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# THE UNION OF SOUTH AFRICA Government Gazette

## Staatskoerant VAN DIE UNIE VAN SUID-AFRIKA

PUBLISHED BY AUTHORITY

UITGEGEE OP GESAG

VOL. XCVI.] PRICE 6d.

CAPE TOWN, 7TH JUNE, 1934.  
KAAPSTAD, 7 JUNIE 1934.

PRYS 6d. [No. 2202.

### GOVERNMENT NOTICE.

The following Government Notice is published for general information.

H. D. J. BODENSTEIN,  
Secretary to the Prime Minister.

Prime Minister's Office,  
Cape Town.

No. 727. 7th June, 1934.

It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

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### GOEWERMENTSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. D. J. BODENSTEIN,  
Sekretaris van die Eerste Minister.

Kantoor van die Eerste Minister,  
Kaapstad.

No. 727. 7 Junie 1934.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hiermee vir algemene informasie gepubliseer word:—

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No. 38, 1934.]

# ACT

To provide for the construction by the Government, in pursuance of a scheme of development, of certain irrigation works on the Vaal River; for the ratification of an agreement entered into between the Government and the Rand Water Board relating to the irrigation works referred to and to the works constructed by the said Board; for the acquisition of land and servitudes; and for other matters incidental to the said scheme.

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:—

Interpretation  
of terms.

1. In this Act, unless the context indicates otherwise—

“acre foot” means the volume of water (43,560 cubic feet) which would cover a superficial area of one acre to a depth of one foot;

“Irrigation Act” means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), as amended from time to time;

“the diversion weir” means the diversion weir referred to in paragraph 2 of the First Schedule to this Act;

“the limits of the works” means the upper dam and the whole of the channel of the Vaal River between the upper dam and the diversion weir;

“the Rand Water Board” means the Rand Water Board constituted under the provisions of the Rand Water Board Statutes 1903-1933;

“the upper dam” means the upper storage dam referred to in paragraph 1 of the First Schedule to this Act, and includes the storage area above the wall of that dam;

“the works” means the irrigation works described in the First Schedule to this Act;

any expression to which a meaning has been assigned in the Irrigation Act bears the same meaning.

Authority to  
construct works  
in Vaal River  
and other  
incidental works.

2. The Minister may, out of moneys to be appropriated by Parliament for the purpose, cause to be constructed under the control and supervision of the Director the works, and may cause them to be maintained and whenever necessary to be repaired, altered or extended.

Minister's  
powers to store  
and control  
water.

3. Subject to the provisions of this Act, the Minister may, by means of the works, impound and store all the waters flowing in the Vaal River and its tributaries within the limits of the works, and may abstract, divert, distribute and control the said waters as he thinks fit.

Minister's powers  
to dispose of  
water.

4. Subject to the provisions of this Act, the Minister may use, or permit to be used, in such manner as appears to him to be equitable, the waters contained within the limits of the works, for primary, secondary, tertiary and any other purposes, upon any lands, whether riparian to the Vaal River or its tributaries or not, and whether within or without the catchment area of the Vaal River.

Minister to have  
control of works  
and area  
comprised within  
limits of works.

5. The control of the works and the whole of the area comprised within the limits of the works, and the power to regulate or prohibit use of or entry into the works and all areas submerged as a result of the construction of the works, shall be vested in the Minister, and, subject to the provisions of sub-sections (2) and (3) of section six and section eight, no water shall be abstracted from the works or from any such area except for primary use, or except under the authority of a permit issued under the provisions of section six:

Provided that—

(a) the Minister may allow water to be released without permit from the diversion weir into the main canal referred to in paragraph 3 of the First Schedule to this Act, for distribution by the branch canals referred to in that paragraph; and

(b) that the works constructed or to be constructed by the Rand Water Board in terms of the Rand Water



No. 38, 1934.]

## WET

**Om voorsiening te maak vir die aanleg deur die Regering, tot voortsetting van 'n uitbreidingskema, van sekere besproeiingswerke aan die Vaalrivier; vir die bevestiging van 'n coreenkoms aangegaan tussen die Regering en die Rand Waterraad met betrekking tot bedoelde besproeiingswerke en tot die werke deur genoemde Raad aangelê; vir die verkryging van grond en serwitute; en vir ander aangeleenthede in verband met bedoelde skema.**

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing. Wet—

„akkervoet”, die volume water (43,560 kubieke voet) wat 'n oppervlakte van een akker tot 'n diepte van een voet sou dek;

„Besproeiingswet”, die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), soas van tyd tot tyd gewysig;

„die uitkeerdam”, die uitkeerdam genoem in paragraaf 2 van die Eerste Bylae van hierdie Wet;

„die omvang van die werke”, die boonste dam en die hele bedding van die Vaalrivier tussen die boonste dam en die uitkeerdam;

„die Rand Waterraad”, die Rand Waterraad ingestel kragtens die bepalings van die Rand Waterraad Statute, 1903-1933;

„die boonste dam”, die boonste bewaringsdam genoem in paragraaf 1 van die Eerste Bylae van hierdie Wet, en sluit in die bewaringsgebied bokant die wal van daardie dam;

„die werke”, die besproeiingswerke beskrywe in die Eerste Bylae van hierdie Wet;

en het 'n uitdrukking waaraan in die Besproeiingswet 'n betekenis toegeskrywe is, in hierdie Wet dieselfde betekenis.

2. Die Minister kan, uit gelde deur die Parlement daarvoor toegestaan, onder die beheer en toesig van die direkteur, die werke laat aanlê, en hulle laat instandhou, en wanneer nodig, laat herstel, verander of uitbrei.

Magting tot aanleg van werke aan Vaalrivier en ander toebehorende werke.

3. Behoudens die bepalings van hierdie Wet, kan die Minister deur middel van die werke al die water wat binne die omvang van die werke in die Vaalrivier en in sy syriviere vloei, opgaar en bewaar, en kan hy daardie water uithaal, uitkeer, verdeel en kontroleer, soas hy wenslik ag.

Minister bevoeg om water te bewaar en te kontroleer.

4. Behoudens die bepalings van hierdie Wet, kan die Minister die water wat die omvang van die werke bevat, op so 'n wyse as wat hy billik ag, vir primêre, sekondêre, tersiêre of enige ander doeleindes, op enige grond, of dit oewerground aan die Vaalrivier of sy syriviere is of nie, en of dit binne of buite die opvangterrein van die Vaalrivier is, gebruik of die gebruik daarvan toestaan.

Minister bevoeg om oor water te beskik.

5. Die beheer van die werke en die gehele gebied begrepe binne die omvang van die werke, en die bevoegdheid om gebruik van of toegang tot die werke en alle gebiede wat deur die aanleg van die werke onder water gesit word te reël of te verbied, berus by die Minister, en, behoudens die bepalings van sub-artikels (2) en (3) van artikel ses en artikel ag, word geen water uit die werke of uit so 'n gebied uitgehaal, behalwe vir primêre gebruik of uit kragte van 'n permit wat ingevolge artikel ses uitgereik is:

Minister het beheer oor werke en gebied begrepe binne omvang van werke.

Met dien verstande—

(a) dat die Minister kan toelaat dat water sonder permit uitgelaat word uit die uitkeerdam in die hoofkanaal genoem in paragraaf 3 van die Eerste Bylae van hierdie Wet, om verdeel te word deur die sykanale genoem in daardie paragraaf; en

(b) dat die werke, wat deur die Rand Waterraad ingevolge die „Rand Waterraad Verdere Waterversaffings

Board Supplementary Water Supply (Private) Act, 1914 (Act No. 18 of 1914), or in terms of any other law, shall, subject to the provisions of any such law, be under the control and management of the Rand Water Board.

Permits.

6. (1) Subject to the provisions of this Act, the Minister may issue a permit to any person including the South African Railways and Harbours Administration authorizing the holder to abstract and use a defined quantity of the waters contained within the limits of the works, whenever it is available, for primary, secondary, tertiary or any other purposes, upon any land whether riparian to the Vaal River or its tributaries or not, and whether within or without the catchment area of the Vaal River, upon such terms and conditions as the Minister may determine.

(2) Every owner of land riparian to the Vaal River or its tributaries within the limits of the works, other than land riparian to the storage area of the works constructed by the Rand Water Board—

(a) shall, unless at the commencement of this Act he or his predecessor in title was lawfully abstracting water from the area comprised within the limits of the works by means of irrigation works then in existence, be entitled on application to the issue to him of such a permit authorizing him to abstract from the said area, whenever the water is available in lieu of his reasonable share of the normal flow, a quantity of water calculated at one-fifth of a cubic foot of water per second for every mile of river frontage of such riparian land owned by him;

(b) if at the commencement of this Act he or his predecessor in title was lawfully abstracting water from the area comprised within the limits of the works by means of irrigation works then in existence, shall be entitled without permit to continue to abstract from the said area, whenever the water is available, the amount of water such owner or his predecessor in title was so abstracting at the commencement of this Act; and if such amount was less than a quantity of water calculated at one-fifth of a cubic foot of water per second for every mile of river frontage of such riparian land owned by him, he shall be entitled on application to the issue to him of such a permit authorizing him to abstract the difference whenever the water is available.

(3) Every owner of land riparian to the storage area of the works constructed by the Rand Water Board shall be entitled on application to the issue to him of such a permit authorizing him to abstract whenever the water is available, such an amount of water as the extraordinary water court referred to in section *fourteen* of Act No. 18 of 1914 may determine on application to such court:

Provided that every person who at the commencement of this Act is lawfully abstracting water from such storage area by means of irrigation works then in existence (and every successor in title of any such person) shall be entitled without permit to continue to abstract from such storage area the amount of water such person is so abstracting or is entitled to abstract at the commencement of this Act, whenever it is available.

(4) Any permit issued under this Act shall attach to the land or undertaking in respect of which it is issued and shall, while it remains of force, be available to any successor in title of the person to whom it was issued.

(5) A permit issued under this Act shall not authorize the abstraction of any surplus water from those portions of the Vaal River and its tributaries which are situate within the storage area of the works constructed by the Rand Water Board or above that area but below the upper dam, except at such times as sufficient surplus water is being released from the upper dam for the special purpose of supplying to the holder of such permit the quantity of water which he is entitled to abstract under such permit.

(6) It shall not be competent for the Minister to issue permits for the abstraction of surplus water for other than secondary use from those portions of the Vaal River and its tributaries which are situate within the storage area of the works constructed by the Rand Water Board, unless the whole of the water to which the Rand Water Board is entitled in accordance with the provisions of section *eight* is being abstracted

(Private) Wet, 1914" (Wet No. 18 van 1914), of ingevolge 'n ander wet, aangelê is, behoudens die bepalinge van bedoelde wet, onder die beheer en bestuur van die Rand Waterraad is.

6. (1) Behoudens die bepalinge van hierdie Wet, kan die Minister aan enigiene ook aan die Suid-Afrikaanse Spoorweë en Hawensadministrasie 'n permit uitreik, wat die besitter magtig om, onderworpe aan bepalinge en voorwaardes deur die Minister vas te stel, 'n bepaalde hoeveelheid van die waters wat die omvang van die werke bevat, wanneer dit beskikbaar is, te neem en vir primêre, sekondêre, tersiêre of enige andere doeleindes op enige grond, of dit oewergrond aan die Vaalrivier of sy syriviere is of nie, en of dit binne of buite die opvangterrein van die Vaalrivier is, te gebruik.

(2) Elke eienaar van grond, wat oewergrond aan die Vaalrivier of sy syriviere binne die omvang van die werke is, uitgesonderd grond wat oewergrond is aan die bewaringsgebied van die werke aangelê deur die Rand Waterraad—

(a) is, tensy hy of sy regsvoorganger ten tyde van die inwerkingtreding van hierdie Wet wettiglik deur middel van alsdan bestaande besproeiingswerke water uit die gebied begrepe binne die omvang van die werke uitgehaal het, op aansoek geregtig op die uitreiking aan hom van so 'n permit, wat hom magtig om, in plaas van sy redelike aandeel in die normale stroming, 'n hoeveelheid water uit vermeldde gebied uit te haal, wanneer die water beskikbaar is, bereken op een-vyfde kubieke voet water per sekonde vir elke myl oewerlengte begrepe in sodanige oewergrond waarvan hy eienaar is;

(b) indien hy of sy regsvoorganger ten tyde van die inwerkingtreding van hierdie Wet wettiglik deur middel van alsdan bestaande besproeiingswerke water uit die gebied begrepe binne die omvang van die werke uitgehaal het, kan sonder permit aanhou om uit vermeldde gebied, wanneer die water beskikbaar is, die hoeveelheid water uit te haal, wat bedoelde eienaar of sy regsvoorganger ten tyde van die inwerkingtreding van hierdie Wet uitgehaal het: en ingeval daardie hoeveelheid water minder was dan 'n hoeveelheid water bereken op een-vyfde kubieke voet water per sekonde vir elke myl oewerlengte begrepe in sodanige oewergrond waarvan hy eienaar is, is hy op aansoek geregtig op die uitreiking aan hom van so 'n permit, wat hom magtig om, wanneer die water beskikbaar is, die verskil uit te haal.

(3) Elke eienaar van grond, wat oewergrond is aan die bewaringsgebied van die werke deur die Rand Waterraad aangelê, is op aansoek geregtig op die uitreiking aan hom van so 'n permit, wat hom magtig om, wanneer die water beskikbaar is, 'n hoeveelheid water uit te haal wat die buitengewone waterhof bedoel in artikel *veertien* van Wet No. 18 van 1914, na applikasie aan daardie hof, mag vasstel:

Met dien verstande dat iedereen, wat ten tyde van die inwerkingtreding van hierdie Wet wettiglik deur middel van alsdan bestaande besproeiingswerke water uit bedoelde bewaringsgebied uithaal (en elke regsopvolger van so 'n persoon), sonder permit kan aanhou om uit bedoelde bewaringsgebied, wanneer die water beskikbaar is, die hoeveelheid water uit te haal, wat hy aldus ten tyde van die inwerkingtreding van hierdie Wet uithaal of geregtig is om uit te haal.

(4) 'n Permit ingevolge hierdie Wet uitgereik is verbonde aan die grond of onderneming ten opsigte waarvan dit uitgereik is, en, solank dit van krag bly, is dit ter beskikking van 'n regsopvolger van die persoon aan wie dit uitgereik was.

(5) Die uithaal van surplus water uit dele van die Vaalrivier en sy syriviere, wat geleë is binne die bewaringsgebied van die werke aangelê deur die Rand Waterraad of bokant daardie gebied dog onderkant die boonste dam, word nie deur 'n kragtens hierdie Wet uitgereikte permit veroorloof nie, behalwe terwyl genoeg surplus water uit die boonste dam uitgelaat word, spesiaal om aan die permithouer die hoeveelheid water te verskaf wat kragtens die permit hy geregtig is om uit te haal.

(6) Die Minister is nie bevoeg om permitte uit te reik nie vir die uithaal van surplus water uit dele van die Vaalrivier en sy syriviere, wat geleë is binne die bewaringsgebied van die werke aangelê deur die Rand Waterraad, behalwe vir sekondêre gebruik, tensy die hele hoeveelheid water, waarop die Rand Waterraad ingevolge die voorskrifte van artikel *ag* geregtig is, uitgehaal word of as 'n reserwe vereis word of deur die

or is required for reserve or has been disposed of by it or unless the Rand Water Board is unwilling to dispose of or allow to be abstracted and used upon terms and conditions approved of by the Minister any water which it is entitled to dispose of or allow to be abstracted and used in accordance with the provisions of paragraph (b) of section eight.

(7) The powers conferred by any permit issued by the Minister under this section shall be exercised in such a manner that the physical, chemical or biological condition of the water to which the Rand Water Board is entitled is not prejudicially affected.

Rates and charges.

7. The Minister may assess and recover rates on land authorized (by permit or otherwise) to be irrigated with water abstracted or supplied from the works or from within the limits of the works, or he may assess and recover charges for water authorized (by permit or otherwise) to be abstracted or supplied from the works or from within the limits of the works, or he may assess and recover both such rates and such charges:

Provided that no rate or charge shall be assessed or recovered in respect of water which any person is entitled to abstract in accordance with the provisions of sub-section (2) or (3) of section six, or in respect of such additional quantity of water as the Minister may by permit authorize any such person to abstract for the irrigation of not more than one hundred morgen of land.

Rights of Rand Water Board to water.

8. In pursuance of the agreement entered into between the Government of the Union and the Rand Water Board and set out in the Second Schedule to this Act, and in consideration of the payment by the Rand Water Board to the Government of the sum of two hundred and forty thousand pounds, the Rand Water Board shall, in addition to the quantity of water it is empowered to abstract from the Vaal River under the provisions of Act No. 18 of 1914, be authorized and entitled, free of any rates or other charges—

(a) to abstract from the storage area of the works constructed by it and from the upper dam, and take, convey, transmit and supply in a potable or non-potable condition, within the limits of supply as defined in the Rand Water Board Statutes 1903-1933, or as may be determined from time to time in accordance therewith, a quantity of water which, calculated over a period of twelve calendar months, shall not exceed eighty thousand five hundred and seventy acre-feet (in this calculation no account shall be taken of water returned directly to the Vaal River); and

(b) to abstract from such storage area and such dam, and dispose of and deliver for use, or to allow to be so abstracted and used, in a potable or non-potable condition, beyond such limits of supply, any water which it is entitled to abstract under paragraph (a), and which it does not require for supply within such limits: Provided that before the Rand Water Board disposes of, or allows to be abstracted and used, any water in pursuance of the powers conferred upon it by this paragraph, the terms and conditions of such disposal or permission shall be first approved of by the Minister.

Ratification of agreement between Government and Rand Water Board.

9. The said agreement is hereby ratified and confirmed, and all powers and authorities necessary for giving effect to the terms thereof are hereby conferred upon the Minister and the Rand Water Board.

Determination of normal flow at certain places.

10. (1) For the purposes of this Act, the normal flow of the Vaal River at the wall of the upper dam is fixed at two hundred and sixty cubic feet per second.

(2) Nothing in this Act contained shall affect the determination made by the extraordinary water court constituted in accordance with the provisions of section fourteen of Act No. 18 of 1914 of the normal flow of the Vaal River for the purposes of that Act, as set forth in the judgment delivered by that court on the nineteenth day of May, 1916.

Duty of Government to release water from its works.

11. (1) The Minister shall cause to be released from the upper dam the actual flow as determined in accordance with sub-section (2) of this section, whenever such actual flow does not exceed the normal flow as fixed by sub-section (1) of section ten.

(2) For the purposes of this Act, the actual flow of the Vaal River at the wall of the upper dam shall be taken to be the



Rand Waterraad afgestaan is of tensy die Rand Waterraad nie gewillig is om water wat hy geregtig is om af te staan of toe te laat om uitgehaal en gebruik te word ingevolge die bepalings van paragraaf (b) van artikel *agt*, af te staan of toe te laat om uitgehaal en gebruik te word nie op terme en voorwaardes goedgekeur deur die Minister.

(7) Die bevoegdhede verleen deur 'n permit, wat kragtens hierdie artikel deur die Minister uitgereik is, word op so 'n wyse uitgeoefen dat die fisiese, chemiese of biologiese toestand van die water waarop die Rand Waterraad geregtig is, nie op 'n nadelige wyse beïnvloed word nie.

7. Die Minister kan belasting vasstel en invorder op grond, die besproeiing waarvan met water, wat uit die werke of uit die omvang van die werke uitgehaal of verskaf is, deur permit of andersins veroorloof is, of hy kan fooie vasstel en invorder ten opsigte van water, die uithaal of verskaffing waarvan uit die werke of uit die omvang van die werke deur permit of andersins veroorloof is, of hy kan beide sodanige belastinge en sodanige fooie vasstel en invorder:

Belastinge en fooie.

Met dien verstande dat geen belasting of fooi vasgestel of ingevorder word nie ten opsigte van water, wat enigeen ingevolge die bepalings van sub-artikel (2) of (3) van artikel *ses* geregtig is om uit te haal, of ten opsigte van 'n ekstra hoeveelheid water wat die Minister deur permit so 'n persoon mag magtig om uit te haal vir besproeiing van hoogstens honderd morg grond.

8. Ter uitvoering van die ooreenkoms aangegaan tussen die Unie-Regering en die Rand Waterraad, 'n vertaling waarvan opgeneem is in die Tweede Bylae tot hierdie Wet, en met die oog op die betaling deur die Rand Waterraad aan die Regering van die bedrag van tweehonderd-en-veertigduisend pond, word die Rand Waterraad gemagtig en is hy geregtig om, behalwe die hoeveelheid water wat hy ingevolge die bepalings van Wet No. 18 van 1914 uit die Vaalrivier kan uithaal, en sonder betaling van belastinge of ander vorderings—

Rand Waterraad geregtig op water.

(a) uit die bewaringsgebied van die werke deur hom aangelê en uit die boonste dam 'n hoeveelheid water wat, bereken oor 'n tydperk van twaalf kalendermaande, tagtigduisend vyfhonderd-en-sewentig akker-voet nie te bowe gaan nie (by hierdie berekening word water, wat direk in die Vaalrivier teruggestort word, nie in aanmerking geneem nie), uit te haal en binne die verskaffingsterrein, soos omskrywe in die Rand Waterraad Statute, 1903-1933, of soos dié van tyd tot tyd daarvolgens vasgestel mag wees, in 'n drinkbare of ondrinkbare toestand te neem, lei, voer en verskaf; en

(b) uit bedoelde bewaringsgebied en bedoelde dam water wat hy kragtens paragraaf (a) geregtig is uit te haal, en wat hy nie nodig het nie vir verskaffing binne bedoelde verskaffingsterrein, uit te haal en buite bedoelde verskaffingsterrein in 'n drinkbare of ondrinkbare toestand af te staan en vir gebruik te lewer, of toe te laat dat dit aldus uitgehaal en gebruik word: Met dien verstande dat voor die Rand Waterraad, by uitoefening van die magte deur hierdie paragraaf aan hom verleen, water afstaan of toelaat dat water uitgehaal en gebruik word, die terme en voorwaardes waaronder dit afgestaan word, of waaronder toegelaat word dat dit uitgehaal en gebruik word, eers deur die Minister goedgekeur moet word.

9. Die vermelde ooreenkoms word hiermee bekragtig en bevestig, en alle bevoegdhede en gesag wat vereis mag wees om die ooreenkoms uit te voer word hiermee aan die Minister en aan die Rand Waterraad verleen.

Bekragtiging van ooreenkoms tussen Regering en Rand Waterraad.

10. (1) Vir toepassing van hierdie Wet, word die normale stroming van die Vaalrivier by die wal van die boonste dam vasgestel op tweehonderd-en-sestig kubieke voet per sekonde.

Vasstelling van normale stroming op sekere plekke.

(2) Die bepalings van hierdie Wet maak geen inbreuk nie op die vasstelling gedaan deur die buitengewone waterhof ingestel ingevolge artikel *veertien* van Wet No. 18 van 1914, van die normale stroming van die Vaalrivier vir toepassing van daardie Wet, soos uiteengesit in die uitspraak deur daardie hof gegee op die neentiende dag van Mei 1916.

11. (1) Die Minister moet die werklike stroming, soos ingevolge sub-artikel (2) van hierdie artikel vasgestel, uit die boonste dam uitlaat, wanneer bedoelde werklike stroming nie die normale stroming, soos deur sub-artikel (1) van artikel *tien* bepaal, te bowe gaan nie.

Verpligting van Regering om water uit sy werke uit te laat.

(2) Vir toepassing van hierdie Wet, word die werklike stroming van die Vaalrivier by die wal van die boonste dam geag te

amount of water which was actually flowing seven days previously in the Vaal River and the Wilge River where they enter the upper dam.

(3) Subject to the provisions of this Act and to the obligations imposed upon the Government of the Union by the said agreement, the Minister shall cause to be passed through the diversion weir so much water as is necessary to supply to the Kimberley Municipality as the successor to the rights conferred upon the Kimberley Waterworks Company, Limited, by the Ordinance No. 12 of 1880 (Griqualand West) and Act No. 5 of 1906 (Cape of Good Hope) and to the owners of land riparian to the Vaal River below the diversion weir down to the junction of the said river with the Orange River the quantity of water which the said Municipality and the said owners are entitled to abstract from the Vaal River and which is required by the said Municipality and the said owners, and in addition, he shall, if requested by the Kimberley Municipality to do so, cause to be passed down the Vaal River at the diversion weir a continuous flow of one thousand cubic feet per second for a period of twenty-four hours once in every period of three months commencing on the first day of January, the first day of April, the first day of July or the first day of October in every year: Provided that if the water so passed through is not sufficient to maintain the water at not less than one foot below the crest level of the weir referred to in section one of Act No. 5 of 1906 (Cape of Good Hope), the Minister shall, subject to the provisions of this Act and to the obligations imposed upon the Government by the said agreement, cause to be passed down from the diversion weir sufficient water to maintain the water at the said level: Provided further that whenever there is not sufficient water available for the purposes of this sub-section, no water shall be diverted from the diversion weir into the main canal as described in paragraph 3 of the First Schedule to this Act.

Powers and duties of Rand Water Board as to storage of water in and release of water from its works.

12. (1) The Rand Water Board may impound and store all or any of the water in excess of the normal flow as set forth in the judgment of the extraordinary water court referred to in sub-section (2) of section *ten* or in excess of the actual flow as determined under sub-section (2) of this section, whichever is the less at the time: Provided that in accordance with the said agreement it allows such amounts of water to pass down as may be determined by the Director.

(2) For the purposes of this section, the actual flow of the Vaal River at any given time shall be taken to be the actual flow of the said river at the wall of the upper dam at that time as determined under sub-section (2) of section *eleven*, less five cubic feet per second, and less the amount of normal flow lawfully being abstracted from the Vaal River at that given time above the storage area of the works constructed by the Rand Water Board under Act No. 18 of 1914 but below the upper dam, plus the actual flow at that given time of the Zuikerboschrand River, the Klip River (Transvaal), the Rietspruit and the Taaiboschspruit, where these streams enter the said storage area.

Acquisition of land or servitudes by consent.

13. (1) If land, or a servitude over land is, in the opinion of the Governor-General, required in connection with the works or in connection with any settlement which is supplied or which the Minister proposes should be supplied with water from the works, the Governor-General may enter into an agreement with the owner of that land for the acquisition of that land or that servitude.

(2) Whenever the Governor-General has by agreement acquired any such servitude, the Minister may cause the agreement to be produced to a Water Court, and thereupon such court may make the agreement an order of court, notwithstanding the fact that the parties thereto have not appeared before it; and registration of the servitude so acquired shall be effected in accordance with the regulations made under the Irrigation Act or under this Act.

Regulations.

14. The Governor-General may make regulations as to all or any of the following matters, namely:—

- (a) the method of notifying to owners of land the situation and extent of any such land as is found to be irrigable

wees die hoeveelheid water wat sewe dae van tevore in die Vaalrivier en die Wilgerivier, waar hulle in die boonste dam inloop, werklik gevloei het.

(3) Behoudens die bepalings van hierdie Wet, en die verpligtings deur die vermelde ooreenkoms aan die Unie-Regering opgelê, moet die Minister deur die uitkeerdam soveel water laat deurvloei as wat nodig mag wees om aan die Kimberley Munisipaliteit, as opvolger van die Kimberley Waterworks Company, Limited, wat betref die regte verleen deur Ordonnansie No. 12 van 1880 (Grikwaland-Wes) en Wet No. 5 van 1906 (Kaap die Goeie Hoop), en die eienare van grond, wat oewergrond is van die Vaalrivier onderkant die uitkeerdam tot aan die samevloeiing van die Vaalrivier en die Oranjerivier, die hoeveelheid water te verskaf wat vermelde Munisipaliteit en vermelde eienare wat regtens uit die Vaalrivier kan uithaal en wat vermelde Munisipaliteit en vermelde eienare nodig het; en moet die Minister buitendien, indien hy daartoe deur die Kimberley Munisipaliteit versoek word, eenkeer in elke tydvak van drie maande wat op die eerste dag van Januarie, die eerste dag van April, die eerste dag van Julie of die eerste dag van Oktober in elke jaar begin, 'n stroom water, wat gedurende vier-en-twintig uur met 'n stroming van minstens duisend kubieke voet per sekonde onafgebroke loop, by die uitkeerdam in die Vaalrivier laat afvloei: Met dien verstande dat as die water wat aldus deurgelaat is nie genoeg is nie om die water te hou op 'n hoogte van nie laer dan een voet onderkant die kruin van die dam bedoel in artikel een van Wet No. 5 van 1906 (Kaap die Goeie Hoop), die Minister genoeg water uit die uitkeerdam moet laat afvloei om die water op bedoelde hoogte te hou: Met dien verstande voorts, dat wanneer daar nie genoeg water beskikbaar is om aan die vereistes van hierdie artikel te voldoen nie, geen water uit die uitkeerdam in die hoofkanaal genoem in paragraaf 3 van die Eerste Bylae van hierdie Wet uitgekeer word nie.

12. (1) Die Rand Waterraad kan al die water (of 'n deel daarvan) meer as die normale stroming, soas uiteengesit in die uitspraak van die buitengewone waterhof bedoel in sub-artikel (2) van artikel tien, of meer as die werklike stroming, soas ingevolge sub-artikel (2) van hierdie artikel vasgestel, water ook al op die oomblik die kleinste mag wees, opgaar en bewaar, mits hy in ooreenstemming met vermelde ooreenkoms die hoeveelheid water wat deur die Direkteur vasgestel word laat afvloei.

Bevoegdhe en verpligtings van Rand Waterraad wat betref bewaring van water in- en uitlaat van water uit sy werke.

(2) Vir toepassing van hierdie artikel, word die werklike stroming van die Vaalrivier op 'n bepaalde tyd geag te wees die werklike stroming van genoemde rivier op daardie tyd by die wal van die boonste dam, soas ingevolge sub-artikel (2) van artikel elf vasgestel, min vyf kubieke voet per sekonde, en min soveel van die normale stroming as wat op daardie bepaalde tyd bokant die bewaringsgebied van die werke deur die Rand Waterraad ingevolge Wet No. 18 van 1914 aangelê maar onderkant die boonste dam wettiglik uit die Vaalrivier uitgehaal word, plus die werklike stroming op daardie bepaalde tyd van die Zuikerboschrandrivier, die Kliprivier (Transvaal), die Rietspruit en die Taaiboschspruit, op die plekke waar vermelde strome in bedoelde bewaringsgebied inloop.

13. (1) As grond, of 'n serwituut op grond, volgens mening van die Goewerneur-generaal, vereis word in verband met die werke of in verband met 'n nedersetting wat met water uit die werke voorsien word, of wat die Minister voornemens is om te laat voorsien met water uit die werke, kan die Goewerneur-generaal 'n ooreenkoms tot verkryging van daardie grond of daardie serwituut met die eienaar van daardie grond aangaan.

Verkryging van grond of serwitute by wyse van ooreenkoms.

(2) Wanneer die Goewerneur-generaal by wyse van ooreenkoms so 'n serwituut verkry het, kan die Minister die ooreenkoms aan 'n water hof doen oorkê, en daarop kan bedoelde hof die ooreenkoms tot 'n bevel van die hof verhef, al het die kontraktante nie voor die hof verskyn nie; en registrasie van die aldus verkreeë serwituut geskied in ooreenstemming met die regulasies kragtens die Besproeiingswet of kragtens hierdie Wet uitgevaardig.

14. Die Goewerneur-generaal kan regulasies uitvaardig omtrent al die volgende aangeleenthede of een of meer daarvan, naamlik:

Regulasies.

(a) die wyse waarop aan eienare van grond kennis gegee moet word van die ligging en grootte van soveel van daardie grond as wat besproeibaar bevind word uit



from the works or from the area comprised within the limits of the works ;

- (b) the manner of regulating the flow of water into, the distribution of water from, and the use of water in or from, any part of the works or of the area comprised within the limits of the works ;
- (c) the method of assessing and recovering rates on land irrigated with water from the works or from the area comprised within the limits of the works, and of assessing and recovering charges for water abstracted or supplied from the works or from such area ;
- (d) the issue of permits under section six and the recording and registration thereof ; and
- (e) the method of registering servitudes.

Offences and penalties.

15. Any person who without right or lawful authority (the proof whereof shall lie upon him)—

- (a) damages, alters, enlarges or obstructs the works or any part thereof or damages or removes anything used in connection therewith ; or
  - (b) interferes with or alters the flow of water in the works, or within the limits of the works, or interferes with the lawful distribution of such water, or uses such water in a manner not authorized by or under this Act ; or
  - (c) damages, defaces or removes any level or mark fixed on or in connection with the works ; or
  - (d) fails to take proper precautions for preventing waste of water supplied to him or abstracted by him from the works or from the area comprised within the limits of the works ; or
  - (e) obstructs or interferes with any person acting in the exercise of any power or the performance of any duty conferred or imposed on such person under this Act or the regulations made thereunder ; or
  - (f) contravenes or fails to comply with any regulation made under this Act,
- shall be guilty of an offence and liable—
- (i) in the case of a first conviction, to a fine not exceeding ten pounds, or, in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment ;
  - (ii) in the case of a second or subsequent conviction, to a fine not exceeding twenty pounds, or, in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Short title.

16. This Act shall be known as the Vaal River Development Scheme Act, 1934.

### First Schedule.

DESCRIPTION OF THE WORKS THE CONSTRUCTION OF WHICH IS AUTHORIZED UNDER THIS ACT.

The works to be constructed under this Act comprise the following :—

1. An upper storage dam on the Vaal River, situated approximately fourteen miles below the confluence of the Vaal and Wilge Rivers. The wall of this dam will be constructed of concrete and the dam will be provided with a spillway channel on the north bank of the river. The wall of the dam will be situated on or near the farms Witpoort on the south bank, and Vaal-bank on the north bank of the Vaal River. The dam will have an initial impounding capacity of not less than 700,000 acre-feet, and will, when full, submerge an area of land not less than 50 square miles in extent.
2. A diversion weir on the Vaal River situated approximately three miles above the railway bridge at Warrenton. The weir will be situated on or near the farms Schoolplaats on the south bank, and H.20 on the north bank of the Vaal River. The weir will have a height of about 30 feet. It will serve to control and divert water into the canals described below.
3. A main canal, with branch canals, will convey water diverted by the weir described in paragraph 2 to such land as is to be irrigated.
4. Weirs and diversion canals at suitable places in or near the Vaal River for the purpose of generating power.
5. All other appurtenances necessary for the proper development of the scheme, for the control and disposal of surface drainage, for the measurement and control of water released from the works or from any portion thereof, and generally for carrying out the scheme.



die werke of uit die gebied begrepe binne die omvang van die werke ;

- (b) die reëlswyse van die waterstroom wat in enige deel van die werke of van die gebied begrepe binne die omvang van die werke inloop, die verdeling van water daaruit, en die gebruik van water daarin of daaruit ;
- (c) die metode van vasstelling en invordering van belastinge op grond, wat met water uit die werke of uit die gebied begrepe binne die omvang van die werke besproei word, en van vasstelling en invordering van fooie ten opsigte van water, wat uit die werke of uit bedoelde gebied uitgehaal of verskaf is ; en
- (d) die uitreiking kragtens artikel ses van permitte die aantekening en registrasie daarvan ; en
- (e) die wyse waarop serwitute geregistreer word.

15. Enigeen wat sonder reg of wettige opdrag (waarvan Misdrywe en hy die bewys moet lewer)— strawwe.

- (a) die werke of enige deel daarvan beskadig, verander, vergroot of belemmer of iets, wat in verband daarmee gebruik word, beskadig of verwyder ; of
- (b) op die stroming van die water in die werke of binne die omvang van die werke inbreuk maak of dit verander, of op die wettige verdeling van daardie water inbreuk maak, of daardie water gebruik op 'n wyse wat nie deur of ingevolge hierdie Wet veroorloof word nie ; of
- (c) 'n peil of merk, wat aan die werke of in verband daarmee aangebring is, beskadig, uitwis of versit ; of
- (d) versuim om behoorlike maatreëls te neem tot voorkoming van verspilling van water wat aan hom uit die werke of uit die gebied begrepe binne die omvang van die werke gelewer word, of deur hom daaruit uitgehaal word ; of
- (e) iemand by die uitoefening van 'n bevoegdheid of by die nakoming van 'n verpligting, wat kragtens hierdie Wet of die regulasies uit kragte daarvan uitgevaardig hom verleen of opgelê is, belemmer of hinder ; of
- (f) 'n regulasie kragtens hierdie Wet uitgevaardig oortree of veronagsaam,

is aan 'n misdryf skuldig en strafbaar—

- (i) by 'n eerste veroordeling met 'n boete van nie meer as tien pond of, by wanbetaling, met gevangenisstraf van hoogstens drie maande, of met beide daardie boete en daardie gevangenisstraf ;
- (ii) by 'n tweede of volgende veroordeling, met 'n boete van nie meer as twintig pond of, by wanbetaling, met gevangenisstraf van hoogstens ses maande, of met beide daardie boete en daardie gevangenisstraf.

16. Hierdie Wet heet die Vaalrivier Uitbreidingskema Wet, Kort titel. 1934.

### Eerste Bylae.

BESKRYWING VAN DIE WERKE WAARVAN DIE AANLê DEUR HIERDIE WET GEMAGTIG WORD.

Die werke wat ingevolge hierdie Wet aangelê moet word bestaan uit die volgende :—

1. 'n Boonste bewaringsdam aan die Vaalrivier, geleë ongeveer veertien myl onderkant die samevloeiing van die Vaal- en Wilgeriviere. Die wal van hierdie dam sal van beton gebou word, en die dam sal voorsien wees van 'n uitloopvoer aan die noordoewer van die rivier. Die damwal sal geleë wees op of naby die plase Witpoort aan die suidoewer, en Vaalbank aan die noordoewer van die Vaalrivier. Die dam sal 'n aanvangsinhoudsvermoë hê van nie minder dan 700,000 akkervoet, en wanneer hy vol is sal hy nie minder dan 50 vierkantmyl onder water sit.

2. 'n Uitkeerdam aan die Vaalrivier, geleë ongeveer drie myl bokant die spoorwegbrug te Warrenton. Die wal van die uitkeerdam sal geleë wees op of naby die plase Schoorplaats aan die suidoewer, en H.20 aan die noordoewer van die Vaalrivier. Die wal van die uitkeerdam sal ongeveer 30 voet hoog wees. Hy sal dien om water te kontroleer en uit te keer in die hieronder beskrywe kanale.

3. 'n Hoofkanaal, met sykanale, sal die water, wat deur die in paragraaf 2 beskrywe dam uitgekeer word, voer na grond wat besproei moet word.

4. Uitkeerdamme en afvoerkanale op geskikte plekke aan of naby die Vaalrivier vir kragontwikkelingsdoeleindes.

5. Alle ander nodige toebehorens vir die behoorlike ontwikkeling van die skema, vir die beheer en reëling van grondafwatering, vir die meet en kontrolering van water wat uit die werke of uit 'n deel daarvan uitgehaal word, en in die algemeen vir uitvoering van die skema.

## Second Schedule.

### DEED OF AGREEMENT.

Deed of agreement made between the Honourable Deneys Reitz in his capacity as the Minister of Lands of the Union of South Africa and as such representing the Government of the Union in its Department of Lands (hereinafter referred to as "the Government") of the one part, and the Rand Water Board (hereinafter referred to as "the Board") constituted and incorporated in accordance with the provisions of the Rand Water Board Statutes 1903 to 1933 (hereinafter referred to as "the Statutes") herein represented by Sidney Allelyne van Lingen, the Chairman of the Board, he being duly authorized thereto by virtue of a Resolution passed at a Meeting of the Board held at Johannesburg on the 13th day of January, 1934, of the other part.

1. In the interpretation of this Agreement, unless contrary to the context, any word or expression to which a meaning has been assigned in the Irrigation and Conservation of Waters Act, 1912, has the same meaning and the following words and expressions have the following meanings respectively:—

"Board's storage area" means the area in which the Board is empowered to impound and store water in accordance with the provisions of Act No. 18 of 1914;

"Board's Barrage" means the barrage constructed by the Board in accordance with the provisions of Act No. 18 of 1914;

"Government Dam" means the dam to be constructed by the Government on the Vaal River;

"Twelve monthly period" means a period of twelve months beginning on the 1st April in any year and terminating on the 31st March in the following year.

2. Unless prevented by circumstances beyond its control, the Government undertakes before releasing any surplus water from its dam for any other purpose:—

(a) To maintain the water level in the Board's storage area at not less than R.L. 4,664.08 or 24 feet above the sills of the gates of the Board's barrage;

(b) To impound and store in the Government dam exclusively for the Board during each twelve monthly period a quantity of water calculated in acre-feet in accordance with the following formula (hereinafter referred to as "the said formula"):

$$Q = \frac{1,600 (D - 10) (12 - M)}{12}$$

Where—

"Q" represents the quantity of water in acre-feet;

"M" represents the number of months and/or any fraction of a month elapsed as from the commencement of the twelve monthly period;

"D" represents in million gallons per day the capacity of the Board's plant and pipelines to abstract water from the Vaal River together with such water as is required by persons whom the Board has authorized to take water from the Board's storage area and of which the Board has advised the Director in accordance with the provisions of Clause 3 hereof: Provided that in no circumstances shall the quantity of water represented by "D" exceed seventy (70) million gallons per day.

3. For the purpose of determining the quantity of water which the Government shall impound and store for the Board at the commencement of the next twelve monthly period the Board shall, on or before the 1st September preceding such twelve monthly period, advise the Director in writing of the number of million gallons per day which is to be substituted for "D" in the said formula, and shall, at the same time, give the Director such information as may be necessary to enable him to examine and check its correctness.

4. In order to ensure as far as possible that the quantity of water represented by "Q" on the 1st April in each and every year shall be in the Government dam on that date the Government agrees that in addition to the quantity of water calculated in terms of Clause 2 hereof, it shall as and from the 1st October in each and every year impound and store for the Board fifty per cent. (50%) of the surplus water entering the Government dam until the quantity of water represented by "Q" as at the 1st April following is stored and impounded on behalf of the Board, and shall continue to impound and store surplus water in order to maintain such quantity until the 1st April on which date in any case all the water held in the Government dam up to the quantity of water represented by "Q" as above shall be stored in the said dam exclusively for the Board.

5. The Board shall at all times have the right:—

(a) To use any water released by the Government from the Government dam for the purpose of developing such power as it may be entitled to develop and to construct, either in the bed of the Vaal River or in the neighbourhood thereof, such works as may be necessary for this purpose;

(b) To transmit any power which it may so develop to any of its Pumping Stations or other works.

6. The Government shall not be in any way liable to the Board for damages or otherwise should the water so released at any time be insufficient to enable the Board to develop power as hereinbefore provided, or be released in a manner which would prevent the Board developing such power, but it shall in so far as is convenient and subject to its own requirements, discharge the water from its dam through the plant to be erected by the Board.

7. The Government agrees that in designing its dam it will consult with the Board in order that in so far as is convenient and subject to the requirements of the Government such provisions may be made as the Board requires to enable it to develop power. Any cost incurred by the Government at the request of and in agreement with the Board in making such special provisions, shall be borne by the Board.

## Tweede Bylae.

### AKTE VAN OOREENKOMS.

Aangegaan tussen die Edelagbare Deneys Reitz in sy hoedanigheid as Minister van Lande vir die Unie van Suid-Afrika, en as sulks die Regering van die Unie in sy Departement van Lande verteenwoordigende (hierin later „die Regering” genoem) ter ene syde, en die „Rand Water Board” (hierin later „die Raad” genoem) ingestel en ingelyf luidens die bepalings van die Rand Waterraad Statute, 1903-1933 (hierin later „die Statute” genoem), hierin verteenwoordig deur Sydney Allelyne van Lingen, Voorzitter van die Raad, hy daartoe gemagtig synde kragtens ’n besluit op ’n vergadering van die Raad te Johannesburg op die 13de dag van Januarie 1934 aangeneem, ter andere syde.

(1) By die interpretasie van hierdie ooreenkoms, tensy in stryd met die samehang, sal enige woord of uitdrukking waaraan ’n betekenis toegeken word in die Besproeiings- en Waterbewaringswet, 1912, dieselfde betekenis behou, en die volgende woorde en uitdrukkinge het onder-skeidelik die volgende betekenisse—

„Raad se versamelterrein” beteken die terrein waarin die Raad gemagtig is om water op te gaar en te versamel luidens die bepalings van Wet No. 18 van 1914;

„Raad se barrage” beteken die barrage deur die Raad luidens die bepalings van Wet No. 18 van 1914 opgerig;

„Regeringsdam” beteken die dam deur die Regering in die Vaalrivier opgerig te word;

„Twaalfmaandelikse tydperk” beteken ’n tydperk van twaalf maande wat op 1 April in enige jaar begin, en op 31 Maart in die volgende jaar eindig.

(2) Tensy deur omstandighede buite sy beheer verhinder, onderneem die Regering, voordat enige surplus water vir enige ander doel uitgelaat word—

(a) om die waterhoogte in die Raad se versamelterrein op nie minder dan R.L.4,664.08 of 24 voet bo die hekkebank van die Raad se barrage te behou;

(b) om uitsluitlik vir die Raad in die Regeringsdam gedurende elke twaalfmaandelikse tydperk ’n hoeveelheid water op te gaar en te bewaar in akkervoete gereken luidens die volgende formulier (hierin later „die gemelde formulier” genoem),

$$Q = \frac{1,600 (D-10) (12-M)}{12}$$

Waar:—

„Q” die hoeveelheid water in akkervoete voorstel.

