulke eiendom of perseel as gereken vir kwalifikasie-doeleinde van die eggenoot, minstens tweemaal die bedrag is deur sulke wet voorges ryf.

3. Die bepaalde by hierdie Wet word nie geag 'n manspersoon, wat so hierdie Wet nie ingevoer was nie, geregtig sou gewees het om as kieser geregistreer te word, die reg te ontnem om aldus geregistreer te word.

4. Hierdie Wet kan vir alle doeleindes aangehaal word as die Kort titel. Vroue Prowinsiale Kiesreg Wet, 1927.

Verleen van kiesreg aan vroue ten opsigte van die verkiesing van lede van prowinsiale rade.

Eiendoms-kwalifikasie in geval van gehude vroue.

Voorbehoud.

BILL

To provide for the constitution of a Local Board of Management for the Marburg Immigration Settlement, county of Alfred, in the Province of Natal, and certain incidental matters.

(Introduced by the MINISTER OF LANDS.)

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:—

1. (1) Notwithstanding anything contained in the Immigration Act of 1894 (Act No. 4 of 1894) of Natal, or in the regulations framed thereunder or in any Crown grant or other document of title issued to any person in respect of any land within the Marburg Immigration Settlement (hereinafter called the Settlement) situate in the County of Alfred, Province of Natal, the Minister of Lands (hereinafter called the Minister) may by notice in the *Gazette* authorize the constitution of a Local Board (hereinafter called the Board) for the management of the area of the settlement and the commonages attached thereto, which area shall be defined by the Minister in the said notice.

(2) The Board shall consist of not less than three and not more than five members who shall be elected by the registered owners of lots within the settlement in manner prescribed by regulation under section four. Every member of the Board elected as aforesaid shall hold office for a period of three years. If such owners shall at any time fail, neglect or refuse to elect a Board or to elect a sufficient number of members to form such Board, the Minister may, by notice in the *Gazette*, appoint from among such owners a sufficient number of persons to constitute such Board.

(3) Three members of the Board shall form a quorum. The Board shall elect one of its members to be the chairman of the Board. The chairman shall have a deliberative vote and, in the event of an equality of votes, he shall, in addition, have a casting vote. The decision of the majority of the members of the Board shall be the decision of the Board and shall be final and conclusive.

(4) The Board shall be known as the Marburg Immigration Settlement Board and shall be a body corporate capable of suing and being sued, and subject to the provisions of this Act and, as far as may be necessary, for the better performance of its functions and duties thereunder of doing such things as bodies corporate may by law do.

2. (1) It shall be the duty of the Board to control and maintain the commonages attached to the settlement and granted to it in terms of section three, and to regulate their use by the registered owners of lots in the settlement.

(2) The Board shall, within the area of the settlement and commonages attached thereto, have, subject to the approval of the Minister, all such powers as may be exercised by a committee of management constituted under the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925): Provided that such powers shall, save as specially provided in this Act, be exercised subject to such rights as the registered owners aforesaid may have under their title deeds, and provided further that, in the making of any rules under the powers aforesaid, the Board shall be governed by the provisions of any regulations made under section four.

(3) The Board shall have the power to purchase and hold land and to sell, exchange, donate, lease or hypothecate any land so purchased or any land acquired by exchange or any land forming part of the commonage falling within the area defined by the Minister under sub-section (1) of section one:

[A.B. 51—'27.]

WETSONTWERP

Om voorsiening te maak vir die instelling van 'n Plaaslike Bestuursraad vir die Immigrante-Nedersetting Marburg, graafskap Alfred, in die Provinsie Natal, en vir daarmee in verband staande sake.

(Ingedien deur die MINISTER VAN LANDE.)

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

1. (1) Nieteenstaande die bepalings van die Immigrasiewet van 1894 (Wet No. 4 van 1894) van Natal of van die regulasies kragtens daardie wet uitgevaardig of van 'n Kroon-grondbrief of ander tieltbewys aan iemand uitgereik ten opsigte van enige grond in die Immigrante-Nedersetting Marburg (hieronder die Nedersetting genoem), geleë in die Graafskap Alfred, Provinsie Natal, mag die Minister van Lande (hieronder die Minister genoem) by kennisgewing in die *Staatskoerant* magtiging verleen tot instelling van 'n plaaslike raad (hieronder die Raad genoem) vir die bestuur van die gebied van die nedersetting en van die daarby behorende meentgronde, wat die Minister in daardie kennisgewing moet omskrywe.