„M” die aantal maande en/of gedeelte van ’n maand verstreke sedert die begin van die twaalfmaandelikse tydperk voorstel.

„D” die kapasiteit in miljoen gellings per dag voorstel, van die Raad se toestel en pylyne om water uit die Vaalrivier te haal, tesame met sodanige water wat benodig word deur persone deur die Raad gemagtig om water uit die Raad se versamelterrein te neem, en waarvan die Raad die Direkteur luidens artikel (3) hiervan in kennis gestel het: Met dien verstande dat onder geen omstandighede die water deur „D” voorgestel 70 miljoen gellings per dag sal te bo gaan nie.

(3) Ten einde die hoeveelheid water vas te stel wat die Regering by die begin van die volgende twaalfmaandelikse tydperk vir die Raad moet opgaar en bewaar, sal die Raad, voor of op die 1ste September, sodanige twaalfmaandelikse tydperk voorafgaande, die Direkteur skriftelik in kennis stel van die aantal miljoen gellings per dag wat „D” in genoemde formulier sal vervang, en sal terselfdertyd die Direkteur sulke inligtings verskaf as nodig mag wees om die juistheid daarvan te ondersoek en vas te stel.

(4) Ten einde sover moontlik te verseker dat die hoeveelheid water deur „Q” voorgestel, op 1 April in elk en ieder jaar in die Regeringsdam op daardie datum sal wees, kom die Regering ooreen dat behalwe die hoeveelheid water luidens klousule (2) hiervan gereken, hy vanaf 1 Oktober in elk en ieder jaar vyftig persent (50%) van die surplus water wat in die Regeringsdam loop vir die Raad sal opgaar en bewaar totdat die hoeveelheid water wat deur „Q” op die volgende 1ste April voorgestel sal wees, ten bate van die Raad opgegaar en bewaar is, en sal voortgaan om surplus water op te gaar en te bewaar sodat sodanige hoeveelheid behou word tot op 1 April, wanneer al die water in die Regeringsdam versamel tot op die hoeveelheid deur „Q” voorgestel soos voormeld, in elk geval uitsluitlik vir die Raad bewaar sal word.

(5) Die Raad sal te eniger tyd die reg hê:

(a) Om enige water deur die Regering uit die Regeringsdam uitgelaat te gebruik vir die ontwikkeling van sodanige krag soos hy geregtig is om te ontwikkel, en om sodanige werke op te rig, of in die bed van die Vaalrivier of in die nabyheid daarvan, soos vir hierdie doel nodig mag wees.

(b) Om enige krag wat hy so mag ontwikkel aan enige van sy pompstasies of ander werke oor te dra.

(6) Die Regering sal geensins aan die Raad aanspraaklik wees vir skadevergoeding of andersins nie indien die water so uitgelaat te eniger tyd onvoldoende is om die Raad in staat te stel om krag te ontwikkel soos hierbo omskryf, of indien dit op so ’n manier uitgelaat word dat die Raad verhinder is om sodanige krag te ontwikkel, maar hy sal, in sover dit gerieflik mag wees, en onderworpe aan sy eie vereistes, die water van sy dam uitlaat deur die toestel deur die Raad opgerig te word.

(7) Die Regering kom ooreen dat by die planberaming van sy dam hy die Raad sal raadpleeg, ten einde, insover dit gerieflik mag wees, en onderworpe aan die vereistes van die Regering, sodanige voorsiening te maak soos die Raad nodig het om hom in staat te stel om krag te ontwikkel. Enige koste deur die Regering gemaak op versoek van en in ooreenkoms met die Raad in verband met die daarstelling van sodanige spesiale voorsienings sal gedra word deur die Raad.

8. The Board agrees to allow water released from the Government dam to pass through the Board's barrage in such manner and at such times as the Director may determine: Provided that the Board shall not be obliged to pass any water, other than the actual normal flow, through the Board's barrage as long as the level of the water impounded by such barrage has sunk to the level mentioned in Clause 2 (a) hereof.

9. The cost of installing and maintaining any telephone lines and equipment which may be found necessary in connection with the regulation of the passing of water from the Government dam through the Board's barrage, shall be borne by the Government.

10. The Board shall have the right of entry at all reasonable times to the Government works and offices for the purpose of inspecting the level of the water in such works and records kept by the Government, in order to satisfy itself that the water which the Government agrees to impound and store for it has actually been so impounded and stored.

11. The Government agrees to proceed with the erection of the Government works as soon as is practicable and unless prevented by circumstances beyond its control to continue the construction of such works in such manner as to enable a quantity of water equal to ninety-six thousand (96,000) acre-feet being stored in such works by June, 1938.

12. The Board shall pay the sum of two hundred and forty thousand pounds (£240,000) to the Government as and when the construction of the Government dam is completed and such payment shall be made either in one sum or in annual payments calculated on such basis as regards interest on and payment of the principal amount as may be agreed upon between the Minister and the Board.

13. This agreement is subject to ratification by Parliament.

IN WITNESS WHEREOF this Agreement has been signed by the parties hereto at Cape Town on this the 30th day of January, 1934, in the presence of the undersigned witnesses.

*As Witnesses:*

1. ALFRED D. LEWIS.
2. J. H. STEVENSON.

D. REITZ.

S. A. VAN LINGEN.



(8) Die Raad kom ooreen om water van die Regeringsdam uitgelaat toe te laat om deur die Raad se barrage te loop op sodanige wyse en op sodanige tye soos die Direkteur mag voorstel: Met dien verstande dat die Raad nie verplig sal wees nie om enige water, behalwe die normaal stroom, deur die Raad se barrage te laat loop terwyl die hoogte van die water deur sodanige barrage opgegaan gesak het tot die hoogte in klousule 2 (a) hiervan vermeld.

(9) Die koste van die oprigting en onderhoud van enige telefoonlyn en uitrusting wat nodig gevind word in verband met die reëling van die loop van water van die Regeringsdam deur die Raad se barrage, sal deur die Regering gedra word.

(10) Die Raad sal te alle redelike tyd die reg van ingang hê tot die Regering se werke en kantore, ten einde die hoogte van die water in sodanige werke vas te stel en registers deur die Regering gehou na te sien, om sigself te oortuig dat die water wat die Regering onderneem om op te gaar en te bewaar werklik so opgegaan en bewaar is.

(11) Die Regering kom ooreen om met die oprigting van die Regeringswerke so spoedig doenlik aan te gaan, en tensy deur omstandighede buite sy beheer verhinder, om die oprigting van sodanige werke voort te sit op so 'n manier dat 'n hoeveelheid water gelykstaande aan ses-en-neentig duisend akkervoet in sodanige werke versamel word voor Junie 1938.

(12) Die Raad sal aan die Regering die bedrag van tweehonderd en veertig duisend pond (£240,000) betaal sodra die oprigting van die Regeringsdam voltooi is, en sodanige betaling sal geskied of in een som of in jaarlikse paaiemente bereken op sodanige basis wat rente op en betaling van die hoofsom betref, soos tussen die Minister en die Raad ooreengekom mág word.

(13) Hierdie ooreenkoms is onderhewig aan bekragtiging deur die Parlement.

As bewys waarvan hierdie ooreenkoms deur die partye daartoe te Kaapstad onderteken is, op hede die 30ste dag van Januarie 1934, in die teenwoordigheid van die ondergetekende getuies.

Getuies:

D. REITZ.

1. ALFRED D. LEWIS.

S. A. VAN LINGEN.

2. J. H. STEVENSON.

No. 39, 1934.]

## ACT

To ratify and give effect to a certain agreement regarding irrigation from the Sundays River; to provide for the supply to and distribution of water within the Kirkwood Village Management Board area and for the payment of irrigation rates and the right to vote at elections of the Sundays River Irrigation Board; for the making of improvements to certain irrigation works; to provide for the remission of existing and the regulation of future irrigation loans; for the sub-division of the Sundays River Irrigation District and the enlargement of its Board; for the disestablishment of the Lower Selborne Irrigation District and the dissolution of its Board and the transfer of its assets and liabilities to the Sundays River Irrigation Board; for the granting of relief to certain purchasers and lessees of land and the issue of Crown grants to certain persons; for the preservation against prescription of certain debts due to the Government; and for the amendment of Acts Nos. 15 of 1925 and 41 of 1930.

Preamble.

WHEREAS by an agreement entered into between the Government of the Union and the Strathsomers Estate Company, Limited, provision was made for the purchase by the Government of certain irrigation works owned by the said Company, for the cancellation of the rights of the said Company to levy certain charges in respect of the supply of water from such irrigation works, for the transfer to and the acceptance by the Government of certain interests and rights and liabilities and duties, and for the setting aside of a certain trust and the payment by the trustees thereof of the funds and securities controlled by them to the said Company for its own use and benefit:

AND WHEREAS it is expedient to ratify and confirm the said agreement and to transfer to and impose upon the Government of the Union all properties, interests and rights and all liabilities and duties acquired or undertaken by the Government by the said agreement and to authorize the Governor-General to do all things necessary to give effect to the terms of the said agreement:

AND WHEREAS the owners or occupiers of certain land situate within the boundaries of the Sundays River Irrigation District are, by reason of the terms of the deeds of title under which they occupy the land or of certain agreements, entitled to receive water from certain irrigation works situate within the said boundaries, subject to the payment by them of certain charges or rates or subject to the rendering by them of services in connection with the maintenance, cleaning or repair of such works, and it is expedient to release such owners or occupiers from the obligation to pay such charges or rates or to render such services, and to declare that they are not entitled to receive water from any such works free from the payment of such irrigation rates as may be imposed generally in respect of land served by such works:

AND WHEREAS it is expedient to provide for an *ex gratia* payment to certain persons whose rights are affected by this Act:

AND WHEREAS it is desirable that all irrigation works the ownership of which is already vested in the Government of the Union or is so vested by or in terms hereof, and which are situate within the boundaries of the Sundays River Irrigation

No. 39, 1934.]

## WET

Om 'n sekere ooreenkoms aangaande besproeiing uit die Sondagsrivier te bekragtig en om uitvoering daaraan te gee; om voorsiening te maak vir die lewering van water aan en die verdeling van water binne die gebied van die dorpsbestuur Kirkwood en vir die betaling van besproeiingsbelastinge en die reg om te stem by verkiesings van die besproeiingsraad Sondagsrivier; om verbeterings aan sekere besproeiingswerke aan te bring; vir kwytskelding van bestaande en reëling van toekomstige besproeiingslenings; vir die onderverdeling van die besproeiingsdistrik Sondagsrivier en vermeerdering van die ledetal van sy raad; vir die opheffing van die besproeiingsdistrik Laer Selborne en die ontbinding van sy raad en die oordrag van die bates en laste daarvan aan die besproeiingsraad Sondagsrivier; vir hulpverlening aan sekere kopers en huurders van grond en vir die uitreiking van Kroongrondtoekenningsbriewe aan bepaalde persone; vir die bewaring van sekere skulde aan die Regering teen vernietiging deur verjaring; en tot wysiging van Wette No. 15 van 1925 en No. 41 van 1930.

**N**ADEMAAL voorsiening gemaak is deur 'n ooreenkoms Aanhef. aangegaan tussen die Unie Regering en die Strathsomers Estate Company, Limited, vir die aankoop deur die Regering van sekere besproeiingswerke behorende aan genoemde maatskappy, vir die kansellering van die regte van genoemde maatskappy om sekere fooie te hef in verband met die lewering van water uit daardie besproeiingswerke, vir die oordrag aan en die aanvaarding deur die Regering van sekere belange en regte en verantwoordelikhede en verpligtings, en vir die kansellering van 'n sekere trust en die betaling deur die trustees daarvan van die fondse en sekuriteite onder hul beheer aan genoemde maatskappy vir sy eie gebruik en voordeel:

EN NADEMAAL dit wenslik is om vermelde ooreenkoms te bekragtig en te bevestig en om aan die Unie Regering alle eiendomme, belange en regte wat deur die Regering deur vermelde ooreenkoms verkry is oor te dra en om op die Regering alle verantwoordelikhede en verpligtings aldus deur die Regering aanvaar op te lê, en om die Goewerneurgeneraal te magtig om alle sake te verrig wat nodig mag wees om die bepalinge van vermelde ooreenkoms uit te voer:

EN NADEMAAL die eienaars of bewoners van seker grond wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, as gevolg van die bepalinge van die grondbriewe uit kragte waarvan hulle die grond bewoon of as gevolg van sekere ooreenkomste, geregtig is om water uit sekere besproeiingswerke te ontvang, wat geleë is binne vermelde grense, onderhewig aan betaling deur hulle van sekere gelde of fooie of onderhewig aan verrigting deur hulle van dienste in verband met die instandhouding, skoonmaking of reparasie van daardie werke, en dit wenslik is om daardie grondeienaars of bewoners vry te stel van die verpligting om daardie gelde of fooie te betaal of om sodanige dienste te verrig, en om te verklaar dat hulle nie geregtig is nie om water uit daardie werke te ontvang sonder betaling van sodanige besproeiingsbelastinge as oor die algemeen opgelê mag wees ten aansien van grond wat uit daardie werke van water voorsien word:

EN NADEMAAL dit wenslik is om voorsiening te maak vir 'n *ex gratia* betaling aan sekere persone wie se regte deur hierdie Wet geraak word:

EN NADEMAAL dit wenslik is dat alle besproeiingswerke waarvan die eiendomsreg reeds by die Unie Regering berus of deur of kragtens hierdie Wet aan die Unie Regering oorgedra word, en wat binne die grense van die besproeiingsdistrik

District, and all obligations imposed upon the Government in relation to such works, and all servitudes and other rights exercisable in connection with such works, and held by the Government in respect of any land situate within the said boundaries be transferred to, be vested in and be imposed upon the Sundays River Irrigation Board, and to confer upon that board a servitude of aqueduct for the purposes of such irrigation works, and it is expedient to provide for the making of certain improvements to the irrigation works within the said boundaries :

AND WHEREAS it is expedient to provide for the remission of moneys payable to the Government of the Union in respect of the supply of water from irrigation works situate within the boundaries of the Sundays River Irrigation District :

AND WHEREAS it is expedient to alter the terms of repayment of irrigation loans or advances owing to the Government of the Union by the Sundays River Irrigation Board, and to provide for the remission of moneys due by that irrigation board under any such loan or advance :

AND WHEREAS it is expedient to prohibit the granting of irrigation loans to the Sundays River Irrigation Board unless that board levies a special irrigation rate for the improvement of its irrigation works :

AND WHEREAS it is expedient to provide that the Kirkwood Village Management Board, in the stead of the owners of land situate within its area of jurisdiction, shall be liable to pay irrigation rates levied in respect of all such land, and entitled to vote at any election of members of the Sundays River Irrigation Board, and to direct that the irrigation voters' list, the schedule of irrigable areas and the irrigation assessment roll of the Sundays River Irrigation District be framed in accordance with such provision, and to authorize the Sundays River Irrigation Board to supply water in bulk to the Kirkwood Village Management Board, and to make the latter board responsible for the distribution of the water so supplied within the area subject to its jurisdiction :

AND WHEREAS it is expedient to provide for the division into sub-districts of the Sundays River Irrigation District and the enlargement of the Sundays River Irrigation Board :

AND WHEREAS it is expedient to provide for the disestablishment of the Lower Selborne Irrigation District and the dissolution of the Lower Selborne Irrigation Board, and for the transfer of the assets and liabilities of that irrigation board to the Sundays River Irrigation Board :

AND WHEREAS it is expedient to grant relief to persons who, or whose predecessors in title, purchased land from the late Cape Sundays River Settlements, Limited, all the assets of which company have been acquired by the Government of the Union, and to lessees who, in terms of the Land Settlement Act, 1912, hold land situate within the boundaries of the Sundays River Irrigation District, and to provide for the issue of Crown grants to such lessees :

AND WHEREAS it is expedient to preserve against prescription debts due to the Government of the Union by settlers holding land acquired by them or their predecessors in title from the said late Cape Sundays River Settlements, Limited :

AND WHEREAS it is expedient to amend certain laws :

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

Interpretation  
of terms.

1. In this Act, unless the context indicates otherwise—

"Irrigation Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), as amended from time to time ;

"Sundays River Irrigation Board" means the irrigation board constituted by Proclamation of the Governor-General No. 62 dated the twentieth day of March, 1917 ;



Sondagsrivier geleë is, en alle verpligtings in verband met daardie werke wat aan die Regering opgelê is, en alle serwitute en ander regte wat in verband met daardie werke uitgeoefen kan word, en wat ten aansien van grond geleë binne vermelde grense by die Regering berus, aan die besproeiingsraad Sondagsrivier oorgedra word en in hom gevestig word en aan hom opgelê word, en om aan daardie raad 'n serwituut van waterleiding vir die doeleindes van daardie besproeiingswerke toe te ken, en dit wenslik is om voorsiening te maak vir die aanbring van sekere verbeterings aan die besproeiingswerke binne vermelde grense :

EN NADEMAAL dit wenslik is om voorsiening te maak vir die kwytskelding van skulde aan die Unie Regering ten opsigte van water gelewer uit besproeiingswerke wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is :

EN NADEMAAL dit wenslik is om die aflossingsbepalings van besproeiingslenings of voorskotte te wysig wat deur die besproeiingsraad Sondagsrivier aan die Unie Regering verskuldig is, en om voorsiening te maak vir die kwytskelding van skulde van daardie besproeiingsraad uit hoofde van 'n sodanige lening of voorskot :

EN NADEMAAL dit wenslik is om die toekenning van besproeiingslenings aan die besproeiingsraad Sondagsrivier te verbied tensy daardie raad 'n spesiale besproeiingsbelasting hef vir die verbetering van sy besproeiingswerke :

EN NADEMAAL dit wenslik is om vas te stel dat die dorpsbestuur Kirkwood, in stede van die eienaars van grond wat binne sy gebied geleë is, verantwoordelik is vir die betaling van besproeiingsbelasting wat gehef word ten aansien van alle sodanige grond, en geregtig is om te stem by verkiesings van lede van die besproeiingsraad Sondagsrivier, en om te bepaal dat die besproeiingskieserslys, die lys van besproeibare gronde en die besproeiings-belastingrol van die besproeiingsdistrik Sondagsrivier ooreenkomstig sodanige vasstelling opgetrek word, en om die besproeiingsraad Sondagsrivier te magtig om water aan die dorpsbestuur Kirkwood by die groot maat te lewer, en om daardie dorpsbestuur verantwoordelik te maak vir die verdeling binne sy gebied van die aldus gelewerde water :

EN NADEMAAL dit wenslik is om voorsiening te maak vir die verdeling in onder-distrikte van die besproeiingsdistrik Sondagsrivier en die vermeerdering van die ledetal van die besproeiingsraad Sondagsrivier :

EN NADEMAAL dit wenslik is om voorsiening te maak vir die opheffing van die besproeiingsdistrik Laer Selborne en die ontbinding van die besproeiingsraad Laer Selborne, en vir die oordrag van die bates en laste van daardie besproeiingsraad aan die besproeiingsraad Sondagsrivier :

EN NADEMAAL dit wenslik is om hulp te verleen aan persone wat of wie se regsvoorgangers grond gekoop het van die voormalige „Cape Sundays River Settlements, Limited,” alle bates waarvan die Unie Regering verkry het, en aan huurders aan wie grond, wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, ingevolge die „Kroongrond Nederzetting Wet, 1912,” toegewys is, en om voorsiening te maak vir die uitreiking van Kroongrondtoekenningsbriewe aan sodanige huurders :

EN NADEMAAL dit wenslik is om skulde teen vernietiging deur verjaring te bewaar wat aan die Unie Regering betaalbaar is deur setlaats wat of wie se regsvoorgangers grond van die voormalige „Cape Sundays River Settlements, Limited,” verkry het :

EN NADEMAAL dit wenslik is om sekere wette te wysig :

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing. Wet—

„Besproeiingswet”, die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), soos van tyd tot tyd gewysig ;

„besproeiingsraad Sondagsrivier”, die besproeiingsraad ingestel by Proklamasie van die Goewerneur-generaal No. 62 gedagteken die twintigste dag van Maart 1917 ;

"Sundays River Irrigation District" means the irrigation district constituted by the said proclamation, the boundaries thereof, being as defined by that proclamation and altered by section one of the Sundays River Settlements Administration Act, 1925 (Act No. 15 of 1925), proclamation No. 43 dated the seventh day of February, 1933, and proclamation No. 32 dated the second day of March, 1934; and

any expression to which a meaning has been assigned in the Irrigation Act bears the same meaning.

Ratification of certain agreements, and provisions for carrying them into effect.

2. (1) The agreement dated the thirtieth day of May, 1932, entered into between the Government of the Union and the Strathsomers Estate Company, Limited, and set out in the First Schedule to this Act, is hereby ratified and confirmed.

(2) The notarial agreement, dated the eleventh day of March, 1907, entered into before the notary Vyvyan Howard Owen Christian between Frederick Frank and the other owners of certain properties, of the one part, and the Strathsomers Estate Company, Limited, of the other part, which forms Annexure "E" to the agreement referred to in sub-section (1), is hereby cancelled and the trust thereby created is hereby set aside; and the trustees of the fund constituted under the said notarial agreement shall pay and transfer the funds and securities controlled by them thereunder to the Strathsomers Estate Company, Limited, for its own use and benefit, and thereupon shall be released from the duties imposed upon them by the said notarial agreement.

(3) Paragraph 23 of the conditions of sale set out in Annexure "C" to the agreement referred to in sub-section (1) is hereby cancelled, and all land subject to the provisions of that paragraph is hereby released from the operation thereof.

(4) All properties, interests and rights, including *inter alia* the irrigation works described in the Second Schedule to this Act, and all liabilities and duties acquired or undertaken by the Government of the Union by the agreement referred to in sub-section (1) are hereby transferred to and conferred and imposed upon the Government of the Union.

(5) The Governor-General may do all things necessary to give effect to the terms of the agreement referred to in sub-section (1).

Owners and occupiers of land situate within boundaries of Sundays River Irrigation District not to be liable to pay charges other than irrigation rates in respect of supply of water.

3. (1) From a date to be notified by the Governor-General by proclamation in the *Gazette*, and notwithstanding anything contained in any lease, deed of sale, grant, deed of transfer or any other document of title or in any agreement in respect of any land situate within the boundaries of the Sundays River Irrigation District—

(a) the obligations imposed by any such lease, deed of sale, grant, deed of transfer or other document of title or agreement on the lessee, purchaser, grantee, transferee, owner or holder of such land to pay to the Government of the Union, to Charles Henry Coltman and Evelyn Willard Coltman (born Bean), or to any other person, any charges or rates in connection with the supply of water from any irrigation works situate within the said boundaries, or to render to the Government any service in connection with the maintenance, cleaning or repair of any such works, shall cease and determine; and

(b) no lessee, purchaser, grantee, transferee, owner or holder of any such land shall, by reason of any condition contained in or affecting any such lease, deed of sale, grant, deed of transfer, or other document of title or agreement, be entitled to receive water from such works free from the payment of such irrigation rates as may be imposed generally in respect of land served by the aforesaid works.

(2) The Minister shall, out of moneys appropriated for the purpose by Parliament, pay to every person named in the left hand column of the Third Schedule to this Act the amount

„besproeiingsdistrik Sondagsrivier”, die besproeiingsdistrik ingestel by voormelde Proklamasie, en die grense daarvan is soas in daardie Proklamasie bepaal en gewysig by artikel een van die „Zondagsrivier Nederzetting Beheer Wet, 1925” (Wet No. 15 van 1925), by Proklamasie No. 43 gedagteken die sewende dag van Februarie 1933 en Proklamasie No. 32 gedagteken die tweede dag van Maart 1934; en

het ’n uitdrukking, waaraan in die Besproeiingswet ’n betekenis toegeskryf is, in hierdie Wet dieselfde betekenis.

2. (1) Die ooreenkoms, gedateer die dertigste dag van Mei 1932, aangegaan tussen die Unie Regering en die „Strathsomers Estate Company, Limited,” ’n vertaling waarvan opgeneem is in die Eerste Skedule van hierdie Wet, word hiermee bekragtig en bevestig.

Bekragtiging van sekere ooreenkomste en bepalinge vir die uitvoering daarvan

(2) Die notariële ooreenkoms, gedateer die elfde dag van Maart 1907, aangegaan voor die notaris Vyvyan Howard Owen Christian tussen Frederick Frank en die ander eienaars van sekere eiendomme, van die een kant, en die „Strathsomers Estate Company, Limited,” van die ander kant, ’n vertaling waarvan as Aanhangsel „E” aangeheg is aan die vertaling van die ooreenkoms wat in sub-artikel (1) genoem word, word hiermee gekanselleer, en die trust wat daardeur in die lewe geroep is word hiermee ter sy gestel; en die trustees van die fonds wat kragtens die genoemde notariële ooreenkoms ingestel is moet die fondse en sekuriteite wat volgens daardie ooreenkoms onder hul beheer is aan die „Strathsomers Estate Company, Limited,” betaal en oordra, vir sy eie gebruik en voordeel, en daarop is hulle van die pligte vrygestel wat deur genoemde notariële ooreenkoms aan hulle opgelê is.

(3) Paragraaf 23 van die koopvoorwaardes, ’n vertaling waarvan opgeneem is in Aanhangsel „C” van die vertaling van die notariële ooreenkoms wat in sub-artikel (2) genoem word, word hiermee gekanselleer, en alle gronde wat aan die bepalinge van daardie paragraaf onderhewig is word hiermee vrygestel van daardie bepalinge.

(4) Alle eiendomme, belange en regte, met inbegrip van, *inter alia*, die besproeiingswerke beskrywe in die Tweede Skedule van hierdie Wet, wat deur die Unie Regering deur die ooreenkoms in sub-artikel (1) genoem verkry is word hiermee aan die Unie Regering oorgedra en toegeken, en alle verantwoordelikhede en verpligtinge aldus deur die Regering aanvaar word hiermee aan die Regering opgelê.

(5) Die Goewerneur-generaal kan alle sake verrig wat nodig mag wees om die bepalinge van die in sub-artikel (1) genoemde ooreenkoms uit te voer.

3. (1) Vanaf ’n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bekend te maak, en niesteenstaande die bepalinge van enige huurkontrak, koopbrief, grondtoekenningsbrief, transportakte of enige ander titelbewys of van enige ooreenkoms met betrekking tot grond geleë binne die grense van die besproeiingsdistrik Sondagsrivier—

Eienaars en bewoners van grond wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, is nie verplig nie om ander fooie dan besproeiingsbelastinge te betaal in verband met die lewering van water.

(a) verstryk en verval die verpligtinge wat by so ’n huurkontrak, koopbrief, grondtoekenningsbrief, transportakte of ander titelbewys of ooreenkoms aan die huurder, koper, regverkryer, transportontvanger, eienaar of besitter van sodanige grond opgelê is om aan die Unie Regering, aan Charles Henry Coltman en Evelyn Willard Coltman (gebore Bean) of aan enige ander persoon enige gelde of fooie te betaal in verband met die lewering van water uit enige besproeiingswerke geleë binne vermelde grense, of om ten gunste van die Regering dienste te verrig in verband met die instandhouding, skoonmaking of reparasie van sodanige werke; en

(b) is geen huurder, koper, regverkrygende, transportontvanger, eienaar of besitter van sodanige grond geregtig om, uit kragte van enige bepaling wat in so ’n huurkontrak, koopbrief, grondtoekenningsbrief, transportakte of ander titelbewys of ooreenkoms vervat is of daarop betrekking het, water uit daardie werke te ontvang sonder betaling van sodanige besproeiingsbelastinge as oor die algemeen opgelê mag wees ten aansien van grond wat uit daardie werke van water voorsien word.

(2) Die Minister moet, uit gelde daarvoor deur die Parlement toegestaan, aan elke persoon wat genoem word in die linkerkolom van die Derde Skedule tot hierdie Wet die bedrag betaal

shown opposite his name in the right hand column of that Schedule.

(3) Nothing in this section contained shall in any way affect the liability of any person to pay all charges or rates which have become payable before the said date or to perform all services the performance of which was due before the said date.

Ownership in irrigation works situate within boundaries of Sundays River Irrigation District and owned by Government and all rights and obligations in connection therewith transferred to Sundays River Irrigation Board.

4. (1) From a date to be notified by the Governor-General by proclamation in the *Gazette*—

- (a) the irrigation works the ownership of which at the commencement of this Act is vested in the Government of the Union or is so vested by or in terms of this Act, and which are situate within the boundaries of the Sundays River Irrigation District, shall be transferred to and the ownership therein shall vest in the Sundays River Irrigation Board, and every obligation which at the commencement of this Act is imposed upon the Government or which by or under the provisions of this Act is imposed upon the Government in relation to any of the said irrigation works and the supply of water therefrom shall be imposed upon the Sundays River Irrigation Board; and
- (b) every servitude or other right which is held by the Government under any lease, deed of sale, grant, deed of transfer, or any other document of title or under any agreement, in respect of any land situate within the boundaries of the Sundays River Irrigation District, or which is vested in the Government by or in terms of this Act, and which is exercisable in connection with the said irrigation works, shall be transferred to and be vested in the Sundays River Irrigation Board, and every such servitude or other right shall be exercisable by that board.

(2) The Minister shall before the first day of July, 1935, out of moneys appropriated for the purpose by Parliament cause such improvements to be made to irrigation works situate within the Sundays River Irrigation District as may be agreed upon between the Minister and the Sundays River Irrigation Board, or failing such agreement, as may be determined by the Minister: Provided that the aggregate of the amounts paid out by the Minister in terms of sub-section (2) of section *three* and expended by him on improvements in terms of this sub-section shall not exceed twenty-five thousand pounds.

Sundays River Irrigation Board to have servitude of aqueduct in respect of irrigation works transferred to board.

5. The Sundays River Irrigation Board shall, in addition to such servitudes as may vest in that board in terms of section *four*, have a servitude of aqueduct for the purpose of occupying, using, inspecting, maintaining, repairing and enlarging the irrigation works transferred to the board by or under that section as they exist at the commencement of this Act.

Remission of amounts due to Government in respect of supply of water from irrigation works.

6. The Governor-General may remit in whole or in part any amounts which at the commencement of this Act are owing to the Government of the Union, or of which in terms of this Act, the Government of the Union is entitled to claim payment in respect of water supplied from any of the irrigation works situate within the boundaries of the Sundays River Irrigation District.

Remission of irrigation loans made to Sundays River Irrigation Board.

7. (1) Notwithstanding anything contained in section *one hundred and twenty-five* of the Irrigation Act or in any other law, the Sundays River Irrigation Board is hereby discharged as from the commencement of this Act from all liability in respect of any loans or advances made to that board from State funds for the purpose of irrigation; and the said board shall not be required to repay to the Government of the Union any moneys expended by the Government in terms of this Act.

(2) Notwithstanding anything contained in any law, no irrigation loan shall be made to the Sundays River Irrigation Board unless as from the first day of January, 1935, that board levies, and it is hereby authorized to do so, a special irrigation rate upon all its scheduled irrigable areas of not less than two shillings and sixpence per morgen per annum.

(3) The proceeds of such special irrigation rate shall be placed to a special reserve account, and the Minister may in his



wat teenoor sy naam in die regterkolom van daardie Skedule staan.

(3) Die bepalings van hierdie artikel verminder nie die verpligting van enige persoon om alle voor die vermelde datum verskuldigde gelde of fooie te betaal of om alle voor die vermelde datum verskuldigde dienste te verrig.

4. (1) Vanaf 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bekend te maak—

(a) word die besproeiingswerke, waarvan die eiendomsreg reeds by die inwerkingtreding van hierdie Wet by die Unie Regering berus, of deur of kragtens hierdie Wet aan die Unie Regering oorgedra word, en wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, oorgedra aan die besproeiingsraad Sondagsrivier en in hom gevestig, en word elke verpligting wat reeds by die inwerkingtreding van hierdie Wet aan die Regering opgelê is, of wat deur of kragtens die bepalings van hierdie Wet aan die Regering opgelê word, met betrekking tot enige van die vermelde besproeiingswerke en die lewering van water daaruit, op die besproeiingsraad Sondagsrivier opgelê; en

(b) word elke serwituut of ander reg wat, ooreenkomstig enige huurkontrak, koopbrief, grondtoekenningsbrief, transportakte of ander titelbewys of ooreenkoms, by die Regering, ten aansien van grond geleë binne die grense van die besproeiingsdistrik Sondagsrivier berus, of wat deur of kragtens hierdie Wet by die Regering berus, en wat in verband met vermelde besproeiingswerke uitgeoefen kan word, aan die besproeiingsraad Sondagsrivier oorgedra en in hom gevestig en kan elke sodanige serwituut of ander reg deur daardie raad uitgeoefen word.

(2) Die Minister moet, uit gelde daarvoor deur die Parlement toegestaan, voor die eerste dag van Julie 1935 sodanige verbeterings aan besproeiingswerke wat binne die besproeiingsdistrik Sondagsrivier geleë is laat aanbring as wat ooreenkom word tussen die Minister en die besproeiingsraad Sondagsrivier, of by gebreke van so 'n ooreenkoms, soos deur die Minister besluit: Met die verstande dat die totaal van die bedrae deur die Minister kragtens sub-artikel (2) van artikel drie uitbetaal en deur hom kragtens hierdie sub-artikel aan verbeterings uitgegee nie vyf-en-twintig duisend pond te bowe gaan nie.

5. Die besproeiingsraad Sondagsrivier besit, behalwe sodanige serwitute as by daardie raad ooreenkomstig artikel vier mag berus, 'n serwituut van waterleiding vir die doel om die besproeiingswerke, wat deur of kragtens daardie artikel aan die raad oorgedra word, soas hulle tydens die inwerkingtreding van hierdie Wet bestaan, te besit, te gebruik, na te sien, instand te hou, te herstel en te vergroot.

Eiendomsreg in besproeiingswerke geleë binne die grense van die besproeiingsdistrik Sondagsrivier en behorende aan die Regering, en alle regte in verband daarmee, aan die besproeiingsraad Sondagsrivier oorgedra.

Die besproeiingsraad Sondagsrivier besit 'n serwituut van waterleiding ten opsigte van besproeiingswerke wat aan die raad oorgedra is.

6. Die Goewerneur-generaal kan enige bedrae geheel of gedeeltelik kwytsteld wat by die inwerkingtreding van hierdie Wet verskuldig is aan die Unie Regering, of waarvan die Unie Regering geregtig is om, uit kragte van hierdie Wet, betaling te eis, ten opsigte van water wat gelewer is uit enige besproeiingswerke geleë binne die grense van die besproeiingsdistrik Sondagsrivier.

Kwytskelding van bedrae wat aan die Regering verskuldig is ten opsigte van uit besproeiingswerke gelewerde water.

7. (1) Ondanks die bepalings van artikel honderd-vyf-en-twintig van die Besproeiingswet of van enige ander wet, word die besproeiingsraad Sondagsrivier hierby vanaf die inwerkingtreding van hierdie Wet van alle aanspreeklikheid ontslaan ten opsigte van lenings of voorskotte uit Staatsgelde aan daardie raad vir besproeiing verstrekk; en genoemde raad is nie verplig om aan die Unie Regering enige van die gelde wat ingevolge hierdie Wet deur die Regering uitgegee is, terug te betaal nie.

Kwytskelding van besproeiingslenings aan besproeiingsraad Sondagsrivier.

(2) Ondanks die bepalings van enige wet word geen besproeiingslening aan die besproeiingsraad Sondagsrivier gemaak nie tensy daardie raad, hierby gemagtig om dit te doen, vanaf die eerste dag van Januarie 1935 'n spesiale besproeiingsbelasting hef op al sy ingelyste besproeiingsbare gebiede van minstens twee sjelings en ses pennies per morg per jaar.

(3) Die opbrengs van sodanige spesiale besproeiingsbelasting word op 'n spesiale reserwerekening geplaas, en die Minister

discretion, after consultation with the board, apply or permit the said board to apply any moneys standing to the credit of that account to the improvement, alteration and/or enlargement of any irrigation work belonging to the board.

Kirkwood Village Management Board to be liable for payment of irrigation rates in respect of land situate within its area of jurisdiction and to be entitled to vote at election of members of Sundays River Irrigation Board.

8. (1) From the commencement of this Act, and notwithstanding anything contained in the Irrigation Act or in any other law, no person shall, solely by reason of his being the owner of any irrigable area of land situate within the area subject to the jurisdiction of the Kirkwood Village Management Board, be entitled to vote at any election of members of the Sundays River Irrigation Board or become liable to pay irrigation rates levied in respect of such land owned by him, but the Kirkwood Village Management Board shall have the same right to vote at any such election and shall be liable to the same duty to pay irrigation rates levied upon and in respect of all land situate within the area subject to its jurisdiction as it would have or be liable to if it were the owner of all such land :

Provided that the Kirkwood Village Management Board shall be entitled to recover from every owner of any such land the amount of any irrigation rates which he would have been liable to pay to the Sundays River Irrigation Board if this section had not been enacted.

(2) The Sundays River Irrigation Board shall delete from the irrigation voters' list and the schedule of irrigable areas of the irrigation district the names of all persons appearing therein at the commencement of this Act by reason of the fact that such persons are the owners of land situate within the area subject to the jurisdiction of the Kirkwood Village Management Board, and substitute for such names the name of the Kirkwood Village Management Board.

(3) Whenever, after the commencement of this Act any irrigation voters' list, schedule of irrigable areas or irrigation assessment roll of the Sundays River Irrigation District is framed or revised, the name of the Kirkwood Village Management Board shall be inserted therein in the place of the names of the owners of irrigable areas of land situate within the area subject to jurisdiction of the Kirkwood Village Management Board.

(4) The Kirkwood Village Management Board shall exercise its right to vote at an election of members of the Sundays River Irrigation Board through a person duly authorized thereto under a special power of attorney.

(5) Nothing in this section contained shall in any way affect the liability of any person to pay any irrigation rates which have become due before the commencement of this Act.

Sundays River Irrigation Board to supply water in bulk to Kirkwood Village Management Board, and latter board to distribute it within area subject to its jurisdiction.

9. (1) The Sundays River Irrigation Board shall, from a date to be fixed by agreement between itself and the Kirkwood Village Management Board, and, failing agreement to be fixed by the Minister, supply in bulk, at such place or places as the said Irrigation Board may from time to time decide, the water which the inhabitants of the area subject to the jurisdiction of the Kirkwood Village Management Board are entitled to receive from the irrigation works of the Sundays River Irrigation Board; and the Kirkwood Village Management Board shall distribute such water within the area subject to its jurisdiction.

(2) The Sundays River Irrigation Board shall not be liable for the distribution of water within the area subject to the jurisdiction of the Kirkwood Village Management Board, and shall have no jurisdiction over any irrigation work situate within that area.

Subdivision of Sundays River Irrigation District, and enlargement of Sundays River Irrigation Board and election of members of new and enlarged board.

10. (1) Notwithstanding anything contained in the Irrigation Act or in any other law, the Governor-General may by proclamation in the *Gazette*—

- (a) divide the Sundays River Irrigation District into sub-districts not exceeding six in number ;
- (b) declare that the Sundays River Irrigation Board shall consist of a number of members not exceeding eighteen, three members being allotted to each sub-district ; and
- (c) direct that upon a day fixed by such proclamation an election of all the members of the Sundays River Irrigation Board be held in accordance with the regulations made under the Irrigation Act for the election of members of irrigation boards.

(2) The persons elected to be members of the Sundays River Irrigation Board in pursuance of a direction contained in the proclamation referred to in sub-section (1) shall hold office as from the date of the publication in the *Gazette* of the notice of their

kan in sy diskresie en na raadpleging van die raad enige gelde staande op krediet van daardie rekening vir die verbetering, verandering en/of vergroting van enige besproeiingswerk behorende aan die raad aanwend of gemelde raad toelaat om dit aan te wend.

8. (1) Nieteenstaande die bepalings van die Besproeiingswet of van enige ander wet, is niemand, na die inwerkingtreding van hierdie Wet, geregtig, alleen om rede dat hy die eienaar is van besproeibare grond geleë binne die gebied van die dorpsbestuur Kirkwood, om te stem by verkiesings van lede van die besproeiingsraad Sondagsrivier, of verantwoordelik vir die betaling van besproeiingsbelastinge wat gehef word ten aansien van sodanige grond wat aan hom behoort, maar die dorpsbestuur Kirkwood het dieselfde reg om te stem by sulke verkiesings en is onderhewig aan dieselfde verpligting om besproeiingsbelastinge te betaal wat gehef word ten aansien van grond geleë binne sy gebied as wat hy sou gehad het of onderhewig aan sou gewees het as hy die eienaar van alle sodanige grond gewees het:

Dorpsbestuur Kirkwood is verantwoordelik vir die betaling van besproeiingsbelastinge ten opsigte van grond geleë binne sy regsgebied en is geregtig om te stem by verkiesings van lede van die besproeiingsraad Sondagsrivier.

Met die verstande, dat die dorpsbestuur Kirkwood geregtig is om op elke eienaar van sodanige grond die bedrag van die besproeiingsbelastinge te verhaal wat sodanige eienaar verplig sou gewees het om aan die besproeiingsraad Sondagsrivier te betaal, as hierdie artikel nie gepasseer was nie.

(2) Die besproeiingsraad Sondagsrivier skrap van die besproeiings-kieserslys en die lys van besproeibare gronde van die besproeiingsdistrik die name van alle persone wat by die inwerkingtreding van hierdie Wet om rede dat hulle die eienaars is van grond geleë binne die gebied van die dorpsbestuur Kirkwood daarin voorkom, en vervang daardie name deur die naam Dorpsbestuur Kirkwood.

(3) Wanneer na die inwerkingtreding van hierdie Wet 'n besproeiings-kieserslys, 'n lys van besproeibare gronde of 'n besproeiings-belastingrol van die besproeiingsdistrik Sondagsrivier opgetrek of hersien word, word die naam Dorpsbestuur Kirkwood daarin opgeneem in stede van die name van die eienaars van besproeibare grond geleë binne die gebied van die dorpsbestuur Kirkwood.

(4) Die dorpsbestuur Kirkwood oefen sy reg uit om te stem by 'n verkiesing van lede van die besproeiingsraad Sondagsrivier deur bemiddeling van 'n persoon wat by besondere volmag daartoe gemagtig is.

(5) Die bepalings van hierdie artikel verminder nie die verpligting van enige persoon om alle voor die inwerkingtreding van hierdie Wet verskuldigde besproeiingsbelastinge te betaal.

9. (1) Vanaf 'n dag vas te stel deur ooreenkoms tussen die besproeiingsraad Sondagsrivier en die dorpsbestuur Kirkwood, en, by gebreke van sodanige ooreenkoms, deur die Minister moet die besproeiingsraad Sondagsrivier die water, wat die inwoners van die gebied van die dorpsbestuur Kirkwood die reg het om uit die besproeiingswerke van die besproeiingsraad Sondagsrivier te ontvang, by die groot maat, op 'n plek of plekke wat van tyd tot tyd deur genoemde besproeiingsraad vasgestel word, lewer.

Besproeiingsraad Sondagsrivier lewer water by die groot maat aan die dorpsbestuur Kirkwood, en daardie bestuur verdeel dit binne sy regsgebied.

(2) Die besproeiingsraad Sondagsrivier is nie verantwoordelik vir die verdeling van water binne die gebied van die dorpsbestuur Kirkwood nie, en oefen geen mag uit nie oor enige besproeiingswerk geleë binne daardie gebied.

10. (1) Nieteenstaande die bepalings van die Besproeiingswet of van enige ander wet, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant*—

Onderverdeling van die besproeiingsdistrik Sondagsrivier, en vermeerdering van die ledetal van die besproeiingsraad Sondagsrivier, en verkiesing van nuwe en vermeerderde raad.

(a) die besproeiingsdistrik Sondagsrivier in hoogstens ses onder-distrikte verdeel;

(b) vasstel dat die besproeiingsraad Sondagsrivier uit 'n getal van hoogstens agtien lede bestaan, drie lede vir elke onder-distrik;

(c) bepaal dat op 'n by daardie proklamasie vasgestelde dag 'n verkiesing gehou word, op die manier wat die regulasies kragtens die Besproeiingswet vir die verkiesing van besproeiingsraadslede voorskryf, van al die lede van die besproeiingsraad Sondagsrivier.

(2) Die persone wat, ooreenkomstig die bepalings van die in sub-artikel (1) vermelde proklamasie, as lede van die besproeiingsraad Sondagsrivier gekies word beklee hul amp vanaf die datum waarop kennisgewing van hul verkiesing in die *Staatskoerant* gepubliseer word, in die plek van die



election, in the place of the persons holding office immediately before such publication, and their tenure of office shall be governed by the provisions of the Irrigation Act.

Disestablishment of Selborne Irrigation District and dissolution of Lower Selborne Irrigation Board, and transfer of assets and liabilities thereof to Sundays River Irrigation Board.

Inclusion in purchase price of land sold by late Cape Sundays River Settlements Limited, of other sums.

Inclusion in purchase price of land situate in Sundays River Irrigation District and allotted under section 11 of Act No. 12 of 1912 of other sums.