(2) Die Raad bestaan uit nie minder as drie en nie meer as vyf lede wat deur die geregistreerde eienaars van persele in die nedersetting gekies moet word volgens voorskrif van regulasies uitgevaardig kragtens artikel vier. Elke soos voormeld gekose lid van die Raad beklee sy amp gedurende 'n tydperk van drie jaar. As daardie eienaars te eniger tyd in gebreke bly, versuim of weier om 'n Raad te kies of om 'n voldoende aantal lede te kies om so 'n raad te vorm, mag die Minister by kennisgewing in die *Staatskoerant* uit daardie eienaars 'n voldoende aantal persone benoem om so 'n raad same te stel.

(3) Drie lede van die raad vorm 'n kworum. Die raad moet een van sy lede tot voorsitter kies. Die voorsitter het 'n beraadslagende stem en by staking van stemme buitendien 'n beslissende stem. Die beslissing van die meerderheid van die lede van die raad is die beslissing van die raad en is finaal en afdoende.

(4) Die raad word die Marburg-Immigrante-Nedersettings-raad genoem en is 'n regspersoon, in staat om as eiser en as verweerder in regte op te tree en om, met inagneming van die bepalings van hierdie Wet en vir sover as nodig mog wees om sy werksaamhede en pligte ingevolge hierdie Wet beter uit te voer, alle handelings te verrig wat regspersone regtens mag verrig.

2. (1) Die raad is verplig om die by die nedersetting behorende meentgronde, wat kragtens artikel drie aan hom toegeken geword is, te beheer en in stand te hou en om hulle gebruik deur die geregistreerde eienaars van persele in die nedersetting te reël.

(2) Binne die gebied van die nedersetting en die daarby behorende meentgronde het die raad, met goedkeuring van die Minister, al die bevoegdhede wat uitgeoefen mag word deur 'n komitee van beheer ingestel kragtens die Nedersettingen (Komitee van Beheer) Wet, 1925 (Wet No. 21 van 1925): Met die verstande dat daardie bevoegdhede, behoudens die besondere bepalings van hierdie Wet, uitgeoefen moet word met inagneming van die regte wat voormelde geregistreerde eienaars kragtens hulle tieltbewyse mog hê; en met die verstande ook dat die raad by die vasstelling van reëls kragtens voormelde bevoegdhede, hom moet hou aan die bepalings van regulasies uitgevaardig ingevolge artikel vier.

(3) Die raad is bevoeg om grond te koop en te besit en om aldus gekoopte of deur ruil verkrege grond of grond wat deel uitmaak van die meentgronde wat val in die gebied deur die Minister kragtens sub-artikel (1) van artikel een omskrywe,

[A.B. 51—'27.]

Instelling van raad van Immigrante-Nedersetting Marburg.

Werkkring van raad.

Provided that no such purchase, sale, exchange, donation or hypothecation of land shall be effected unless it has been sanctioned by not less than two-thirds of the votes represented by the registered owners aforesaid present at any meeting convened as prescribed by regulation framed under section four for the purpose of considering any proposal of the Board for the purchase, sale, exchange, donation or hypothecation of land; and provided further that no such purchase, sale, exchange, donation or hypothecation shall take place save under authority of the Governor-General.

(4) Any land acquired by the Board under sub-section (3) shall be deemed to be within the area of the settlement and commonages attached thereto as defined under sub-section (1) of section one.

(5) The proceeds of any sale or lease in terms of sub-section (3) shall be devoted to the acquisition of other land for the purposes of the settlement or to some other purpose for the use, benefit or enjoyment of the registered owners of lots on the settlement.

(6) The servitude of pasturage in favour of the registered owners aforesaid, attaching to any land forming part of the commonages referred to in sub-section (3) and alienated under that sub-section shall, upon such alienation, lapse in respect of the land so alienated.

(7) The Minister may, in consultation with the Board, exclude from the powers of the Board under this Act, any land alienated under sub-section (3).

Grant of
commonage
land to
Board.

3. Notwithstanding anything contained in any law or in any title deed relating to land in the settlement the Governor-General may grant to the Board certain three pieces of commonage land which are now being used by the registered owners of lots within the settlement in terms of regulations promulgated under Act No. 4 of 1894 of Natal. Such a grant shall be made subject to such conditions as are usually inserted in grants of Crown land within the Province of Natal and such other conditions as the Governor-General may deem expedient.

Regulations.

4. The Minister may, by notice in the *Gazette*, prescribe regulations not inconsistent with this Act for any of the following purposes—

- the basis on which rights of voting by registered owners of lots in the settlement at elections for membership of the Board shall be exercised and the manner in which elections for membership of the Board shall be carried out;
- the filling of vacancies on the Board arising through death, resignation or other cause;
- the procedure of the Board;
- the manner in which proposals by the Board to buy, sell, exchange, donate or hypothecate land in terms of sub-section (3) of section two shall be submitted to a meeting of such registered owners and the procedure to be followed in convening any such meeting;
- the rendering of a report and statement of accounts by the Board in respect of its operation;
- the procedure governing the making of rules by the Board under the powers conferred by the Settlements (Committee of Management) Act, 1925.

Existing
rules.

5. The rules or special by-laws promulgated in terms of section two of Act No. 4 of 1894 of Natal shall be of force and effect until amended or repealed in terms of this Act.

Short title.

6. This Act may be cited as the Marburg Immigration Settlement (Local Board of Management) Act, 1927.

te verkoop, te verruil, weg te gee, te verhuur of met verband te belas: Met die verstande dat geen sodanige koop, verkoop, ruil, skenking of belasting met verband, van grond mag plaasvind nie, tensy dit goedgekeur is deur nie minder as twee-derde van die stemme verteenwoordig deur voormelde geregistreerde eienaars aanwesig op 'n vergadering volgens voorskrif van regulasies, kragtens artikel vier uitgevaardig, belê ter ooreweging van 'n voorstel van die raad om grond te koop, te verkoop, te verruil, weg te gee of met verband te belas; en met die verstande ook dat geen sodanige koop, verkoop, ruil, skenking of belasting met verband mag plaasvind nie sonder magtiging van die Goewerneur-generaal.

(4) Grond deur die raad kragtens hierdie sub-artikel verkry, word geag binne die gebied te wees van die nedersetting en van die daarby behorende meentgronde, soos omskrywe kragtens sub-artikel (1) van artikel een.

(5) Die opbrings van 'n verkoping of verhuur van grond kragtens sub-artikel (3) moet gebruik word om ander grond vir die nedersetting te verkry of vir 'n ander doel tot gebruik, voordeel en genot van die geregistreerde eienaars van persele in die nedersetting.

(6) Die servituut van weiding ten gunste van voormelde geregistreerde eienaars wat rus op grond wat deel uitmaak van die meentgronde vermeld in sub-artikel (3) en wat kragtens daardie sub-artikel vervreem is, vervall by daardie vervreemding ten opsigte van die aldus vervreemde grond.

(7) Die Minister mag, in oorleg met die raad, enige kragtens sub-artikel (3) vervreemde grond van die raad se bevoegdhede ingevolge hierdie Wet uitsluit.

3. Nieteenstaande die bepalinge van enige wet of van enige tittelbewys wat betrekking het op grond in die nedersetting, mag die Goewerneur-generaal aan die raad toeken sekere drie stukke meentgrond wat nou deur die geregistreerde eienaars van persele in bedoelde nedersetting gebruik word kragtens regulasies uitgevaardig ingevolge Wet No. 4 van 1894 van Natal. So'n toekenning is onderworpe aan die voorwaardes wat gewoonlik voorkom in grondbriewe van Kroongrond in die Provinsie Natal en aan sodanige ander voorwaardes as wat die Goewerneur-generaal dienstig ag.

Toekenning
van meent
grond aan
raad.

4. Die Minister mag by kennisgewing in die *Staatskoerant* regulasies uitgevaardig wat nie in stryd met hierdie Wet mag wees nie, vir alle of enige van die volgende doeleindes—

- die grondslag waarop geregistreerde eienaars van persele in die nedersetting by verkiesing van lede van die raad hulle stemreg moet uitoefen en die manier waarop verkiesings van lede van die raad moet plaasvind;
- die aanvulling van vakatures in die raad wat ontsatan deur die dood, bedanking of om ander redes;
- die prosedure van die raad;
- die manier waarop voorstelle van die raad om grond kragtens sub-artikel (3) van artikel twee te koop, te verkoop, te verruil, weg te gee of met verband te belas, aan 'n vergadering van daardie geregistreerde eienaars voorgelê moet word en die prosedure wat in ag geneem moet word by die belegging van so'n vergadering;
- oorlegging van 'n verslag en rekeningstaat deur die raad met betrekking tot sy verrigtings;
- die prosedure wat van toepassing is op die vasstelling van reëls deur die raad kragtens die bevoegdhede verleen deur die Nederzettingen (Komitee van Beheer) Wet, 1925.

5. Die reëls en spesiale verordenings uitgevaardig kragtens artikel twee van Wet No. 4 van 1894 van Natal is van krag totdat hulle volgens hierdie Wet gewysig of herroep word.

Bestaand
reëls.

6. Hierdie Wet mag aangehaal word as die Plaaslike Bestuursraad van die Immigrante-Nedersetting Marburg Wet, 1927.

Kort tittel.

BILL

To define South African nationality, and to provide for a national flag for the Union of South Africa.

(Introduced by the MINISTER OF THE INTERIOR.)