Reduction of purchase price of land bought from Cape Sundays River Settlements Limited.

11. The Governor-General may by proclamation in the *Gazette* disestablish the Lower Selborne Irrigation District, constituted by proclamation of the Governor-General No. 260 dated the twenty-fourth day of October, 1925, and dissolve the Lower Selborne Irrigation Board constituted by that proclamation. Upon the issue of such proclamation the assets and liabilities of the said board shall vest in and become binding upon the Sundays River Irrigation Board.

12. (1) The Minister of Lands may add to the amount of any purchase price under any deed of sale whereby the late Cape Sundays River Settlements, Limited, sold any land, such sums as at the thirtieth day of June, 1931, were due to the Government of the Union by the purchaser, or, if transfer of the land has been passed by the company or such Minister to the purchaser subject to a mortgage bond securing payment of the balance of the purchase price, may consent to the cancellation of such mortgage bond, subject to the mortgagor passing a new mortgage bond in favour of the Government securing payment of the balance of the purchase price and of such other sums as may have been due to the Government by the said mortgagor on the aforesaid date, such mortgage bond to be subject to such terms and conditions as such Minister may determine, or in lieu of consenting to the cancellation of the existing mortgage bond and the passing of a new mortgage bond, may accept a further mortgage bond securing payment of such other sums on terms and conditions to be determined by such Minister.

(2) No stamp duty or registration fee shall be payable in respect of any mortgage bond passed or cancelled in terms of this section.

13. In the case of any lessee holding land, situate within the boundaries of the Sundays River Irrigation District, in terms of section *eleven* of the Land Settlement Act, 1912 (Act No. 12 of 1912), or any amendment thereof, the Minister of Lands may, in addition to any amounts unpaid by the lessee in respect of any of the items described in paragraphs (a) to (d) of sub-section (1) of section *four* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), add to and include in the purchase price of the holding or the balance of such purchase price remaining unpaid on the due date of the half-yearly instalment of rent or purchase price next succeeding the thirtieth day of June, 1931, any balance which remains unpaid by the lessee in respect of any sums which were owing by him to the late Cape Sundays River Settlements, Limited, at the date of the acquisition of the assets of that company by the Government of the Union. The provisions of sub-sections (3), (4) and (5) of section *four* of the last-mentioned Act shall, *mutatis mutandis*, apply to the purchase price as so determined and to the rights and liabilities of the lessee.

14. (1) Notwithstanding anything contained in the Sundays River Settlements Administration Act, 1925 (Act No. 15 of 1925), the Minister of Lands may, on the recommendation of the Land Board constituted in terms of the Land Settlement Act, 1912 (Act No. 12 of 1912), as from time to time amended, for the area in which the Sundays River Irrigation District is situate, as from a date to be determined by him on such recommendation, reduce the purchase price under any deed of sale whereby the late Cape Sundays River Settlements, Limited, sold any land and make a corresponding reduction in the balance of such purchase price still owing to the Government of the Union and secured under any mortgage bond: Provided that no such reduction shall be made unless it has been approved by resolution of both Houses of Parliament. The instalments of purchase price and interest payable under the deed of sale and the instalments payable under the mortgage bond in redemption of the capital sum secured thereby and the interest on such capital sum, shall be reduced accordingly. The purchaser shall be credited with the difference between the amount paid by him in respect of capital and interest and the amount that would have been payable by him if calculated on the reduced purchase price; and the Minister of Lands may set off the



persone wat onmiddellik voor sodanige publikasie die amp bekleed het, en hul dienstyl word gereël deur die bepalings van die Besproeiingswet.

11. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* die besproeiingsdistrik Laer Selborne, ingestel by Proklamasie van die Goewerneur-generaal No. 260 gedagteken die vier-en-twintigste dag van Oktober 1925, ophef, en die besproeiingsraad Laer Selborne ingestel by daardie Proklamasie, ontbind. By die afkondiging van sodanige proklamasie berus die bates van genoemde besproeiingsraad by, en word die verpligtings daarvan bindend op, die besproeiingsraad Sondagsrivier.

Opheffing van besproeiingsdistrik Laer Selborne en ontbinding van besproeiingsraad Laer Selborne en oordrag van bates en laste daarvan aan besproeiingsraad Sondagsrivier.

12. (1) Die Minister van Lande kan by die bedrag van 'n koopprys vasgestel in 'n koopbrief, waardeur die voormalige „Cape Sundays River Settlements, Limited,” grond verkoop het, die bedrae reken, wat op die dertigste dag van Junie 1931 aan die Unie Regering deur die koper verskuldig was, of as transport van die grond deur die maatskappy of genoemde Minister aan die koper gepasseer is, onderhewig aan 'n verband ter versekering van betaling van die balans van die koopprys, kan hy toestem tot die kansellering van sodanige verband, mits die verbandgewer 'n ander verband ten gunste van die Regering passeer ter versekering van betaling van die balans van die koopprys en enige ander bedrae wat op genoemde datum aan die Regering deur die verbandgewer verskuldig was, en daardie verband moet onderhewig wees aan voorwaardes deur genoemde Minister vasgestel te word, of, instede van toe te stem tot die kansellering van die bestaande verband en die passering van 'n ander verband, kan genoemde Minister 'n verdere verband aanneem ter versekering van sodanige ander bedrae op voorwaardes deur hom vasgestel te word.

Seker bedrae aan koopprys van grond deur voormalige „Cape Sundays River Settlements, Limited,” verkoop bygevoeg.

(2) Geen seëlregte of registrasiefooi word ten opsigte van 'n kragtens hierdie artikel gepasseerde of gekanselleerde verband gevorder nie.

13. In die geval van 'n huurder aan wie grond wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, ingevolge artikel *elf* van die „Kroongrond Nederzetting Wet, 1912” (Wet No. 12 van 1912), of enige wysiging daarvan, toegewys is, kan die Minister van Lande, behalwe die nog verskuldigde bedrae, ten aansien van die hoofde wat in paragrafe (a) tot (d) van sub-artikel (1) van artikel *vier* van die Nederzetting Noodlenigingswet, 1931 (Wet No. 25 van 1931), genoem is, by die koopprys van die hoewe of die saldo daarvan wat op die eersvolgende datum waarop die halfjaarlikse paalement van die huurgeld of koopprys na die dertigste dag van Junie 1931 betaalbaar word nog onbetaal is, die saldo reken wat nog nie deur die huurder betaal is nie ten aansien van enige bedrae wat deur hom aan die voormalige „Cape Sundays River Settlements, Limited,” verskuldig was op die datum toe die Unie Regering die bate van daardie maatskappy verkry het. Die bepalings van sub-artikels (3), (4) en (5) van artikel *vier* van laasgenoemde wet is *mutatis mutandis* van toepassing op die aldus vasgestelde koopprys en op die regte en verpligtings van die huurder.

Sekere bedrae in koopprys van grond geleë in besproeiingsdistrik Sondagsrivier en toegewys ingevolge artikel 11 van Wet No. 12 van 1912 bygevoeg.

14. (1) Ondanks die bepalings van die Sondagsrivier Nederzetting Beheer Wet, 1925 (Wet No. 15 van 1925) kan die Minister van Lande op aanbeveling van die Landraad ingestel kragtens die Kroongrond Nederzetting Wet, 1912 (Wet No. 12 van 1912), soos van tyd tot tyd gewysig, vir die gebied waarin die besproeiingsdistrik Sondagsrivier geleë is, vanaf 'n datum deur hom op sodanige aanbeveling vasgestel te word, die koopprys onder enige verkoopakte waardeur die voormalige „Cape Sundays River Settlements, Limited” enige grond verkoop het, verminder en 'n ooreenkomstige vermindering in die saldo van sodanige koopprys nog aan die Unie Regering verskuldig en verseker onder enige verbandakte, maak: Met die verstande dat geen sodanige vermindering gemaak word nie tensy dit goedgekeur is by besluit van albei Huise van Parlement. Die paalemente van koopprys en rente betaalbaar onder die verkoopakte en die paalemente betaalbaar onder die verbandakte ter aflossing van die kapitaalsom daardeur verseker en die rente op sodanige kapitaalsom, word dienoooreenkomstig verminder. Die koper word gekrediteer met die verskil tussen die bedrag deur hom betaal ten opsigte van kapitaal en rente en die bedrag wat deur hom betaalbaar sou gewees het indien bereken op die verminderde koopprys; en die Minister van Lande kan die

Vermindering van koopprys van grond gekoop van „Cape Sundays River Settlements, Limited.”

amount of that difference against any moneys owing by that purchaser to the Government of the Union and, upon their due dates, against any other moneys in which he may in the future become indebted to the Government.

(2) In this section "purchaser" includes the successor in title or lawful assign of a purchaser.

Excess of interest paid to be credited to purchaser.

15. (1) The purchaser of land from the late Cape Sundays River Settlements, Limited, shall be credited with the difference between the amount paid by him in respect of interest and the amount that would have been payable by him if calculated at the reduced rate of interest fixed by the Minister of Lands in accordance with paragraph (d) of sub-section (1), of section *two* of the Sundays River Settlements Administration Act, 1925, as amended by section *eighteen* of this Act, and the Minister of Lands may set off the amount of that difference against any moneys owing by that purchaser to the Government of the Union and, upon their due dates, against any other moneys in which he may in the future become indebted to the Government.

(2) In this section "purchaser" includes the successor in title or lawful assign of a purchaser.

Issue of Crown grants to lessee of land in Sundays River Irrigation District upon registration of mortgage bonds.

16. Notwithstanding anything contained in section *eight* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922), the Minister of Lands, may, on the application of any lessee holding land situate within the boundaries of the Sundays River Irrigation District, in terms of section *eleven* of the Land Settlement Act, 1912 (Act No. 12 of 1912), or any amendment thereof, cause to be issued to such lessee a Crown grant of such land, provided there is simultaneously registered a mortgage bond as provided in the aforesaid section *eight*, notwithstanding that the value of such land with improvements of a permanent and substantial nature effected thereon by the lessee does not exceed the total indebtedness of the lessee to the Government of the Union in respect of the purchase price of the land and of advances made to him by the proportion or the amount stated in the aforesaid section *eight*.

Law relating to prescription not to apply to certain debts.

17. (1) Notwithstanding anything contained in the Prescription Amendment Act, 1861 (Act No. 6 of 1861), of the Cape of Good Hope, or in any other law relating to prescription, no debts which, prior to the commencement of this Act, became due and payable to the Government of the Union by any settler holding land acquired by him or his predecessor in title from the late Cape Sundays River Settlements, Limited, shall be deemed to have become prescribed, nor shall any such debts hereafter become prescribed, by virtue of the operation of any of the aforesaid laws.

(2) Such debts may be recovered by the Government at any time by action in a competent court.

Amendment of section 2 of Act No. 15 of 1925.

18. Section *two* of the Sundays River Settlements Administration Act, 1925 (Act No. 15 of 1925), is hereby amended—

- (a) by the deletion of paragraphs (b) and (i) of sub-section (1), and
- (b) with effect as from the first day of July, 1924, by the deletion in paragraph (d) of sub-section (1) of the word "five" and the substitution therefor of the word "four".

Section 7 of Act No. 41 of 1930 repealed, and section 8 of Act No. 38 of 1922, as amended, declared not to be applicable to Sundays River Irrigation Board.

19. (1) Section *seven* of the Irrigation Districts Adjustment Act, 1930 (Act No. 41 of 1930), is hereby repealed.

(2) Section *twelve* of the Financial Adjustments Act, 1926 (Act No. 44 of 1926) is hereby amended by the deletion of the words "the Sundays River Irrigation Board".

Short title and commencement.

20. This Act may be cited as the Sundays River Irrigation District Adjustments Act, 1934, and shall come into force on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

bedrag van daardie verskil verreken teen enige gelde verskuldig deur daardie koper aan die Unie Regering en op hulle vervaldae teen enige ander gelde waarvoor hy in die toekoms aan die Regering verskuldig word.

(2) In hierdie artikel beteken „koper” tewens die regsopvolger of wettige regverkrygende van 'n koper.

15. (1) Die koper van grond van die voormalige „Cape Sundays River Settlements, Limited,” word met die verskil tussen die bedrag wat hy uit hoofde van rente betaal het en die bedrag wat deur hom betaalbaar sou gewees het as dit bereken was volgens die verminderde rentekoers wat deur die Minister van Lande ooreenkomstig paragraaf (d) van sub-artikel (1) van artikel twee van die „Zondagsrivier Nederzetting Beheer Wet, 1925”, soas deur artikel agtien van hierdie Wet gewysig, vasgestel is, gekrediteer, en die Minister van Lande kan die bedrag van daardie verskil verreken teen enige gelde wat daardie koper aan die Unie Regering skuld en, op hul vervaldae, teen enige ander gelde wat hy in die toekoms aan die Regering mag skuldig word.

Koper word gekrediteer met te veel rente deur hom betaal.

(2) In hierdie artikel beteken „koper” tewens die regsopvolger of wettige regverkrygende van 'n koper.

16. Ondanks die bepaling van artikel ag van die „Kroongrond Nederzettingswetten Verdere Wijzigingswet, 1922” (Wet No. 21 van 1922), kan die Minister van Lande, op aansoek van 'n huurder aan wie grond, wat binne die grense van die besproeiingsdistrik Sondagsrivier geleë is, ingevolge artikel elf van die „Kroongrond Nederzetting Wet, 1912” (Wet No. 12 van 1912), of enige wysiging daarvan, toegewys is, 'n Kroongrondtoekenningsbrief van die grond aan hom doen uitreik, mits daar tegelykertyd 'n verband geregistreer word ooreenkomstig die bepaling van genoemde artikel ag, nieteenstaande dat die waarde van die grond, met die verbeterings van 'n duursame en aansienlike aard deur die huurder daarop aangebring, nie die gehele skuld van die huurder aan die Unie Regering, ten aansien van die koopprys van die grond en voorskotte wat aan hom verstrekt is, te bo gaan nie in die proporsie of met die bedrag in voormelde artikel ag genoem.

Uitreiking van Kroongrondtoekenningsbriewe aan huurders van grond binne besproeiingsdistrik Sondagsrivier teen registrasie van verbande.

17. (1) Ondanks die bepaling van die Verjarings Wysigingswet, 1861, van die Kaap die Goeie Hoop (Wet No. 6 van 1861) of van enige ander wet wat betrekking het tot verjaring, word geen skulde, wat voor die inwerkingtreding van hierdie Wet betaalbaar geword het aan die Unie Regering deur 'n setlaar wat of wie se regsvoorgangers grond van die voormalige „Cape Sundays River Settlements, Limited,” verkry het, deur verjaring geag vernietig te geword het nie, en geen sulke skulde word hierna kragtens die bepaling van enige sodanige wet deur verjaring vernietig nie.

Wet op verjaring is nie op seker skulde toepaslik nie.

(2) Die Regering kan te eniger tyd sodanige skulde deur aksie in 'n bevoegde hof verhaal.

18. Artikel twee van die „Zondagsrivier Nederzetting Beheer Wet, 1925” (Wet No. 15 van 1925), word hiermee gewysig—

Wysiging van artikel 2 van Wet No. 15 van 1925.

- (a) deur paragrafe (b) en (i) van sub-artikel (1) te skrap, en
- (b) met ingang vanaf die eerste dag van Julie 1924, deur in paragraaf (d) van sub-artikel (1) die woord „viyf” te skrap en te vervang deur die woord „vier”.

19. (1) Artikel sewe van die Wet tot Reëling van Besproeiingsdistrikte, 1930 (Wet No. 41 van 1930), word hiermee herroep.

Herroeping van artikel 7 van Wet No. 41 van 1930, en verklaring dat artikel 6 van Wet No. 38 van 1922, soas gewysig, nie toepaslik is op besproeiingsraad Sondagsrivier nie.

(2) Artikel twaalf van die Finansiële Reëlings Wet, 1926 (Wet No. 44 van 1926) word hiermee gewysig deur die woorde „die Zondagsrivier-Besproeiingsraad” te skrap.

Kort titel en inwerkingtreding.

20. Hierdie Wet kan aangehaal word as die Besproeiingsdistrik Sondagsrivier Reëlingswet, 1934, en tree in werking op 'n dag deur die Goewerneur-generaal by proklamasie in die Staatskoerant vas te stel.

## First Schedule.

AGREEMENT between the GOVERNMENT OF THE UNION OF SOUTH AFRICA (hereinafter called the Government) of the one part and the STRATHSOMERS ESTATE COMPANY, LIMITED (hereinafter called the Company) of the other part.

WHEREAS the Guardian Assurance and Trust Company of Port Elizabeth, Limited, prior to 1903, had sold to various purchasers plots or portions of ground known as (a) No. 1 System or Pioneer System and (b) No. 2 System or Botha's Drift Settlement, Sundays River Estate, subject, in the case of ground on the Pioneer System to conditions, Annexure "A" hereof, and of ground on the Botha's Drift Settlement to conditions, Annexure "B" hereof:

AND WHEREAS the said Guardian Company in 1903 did sell the remaining portion of the Sundays River Estate (hereinafter termed the Strathsomers Estate) to the Company subject, *inter alia*, to the conditions following:—

- (a) That the Company secured from the then holders or owners of land on the pioneer system and Botha's Drift Settlement the release of the Guardian Company from all and every obligation or obligations contained in Annexures "A" and "B".
- (b) That the Company took over all such obligations and the distribution of water for irrigation.
- (c) That any water or maintenance rate payable to the Guardian Company in terms of said conditions be paid to the company:

AND WHEREAS the Company sold plots or portions of land on the Strathsomers Estate subject in some instances to conditions, Annexure "C" hereof, save that in some few cases Clause 23 of Annexure "C" was not inserted but instead a clause almost identical to Clause 23 of Annexure "D", and in others to conditions, "Annexure "D" hereof, save that in some few cases conditions "Annexure "D", were varied as per Annexure "D1" hereof:

AND WHEREAS the Company did enter into a notarial deed in 1907 (Annexure "E" hereof) with the then owners of land on the Pioneer system and the Botha's Drift Settlement, whereby the Company undertook, *inter alia*, to provide a trust fund of £10,000 (ten thousand pounds) as security to said owners (and their successors in title) and to the owners of land (and their successors in title), who purchased under conditions, Annexure "C", for the fulfilment by the Company of all and every obligation contained in the conditions, Annexures "A" "B" and "C":

AND WHEREAS the Company duly provided the said £10,000 and in addition the £300 mentioned in Clause 7 of Annexure "E":

AND WHEREAS the Company for purposes of its general scheme of irrigation on the Strathsomers Estate obtained over the farm Kohraans Drift from the Du Preez family rights of servitude, *inter alia*, to construct a dam or weir across the Sundays River and to convey water from such dam or weir to the Strathsomers Estate and beyond, all as recorded in the agreement, Annexure "F" hereto:

AND WHEREAS prior to 4th April, 1932, negotiations were carried on between the Government and the Company for the acquisition by the Government of the entire irrigation works and canals and certain cottages on the Strathsomers Estate and a cottage at the weir, and the rates and charges (approximately £9,100) owing by irrigators to the Company as at 4th April, 1932, under the provisions of Annexures "A", "B", "C" and "D" and for reimbursing the Company the moneys it had expended in repair work, including temporary repair work, since the 1st January, 1932:

AND WHEREAS as a result of these negotiations the Government and the Company have come to an agreement as recorded in these presents:

NOW THEREFORE these presents witness:—

(I) The Government undertakes at its expense to take all the steps necessary to ask Parliamentary authority for—

- (a) the confirmation of this agreement;
- (b) the cancellation of Clause 23 of Annexure "C";
- (c) the cancellation of the notarial agreement, Annexure "E" and
- (d) the transfer to the Company of the trust fund of £10,000 and the vesting in it of the securities held by the trustees with the right thereafter to treat the said securities and the £300 referred to in Clause 7 of Annexure "E" as the absolute and unconditional property of the Company, just as if the investments representing the £10,000 originally were in the name or made in favour of the Company. The Company, on its part, will endeavour to obtain from the parties interested consents to the said cancellation as well as consent to Clause 16 of this agreement.

(II) Notwithstanding anything contained in Annexure "F", and deed of transfer, deed of sale, or lease of land irrigable from the weir referred to in Clause V hereof, which has been transferred, sold or leased by the Company prior to the date of the confirmation of this agreement—



## Eerste Skedule.

OOREENKOMS tussen DIE GOEWERMMENT VAN DIE UNIE VAN SUID-  
AFRIKA (hierin verder genoem die Goewermment) ter eenre en die  
STRATHSOMERS-ESTATE-MAATSKAPPY (hierin verder genoem die Maatskappy) ter andere.

NADemaal die Guardian-Assuransie en Trust-Maatskappy van Port Elizabeth voor 1903 aan verskillende kopers persele of gedeeltes van grond bekend as (a) Sisteem No. 1 of Pioneer-sisteem, en (b) Sisteem No. 2 of Bothasdrift-Nedersetting, Sondagsrivier-Estate, verkoop het, onderworpe, in die geval van grond onder die Pioneer-sisteem, aan voorwaardes, Aanhangel „A” hiervan, en van grond onder die Bothasdrift-Nedersetting aan voorwaardes, Aanhangel „B” hiervan.

EN NADemaal die gemelde Guardian-Maatskappy in 1903 die orige gedeelte van die Sondagsrivier-Estate (hierin verder die Strathsomers-Maatskappy genoem) aan die Maatskappy verkoop het, onderworpe, *inter alia*, aan die volgende voorwaardes:—

- (a) Dat die Maatskappy van die toenmalige besitters of grondeienare onder die Pioneer-sisteem en Bothasdrift Nedersetting die vrystelling van die Guardian-Maatskappy van alle en elke verpligting of verpligtings vervat in Aanhangel „A” en „B” verkry;
- (b) dat die Maatskappy alle sodanige verpligtings en die verdeling van water vir besproeiing oorneem;
- (c) dat enige water- of onderhoudsbelastinge betaalbaar aan die Guardian-Maatskappy in terme van gemelde voorwaardes, aan die Maatskappy betaal word:

EN NADemaal die Maatskappy persele of gedeeltes van grond onder die Strathsomers-Estate verkoop het in sommige gevalle onderworpe aan voorwaardes, Aanhangel „C” hiervan, behalwe dat in 'n paar gevalle klousule 23 van Aanhangel „C” nie opgeneem was nie, maar in plaas daarvan 'n klousule byna dieselfde as klousule 23 van Aanhangel „D”; en in ander gevalle aan voorwaardes, Aanhangel „D” hiervan, behalwe dat in 'n paar gevalle voorwaardes Aanhangel „D”, verander was volgens Aanhangel „D1” hiervan:

EN NADemaal die Maatskappy in 1907 'n notariële akte (Aanhangel „E” hiervan) met die toenmalige grondeienare op die Pioneer-sisteem en die Bothasdrift-Nedersetting, aangegaan het, waarby die Maatskappy onderneem het, om *inter alia*, voorsiening te maak vir 'n trustfonds van £10,000 (tien duisend pond) as sekuriteit vir genoemde eienare (en hulle regsopvolgers) en aan die grondeienare (en hulle regsopvolgers), wat onder die voorwaardes van Aanhangel „C”, gekoop het, vir die vervulling deur die Maatskappy van alle en elke verpligting vervat in die voorwaardes, Aanhangel „A”, „B” en „C”:

EN NADemaal die Maatskappy behoortlik die £10,000 verskaf het en bowendien die £300 genoem in klousule 7 van Aanhangel „E”:

EN NADemaal die Maatskappy met die oog op sy algemene besproeiingskema op die Strathsomers-Estate regte van serwituit van die familie Du Preez gekry het oor die plaas Kohraansdrift, *inter alia*, om 'n dam of opdamming oor die Sondagsrivier te bou en om water van so 'n dam of opdamming na die Strathsomers-Estate en onderkant te lei, alles soos vermeld in die ooreenkoms, Aanhangel „F” hiervan:

EN NADemaal daar voor die 4de April 1932; tussen die Goewermment en die Maatskappy onderhandel was aangaande die verkryging deur die Goewermment van die hele besproeiingswerke en kanale en sekere geboue op die Strathsomers-Estate en 'n gebou by die dam, en die belastinge en koste (ongeveer £9,100) deur eienare aan die Maatskappy verskuldig op die 4de April 1932, volgens die voorwaardes van Aanhangel „A”, „B”, „C” en „D” en om aan die Maatskappy die geld te vergoed wat dit uitgegee het aan reparasiewerk, met inbegrip van tydelike reparasiewerk, vanaf die late Januarie 1932:

EN NADemaal as 'n gevolg van hierdie onderhandelings die Goewermment en die Maatskappy tot 'n ooreenkoms gekom het soos in hierdie akte vermeld:

### SO GETUIGE HIERDIE AKTE:—

(I) Die Goewermment onderneem om op eie koste alle nodige stappe te doen om Parlementêre magtiging te vra vir:—

- (a) die bekragtiging van hierdie ooreenkoms;
- (b) die kansellering van klousule 23 van Aanhangel „C”;
- (c) die kansellering van die notariële ooreenkoms, Aanhangel „E”; en
- (d) die oordrag aan die Maatskappy van die Trustfonds van £10,000 en die berusting by hom van die sekuriteite in hande van die kurators, en daarna met die reg om die genoemde sekuriteite en die £300 vermeld in klousule 7 van aanhangel „E” te behandel asof dit die algehele en onvoorwaardelike eiendom van die Maatskappy is, ewe goed asof die beleggings verteenwoordigende die £10,000 oorspronklik op naam van die Maatskappy of ten syne gunste gemaak was. Die Maatskappy, van sy kant, sal probeer om van die belanghebbendes toestemming te kry tot die genoemde kansellering en ook toestemming wat betref klousule 16 van hierdie ooreenkoms.

(II) Nieteenstaande enigiets vervat in Aanhangel „F”, en die Transportakte, koopbrief of huurkontrak van besproeibare grond uit die dam gemeld in klousule V hiervan, wat deur die Maatskappy oorgedra, verkoop of verhuur was, voor die datum van die bekragtiging van hierdie ooreenkoms—

(a) any obligation or responsibility of the Company for the maintenance and repair of the irrigation works serving any of the aforesaid land, and that referred to in Annexure "F", and the distribution of water from the said works, which prior to the confirmation of this agreement vested in the Company shall cease and determine and thereupon vest in the Government which from date of said confirmation shall carry out the following obligations to be undertaken and performed on the part of the Company under said Annexures "A", "B", "C", "D", "D1", and "F", namely:

- (i) 2, 4, 6, 7 and 8 of Annexure "A";
- (ii) 2, 3, 5, 6, 7 and 9 of Annexure "B";
- (iii) 2, 3, 5, 6 and 8 of Annexure "C";
- (iv) 2, 3, 5, 6 and 8 of Annexure "D" and 2 (2) and (3) of Annexure D1;
- (v) 3, 6, 7, 8, 9, 11, 14, 15, 21 and 22 of Annexure "F";

(b) all servitudes or other rights reserved to the Company in Annexure "F", any such transfer deed, deed of sale or lease in connection with any irrigation works constructed or to be constructed on, at or for the purpose of any land served or intended to be served with water from the said weir shall be deemed to be held and exercisable by the Government.

(III) Upon the date of the confirmation of this agreement the Company shall be deemed to have ceded and assigned absolutely to the Government all its rights, and interests in, to and under the following:—

- (i) Clauses 1, 5, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19 of Annexure "A";
- (ii) Clauses 1, 4, 8, 10, 11, 12, 13, 14, 16, 17 and 18 of Annexure "B";
- (iii) Clauses 1, 4, 7, 9, 10, 11, 12, 13, 14, 16, 17, 24, 25, 26, 27, 28 and 31 of Annexure "C";
- (iv) Clauses 1, 4, 7, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35 and 37 of Annexure "D", and 3 of Annexure "D1";
- (v) Clauses 1, 2, 4, 5, 16, 18, 25 of Annexure "F";

and in addition any water or maintenance rates payable to the Company on and after said date in terms of said Annexures "A", "B", "C", "D" and "F" and/or of any transfer deed, deed of sale or lease in respect of the supply of and distribution of water or the repair and maintenance of the irrigation works, excluding the rates or maintenance charges of the Sundays River Irrigation Board which may be payable to the Company by any lessee, and such rates (save as herein excepted) shall be payable to the Government under the same conditions as are set out in the aforesaid conditions, deed of transfer, deeds of sale or leases.

Wherever in the Annexures "A", "B", "C", "D" and "D1" the words "the Vendors" appear they shall for all purposes of this agreement be regarded as if the Government had been and were the vendors referred to in said Annexures, and wherever in Annexure "F" the words "the lower proprietors" appear they shall for all purposes of this agreement be regarded as if the Government had been and were "the lower proprietors" referred to in said Annexure "F".

(IV) Upon the date of the confirmation of this agreement the Company shall be deemed to have sold to the Government—

- (a) its entire irrigation works and canals;
- (b) the cottage occupied by the caretaker at Kohraans Drift and four cottages occupied by water-foremen of the Company, namely, cottage number one, opposite Lot 117B, main road, shown on the general plan of the estate; cottage number two, on Lot 63A, Vaal Drift Road on said plan; cottage number three, on Lot 166 Claas Kraal Road, on said plan; and cottage number four, opposite Lot 160 Sweetkloof, off main road, to Blue Cliff, on said plan;
- (c) the rates and charges (approximately £9,100) claimable by the Company under Annexures "A", "B", "C" and "D" which were outstanding and unpaid on 4th April, 1932;
- (d) such rates and charges as accrue after the 4th April, 1932, and shall remain and be unpaid at date of payment of the amount set out in Clause IX hereof.

(The Company reserves and has full right up to said date of payment to collect the rates and charges referred to in Clause (d)).

(V) Upon this agreement being signed the Government shall be entitled to exercise all the rights, conferred on the Company under Annexure "F", to repair and extend the weir at Kohraans Drift, and it undertakes with the Company to carry out with all reasonable despatch, such works to and at the weir and to the main canal and other works, all as it deems necessary so as to put all works in a condition to supply water for irrigation. If the works be done departmentally then the labour and animal haulage to be employed and used shall be of the type and class as was employed and used by the Government on the flood repair work done by it during the present year at the Cleveland Weir, and if done by an independent contractor it shall be by tender in the usual way without restriction as to type or class of labour to be employed by the contractor.

(a) sal enige verpligting of verantwoordelikheid van die Maatskappy vir die onderhoud en reparasie van die besproeiingswerke wat enige van die bogemelde gronde bedien, en dié wat gemeld is in Aanhangsel „F”, en die verdeling van water van die gemelde werke, wat voor die bekragtiging van hierdie ooreenkoms by die Maatskappy berus het, verstryk en verval, en daarna berus by die Goewerment wat vanaf datum van gemelde bekragtiging die volgende verpligtings moet nakom wat deur die Maatskappy onderneem en uitgevoer moet word ingevolge gemelde Aanhangsels „A”, „B”, „C”, „D”, „D1” en „F” naamlik:

- (i) 2, 4, 6, 7 en 8 van Aanhangsel „A”;
- (ii) 2, 3, 5, 6, 7 en 9 van Aanhangsel „B”;
- (iii) 2, 3, 5, 6 en 8 van Aanhangsel „C”;
- (iv) 2, 3, 5, 6 en 8 van Aanhangsel „D” en 2 (2) en (3) van Aanhangsel „D1”;
- (v) 3, 6, 7, 8, 9, 11, 14, 15, 21 en 22 van Aanhangsel „F”;

(b) sal alle servitute of ander regte deur die Maatskappy voorbehou in Aanhangsel „F”, enige sodanige Transportakte, Koopbrief of Huurkontrak in verband met enige besproeiingswerke gebou of wat nog gebou moet word, op, by of vir die doel van enige grond bedien of wat bedoel is om bedien te word met water van die gemelde opdamming, beskou word as toekomstende aan en uitvoerbaar deur die Goewerment.

(III) Dit sal op die datum van bekragtiging van hierdie ooreenkoms, aangeneem word dat die Maatskappy aan die Goewerment afgestaan en oorgemaak het al sy regte en belange op, by en onder die volgende:—

- (i) Klousules 1, 5, 9, 10, 11, 12, 13, 14, 15, 17, 18 en 19 van Aanhangsel „A”;
- (ii) Klousules 1, 4, 8, 10, 11, 12, 13, 14, 16, 17 en 18 van Aanhangsel „B”;
- (iii) Klousules 1, 4, 7, 9, 10, 11, 12, 13, 14, 16, 17, 24, 25, 26, 27, 28 en 31 van Aanhangsel „C”;
- (iv) Klousules 1, 4, 7, 9, 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35 en 37 van Aanhangsel „D”, en 3 van Aanhangsel „D1”;
- (v) Klousules 1, 2, 4, 5, 16, 18, 25 van Aanhangsel „F”;

en daarby enige water- of onderhoudsbelastings betaalbaar aan die Maatskappy op en na gemelde datum ingevolge gemelde Aanhangsels „A”, „B”, „C”, „D” en „F” en/of enige transportakte, koopbrief of huurkontrak ten opsigte van die verskaffing en verdeling van water of die reparasie en onderhoud van die besproeiingswerke, sonder inbegrip van die belastings of onderhoudskoste van die Sondagsrivier-besproeiingsraad wat aan die Maatskappy betaalbaar mag wees deur enige huurder, en sodanige belastings (behalwe dié wat hierin uitgesluit word) sal betaalbaar wees aan die Goewerment onder dieselfde voorwaardes soos uiteengesit in die gemelde voorwaardes, transportakte, koopbrief of huurkontrak.

Waar ook al in Aanhangsels „A”, „B”, „C”, „D” en „D1” die woorde „die verkopers” voorkom, sal dit vir die doel van hierdie ooreenkoms beskou word asof die Goewerment „die verkopers” was en is waarvan melding gemaak is in gemelde Aanhangsels, en waar ook al in Aanhangsel „F” die woorde „die ondereienare” voorkom sal dit vir die doel van hierdie ooreenkoms beskou word asof die Goewerment „die ondereienare” was, waarvan melding gemaak is in gemelde Aanhangsel „F”.

(IV) Dit sal op die datum van bekragtiging van hierdie ooreenkoms aangeneem word dat die Maatskappy aan die Goewerment verkoop het:—

- (a) sy gehele besproeiingswerke en kanale;
- (b) die huis op Kohraansdrift waarin die opsigter woon en vier huisies bewoon deur die watervoormanne van die Maatskappy, naamlik, Huis No. 1 teenoor Perseel 117B, Hoofstraat, aange-  
toon op die algemene plan van die eiendom, Huis No. 2 op Perseel 63A, Vaal Driftstraat op gemelde Plan, Huis No. 3, op Perseel 166 Klaas Kraalstraat, op gemelde plan en Huis nommer vier, teenoor Perseel 180 Sweetkloof, onderkant die Hoofstraat na Blue Cliff, op gemelde plan;
- (c) die belastings en koste (ongeveer £9,100) inbaar deur die Maatskappy ingevolge Aanhangsels „A”, „B”, „C” en „D” wat uitstaande en onbetaal was op 4 April 1932;
- (d) sodanige belastings en koste wat na die 4de April 1932 inbaar word en wat onbetaal is op die datum van betaling van die bedrag uiteengesit in Klousule IX hiervan.

(Die Maatskappy behou en het tot op genoemde datum van betaling die volle reg om die belastings en koste gemeld in Klousule (d) in te vorder.)

(V) As hierdie ooreenkoms geteken word sal die Goewerment geregtig wees om al die regte, aan die Maatskappy verleen volgens Aanhangsel „F”, uit te oefen, om die dam op Kohraansdrift te repareer en te vergroot, en hy onderneem met die Maatskappy, om met alle redelike spoed, sodanige werk aan en by die dam en aan die hoofkanaal en ander werke uit te voer, wat mag nodig geag word om al die werke in so ’n toestand te bring dat dit water vir besproeiing kan verskaf. As die werk van departementsweë gedoen word, moet die arbeid en trekkere wat sal gebruik word van die tiepe en klas wees wat die Goewerment gebruik het vir die oorstromings-reparasiewerk deur horn hierdie jaar gedoen by die Clevelanddam, en as dit gedoen word deur ’n selfstandige kontrakteur, moet dit volgens die gewone reël per tender geskied sonder beperking wat die tiepe en klas arbeid betref wat deur die kontrakteur gebruik moet word.

(VI) If at any time after the confirmation of this agreement the Government finds it necessary on any part of the Strathsomers Estate, as now belonging to the Company, to enlarge the main canal, or to deviate it and/or to construct a canal to supply water from Kohraans Drift to land, not part of the Strathsomers Estate but served from Lake Mentz, it shall be competent for the Government to enter with its officers, workmen and material upon any part of the estate as now belonging to the Company and to construct said work or works and to thereafter use and maintain same in all time to come. If, however, for the purpose of such work or works any land scheduled by the Sundays River Irrigation Board be taken or used the Government shall pay to the Company the value thereof in so far as agreed upon and failing such mutual agreement as shall be fixed by arbitration in accordance with the provisions of the Arbitrations Act 1898 (Cape) or any amending or substituting statute. If the land taken be not scheduled no compensation shall be payable.

(VII) If the main canal be deviated and/or a new canal or canals be constructed and cross any of the roads shown on the general plan of the Strathsomers Estate the Government shall construct suitable bridges at the points of intersection of the roads.

(VIII). As soon as possible after this agreement has been signed the Government shall pay to the Company the value of the repair work, including temporary repair work, done by the Company since the 1st January, 1932, as determined and fixed by the Director of Irrigation.

(IX). Upon the date of the confirmation of this agreement the Government shall pay to the Company the sum of £10,000 (ten thousand pounds) plus any difference between £1,700 and the amount paid under Clause VIII, if less than £1,700, as the purchase price for the assets referred to in Clause IV.

(X). As all erven in the village of Kirkwood are scheduled and rated by the Sundays River Irrigation Board, the Government shall allow to the village management board (or other local statutory authority managing the Kirkwood township) acting for and on behalf of and as representing the erfholders, any water which the said irrigation board may grant or allow to such erfholders—such water to be taken by the said village board, acting as aforesaid, from the main canal at such point or points on it as the Government may decide at a rate or charge not exceeding £1 2s. 6d. per morgen.

(XI). In the event of this agreement not being confirmed then the amount expended by the Government in carrying out the works referred to in Clause V and the amount paid under Clause VIII shall be treated and regarded as an irrigation loan made by the Government to the Company and be subject to the rules and regulations and the law affecting such loans, and the Company hereby undertakes to sign and execute all papers necessary for the passing of a mortgage bond over its property in favour of the Government for the amount of such loan.

(XII) If after confirmation of this agreement the Government should require transfer passed to it of any ground, now or hereafter, occupied by the main canal and/or distributing furrows and the ground adjacent for purposes of access, which stands registered in the name of the Company, or of the four pieces of ground (each piece approximately ninety (90) feet by one hundred and twenty (120) feet occupied by the waterforemen's cottages, then the Company undertakes to pass transfer of the same in due form of law to the Government subject to condition 18 of Annexure "D", but otherwise free of any encumbrance except as already registered in the Deeds Office, the Government to pay the survey expenses and for the relative diagrams and the usual and customary costs of transfer. Transfer to be effected through the Company's Cape Town conveyancers.

(XIII) As and from the date of confirmation of this agreement the Government shall supply water to the land of the Company scheduled by the Sundays River Irrigation Board in the same way and on the same terms as water is supplied to the general body of irrigators on the Strathsomers Estate and for such land (not being part of the Pioneer System or Botha's Drift Settlement) the Company or its successors in title of such land shall be treated and regarded as though it or they were a purchaser under and subject to the conditions, Annexure "D". Land, now the property of the Company forming any part of the land sold by the Guardian Company under either conditions, Annexures "A" and "B", shall be supplied with water on the same terms as irrigators under those systems. It is agreed that in respect of its scheduled land the Company is to be in no worse or better position than the general body of irrigators on the Strathsomers Estate and is to be treated in exactly the same way as the general body of irrigators are to be treated.

(XIV) The Company having given occupation of various holdings on the estate to occupiers and tenants, generally known and referred to as the allotment holders, the Company covenants and agrees with the Government that from the date of confirmation of this agreement it will not levy a water rate or maintenance charge upon such allotment holders, or any of them; the Company, however, will be entitled to payment from the allotment holders of any disbursement it has made for water rate or maintenance plus interest from date of payment to refund. While and during the time the Company remain registered as owners of such holdings it shall be liable for the water rate and other charges payable in terms of Annexure "D", except in so far as this proviso may be modified or affected by Clause XIII of this agreement.



(VI) As, te eniger tyd na die bekragtiging van hierdie ooreenkoms, die Goewerment vind dat dit nodig is om op enige deel van die Strathsomers-Estate, nou behorende aan die Maatskappy, die hoofkanaal te vergroot, of om dit te verlê en/of 'n kanaal te grawe om water van Kohraansdrift te lei na grond, wat nie 'n deel van die Strathsomers-Estate uitmaak nie, maar deur Meer Mentz bedien word, sal die Goewerment geregtig wees om met sy beamptes, werksliede en materiaal op die grond te gaan wat nou aan die Maatskappy behoort om die gemelde werk of werke te bou en dit daarna te allen tyde te gebruik en te onderhou. Indien, egter, vir die doel van sodanige werk of werke enige geskeduleerde grond van die Sondagsrivier-besproeiingsraad geneem of gebruik word, sal die Goewerment aan die Maatskappy die waarde daarvan betaal, in sover dit ooreengekom is en waar so 'n wedersydse ooreenkoms ontbreek, soos vasgestel sal word deur arbitrasie ingevolge die voorwaardes van die Arbitrasiewet, 1898 (Kaap) of enige wysigings of vervangingswet. As die grond wat geneem word nie geskeduleer is nie, sal geen kompensasie betaalbaar wees nie.

(VII) As die hoofkanaal verlê word en/of 'n nuwe kanaal of kanale gegrave word en enige van die paaie kruis wat aangetoon word op die algemene plan van die Strathsomers-Estate, sal die Goewerment geskikte brûe op die kruispunte bou.

(VIII) So gou moontlik na hierdie ooreenkoms geteken is sal die Goewerment aan die Maatskappy die waarde betaal van die reparasiewerk, met inbegrip van tydelike reparasiewerk, gedoen deur die Maatskappy vanaf die 1ste Januarie 1932, soos vasgestel en bepaal deur die Direkteur van Besproeiing.

(IX) Die Goewerment sal, op die datum van die bekragtiging van hierdie ooreenkoms aan die Maatskappy die som van £10,000 (tien duisend pond) betaal plus enige verskil tussen £1,700 en die bedrag betaal volgens Klousule VIII, as dit minder as £1,700 is, as die koopprys vir die bate genoem in Klousule IV.

(X) Daar alle erwe in die dorp Kirkwood geskeduleer en belas is deur die Sondagsrivier-besproeiingsraad, sal die Goewerment aan die dorpsbestuursraad (of enige plaaslike wetlike bestuur van die dorp Kirkwood), wat ageer vir en ten behoeve van en as verteenwoordigende die erfhouers, enige water toestaan wat gemelde besproeiingsraad aan sodanig erfhouers mag gee of toeken—en sodanige water sal geneem word deur die gemelde dorpsraad, agerende soos bogemeld, van die hoofkanaal op so 'n punt of punte soos die Goewerment mag besluit teen 'n belasting of koste van hoogstens £1 2s. 6d. per morg.

(XI) Ingeval hierdie ooreenkoms nie bekragtig word nie, sal die bedrag deur die Goewerment gespandeer aan die werke gemeld in Klousule V en die bedrag betaal volgens Klousule VIII, behandel en beskou word as 'n Besproeiingslening aan die Maatskappy deur die Goewerment gemaak en sal onderworpe wees aan die reëls en regulasies en die wet wat betrekking het op sodanige lenings, en die Maatskappy onderneem hierby om alle stukke nodig om 'n verband op sy eiendom te passeer ten gunste van die Goewerment vir die bedrag van sodanige lening, te teken en uit te voer.

(XII) Indien na bekragtiging van hierdie ooreenkoms die Goewerment transport wil neem van enige grond, nou of hierna ingeneem deur die hoofkanaal en/of verdelingsvore en die aangrensende grond vir toegangsdoeleindes, wat geregistreer is op naam van die Maatskappy, of van die vier stukke grond (elke stuk ongeveer Neëntig (90) voet by honderd-entwintig (120) voet ingeneem deur die Watervoormanne se huise, onderneem die Maatskappy om behoorlik volgens wet transport daarvan te passeer aan die Goewerment onderworpe aan voorwaarde 18 van Aanhangel „D”, maar andersins vry van enige beswaring behalwe soos alreeds geregistreer in die Registrasiekantoor, en die Goewerment betaal die opmetingskoste en vir die kaarte en die gewone en gebruikelike koste van transport. Transport moet uitgemaak word deur die Maatskappy se Transportuitmakers in Kaapstad.