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.

SOUTH AFRICAN NATIONALITY.

1. The following persons shall be South African nationals—

- (a) a person born in any part of South Africa included in the Union or in the mandated territory of South-West Africa (hereinafter called the territory), who is not an alien;
- (b) a British subject whose entry into any part of South Africa included in the Union or the territory was in accordance with any law governing at the time of such entry the immigration of persons into that part of South Africa or the territory respectively and who has for a period of at least three years thereafter been continuously domiciled in the Union or the territory so long as he retains that domicile;
- (c) a person domiciled in the Union or the territory who became a naturalized British subject under the laws of any part of South Africa included in the Union or of the territory and who has for a period of at least three years after entry into that part of South Africa or the territory been continuously domiciled in the Union or the territory so long as he retains such domicile and does not become an alien;
- (d) a person born outside any part of South Africa included in the Union or the territory whose father was a South African national at the time of such persons' birth or would have been a South African national if this Act had at the time of such person's birth been in force, and was not in the service of an enemy state: Provided that nothing in this paragraph contained shall apply to any person who, if he enters or is found in the Union, would in terms of the Immigrants' Regulation Act, 1913, or any amendment thereof, be a prohibited immigrant;
- (e) the lawful wife of any person specified in paragraph (a), (b), (c) or (d).

2. (1) Any person who, by reason of his having been born in any part of South Africa included in the Union or the territory, is a South African national, but who at his birth or during his minority became under the law of the United Kingdom or possession of the British Empire, or of any self-governing dominion, a national also of that kingdom, possession or dominion, and is still such a national, and any person who though born outside that part of South Africa or the territory is a South African national, may, if of full age and not a mentally disordered or defective person and not domiciled in the Union or the territory, make a declaration renouncing his South African nationality.

(2) Such declaration may be made before a magistrate, a justice of the peace, or other person authorized by the Minister and shall be in the form prescribed by the Minister: Provided

[A.B. 52—'27.]

WETSONTWERP

Om Suid-Afrikaanse nasionaliteit te bepaal en om voorsiening te maak vir 'n nasionale vlag van die Unie van Suid-Afrika.

(Ingedien deur die MINISTER VAN BINNELANDSE SAKKE.)

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

HOOFSTUK I.

SUID-AFRIKAANSE NASIONALITEIT.

1. Die volgende persone is Suid-Afrikaanse staatsburgers—

- (a) iemand wat gebore is in 'n deel van Suid-Afrika wat in die Unie opgeneem is of in die mandaatgebied Suidwes-Afrika hieronder die gebied genoem) en wat nie 'n vreemdeling is nie;
- (b) 'n Britse onderdaan, wie se binnekoms in 'n deel van Suid-Afrika wat in die Unie opgeneem is of in die gebied in ooreenstemming was met enige wet, wat op die tydstip van bedoelde binnekoms die immigrasie van mense respektiefflik in daardie deel van Suid-Afrika of in die gebied gereël het, en wat vir 'n tydperk van ten minste drie jaar daarna sonder onderbreking in die Unie of in die gebied gedomisiileer was, solang as hy daardie domisilië behou;
- (c) iemand wat in die Unie of die gebied gedomisiileer en kragtens die wette van enige deel van Suid-Afrika wat in die Unie opgeneem is, of van die gebied genaturaliseer is as Britse onderdaan en wat vir 'n ononderbroke tydperk van minstens drie jaar na sy binnekoms in daardie deel van Suid-Afrika of die gebied in die Unie of die gebied gedomisiileer was, so lang as hy daardie domisilië behou en nie 'n vreemdeling word nie;
- (d) iemand wat buite enige deel van Suid-Afrika wat in die Unie opgeneem is of die gebied gebore is, wie se vader by die betrokke persoon se geboorte 'n Suid-Afrikaanse staatsburger was, of 'n Suid-Afrikaanse staatsburger sou gewees het as hierdie Wet by die betrokke persoon se geboorte van krag gewees was, en toe nie in die diens van 'n vyandelike staat was nie: Met die verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie op iemand wat, indien hy die Unie in kom, of daarin gevind word, ingevolge die Immigratie Regelings Wet, 1913, of 'n wysiging daarvan 'n verbode immigrant sou wees;
- (e) die wettige eggenote van 'n in paragraaf (a), (b), (c) of (d) vermelde persoon.

2. (1) Iemand wat 'n Suid-Afrikaanse staatsburger is omdat hy in 'n deel van Suid-Afrika wat in die Unie opgeneem is of in die gebied gebore is, maar wat by sy geboorte of gedurende sy minderjarigheid kragtens die Wet van die Verenigde Koninkryk, of van 'n besitting van die Britse Ryk of van 'n self-regerende dominium ook 'n staatsburger van daardie koninkryk, besitting of dominium geword het en dit nog is, en iemand wat, alhoewel hy buite daardie deel van Suid-Afrika of die gebied gebore is, 'n Suid-Afrikaanse staatsburger is, kan, mits hy meerderjarig is en nie kranksinnig of swaksinnig is nie en nie in die Unie of die gebied gedomisiileer is nie, 'n verklaring aflê waarby hy afstand doen van sy Suid-Afrikaanse nasionaliteit.

(2) Sodanige verklaring kan afgelê word voor 'n magistraat, vrederegter of 'n ander deur die Minister gemagtigde persoon en moet in die vorm wees wat die Minister voorskrywe: Met

[A.B. 52—'27.]

Persons who are South African nationals.

Renunciation of South African nationality.

Wie Suid-Afrikaanse staatsburgers is.

Afstand van Suid-Afrikaanse nasionaliteit

that if such person subsequently establishes a domicile in the Union or the territory the provisions of paragraph (b) of section one shall apply to him.

(3) The declarant shall transmit his declaration to the Minister, and upon the Minister being satisfied of the sufficiency of the declaration, and that it has been duly executed, the Minister shall cause it to be filed, whereupon the declarant shall cease to be a South African national and a certified copy of the declaration shall be forwarded to the declarant with an endorsement thereon that the original declaration has been filed.

(4) The Minister shall cause a register to be made and kept of all declarations made under this section.

(5) The Minister shall in the month of January in every year publish in the *Gazette* a return of all persons by whom such declarations have been made during the preceding calendar year and that return shall show in respect of each person—

- (a) his name in full;
- (b) his birthplace;
- (c) his present address;
- (d) his occupation;
- (e) the date of the declaration; and
- (f) whether he is a British subject by birth, annexation or naturalization.

CHAPTER II.

FLAG OF THE UNION OF SOUTH AFRICA.

3. The flag of which the design is set out in section four shall for all purposes be the National Flag of the Union, and be flown as such: Provided that the Union Jack shall symbolize the association of the Union with the other members of the group constituting the British Community of Nations, and shall be officially flown on the actual birthday of His Majesty the King, on the twenty-fourth day of May (Victoria Day), on the thirty-first day of May (Union Day), on the first Monday in August (King's birthday), and on such other occasions as the Governor-General may appoint.

4. The design of the National Flag of the Union shall be—
The Cross of St. George, fimbriated white, on a green field, divided quarterly.

5. (1) The provisions of sections three and four shall be submitted by means of a referendum held in accordance with the provisions of section six, for the approval or disapproval of the persons entitled at the date of such referendum to vote at elections of members of the House of Assembly.

(2) As soon as practicable after the holding of the referendum, but not earlier than the day succeeding the last day on which, in terms of any regulation made or provision in force under sub-section (2) of section six, any petition may be made to any court in respect of any matter relating to the voting at the referendum and affecting the issue thereof, or, if any such petition is made, not before the final decision of the matter raised upon such petition, the Minister shall, by notice in the *Gazette*, announce the total number of votes given in favour and the total number given against the provisions of sections three and four.

(3) If the total number of votes so announced as given in favour of the provisions of sections three and four has exceeded the number so announced as given against the said provisions, the Governor-General may, by proclamation in the *Gazette*, fix a date upon which the provisions of sections three and four shall come into operation.

(4) If the total number of votes so announced as given in favour of the provisions of sections three and four has not exceeded the number so announced as given against the said provisions, the provisions of the said sections shall be of no force or effect.

die verstande dat indien so iemand naderhand domisilië in die Unie of die gebied erlang, die bepalinge van paragraaf (b) van artikel een op hom van toepassing is.

(3) Die verklaarder moet sy verklaring aan die Minister opstuur en indien die Minister oortuig is dat die verklaring voldoende is en dat dit behoorlik afgelê is laat die Minister dit in bewaring neem en daarmee hou die verklaarder op om 'n Suid-Afrikaanse staatsburger te wees. 'n Gesertifiseerde afskrif van die verklaring met 'n aantekening daarop dat die oorspronklike verklaring in bewaring is moet aan die verklaarder gestuur word.

(4) Die Minister laat 'n register van alle ingevolge hierdie artikel afgelegde verklaringe aanlê en aanhou.

(5) Elke jaar in die maand Januarie publiseer die Minister in die *Staatskoerant* 'n opgaaf van alle persone wat gedurende die vorige kalenderjaar sodanige verklaringe afgelê het en daardie opgaaf moet van elkeen aantoon:—

- (a) sy volle naam;
- (b) sy geboorteplek;
- (c) sy teenswoordige adres;
- (d) sy beroep;
- (e) die datum van die verklaring; en
- (f) of hy 'n Britse onderdaan is by geboorte, anneksasie of naturalisasie.