(XIII) Op en vanaf die datum van bekragtiging van hierdie ooreenkoms sal die Goewerment water verskaf vir die grond van die Maatskappy geskeduleer deur die Sondagsrivier-besproeiingsraad op dieselfde wyse en op dieselfde terme soos water verskaf word aan die algemene besproeiers op die Strathsomers-Estate en van sodanige grond ('n deel van die Pionier-sisteem of Bothasdrift-nedersetting uitmakende) sal die Maatskappy of sy Opvolgers behandel en beskou word asof dit en hulle 'n koper was onder en onderworpe aan die voorwaardes van Aanhangel „D”. Grond, nou die eiendom van die Maatskappy, wat deel uitmaak van die grond verkoop deur die Guardian-Maatskappy onder enige van die voorwaardes van Aanhangsels „A” en „B”, sal van water voorsien word op dieselfde terme as besproeiers onder daardie Sisteeme. Dit is ooreengekom dat met betrekking tot sy oppervlakte volgens skedule die Maatskappy nie in 'n slegter of beter posisie as die algemene besproeiers op die Strathsomers-Estate sal wees nie en moet op presies dieselfde manier as die algemene besproeiers behandel word.

(XIV) Aangesien die Maatskappy aan bewoners en huurders, in die algemeen bekend as Aandeelhouders en aldus genoem, reg van bewoning op die eiendom gegee het, kom die Maatskappy ooreen en kontrakteer met die Goewerment dat, vanaf die datum van bekragtiging van hierdie ooreenkoms, geen waterbelasting of onderhoudskoste van sodanige Aandeelhouders, of enige van hulle gehef sal word nie; die Maatskappy, sal egter, geregtig wees op terugbetaling deur die Aandeelhouders van enige voorskot deur hom gemaak vir waterbelasting of onderhoud plus rente vanaf datum van betaling tot terugbetaling. Terwyl en gedurende die tyd wat die Maatskappy geregistreer is as eienare van sodanige hoewe sal dit aanspreeklik wees vir die waterbelasting en ander koste betaalbaar in terme van Aanhangel „D”, behalwe in sover hierdie voorwaarde mag verander of getref word deur Klousule XIII van hierdie ooreenkoms.

(XV) If and when the Company sells or transfers any and every portion of the remainder of the land belonging to it on the schedule of the Sundays River Irrigation Board (not being land already held under conditions, Annexures "A", "B", and "C" hereof, and land in the Kirkwood village) the sales shall be subject, *inter alia*, to Conditions 4, 9, 10, 11, 12, 13, 17, 20, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 of Annexure "D", and the Company undertakes to arrange for the execution by each purchaser of a contract binding each such purchaser to the Government to carry out and observe the terms of said conditions and so thereby to constitute the necessary contractual relationship as regards such conditions as though the purchaser were the one party thereto and the Government the other party thereto.

(XVI) The Government shall have the right to cede, transfer and assign all or any of its rights, interests, obligations and covenants and agreements herein contained unto any irrigation board or other authority constituted under statute without having to obtain any consent from the Company.

(XVII) The Company will endeavour to obtain the consent of the du Preez Family to the cession, transfer and assignment unto any irrigation board or other authority constituted under statute of the agreement, Annexure "F", and of the land occupied by the works and canal referred to in said agreement.

(XVIII) The date of confirmation referred to in this agreement shall be the date of assent of the Act legalising this agreement.

Signed on behalf of the Government at Cape Town, this 30th day of May, 1932.

E. G. JANSEN,  
Minister of Native Affairs  
and Irrigation.

*As Witnesses :*

J. H. C. HEWITT.  
J. M. ROTHMANN.

Signed on behalf of the Company at Cape Town, this 30th day of May, 1932.

For and on behalf of the Strathsomers Estate  
Company, Limited.

W. LAWSON-BROWN,  
Director.

Pursuant to a resolution of the Board of  
Directors of said Company passed at a  
meeting held on 24th May, 1932.

*As Witnesses :*

J. H. C. HEWITT.  
J. M. ROTHMANN.

#### ANNEXURE "A".

CONDITIONS OF SALE OF PLOTS OR PORTIONS OF GROUND IN THE SUNDAYS RIVER VALLEY, AT PRESENT OWNED BY THE GUARDIAN ASSURANCE AND TRUST COMPANY OF PORT ELIZABETH, LIMITED; AS ALSO THE RULES AND REGULATIONS WHICH ALL PURCHASERS AGREE TO BE BOUND BY AND FAITHFULLY OBSERVE AND PERFORM.

For the sake of brevity, and for the purposes only of the following conditions, rules and regulations, the said Guardian Company shall be herein referred to as the Vendors, and those who may acquire any one or more of the said plots or portions of ground as the Purchasers:

1. The vendors reserve the right at all time hereafter to make all reasonable alterations in the rules should necessity arise.

2. The vendors will, whenever the state of the Sundays River admits of it, supply water in fair and reasonable quantities for irrigation purposes at the rate of three hours per morgen twice in each month.

3. No water will be supplied on any Sunday between the hours of 6 a.m. and 6 p.m. except when actual necessity exists, as in the case of newly-planted trees, tobacco plants, etc., when the water, at the discretion of the manager of the vendors, may be supplied. But when, in the opinion of the said manager, no such necessity exists, the vendors reserve the right of water during such before-mentioned hours for filling dams or other purposes.

4. Should the water supply fail on account of the river ceasing to run, or from other causes, then, on the water again becoming available, the supply shall commence where such stoppage occurred, that is to say, from or at the spot last supplied; it being distinctly understood, however, that the purchasers shall be entitled to only such water as may be led in the channels by natural gravitation from the Sundays River, and shall have no claim to the use of any of the Vendors' pumping gear or machinery.

5. The vendors reserve all right, title, ownership, and interest in all dams, sluits, and irrigation works on the estate, as well as in, over, and on rivers and waters running through, in, or over the said estate, and sole right and discretionary power to improve, enlarge, alter, subdivide, and otherwise deal with the same, and to do all things necessary for carrying out such alterations, improvements, and matters, provided that any damage thereby occasioned to the purchasers shall be compensated by the vendors, and, in case of any dispute as to the amount of such compensation, the question shall be decided by arbitration.

(XV) Indien en wanneer die Maatskappy enige en elke deel van die orige deel van die grond wat aan hom behoort en op die Skedule van die Sondagsrivierbesproeiingsraad staan (nie grond wat alreeds onder Voorwaardes, Aanhangsels „A”, „B” en „C” hiervan gehou is nie en grond in die dorp Kirkwood) verkoop of transporteer, sal die verkopings, *inter alia*, onderworpe wees aan Voorwaardes 4, 9, 10, 11, 12, 13, 17, 20, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35 van Aanhangel „D” en die Maatskappy onderneem om te reël vir die uitvoering deur elke koper van 'n kontrak wat elke sodanige koper aan die Goewerment bind om die terme van genoemde voorwaardes uit te voer en na te kom en sodanige die nodige kontraktuele verwantskap te vorm met betrekking tot sodanige voorwaardes asof die koper die een party en die Goewerment die ander party daartoe was.

(XVI) Die Goewerment is geregtig om alle of enige van sy regte, belange, verpligtings, verdrae en ooreenkomste hierin vervat, af te staan, te transporteer, of oor te maak aan enige Besproeiingsraad of ander gesag daargestel deur Wet sonder om enige toestemming van die Maatskappy te verkry.

(XVII) Die Maatskappy sal probeer om van die familie du Preez, toestemming te kry vir die afstaan, transporteer of oormak aan enige Besproeiingsraad of ander gesag daargestel onder instelling van die ooreenkoms, Aanhangel „F”, en van die grond opgeneem deur die werke en kanaal vermeld in gemelde ooreenkoms.

(XVIII) Die datum van bekragtiging in hierdie ooreenkoms vermeld sal wees die datum van die goedkeuring van die Wet wat hierdie ooreenkoms wettig maak.

Geteken ten behoeve van die Goewerment in Kaapstad op die 30ste dag van Mei 1932.

E. G. JANSEN,  
Minister van Naturellesake  
en Besproeiing.

As Getuie:

J. H. C. HEWITT.  
J. M. ROTHMANN.

Geteken ten behoeve van die Maatskappy in Kaapstad, op die 30ste dag van Mei 1932.

Vir en ten behoeve van die Strathsomers-  
Estate-Maatskappy, Beperk.

W. LAWSON BROWN,  
Direkteur.

Ooreenkomstig 'n besluit van die Raad van  
Direkteure van gemelde Maatskappy geneem  
op 'n Vergadering gehou op 24 Mei 1932.

As Getuie:

J. H. C. HEWITT.  
J. M. ROTHMANN.

#### AANHANGSEL „A”.

VOORWAARDES VAN VERKOOP VAN PERSELE OF GEDEELTES VAN GROND  
IN DIE SONDAGSRIVIERVALLEI NOU IN BESIT VAN DIE GUARDIAN-  
ASSURANSIE EN TRUSTMAATSKAPPY VAN PORT ELIZABETH; EN  
OOK DIE REËLS EN REGULASIES WAARAAN ALLE KOPERS HULLE  
ONDERWERP EN TOESTEM OM GETROU NA TE KOM EN UIT TE VOER.

Beknophtheidshalwe, en alleen vir die doeleindes van die volgende voorwaardes, reëls en regulasies, sal die gemelde Guardian-Maatskappy hierin genoem word die Verkopers, en diegene wat engeen of meer van gemelde persele of gedeeltes van grond mag verkry as die Kopers.

1. Die verkopers behou die reg om te allen tyde hierna alle redelike veranderinge in die reëls te maak as dit nodig geag word.

2. Die verkopers sal, wanneer ook al die toestand van die Sondagsrivier dit toelaat, water verskaf in genoegsame en redelike hoeveelhede vir besproeiingsdoeleindes teen drie uur per morg, tweekeer in elke maand.

3. Geen water sal verskaf word op 'n Sondag tussen die ure 6 v.m. en 6 n.m. behalwe as dit werklik nodig is, soos in die geval van bome, tabakplante, ens., wat pas geplant is, wanneer die water, na goeddunke van die bestuurder van die verkopers, kan verskaf word. Maar wanneer, volgens oordeel van genoemde bestuurder, daar geen sodanige behoefte bestaan, sal die verkopers die reg op die water behou gedurende sodanige bogemelde ure om damme vol te maak of vir ander doeleindes.

4. As daar 'n tekort van water sou wees deurdat die rivier ophou loop, of deur ander oorsake, dan sal, as die water weer verkrygbaar is, die verskaffing daarvan begin waar sodanige oponthoud voorgeval het, dit wil sê, van of by die plek laas voorsien; dit moet egter duidelik verstaan word, dat die kopers net geregtig sal wees tot sodanige water wat mag gelei word in die kanale deur natuurlike gravitasie van die Sondagsrivier, en geen aanspraak sal hê op die gebruik van die verkopers se pompstelsel of masjinerie nie.

5. Die verkopers behou alle reg, titel, eiendomsreg en belang op en by alle damme, slote, en besproeiingswerke op die eiendom, sowel as op en by riviere en water wat deur, in of oor die gemelde eiendom loop, en alleenreg en bevoegdheid om willekeurig te verbeter, vergroot, verander, verdeel en andersins daarmee te handel, en om alles te doen wat nodig is om sodanige veranderinge, verbeterings en sake uit te voer, op voorwaarde dat enige skade daardeur veroorsaak deur die verkopers, aan die kopers sal vergoed word, en, in geval van enige geskil met betrekking tot die bedrag van sodanige vergoeding, die kwessie besluit sal word deur arbitrasie.

6. The vendors will appoint a foreman, who shall be under the control of the manager of the estate.

7. It shall be the duty of the foreman to keep account of the hours of water supply, to give all reasonable information to any purchasers who may apply to him as to water turn, and to inquire into and adjust so far as it may be possible, any impediments or stoppages which may arise.

8. It is especially required that all complaints or neglects against any foreman or other employees of the vendors shall be immediately reported to the manager, with a view to maintain in as perfect a manner as possible the working of the water service supply constructed and owned by the vendors.

9. Any purchaser, or servant of any purchaser, obstructing the foreman or other employee of the vendors in the execution of his duties, or in any way whatsoever interfering with or injuring the dams or sluits, or failing to re-deliver the water to the main sluits at the expiration of his turn, shall be liable to a penalty of £3 for every offence, such penalty to be for and as liquidated damages for the act, and to be recoverable before the court of the Resident Magistrate of Uitenhage by the manager of the estate as representing the vendors, the purchasers hereby undertaking to submit to judgment for the said amount upon proof alone against them of the act of obstruction, interference, or failure as above-mentioned. But the right to recover such penalty shall not prevent the vendors, instead of claiming the said penalty, from suing for and recovering in ordinary course any special damages which the vendors may have suffered over and above the amount of such penalty through and by any wrongful act of the purchasers, whether such wrongful act be in contravention of these rules or otherwise, or from taking such other legal steps for obtaining an interdict, or for carrying into effect the provisions of the next paragraph, as the vendors may elect and to them may seem meet.

10. Should any purchaser be guilty of a second offence of the nature above described within three months after being condemned to pay in respect of a prior act of the same nature, or should he, by interfering in any way from time to time with the due, proper and effective management of the estate, render it best, in the discretion of the vendors, for the interests of the estate and of the purchasers, or any of them, that the said purchaser so acting should be removed from the estate, it shall be within the power of the vendors, after reasonable notice, to re-purchase his holding from the said purchaser at the price which he paid the vendors for it, and in doing so the vendors shall compensate the said purchaser for any improvement which he may have made, such improvements, if any, to be ascertained and valued by impartial appraisers agreed upon by the parties, or, in default of agreement, to be appointed by the vendors alone. But no amount shall be paid to any such purchaser until after deduction of the amount of special damage, if any, caused to the vendors by the act or acts of the purchaser causing his removal, and until after deduction of all costs of re-transfer and conveyance of the said holding to the vendors; and the purchaser hereby undertakes for his part, after payment of what may be due to him in the premises, to re-transfer the said holding to the vendors.

11. An annual contribution or money payment of 10s. per morgen shall be paid to the vendors by each purchaser in two instalments, viz.: on the 30th of June and on the 31st of December in each and every year, which contribution shall go towards assisting the vendors or their successors in cleansing all dams and sluits.

12. Each purchaser shall be obliged to keep, and hereby agrees to keep, all portions of sluits intersecting his own ground in fair working order and repair, and shall likewise keep down the burr-weed. And in the event of any purchaser failing in either of these respects, the vendors may, and are hereby empowered, should they deem it advisable, to effect, at the cost and charges of the purchaser, all necessary repairs to maintain fair working order, and for the destruction of the burr-weed, which costs and charges the purchaser hereby undertakes and contracts to pay on demand, and, on failure of payment, to submit to judgment of a court of law.

13. Each purchaser shall, and hereby agrees to, erect one or more sluice-gates at suitable spots on his land, and shall draw water from the sluits through such gates only.

14. Each purchaser shall, and hereby agrees to, make proper and efficient drains to catch up all overflow water, and prevent the same from damaging the lands of others or injuring the thoroughfares.

15. Each purchaser shall, and hereby agrees to, enclose his ground with a substantial fence of not less than 4½ feet in height, and, failing to do so, he shall be debarred from claiming damages for trespass of any kind.

16. All pigs and poultry found trespassing or doing damage within such enclosures may be destroyed.

17. No purchaser shall suffer or permit washing or the perpetration of any nuisance whatsoever on any of the water-courses, by which the purity of the water may be destroyed or sullied.

18. Each purchaser shall so soon as his term of water-leading has expired, efficiently secure, and keep secured, all his damming or outlet places along the water-courses, and for any failure or neglect in this respect he shall be liable for all loss and damage sustained by reason thereof.

19. The vendors reserve the right when and where necessary to make fresh sluits through any alienated portion or portions of the estate, granting compensation for any injury done, as provided for in clause.

20. No purchaser shall be at liberty to apply for a licence for a canteen, tap, hotel, or other place for the sale of wines, malt or spirituous liquors, by wholesale or retail, unless with the written consent of the vendors.



6. Die verkopers sal 'n voorman aanstel, wat onder die beheer van die Bestuurder van die Eiendom sal wees.

7. Dit sal die plig van die voorman wees om aantekening te hou van die ure van waterleiding, om alle redelike informasie te verskaf aan enige kopers wat by hom mag aanvraag doen omtrent waterbeurte, en om ondersoek in te stel na enige belemmering of oponthoud wat mag voorkom, en dié sover moontlik te reël.

8. Dit is spesiaal nodig dat alle klagtes van versuim teen enige voorman of ander beampte van die verkopers dadelik gerapporteer sal word aan die bestuurder met die doel om sover moontlik die waterleidingwerke gebou deur en die eiendom van die verkopers in volmaakte werkende orde te hou.

9. Enige koper, of bediende van enige koper wat die voorman of ander beampte van die verkopers belemmer in die uitvoering van sy pligte, of wat hom op enige manier bemoei met of skade doen aan die damme of slote, of in gebreke bly om die water terug te lei in die hoofslote, as sy beurt om is, kan gestraf word met 'n boete van £3 vir elke oortreding welke boete sal wees vir en as skadevergoeding vir die daad, en verhaalbaar sal wees voor die hof van die Resident-magistraat van Uitenhage deur die Bestuurder van die Eiendom as verteenwoordiger van die verkopers, terwyl die kopers hierby onderneem om hulle te onderwerp aan die uitspraak vir die gemelde bedrag alleen op bewys teen hulle van die daad van verhinderende, bemoeiing of nalatigheid soos hierbo vermeld. Maar die reg om sodanige boete te verhaal sal nie die verkopers belet, om, in plaas van bedoelde boete te eis, te dagvaar vir, en in die gewone loop van omstandighede te verhaal enige spesiale skade wat die verkopers mag gely het buite en behalwe die bedrag van sodanige boete deur en as gevolg van enige verkeerde daad van die kopers, of sodanige verkeerde daad in stryd met hierdie reëls is, of andersins, of om sodanige ander geregtelike stappe te doen om 'n interdik te verkry of om aan die voorwaardes van die volgende paragraaf gevolg te gee al na die verkopers mag verkies of geskik mag oordeel.

10. As 'n koper skuldig is aan 'n tweede oortreding van die aard hierbo beskryf, binne drie maande na hy tot betaling veroordeel was in verband met 'n vorige daad van dieselfde aard, of as hy, deur hom op enige manier van tyd tot tyd met die behoorlike, gepaste en doeltreffende bestuur van die eiendom te bemoei, maak dat dit na goeie dunde van die verkopers in die belange van die eiendom en van die kopers, of enige van hulle die beste sou wees, dat gemelde koper wat aldus handel van die eiendom verwyder moet word, sal die verkopers bevoeg wees om, na redelike kennisgewing, die hoewe van genoemde koper terug te koop teen die prys wat hy die verkopers daarvoor betaal het, en moet die verkopers gemelde koper dan vergoed vir enige verbetering wat hy mag aangebring het, en sodanige verbetering, as daar is, moet vasgestel en gewaardeer word deur onpartydige waardeerders, ooreengekom deur die partye, of wat, as hulle nie ooreen kan kom nie, aangeset sal word alleen deur die verkopers. Maar geen bedrag sal aan sodanige koper betaal word nie, alvorens die bedrag van die spesiale skade, veroorsaak aan die verkopers deur die daad of dade van die koper wat sy verwydering veroorsaak het, afgetrek is, en alvorens alle koste van terugtransportering en oordrag van gemelde hoewe aan die verkopers, afgetrek is; en die koper onderneem hierby van sy kant, om, na betaling van wat hom mag toekom in die perseel, gemelde hoewe aan die verkopers terug te transporteer.

11. 'n Jaarlikse kontribusie of geldelike betaling van 10s. per morg sal deur elke koper aan die verkopers betaal word in twee paaiemente, naamlik: op 30 Junie en op 31 Desember in elke jaar, welke kontribusie gebruik sal word om die verkopers of hulle opvolgers te help om alle damme en slote skoon te maak.

12. Elke koper is verplig en stem hierby toe om alle gedeeltes van slote wat sy grond kruis, in goeie werkende orde en reparasie te hou, en moet ook die klitsgras uitroei. En in geval enige koper in gebreke bly in enige van hierdie opsigte, mag die verkopers, en is hulle hierby gemagtig, as hulle dit raadsaam ag, om op koste van die koper alle nodige reparasies te doen om alles in goeie werkende orde te hou, en vir die uitroeiing van klitsgras, welke koste en onkoste die koper hierby onderneem en aanneem om op aanvraag te betaal, en, by gebreke van betaling, hom te onderwerp aan die uitspraak van 'n geregshof.

13. Elke koper is verplig, en stem hierby toe, om een of meer sluise op geskikte plekke op sy grond te bou, en alleenlik deur sodanige sluise water uit die vore te lei.

14. Elke koper is verplig en stem hierby toe om geskikte en doeltreffende afleivore te maak vir die opvang van alle oorloopwater, en dit te belet om skade aan die grond van andere te doen of om deurgange te beskadig.

15. Elke koper is verplig en stem hierby toe, om sy grond te omhein met 'n stewige omheining van 'n hoogte van minstens 4½ voet, en, as hy dit versuim, sal hy belet wees om skadevergoeding te eis vir oortreding van enige aard.

16. Alle varke en hoenders wat op verbode terrein kom of skade verrig binne sodanige kampe kan afgemaak word.

17. Geen koper mag wassery of die veroorsaking van enige oorlas wat ook al op enige van die waterlope, waardeur die reinheid van die water mag vernietig of besmet word verdra of toelaat nie.

18. Elke koper moet, so gou as sy tyd van waterleiding verby is, al sy opdam- of uitlaatplekke langs die waterlope, goed toemaak en toehou, en vir enige versuim of agtelosigheid in hierdie opsig, sal hy aanspreeklik wees vir alle verliese en skade daardeur veroorsaak.

19. Die verkopers behou die reg om wanneer en waar nodig nuwe slote te maak deur enige vervreemde deel of dele van die eiendom, en moet kompensasie toeken vir enige skade wat gedoen is, soos bepaal in klousule.

20. Dit staan geen koper vry om aansoek te doen om 'n liksens vir 'n kantien, tap, hotel, of ander plek vir die verkoop van drank, bier of sterkdrank, by die groot of klein maat nie, tensy met skriftelike toestemming van die verkopers.

Lastly, it is agreed that the terms of Clauses 10 and 11 may be applied to the breach of all or any of the conditions hereby contracted for and agreed upon.

The owner of this land shall have the right of grazing one head of cattle for every morgen of land purchased, the grazing to be on unoccupied land to be pointed out from time to time by the manager or the representative of the owners for the time being; it being understood that for every head of cattle, ten sheep or goats may be substituted at option of purchaser.

The owner to have the right to cut firewood and bush from land to be pointed out from time to time by the manager or the representative of the owners of the estate, for domestic and farming purposes on his land, but not for sale. No spars, poles, or other timber to be cut without permission from the owners or their manager.

Lastly, it is agreed that the terms of Clause 9 may be applied to the breach of all or any of the conditions hereby contracted for and agreed upon.

#### ANNEXURE "B".

CONDITIONS OF SALE OF PLOTS OR PORTIONS OF GROUND IN THE SUNDAYS RIVER VALLEY, AND FORMING PART OF THE "BOTHA'S DRIFT SETTLEMENT", AT PRESENT OWNED BY THE GUARDIAN ASSURANCE AND TRUST COMPANY OF PORT ELIZABETH, LTD.; AS ALSO THE RULES AND REGULATIONS WHICH ALL PURCHASERS AGREE TO BE BOUND BY AND FAITHFULLY OBSERVE AND PERFORM.

For the sake of brevity, and for the purposes only of the following conditions, rules and regulations, the said Guardian Company shall be herein referred to as the Vendors, and those who may acquire any one or more of the said plots or portions of ground as the Purchasers:—

1. The vendors reserve the right at all times hereafter to make all reasonable alterations in the rules should necessity arise.
2. The vendors will, whenever the state of the Sundays River admits of it, supply water in fair and reasonable quantities for irrigation purposes at the rate of three hours per morgen twice in each month.
3. Should the water supply fail on account of the river ceasing to run, or from other causes, then, on the water again becoming available, the supply shall commence where such stoppage occurred, that is to say, from or at the spot last supplied.
4. The vendors reserve all right, title, ownership, and interest in all dams, sluits and irrigation works on the estate, as well as in, over, and on rivers and waters running through, in, or over the said estate, and sole right and discretionary power to improve, enlarge, alter, subdivide, and otherwise deal with the same, and to do all things necessary for carrying out such alterations, improvements, and matters, provided that any damage thereby occasioned to the purchasers shall be compensated by the vendors, and, in case of any dispute as to the amount of such compensation, the question shall be decided by arbitration. It being clearly understood that no right of action shall accrue to the purchasers by reason of purchase in respect to the quantity of water used by the vendors or the proprietors further up the river, or those now in occupation on plots or erven on the estate, which use shall at all times be regulated by the vendors and be under their control and direction.
5. The vendors will appoint a foreman, who shall be under the control of the manager of the estate.
6. It shall be the duty of the foreman to keep account of the hours of water supply, to give all reasonable information to any purchasers who may apply to him as to water turn, and to inquire into and adjust, so far as may be possible, any impediments or stoppages which may arise.
7. It is especially required that all complaints or neglects against any foreman or other employees of the vendors shall be immediately reported to the manager, with a view to maintain in as perfect a manner as possible the working of the water service supply constructed and owned by the vendors.
8. Any purchaser, or servant of any purchaser, obstructing the foreman or other employee of the vendors in the execution of his duties, or in any way whatsoever interfering with or injuring the dams or sluits, or failing to re-deliver the water to the main sluits at the expiration of his turn, shall be liable to a penalty of £3 for every offence, such penalty to be for as liquidated damages for the act, and to be recoverable before the Court of the Resident Magistrate of Uitenhage by the manager of the estate as representing the vendors, the purchasers hereby undertaking to submit to judgment for the said amount upon proof alone against them of the act of obstruction, interference, or failure as above-mentioned. But the right to recover such penalty shall not prevent the vendors, instead of claiming the said penalty, from suing for and recovering in ordinary course any special damages which the vendors may have suffered over and above the amount of such penalty through and by any wrongful act of the purchasers, whether such wrongful act be in contravention of these rules or otherwise.
9. Adjoining purchasers will be allowed to interchange their water turns, provided that such interchange causes no loss of time or water to lower purchasers. The responsibility for any such loss or damage caused by the interchanging of water turns will lie with the purchasers whose proper turn it was at the time of exchange.
10. An annual contribution or money payment of 10s. per morgen shall be paid to the vendors by each purchaser in two instalments, viz., on the 30th June and on the 31st December in each and every year, which contribution shall go towards assisting the vendors or their successors in supervising and maintaining the irrigation works.

Ten slotte, is dit ooreengekom dat die terme van klousules 10 en 11 mag toegepas word op die oortreding van alle of enige van die voorwaardes hierby aangeneem en ooreengekom.

Die eienaar van hierdie grond het die reg om vir elke morg grond wat gekoop is 'n bees te laat wei en die weiding moet wees op onbewoonde grond wat van tyd tot tyd sal aangewys word deur die Bestuurder of verteenwoordiger van die eienare vir die tyd; met dien verstande dat elke bees kan vervang word deur tien skape of bokke na keuse van die koper.

Die eienaar het die reg om vuurmaakhout en bosse te kap op grond wat van tyd tot tyd deur die bestuurder of die verteenwoordiger van die eienare van die eiendom aangewys word, vir huishoudelike en boerderydoeleindes op sy grond, maar nie vir verkoop nie. Geen sparre, pale, of ander hout mag gekap word sonder toestemming van die eienare of hulle bestuurder nie.

Ten slotte, is dit ooreengekom dat die voorwaardes van Klousule Nege mag toegepas word op die oortreding van alle of enige van die voorwaardes hierby vasgestel en ooreengekom.

#### AANHANGSEL „B”

VOORWAARDES VAN VERKOOP VAN PERSELE OF GEDEELTES VAN GROND IN DIE SONDAGSRIVIERVALLEI EN GEDEELTE VORMENDE VAN DIE „BOTHASDRIFT-NEDERSETTING”, NOU IN BESIT VAN DIE GUARDIAN-ASSURANSIE EN TRUST-MAATSKAPPY VAN PORT ELIZABETH EN OOK DIE REËLS EN REGULASIES WAARAAN ALLE KOPERS HULLE ONDERWERP EN TOESTEM OM GETROU NA TE KOM EN UIT TE VOER.

Beknoptheidshalwe, en alleen vir die doeleindes van die volgende voorwaardes, reëls en regulasies, word die gemelde Guardian Maatskappy hierin genoem die Verkopers, en diegene wat enigeen of meer van die gemelde persele of gedeeltes van grond mag verkry, die Kopers.

1. Die verkopers behou, die reg om te allen tyde hierna alle redelike veranderings in die reëls te maak as dit nodig geag word.

2. Die verkopers sal, wanneer ook al die toestand van die Sondagsrivier dit toelaat, water verskaf in genoegsame en redelike hoeveelhede vir besproeiingsdoeleindes teen drie uur per morg, tweekeer in elke maand.

3. As daar 'n tekort van water is deurdat die rivier ophou loop, of deur ander oorsake, dan sal, as die water weer verkrygbaar is, die verskaffing daarvan begin waar sodanige oponthoud voorgeval het, dit wil sê, van of by die plek laas voorsien.

4. Die verkopers behou alle reg, titel, eiendomsreg, en belange op en by alle damme, slote en besproeiingswerke op die eiendom, sowel as op en by riviere en water wat in of oor die eiendom loop, en die alleenreg en bevoegdheid om na goedvinde sulks te verbeter, vergroot, verander, verdeel, en andersins daarmee te handel, en om alles te doen wat nodig is om sodanige veranderings, verbeterings, en sake uit te voer, op voorwaarde dat enige skade daardeur veroorsaak deur die verkopers, aan die kopers sal vergoed word, en, ingeval van enige geskil met betrekking tot die bedrag van sodanige vergoeding die kwessie besluit sal word deur arbitrasie. Dit moet duidelik verstaan word dat geen reg van handeling sal toekom aan die kopers deur rede van koop in verband met die hoeveelheid water gebruik deur die verkopers of die eienare verder op langs die rivier of dié op die oomblik in besit van persele of erwe op die eiendom, welke gebruik te allen tyde gereël sal word deur die verkopers en onder hulle beheer en toesig sal wees.

5. Die verkopers sal 'n voorman aanstel, wat onder die beheer van die bestuurder van die eiendom sal wees.

6. Dit sal die plig van die voorman wees om aantekening te hou van die ure van waterleiding, om alle redelike informasie te verskaf aan enige kopers wat by hom mag aanvraag doen omtrent waterbeurte, en ondersoek in te stel na en sover moontlik te reël, enige belemmering of oponthoud wat mag voorkom.

7. Dit is spesiaal nodig dat alle klagtes van versuim teen enige voorman of ander beamptes van die verkopers dadelik gerapporteer sal word aan die bestuurder met die doel om sover moontlik die waterleidingwerke gebou deur en die eiendom van die verkopers, in volmaakte werkende orde te hou.

8. Enige koper, of bediende van enige koper, wat die voorman of ander beampte van die verkopers belemmer in die uitvoering van sy pligte, of wat op enige manier ook al hom bemoei met of skade doen aan die damme of slote, of in gebreke bly om die water terug te lei in die hoofslote as sy beurt om is, kan gestraf word met 'n boete van £3 vir elke oortreding, welke boete sal wees vir en as skadevergoeding vir die daad, en verhaalbaar sal wees voor die Hof van die Resident-magistraat van Uitenhage deur die bestuurder van die eiendom, as verteenwoordiger van die verkopers, terwyl die kopers hierby onderneem om hulle te onderwerp aan die uitspraak betreffende die gemelde bedrag alleen by bewys teen hulle van die daad van belemmering, bemoeiing, of nalatigheid soos hierbo gemeld. Maar die reg om sodanige boete te verhaal sal die verkopers nie belet nie om, in plaas van die boete te eis, te dagvaar en in die gewone loop van omstandighede te verhaal enige spesiale skade wat die verkopers mag gely het buite en behalwe die bedrag van sodanige boete deur en as gevolg van enige verkeerde daad van die kopers, of sodanige verkeerde daad in stryd met hierdie reëls is of andersins.

9. Aangrensende kopers sal toegelaat word om hulle waterbeurte te verruil, op voorwaarde dat sodanige verruiling geen verlies van tyd of water vir die laer kopers veroorsaak nie. Die verantwoordelikheid vir enige sodanige verlies of skade veroorsaak deur die verruiling van waterbeurte, sal berus by die kopers wie se behoorlike beurt dit was ten tyde van die verruiling.

10. 'n Jaarlikse kontribusie of geldelike betaling van 10s. per morg sal deur elke koper aan die verkopers betaal word in twee paaiemente, naamlik, op die 30ste Junie en op die 31ste Desember in elke jaar, welke kontribusie sal bydra as hulp vir die verkopers of hulle opvolgers om toesig te hou oor die besproeiingswerke en dié te onderhou.



11. Each purchaser shall be obliged to keep, and hereby agrees to keep, all portions of sluits intersecting his own ground in fair working order and repairs, and shall likewise keep down the burr-weed. And in the event of any purchaser failing in either of these respects, the vendors may, and are hereby empowered, should they deem it advisable, to effect, at the cost and charges of the purchaser, all necessary repairs to maintain fair working order, and for the destruction of the burr-weed, which costs and charges the purchaser hereby undertakes and contracts to pay on demand, and on failure of payment, to submit to judgment of a court of law.

12. Each purchaser shall, and hereby agrees to, erect one or more sluice-gates at suitable spots on his land, and draw water from the sluits through such gates only.

13. Each purchaser shall, and hereby agrees to, make proper and efficient drains to catch up all overflow water, and prevent the same from damaging the lands of others or injuring the thoroughfares.

14. Each purchaser shall, and hereby agrees to, enclose his ground with a substantial fence of not less than 4½ feet in height, and, failing to do so, he shall be debarred from claiming damages for trespass of any kind.

15. All pigs and poultry found trespassing or doing damage within such enclosures may be destroyed.

16. No person shall suffer or permit washing or the perpetration of any nuisance whatsoever on any of the water courses, by which the purity of the water may be destroyed or sullied.

17. Each purchaser shall, as soon as his term of water leading has expired, efficiently secure, and keep secured, all his damming or outlet places along the watercourses, and for any failure or neglect in this respect he shall be liable for all loss and damage sustained by reason thereof.

18. The vendors reserve the right, when and where necessary, to make fresh sluits through any alienated portion of the estate, granting compensation for any injury done.

19. No purchaser shall be at liberty to apply for a licence for a canteen, tap, hotel, or other place for the sale of wines, malt or spirituous liquors by wholesale or retail, unless with the written consent of the vendors.

20. The vendors engage and bind themselves to allow the portion of ground marked on the plan hereto attached and submitted as commonage to be and remain as a commonage, and the purchasers hereby accept of, and declare themselves to be bound by, the said plan and faithfully to regard the said portion of ground to set apart on the plan aforesaid as a commonage.

21. Each purchaser shall have the right to graze on such commonage one head of cattle for every morgen of water land owned by him under registered title and no more, and should he at any time exceed such right the vendors shall have the power to seize such cattle or livestock forthwith and without notice and deal therewith as by law provided-for.

#### ANNEXURE "C".

SPECIAL CONDITIONS OF SALE OF PLOTS OR PORTIONS OF GROUND IN THE SUNDAYS RIVER VALLEY, AT PRESENT OWNED BY THE STRATHSOMER'S ESTATE COMPANY, LIMITED; AS ALSO THE RULES AND REGULATIONS WHICH ALL PURCHASERS AGREE TO BE BOUND BY AND FAITHFULLY OBSERVE AND PERFORM.

For the sake of brevity the said Strathsomers Estate Company, Limited, and its assigns shall be hereinafter referred to as the Vendors, and those who may acquire any one or more of the said plots or portions of ground and their successors and assigns as the Purchasers.

1. The vendors reserve the right to at all times hereafter make all such reasonable alterations in or additions to these rules as shall be necessary for the proper carrying of the same into effect.

2. The vendors shall, whenever the state of the Sundays River admits of it, supply water in fair and reasonable quantities for irrigation purposes at the rate of three (3) hours per morgen twice in each month save and except however when prevented by act of God, flood, storm, accident or any unforeseen contingency or circumstance.

3. Should the water supply fail on account of the river ceasing to run, or from any other cause, then on the water again becoming available, the supply shall commence where such stoppage occurred, that is say, from or at the spot last supplied. There shall be no obligation to supply other than by natural gravitation.

4. The vendors reserve all right, title, ownership, and interest in all dams, sluits, furrows and irrigation works whatsoever, now existing on the estate or to be made by them thereon, as well as in, over, and on all rivers, and waters running along, through, in or over the said estate, and the sole right and discretionary power to make, improve, enlarge, extend, alter, sub-divide and otherwise deal with the same, and to do all things necessary for carrying out such works of construction, improvement, enlargement or otherwise, provided that any damage thereby occasioned to a purchaser shall be compensated by the vendors, and in case of any dispute as to the amount of such compensation, the question shall be decided by a single referee under the Arbitrations Act, 1898, it being hereby stipulated that no right of action shall accrue to the purchasers by reason of purchase in respect of the quantity of water used by the vendors or upper proprietors on the river, or those now in occupation of plots or erven on the estate, which use shall at all times be regulated by the vendors and be under their control and direction, and that the vendors shall at all times have free right of entry for all or any of the purposes aforesaid.



11. Elke koper is verplig en stem hierby toe om alle gedeeltes van slote wat sy grond kruis, in goeie werkende orde en reparasie te hou, en moet ook die klitsgras uitroei. En ingeval enige koper in gebreke bly in enige van hierdie opsigte, mag die verkopers, en is hulle hierby gemagtig, as hulle dit raadsaam ag, om op koste van die koper, alle nodige reparasies te doen om alles in goeie werkende orde te hou, en vir die uitroeiing van klitsgras, welke koste en onkoste die koper hierby onderneem en kontrakteer om op aanvraag te betaal, en by gebreke van betaling, hom te onderwerp aan die uitspraak van 'n geregshof.

12. Elke koper is verplig en stem hierby toe om een of meer sluise op geskikte plekke op sy grond te bou, en alleenlik deur sodanige sluise water uit die vore te lei.

13. Elke koper is verplig en stem hierby toe, om geskikte en doeltreffende afleivore te maak vir die opvang van alle oorloopwater, en dit te belet om skade aan die grond van andere te doen of om deurgange te beskadig.

14. Elke koper is verplig, en stem hierby toe, om sy grond te omhein met 'n stewige omheining van 'n hoogte van minstens 4½ voet, en, as hy dit versuim, sal hy belet wees om skadevergoeding te eis vir oortreding van enige aard.

15. Alle varke en hoenders wat op verbode terrein kom of skade verrig binne sodanige kampe kan afgemaak word.

16. Geen koper mag wassery of die veroorsaking van enige oorlas wat ook al op enige van die waterlope, waardeur die reinheid van die water mag vernietig of besmet word vergun of toelaat nie.

17. Elke koper moet, so gou as sy tyd van waterleiding om is, al sy opdam- of uitlaatplekke langs die waterlope, goed toemaak en toehou, en vir enige gebreke of agtelosigheid in hierdie verband, is hy aanspreeklik vir alle verliese en skade daardeur veroorsaak.

18. Die verkopers behou die reg om, wanneer en waar nodig, nuwe slote te maak deur enige vervreemde deel van die eiendom en moet kompensasie maak vir enige skade wat gedoen is.

19. Dit staan geen koper vry om applikasie te maak vir 'n lisensie vir 'n kantien, tap, hotel of ander plek vir die verkoop van drank, bier, of sterk-drink by die groot of klein maat nie tensy met skriftelike toestemming van die verkopers.

20. Die verkopers verplig en verbind hulself om toe te laat dat die stuk grond gemerk op die hieraangehegte plan en ingedien as dorpsgrond, 'n dorpsgrond sal wees en bly, en die kopers neem hierby aan, en verklaar hulself as gebind deur die gemelde plan om getrou die gemelde stuk grond op die gemelde plan opsy gesit, as dorpsgrond te beskou.

21. Elke koper het die reg om op sodanige dorpsgrond een bees te laat wei vir elke morg watergrond wat hy besit onder geregistreerde eiendomsreg en nie meer nie, en as hy te enige tyd sodanige reg te buitegaan, is die verkopers bevoeg om sodanige beeste of lewende hawe daar en dan sonder kennisgewing in beslag te neem en daarmee te handel soos deur die wet bepaal word.

#### AANHANGSEL „C”.

SPEZIALE VOORWAARDES VAN VERKOOP VAN PERSELE OF GEDEELTES VAN GROND IN DIE SONDAGSRIVIERVALLEI OP DIE OOMBLIK DIE EIENDOM VAN DIE STRATHSOMERS-ESTATE-MAATSKAPPY BEPERK: ASOOK DIE REËLS EN REGULASIES WAARAAN ALLE KOPERS TOESTEM OM HULLE TE ONDERWERP EN OM GETROU NA TE KOM EN UIT TE VOER.

Beknoptheidshalwe word die gemelde Strathsomers-Maatskappy, Beperk, en sy gevolmagtigdes hierna genoem „die verkopers”; en diegene wat enigeen of meer van die gemelde persele of gedeeltes van grond mag verkry en hulle opvolgers en gevolmagtigdes, „die Kopers”.

1. Die verkopers behou die reg om te allen tyde hierna alle sodanige redelike veranderinge in of toevoegings aan hierdie Reëls te maak as nodig sal wees vir die behoorlike uitvoering daarvan.

2. Die verkopers sal, wanneer ook al die toestand van die Sondagsrivier dit toelaat, water verskaf in genoegsame en redelike hoeveelhede vir besproeiingsdoeleindes teen drie (3) uur per morg tweemaal in elke maand, behalwe en uitgeslote egter, wanneer belet deur 'n natuurramp, vloed, storm, ongeluk, of enige onvoorsiene toeval of omstandigheid.

3. As daar 'n tekort van water is deurdat die rivier ophou loop, of deur enige ander oorsaak, sal, as die water weer verkrygbaar is, die verskaffing daarvan begin waar sodanige ophoud voorval het, dit wil sê, van of by die plek laas voorsien. Daar sal geen verpligting wees om behalwe deur natuurlike gravitasie water te verskaf nie.

4. Die verkopers behou alle reg, titel, eiendomsreg, en belang op en by alle damme, slote, vore en besproeiingswerke wat ook al, wat op die eiendom bestaan of wat deur hom daarop gemaak moet word, sowel as op en by alle riviere, en water wat langs, deur, in of oor genoemde eiendom loop, en die alleenreg en bevoegdheid om na goedvinde sulks te verbeter, vergroot, verleng, verander, verdeel en andersins daarmee te handel, en om alles te doen wat nodig is om sodanige konstruksiewerke, verbetering, vergroting of andersins, uit te voer, op voorwaarde dat enige skade daardeur veroorsaak deur die verkopers, aan 'n koper vergoed sal word, en, in geval van enige geskil met betrekking tot die bedrag van sodanige vergoeding, die kwessie beslis sal word deur 'n enkele skeidsregter ooreenkomstig die „Arbitrasiewet 1898”, terwyl hierby vasgestel word dat geen reg van handeling aan die Kopers gegee sal word in verband met die hoeveelheid water gebruik deur die verkopers of eienare hoër aan die Rivier, of diegene nou in besit van persele of erwe op die eiendom, die gebruik waarvan ten allen tyde gereël sal word deur die verkopers en onder hulle beheer en bestuur sal wees, en dat die verkopers ten allen tyde vrye reg van ingang sal hê vir alle of enige van genoemde doeleindes.

5. The vendors shall appoint a foreman or water-works overseer who shall be under the control of the manager of the estate or other duly appointed official of the vendors.

6. It shall be the duty of the said foreman or waterworks overseer to keep account of the hours of water supply, to supervise the use thereof made by the purchasers, to give all reasonable information to any purchasers who may apply to him as to water turn, and generally under the directions of the said manager or other official to enquire into and adjust difficulties or questions which may arise subject to an appeal to the vendors, whose decision shall be final.

7. Any purchaser personally or per his servant, or any member of his family or any one acting under his authority or with his knowledge and approval, obstructing the said foreman or any other employee of the vendors in the execution of his duties, or in any way whatsoever improperly interfering with or injuring the dams, sluits, or other works of the vendors, or failing to re-deliver the water to the main sluit at the expiration of his turn shall be bound to pay to the vendors on demand the sum of ten pounds (£10) sterling for every such act, which sum shall not be considered and taken as a penalty, but shall be considered and taken as ascertained and liquidated damages owing to the vendors by the party so acting without regard to the question whether the vendors have sustained any damages or any particular amount and shall be recoverable in any competent court by the vendors, the purchasers hereby undertaking to submit to judgment for the said amount upon proof alone against them of said act of commission or omission. But the right to recover such sum shall not prevent the vendors instead of claiming the said sum, from rather suing for and recovering in ordinary course any special damages which they may have suffered by reason of any such act or default.

8. Adjoining purchasers will be allowed to interchange their water turns, provided that such interchange causes no loss of time or water to lower or other purchasers. The responsibility for any such loss or damage caused by the interchanging of water turns will lie with the purchaser whose proper turn it was at the time of interchange.

9. An annual contribution or money payment of one pound (£1) sterling per morgen shall be paid in perpetuity to the vendors by each purchaser in two equal instalments in advance, viz., on the 30th June and 31st December in each and every year, which contribution shall go towards assisting the vendors or their assigns in supervising, maintaining and keeping in repair all or any of the general works on the estate. In each instance the first payment shall fall to be made on the one of the said dates which next succeeds the date of purchase.

10. Each purchaser shall be obliged to keep, and hereby agrees to keep, all portions of sluits intersecting his own ground in good working order and repair. And in the event of any purchaser failing so to do, the vendors may and are hereby empowered to do the needful should they think proper, at the cost and expense of such purchaser, which cost and expense the purchaser hereby undertakes and contracts to pay or refund on demand, and, on failure of such payment to submit to the judgment of a court of law therefor. And free right of access to the vendors for the purposes of this article is hereby reserved to them.

11. Notwithstanding the terms of Clause 10 hereof, and without prejudice to the terms of Clause 12 hereof, the vendors hereby reserve to themselves the right at any time they deem it necessary and for so long as they deem it necessary in the general interest of the estate to themselves to effect the cleaning and repairing of all sluits on the estate, and to levy, sue for, recover and receive for such work of and from each purchaser the sum of 2s. 6d. per morgen per annum, which payment each purchaser shall be bound to make on demand of the vendors therefor.

12. Each purchaser shall be obliged to keep down, and hereby agrees to keep down, the burr-weed, prickly pear, blue thistle, or other noxious weeds on his own ground, and the sluits intersecting it, and in the event of any purchaser failing to do so, the vendors may, and are hereby empowered, should they deem it advisable, to do the needful at the cost and expense of the purchaser, which cost and expense the purchaser hereby undertakes and contracts to pay on demand, and on failure of such payment, to submit to judgment of a court of law therefor. And free right of access to the vendors for the purposes of this article is hereby reserved to them.

13. The vendors shall erect one or more suitable sluice gates at suitable spots on the purchaser's land, and the purchaser shall draw water from the sluits, or furrows, through such gates only. The purchaser hereby undertakes to pay on demand one half of the cost of any such gate or gates. The vendors shall have and retain full and absolute control of all sluice gates, and shall at all times have free access for the purposes of this article.

14. Each purchaser shall with all reasonable speed enclose his ground with a substantial fence not less than 4½ feet in height and of not less than five (5) wires well laced, the lacing to be not more than two (2) yards apart, and failing his doing so he shall be debarred from claiming damages for trespass of any kind.

15. All pigs or poultry found trespassing on or doing any damage within enclosed ground, or polluting or injuring the vendor's water sluits, furrows, or other works, may be destroyed.

16. No person shall wash or bathe, or suffer or permit washing or bathing or the perpetration of any nuisance whatsoever in, on or along any of the watercourses by which the purity of the water may be destroyed or sullied.

17. Each purchaser shall as soon as his term of water leading has expired, efficiently secure and keep secured, all his damming and outlet places along the watercourses, and for any failure or neglect in this respect he shall be liable for all loss and damage sustained by reasons thereof.

5. Die verkopers sal 'n voorman of waterwerke-opsigter aanstel wat onder die beheer van die bestuurder van die eiendom of enige ander aangestelde beampste van die verkopers sal wees.

6. Dit sal die plig van die gemelde voorman of waterwerke-opsigter wees om aantekening te hou van die ure van waterleiding, toesig te hou oor die gebruik daarvan gemaak deur die kopers, om alle redelike informasie te verskaf aan enige kopers wat by hom mag aanvraag doen omtrent waterbeurte, en in die algemeen onder die aanwysings van gemelde bestuurder of ander beampste ondersoek in te stel na en moeilikhede of kwessies te reël wat mag voorkom onderworpe aan 'n beroep op die verkopers, wie se beslissing finaal sal wees.

7. Enige koper persoonlik of deur sy bediende, of enige lid van sy familie of enigeen agerende onder sy gesag of met sy wete en toestemming, wat die gemelde voorman of enige ander beampste van die verkopers belemmer in die uitvoering van sy pligte, of wat op enige manier ook al hom onbehoorlik bemoei met of skade doen aan die damme, slote, of ander werke van die verkopers, of in gebreke bly om die water terug te lei in die hoofslot as sy beurt om is, sal verplig wees om aan die verkopers op aanvraag die bedrag van tien pond (£10) sterling te betaal vir elke sodanige daad, welke bedrag nie as 'n boete beskou en opgevat sal word nie, maar beskou en opgevat sal word as vasgestelde skadevergoeding deur die aldus handelende party verskuldig aan die verkopers ongeag die vraag of die verkopers enige skade of besondere bedrag gekry het en sal deur die verkopers verhaalbaar wees in enige bevoegde hof terwyl die kopers hierby onderneem om hulle te onderwerp aan 'n vonnis betreffende gemelde bedrag alleen by bewys teen hulle van gemelde oortreding of versuim. Maar die reg om sodanige bedrag te verhaal sal die verkopers nie belet nie om, in plaas van gemelde bedrag te eis, te dagvaar vir en in die gewone loop van omstandighede enige spesiale skade te verhaal wat hulle mag gely het deur enige sodanige oortreding of nalatigheid.

8. Aangrensende kopers sal toegelaat word om hulle waterbeurte te verruil, op voorwaarde dat sodanige verruiling geen verlies van tyd of water vir die ander kopers sal veroorsaak nie. Die verantwoordelikheid vir enige sodanige verlies of skade veroorsaak deur die verruiling van waterbeurte, sal by die koper berus wie se behoorlike beurt dit was ten tyde van die verruiling.

9. 'n Ewigdurende jaarlikse kontribusie of geldelike betaling van een pond (£1) sterling per morg moet deur elke koper aan die verkopers betaal word in twee gelyke paaiemente, naamlik, op die 30ste Junie en 31ste Desember in elke jaar, welke kontribusie die verkopers of hulle gevolmagtigdes behulpzaam sal wees om toesig te hou oor alle of enige van die algemene werke op die eiendom en die in stand en goed in orde te hou. In elke geval sal die eerste betaling gemaak word op een van die gemelde datums wat volg op die datum van die koop.

10. Elke koper is verplig en stem hierby toe om alle gedeeltes van slote wat sy grond kruis in goeie werkende orde en reparasie te hou en stem hierby toe om sulks te doen, en in geval enige koper in gebreke bly om dit te doen, kan die verkopers en is hierby gemagtig om die nodige te doen as hulle goëddink, op koste van sodanige koper, welke koste die koper hierby onderneem en kontrakteer om op aanvraag te betaal of terug te betaal, en by gebreke van betaling hom te onderwerp aan die uitspraak van 'n geregshof ten opsigte daarvan. Vrye reg van toegang vir die verkopers vir die doeleindes van hierdie artikel word hierby behou.

11. Nieteenstaande die terme van Klousule 10 hiervan, en onverminderd die voorwaardes van Klousule 12 hiervan, behou die verkopers hierby vir hulself die reg om te enige tyd wanneer hulle dit nodig ag en vir solank as hulle dit nodig ag in die algemene belang van die eiendom vir hulself, om alle slote op die eiendom, te laat skoonmaak en repareer, en om vir sodanige werk van elke koper te hef, in te vorder, te ontvang en hom so nodig te dagvaar vir die som van 2s. 6d. per morg per jaar, welke betaling elke koper verplig sal wees om te maak op aanvraag daarvoor van die verkopers.

12. Elke koper sal verplig wees, en stem hierby toe, om weg te ruim die klitsgras, turksvye, blou distels en ander skadelike onkruid op sy eie grond, en in die slote wat dit kruis, en ingeval enige koper in gebreke bly om dit te doen, kan die verkopers, en is hulle hierby gemagtig, as hulle dit raadsaam ag, om die nodige te doen op koste van die koper, welke koste die koper hierby onderneem en aanneem om op aanvraag te betaal, en by gebreke van betaling, hom te onderwerp aan die uitspraak van 'n geregshof ten opsigte daarvan. Vrye reg van toegang vir die verkopers vir die doeleindes van hierdie artikel word hierby behou.

13. Die verkopers moet een of meer geskikte sluise bou op geskikte plekke op die koper se grond, en die koper mag alleen deur sodanige sluise water uit die slote of vore lei. Die koper onderneem hierby om op aanvraag die helfte van die koste van enige sodanige sluis of sluise te betaal. Die verkopers het en behou volle en gehele beheer oor alle sluise, en het ten allen tyde vrye toegang vir die doeleindes van hierdie artikel.

14. Elke koper moet met alle redelike spoed sy grond omhein met 'n stewige omheining wat minstens 4½ voet hoog is en van minstens vyf (5) drade, goed gevleg, terwyl die vlegting hoogstens twee (2) jaart van mekaar mag wees, en as hy in gebreke bly sal hy belet wees om enige skadevergoeding vir oortreding van enige aard te eis.

15. Alle varke of hoenders wat op verbode terrein kom of skade aanrig of binne sodanige toegekampste grond kom, of die verkopers se waterslote, vore, of ander werke verontreinig of beskadig, mag afgemaak word.

16. Niemand mag was of baai, of enige wassery of baaiery of die veroorsaking van enige oorlas wat ook al in, op of langs enige van die waterlope waardeur die reinheid van die water mag vernietig of besmet word, vergun of toelaat nie.

17. Elke koper moet so gou as sy tyd van waterleiding om is, sy opdam- en uitlaatplekke langs die waterlope, goed toemaak en toe hou, en vir enige gebreke of agtelosigheid in hierdie verband sal hy aanspreeklik wees vir alle verliese en skade daardeur veroorsaak.



18. No purchaser, and for the purpose of this rule the term "purchaser" shall include owner, tenant or occupier whomsoever, shall be at liberty to deal in intoxicating liquor on any of the lands sold under these conditions or to carry on any trade thereon for the carrying on of which a licence now is or may be by law required without the written consent of the vendors, and anyone contravening the provisions hereof shall, without prejudice to the other remedies of the vendors, be liable to be restrained by interdict, injunction or other process of law at the suit of the vendors or at the suit of any other purchaser.

19. The vendors shall allow a portion of the Estate, to be from time to time defined by them, to be used as a commonage by the purchasers for grazing purposes only, and reserve to themselves the right to from time to time substitute at pleasure for the said commonage or any part of it another portion or portions of the estate.

20. Each purchaser shall have the right to graze on the said commonage one head of large stock (the term "large stock" including cattle, horses, mules or donkeys) or five head of small stock, meaning thereby sheep or goats, his own property, for every two (2) morgen of water land owned by him under registered title, and no more; and should he at any time exceed such right the vendors or their representatives shall, without prejudice to the other remedies of the vendors, have the power to impound such extra stock.

21. Each purchaser shall have the right to cut firewood and bush from land to be pointed out by the manager or representative of the vendors of the estate for domestic or farming purposes on his own land, but not for sale. No spars, poles or other timber shall be cut without written permission from the vendors or their representative.

22. No ostrich, pig, bull, horse, or donkey stallion shall be allowed on the Commonage without the written consent of the vendors, and any such found thereon may, without prejudice to the other remedies of the vendors, be impounded by the vendors.

23. The vendors hereby reserve the right at such time, if any, as the Strathsomers Estate Company, Limited, shall go into voluntary liquidation, or shall be wound up by order of court, to hand over to the trustees of the Irrigation Protection Fund of the Strathsomers Estate Company, Limited, the whole of the irrigation works and the control thereof on No. 1 system or pioneer system and of the No. 2 system or Botha's Drift Settlement of the estate. On such right being exercised the vendors shall cease to be responsible in any wise for any undertakings, covenants and stipulations, relative to irrigation agreed by them to be undertaken or performed by them under these presents, anything to the contrary notwithstanding. And all payments payable to the vendors in terms of Clauses 10, 11 and 12 of these presents or any of them shall thereon accrue for the benefit of purchasers of land on the aforesaid systems, and be paid over to the trustees aforesaid, to be used by them in maintaining and repairing the irrigation and general works on the estate.

24. No sub-division of land shall at any time now or in future be competent which shall have the effect of reducing the area thereof below 5 morgen. Before transfer of any land is effected by a purchaser written notification thereof shall be given by him to the vendors, in which notification there shall be set forth the full name and address of the buyer or acquirer and the extent of the land or property about to be transferred.

25. No land or property shall be transferred until all payments, rates or other items whatsoever due to the vendors in terms of these presents have been paid, and the buyer or acquirer taking transfer without first obtaining from the vendors a certificate in writing to the effect that all such have been duly paid by the intending transferor shall thereon become jointly and severally liable with such transferor for the payment to the vendors of such payments, rate or other items.

26. If at any time the vendors find it necessary in the general interest of the purchasers or some of them to carry furrows or sluits or piping through alienated land or to construct other irrigation works thereon, it shall thereupon be competent for the vendors after giving fourteen (14) days previous notice in writing of intention so to do to the owner concerned, to enter upon his ground and to construct said work or works and to thereafter use and maintain the same in all time to come. And if in the course of the execution of such work any growing crops or erections are interfered with, the vendors shall pay to the owner the value thereof, in so far as interfered with, as mutually agreed on, and failing such mutual agreement, as a single referee shall fix under the Arbitrations Act, 1898, the intention of parties being that the crop or erection interfered with and not the ground encroached upon shall alone be paid for or considered in the matter of compensation, and that the right of entry need not be postponed until the amount of compensation to be paid has been fixed or settled. And the right hereby reserved to the vendors shall in like manner be exercisable by any purchaser who is desirous of exercising the same for the benefit of his land, and who has the approval and authority in writing of the vendors to exercise the same. And it is hereby further stipulated that the like principle of compensation shall apply to any case arising under article 4 of these rules.

27. The vendors hereby reserve the right to at any time sell, cede, transfer, set over or assign all or any of their property, rights, interests, obligations, covenants, and agreements herein contained unto any person, company, partnership, corporation, venture or syndicate without having to obtain any consent from the purchasers, and the purchasers hereby agree to thereon accept such cessionary in place of the vendors and to thereon release the vendors from all their obligations and undertakings contained in these presents.

28. The vendors reserve all right, title, ownership and interest in, to, over and on the banks of the river and to a frontage thereon of not less than ten (10) yards throughout, but purchasers shall have the right to use the river bank and such reserved frontage in such manner as the vendors may from time to time decide on payment of a small fee to be from time to time fixed by the vendors.



18. Geen koper, en vir die doel van hierdie reël sal die woord „koper” insluit eienaar, huurder of bewoner, wie ook al, het die reg om te handel in sterkdrank op enige van die grond verkoop onder hierdie voorwaardes of om enige handel daarop te drywe vir die uitvoering waarvan 'n lisensie nou vereis word of deur die wet vereis mag word, sonder skriftelike toestemming van die verkopers, en enigeen wat die voorwaardes hiervan oortree, kan, onverminderd die ander middels van die verkopers, bedwing word deur interdik, bevel of ander proses van die wet op aanklag van die verkopers of op aanklag van enige ander koper.

19. Die verkopers moet toelaat dat 'n gedeelte van die eiendom wat van tyd tot tyd deur hulle aangewys sal word, deur die kopers gebruik word as dorpsgrond alleen vir weidoeleindes, en vir hulself die reg behou om van tyd tot tyd, na goeiddunke, die gemelde dorpsgrond of enige deel daarvan te vervang deur 'n ander deel of dele van die eiendom.

20. Elke koper het die reg om op gemelde dorpsgrond een stuks grootvee (die woord „grootvee” sluit in beeste, perde, muile en donkies), of vyf stuks kleinvee daarby menende skape of bokke, sy eiendom, te laat wei, vir elke twee (2) morge watergrond deur hom besit onder geregistreerde eiendomsreg, en nie meer nie; en as hy te enige tyd sodanige reg te buite gaan is die verkopers of hulle verteenwoordigers, onverminderd die ander middels van die verkopers, bevoeg om sodanige ekstra vee in die skut te sit.

21. Elke koper het die reg om vuurmaakhout en bosse te kap op grond wat aangewys sal word deur die bestuurder of verteenwoordiger van die verkopers van die eiendom, vir huishoudelike- of boerderydoeleindes op sy eie grond, maar nie vir verkoop nie. Geen sparre, pale of ander hout mag gekap word nie sonder skriftelike toestemming van die verkopers of hulle verteenwoordiger.

22. Geen volstruis, vark, bul, perd, of donkiehings sal sonder die skriftelike toestemming van die verkopers op die dorpsgrond toegelaat word nie, en enige sodanige dier wat daarop gekry word, mag, onverminderd die ander middels van die verkopers, deur die verkopers in die skut gesit word.

23. Die verkopers behou hierby die reg om te enige sodanige tyd, wanneer die Strathsomers-Estate-Maatskappy in vrywillige likwidasië gaan, of deur order van die hof ontbind word, aan die kurators van die besproeiingsbeskermingsfonds van die Strathsomers-Estate-Maatskappy, te oorhandig, die gehele besproeiingswerke en die beheer daarvan op No. 1 Sisteem of Pioneer-sisteem en van die No. 2 Sisteem of Bothasdrift-nedersetting van die eiendom. By uitoefening van sodanige reg sal die verkopers ophou om op enige manier verantwoordelik te wees vir enige ondernemings, verdrae of bepalinge, aangaande besproeiing, deur hulle ooreengekom om te onderneem of uit te voer onder hierdie akte, niteenstaande enige andersluidende bepaling. En alle betalings betaalbaar aan die verkopers in terme van Klousules 10, 11 en 12 van hierdie akte of enige daarvan sal daarop ophou die nut van kopers van grond op die voorgemelde sisteme, en aan die voorgemelde kurators uitbetaal word, om deur hulle gebruik te word vir onderhoud en reparasie van die besproeiings- en algemene werke op die eiendom.

24. Geen onderverdeling van grond wat die gevolg sal hê om die oppervlakte daarvan onder 5 morge te verminder sal te enige tyd nou of in die toekoms geoorloof wees nie. Voor transport van enige grond aangegaan word deur 'n koper moet hy skriftelik daarvan kennisgee aan die verkopers, in welke kennisgewing die volle naam en adres van die koper of verkryer en die grootte van bedoelde grond of eiendom vermeld moet word.

25. Geen transport van grond of eiendom sal verleen word alvorens alle gelde, belastinge, of ander items, van welke aard ook al, aan die verkopers toekomende in terme van hierdie akte betaal is, en die koper of verkryer wat transport neem sonder om eers van die verkopers 'n skriftelike sertifikaat te verkry dat alle sodanige gelde betaal is deur die transportgewer wat voornemens is om oordrag te gee, is gesamentlik en afsonderlik met sodanige transportgewer aanspreeklik vir die betaling aan die verkopers van sodanige gelde, belastinge of ander items.

26. As, te enige tyd die verkopers dit in die algemene belang van die kopers of sommige van hulle nodig vind om vore of slote of pype deur vervreemde grond te grave of te lê, of om ander besproeiingswerke daarop te bou, sal die verkopers daarop bevoeg wees, na hulle aan die betrokke eienaar veertien (14) dae skriftelik kennis gegee het van die voorneme om dit te doen, om op sy grond te gaan en gemelde werk of werke te bou en daarna te gebruik en ten allen tyde onderhou. As in die loop van die uitvoering van sodanige werk skade gedoen word aan enige groeiende gewasse, of geboue, moet die verkopers aan die eienaar die waarde daarvan betaal, in sover dit beskadig was, soos gemeenskaplik ooreengekom, en by gebreke van sodanige gemeenskaplike ooreenkoms, soos 'n enkele skeidsregter onder die „Arbitrasiewet 1898” sal vasstel, en dit sal die bedoeling van die partye wees dat alleen vir die gewasse of geboue wat beskadig was en nie vir die grond waarop inbreuk gemaak was, betaal word of in aanmerking geneem word by die kwessie van kompensasie, en dat die reg van toegang nie hoef uitgestel te word tot die bedrag van die kompensasie wat moet betaal word vasgestel of gereël is nie. Die reg wat hiermee vir die verkopers voorbehou word, kan op soortgelyke manier uitgeoefen word deur enige koper wat begerig is om dit uit te oefen vir die nut van sy grond, en wat die skriftelike goedkeuring en magtiging van die verkopers het om dit uit te oefen. Dit word hierby verder bepaal dat dieselfde beginsel van kompensasie sal toegepas word op enige saak wat voortspuit ingevolge artikel 4 van hierdie reëls.

27. Die verkopers behou hierby die reg voor om te enige tyd sonder om daartoe die toestemming te verkry van die kopers, enige of al hul eiendomme, regte, belange, verpligtings, verbintenisse en ooreenkomste, in hierdie akte vervat, te verkoop, te cedeer, te transporteer, oor te maak en daarvan afstand te doen aan enige persoon, maatskappy, vennootskap, korporasie, onderneming of sindikaat; en die kopers stem hierby toe om dan sodanige cessionaris in plaas van die verkopers te erken en om daarop die verkopers te onthef van al hulle verpligtings en ondernemings in hierdie akte vervat.

28. Die verkopers behou alle reg, titel, eiendomsreg en belang op en by en oor die walle van die rivier en tot 'n breedte daarop van minstens tien (10) jaarts deurgaans, maar kopers het die reg om die walle van die rivier en sodanige gereserveerde breedte op sodanige wyse te gebruik as die verkopers van tyd tot tyd mag besluit teen betaling van 'n klein bedrag wat van tyd tot tyd deur die verkopers vasgestel moet word.

29. No animals shall be allowed to stray, roam or graze on the public roads on the estate, and any such found so straying, roaming or grazing may be impounded by the vendors

30. No Coolie, Chinaman, Arab or coloured person shall be entitled to become now or at any time hereafter a registered owner of any property on the estate; or be entitled to become a lessee or occupier of ground on the estate without the written consent of the vendors, and on such terms as the vendors shall in writing fix, and should any question at any time as to whether a person is or is not a Coolie, a Chinaman, an Arab, or a coloured person, the same shall be decided by the vendors or their assigns, and their decision shall be final.

31. The right to make or carry furrows through land shall include the right to lay pipes or other means of conveyance.

I, Vyvyan Howard Owen Christian, of Port Elizabeth, Cape of Good Hope, Notary Public, by lawful authority duly admitted and sworn do hereby certify and attest unto all whom it may concern that I have this day collated and compared the within agreement and the annexures "A", "B" and "C", with the originals thereof now remaining in my Protocol.

And I, the said notary, do further certify and attest that the same are true and faithful copies of the said originals and agree therewith in every respect. An Act whereof being required, I have granted these presents under my notarial form, to serve and avail as occasion shall or may require.

Thus done and passed at Port Elizabeth aforesaid this 4th day of July in the year of our Lord, one thousand nine hundred and seven.

(Sgd.) V. H. O. CHRISTIAN,  
Notary Public.

#### ANNEXURE "D"

CONDITIONS OF SALE OF PLOTS OR PORTIONS OF GROUND IN THE SUNDAYS RIVER VALLEY UNDER THE KOHRAANS DRIFT SCHEME, AT PRESENT OWNED BY THE STRATHSOMERS ESTATE COMPANY, LTD., AS ALSO THE RULES AND REGULATIONS WHICH ALL PURCHASERS AGREE TO BE BOUND BY AND FAITHFULLY OBSERVE AND PERFORM.

For the sake of brevity the said Strathsomers Estate Company, Limited, and its assigns shall be hereinafter referred to as the Vendors and those who may acquire any one or more of the said plots or portions of ground and their successors and assigns as the Purchasers.

1. The vendors reserve the right to at all times hereafter make all reasonable alterations in or additions to these rules.

2. The vendors shall, whenever the state of the Sundays River admits of it, and subject to all lawful rights of riparian owners, and of other persons in and to the water of the said river, whether such rights be acquired by law or by agreement with the vendors, or in any other manner, supply water in fair and reasonable quantities for irrigation purposes at the rate of three (3) hours per morgen twice in each month, in such manner and in such instalments as the vendors may decide, such supply being by rotation as arranged by the vendors, save and except, however, when prevented by act of God, flood, storm, accident or any unforeseen contingency or circumstance.

3. Should the water supply fail on account of the river ceasing to run sufficiently to adequately fill the main canal from the weir at Kohraans Drift, or from any other cause, the vendors shall not be held liable for such failure and on the water again becoming available in sufficient quantities to adequately fill the said main canal the supply shall commence from or at the spot last supplied before such failure of the water supply. There shall be no obligation to supply other than by natural gravitation.

4. The vendors reserve all right, title, ownership, and interest in all dams, sluits, furrows and irrigation works whatsoever, now existing on the estate or to be made by them thereon, as well as in, over, and on all rivers, and waters running along, through, in or over the said estate, and the sole right and discretionary power to make, improve, enlarge, extend, alter, sub-divide and otherwise deal with the same, and to do all things necessary for carrying out such works of construction, improvement, enlargement or otherwise, provided that any damage thereby occasioned to a purchaser shall be compensated by the vendors, and in case of any dispute as to the amount of such compensation, the question shall be decided by arbitration as by these presents provided, it being hereby stipulated that no right of action shall accrue to the purchasers by reason of purchase in respect of the quantity of water used by the vendors or upper proprietors on the river; or those now in occupation of plots or erven on the estate, which use shall at all times be regulated by the vendors and be under their control and direction, and that the vendors, their officers, workmen, and material shall at all times have free right of entry for all or any of the purposes aforesaid.

5. The vendors shall appoint a foreman or waterworks overseer who shall be under the control of a duly appointed official of the vendors.

6. It shall be the duty of the said foreman or waterworks overseer to keep account of the hours of water supply, to supervise the use thereof made by the purchasers, to give all reasonable information to any purchasers who may apply to him as to water turn, and generally, under the directions of the vendors or their duly appointed official, to enquire into and adjust any difficulties or questions which may arise, subject, to an appeal to the vendors, whose decision shall be final.

29. Geen diere sal toegelaat word om rond te dwaal, te loop, of te wei op die publieke paai van die eiendom nie, en enige sodanige diere wat so rond dwaal, loop of wei kan deur die verkopers geskut word.

30. Geen Koelie, Chinees, Arabier of kleurling sal geregtig wees om nou of te eniger tyd hierna 'n geregistreerde eienaar van enige besitting op die eiendom te word nie, of geregtig wees om 'n huurder of bewoner van grond op die eiendom te wees nie, sonder skriftelike toestemming van die verkopers, en op sodanige terme as die verkopers skriftelik sal vasstel, en as enige vraag te eniger tyd ontstaan of 'n persoon 'n Koelie, 'n Chinees, 'n Arabier of 'n kleurling is, sal dit vasgestel word deur die verkopers of hulle regverkrygendes, en hulle beslissing sal finaal wees.

31. Die reg om vore deur grond te maak of neem sal insluit die reg om pype of ander vervoermiddels te lê.

Ek, Vyvyan Howard Owen Christian van Port Elizabeth, Kaap die Goeie Hoop, Notaris, op wettig gesag behoorlik toegelaat en beëdig verklaar en betuig hierby aan almal wat dit mag aangaan, dat ek hierdie dag die hieringelote ooreenkoms en die Aanhangsels „A”, „B” en „C” vergelyk het met die oorspronklikes daarvan wat nou in my protokol berus.

En ek, die gemelde notaris, verklaar en betuig verder dat dit ware en getroue kopieë van die gemelde oorspronklikes is en daarmee in alle opsigte ooreenkom. As bewys waarvan ek hierdie akte onder my notariële seël uitgereik het om gebruik te word en te dien soos verlang mag word.

So gedaan en geteken in Port Elizabeth, op hede die 4de dag van Julie in die jaar een duisend negenhonderd-en-sewe.

(Get.) V. H. O. CHRISTIAN,

Notaris.

#### AANHANGSEL „D”.

VOORWAARDES VAN VERKOOP VAN PERSELE OF GEDEELTES VAN GROND IN DIE SONDAGSRIVIERVALLEI ONDER DIE KOHRAANSDRIFT-SKEMA, OP DIE OOMBLIK DIE EIENDOM VAN DIE STRATHSOMERS-ESTATE-MAATSKAPPY BEPERK, ASOOK DIE REËLS EN REGULASIES WAARAAN ALLE KOPERS HULLE ONDERWERP EN TOESTEM OM GETROU NA TE KOM EN UIT TE VOER.

Beknoptheidshalwe word die gemelde Strathsomers-Estate-Maatskappy, Beperk, en sy gevolmagtigdes hierna genoem „die Verkopers” en diegene wat enigeen of meer van die gemelde persele of gedeeltes van grond mag verkry en hulle opvolgers en gevolmagtigdes „die Kopers”.

1. Die verkopers behou die reg om ten allen tyde hierna alle redelike veranderings in of toevoegings aan hierdie reëls te maak.

2. Die verkopers sal, wanneer ook al die toestand van die Sondagsrivier dit toelaat, en onderworpe aan alle wetlike regte van oewereienare, en van ander persone in en op die water van die gemelde rivier, of sodanige regte deur wet verkry was, of deur ooreenkoms met die verkopers, of op enige ander manier, water verskaf in genoegsame en redelike hoeveelhede vir besproeiingsdoeleindes teen drie (3) uur per morg tweekeer in elke maand, op so 'n wyse en in sodanige hoeveelhede as die verkopers mag besluit, sodanige voorraad te wees beurteliks soos gereël deur die verkopers; buiten en behalwe, egter, wanneer dit deur 'n natuurramp, vloed, storm; ongeluk of enige onvoorsiene toeval of omstandigheid, belet word.

3. Ingeval daar 'n tekort van water is deurdat die rivier ophou om die hoofkanaal van die dam op Kohraansdrift voldoende en genoegsaam te vul, of deur enige ander oorsaak, is die verkopers nie daarvoor aanspreeklik nie en as die water weer in genoegsame hoeveelhede verkrygbaar is om gemelde hoofkanaal voldoende te vul, sal die voorraad begin vanaf of by die plek laas voorsien, voor die tekortkoming van die watervoorraad. Daar sal geen verpligting wees om water behalwe, deur natuurlike gravitasie te verskaf nie.

4. Die verkopers behou alle reg, titel, eiendomsreg, en belang op en by alle damme, slote, vore en besproeiingswerke, van welke aard ook al, nou bestaande op die eiendom of wat deur hulle daarop gemaak sal word, sowel as op en by alle riviere, en water wat langs, deur, in of oor die gemelde eiendom loop, en die alleenreg en bevoegdheid om na goedvinde sulks te maak, verbeter, vergroot, verleng, verander, verdeel en andersins daarmee te handel, en alles wat nodig is te doen vir die uitvoering van sodanige konstruksiewerke, verbetering, vergroting of andersins, op voorwaarde dat enige skade daardeur veroorsaak deur die verkopers aan 'n koper sal vergoed word, en ingeval van enige geskil omtrent die bedrag van sodanige vergoeding, sal die kwessie deur Arbitrasie beslis word soos in hierdie akte bepaal, en hierby word vasgestel dat geen reg van aksie aan die kopers gegee sal word op grond van die koop in verband met die hoeveelheid water gebruik deur die verkopers of hoërgeleë eienare aan die rivier, of diegene wat nou in besit van hoewes of erwe op die eiendom is, welke gebruik ten allen tyde gereël sal word deur die verkopers en onder hulle beheer en bestuur sal wees, en dat die verkopers hulle beamptes, werkmense, en materiaal ten allen tyde vrye reg van toegang sal hê tot alle of enige van die bogemelde doeleindes.

5. Die verkopers moet 'n voorman of waterwerke-opsigter aanstel wat onder die beheer van 'n beampte van die verkopers sal staan.

6. Dit sal die plig van die gemelde voorman of waterwerke-opsigter wees om aantekening te hou van die ure van waterleiding, beheer te hou oor die gebruik daarvan gemaak deur die kopers, om alle redelike informasie te verskaf aan enige kopers wat by hom navraag mag doen omtrent waterbeurte, en in die algemeen, onder aanwysing van die verkopers of hulle aangestelde beampte, ondersoek in te stel na, en te reël aangaande enige moeilikhede of kwessie wat mag voorval, onderworpe aan 'n beroep op die verkopers, wie se beslissing finaal sal wees.



7. Any purchaser personally, or per his servant, or any member of his family, or any one acting under his authority or with his knowledge and approval, or his tenant, obstructing the said foreman or any other employee of the vendors in the execution of his duties, or in any way whatsoever interfering with or injuring the dams, sluits, or other works of the vendors, or failing to re-deliver the water to the vendors main distributing furrow at the expiration of his turn, or committing a breach of or violating any of the provisions of Articles 13, 14, 16, 17, 18 and 19 hereof, shall be bound to pay to the vendors on demand the sum of Ten Pounds (£10) Sterling for every such act, which sum shall not be considered and taken as a penalty, but shall be considered and taken as ascertained and liquidated damages owing to the vendors by the party so acting, without regard to the question whether the vendors have sustained any damages or any particular amount, and shall be recoverable in any competent court by the vendors, the purchasers hereby undertaking to submit to judgment for the said amount upon proof alone against them of said act of commission or omission. But the right to recover such sum shall not prevent the vendors, instead of claiming the said sum, from rather suing for and recovering in ordinary course any special damages which they may have suffered by reason of any such act or default or from instituting any other process of law.

8. Purchasers will, with the sanction of the foreman or waterworks overseer, be allowed to interchange their water turns, provided that such interchange causes no loss of time or water to other purchasers. The responsibility for any such loss or damage caused by the interchanging of water turns will lie with the purchaser whose proper turn it was at the time of interchange.

9. In consideration of the vendors supplying water to the purchaser in accordance with the stipulations and conditions of Articles 2 and 3 hereof, the purchaser shall pay in perpetuity to the vendors an annual contribution or money payment at the rate of One Pound (£1) Sterling per morgen in two equal instalments in advance, viz.: On the 30th June and 31st December in each and every year. Further each purchaser shall pay on the date of sale the proportion of the said contribution for the period reckoned from the date of sale to the one of the said dates next succeeding. The purchaser shall not be entitled to make any deduction from such contribution by reason of the said river having failed to run for a whole year or any portion of a year.

10. Each purchaser shall pay in perpetuity to the vendors on the 30th June in each and every year the sum of two shillings and sixpence (2/6) sterling per morgen in consideration whereof the vendors agree to clean, maintain, and keep in working order and repair the main canal and main distributing furrows which have been or shall be constructed by them to supply water to purchasers in terms of these conditions, and wherever the same shall intersect the land of a purchaser the vendors, their officers, workmen, and material shall at all times have free right of entry upon the said land for the purposes of this article, and to deposit silt and debris upon the banks of the canal and furrows intersecting as aforesaid.

11. The vendors hereby reserve the right to at any time construct and erect and thereafter maintain on any alienated land, fences with gate or gates therein, if necessary in their opinion, along their furrows, wherever they intersect or pass through the land of a purchaser. The company shall not, however, be under any obligation to erect the fences referred to in this article.

12. Each purchaser shall be obliged to keep down, and hereby agrees to keep down, the burr-weed, prickly pear, blue thistle or other noxious weeds on his own ground, as also to clean, maintain and keep, and hereby agrees to clean, maintain and keep, in good working order and repair, to the satisfaction of the vendors, all his private furrows, and in the event of any purchaser failing to do so, the vendors may, and are hereby empowered, should they deem it advisable, to do the needful at the cost and expense of the purchaser, which cost and expense the purchaser hereby undertakes and contracts to pay on demand, and on failure of such payment, to submit to judgment of a court of law therefor. And free right of access to the vendors, their officers, workmen and material for the purposes of this article is hereby reserved to them.

13. The vendors shall erect in their main distributing furrow a suitable sluice gate, or gates if more than one is in their opinion necessary, at a suitable spot or spots to enable the purchaser to receive his supply of water in accordance with these presents, and the purchaser shall draw water from the main distributing furrow through such gate or gates only and not otherwise. The vendors shall have the right and power at all times to effect any repairs necessary in their opinion to the said gate or gates, and the purchaser hereby undertakes to pay on demand the cost of any such gate or gates, or repairs aforesaid. The vendors shall have and retain full and absolute control of all such sluice gates, and shall with their officers, workmen and material at all times have free access for the purposes of this article.

14. Each purchaser shall with all reasonable speed enclose his ground to the reasonable satisfaction of the vendors with a substantial fence not less than 4½ feet in height and of not less than five (5) wires well laced or sparred, the laces or spars to be not more than two (2) yards apart. Each purchaser shall maintain and keep such fence in good order and repair.

15. All pigs or poultry found trespassing on or doing any damage, within enclosed ground, or polluting or injuring the vendors' water sluits, furrows, or other works, may be destroyed.

16. No person shall wash or bathe, or suffer or permit washing or bathing, or the perpetration of any nuisance whatsoever in, on, or along any of the water-courses.

17. Each purchaser shall, as soon as his term of water leading has expired, re-deliver the water to the vendors' main distributing furrow, and efficiently secure and keep secured his sluice gate or gates in the said main furrow, and for any failure or neglect in this respect he shall be liable for all loss and damage sustained by reason thereof.



7. Enige koper persoonlik, of deur sy bediende, of enige lid van sy familie, of enigeen wat onder sy gesag handel of met sy wete en goedkeuring, of sy huurder, wat die genoemde voorman of enige ander beampte van die verkopers by die uitvoering van sy pligte belemmer, of op enige manier hoe ook al hom bemoei met of skade doen aan die damme, slote, of ander werke van die verkopers, of in gebreke bly om die water terug te lei in die verkopers se hoof-uitkeervore as sy waterbeurt om is, of enige van die voorwaardes van artikels 13, 14, 16, 17, 18 en 19 hiervan veronagsaam of oortree, sal verplig wees om aan die verkopers op aanvraag die som van tien pond (£10) sterling te betaal vir elke sodanige daad, welke bedrag nie beskou of opgevat sal word as 'n boete nie, maar beskou en opgevat sal word as vasgestelde skadevergoeding verskuldig aan die verkopers deur die aldus handelende party, ongeag die vraag of die verkopers enige skade of besondere bedrag gekry het, en sal deur die verkopers verhaalbaar wees in enige bevoegde hof, terwyl kopers hierby onderneem om hulself te onderwerp aan 'n vonnis betreffende die gemelde bedrag alleen by bewys teen hulle van gemelde oortreding of versuim. Maar die reg om sodanige bedrag te verhaal sal die verkopers nie belet nie om, in plaas van gemelde bedrag te eis, te dagvaar vir en in die gewone loop van sake enige spesiale skade te verhaal wat hulle mag gely het deur rede van enige sodanige oortreding of nalatigheid, of om enige ander regsverandering in te stel.

8. Kopers sal, met vergunning van die voorman of waterwerke-opsigter, toegelaat word om hulle waterbeurte te verruil, op voorwaarde dat sodanige ruiling geen verlies van tyd of water aan ander kopers veroorsaak nie. Die verantwoordelikheid vir enige sodanige verlies of skade veroorsaak deur die verruiling van waterbeurte sal berus by die koper wie se behoorlike beurt dit was ten tyde van die verruiling.

9. Ingeval die verkopers water verskaf aan die koper ingevolge die bepalinge en voorwaardes van artikels 2 en 3 hiervan, moet die koper aan die verkoper 'n ewigdurende jaarlikse kontribusie of geldelike bedrag van een pond (£1) sterling per morg betaal in twee gelyke paaiemente vooruit, naamlik op die 30ste Junie en 31ste Desember in elke jaar. Verder moet elke koper op die datum van verkoop die deel van die gemelde kontribusie bereken vir die tydperk van die datum van verkoop tot die datum van die gemelde datums wat daarop volg, betaal. Die koper is nie geregtig om enige bedrag af te trek van sodanige kontribusie omrede dat die gemelde rivier nie vir 'n hele jaar of 'n gedeelte van 'n jaar geloop het nie.

10. Elke koper moet ewigdurend aan die verkopers op die 30ste Junie in elke jaar die som van twee sjielings en ses pennies (2/6) sterling per morg betaal waarvoor die verkopers toestem om die hoofkanaal en hoof-uitkeerslote wat deur hulle gegrave is of gegrave sal word om water aan kopers te verskaf in terme van hierdie voorwaardes, skoon te maak, te onderhou, en in goeie werkende orde en reparasie te hou, en waar hulle ookal oor die grond van 'n koper gaan, sal die verkopers, hulle beamptes, werkmense, en materiaal ten allen tyde vrye reg van toegang hê tot gemelde grond vir die doeleindes van hierdie artikel, en om slyk en vullis op die walle van die kanale en vore wat kruis soos hierbo gemeld, te gooi.

11. Die verkopers behou hierby die reg om te enige tyd op enige vreemde grond, omheinings met hek of hekke daarin te bou en op te rig en daarna te onderhou as dit volgens hulle oordeel nodig is, langs hulle vore waar hulle die grond van 'n koper kruis of daardeur loop. Die maatskappy sal egter nie onder enige verpligting wees om die omheinings gemeld in hierdie artikel op te rig nie.

12. Elke koper is verplig en stem hierby toe om die klitsgras, turksvye, blou distel of ander skadelike onkruid op sy eie grond weg te ruim, en ook om al sy private vore skoon te maak en te onderhou en onderneem hierby om dié skoon te maak, te onderhou en in goeie werkende orde en reparasie te hou, tot bevrediging van die verkopers, en ingeval enige koper in gebreke bly om dit te doen, mag die verkopers, en is hulle hierby gemagtig, as hulle dit raadsaam ag, om die nodige te doen op koste van die koper, welke koste die koper hierby onderneem en kontrakteer om op aanvraag te betaal, en by gebreke van betaling om homself te onderwerp aan die uitspraak van 'n geregshof ten opsigte daarvan. Vrye reg van toegang vir die verkopers, hulle beamptes, werkmense en materiaal vir die doeleindes van hierdie artikel word hierby deur hulle uitgehou.

13. Die verkopers moet in hulle hoof-uitkeervore 'n geskikte sluis of sluise, as meer volgens hulle mening nodig is, maak, op 'n geskikte plek of plekke om die koper in staat te stel sy watervoorraad te ontvang ingevolge hierdie akte, en die koper mag alleen deur sodanige sluis of sluise water lei van die hoof-uitkeervore en nie andersins nie. Die verkopers het ten allen tyde die reg en bevoegdheid om enige reparasie volgens hulle opinie nodig, aan die gemelde sluis of sluise te doen, en die koper onderneem hierby om op aanvraag die koste van enige sodanige sluis, of sluise, of reparasies, hierbo gemeld, te betaal. Die verkopers het volle en gehele beheer oor alle sodanige sluise, en het met hulle beamptes, werkmense en materiaal ten allen tyde vrye toegang vir die doeleindes van hierdie artikel.

14. Elke koper moet met alle redelike spoed tot die redelike bevrediging van die verkopers sy grond omhein met 'n stewige omheining en hoogtes van minstens 4½ voet en van minstens vyf (5) drade goed gevleg en gespar, en die kruisdrade en sparre mag nie meer as twee (2) jaarts van mekaar wees nie. Elke koper moet sodanige omheining onderhou en in goeie orde en reparasie hou.

15. Alle varke en hoenders wat binne die toegeslote gebied kom en enige skade aanrig, of wat die verkopers se waterslote, vore of ander werke, verontreinig of beskadig, mag afgemaak word.

16. Niemand sal was of baai, of wassery of baaiery, of die veroorsaking van enige oorlas van welke aard ook al in, op of langs enige van die waterlope vergun of toelaat nie.

17. Elke koper moet, so gou as sy tyd van waterlei om is, die water teruglei in die verkopers se hoof-uitkeervore en sy sluis of sluise in die gemelde hoofvore deeglik toemaak en toehou, en vir enige versuim of agtelosigheid in hierdie verband sal hy aanspreeklik wees vir alle verliese en skade wat daardeur veroorsaak word.

18. Save with the written consent of the vendors, no person shall upon the land sold under these conditions deal in intoxicating liquor, or open a shop for the sale of goods and merchandise or carry on any trade thereon for the carrying on of which a licence now is or may be by law required, and any one contravening the provisions hereof shall, without prejudice to the other remedies of the vendors, be liable to be restrained by interdict, injunction, or other process of law at the suit of the vendors.

19. Each purchaser shall and hereby agrees to make proper and efficient drains to catch up all overflow water, and prevent the same from damaging the land of others, or injuring the thoroughfares.

20. The vendors, or any person, company or corporation or public body or the Government having the vendors' written consent, shall have the right to carry furrows or sluits or piping or other irrigation works, to lay cables, to make railways and to conduct telegraphs, telephones or other works and undertakings over, on, or upon any roads on the estate and to execute repairs to the same, and the further right to fence off and enclose such works.

21. The vendors reserve the right to supply water for [irrigation] from the Kohraans Drift weir and relative works to properties besides those shown on the general plan of the estate, inclusive of the area now served from the present weirs on the estate, and that irrespective of whether such other properties belong to the vendors or others; also to extend the main canal beyond the present boundaries of the farms Bonterug and Landdrost Vee Plaats, also known as Mist Kraal, for the purpose of supplying water to such other properties as by this article provided.

22. The vendors reserve the right to deviate the present course of the Uye River, as shown on the general plan of the estate, by making and constructing another course for it, so as to give the said river a straighter run and thereby forming a new bed for the water of the said river to flow into the Sundays River.

23. The vendors hereby reserve the right to at any time hand over to the purchasers or to a committee of them to be appointed by the purchasers or by the vendors themselves, or to a local authority, the whole or any part of the irrigation and/or other works on the estate and/or the thoroughfares, the control thereof. On such right being exercised the vendors shall cease to be responsible in any wise for any undertakings, covenants and stipulations relative to irrigation agreed by them to be undertaken or performed by them under these presents, anything to the contrary notwithstanding. And all payments payable to the vendors under these presents shall thereon accrue for the benefit of said purchasers or committee or local authority. The vendors reserve full power to themselves to make and frame regulations for carrying the foregoing into effect and for the purposes thereof.

24. No sub-division of land shall at any time, now or in future, be competent which shall have the effect of reducing the area thereof below 5 morgen, without the written consent of the vendors. Before transfer of any land is effected by a purchaser, written notification thereof shall be given by him to the vendors, in which notification there shall be set forth the full name and address of the buyer or acquirer and the extent of the land or property about to be transferred.