HOOFSTUK II.

VLAK VAN DIE UNIE VAN SUID-AFRIKA.

3. Die vlak waarvan 'n ontwerp in artikel vier omskrywe word, is vir alle doeleindes die nasionale vlak van die Unie en word as sulks vertoon: Met die verstande dat om die verband tussen die Unie en die ander lede van die groep, wat die Britse Gemeenskap van Nasies vorm, voor te stel die "Union Jack" offisieel vertoon word op die werklike verjaarsdag van Sy Majesteit die Koning, op die vier-en-twintigste dag van Mei (Victoria Dag), op die een-en-dertigste dag van Mei (Unie Dag), op die eerste Maandag in Augustus (Die Koning se Verjaarsdag) en op sulke ander geleenthede as die Goewerneur-generaal mag vasstel.

4. Die ontwerp van die nasionale vlak van die Unie is as volg:—

Die kruis van St. George, met 'n boordsel van wit, op 'n groen veld, gekwartileer.

5. (1) Die bepalinge van artikels drie en vier word by wyse van 'n referendum wat ooreenkomstig die bepalinge van artikel ses geneem word, vir goed- of afkeuring geregtig na die persone wat op die datum van die referendum geregtig is om by 'n verkiesing van volksraadslede te stem.

(2) So gou doenlik na die referendum geneem is (maar nie eerder nie dan die dag na die laaste dag waarop 'n aansoek kragtens 'n regulasie wat uitgevaardig is of 'n bepaling wat van krag is ingevolge sub-artikel (2) van artikel ses, aan 'n hof ten opsigte van iets wat die stemming by die referendum betref en wat die uitslag daarvan affekteer gemaak kan word, of, indien so 'n aansoek gemaak is, nie eerder nie dan na die finale beslissing van die saak wat in die aansoek geopper word) moet die Minister by kennisgewing in die *Staatskoerant* die totale aantal stemme wat ten gunste, sowel as die totale aantal stemme wat teen die bepalinge van artikels drie en vier uitgebring is, aankondig.

(3) Indien die totale aantal stemme, wat aldus aangekondig word ten gunste van die bepalinge van artikels drie en vier uitgebring te wees, meer is dan die aantal wat aangekondig is teen genoemde bepalinge uitgebring te wees, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* 'n dag vasstel waarop die bepalinge van artikels drie en vier in werking tree.

(4) Indien die totale aantal stemme, wat aldus aangekondig word te gunste van die bepalinge van artikels drie en vier uitgebring te wees, nie meer is dan die aantal stemme wat aangekondig is teen bedoelde bepalinge uitgebring te wees, dan is bedoelde bepalinge nietig.

National Flag of the Union and flying of Union Jack.

Design of National Flag.

Referendum to be held:

Nasionale vlak van die Unie en vertoning van die "Union Jack."

Ontwerp van nasionale vlak.

Referendum word geneem.

Date of and
regulations
for
referendum.

6. (1) The referendum shall be held on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(2) Subject to the provisions of this Act, the referendum and all matters relating thereto, shall be conducted and regulated in accordance with the provisions of the Electoral Act 1918 (Act No. 12 of 1918), as amended by the Electoral Act 1918 Amendment Act 1926 (Act No. 11 of 1926), and all the said provisions shall, *mutatis mutandis*, and in so far as applicable, apply to the referendum as if it were a general election of members of the House of Assembly: Provided that the Governor-General may, by proclamation in the *Gazette*, make regulations—

- (a) prescribing that any such provision shall not apply, or shall apply with such additions or modifications as may in such regulations be set out; and
- (b) respecting any matter not provided for in any Act aforesaid in respect of which the Governor-General deems it expedient that provision should be made for the better carrying out of the purpose of the referendum, including the provision of penalties for any acts or omissions not otherwise punishable as offences.

(3) The form of the ballot paper to be used in the taking of the referendum shall be as is prescribed in the Schedule to this Act.

CHAPTER III.

GENERAL.

7. In this Act—

“British subject” has the meaning assigned to it in the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926, or any amendment thereof;

“domicile” has the meaning ascribed to it in section thirty of the Immigrants' Regulation Act, 1913, or any amendment thereof;

“Minister” means the Minister of the Interior or any other Minister of State to whom the Governor-General may assign the administration of this Act;

“alien” means a person who is not a British subject.

8. This Act may be cited as the South African Nationality and Flag Act, 1927.

Interpreta-
tion of
terms.

Short title.