25. No land or property shall be transferred until all payments, rates, or other items whatsoever due to the vendors in terms of these presents have been paid, and the buyer or acquirer or any successor in title taking transfer without first obtaining from the vendors a certificate in writing to the effect that all such have been duly paid by the intending transferor or predecessor in title, shall thereon become jointly and severally liable with such transferor for the payment to the vendors of such payments, rates, or other items.

26. If at any time the vendors find it necessary in the general interest of the purchasers or some of them to carry furrows or sluits or piping through alienated land or to construct other irrigation works thereon it shall thereupon be competent for the vendors, after giving fourteen (14) days' previous notice in writing of intention so to do to the owner concerned, to enter with their officers, workmen and material upon his ground and to construct said work or works and to thereafter use and maintain the same in all time to come. And if in the course of the execution of such work any growing crops or erections are interfered with, the vendors shall pay to the owner the value thereof, in so far as interfered with, as mutually agreed on, and failing such mutual agreement, as shall be fixed by arbitration as by these presents provided, the intention of parties being that the crop or erection interfered with and not the ground encroached upon shall alone be paid for or considered in the matter of compensation, and that the right of entry need not be postponed until the amount of compensation to be paid has been fixed or settled. And the right hereby reserved to the vendors shall in like manner be exercisable by any purchaser who is desirous of exercising the same for the benefit of his land, and who has the approval and authority in writing of the vendors to exercise the same. And it is hereby further stipulated that the like principle of compensation shall apply to any case arising under article 4 of these rules.

27. The vendors hereby reserve the right to any time sell, cede, transfer, set over, or assign, all or any of their property, rights, interests, obligations, covenants, and agreements herein contained unto any person, company, partnership, corporation, venture or syndicate, without having to obtain any consent from the purchasers; and the purchasers hereby agree to thereon accept such cessionary in place of the vendors, and to thereon release the vendors from all their obligations and undertakings contained in these presents.

28. The vendors reserve all right, title, ownership, and interest in, to, over and on the banks of the Sundays River or any other river on the estate and to a frontage of not less than ten (10) yards throughout on the Sundays River, and five (5) yards throughout on any other river on the estate; but purchasers shall have the right to use such river banks and such reserved frontage in such manner as the vendors may from time to time decide, on payment of a small fee to be from time to time fixed by the vendors.

18. Behalwe met skriftelike toestemming van die verkopers, mag niemand op die grond wat onder hierdie voorwaardes verkoop is, handel in sterkdrank, of 'n winkel oopmaak vir die verkoop van goed of handelsware of enige handel daarop drywe vir die voortsetting waarvan 'n lisensie nou vereis word of deur die wet vereis mag word, en enigeen wat hierdie voorwaardes oortree, kan onverminderd die ander middels van die verkopers, gedwing word deur interdik, bevel of ander regsvoordering op aanklag van die verkopers.

19. Elke koper moet en stem hierby toe, om geskikte en doeltreffende affeivore te maak vir opvang van al die oorloopwater en dit te belet om die grond van andere te beskadig, of om deurgange te beskadig.

20. Die verkopers, of enige persoon, maatskappy of korporasie of publieke liggaam of die Goewerment in besit van die verkopers se skriftelike toestemming, het die reg om vore, of slote of pype of ander besproeiingswerke te maak, kabela te lê, spoorweë aan te lê en om telegrawe, telefone, of ander werke en ondernemings aan te lê oor, of op enige paaie op die eiendom, en om reparasies daaraan te doen, en verder die reg om sodanige werke te omhein en toe te maak.

21. Die verkopers behou die reg om water vir besproeiing van die Kohraansdrift-dam en daarby behorende werke te verskaf aan eiendomme buiten dié aangetoon op die algemene plan van die eiendom met inbegrip van die oppervlakte nou bedien uit die teenswoordige damme op die eiendom, en ongeag of sodanige ander besittings aan die verkopers of andere behoort; ook om die hoofkanaal te verleng onderkant die teenswoordige grense van die plase, Bonterug en Landdrost Veeplaats, ook bekend as Mistkraal, vir die doel om water aan sodanige ander eiendomme, soos deur hierdie artikel bepaal, te verskaf.

22. Die verkopers behou die reg om die teenswoordige loop van die Uyerivier te verlé, soos aangetoon op die algemene plan van die eiendom, deur 'n ander loop daarvoor te bou of te maak, om die gemelde rivier meer reguit te laat loop en daarby 'n nuwe bed te vorm vir die water van die gemelde rivier om in die Sondagsrivier te loop.

23. Die verkopers behou hierby die reg om ten allen tyde aan die kopers of aan 'n komitee van hulle wat aangestel moet word deur die kopers of deur die verkopers self, of aan 'n plaaslike bestuur, die beheer oor die hele of enige deel van die besproeiings- en/of ander werke op die eiendom en/of die deurgange te oorhandig. As sodanige reg uitgeoefen word sal die verkopers ophou om op enige wyse verantwoordelik te wees vir enige ondernemings, ooreenkomste en bepalings in verband met besproeiing deur hulle ooreengekom om onderneem of wat deur hulle ooreenkomstig hierdie akte, uitgevoer moet word, nieteenstaande enige teenstrydige bepaling. Alle betalings betaalbaar aan die verkopers ingevolge hierdie akte sal daarop oploep vir die voordeel van gemelde kopers of komitee of plaaslike bestuur. Die verkopers behou volle bevoegdheid vir hulself om regulasies te maak en op te stel om bogemelde uit te voer en vir die doeleindes daarvan.

24. Geen onderverdeling van grond wat die gevolg sal hê om die oppervlakte daarvan onder 5 morges te verminder, sal te enige tyd, nou of in die toekoms, veroorloof wees nie sonder die skriftelike toestemming van die verkopers. Voor transport aangegaan word deur enige koper moet hy skriftelik daarvan kennisgee aan die verkopers, in welke kennisgewing die volle naam en adres van die koper of verkryer en die grootte van bedoelde grond of eiendom vermeld moet word.

25. Geen transport van grond of eiendom sal verkry word alvorens alle betalings, belastinge, of ander items, van welke aard ookal, aan die verkopers toekomende, in terme van hierdie akte, betaal is; en die koper of verkryer of enige opvolger in titel wat transport neem alvorens hy van die verkopers 'n skriftelike sertifikaat gekry het as bewys dat alle sodanige gelde, behoorlik betaal is deur die transportgewer wat voornemens is oordrag te gee, of sy voorganger in titel, is gesamentlik en afsonderlik met sodanige transportgewer aanspreeklik vir die betaling aan die verkopers van sodanige gelde, belastinge, of ander items.

26. As die verkopers dit te eniger tyd in die algemene belang van die kopers of sommige van hulle nodig vind om vore of slote of pype deur vervreemde grond te grawe of te lê of om ander besproeiingswerke daarop te bou, sal die verkopers, na hulle veertien (14) dae vooraf skriftelik aan die betrokke eienaar kennis gegee het van hul voorneme om dit te doen, daartoe bevoeg wees om op sy grond te gaan met hulle beamptes, werksmense en materiaal en gemelde werk of werke te bou en dit daarna ten allen tyde te onderhou en te gebruik. En as by uitvoering van sodanige werk enige skade gedoen word aan enige gewasse groeiende of geboue, moet die verkopers aan die eienaar die waarde daarvan betaal, in sover dit beskadig was, soos gesamentlik ooreengekom, en by gebreke van sodanige gesamentlike ooreenkoms, soos vasgestel sal word deur arbitrasie volgens hierdie akte bepaal; en dit sal die doel van die partye wees dat alleen vir gewasse of geboue wat beskadig was en nie vir die grond waarop inbreuk gemaak was betaal word, of in aanmerking geneem word by die kwessie van kompensasie, en dat dit nie nodig sal wees om die reg van toegang uit te stel tot die bedrag van kompensasie wat moet betaal word vasgestel of gereël is nie. Die reg wat hierby vir die verkopers voorbehou word kan op soortgelyke manier uitgeoefen word deur enige koper wat begerig is om dit vir die nut van sy grond uit te oefen, en wat die skriftelike goedkeuring en magtiging van die verkopers het om dit uit te oefen. En hierby word verder bepaal dat dieselfde beginsel van kompensasie sal toegepas word op enige saak wat voortspruit ingevolge artikel 4 van hierdie reëls.

27. Die verkopers behou hierby die reg voor om te enige tyd sonder om daartoe die toestemming te verkry van die kopers, enige of al hul eiendomme, regte, belangé, verpligtings, verbintenisse en ooreenkomste, in hierdie akte vervat, te verkoop, te cedeer, te transporteer, oor te maak en daarvan afstand te doen aan enige persoon, maatskappy, vennootskap, korporasie, onderneming of sindikaat; en die kopers stem hierby toe om dan sodanige cessionaris in plaas van die verkopers te erken en om daarop die verkopers te onthef van al hulle verpligtings en ondernemings in hierdie akte vervat.

28. Die verkopers behou alle reg, titel, eiendomsreg, en belang op en by en oor die walle van die Sondagsrivier of enige ander rivier op die eiendom en tot 'n breedte op die wal van minstens tien (10) jaarts deurgaans op die Sondagsrivier, en vyf (5) jaarts deurgaans op enige ander rivier op die eiendom; maar kopers het die reg om bedoelde rivierwalle en breedte te gebruik op sodanige wyse as die verkopers van tyd tot tyd mag besluit, teen betaling van 'n klein bedrag wat van tyd tot tyd deur die verkopers vasgestel sal word.



29. No animals shall be allowed to stray, roam, or graze on the public roads on the estate, and any such found so straying, roaming, or grazing, may be impounded by the vendors.

30. No Coolie, Chinaman, Arab, or coloured person shall be entitled to become, now or at any time hereafter, a registered owner of any property on the estate, or be entitled to become a lessee or occupier of ground on the estate, without the written consent of the vendors, and on such terms as the vendors shall in writing fix; and should any question at any time arise as to whether a person is or is not a Coolie, a Chinaman, an Arab, or a coloured person, the same shall be decided by the vendors or their assigns, and their decision shall be final.

31. The right to make or carry furrows through land shall include the right to lay pipes or other means of conveyance.

32. In the event of any purchaser failing to make payment of the contributions provided in Articles 9, 10, 12 and 13 hereof within thirty days of the same becoming due, then the vendors shall have the right, without notice, to decline and to refuse to supply water or to cut off the supply provided by Clause 2 hereof until such payments shall have been made and the purchaser shall notwithstanding continue liable to perform his obligations hereunder.

33. The vendors, or any person having their written authority so to do, shall have the right to construct, use, and maintain in perpetuity upon any alienated land and replace telephone, and/or telegraph poles and wires and accessories attaching thereto, together with the reasonable right of entry upon the said land for the purposes of this article.

34. The vendors shall not be liable for damage or loss that may happen to any animals or property of any kind of a purchaser or any other person through or by reason of any of the irrigation works, canals, or furrows of the vendors not being fenced or otherwise protected.

35. The vendors reserve all title and ownership in, over, and on all roads upon the estate and the right and power to carry furrows or sluits or piping, or to construct irrigation or general works thereon. But no responsibility shall attach to the vendors for repairs or otherwise to the said roads or any bridges or any works thereon or thereover.

36. The vendors reserve the right to consolidate any block or blocks of land now shown or hereafter to be shown on any general or other plan of the estate and to sell any of them or any sub-division of them subject to such conditions and provisions whether identical with or differing wholly or in part from these conditions and provisions.

37. In all matters which are under the provisions of these conditions to be determined by arbitration the same shall be referred to a single arbitrator in case the parties can agree upon one, and in default of agreement to two arbitrators; one to be appointed by each party to the difference who shall again before proceeding to consider the matters referred to them appoint an umpire, in accordance with and subject to the provisions of the Arbitrations Act, 1898, or any amending or substituted statute for the time being in force.

#### ANNEXURE "D 1".

1. Clause 1 of Annexure "D" was cancelled.

2. Clauses 2 and 3 of Annexure "D" were altered as follows:—

(2) The vendors shall supply in fair and reasonable quantities for irrigation purposes the water made available by the Sundays River Irrigation Board to those of said properties which are on the schedule of the said board, such supply being by rotation as arranged by the vendors, save and except, however, when prevented by act of God, flood, storm, accident, or any unforeseen contingency or circumstance.

(3) Should the water supply fail from any cause the vendors shall not be held liable for such failure, and on the water again becoming available in sufficient quantities, the supply shall commence from or at the spot last supplied before such failure of the water supply. There shall be no obligation to supply water other than by natural gravitation.

3. An addition to conditions, Annexure "D," was made as follows:—

The vendors' obligations to supply water for irrigation are subject to the rules and regulations of the Sundays River Irrigation Board and to whatever control the said board has by law over and to the water of the Sundays River and also to Act 41 of 1930.

#### ANNEXURE "E".

KNOW ALL MEN BY THESE PRESENTS that before me, VYVYAN HOWARD OWEN CHRISTIAN, of Port Elizabeth, in the Colony of the Cape of Good Hope, notary-public, by lawful authority duly admitted and sworn, and the presence of the subscribing witnesses, on the various dates and at the places set opposite to their respective signatures personally came and appeared the several persons as specified in Annexure "a" hereto, being THE PRESENT HOLDERS, either as registered owners or purchasers of land of the No. 1 System or Pioneer System, and of the No. 2 System or Botha's Drift Settlement on the SUNDAYS RIVER ESTATE, purchased originally from the Guardian Assurance and Trust Company of Port Elizabeth, Limited, of the one part, and JOHN WHYTE in his capacity as the Chairman, JOHN SCRIMGEOUR, a Director, and JAMES SEARLE in his capacity as the Secretary of "THE STRATHOMERS ESTATE COMPANY, LIMITED," on behalf of the Company, duly authorised by resolution of the Directors, dated 15th December, 1906, of the other part.

AND THESE APPEARERS declared that whereas the parties of the first part hold certain property, as per Annexure "a", subject to certain conditions whereby the Guardian Assurance and Trust Company of Port



29. Geen diere sal toegelaat word om rond te dwaal, te loop of te wei op die publieke paaie van die eiendom, en sulke diere wat so rond dwaal, loop, of wei, kan deur die verkopers geskut word.

30. Geen Koelie, Chinees, Arabier of kleurling sal geregtig wees om nou of enige tyd hierna, 'n geregistreerde eienaar van enige grond op die eiendom te word, of om 'n huurder of bewoner van grond op die eiendom te wees nie, sonder skriftelike toestemming van die verkopers, en op sodanige terme as die verkopers skriftelik sal vasstel; en as daar enige vraag ontstaan of 'n persoon 'n Koelie, 'n Chinees, 'n Arabier, of 'n kleurling is, sal dit vasgestel word deur die verkopers of hulle gevolmagtigdes, en hulle beslissing sal finaal wees.

31. Die reg om vore deur grond te maak of te neem sal insluit die reg om pype of ander vervoermiddels te lê.

32. Ingeval enige koper in gebreke bly om die kontribusies waarvoor voorsiening gemaak is in artikels 9, 10, 12 en 13 hiervan binne 30 dae nadat dit betaalbaar is, te betaal, sal die verkopers die reg hê om sonder kennisgewing te weier om water te verskaf of om die watertoevoer af te sny wat in Klousule 2 hiervan bepaal is, totdat sodanige betalings gemaak is, en die koper sal niteenstaande aanspreeklik bly om sy verpligtings ooreenkomstig hierdie akte na te kom.

33. Die verkopers, of enige persoon daartoe skriftelik gemagtig, het die reg om op enige vervreemde grond telefone en/of telegraafdrade aan te lê en op te rig en altyddurend te gebruik, en drade en benodigdhede daaraan verbonde te herstel, tesame met die redelike reg van toegang tot gemelde grond vir die doeleindes van hierdie artikel.

34. Die verkopers is nie aanspreeklik vir skade of verliese wat aan diere, of eiendom van enige aard, van 'n koper, of van enige ander persoon mag gedoen word deurdat enige van die besproeiingswerke, kanale, of vore van die verkopers, nie omhein of andersins beskerm is nie.

35. Die verkopers behou alle titel en eiendomsreg in, oor en op alle paaie op die eiendom en die reg en bevoegdheid om vore of slote of pype daaroor te grave of te lê, of om besproeiings- of algemene werke daarop te bou; maar die verkopers is nie verantwoordelik vir reparasie of andersins van gemelde paaie of enige brug of ander werke daarop of daaroor.

36. Die verkopers behou die reg om enige blok of blokke grond nou aangetoon of wat hierna aangetoon word op enige algemene of ander plan van die eiendom, te konsolideer, en om enige van hulle te verkoop of te verdeel onderworpe aan sodanige voorwaardes en bepalinge of dit ooreenkom met of geheel of gedeeltelik verskil van hierdie bepalinge en voorwaardes.

37. Alle sake wat onder die bepalinge van hierdie voorwaardes val en wat deur arbitrasie vasgestel moet word, sal verwys word na 'n enkele arbiter ingeval die partye aangaande die arbiter kan ooreenkom; en by gebreke van ooreenkoms na twee arbiters, waarvan een benoem word deur elke party tot die verskil; die arbiters moet voor hulle aangaan met die oorweging van die sake na hulle verwys, 'n skeidsregter benoem, ingevolge en onderworpe aan die voorwaardes van die Arbitrasiewet, 1898, of enige wysigings- of vervangingswet vir die tyd van krag.

#### AANHANGSEL „D 1”.

1. Klousule 1 van Aanhangsel „D” was gekanselleer.

2. Klousules 2 en 3 van Aanhangsel „D” was verander as volg:—

(2) Die verkopers moet in genoegsame en redelike hoeveelhede vir besproeiingsdoeleindes die water verskaf deur die Sondagsrivier-besproeiingsraad beskikbaar gestel vir sodanige van gemelde eiendomme wat op die skedule van die gemelde raad is, en sodanige voorsiening moet beurteliks wees soos gereël deur die verkopers, behalwe en uitgesonderd, egter, wanneer belet deur 'n natuurramp, vloed, storm, ongeluk, of enige onvoorsiene toeval of omstandigheid.

(3) As daar deur enige oorsaak tekort van water is word die verkopers nie aanspreeklik gehou vir sodanige tekortkoming nie, en as die water weer in genoegsame hoeveelhede verkrygbaar is, sal die voorraad begin vanaf die plek laas voorsien voor die tekort van die watervoorsiening. Daar sal geen verpligting wees om water te verskaf anders as deur natuurlike gravitasie.

3. 'n Toevoeging aan Voorwaardes, Aanhangsel „D”, was gemaak as volg:—

Die verkopers se verpligtings om water te verskaf vir besproeiing is onderworpe aan die reëls en regulasies van die Sondagsrivier-besproeiingsraad en aan die beheer wat gemelde raad volgens wet ook al het oor die water van die Sondagsrivier en ook aan Wet 41 van 1930.

#### AANHANGSEL „E”.

BY HIERDIE AKTE WORD BEKENDGEMAAK dat voor my, VYVYAN HOWARD OWEN CHRISTIAN, van Port Elizabeth, in die Kolonie die Kaap die Goeie Hoop, notaris, deur wettige gesag behoorlik toegelaat en beëdig, en in die teenwoordigheid van die ondertekenende getuies, op die verskillende datums en op die plekke teenoor hulle verskillende handtekeninge gesit, persoonlik gekom en verskyn het die verskeie persone soos gespesifiseer in Aanhangsel „a” hiervan, synde DIE TEENSWOORDIGE EIENARE, of as Geregistreerde Eienare of Kopers van grond van sisteem No. 1 of Pioneer-sisteem, en van sisteem No. 2 of Bothasdrift-nedersetting op die Sondagsrivier-Eiendom, oorspronklik gekoop van die Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, ter eenre, en JOHN WHYTE in sy hoedanigheid as Voorsitter, JOHN SCRIMGEOUR 'n Direkteur, en JAMES SEARLE in sy hoedanigheid as Sekretaris van „DIE STRATHOMERS-ESTATE-MAATSKAPPY BEPERK”, vir die Maatskappy, behoorlik gemagtig deur besluit van die Direkteure, gedateer 15 Desember 1906, ter andere.

EN DIE KOMPARANTE verklaar dat aangesien die partye ter eenre sekere eiendom besit, soos per Aanhangsel „a”, onderworpe aan sekere voorwaardes waarby die Guardian-Assuransie en Trustmaatskappy van

Elizabeth, Limited, aforesaid undertook to supply water for irrigation purposes and to do certain other acts and to make certain stipulations which will more fully appear on reference to the said conditions annexed to or contained in the original respective deeds of transfer from the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, in the Deeds Registry of this colony:

AND WHEREAS the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, by Deed of Sale dated the 22nd February, 1903, did sell to Oliver Percival Porter Hoole, acting on behalf of sundry individuals, who intended to and did combine and constitute themselves with others into "a Limited Liability Company" which is the said Strathsomers Estate Company, Limited, the party of the second part, which company is recognised as the purchaser of the remaining portion of the Sundays River Estate pursuant to the said deed of sale and whereas pursuant to the said deed of sale it became and is the duty of the party of the second part, *inter alia*, to secure from the parties of the first part a release for the seller from all and every obligation or obligations contained in the conditions of sale and deeds of transfer and to take over all such obligations which are to be transferred to the party of the second part:

AND WHEREAS the parties of the first part before granting such release to the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, and agreeing to the Transfer of the said obligations of the said Strathsomers Estate Company, Limited, desire some security for the due performance of the said obligations by the Strathsomers Estate Company, Limited:

AND WHEREAS they, the parties of the first part, have agreed to release the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, of its said obligations on the following terms and conditions:—

NOW THEREFORE they, the parties of the first part and of the second part, have mutually contrasted and agreed for themselves, their successors and assigns, as follows:

1. The parties of the first part, the registered owners or purchasers of a certain lot or lots of ground, as set forth in the said Annexure "A", in the Sundays River Valley, which piece or pieces of ground they hold subject to certain conditions of sale attached to and forming part of the original deed of transfer of the said property, whereby the Guardian Assurance and Trust Company of Port Elizabeth, Limited, are bound by certain obligations and whereby the owners from time to time of the said ground are also bound under certain obligations, do hereby, in consideration of the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, transferring the remaining portions of the said estate to the Strathsomers Estate Company, Limited, the party of the second part, consent to release the said Guardian Assurance and Trust Company of Port Elizabeth, Limited, from all its obligations, and do further agree to accept the Strathsomers Estate Company, Limited, the party of the second part, in their place and stead. They also agree to this consent and release being made an order of any competent court and to have such release recorded against the deed or deeds of transfer of their said lot or lots, if requested to do so, provided that the costs and charges in connection therewith are paid by the Strathsomers Estate Company, Limited.

2. The Strathsomers Estate Company, Limited, the party of the second part, hereby agrees to carry out the said conditions in their entirety in consideration of the parties of the first part accepting them in the place of the said Guardian Assurance and Trust Company of Port Elizabeth, Limited.

3. As a further consideration and as security and a guarantee of good faith that the company will well and faithfully perform all their obligations in the said conditions contained, the Strathsomers Estate Company, Limited, the party of the second part, agree to reserve and set apart for the purposes hereinafter referred to and for the security of the parties of the first part and of all other owners and purchasers of land from or under the Guardian Assurance and Trust Company of Port Elizabeth, Limited, at the time of taking over by the Strathsomers Estate Company, Limited, and the present or any future owners or purchasers of land from or under the Guardian Assurance and Trust Company of Port Elizabeth, Limited, or the Strathsomers Estate Company, Limited, on the aforesaid Systems, Nos. 1 and 2, their heirs, successors and assigns, certain 200 morgen of irrigable land on Systems Nos. 1 and 2 of the Strathsomers Estate Company, Limited, which land has already been pointed out to the parties of the first part and is more fully and clearly set out in the diagram annexed hereto, marked "B", framed by Government Surveyor, Harold B. Smith.

4. The aforesaid reserved land shall from time to time be sold by the company for a minimum price of fifty pounds (£50) per morgen, unless the trustees to be appointed as hereinafter set forth shall agree upon some other minimum price and in the event of the trustees so agreeing to a less minimum price than fifty pounds (£50), then the company shall pay to the trustees a sum equal to the difference between £50 and the amount of the actual purchase price—such sum to be paid over to the trustees within one month after the day of sale. And all of the aforesaid reserved land shall be sold upon the following conditions:—

- (a) Ten pounds (£10) of the purchase price of every morgen shall be paid in cash and the balance as mutually agreed upon by the sellers and purchaser. Provided that interest shall always be paid on the amount of the unpaid purchase price at the rate of six (6) per cent. per annum by the purchaser.
- (b) The property shall not be transferred to the purchaser until the whole amount of the purchase price is paid.
- (c) The purchaser shall pay to the Strathsomers Estate Company, Limited, their successors or assigns, an annual water rate of one pound (£1) per morgen per annum of land so purchased, payment to be made in two instalments on the 30th June and 31st December in each and every year.

Port Elizabeth, Beperk, hierbo gemeld, onderneem het om water vir besproeiingsdoeleindes te verskaf en om sekere ander dade te doen en om sekere bepalinge te maak wat vollediger sal voorkom by verwysing na gemelde voorwaardes toegevoeg aan of vervat in die oorspronklike respektiewe Transportaktes van gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, in die registrasiekantoor van hierdie kolonie :

EN NADemaal gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, deur koopbrief gedateer 22 Februarie 1903, verkoop het aan Oliver Percival Porter Hoole, agerende vir verskillende persone, met die voorneme (waaraan hulle gevolg gegee het) om hulself met andere te verenig en saam te stel tot 'n Maatskappy met Beperkte aanspreeklikheid, wat die gemelde Strathsomers-Estate-Maatskappy, Beperk, is, die party ter andere, welke Maatskappy erken word as die koper van die resterende deel van die Sondagsrivier-eiendom ooreenkomstig die koopbrief, en aangesien ooreenkomstig die gemelde koopbrief, dit die plig van die party ter andere geword het en is, om, *inter alia*, van die partye ter eenre 'n vrystelling vir die koper van alle en elke verpligting of verpligtings te verkry vervat in die voorwaardes van koop en kooppriewe en om oor te neem alle sodanige verpligtings wat moet oorgedra word aan die party ter andere :

EN NADemaal die partye ter eenre voor hulle sodanige vrystelling aan die gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, gee, en toestem in die oordrag van gemelde verpligtings van gemelde Strathsomers-Estate-Maatskappy, Beperk, wens sekuriteit te verkry vir die behoorlike nakoming van die gemelde verpligtings deur die Strathsomers-Estate-Maatskappy, Beperk :

EN NADemaal hulle, die partye ter eenre, ooreengekom het om die gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, vry te stel van sy gemelde verpligtings op die volgende terme en voorwaardes :

So IS DIT DAT hulle, die partye ter eenre en ter andere, gemeenskaplik aangeneem en ooreengekom het vir hulself, hulle opvolgers en gevolmagtigdes, as volg :—

1. Die partye ter eenre, die geregistreerde eienare of kopers van 'n sekere stuk of stukke grond, soos uiteengesit in gemelde Aanhangel „A", in die Sondageriviervallei, welke stuk of stukke grond aan hulle toekom onderworpe aan sekere voorwaardes van verkoop daaraan toegevoeg en gedeelte vormende van die oorspronklike koopbrief van gemelde eiendom, waardeur die Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, deur sekere verpligtings gebind is en waardeur die eienare van tyd tot tyd van gemelde grond ook deur sekere verpligtings gebind is, gee hierby, ingeval gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, die orige gedeeltes van die gemelde eiendom aan die Strathsomers-Estate-Maatskappy, Beperk, die party ter andere, transporteer, hulle toestemming tot die vrystelling van gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, van al sy verpligtings, en stem verder toe om die Strathsomers-Estate-Maatskappy, Beperk, die party ter andere, in sy plek te erken. Hulle stem ook toe dat hierdie toestemming en vrystelling 'n Orde van 'n Bevoegde Hof gemaak word en om sodanige vrystelling te laat aanteken op die Transportakte of Aktes van gemelde stuk of stukke grond, as dit verlang word, op voorwaarde dat die koste en onkoste in verband daarmee deur die Strathsomers-Estate-Maatskappy, Beperk, betaal word.

2. Die Strathsomers-Estate-Maatskappy, Beperk, die party ter andere, stem hierby toe om gemelde voorwaardes in sy geheel uit te voer as die partye ter eenre hulle erken in plaas van gemelde Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk.

3. As 'n verdere konsiderasie en as sekuriteit en 'n versekering van goeie trou dat die Maatskappy behoorlik en getrou al hulle verpligtings, vervat in die gemelde voorwaardes, sal nakom, stem die Strathsomers-Estate-Maatskappy, Beperk, die party ter andere, toe om te behou en opsy te sit, vir die doeleindes hierna genoem en vir sekuriteit van die partye ter eenre en van alle ander eienare en kopers van grond van of onder die Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, op die tyd van oornome deur die Strathsomers-Estate-Maatskappy, Beperk, en die teenswoordige of enige toekomstige eienare of kopers van grond van of onder die Guardian-Assuransie en Trustmaatskappy van Port Elizabeth, Beperk, op die bogemelde sisteme, Nos. 1 en 2, hulle erfename, opvolgers of gevolmagtigdes, sekere 200 morge besproeibare grond op sisteme Nos. 1 en 2 van die Strathsomers-Estate-Maatskappy, Beperk, welke grond alreeds aangewys is aan die partye ter eenre en uitvoeriger en duideliker uiteengesit word in die kaart hieraangeheg, gemerk „B", vervaardig deur Goewermentslandmeter, Harold B. Smith.

4. Die bogemelde gereserveerde grond sal van tyd tot tyd deur die Maatskappy verkoop word vir 'n minimum prys van vyftig pond (£50) per morg, tensy die kurators wat aangestel moet word soos hierna uiteengesit, 'n ander minimum-prys vasstel en ingeval die kurators ooreenkom tot 'n kleiner minimum-prys as vyftig pond (£50), dan sal die Maatskappy aan die kurators 'n bedrag betaal gelykstaande aan die verskil tussen £50 en die bedrag van die werklike koopprys—sodanige bedrag moet uitbetaal word aan die kurators binne een maand na die dag van verkoop. Al die bogemelde gereserveerde grond sal op die volgende voorwaardes verkoop word :—

- (a) Tien pond (£10) van die koopprys van elke morg moet kontant betaal word en die res soos onderling ooreengekom deur die verkopers en kopers, op voorwaarde dat die koper altyd rente moet betaal op die bedrag van die onbetaalde koopprys teen ses (6) persent per jaar.
- (b) Die eiendom sal nie getranspoteer word aan die koper alvorens die hele bedrag van die koopprys betaal is nie.
- (c) Die koper moet aan die Strathsomers-Estate-Maatskappy, Beperk, hulle opvolgers of gevolmagtigdes, 'n jaarlikse waterbelasting van een pond (£1) per morg per jaar betaal op grond aldus gekoop en die betaling moet geskied in twee paaiemente op die 30ste Junie en 31ste Desember in elke jaar.



- (d) That the other conditions of sale shall be as per copy annexed marked "C", which shall apply to the 200 morgen hereby reserved and to any other land belonging to the Nos. 1 and 2 Systems, as defined in the annexed diagram, now unsold.

5. The company undertake that they will before selling and disposing of any of their other land, sell and dispose of not less than 100 morgen of the said aforesaid reserved land, and thereafter shall be at liberty to sell and dispose of 50 morgen (but no more) of their other land, and further that they shall then proceed to sell the remaining 100 morgen of the said reserved land, before selling and disposing of any of their other land, subject however to this condition that they, the said company, shall, when and so soon as they shall have sold and disposed of not less than 50 morgen of the remaining 100 morgen of the said reserved land, be at liberty to sell and dispose of 50 morgen (but no more) of their other land.

6. The purchase price of the said land, or any instalment thereof whenever paid, together with all interest on the said price or any instalment thereof, shall be paid to the Strathsomers Estate Company, Limited, by whom it shall be immediately handed over to the trustees, to be appointed, one by the parties of the first part and one by the parties of the second part, to be held by them in trust and to be from time to time invested or reinvested by them, as occasion may require, for the purposes hereinafter set forth, on first mortgage of landed property in South Africa and not otherwise, and the aforesaid trustees shall be known as "The Trustees of the Irrigation Protection Fund of the Strathsomers Estate Company, Limited". The interest from such investments shall be collected by the trustees of the Irrigation Protection Fund of the Strathsomers Estate Company, Limited, and shall be paid over within fourteen (14) days of being so collected to the secretary of the Strathsomers Estate Company, Limited, for the use and benefit of the company, provided that such interest shall only be paid over to the secretary of the Strathsomers Estate Company, Limited, as aforesaid until such time, if any, as the Strathsomers Estate Company, Limited, shall go into voluntary liquidation, or shall be wound up by order of court. The trustees shall be entitled to charge five (5) per cent. commission on all interest on the aforesaid amounts collected by them, such commission to be for their own use and benefit.

7. In consideration of the trustees allowing all interest on purchase price to be paid over to and used by the Strathsomers Estate Company, Limited, as aforesaid, the said Strathsomers Estate Company, Limited, undertake forthwith on the signature of this agreement to place in the name of the trustees the sum of three hundred pounds (£300) sterling on a six (6) months fixed deposit at some bank or trust company in Port Elizabeth to be agreed upon by the trustees, provided that the interest accruing on this amount shall be paid over every six (6) months by the trustees to the Strathsomers Estate Company, Limited, and to authorise the trustees aforesaid to continue to renew the aforesaid fixed deposit every six months until such time as is mentioned and described in the last preceding clause may arrive, when the said trustees shall forthwith be entitled to receive and be at liberty from that time to use or invest for the purposes hereinafter set forth the said sum of three hundred pounds (£300) and shall be entitled for the said purposes to collect and use or invest all interest on investments of paid up purchase price as aforesaid and on unpaid purchase price and also to collect and use or invest as aforesaid any unpaid purchase price.

8. The purposes mentioned in the last preceding paragraph are all or any of the following, to wit:—

- (a) To carry out the obligations of the transferors contained in the conditions of sale under which the respective parties of the first part, together with those persons referred to in Clause 3, above became either the registered owners or purchasers of land forming part of the Sundays River Estate.
- (b) To apply all or any portion of the said capital sum and the interest accruing from time to time for any of the above purposes with power to invest or re-invest any portion of the same not immediately required on first mortgage of landed property in South Africa, and not otherwise, and from time to time to require payment of any instalments so that the said amounts may be available for any of the said purposes or, if necessary, to re-invest the same.
- (c) And generally to do all such other acts, matters, and things as may be required to protect and enforce the rights of the parties of the first part, together with those persons referred to in Clause 3 above, their successors or assigns under this agreement.

9. It is moreover understood and agreed that, if such time as is mentioned and described in Clause 6 hereof shall arrive, the remainder of the said extent of 200 morgen of land so reserved and set apart as aforesaid, shall continue from time to time to be sold and be disposed of by the company or any liquidator of the company subject to the terms of this agreement and the price and interest shall be paid over to the trustees to be by them used or invested in manner provided in Clause 7 hereof.

10. It is further specially understood and agreed that, if such time as is mentioned and described in Clause 6 hereof shall arrive, then all water rates due by either the registered owners or purchasers whether present or future of land of the No. 1 System or Pioneer System and of the No. 2 System or Botha's Drift Settlement of the Sunday's River Estate shall be paid not to the Strathsomers Estate Company, Limited, or their successors or assigns or any liquidator of the said company, but shall from the aforesaid time be paid to "The Trustees of the Irrigation Protection Fund of the Strathsomers Estate Company, Limited", and shall be collected, invested and used by the said trustees for the purpose and in the manner mentioned in paragraphs 6, 7 and 8 hereof.

11. The first trustees under this agreement shall be the chairman, for the time being and his successor in office, of the Strathsomers Estate Company, Limited, appointed by the Strathsomers Estate Company, Limited, and the secretary for the time being of the Port Elizabeth



- (d) Die ander voorwaardes van verkoop sal wees soos per aangehegte kopie gemerk „C”, wat van toepassing sal wees op die 200 morge hierby gereserveer en op enige ander grond behorende aan sisteme Nos. 1 en 2, soos uiteengesit in die aangehegte kaart, nou onverkoop.

5. Die Maatskappy onderneem dat hulle voor hulle enige van hulle ander grond van die hand sit of verkoop, minstens 100 morge van die genoemde voormelde gereserveerde grond sal verkoop en van die hand sit, en daarna sal hulle vry wees om van 50 morge (maar nie meer nie) van hulle grond te verkoop of van die hand te sit, en verder dat hulle dan sal begin om die orige 100 morge van gemelde gereserveerde grond te verkoop, voor hulle enige van hulle ander grond verkoop of van die hand sit, onderworpe egter, aan hierdie voorwaarde, dat hulle, die gemelde Maatskappy, wanneer en so gou as hulle minstens 50 morge van die orige 100 morge van gemelde gereserveerde grond verkoop of van die hand gesit het vry sal wees om 50 morge (maar nie meer nie) van hulle ander grond te verkoop of van die hand te sit.

6. Die koopprys van gemelde grond, of enige paalement daarvan, wanneer betaal, tesame met alle rente op die gemelde prys of enige paalement daarvan, moet aan die Strathsomers-Estate-Maatskappy, Beperk, betaal word, deur wie dit dadelik aan die kurators oorhandig moet word wat aangestel sal word, een deur die partye ter eenre en een deur die partye ter andere, en wat hulle in trust moet hou en van tyd tot tyd moet belê of weer belê, na gelang van omstandighede, vir die doeleindes hierna uiteengesit, op eerste verband teen plaas eiendom in Suid-Afrika, en nie andersins nie, en die bogemelde kurators sal bekend staan as „Die Kurators van die Besproeiingsbeskermingsfonds van die Strathsomers-Estate-Maatskappy, Beperk”. Die rente van sodanige beleggings sal deur die kurators van die Besproeiingsbeskermingsfonds van die Strathsomers-Estate-Maatskappy, Beperk, ingevorder word, en moet binne veertien (14) dae na invordering aan die Sekretaris van die Strathsomers-Estate-Maatskappy, Beperk, uitbetaal word, vir die gebruik en nut van die Maatskappy, op voorwaarde dat sodanige rente aan die Sekretaris van die Strathsomers-Estate-Maatskappy, Beperk, soos bogemeld uitbetaal sal word, tot sodanige tyd, as die Strathsomers-Estate-Maatskappy, Beperk, in vrywillige likwidasie gaan of deur 'n order van die hof ontbind word. Die kurators sal geregtig wees om vyf (5) persent kommissie te vra op alle rente op die bogemelde bedrae deur hulle ingevorder, en sodanige kommissie sal wees vir hulle eie gebruik en nut.

7. Ingeval die kurators sou toelaat dat alle rente op die koopprys uitbetaal word aan en gebruik word deur die Strathsomers-Estate-Maatskappy, Beperk, soos bogemeld, onderneem gemelde Strathsomers Estate-Maatskappy, Beperk, om dadelik na ondertekening van hierdie ooreenkoms, op naam van die kurators die som van driehonderd pond (£300) sterling op vaste deposito met ses maande opsegging by 'n bank of trustmaatskappy in Port Elizabeth volgens besluit van die kurators, te deponeer, op voorwaarde dat die rente wat op die bedrag oploop elke ses (6) maande deur die kurators aan die Strathsomers-Estate-Maatskappy, Beperk, uitbetaal word en om gemelde kurators te magtig om gemelde vaste deposito elke ses maande te hernu tot sodanige tyd as gemeld en beskryf in die laas voorgaande klousule aanbreek, wanneer gemelde kurators onmiddellik geregtig sal wees om die gemelde bedrag van driehonderd pond (£300) te ontvang en vry te wees vanaf daardie tyd om te gebruik en te belê vir die doeleindes hierna uiteengesit en geregtig sal wees om vir gemelde doeleindes alle rente op beleggings van opbetaalde koopprys in te vorder en te gebruik of te belê, en ook om enige onbetaalde koopprys in te vorder, te gebruik en belê soos gemeld.

8. Die doeleindes gemeld in die laas voorgaande paragraaf is almal of enige van die volgende, te wete:—

- (a) Om die verpligtings van die transportgewers vervat in die voorwaardes van verkoop waaronder die respektiewe partye ter eenre, tesame met daardie persone vermeld in Klousule 3, hierbo of die geregistreerde eienare of kopers geword het van grond wat 'n gedeelte vorm van die Sondagsrivier-eiendom, uit te voer;
- (b) om alle of enige deel van gemelde kapitale bedrag en die rente wat van tyd tot tyd oploop aan te wend vir enige van die bogemelde doeleindes met bevoegdheid om enige deel daarvan nie dadelik benodig te belê en opnuut te belê op eerste verband teen plaaseiendom in Suid-Afrika, en nie andersins nie, en van tyd tot tyd betaling te vra van enige paalemente sodat die gemelde bedrae beskikbaar mag wees vir enige van die gemelde doeleindes, of, indien nodig, om dit opnuut te belê;
- (c) en in die algemeen om alle sodanige dade, sake, en dinge te doen soos mag nodig wees om die regte van die partye ter eenre tesame met daardie persone vermeld in Klousule 3 hierbo, hulle opvolgers of gevolmagtigdes onder hierdie ooreenkoms te beskerm en te handhaaf.

9. Dit word bowendien verstaan en ooreengekom dat, as die tyd soos gemeld en beskryf in Klousule 6 hiervan, aanbreek, die res van gemelde grootte van 200 morge grond, aldus gereserveer en opsy gesit soos bogemeld, nog van tyd tot tyd deur die Maatskappy of enige likwidateur van die Maatskappy, verkoop en van die hand gesit sal word, onderworpe aan die terme van hierdie ooreenkoms, en die prys en rente sal uitbetaal word aan die kurators wat dit sal gebruik of belê soos bepaal in Klousule 7 hiervan.

10. Dit word verder spesiaal verstaan en ooreengekom dat, as sodanige tyd soos gemeld en beskryf in Klousule 6 hiervan aanbreek, alle waterbelastinge betaalbaar hetsy deur die teenwoordige of toekomstige geregistreerde eienare of kopers van grond van Sisteem No. 1 of Pioniersisteem en van Sisteem No. 2 of Bothasdrift-Nedersetting van die Sondagsrivier-eiendom sal betaal word, nie aan die Strathsomers-Estate-Maatskappy, Beperk, of hulle opvolgers of gevolmagtigdes of enige likwidateur van gemelde Maatskappy nie, maar vanaf gemelde tyd betaal moet word aan „die kurators van die Besproeiingsbeskermingsfonds van die Strathsomers-Estate-Maatskappy, Beperk”, en deur die gemelde kurators ingevorder, belê en gebruik sal word vir die doeleindes en op die manier gemeld in paragrawe 6, 7 en 8 hiervan.

11. Die eerste kurators onder hierdie ooreenkoms sal wees die voorsitter in funksie en sy opvolger in amp, van die Strathsomers-Estate-Maatskappy, Beperk, aangestel deur die Strathsomers-Estate-Maatskappy, Beperk, en die sekretaris in funksie van die Port Elizabeth-Assuransie en

Assurance and Trust Company, Limited; and the chairman for the time being of the Strathsomers Estate Company, Limited, shall continue to act until he shall become insolvent or assign his estate or die, or resign his office or until his office shall be declared vacant by a resolution of the board of directors of the Strathsomers Estate Company, Limited, or of a general meeting of shareholders. In any of the abovementioned cases, the directors shall forthwith by a resolution appoint a trustee to fill the vacant office; the secretary for the time being of the Port Elizabeth Assurance and Trust Company, Limited, shall continue to act until he shall become insolvent or assign his estate or die, or resign his office or until his office shall be declared vacant by the majority of the parties of the first part voting either in person or by proxy, the chairman to have a casting vote, at a meeting called for the purpose by anyone of the parties of the first part giving to each of the parties of the first part seven (7) days' notice of the time, date, place, and purpose of the meeting by registered letter, sent to the address of each party of the first part at his or her address as registered in the books of the Strathsomers Estate Company, Limited, the meeting to be held at the residence of any one of the members of the first part, or any public place on the estate. In any of the above cases, in order to fill the vacant office of the trustee of the parties of the first part, a meeting shall be called as in the preceding section mentioned at which a new trustee shall be appointed by the majority of those voting in person or by proxy. Each registered owner in the aforementioned estate shall have a vote for each and every morgen of irrigable land held by him, fractions not to count.

12. In the event of the Strathsomers Estate Company, Limited, going into voluntary liquidation or when such time arrives as is mentioned and described in Clause 6 hereof, then the appointment of the trustee by the said Strathsomers Estate Company, Limited, shall immediately lapse and the parties of the first part and the parties described in Clause 3 (3) hereof shall then be entitled to elect two trustees instead of the one hitherto elected by the company to act with the remaining trustee elected under Clause 10 by themselves, and the same causes for the vacancy of the office of trustee shall continue in force for all trustees as were previously in force for the trustee appointed by the parties of the first part and the same procedure for declaring the office of trustee vacant, or electing of a new trustee or trustees; and the trustees duly appointed by the parties of the first part shall have all the powers necessary to carry out the purposes mentioned in section eight hereof, and to fully protect in every way possible the interests of all the parties of the first part or their successors in title and of future purchasers under Clause 3 hereof, and to do all such things and to have such powers as are incidental and conducive to the carrying out of the meaning and intent of this agreement.

13. And it is hereby agreed and declared that if at any time hereafter any dispute, difference, or question shall arise between the said parties hereto or their respective heirs, successors, executors, administrators or assigns, or any of them, touching the construction, meaning, or effect, of these presents or any clause or thing herein contained or the rights or liabilities of the said parties respectively or their respective heirs, executors, administrators, successors or assigns, or any of them, under these presents or otherwise howsoever in relation to the premises, then every such dispute, difference, or question shall be referred to the arbitration of three persons, of whom one shall be appointed by each party to the reference and the third shall be appointed in writing by the two arbitrators so appointed before commencing the business of the reference, and the decision of any two of the arbitrators shall be binding. And if either party shall refuse or neglect to appoint an arbitrator within twenty-one (21) days after the other party shall have appointed an arbitrator and shall have served a written notice upon the first-mentioned party requiring such party to make such appointment, then the arbitrator appointed as aforesaid shall at the request of the party appointing him proceed to hear and determine the matters in difference as if he were an arbitrator appointed by both parties for that purpose: and the award or determination which shall be made by the said arbitrators or arbitrator shall be final and binding upon the said parties hereto respectively and their respective heirs, executors, successors, administrators and assigns, so as such arbitrators or arbitrator shall make their or his award in writing within ninety (90) days next after the reference to them or him; and also that the respective parties to such reference and all persons claiming through them respectively shall submit to be examined by the said arbitrators or arbitrator upon oath or affirmation in relation to the matters in dispute and shall produce before the arbitrators or arbitrator all books, deeds, papers, accounts, writings and documents within the possession or power of the said respective parties, which may be required or called for; and do all other things which, during the proceedings of the said reference, the said arbitrators or arbitrator may require; and that the witnesses on the reference shall, if the arbitrators or arbitrator shall think fit, be examined on oath or affirmation; and that the costs of the reference and award shall be in the discretion of the arbitrators or arbitrator who may direct to and by whom and in what manner the same or any part thereof shall be paid. The arbitrators appointed as aforesaid shall have all the same powers as regards witnesses for compelling their attendance and examining them on oath and all other purposes as are conferred by the "Arbitration Act of 1898".

14. It is specially agreed between the parties hereto that this agreement shall be registered against the title deeds of the Strathsomers Estate Company, Limited, and also against the title deeds of the parties of the first part if they wish it and shall be binding mutually upon the parties hereto, their heirs, administrators, executors or assigns, including any liquidator of the company and any trustee in insolvency of any of the parties of the first part, and all expenses connected with this agreement or the registration thereof, and with obtaining any order of court in connection with this agreement or the registration thereof shall be provided or paid by the Strathsomers Estate Company, Limited.

Thus done and passed on the dates and at the places aftermentioned in the presence of the subscribing witnesses.

Trustmaatskappy, Beperk; die voorsitter in funksie van die Strathsomers-Estate-Maatskappy, Beperk, sal aanhou om te fungeer totdat hy insolvent gaan of van sy boedel afstand doen of sterf, of sy pos bedank of tot sy pos vakant verklaar word by besluit van die raad van direkteure van die Strathsomers-Estate-Maatskappy, Beperk, of van 'n algemene vergadering van aandeelhouders. In enige van die bogemelde gevalle, sal die direkteur deur 'n besluit 'n kurator aanstel om die vakante pos te vul; die sekretaris in funksie van die Port Elizabeth-Assuraansie en Trustmaatskappy, Beperk, sal aanhou om te fungeer totdat hy insolvent gaan of van sy boedel afstand doen, of sterf, of sy pos bedank of totdat sy pos deur die meerderheid van die partye ter eenre, stemmende of persoonlik of per gevolmagtigde, waarby die voorsitter die beslissende stem het, vakant verklaar word, op 'n vergadering belê vir die doel deur enige van die partye ter eenre wat aan elk van die partye ter eenre sewe (7) dae vantevore kennis moet gee van die tyd, datum, plek, en doel van die vergadering per geregistreerde brief, gestuur aan elke party ter eenre aan sy of haar adres soos geregistreer in die boeke van die Strathsomers-Estate-Maatskappy, Beperk; en die vergadering sal gehou word ten huise van enigeen van die lede van die partye ter eenre, of enige publieke plek op die eiendom. In enige van bogemelde gevalle moet, om die vakante pos van die kurator van die partye ter eenre, te vul, 'n vergadering belê word soos in voorgaande deel gemeld, waarop 'n nuwe kurator sal aangestel word deur die meerderheid van dié wat persoonlik of per gevolmagtigde stem. Elke geregistreerde eienaar in die bogemelde eiendom het 'n stem vir elke morg besproefbare grond op sy naam waarby breuke nie getel word nie.

12. Ingeval die Strathsomers-Estate-Maatskappy, Beperk, in vrywillige likwidasie gaan of wanneer die tyd, soos gemeld en beskryf in klousule 6 hiervan aanbreek, sal die aanstelling van die kurator deur gemelde Strathsomers-Estate-Maatskappy, Beperk, dadelik verval en die partye ter eenre en die partye beskryf in klousule drie (3) hiervan sal dan geregtig wees om twee kurators in plaas van die een tot dusver gekies deur die maatskappy, te benoem om saam met die oorblywende kurator ingevolge Klousule 10 deur hulself gekies, te ageer, en dieselfde oorsake vir die vakature van die pos van kurator sal ook nog van krag wees vir alle kurators soos van te vore van krag was vir die kurator aangestel deur die partye ter eenre, en dieselfde prosedure vir die vakant verklaring van die pos van kurator, of die verkiesing van 'n nuwe kurator of kurators; en die kurators behoorlik aangestel deur die partye ter eenre sal al die bevoegdheid hê wat nodig is vir die uitvoering van die doeleindes gemeld in artikel 8 hiervan, en om die belange van al die partye ter eenre of hulle opvolgers in titel en van toekomstige kopers onder Klousule 3 hiervan op alle maniere ten volle te beskerm, en om alle sodanige dinge te doen en om sodanige bevoegdheid te hê as hydra en bevorderlik sal wees tot die uitvoering van die betekenis en doel van hierdie ooreenkoms.

13. En dit word hierby ooreengekom en verklaar dat as te enige tyd hierna enige geskil, verskil, of kwessie ontstaan tussen gemelde partye tot hierdie akte of hulle respektiewe erfenames, opvolgers, eksekuteurs, administrateurs of gevolmagtigdes, of enige van hulle, wat die uitlegging, betekenis, of uitwerking van hierdie akte, of enige klousules of ding hierin vervat, of die regte of aanspreeklikhede van die gemelde partye respektiewelik of hulle respektiewe erfenames, eksekuteurs, administrateurs, opvolgers of gevolmagtigdes, of enige van hulle, ingevolge hierdie akte of andersins, hoe ook al, in verband met die eiendomme, raak, dan moet elke sodanige geskil, verskil, of kwessie verwys word na die arbitrasie van drie persone, van wie een benoem sal word deur elke party van die verwysing en die derde skriftelik benoem sal word deur die twee arbiters aldus benoem alvorens hul met die aangeleenthede van die verwysing begin, en die besluit van enige twee van die arbiters is bindend. As enige party weier of nalaat om 'n arbiter aan te stel binne een-en-twintig (21) dae na die ander party 'n arbiter aangestel het, en 'n skriftelike kennisgewing aan die voormelde party gestuur het, waarby daardie party gevra word om sodanige aanstelling te maak, dan sal die arbiter aangestel soos gemeld, op versoek van die party wat hom aanstel begin om die geskilpunte te hoor en vas te stel asof hy 'n arbiter is wat deur beide partye vir daardie doel aangestel is, en die beslissing of vasstelling wat deur gemelde arbiter gemaak sal word, sal finaal en bindend wees respektiewelik op die gemelde partye tot hierdie akte en hulle respektiewe erfenames, eksekuteurs, opvolgers, administrateurs en gevolmagtigdes, soos sodanige arbiters of arbiter hulle of sy skriftelike beslissing binne neëntig (90) dae na die verwysing na hulle of hom, maak; en ook dat die respektiewe partye tot sodanige beslissing en alle persone eisende deur hulle respektiewelik hulle sal onderwerp aan ondersoek deur gemelde arbiters of arbiter op eed of bevestiging in verband met die geskilpunte en aan die arbiters of arbiter sal voorlê alle boeke, aktes, geskrifte, rekenings, en dokumente, in die besit of beheer van gemelde respektiewe partye, wat nodig mag wees of gevra mag word; en alle ander dinge doen, wat, tydens die behandeling van die gemelde opdrag, gemelde arbiters of arbiter mag nodig hê; en dat die getuies betrokke by die opdrag, as die arbiters of arbiter dit goeddink, ondersoek word onder eed of bevestiging; en dat die koste van die opdrag en beslissing sal wees na goeddunke van die arbiters of arbiter wat sal voorskryf aan en deur wie en op watter wyse dit of enige deel daarvan betaal moet word. Die arbiters soos aldus aangestel het al die bevoegdhede betreffende getuies om hulle teenwoordigheid te eis en hulle te ondersoek onder eed en alle ander doeleindes soos verleen deur die „Arbitrasiewet van 1898".

14. Dit is spesiaal ooreengekom tussen die partye tot hierdie akte dat hierdie ooreenkoms sal aangeteken word teen die transportakte van die Strathsomers-Estate-Maatskappy, Beperk, en ook teen die transportakte van die partye ter eenre as hulle dit wens en wedersyds bindend sal wees vir die partye tot hierdie akte, hulle erfenames, administrateurs, eksekuteurs, of gevolmagtigdes, met inbegrip van enige likwidateur van die maatskappy en enige kurator in insolvensie van enige van die partye ter eenre; en alle koste verbonde aan hierdie ooreenkoms of die registrasie daarvan, en met die verkryging van enige order van die hof in verband met hierdie ooreenkoms of die registrasie daarvan sal verskaf of betaal word deur die Strathsomers-Estate-Maatskappy, Beperk.

Aldus gedaan en geteken op die datums en op die plekke hierna genoem in teenwoordigheid van die ondertekenende getuie.



| <i>Signature.</i>                                                                      | <i>Witnesses.</i>  | <i>Place.</i>     | <i>Date.</i>         |
|----------------------------------------------------------------------------------------|--------------------|-------------------|----------------------|
| Fred Frank ..                                                                          | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| J. C. Foxcroft ..                                                                      | Fred Frank ..      | Bayville ..       | 15/12/06             |
| P. F. W. Jurgens ..                                                                    | Fred Frank ..      | Bayville ..       | 15/12/06             |
| C. P. J. Jurgens ..                                                                    | Fred Frank ..      | Bayville ..       | 15/12/06             |
| E. A. Robinson,<br>assisted by me<br>S. M. Robinson ..                                 | Fred Frank ..      | Bayville ..       | 15/12/06             |
| A. Todes ..                                                                            | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| M. J. Raulstone ..                                                                     | John Scrimgeour .. |                   |                      |
| B. Anderson ..                                                                         | John Scrimgeour .. |                   |                      |
| D. Liebowitz ..                                                                        | P. Ehrlich ..      |                   |                      |
| I. Liebowitz ..                                                                        | P. Ehrlich ..      | Bayville ..       | 15/12/06             |
| J. Rushforth ..                                                                        | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| E. Green<br>Executor<br>Testamentary<br>Estate late<br>William Green ..                | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| John Whyte ..                                                                          | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| O. R. Larson ..                                                                        | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| Maud L. Foxcroft<br>assisted by me<br>A. R. Foxcroft ..                                | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| P. Kluge ..                                                                            | John Scrimgeour .. | Bayville ..       | 15/12/06             |
| E. F. Foxcroft<br>assisted by me<br>W. W. Foxcroft ..                                  | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| M. E. MacDonald<br>R. C. MacDonald<br>Executors Dative<br>Late William<br>MacDonald .. | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| A. G. Smith ..                                                                         | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| R. W. Smith ..                                                                         | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| H. W. R. Richards ..                                                                   | J. J. Deacon ..    | Bayville ..       | 17/12/06             |
| F. P. Bezuidenhout ..                                                                  | H. Richards ..     | Bayville ..       | 17/12/06             |
| S. M. Viljoen ..                                                                       | H. Richards ..     | Bayville ..       | 17/12/06             |
| B. K. Mayo ..                                                                          | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| P. J. Nortje ..                                                                        | B. K. Mayo ..      | Bayville ..       | 17/12/06             |
| J. J. Muller ..                                                                        | John Scrimgeour .. | Bayville ..       | 17/12/06             |
| H. F. Vernon ..                                                                        | C. Vernon ..       | Bayville ..       | 18/12/06             |
| A. E. Carney ..                                                                        | G. H. Harris ..    | Uitenhage ..      | 20/12/06             |
| G. H. Harris ..                                                                        | A. E. Carney ..    | Uitenhage ..      | 20/12/06             |
| Saml. Goff ..                                                                          | S. J. Lane ..      | Port Elizabeth .. | 21/12/06             |
| John Pyott ..                                                                          | S. J. Lane ..      | Port Elizabeth .. | 27/12/06             |
| J. E. Gamble &<br>Sons ..                                                              | S. J. Lane ..      | Port Elizabeth .. | 5/ 1/07              |
| p.p. Bruno<br>Blenkinsop ..                                                            | S. J. Lane ..      | Port Elizabeth .. | 14/ 1/07             |
| H. K. Pagden ..                                                                        | S. J. Lane ..      | Port Elizabeth .. | 22/ 5/07             |
| p.p. P. H. Muller<br>John Scrimgeour ..                                                | S. J. Lane ..      | Port Elizabeth .. | 22/ 5/07             |
| p.p. C. E. Cornish<br>Bishop ..                                                        | F. E. Geoghegan .. | Port Elizabeth .. | 22/ 5/07             |
| p.p. C. E. Foxcroft<br>John Scrimgeour ..                                              | S. J. Lane ..      | Port Elizabeth .. | 3/6/07               |
| For the Strathsomers Estate Company, Ltd.:—                                            |                    |                   |                      |
| John Whyte,<br>Chairman ..                                                             | S. J. Lane ..      | Port Elizabeth .. | 11th March,<br>1907. |
| John Scrimgeour,<br>Director ..                                                        | S. J. Lane ..      | Port Elizabeth .. | 11th March,<br>1907. |
| James Searle,<br>Secretary ..                                                          | S. J. Lane ..      | Port Elizabeth .. | 11th March,<br>1907. |

L.S.

As witness. I hereby accept the within Trust, 11th March, 1907.

S. J. Lane. John Whyte.

As Witnesses. I hereby accept the within Trust, 3rd April, 1907.

1. F. E. Geoghegan. Port Elizabeth Assurance and Trust Co., Ltd.

2. H. G. Ronaldson.

R. H. WALPOLE, Secretary.

Quod Attestor,

V. H. O. CHRISTIAN,

Notary Public.

## ANNEXURE "a".

REFERRED TO IN THE FOREGOING AGREEMENT.

| Registered Owner. | Property.                   | Deed of Transfer. | Extent.                 |
|-------------------|-----------------------------|-------------------|-------------------------|
| Frederick Frank   | Lot No. 62<br>Claas Kraal   | 14th Oct., 1903   | mor. sq. r.<br>4 263.83 |
|                   | Lot No. 68,<br>Claas Kraal  | 14th Nov., 1902   | 6 199.33                |
|                   | Lot No. 50,<br>Claas Kraal  | 2nd Nov., 1897    | 63 583                  |
| James C. Foxcroft | Lot No. 52,<br>Claas Kraal  | 9th Dec., 1903    | 8 82                    |
|                   | Lot No. 52a,<br>Claas Kraal | 17th May, 1900    | 14 228.89               |
|                   | Lot No. 61,<br>Claas Kraal  | 23rd Aug., 1906   | 13 77.21                |
|                   | Lot No. 64,<br>Claas Kraal  | 21st March, 1907  | 6 162.17                |



| Handtekening.                                     | Getuie.         | Plek.          | Datum.   |
|---------------------------------------------------|-----------------|----------------|----------|
| Fred Frank ..                                     | John Scrimgeour | Bayville ..    | 15/12/06 |
| J. C. Foxcroft ..                                 | Fred Frank ..   | Bayville ..    | 15/12/06 |
| P. F. W. Jurgens ..                               | Fred Frank ..   | Bayville ..    | 15/12/06 |
| C. P. J. Jurgens ..                               | Fred Frank ..   | Bayville ..    | 15/12/06 |
| E. A. Robinson, }<br>gehelp deur my               | Fred Frank ..   | Bayville ..    | 15/12/06 |
| S. M. Robinson                                    |                 |                |          |
| A. Todes ..                                       | John Scrimgeour |                |          |
| M. J. Raulstone ..                                | John Scrimgeour | Bayville ..    | 15/12/06 |
| B. Anderson ..                                    | John Scrimgeour |                |          |
| D. Liebowitz ..                                   | P. Ehrlich ..   | Bayville ..    | 15/12/06 |
| I. Liebowitz ..                                   | P. Ehrlich ..   | Bayville ..    | 15/12/06 |
| J. Rushforth ..                                   | John Scrimgeour | Bayville ..    | 15/12/06 |
| E. Green                                          |                 |                |          |
| Eksekuteur }<br>Testamentêr                       | John Scrimgeour | Bayville ..    | 15/12/06 |
| Boedel Oorlede                                    |                 |                |          |
| William Green                                     |                 |                |          |
| John Whyte ..                                     | John Scrimgeour | Bayville ..    | 15/12/06 |
| O. R. Larson ..                                   | John Scrimgeour | Bayville ..    | 15/12/06 |
| Maud L. Foxcroft }<br>gehelp deur my              | John Scrimgeour | Bayville ..    | 15/12/06 |
| A. R. Foxcroft                                    |                 |                |          |
| P. Kluge ..                                       | John Scrimgeour | Bayville ..    | 15/12/06 |
| E. F. Foxcroft }<br>gehelp deur my                | John Scrimgeour | Bayville ..    | 17/12/06 |
| W. W. Foxcroft                                    |                 |                |          |
| M. E. MacDonald                                   |                 |                |          |
| R. C. MacDonald                                   |                 |                |          |
| Eksekuteurs Datief }<br>Oorlede William           | John Scrimgeour | Bayville ..    | 17/12/06 |
| MacDonald                                         |                 |                |          |
| A. G. Smith ..                                    | John Scrimgeour | Bayville ..    | 17/12/06 |
| R. W. Smith                                       |                 |                |          |
| H. W. R. Richards ..                              | J. J. Deacon .. | Bayville ..    | 17/12/06 |
| F. P. Bezuidenhout ..                             | H. Richards ..  | Bayville ..    | 17/12/06 |
| S. M. Viljoen ..                                  | H. Richards ..  | Bayville ..    | 17/12/06 |
| B. K. Mayo ..                                     | John Scrimgeour | Bayville ..    | 17/12/06 |
| P. J. Nortje ..                                   | B. K. Mayo ..   | Bayville ..    | 17/12/06 |
| J. J. Muller ..                                   | John Scrimgeour | Bayville ..    | 17/12/06 |
| H. F. Vernon ..                                   | C. Vernon ..    | Bayville ..    | 18/12/06 |
| A. E. Carney ..                                   | G. H. Harris .. | Uitenhage ..   | 20/12/06 |
| G. H. Harris ..                                   | A. E. Carney .. | Uitenhage ..   | 20/12/06 |
| Saml. Goff ..                                     | S. J. Lane ..   | Port Elizabeth | 21/12/06 |
| John Pyott ..                                     | S. J. Lane ..   | Port Elizabeth | 27/12/06 |
| J. E. Gamble & Seuns                              | S. J. Lane ..   | Port Elizabeth | 5 /1/07  |
| p.p. Bruno                                        |                 |                |          |
| Blenkinsop }<br>H. K. Pagden                      | S. J. Lane ..   | Port Elizabeth | 14/ 1/07 |
| p.p. P. H. Muller                                 |                 |                |          |
| John Scrimgeour                                   | S. J. Lane ..   | Port Elizabeth | 22/ 5/07 |
| p.p. C. E. Cornish                                |                 |                |          |
| Bishop                                            | F. E. Geoghegan | Port Elizabeth | 22/ 5/07 |
| p.p. C. E. Foxcroft }<br>John Scrimgeour          | S. J. Lane ..   | Port Elizabeth | 3/ 6/07  |
| Vir die Strathsomers-Estate-Maatskappy, Beperk :— |                 |                |          |
| John Whyte,                                       | S. J. Lane ..   | Port Elizabeth | 11 Maart |
| Voorsitter                                        |                 |                | 1907     |
| John Scrimgeour,                                  | S. J. Lane ..   | Port Elizabeth | 11 Maart |
| Direkteur                                         |                 |                | 1907     |
| James Searle,                                     | S. J. Lane ..   | Port Elizabeth | 11 Maart |
| Sekretaris                                        |                 |                | 1907     |

L.S.

As Getuie : Ek aanvaar hierby die Trust hierin, 11 Maart, 1907.

S. J. Lane.

John Whyte.

As Getuie : Ek aanvaar hierby die Trust hierin, 3 April 1907.

1. F. E. Geoghegan.

2. H. G. Ronaldson.

Port Elizabeth-Assuransie en  
Trustmaatskappy, Beperk.

R. H. WALPOLE,

Sekretaris

L.S.

Quod Attestor,

V. H. O. CHRISTIAN,

Notaris.

AANHANGSEL „a”.

NA VERWYS IN DIE VOORAFGAANDE OOREENKOMS.

| Geregistreeerde<br>Eienaar. | Besitting.                  | Transportakte. | Grootte.                |
|-----------------------------|-----------------------------|----------------|-------------------------|
| Frederick Frank             | Lot No. 62<br>Klaas Kraal   | 14 Okt 1903    | mor. vk. r.<br>4 263.83 |
|                             | Lot No. 68<br>Klaas Kraal   | 14 Nov. 1902   | 6 199.33                |
|                             | Lot No. 50,<br>Klaas Kraal  | 2 Nov. 1897    | 63 563                  |
| James C. Foxcroft           | Lot No. 52,<br>Klaas Kraal  | 9 Des. 1903    | 8 82                    |
|                             | Lot No. 52a,<br>Klaas Kraal | 17 Mei 1900    | 14 228.89               |
|                             | Lot No. 61,<br>Klaas Kraal  | 23 Aug. 1906   | 13 77.21                |
|                             | Lot No. 64,<br>Klaas Kraal  | 21 Maart 1907  | 6 162.17                |

| Registered Owner.                   | Property.                                                | Deed of Transfer. | Extent.               |
|-------------------------------------|----------------------------------------------------------|-------------------|-----------------------|
| P. F. W. Jurgens                    | Lot No. 56,<br>Claas Kraal                               | 20th Aug., 1897   | mor. sq. r.<br>10 422 |
| C. P. J. Jurgens                    | Lot No. 57,<br>Claas Kraal                               | 15th July, 1902   | 9 183                 |
|                                     | Lot No. 60,<br>Claas Kraal                               | 15th July, 1902   | 21 449.58             |
| E. A. Robinson..                    | Lot No. 51,<br>Claas Kraal                               | 31st July, 1900   | 14 253                |
| Abraham Todes..                     | Lot No. 65,<br>Claas Kraal                               | 21st March, 1907  | 7 3                   |
| M. J. Raulstone                     | Lot No. 67<br>Claas Kraal                                | 11th Nov., 1903   | 10 190.46             |
| Ben Anderson ..                     | Lot No. 66,<br>Claas Kraal                               | 14th Oct., 1903   | 12 233.46             |
| David Liebowitz }                   | Lot No. 69,<br>Claas Kraal                               | 31st Jan., 1905   | 14 151.06             |
| S. Liebowitz }                      |                                                          |                   |                       |
| Josiah Rushforth                    | Lot No. 1,<br>Claas Kraal and<br>Govt. Belooning         | 10th Jan., 1899   | 6 487.66              |
|                                     | Lot No. 2,<br>Claas Kraal and<br>Govt. Belooning         | 10th Jan., 1899   | 2 18.49               |
| William Green ..<br>(now deceased)  | Lot No. 5,<br>Claas Kraal                                | 27th May, 1903    | 3 312.25              |
|                                     | Lot No. 6,<br>Claas Kraal                                | 27th May, 1903    | 8 354.93              |
| John Whyte ..                       | Lot No. 18,<br>Claas Kraal and<br>Govt. Belooning        | 28th Aug., 1897   | 8 206.26              |
|                                     | Lot No. 19,<br>Claas Kraal and<br>Govt. Belooning        | 28th Aug., 1897   | 10 243.60             |
|                                     | Lot No. 12,<br>Claas Kraal                               | 20th July, 1892   | 11 442.42             |
|                                     | Lot No. 11,<br>Claas Kraal                               | 20th July, 1892   | 8 42                  |
|                                     | Lot No. 53,<br>Claas Kraal                               | 28th Aug., 1897   | 11 162                |
| O R. Larson ..                      | Lot No. 25,<br>Claas Kraal                               | 20th Aug., 1897   | 11 393.66             |
|                                     | Lot No. 24,<br>Claas Kraal                               | 20th Aug., 1897   | 3 362                 |
|                                     | Part Lot No. 40,<br>Claas Kraal and<br>Govt. Belooning   | 9th Aug., 1898    | 7 0                   |
|                                     | Lot No. 45,<br>Claas Kraal and<br>Govt. Belooning        | 20th Aug., 1897   | 10 171                |
|                                     | Lot No. 54,<br>Claas Kraal                               | 1st Feb., 1906    | 31 67                 |
| Maud L. Foxcroft                    | Lot No. 22,<br>Claas Kraal                               | 19th Aug., 1905   | 23 112                |
| Paul Kluge ..                       | Lot No. 35,<br>Claas Kraal                               | 17th Oct., 1899   | 45 377.06             |
|                                     | Lot No. 36,<br>Claas Kraal                               | 17th Oct., 1899   | 1 533.96              |
|                                     | Lot No. 28,<br>Claas Kraal                               | 17th Oct., 1899   | 1 392.77              |
|                                     | Lot No. 33,<br>Claas Kraal                               | 17th Oct., 1899   | 10 77.93              |
| Emma F. Foxcroft                    | Lot No. 26,<br>Claas Kraal                               | 13th Sept., 1898  | 2 394.67              |
|                                     | Lot No. 27,<br>Claas Kraal                               | 13th Sept., 1898  | 11 206.55             |
|                                     | Lot No. 29,<br>Claas Kraal                               | 21st Dec., 1905   | 8 48                  |
| William Macdonald<br>(now deceased) | Lot No. 15,<br>Govt. Belooning                           | 16th April, 1892  | 17 340.38             |
|                                     | Lot No. 16,<br>Govt. Belooning                           | 1st Dec., 1892    | 9 593.34              |
|                                     | Lot No. 47,<br>Govt. Belooning                           | 5th Jan., 1897    | 11 590.62             |
|                                     | Lot No. 31,<br>Govt. Belooning                           | 5th Jan., 1897    | 6 505.81              |
|                                     | Lots Nos. 13 & 14,<br>Govt. Belooning<br>and Claas Kraal | 16th April, 1892  | 15 453.62             |
| Albert G. Smith, }                  | Lot No. 7,<br>Claas Kraal                                | 3rd Nov., 1903    | 6 136.91              |
| Robert W. Smith }                   | Lot No. 8,<br>Claas Kraal and<br>Govt. Belooning         | 3rd Nov., 1903    | 18 243.30             |
| H. W. R. Richards                   | Lot No. 43,<br>Govt. Belooning                           | 21st June, 1899   | 9 43                  |
| Franz P. Bezui-<br>denhout          | Lot No. 37,<br>Govt. Belooning<br>and Claas Kraal        | 31st July, 1903   | 8 563.18              |
| S. M. Viljoen ..                    | Lot No. 34,<br>Claas Kraal                               | 21st Sept., 1905  | 8 44.28               |
| Brian K. Mayo                       | Lot No. 30,<br>Claas Kraal                               | 14th Feb., 1903   | 19 415.45             |
|                                     | Lot No. 32,<br>Claas Kraal                               | 14th Feb., 1903   | 8 141                 |
|                                     | Lot No. 48,<br>Claas Kraal                               | 14th Feb., 1903   | 55 241                |

| Geregistreerde<br>Eienaar.                | Besitting.                                               | Transportakte. | Grootte.              |
|-------------------------------------------|----------------------------------------------------------|----------------|-----------------------|
| P. F. W. Jurgens                          | Lot No. 56,<br>Klaas Kraal                               | 20 Aug. 1897   | mor. vk. r.<br>10 422 |
| C. P. J. Jurgens                          | Lot No. 57,<br>Klaas Kraal                               | 15 Julie 1902  | 9 163                 |
|                                           | Lot No. 60,<br>Klaas Kraal                               | 15 Julie 1902  | 21 449.53             |
| E. A. Robinson                            | Lot No. 51<br>Klaas Kraal                                | 31 Julie 1900  | 14 253                |
| Abraham Todes                             | Lot No. 65,<br>Klaas Kraal                               | 21 Maart 1907  | 7 3                   |
| M. J. Raulstone                           | Lot No. 67,<br>Klaas Kraal                               | 11 Nov. 1903   | 10 190.45             |
| Ben Anderson                              | Lot No. 66,<br>Klaas Kraal                               | 14 Okt. 1903   | 12 233.46             |
| David Liebowitz<br>S. Liebowitz           | Lot No. 59,<br>Klaas Kraal                               | 31 Jan. 1905   | 14 151.06             |
| Josiah Rushforth                          | Lot No. 1,<br>Klaas Kraal en<br>Govt. Beloning           | 10 Jan. 1899   | 6 487.66              |
|                                           | Lot No. 2,<br>Klaas Kraal en<br>Govt. Beloning           | 10 Jan. 1899   | 2 18.49               |
| William Green<br>(nou oorlede)            | Lot No. 5,<br>Klaas Kraal                                | 27 Mei 1903    | 3 312.25              |
|                                           | Lot No. 6,<br>Klaas Kraal                                | 27 Mei 1903    | 8 354.93              |
| John Whyte                                | Lot No. 18,<br>Klaas Kraal en<br>Govt. Beloning          | 28 Aug. 1897   | 8 206.26              |
|                                           | Lot No. 19,<br>Klaas Kraal en<br>Govt. Beloning          | 28 Aug. 1897   | 10 243.60             |
|                                           | Lot No. 12,<br>Klaas Kraal                               | 20 Julie 1892  | 11 442.42             |
|                                           | Lot No. 11,<br>Klaas Kraal                               | 20 Julie 1892  | 8 42                  |
|                                           | Lot No. 53,<br>Klaas Kraal                               | 28 Aug. 1897   | 11 162                |
| O. R. Larson                              | Lot No. 25,<br>Klaas Kraal                               | 20 Aug. 1897   | 11 393.66             |
|                                           | Lot No. 24,<br>Klaas Kraal                               | 20 Aug. 1897   | 3 362                 |
|                                           | Deel Lot No. 40,<br>Klaas Kraal en<br>Govt. Beloning     | 9 Aug. 1898    | 7 0                   |
|                                           | Lot No. 45,<br>Klaas Kraal en<br>Govt. Beloning          | 20 Aug. 1897   | 10 171                |
|                                           | Lot No. 54,<br>Klaas Kraal                               | 1 Feb. 1906    | 31 67                 |
| Maud L. Foxcroft                          | Lot No. 22,<br>Klaas Kraal                               | 19 Aug. 1905   | 23 112                |
| Paul Kluge                                | Lot No. 35,<br>Klaas Kraal                               | 17 Okt. 1899   | 45 377.06             |
|                                           | Lot No. 36,<br>Klaas Kraal                               | 17 Okt. 1899   | 1 533.90              |
|                                           | Lot No. 28,<br>Klaas Kraal                               | 17 Okt. 1899   | 1 392.77              |
|                                           | Lot No. 33,<br>Klaas Kraal                               | 17 Okt. 1899   | 10 77.93              |
| Emma F. Fox-<br>croft                     | Lot No. 26,<br>Klaas Kraal                               | 13 Sept. 1898  | 2 394.67              |
|                                           | Lot No. 27,<br>Klaas Kraal                               | 13 Sept. 1898  | 11 206.55             |
|                                           | Lot No. 29,<br>Klaas Kraal                               | 21 Des. 1905   | 8 48                  |
| William Macdon-<br>ald (nou oor-<br>lede) | Lot No. 15,<br>Govt. Beloning                            | 16 April 1892  | 17 340.38             |
|                                           | Lot No. 16,<br>Govt. Beloning                            | 1 Des. 1892    | 9 593.34              |
|                                           | Lot No. 47,<br>Govt. Beloning                            | 5 Jan. 1897    | 11 590.62             |
|                                           | Lot No. 31,<br>Govt. Beloning                            | 5 Jan. 1897    | 6 505.81              |
|                                           | Lotte Nos. 13 en 14,<br>Govt. Beloning en<br>Klaas Kraal | 16 April 1892  | 15 453.52             |
| Albert G. Smith<br>Robert W. Smith        | Lot No. 7,<br>Klaas Kraal                                | 3 Nov. 1903    | 6 136.91              |
|                                           | Lot No. 8,<br>Klaas Kraal en<br>Govt. Beloning           | 3 Nov. 1903    | 18 243.30             |
| H. W. R. Richards                         | Lot No. 43,<br>Govt. Beloning                            | 21 Junie 1899  | 9 43                  |
| Franz P. Bezui-<br>denhout                | Lot No. 37,<br>Govt. Beloning en<br>Klaas Kraal          | 31 Julie 1903  | 8 583.18              |
| S. M. Viljoen                             | Lot No. 34,<br>Klaas Kraal                               | 21 Sept. 1905  | 8 44.28               |
| Brian K. Mayo                             | Lot No. 30,<br>Klaas Kraal                               | 14 Feb. 1903   | 19 415.45             |
|                                           | Lot No. 32,<br>Klaas Kraal                               | 14 Feb. 1903   | 8 141                 |
|                                           | Lot No. 48,<br>Klaas Kraal                               | 14 Feb. 1903   | 55 241                |

| Registered Owner.          | Property.                                             | Deed of Transfer.                                   | Extent.              |
|----------------------------|-------------------------------------------------------|-----------------------------------------------------|----------------------|
|                            | Lot No. 49,<br>Claas Kraal                            | 18th April, 1898                                    | mor. sq. r.<br>22 95 |
|                            | Lot No. 58,<br>Claas Kraal                            | 14th Oct., 1903                                     | 4 223.61             |
|                            | Lot No. 69,<br>Claas Kraal                            | 14th Oct., 1903                                     | 4 147                |
| Petrus J. Nortje           | Lot No. 41,<br>Claas Kraal                            | 31st Dec., 1897                                     | 15 203.51            |
| Jacob J. Muller..          | Certain half of Lot<br>No. 63, Claas<br>Kraal         | 8th June, 1901                                      | 12 169.78            |
|                            | Lot No. 21,<br>Claas Kraal                            | 19th Aug., 1903<br>31st May, 1905<br>3rd Oct., 1902 | 10 377               |
| Howard F. Vernon           | Lot No. 9,<br>Claas Kraal                             | 5th April, 1894                                     | 6 479.53             |
|                            | Lot No. 10,<br>Claas Kraal                            | 5th April, 1894                                     | 4 596.44             |
|                            | Lot No. 17,<br>Claas Kraal                            | 10th July, 1895                                     | 2 281.73             |
|                            | Lot No. 55,<br>Claas Kraal                            | 3rd March, 1899                                     | 9 316                |
| Alfred E. Carney           | Lot No. 44,<br>Govt. Belooning                        | 9th Jan., 1904                                      | 8 95                 |
| George H. Harris           | Lot No. 38,<br>Claas Kraal and<br>Govt. Belooning     | 28th July, 1904                                     | 8 74.74              |
| Samuel Goff ..             | Lot No. 3,<br>Claas Kraal                             | 11th Nov., 1903                                     | 3 239.95             |
|                            | Lot No. 4,<br>Claas Kraal and<br>Govt. Belooning      | 11th Nov., 1903                                     | 7 373.95             |
|                            | Lot No. 16a,<br>Claas Kraal and<br>Govt. Belooning    | 11th Nov., 1903                                     | 8 249.68             |
| John Pyott ..              | Lot No. 46,<br>Govt. Belooning                        | 19th June, 1906                                     | 8 266.4              |
| J. E. Gamble &<br>Sons     | Part Lot No. 40<br>Govt. Belooning<br>and Claas Kraal | 2nd Sept., 1904                                     | 7 441.65             |
|                            | Lot No. 39,<br>Claas Kraal and<br>Govt. Belooning     | 16th Aug., 1905                                     | 5 697.3              |
| Bruno Blenkinsop           | Lot No. 23,<br>Claas Kraal                            | 9th Nov., 1894                                      | 13 368.82            |
| P. H. Muller ..            | Certain half of Lot<br>No. 63, Claas<br>Kraal.        | 8th June, 1901                                      | 12 169.78            |
| Bishop of Gra-<br>hamstown | Sub-division A of<br>Lot 4, Claas<br>Kraal            | 20th Dec., 1904                                     | 150                  |
| C. E. Foxcroft..           | Lot No. 33,<br>Claas Kraal                            | 18th May, 1907                                      | 10 77.93             |

## ANNEXURE "F."

WHEREAS the Strathsomers Estate Company, Limited (hereinafter styled the "Lower Proprietors") are the registered owners of certain landed property situate in the District of Uitenhage, riparian to the Sundays River, being portions of the property known as Klass Kraal, Governments Belooning, Malmaison, Bonterug, Landdrost Vee Plaats, Lot 5 adjoining Malmaison, and Lot 7 adjoining Kohraans Drift, per deeds of transfer in favour of the said company dated 30th October, 1907, and 24th March, 1906:

AND WHEREAS the following parties, namely, Isaac Cornelis du Preez, Petrus Hendrick du Preez, Johan Andries du Preez, Adriana Josiena Waits, born du Preez, married in community of property to John William Waits, and by him herein assisted, Anthonie Michael du Preez, Stephanus Johannes du Preez, S.J. Son, Stephanus Johannes du Preez, H.H. Son, and Michael Arnoldus Muller, having the life enjoyment of the neighbouring farm known as Kohraans Drift (or Korhaans Drift), also riparian to the said river, under and by virtue of the last will and testament dated 21st June, 1856, of the late Stephanus Johannes du Preez and Susanna Jacoba Potgieter, and which property is at present registered in the names of the said Isaac Cornelis du Preez, Petrus Hendrick du Preez, Johan Andries du Preez, Anthonie Michael du Preez, Adriana Josiena du Preez (now Waits), the late Stephanus Johannes du Preez (father of the said Stephanus Johannes du Preez, S.J. Son) in whose estate his surviving spouse, Alewyna Jacoba du Preez, born Holtshauzen (now deceased), was appointed executrix testamentary, and no other appointment has since been made, the late Hercules Hillegart du Preez (father of the said Stephanus Johannes du Preez, H.H. Son), in whose estate Ockert Jacobus Oosthuizen is the executor dative and the late Stephanus Johannes Muller (father of the said Michael Arnoldus Muller), who was in his lifetime declared insolvent, and Henry Chase, appointed sole trustee of his insolvent estate, by deeds of transfer dated 23rd June 1863, and 11th October, 1895 (all together hereinafter styled the "Upper Proprietors"):

AND WHEREAS the said will, which was executed prior to the passing of the Act 32 of 1906, whilst giving to the upper proprietors the life enjoyment of the said farm Kohraans Drift prohibits any alienation whatsoever of the same as long as the laws of the land shall permit, during which period the said farm is to go down unencumbered to the



| Geregistreeerde Eienaar.   | Besitting.                                           | Transportakte.                             | Grootte.         |
|----------------------------|------------------------------------------------------|--------------------------------------------|------------------|
|                            | Lot No. 49,<br>Klaas Kraal                           | 18 April 1898                              | mor 22 vk. r. 95 |
|                            | Lot No. 58,<br>Klaas Kraal                           | 14 Okt. 1903                               | 4 223.61         |
|                            | Lot No. 69,<br>Klaas Kraal                           | 14 Okt. 1903                               | 4 147            |
| Petrus J. Nortje           | Lot No. 41,<br>Klaas Kraal                           | 31 Des. 1897                               | 15 203.51        |
| Jakob J. Muller..          | Sekere helfte van Lot<br>No. 63, Klaas<br>Kraal      | 8 Junie 1901                               | 12 169.78        |
|                            | Lot No. 21,<br>Klaas Kraal                           | 19 Aug. 1903<br>31 Mei 1905<br>3 Okt. 1902 | 19 377           |
| Howard F. Ver-<br>non      | Lot No. 9,<br>Klaas Kraal                            | 5 April 1894                               | 6 479.53         |
|                            | Lot No. 10,<br>Klaas Kraal                           | 5 April 1894                               | 4 596.44         |
|                            | Lot No. 17,<br>Klaas Kraal                           | 10 Julie 1895                              | 2 281.73         |
|                            | Lot No. 55,<br>Klaas Kraal                           | 3 Maart 1899                               | 9 316            |
| Alfred E. Carney           | Lot No. 44,<br>Govt. Beloning                        | 9 Jan. 1904                                | 8 95             |
| George H. Harris           | Lot No. 38,<br>Klaas Kraal en<br>Govt. Beloning      | 28 Julie 1904                              | 8 74.74          |
| Samuel Goff ..             | Lot No. 3,<br>Klaas Kraal                            | 11 Nov. 1903                               | 3 239.95         |
|                            | Lot No. 4,<br>Klaas Kraal en<br>Govt. Beloning       | 11 Nov. 1903                               | 7 373.95         |
|                            | Lot No. 16 a,<br>Klaas Kraal en<br>Govt. Beloning    | 11 Nov. 1903                               | 8 249.58         |
| John Pyott ..              | Lot No. 46,<br>Govt. Beloning                        | 19 Junie 1906                              | 8 266.4          |
| J. E. Gamble en<br>Seuns   | Deel Lot No. 40,<br>Govt. Beloning en<br>Klaas Kraal | 2 Sept. 1904                               | 7 441.65         |
|                            | Lot No. 39,<br>Klaas Kraal en<br>Govt. Beloning      | 16 Aug. 1905                               | 5 597.3          |
| Bruno Blenkinsop           | Lot No. 23,<br>Klaas Kraal                           | 9 Nov. 1894                                | 13 368.82        |
| P. H. Muller ..            | Sekere helfte van Lot<br>No. 63, Klaas<br>Kraal      | 8 Junie 1901                               | 12 169.78        |
| Biskop van Gra-<br>hamstad | Gedeelte A van Lot<br>4, Klaas Kraal                 | 20 Des. 1904                               | 150              |
| C. E. Foxcroft ..          | Lot No. 33,<br>Klaas Kraal                           | 18 Mei 1907                                | 10 77.93         |

# AANHANGSEL "F".

NADemaal die Strathsomers-Estate-Maatskappy, Beperk (hierna genoem „die Onder-eienare”) die geregistreeerde eienare is van sekere plaaseiendom geleë in die distrik Uitenhage, aan die oewers van die Sondagsrivier, synde gedeeltes van die eiendom bekend as Klaaskraal, Governmentsbeloning, Malmaison, Bonterug, Landdrost Vee Plaats, Lot 5 grensende aan Malmaison, en Lot 7 grensende aan Kohraansdrift, volgens transportaktes op naam van die gemelde Maatskappy gedateer 30 Oktober 1907, en 24 Maart 1906.