6. (1) Die referendum word op 'n datum geneem wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel is.

Datum van
en regulasies
vir die
referendum.

(2) Met inagneming van die bepalings van hierdie Wet, word die referendum en alle daarmee in verband staande sake ooreenkomstig die bepalings van die Kieswet 1918 (Wet No. 12 van 1918) soos gewysig deur die Kieswet 1918 Wijzigingswet 1926 (Wet No. 11 van 1926) geneem en gereël, en al daardie bepalings is *mutatis mutandis* en in sover dit toepaslik is, van toepassing op die referendum asof dit 'n algemene verkiesing van volksraadslede is: Met die verstande dat die Goewerneur-generaal by proklamasie in die *Staatskoerant* regulasies kan uitvaardig—

- (a) wat voorskryf dat enigeen van voornoemde bepalings nie van toepassing is nie, of van toepassing is met sulke toevoegings en wysigings as in bedoelde regulasies uiteengesit kan word; en
- (b) ten opsigte van enigiets waarvoor in geeneen van oornoemde wette voorsiening gemaak is nie en waarvoor die Goewerneur-generaal dit raadsaam ag dat voorsiening gemaak moet word om beter uitvoering te gee aan die doel van die referendum; sowel as straf-bepalings vir handelings of versuim wat andersins nie as misdrywe strafbaar sou wees nie.

(3) Die vorm van die stembriefie wat by die neem van die referendum gebruik moet word is soos in die Bylae tot hierdie Wet voorgeskrywe.

HOOFSTUK III.

ALGEMENE BEPALINGS.

7. In hierdie Wet—

het “Britse onderdaan” die betekenis wat in die Wet op Britse Nasionaliteit in die Unie en Naturalisasie en Status van Vreemdelinge 1926, of 'n wysiging daarvan daaraan toegeskrywe is;

het “domisilië” die betekenis wat in artikel dertig van die Wet tot Regeling van Immigratie 1913, of 'n wysiging daarvan daaraan toegeskrywe is;

beteken “Minister” die Minister van Binnelandse Sake of 'n ander staatsminister aan wie die Goewerneur-generaal die uitvoering van hierdie Wet mog opdra; beteken “vreemdeling” iemand wat nie 'n Britse onderdaan is nie.

8. Hierdie Wet kan aangehaal word as die Suid-Afrikaanse Kort tittel, Nasionaliteits- en Vlag Wet, 1927.

Woord-
bepaling.

Schedule—Bylae.

FORM OF BALLOT PAPER—VORM VAN STEM BRIEFIE.

FORM ON FRONT OF BALLOT PAPER—VORM VOOR OP DIE STEM BRIEFIE.

Counterfoil } No.....
 Teenblad }

Referendum in regard to sections *three* and *four* of the South African Nationality and Flag Act.
 Referendum insake artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet.

Electoral Division of }
 Kiesafdeling }

Date }
 Datum }

Registered No. of Voter }
 Geregistreerde No. van Kieser }

(Note: The counterfoil is to have a number to correspond with that on the back of the ballot paper).

(Aanmerking: Die teenblad moet voorsien wees van 'n nommer wat ooreenkom met die nommer op die agterkant van die stembriefie.)

Question: Do you approve of the provisions of sections *three* and *four* of the South African Nationality and Flag Act as printed below?
 Vraag: Keur u die bepalings van die hieronder gedrukte artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet goed?

Yes Ja	
No Nee	

Directions to voter:—The voter should indicate his vote as follows:—
 If he *approves* of the said provisions he should make a cross opposite the word *Yes*.
 If he does *not approve* of the said provisions he should make a cross opposite the word *No*.

Sections *three* and *four* of the South African Nationality and Flag Act.

3. The flag of which the design is set out in section *four* shall for all purposes be the National Flag of the Union and be flown as such: Provided that the Union Jack shall symbolize the association of the Union with the other members of the group constituting the British Community of Nations, and shall be officially flown on the actual birthday of His Majesty the King, on the twenty-fourth day of May (Victoria Day), on the thirty-first day of May (Union Day), on the first Monday in August (King's Birthday) and on such other occasions as the Governor-General may appoint.

4. The design of the National Flag of the Union shall be—
 The Cross of St. George, fimbriated white, on a green field, divided quarterly.

Aanwysing vir die kieser:—Die kieser moet sy stem as volg aantoon:—
 As hy voornoemde bepalings *goedkeur* moet hy teenoor die woord *Ja* 'n kruis maak.
 As hy voornoemde bepalings *afkeur* moet hy teenoor die woord *Nee* 'n kruis maak.

Artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet.

3. Die vlag waarvan 'n ontwerp in artikel *vier* omskrywe word, is vir alle doeleindes die nasionale vlag van die Unie en word as sulks vertoon: Met die verstande dat om die verband tussen die Unie en die ander lede van die groep wat die Britse Gemeenskap van Nasies vorm voor te stel die "Union Jack" offisieel vertoon word op die werklike verjaarsdag van Sy Majesteit die Koning, op die vier-en-twintigste dag van Mei (Victoria Dag), op die een-en-dertigste dag van Mei (Unie Dag), op die eerste Maandag in Augustus (Die Koning se Verjaarsdag) en op sulke ander geleenthede as die Goewerneur-generaal mag vasstel.

4. Die ontwerp van die Nasionale Vlag van die Unie is as volg—
 Die Kruis van St. George, met 'n boordsel van wit, op 'n groen veld, gekwartileer.

Schedule—Bylae.

FORM OF BALLOT PAPER—VORM VAN STEM BRIEFIE.

FORM ON FRONT OF BALLOT PAPER—VORM VOOR OP DIE STEM BRIEFIE.

Counterfoil } No.....
 Teenblad }

Referendum in regard to sections *three* and *four* of the South African Nationality and Flag Act.
 Referendum insake artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet.

Electoral Division of }
 Kiesafdeling }

Date }
 Datum }

Registered No. of Voter }
 Geregistreerde No. van Kieser }

(Note: The counterfoil is to have a number to correspond with that on the back of the ballot paper).

(Aanmerking: Die teenblad moet voorsien wees van 'n nommer wat ooreenkom met die nommer op die agterkant van die stembriefie.)

Question: Do you approve of the provisions of sections *three* and *four* of the South African Nationality and Flag Act as printed below?
 Vraag: Keur u die bepalings van die hieronder gedrukte artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet goed?

Yes Ja	
No Nee	

Directions to voter:—The voter should indicate his vote as follows:—
 If he *approves* of the said provisions he should make a cross opposite the word *Yes*.
 If he does *not approve* of the said provisions he should make a cross opposite the word *No*.

Sections *three* and *four* of the South African Nationality and Flag Act.

3. The flag of which the design is set out in section *four* shall for all purposes be the National Flag of the Union and be flown as such: Provided that the Union Jack shall symbolize the association of the Union with the other members of the group constituting the British Community of Nations, and shall be officially flown on the actual birthday of His Majesty the King, on the twenty-fourth day of May (Victoria Day), on the thirty-first day of May (Union Day), on the first Monday in August (King's Birthday) and on such other occasions as the Governor-General may appoint.

4. The design of the National Flag of the Union shall be—
 The Cross of St. George, fimbriated white, on a green field, divided quarterly.

Aanwysing vir die kieser:—Die kieser moet sy stem as volg aantoon:—
 As hy voornoemde bepalings *goedkeur* moet hy teenoor die woord *Ja* 'n kruis maak.
 As hy voornoemde bepalings *afkeur* moet hy teenoor die woord *Nee* 'n kruis maak.

Artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet.

3. Die vlag waarvan 'n ontwerp in artikel *vier* omskrywe word, is vir alle doeleindes die nasionale vlag van die Unie en word as sulks vertoon: Met die verstande dat om die verband tussen die Unie en die ander lede van die groep wat die Britse Gemeenskap van Nasies vorm voor te stel die "Union Jack" offisieel vertoon word op die werklike verjaarsdag van Sy Majesteit die Koning, op die vier-en-twintigste dag van Mei (Victoria Dag), op die een-en-dertigste dag van Mei (Unie Dag), op die eerste Maandag in Augustus (Die Koning se Verjaarsdag) en op sulke ander geleenthede as die Goewerneur-generaal mag vasstel.

4. Die ontwerp van die Nasionale Vlag van die Unie is as volg—
 Die Kruis van St. George, met 'n boordsel van wit, op 'n groen veld, gekwartileer.

FORM ON BACK OF BALLOT PAPER.
VORM OP KEERSY VAN STEMBRIEFIE.

No.....

Official Mark.
Offisiële Merk.

Submission to voters of the provisions of sections *three* and *four* of the South African Nationality and Flag Act.
Verwysing van artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet na die kiesers.

Electoral Division of }
Kiesafdeling

Date }
Datum

FORM ON BACK OF BALLOT PAPER.
VORM OP KEERSY VAN STEMBRIEFIE.

No.....

Official Mark.
Offisiële Merk.

Submission to voters of the provisions of sections *three* and *four* of the South African Nationality and Flag Act.
Verwysing van artikels *drie* en *vier* van die Suidafrikaanse Nasionaliteits- en Vlag Wet na die kiesers.

Electoral Division of }
Kiesafdeling

Date }
Datum