EN NADemaal die volgende partye, naamlik, Isaac Cornelis du Preez, Petrus Hendrick du Preez, Johan Andries du Preez, Adriana Josiena Waits, gebore du Preez gehuud in gemeenskap van goedere met John William Waits, en deur hom hierin bygestaan, Anthonie Michael du Preez, Stephanus Johannes du Preez, S.J. Seun, Stephanus Johannes du Preez, H.H. Seun, en Michael Arnoldus Muller, met vruggebruik oor die naburige plaas bekend as Kohraans Drift (of Korhaans Drift), ook aan die oewer van die gemelde rivier, volgens en kragtens die uiterste wil en testament gedateer 21 Junie 1856, van wyle Stephanus Johannes du Preez en Susanna Jacoba Potgieter, en welke eiendom op die oomblik geregistreeer is op naam van die gemelde Isaac Cornelis du Preez, Petrus Hendrick du Preez, Johan Andries du Preez, Anthonie Michael du Preez, Adriana Josiena du Preez (nou Waits), wyle Stephanus Johannes du Preez (vader van die gemelde Stephanus Johannes du Preez, S.J. Seun) in wie se boedel sy oorlewende eggenote, Alewyna Jacoba du Preez, gebore Holtzhauzen (nou oorlede) aangestel was as eksekutrisse testamentêr, en sedert die tyd geen ander aanstelling gemaak is, wyle Hercules Hillegart du Preez (vader van die gemelde Stephanus Johannes du Preez, H.H. Seun), in wie se boedel Ockert Jacobus Oosthuizen die eksekuteur datief is, en wyle Stephanus Johannes Muller (vader van die gemelde Michael Arnoldus Muller), wat toe hy nog in lewe was insolvent verklaar is, en Henry Chase, aangestel as die enigste kurator van sy insolvente boedel, deur transportaktes gedateer 23 Junie 1863, en 11 Oktober 1895 (almal hierna genoem „die Hoër Eienare”):

EN NADemaal gemelde testament, gemaak voor die passering van Wet No. 32 van 1906, hoewel dit aan die hoër eienare die vruggebruik gee van gemelde plaas Kohraans Drift, enige vervreemding wat ook al daarvan belet solank as die wette van die land dit toelaat, gedurende welke tydperk die gemelde plaas onbeswaard moet geërf word deur

successive male descendants of the testators, and further prohibits the granting of servitudes upon the said farm:

AND WHEREAS certain of the upper proprietors have at an expenditure of about £400 attempted to lead water from the Sundays River for the irrigation of certain irrigable lands on the said farm Kohraans Drift, and did for that purpose construct a small weir or dam at a site on the said river known as du Preez Dam, but which weir or dam and relative furrows have proved wholly inadequate for the object in view:

AND WHEREAS it would be of great benefit to the upper proprietors and their successors in title if proper irrigation works were constructed whereby the arable lands of the said farm Kohraans Drift could be supplied with water, and whereby the value of holdings would be greatly increased, but that the present upper proprietors have not the means to erect and construct such proper irrigation works:

AND WHEREAS the lower proprietors have constructed irrigation works on their said property whereby they have been enabled to lead water from the Sundays River to a considerable extent of the arable land thereof known as the Strathsomers Estate to the great benefit thereof, but are desirous of increasing their irrigable area, which can most effectively be done by taking out and leading water from the said river at a point upon and over the said farm Kohraans Drift, which farm is situated higher up the said river than the said lands of the lower proprietors:

AND WHEREAS the upper and lower proprietors have negotiated with each other for the construction of such irrigation works as shall benefit all concerned:

AND WHEREAS Andries Jacobus Pienaar was by order of the Supreme Court of the Colony of the Cape of Good Hope, dated the 25th May, 1910, appointed as curator for the purposes and with the powers referred to in the order hereunto annexed and marked "A", and has acted under the said order in negotiating and approving of the terms of this agreement, subject to the sanction of the Honourable the Supreme Court of South Africa (Cape of Good Hope Provincial Division):

AND WHEREAS instead of having recourse to a water court for the purpose of the obtaining of the said servitudes, the upper proprietors and lower proprietors have agreed, subject to the sanction as aforesaid, to amicably concur in the following agreement, which on such sanction being obtained is to be embodied in notarial form and registered against the respective transfer deeds concerned:

NOW THEREFORE THESE PRESENTS WITNESS as follows, to wit:—

1. The upper proprietors for themselves and their successors in title hereby grant and concede in perpetuity to the lower proprietors the right to construct a dam or weir across the Sundays River at or near the site known as du Preez Dam. The right so conferred shall consist of the right to occupy by a dam or weir the bed of the river at or near the said spot and the banks adjacent thereto as may be necessary for the said dam or weir. The said dam or weir shall be constructed by the lower proprietors at their own cost, and as shown on the plan hereunto annexed and marked "B", which plan is hereinafter referred to as the said plan.

2. The upper proprietors for themselves and their aforesaid hereby further grant and concede in perpetuity to the lower proprietors the right to convey the water to be caught up by means of the said dam or weir from the said dam or weir over the said farm Kohraans Drift to the properties aforesaid of the lower proprietors and such other riparian properties as they may hereafter acquire, as well as to the properties of other riparian owners on the said river, but in such last event subject to the terms of paragraph 15 hereof, by means of an aqueduct to be constructed along the course shown on the said plan or within the limits of deviation shown thereon. Such right of aqueduct shall be held to include all that the servitude of aqueduct involves under the said Act 32 of 1908, and may take the form wholly or partially of canal, furrow, piping or other means of conveyance as may be found most suitable. The said aqueduct, whatever its form, shall be constructed by the lower proprietors at their own cost.

3. The lower proprietors shall be bound at their own cost to fence and keep fenced the said dam or weir, the said aqueduct and its intake, and all relative works, the said fence to be erected along the respective boundary lines of the said works shown on the said plan, but the area so to be fenced shall not exceed seventeen morgen. The lower proprietors shall at their own cost provide and maintain a bridge over the aqueduct where it crosses the main road to the farm Kohraans Drift, and at another site, if required, to be selected by the upper proprietors; also to similarly provide and maintain swing gates, not to exceed six (6), if required, along the said fence at places to be indicated by the upper proprietors.

4. For the purpose of construction of the said dam or weir and aqueduct and the relative intake and sluice gate or outlet, hereafter referred to, and of all works relative thereto, as also for the purpose of reconstruction in the event of a complete washaway of all or any of the said works, the lower proprietors shall have free access with their workmen and plant over the portion of the farm Kohraans Drift between the course of the said aqueduct shown on the said plan and the north-east boundary of the farm Kohraans Drift, as well as the bed of the Sundays River along its course through the said farm as may be necessary for these purposes, and for the said purposes they shall further be entitled to take free of charge all necessary sand, gravel and stone from the bed of the said river, and from such place or places in the said portion as shall be agreed upon and pointed out by the upper proprietors, or failing agreement on the subject, as a single arbitrator under the Arbitration Act, 1898, shall award and determine as necessary for requirements at the time of the reference, or for future requirements from time to time. If thereafter further requirements arise, not provided for by such award, and parties cannot agree as to the place or places at and from which

die opvolgende manlike afstammelinge van die testateurs, en verder die verleen van serwitute op die gemelde plaas belet:

EN NADEMAAL sekere van die hoëreienare teen 'n uitgaaf van omtrent £400 geprobeer het om water van die Sondagsrivier te lei vir die besproeiing van sekere besproeibare grond op gemelde plaas Kohraansdrift, en vir daardie doel 'n klein dam of opdamming gemaak het op 'n terrein aan gemelde rivier bekend as „du Preez dam”, maar welke dam of opdamming en toebehorende vore geheel ongenoegsaam vir die beoogde doel was:

EN NADEMAAL dit van groot nut vir die hoëreienare en hulle opvolgers in titel sou wees as behoorlike besproeiingswerke gemaak sou word waardeur die beboubare grond van gemelde plaas Kohraansdrift van water kon voorsien word en waardeur die waarde van hoewes grootliks sou vermeerder word, maar dat die teenswoordige hoëreienare nie die geld het om sodanige behoorlike besproeiingswerke op te rig en te maak nie:

EN NADEMAAL die ondereienare besproeiingswerke gemaak het op hulle gemelde eiendom waardeur hulle in staat gestel is om water van die Sondagsrivier te lei na 'n groot gedeelte van die beboubare grond daarvan, bekend as die Strathsomers-Estate, tot groot nut daarvan, maar begerig is om hulle besproeibare grond te vergroot, wat op die mees doeltreffende wyse kan gedoen word deur water uit die Sondagsrivier te lei op 'n punt op en oor die gemelde plaas Kohraansdrift, welke plaas hoër op langs die rivier geleë is as die gemelde grond van die ondereienare:

EN NADEMAAL die hoër- en ondereienare met mekaar onderhandel het oor die aanleg van sodanige besproeiingswerke as wat alle belanghebbendes sal benuttig:

EN NADEMAAL Andries Jacobus Pienaar deur 'n order van die Hooggeregshof van die Kolonie die Kaap die Goeie Hoop, gedateer 25 Mei 1910, aangestel is as kurator vir die doeleindes en met die bevoegdheids genoem in die order hieraan geheg en gemerk „A”, en gehandel het volgens die gemelde order deur te onderhandel oor die terme van hierdie ooreenkoms en dié goed te keur, onderworpe aan die goedkeuring van die Hooggeregshof van Suid-Afrika (Provinsiale Afdeling, Kaap die Goeie Hoop):

EN NADEMAAL in plaas van na 'n waterhof te gaan vir die doel van die verkryging van die gemelde serwitute, die hoëreienare en ondereienare ooreengekom het, onderworpe aan die goedkeuring soos gemeld, om minlik, toe te stem in die volgende ooreenkoms, wat na die verkryging van sodanige goedkeuring notarieel opgestel en geregistreer moet word teen die respektiewe transportaktes daarby betrokke:

So IS DIT DAT HIERDIE AKTE GETUIG AS VOLG, te wete:—

1. Die hoëreienare vir hulself en hulle opvolgers in titel gee en maak hierby altyddurend oor aan die ondereienare die reg om 'n dam of opdamming oor die Sondagsrivier op of naby die terrein bekend as „du Preez Dam” te bou. Die reg aldus verleen sal bestaan uit die reg om op te neem deur 'n dam of opdamming die bed van die rivier by of naby die gemelde plek en die aangrensende walle daarvan soos mag nodig wees vir die gemelde dam of opdamming. Die gemelde dam of opdamming moet gebou word deur die ondereienare op eie koste, en soos aangedui volgens die plan hieraangeheg, en gemerk „B”, welke plan hierin die gemelde plan genoem word.

2. Die hoëreienare, vir hulself en hulle bogemeldes geef hiermee en maak verder altyddurend oor aan die ondereienare die reg om die water wat opgevang moet word deur gemelde dam of opdamming van die gemelde dam of opdamming oor die gemelde plaas Kohraansdrift te vervoer na bogemelde eiendomme van die ondereienare en sodanige ander oewer eiendomme as hulle hierna mag verkry, sowel as na die eiendomme van ander oewereienare van gemelde rivier, maar in die laaste geval onderworpe aan die terme van paragraaf 15 hiervan, deur 'n afleivoor wat moet aangelê word langs die loop aangetoon op gemelde plan of binne die grense of verlegging daarop aangetoon. Sodanige reg van waterleiding sal beskou word as insluitende alles wat die serwitute van waterleiding omvat kragtens die gemelde Wet 32 van 1906, en mag geheel of gedeeltelik die vorm neem van 'n kanaal, voor, pype of ander wyse van vervoer soos geskik mag blyk. Gemelde afleivoor, wat ookal sy vorm, moet aangelê word deur die ondereienare op hulle eie koste.

3. Die ondereienare is verplig om op eie koste te omhein en omhein te hou die gemelde dam of opdamming, die gemelde afleivoor en sy opvangplek, en alle toebehorende werke, en gemelde omheining moet opgerig word langs die respektiewe grense van gemelde werke aangetoon op gemelde plan, maar die oppervlakte wat aldus omhein word mag nie 17 morges te bowe gaan nie. Die ondereienare moet op eie koste verskaf en onderhou 'n brug oor die afleivoor waar dit die grootpad na die plaas Kohraansdrift kruis, en op 'n ander plek, as dit nodig is, na keuse van die hoëreienare; ook om insgelyks te verskaf en te onderhou swaaihelke hoogstens ses (6) as dit nodig is, langs die gemelde omheining op plekke wat aangetoon sal word deur die hoëreienare.

4. Vir die doel van die bou van gemelde dam of opdamming en afleivoor en die toebehorende opvangplek en sluis of uitlaatplek, hierna vermeld en van alle werke in verband daarmee, asook vir die doel van herbou in die geval van 'n totale verspoeling van alle of enige van gemelde werke, het die ondereienare met hulle werksmense en masjinerie vrye toegang tot die deel van die plaas Kohraansdrift tussen die loop van gemelde afleivoor, aangetoon op gemelde plan, van die noordoostelike grens van die plaas Kohraansdrift, asook die bed van die Sondagsrivier langs sy loop deur gemelde plaas soos mag nodig wees vir hierdie doeleindes, en vir gemelde doeleindes sal hulle verder geregtig wees om gratis alle nodige sand, gruis en klippe van die bed van die rivier te neem, en van sodanige plek of plekke in die gemelde deel soos ooreengekom en aangetoon deur die hoëreienare, of by gebreke van ooreenkoms daaromtrent, soos 'n enkele arbiter onder die Arbitrasiewet, 1898, sal beslis en vasstel soos nodig vir vereistes op die tyd van die verwysing, of vir toekomstige vereistes van tyd tot tyd. As daarna verder vereistes voorkom waarvoor in sodanige beslissing geen voorsiening



the necessary sand, etc., is to be taken, further reference to a single arbitrator shall be made in manner aforesaid. The upper proprietors shall not interfere or meddle with any portion of the said works, which shall be viewed as belonging to the lower proprietors, and the lower proprietors and their agents, servants, and employees shall alone have the right to construct, handle and manipulate the said works and all the details thereof.

5. The lower proprietors shall be entitled at all times to take free of charge from the bed of the Sundays River along its course through the farm Kohraans Drift and from the side of the hill in proximity to the proposed weir, all necessary sand, gravel, and stone for the purpose of maintaining the works aforesaid, and shall have the right of access for the purposes of this agreement.

6. Upon the completion of the said work the lower proprietors, their workmen and plant shall, subject to paragraphs 4 and 5 hereof, only have access over the farm Kohraans Drift along the course of the said aqueduct and within the fence to be erected in terms of paragraph 3 hereof.

7. The lower proprietors shall at no time be held responsible for damage caused to the farms Kohraans Drift or Sundays River Poort by floods or other *vis major* unless such damage shall be proved to have been caused by the existence of the said dam or weir.

8. The lower proprietors shall at their cost, at a site in the aqueduct to be selected by the upper proprietors, fix a suitable outlet in the shape of a pipe or sluice gate according to the form of construction of the aqueduct from which the upper proprietors and their aforesaid shall receive the supply of water hereinafter mentioned.

9. The lower proprietors shall see to the opening, closing and regulating of the aqueduct as the condition of the river requires and permits, so as to allow of the water freely passing into the said aqueduct, and shall for the purposes thereof have the right to erect a caretaker's cottage and outhouses at the said dam or weir within the aforesaid boundary fence and to appoint a man or men to reside thereon to attend duly to the intake, aqueduct and outlet pipe or sluice gate so as to carry out as effectually as possible the intention of the parties and so that the upper proprietors shall receive the water to which they are entitled as hereinafter mentioned.

10. From the point of the said outlet the lower proprietors undertake at their own cost to construct a branch canal or furrow along the course most suitable for the irrigation by gravitation of the 48.4 morgen shown on the said plan, and to construct a bridge over the said branch canal or furrow; also to provide and construct six (6) division gates in the said canal or furrow at sites to be selected by the upper proprietors: thereafter the said canal and furrow shall be maintained by the upper proprietors and their aforesaid.

11. On the completion of the works hereby contemplated, and subject to the considerations and conditions hereinafter mentioned, the lower proprietors undertake whenever the state of the Sundays River admits of it (and while water is flowing in the aqueduct down to the lower proprietors) to supply water through the said outlet to the upper proprietors and their successors at the rate of 750 gallons per minute, but should this quantity be in excess of what the upper proprietors can claim as riparian owners, then to supply to them the quantity of water which they, as riparian owners, can claim as their proportion, save and except, however, when prevented by the act of God, flood, storm, accident or any unforeseen contingency or circumstance. The upper proprietors and their successors shall make an annual contribution or money payment for the said 750 gallons to be charged on 48.4 morgen calculated at the rate of one-half of the amount at the time charged to irrigators from and under the lower proprietors receiving water from the said aqueduct, but such contribution shall not exceed ten shillings (10s.) per morgen per annum. Such contribution or payment shall be paid to the lower proprietors on the 30th June and 31st December in each and every year, the first whereof shall be made in the June or December following the completion of the works contemplated. Should the contribution or payment remain three (3) months in arrear the lower proprietors shall not be obliged or required to supply water until such time as the said arrears shall be paid, and they shall have the right to cut off the supply of water to the upper proprietors or their aforesaid till such payment is made.

12. The upper proprietors and their successors shall have the right to the use of the water in and above the said weir or dam for domestic purposes and watering their stock, and to pump water therefrom, not, however, to exceed 100,000 gallons per diem of 24 hours.

13. In the event of any lower riparian proprietors on the said river making claim against the upper proprietors or their aforesaid for any infringement of alleged riparian rights by reason of the acts of the lower proprietors, then the lower proprietors agree to indemnify the upper proprietors and their successors provided they give notice in writing by registered letter to the lower proprietors of such alleged infringement, and grant to the lower proprietors full and absolute power to act as they may deem necessary or advisable in regard to such alleged infringement.

14. Should the upper proprietors or their successors require more than the said 750 gallons per minute for irrigating other ground besides the said 48.4 morgen, then they shall declare and demarcate the ground for which such extra water is required, and if practicable the lower proprietors agree to supply water therefor from the said aqueduct subject to all the conditions under which they supply water from the said aqueduct to irrigators on the properties aforesaid of the lower proprietors, and to the payment of a water rate not to exceed two pounds (£2) per morgen per annum.

15. The upper proprietors for themselves and their successors hereby further grant and concede to the lower proprietors the right to supply water by means of the works hereby contemplated to lower riparian proprietors on the said river subject to such terms as the lower proprietors



gemaak is nie, en, partye nie ooreen kan kom omtrent die plek of plekke by en vanwaar die nodige sand, ens., moet geneem word, moet verder verwys word na 'n enkele arbiter op die wyse hierbo gemeld. Die hoëreienare mag hulle nie met enige deel van gemelde werke, wat sal beskou word as behorende aan die ondereienare, bemoei of inlaat nie, en die ondereienare en hulle agente, bediendes, en werknemers sal alleen die reg hê om die gemelde werke en alle besonderhede daarvan te bou, te hanteer en te bewerk.

5. Die ondereienare sal ten allen tyde geregtig wees om gratis van die bed van die Sondagsrivier langs sy loop deur die plaas Kohraansdrift en van die kant van die koppie in die nabyheid van die voorgestelde dam, alle nodige sand, gruis, en klippe te neem vir die doel om die gemelde werke te onderhou, en sal die reg van toegang hê vir die doeleindes van hierdie ooreenkoms.

6. Na voltooiing van gemelde werk, sal die ondereienare, hulle werkmense en masjinerie, onderworpe aan paragrawe 4 en 5 hiervan, alleen toegang hê tot die plaas Kohraansdrift langs die loop van gemelde afleivoer en binne die omheining wat opgesit moet word ingevolge paragraaf 3 hiervan.

7. Die ondereienare sal nimmer verantwoordelik gehou word vir skade gedoen aan die plaas Kohraansdrift of Sondagsrivierpoort deur oorstromings of ander natuurkrag, tensy dit bewys word dat sodanige skade veroorsaak is deur die bestaan van die gemelde dam of opdamming.

8. Die ondereienare sal op hulle koste, op 'n plek in die afleivoer wat gekies sal word deur die hoëreienare, 'n geskikte uitlaat in die vorm van 'n pyp of sluis vasstel, volgens die vorm van bou van die afleivoer vanwaar die hoëreienare en hulle bogemeldes die watervoorraad, hierna genoem, sal ontvang.

9. Die ondereienare moet let op die oopmaak, toemaak en regulering van die afleivoer soos die toestand van die riviere vereis en toelaat, sodat die water ongehindert in die gemelde afleivoer kan gaan, en sal vir die doeleindes daarvan die reg hê om 'n opsigter se woning en buitegeboue by die gemelde dam of opdamming binne gemelde grensomheining te bou, en 'n man of manne aan te stel om daarop te bly om behoorlik na die opvanggebied, afleivoer en uitlaatpype of sluise te kyk sodat die doel van die partye so doeltreffend moontlik uitgevoer kan word en sodat die hoëreienare die water sal ontvang waartoe hulle geregtig is soos hierna genoem.

10. Die ondereienare onderneem om van die punt van gemelde uitlaat op eie koste 'n tak-kanaal of voor langs die mees geskikte loop vir die besproeiing deur gravitasie van die 48.4 morge aangetoon op gemelde plan, te bou, en 'n brug oor die gemelde tak-kanaal of voor te bou; asook om ses (6) verdelingshekke in gemelde kanaal of voor by plekke wat deur die hoëreienare gekies sal word, te verskaf en te bou; daarna sal die gemelde kanaal en voor onderhou word deur die hoëreienare en hulle voornoemdes.

11. Na voltooiing van die werke hierby voorgeneem, en onderworpe aan die oorwegings en voorwaardes hierna genoem, onderneem die ondereienare wanneer ook al die toestand van die Sondagsrivier dit toelaat (en terwyl water in die afleivoer afloop na die ondereienare) om water te verskaf deur gemelde uitlaat aan die hoëreienare en hulle opvolgers teen 750 gelling per minuut, maar ingeval hierdie hoeveelheid meer is as wat die hoëreienare as oewereienare kan eis dan om aan hulle die hoeveelheid water te verskaf wat hulle, as oewereienare as hulle aandeel kan eis, buiten en behalwe, egter, wanneer sulks belet word deur 'n natuurramp, vloed, storm, ongeluk of enige onvoorsiene toeval of omstandigheid. Die hoëreienare en hulle opvolgers moet 'n jaarlikse kontribusie of geldelike betaling maak vir die gemelde 750 gelling wat gedebiteer sal word teen 48.4 morge bereken teen die helfte van die bedrag op die tyd gevorder van besproeiers van en onder die ondereienare wat water ontvang uit die gemelde afleivoer, maar sodanige bydrae sal nie tien sjielings (10s.) per morg per jaar te bowe gaan nie. Sodanige bydrae of betaling moet aan die ondereienare betaal word op 30 Junie en 31 Desember in elke jaar, die eerste waarvan gemaak moet word in die Junie of Desember wat op die voltooiing van die voorgestelde werke volg. As die bydrae of betaling drie (3) maande agterstallig is sal die ondereienare nie verplig wees of gevra word om water te verskaf alvorens gemelde agterstallige gelde betaal is, en hulle het die reg om die watertoevoer af te sny vir die hoëreienare of hulle voornoemdes tot tyd en wyl sodanige betaling gemaak is.

12. Die hoëreienare en hulle opvolgers het die reg tot die gebruik van die water in en bokant die dam of opdamming vir huishoudelike doeleindes en water vir hulle vee, en om water daarvandaan te pomp, maar nie meer as 100,000 gelling per dag van 24 uur nie.

13. Ingeval enige onder oewereienare op gemelde rivier vorderings het teen die hoëreienare of hulle voornoemdes vir enige oortreding van beweerde oewerrechte deur die dade van die ondereienare, dan stem die ondereienare toe om die hoëreienare en hulle opvolgers te vrywaar, op voorwaarde dat hulle aan die ondereienare skriftelike kennis per geregistreerde brief gee van sodanige beweerde oortreding, en hulle volle en gehele bevoegdheid verleen om te handel soos hulle mag nodig of raadzaam ag in verband met sodanige beweerde oortreding.

14. As die hoëreienare of hulle opvolgers meer as die gemelde 750 gellings per minuut nodig het om ander grond buite die gemelde 48.4 morge, te besproei, moet hulle die grond waarvoor sodanige ekstra water nodig is, bepaal en afbaken, en indien moontlik kom die ondereienare ooreen om water daarvoor van die gemelde afleivoer te verskaf, onderworpe aan al die voorwaardes waaronder hulle water verskaf van gemelde afleivoer aan besproeiers op bogemelde eiendomme van die ondereienare, en teen betaling van 'n waterbelasting van hoogstens twee pond (£2) per morg per jaar.

15. Die hoëreienare, vir hulself en hulle opvolgers, gee en staan hierby verder aan die ondereienare die reg toe om water te gee aan onder oewereienare aan gemelde rivier by wyse van die werke hierby voorgeneem, onderworpe aan sodanige terme as die ondereienare en die ander

and the other lower riparian proprietors may agree upon, but should the area so to be supplied exceed one hundred and fifty (150) morgen then the upper proprietors and their successors shall be absolved from the payment of the contribution in respect of the said 48.4 morgen, referred to in paragraph 11 hereof, from the date water is supplied to the said lower riparian proprietor by the lower proprietors. Should such other lower riparian proprietor or proprietors, after entering into any agreement with the lower proprietors to supply water as aforesaid, dispose or transfer such land, so to be watered to the lower proprietors, then notwithstanding such subsequent ownership by the lower proprietors, the condition to absolve the upper proprietors and their successors from payment of the said contribution, as provided by Clause 11 of these presents, shall continue of full force and effect.

16. The upper proprietors for themselves and their successors hereby further grant and concede to the lower proprietors the right to lay down and maintain in perpetuity within the boundary fence of the said aqueduct to the said dam or weir telephone and/or telegraph poles and wires.

17. Upon the signing of these presents the lower proprietors shall refund equally among the said present beneficiaries the aforesaid four hundred pounds (£400) expended by them in the construction of the du Preez' Dam and relative furrow, and the lower proprietors shall be entitled in consideration to make use of the site and materials of the said du Preez' Dam or such part thereof as they may desire in the construction of the dam or weir contemplated by these presents.

18. Subject to paragraph 13 hereof, and in consideration of their undertakings under these presents, the lower proprietors shall be entitled to all the water conveyed by means of the said dam or weir and aqueduct, save and except only what the upper proprietors are to receive at the point aforesaid as above provided and in terms of paragraphs 12 and 14 hereof, and the said upper proprietors shall accept in full settlement of their rights as riparian owners on the said Sundays River of the farm Kohraans Drift the said proportion of water so to be allowed to them, the intention of the parties being that subject to the allowance of such proportion the water caught up by the said dam or weir and aqueduct shall be appropriated to and enjoyed by or for the benefit of the lower proprietors in consideration of the undertakings on the part of the lower proprietors as herein contained and the valuable services to be rendered by them under these presents.

19. The lower proprietors shall bear the cost of the preparation of these presents and the embodiment thereof in notarial form, and of the registration thereof, and of the application to be made to the Honourable the Supreme Court of South Africa (Cape of Good Hope Provincial Division) to obtain its sanction thereto. And the upper proprietors hereby empower the lower proprietors at their own cost to make on behalf of all concerned the necessary application or applications to the said court.

20. The lower proprietors shall pay to Oosthuizen, Meyer & Burch, as attorneys for the upper proprietors, the sum of one hundred and twenty guineas (£126) for the services rendered and to be rendered by them in and about the execution of these presents and the registration thereof in due form of law, such payment to be made on this agreement being sanctioned by the Honourable the Supreme Court of South Africa (Cape of Good Hope Provincial Division).

21. Should any part of the existing road on the farm Kohraans Drift in the direction of the property of the lower proprietors be occupied by the said aqueduct, then the lower proprietors shall provide a similar and convenient roadway below the course of the said aqueduct in substitution of the present roadway or so much thereof as shall be occupied by the said aqueduct.

22. The lower proprietors undertake should the drift on the farm Sundays River Poort and/or the drift on the farm Kohraans Drift below the site of the proposed weir be damaged through the existence of the said weir, to make good such damage upon receiving written notice thereof from the upper proprietors, and subject to the state of the river permitting of such work being done, by keeping the said drifts in their present state of repair.

23. The lower proprietors undertake to pay the sum of one hundred pounds (£100) sterling as compensation for the land to be occupied by the said works and for actual inconvenience and loss that may be suffered by the exercise of the said servitudes, such payment to be made against the registration of these presents in notarial form against the title deeds concerned.

24. The upper proprietors hereby appoint Ockert Jacobus Oosthuizen, whom failing, Charles Henry Meyer, and the lower proprietors, John Scrimgeour, whom failing, Daniel Maclaren Brown, to appear before a notary public, and as their act and deed incorporate in notarial form these presents so soon as the said court shall have made an order approving the same, with power to their said nominees to concur in their behalf in any modifications or alterations which the said court may see fit to make on the present agreement.

25. The lower proprietors shall be entitled to assign all or any of their rights, powers or privileges hereunder, to any company who may now or at any future time be the owner of the whole or any part of the properties aforesaid of the lower proprietors or of any other riparian property which the lower proprietors may hereafter acquire, or to any company elected or appointed to take charge of the whole or any portion of the waterworks constructed by the lower proprietors under this agreement for and on behalf of the lower proprietors, or for and on behalf of the company owning the whole or any part of the said properties, or to any board duly appointed or elected under statutory authority in that behalf, and such assignee or assignees shall be entitled in perpetuity to enjoy the rights, powers or privileges so assigned, with further power of assignment, although the lower proprietors may at any time not be the owners of the whole of the said properties; provided that if the lower proprietors shall at any time no longer own any portion

onder-oewereienare mag besluit, maar as die oppervlakte wat aldus voorsien sal word honderd-en-vyftig (150) morge te bowe gaan, word die hoëreienare en hulle opvolgers vrygestel van die betaling van die bydrae in verband met gemelde 48.4 morge, genoem in paragraaf 11 hiervan, van die datum waarop water deur die ondereienare aan gemelde onder-oewereienare verskaf is. As sodanige ander onder-oewereienaar of eienare, nadat hulle ooreengekom het met die ondereienare om water te verskaf soos gemeld, sodanige grond soos aldus besproei moet word, van die hand sit of transporteer, aan die ondereienare, dan bly nie-teenstaande sodanige latere eiendomsreg van die ondereienare, die voorwaardes om die hoëreienare en hulle opvolgers vry te stel van betaling van gemelde bydrae, soos bepaal in Klousule 11 van hierdie akte, van volle krag en gevolg.

16. Die hoëreienare, vir hulself en hulle opvolgers ken hierby verder toe en staan af aan die ondereienare die reg om telefoon en/of telegraafpale en drade op te rig en altyddurend te onderhou binne die grensoverheining van gemelde afleivoor van voornoemde dam of opdamming.

17. Na ondertekening van hierdie akte moet die ondereienare gelykop terugbetaal aan genoemde teenswoordige belanghebbendes, die gemelde vier honderd pond (£400) deur hulle gespandeer aan die bou van die du Preez Dam en toebehorende voor, en die ondereienare sal as tegemoetkoming geregtig wees om gebruik te maak van die terrein en materiale van die gemelde du Preez Dam of sodanige deel daarvan as hulle mag verlang by die bou van die dam of opdamming voorgestel deur hierdie akte.

18. Onderworpe aan paragraaf 13 hiervan, en as tegemoetkoming vir hulle ondernemings onder hierdie akte, sal die ondereienare geregtig wees tot al die water vervoer by wyse van die gemelde dam of opdamming en afleivoor, buiten en behalwe alleen wat die hoëreienare op bogemelde punt moet ontvang—soos hierbo bepaal en in terme van paragrawe 12 en 14 hiervan, en die gemelde hoëreienare sal aanneem as volle skikking van hulle regte as oewereienare op die gemelde Sondagsrivier van die plaas Kohraansdrift die gemelde hoeveelheid water wat aldus aan hulle toegelaat word, en die doel van die partye sal wees dat onderworpe aan die toelating van sodanige hoeveelheid die water opgevang deur die gemelde dam of opdamming en afleivoor bestem sal wees vir en geniet sal word deur of vir die nut van die ondereienare as tegemoetkoming vir die ondernemings aan die kant van die ondereienare soos hierin vervat en die waardevolle dienste wat vir hulle verrig word onder hierdie akte.

19. Die ondereienare moet die koste van die opstelling van hierdie akte en beliggaming in notariële vorm, en die registrasie daarvan dra, en die applikasie wat gemaak moet word aan die Hooggeregshof van Suid-Afrika (Provinsiale Afdeling, Kaap die Goeie Hoop) om sy goedkeuring daarvoor te kry. En die hoëreienare magtig hierby die ondereienare om op hulle eie koste ten gunste van alle betrokkenes die nodige applikasie of applikasies by die gemelde hof te maak.

20. Die ondereienare sal aan Oosthuizen, Meyer & Burch, as Prokureurs vir die hoëreienare, die som van honderd-en-twintig ghienies (£128) betaal vir die dienste wat verrig is en verrig sal word deur hulle in verband met die uitvoering van hierdie akte en die registrasie daarvan behoorlik volgens wet, sodanige betaling te geskied as hierdie ooreenkoms goedgekeur is deur die Hooggeregshof van Suid-Afrika (Provinsiale Afdeling, Kaap die Goeie Hoop).

21. As enige deel van die bestaande pad op die plaas Kohraansdrift in die rigting van die eiendom van die ondereienare beslaan word deur die gemelde afleivoor, moet die ondereienare 'n dergelike en geskikte pad onderkant die loop van die gemelde afleivoor verskaf in plaas van die teenswoordige pad of soveel daarvan as deur die gemelde afleivoor sal beslaan word.

22. Die ondereienare onderneem, as die drif op die plaas Sondagsrivierpoort en/of die drif op die plaas Kohraansdrift onderkant die ligging van die voorgestelde dam, beskadig word deur die bestaan van gemelde dam, om sodanige skade te vergoed na ontvangs van 'n skriftelike kennisgewing van die hoëreienare, en mits die toestand van die rivier toelaat dat sodanige werk gedoen word, deur gemelde drijwe in hulle teenswoordige toestand van reparasie te hou.

23. Die ondereienare onderneem om die som van honderd pond (£100), sterling te betaal as kompensasie vir die grond wat deur gemelde werke sal beslaan word en vir ware ongerief en verlies wat mag gely word deur die uitvoering van gemelde servitude, en sodanige betaling moet geskied by registrasie van hierdie akte in notariële vorm teen die betrokke transporte.

24. Die hoëreienare benoem hierby, Ockert Jacobus Oosthuizen, of in sy plek Charles Henry Meyer, en die ondereienare, John Scrimgeour, of in sy plek, Daniel Maclaren Brown, om voor 'n notaris te verskyn, en deur hulle handtekening hierdie akte in notariële vorm te beliggaam sodra die gemelde hof 'n goedkeuringsorder gemaak het, met magtiging aan hulle voormelde benoemdes om namens hulle enige veranderings of wysigings wat die voormelde hof mag goeddink om in die huidige ooreenkoms te maak, goed te keur.

25. Die ondereienare is geregtig om alle of enige van hulle regte, bevoegdhede of voorregte volgens hierdie akte oor te maak, aan enige maatskappy wat nou of te eniger tyd in die toekoms die eienaar word van die hele of enige deel van die gemelde eiendomme van die ondereienare, of van enige ander oewereienare wat die ondereienare hierna mag verkry, of aan enige maatskappy gekies of aangestel om toesig te hou oor die hele of enige gedeelte van die waterwerke gebou deur die ondereienare ingevolge hierdie ooreenkoms vir en ten behoeve van die ondereienare, of vir en ten behoeve van die maatskappy in besit van die hele of enige deel van die gemelde eiendomme of aan enige raad behoorlik by wetlike gesag daarvoor aangestel of gekies, en sodanige cessionaris of cessionarisse sal geregtig wees om altyddurend die regte, bevoegdhede en voordele so oorgemaak, met verdere magtiging van oormaking, te geniet, nie-teenstaande die feit dat die ondereienare te eniger tyd nie die eienare van die geheel van die gemelde eiendomme mag wees nie; met die verstande dat as enige deel van enige van die gemelde eiendomme te eniger tyd nie meer aan die ondereienare behoort

of any of the said properties, the obligations hereunder undertaken by the lower proprietors shall rest upon and be performed by the company or board to whom the lower proprietors shall have so assigned their rights, powers or privileges hereunder as aforesaid, and who shall have undertaken the performance of such obligations.

26. As so approved or modified by the said court and so embodied in notarial form, the agreement of the parties shall be registered against all the transfer deeds or title deeds concerned.

In witness whereof these presents have been signed at the places and upon the dates respectively hereinafter set forth, in the presence of the subscribing witnesses.

| Witnesses.          | Signature of Parties to Agreement.                                   | Place of Signing.           | Date of Signing.    |
|---------------------|----------------------------------------------------------------------|-----------------------------|---------------------|
| J. A. du Preez      | S. J. du Preez, q.q.                                                 | Kariega, District Uitenhage | 30th January, 1911. |
| J. S. Anderson.     | I. C. du Preez                                                       | "                           | "                   |
|                     | P. H. du Preez .. ..                                                 | "                           | "                   |
|                     | J. A. du Preez .. ..                                                 | "                           | "                   |
|                     | A. J. Wait, assisted by me, J. W. Wait.                              | "                           | "                   |
|                     | A. M. du Preez .. ..                                                 | "                           | "                   |
|                     | S. J. du Preez, S.J./S. ..                                           | "                           | "                   |
|                     | S. J. du Preez, H.H./Son ..                                          | "                           | "                   |
| Ed. H. Mills        | O. J. Oosthuizen, q.q. ..                                            | "                           | 6th February, 1911. |
| W. F. Nicholson.    | M. A. Muller                                                         | "                           | "                   |
|                     | O. J. Oosthuizen, Exor. Dative Estate H. H. du Preez                 | "                           | "                   |
| A. Back Cunningham. | Henry Chase, Sole Trustee, Insolvent Estate of the late S. J. Muller | "                           | 7th February, 1911. |
| G. van Kerken.      |                                                                      |                             |                     |
| W. Lawson Brown     | For the Strathsomers Estate Co., Ltd.                                | Port Elizabeth              | 8th February, 1911. |
| R. Bayman           | John Scrimgeour, Chairman                                            |                             |                     |

### Second Schedule.

DESCRIPTION OF IRRIGATION WORKS REFERRED TO IN SUB-SECTION (4) OF SECTION *two*.

"A weir for diverting water from the Sundays River situate on the farm Korhaansdrift in the Division of Uitenhage with canals and ancillary works on both banks of the Sundays River traversing the farms Korhaansdrift, Strathsomers Estate (amended title dated 9th February, 1914), remainders of Malmaison, Klaaskraal and Goewerments Beloning—Plan K.46. General plans S.80 A. B. or C."

### Third Schedule.

NAMES OF PERSONS AND AMOUNTS REFERRED TO IN SUB-SECTION (2) OF SECTION *three*.

| Names of Persons.                                                                             | Amounts.  |
|-----------------------------------------------------------------------------------------------|-----------|
|                                                                                               | £ s. d.   |
| The Cleveland Sub-Syndicate (C. H. Woolley) .. ..                                             | 183 0 0   |
| C. Serfontein (Land bought, but Board of Executors, Uitenhage, still registered owners) .. .. | 45 0 0    |
| L. W. Walton .. ..                                                                            | 222 0 0   |
| Mrs. B. E. Walton .. ..                                                                       | 305 0 0   |
| C. H. Coltman .. ..                                                                           | 1,700 0 0 |



nie, die verpligtings hiervolgens deur die onderneemende onderneem, sal rus op, en uitgevoer word deur die maatskappy of raad aan wie die onderneemende, kragtens hierdie akte soos voormeld, hulle regte, bevoegdhede of voordele, oorgemaak het, en deur wie die uitvoering van sodanige verpligtings onderneem is.

26. Die ooreenkoms van die partye soos goedgekeur of verander deur gemelde hof, en soos in notariële vorm beliggaam, sal geregistreer word teen al die betrokke transportaktes of transporte.

Ten bewyse waarvan hierdie akte onderteken is op die plekke en datums respektiewelik hierna uiteengesit, in teenwoordigheid van die ondertekenende getuies.

| Getuie.            | Handtekening van Partye tot Ooreenkoms.                                   | Plek van Tekening. | Datum van Tekening. |
|--------------------|---------------------------------------------------------------------------|--------------------|---------------------|
| J. A. du Preez ..  | S. J. du Preez, q.q. ..                                                   | Kariëga Dist.      | 30 Jan. 1911.       |
| J. S. Anderson ..  | I. C. du Preez .. ..                                                      | Uitenhage          | " "                 |
|                    | P. H. du Preez .. ..                                                      | "                  | " "                 |
|                    | J. A. du Preez .. ..                                                      | "                  | " "                 |
|                    | A. J. Wait, bygestaan deur my J. W. Wait.                                 | "                  | " "                 |
|                    | A. M. du Preez .. ..                                                      | "                  | " "                 |
|                    | S. J. du Preez, S.J./S. ..                                                | "                  | " "                 |
|                    | S. J. du Preez, H.H./Seun                                                 | "                  | " "                 |
| Ed. H. Mills ..    | O. J. Oosthuizen, q.q. ..                                                 | "                  | 6 Feb. 1911.        |
| W. F. Nicholson    | M. A. Muller .. ..                                                        | "                  | " "                 |
|                    | O. J. Oosthuizen, Eks. Datief Boedel H. H. du Preez.                      | "                  | " "                 |
| A. Back Cunningham | Henry Chase, Enkele Kurator Insolvente Boedel van Wyle S. J. Muller .. .. | "                  | 7 Feb. 1911.        |
| G. van Kerken      | Vir die Strathsomers Estate - Maatskappy, Beperk.                         | "                  | " "                 |
| W. Lawson Brown    | John Scrimgeour, Voor-sitter.                                             | Port Elizabeth.    | 8 Feb. 1911.        |
| R. Bayman ..       |                                                                           |                    |                     |

## Tweede Skedule.

BESKRYWING VAN BESPROEINGSWERKE WAT NA VERWYS WORD IN SUB-ARTIKEL (4) VAN ARTIKEL twee.

„n Dam om water uit die Sondagsrivier af te lei, geleë op die plaas Korhaansdrift in die afdeling Uitenhage, met kanale en bybehorende werke op albei walle van die Sondagsrivier waar hulle die plaas Korhaansdrift, Strathsomers Estate (geamendeerde titel gedateer 9 Februarie 1914), resterende gedeeltes van Malmaison, Klaaskraal en Goewerments Beloning kruis—Plan K.46. Algemene Planne S.80 A.B. of C.”

## Derde Skedule.

NAME VAN PERSONE EN BEDRAE BEDOEL IN SUB-ARTIKEL (2) VAN ARTIKEL drie.

| Name van Persone.                                                                             | Bedrae.            |
|-----------------------------------------------------------------------------------------------|--------------------|
| The Cleveland Sub-Syndicate (C. H. Woolley) ..                                                | £ s. d.<br>183 0 0 |
| C. Serfontein (Grond gekoop maar Eksekuteurskamer Uitenhage, nog geregistreeerde eienaars) .. | 45 0 0             |
| L. W. Walton .. ..                                                                            | 222 0 0            |
| Mev. B. E. Walton .. ..                                                                       | 305 0 0            |
| C. H. Coltman .. ..                                                                           | 1,700 0 0          |

No. 40, 1934.]

# ACT

## To amend the law relating to Customs.

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:—

Insertion of new section 10 (*bis*) in Act No. 36 of 1925.

1. The following new section is hereby inserted after section *ten* of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), which Act, as amended from time to time, is hereinafter referred to as the principal Act:

"Duty on discrimination by other countries. 10*bis*. (1) When the Governor-General is satisfied that any other country imposes directly or indirectly on any goods wholly or in part manufactured or produced in the Union any duty, charge, limitation or restriction which is not imposed upon like goods manufactured or produced in any other country, or discriminates against the commerce of the Union in such a manner as to place it at a disadvantage with the commerce of any other country, he may in his discretion, if he considers that the public interest will be served thereby, by proclamation in the *Gazette* impose new or additional duties, not exceeding the value for duty purposes, on all goods or any class of goods imported from such country and on all goods or any class of goods wholly or in part manufactured or produced in such country, whencesoever imported; and from and after a date to be specified in the Proclamation until the 30th June, 1935, there shall be charged, levied, collected and paid on such goods new or additional duties at the rates imposed and specified in the Proclamation.

(2) The duties which may be imposed in terms of sub-section (1) on any goods may be imposed by reference to value or to weight or any other measure of quantity, as may be provided in such Proclamation".

Amendment of section 12 of Act No. 36 of 1925, as amended by section 9 of Act No. 24 of 1927, section 2 of Act No. 19 of 1928, section 2 of Act No. 31 of 1929, section 3 of Act No. 32 of 1930, and section 1 of Act No. 44 of 1931.

2. Sub-section (1) of section *twelve* of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (*h*) of the words, "and on material for hospital nurses' uniforms imported by or on behalf of the board of any public hospital", and
- (b) by the addition at the end of paragraph (*p*) of the words "and on articles specially constructed or adapted for the use of the blind on a certificate to that effect from the National Council for the Blind".

Amendment of section 14 of Act No. 36 of 1925, as amended by section 2 of Act No. 34 of 1926, section 1 of Act No. 14 of 1929, and section 6 of Act No. 8 of 1933.

3. Sub-section (1) of section *fourteen* of the principal Act is hereby amended by deleting the words "customs duty" and by substituting therefor the words "duty payable under any law relating to customs, including any dumping duty, special duty or surtax".

Amendment of section 15 of Act No. 36 of 1925, as amended by section 10 of Act No. 49 of 1931, and section 1 of Act No. 27 of 1932.

4. Section *fifteen* of the principal Act is hereby amended—

- (a) by inserting in sub-section (1) after the words "or are being" the words "or are likely to be";
- (b) by inserting in paragraph (*d*) of the said sub-section after the words "port of entry" the words "or other

No. 40, 1934.]

## WET

Om die regsbepalings te wysig in verband met  
Doeane.

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

1. Die volgende nuwe artikel word hiermee ingevoeg na artikel *tien* van die „Doeanetarief en Aksijnsrechten Wijzigingswet, 1925” (Wet No. 36 van 1925), watter Wet, soos van tyd to tyd gewysig, hierna die Hoofwet genoem word:—

Invoeging van nuwe artikel 10 (bis) in Wet No. 36 van 1925.

„Belasting 10bis. (1) Wanneer de Goeverneur-Generaal oorsake gevolg van diskriminatie door andere landen. (1) Wanneer de Goeverneur-Generaal oordigt is dat een ander land direkt of indirekt op enige goederen geheel of gedeeltelik vervaardigd of voortgebracht in de Unie, een recht, belasting, beperking of restriktie oplegt welke niet op gelijksoortige goederen vervaardigd of voortgebracht in een ander land opgelegd word, of diskrimineert tegen de handel van de Unie op zulk een wijze dat het benadeeld wordt in vergelyking met dat van een ander land, kan hy na goeddunken, indien hy acht dat het openbare belang daardoor bevorderd wordt, door Proklamatie in de *Staatskoerant* nieuwe of additionele rechten opleggen van hoogstens de waarde voor doeanedoeleinden op alle goederen of enige klasse van goederen uit zodanig land ingevoerd, en op alle goederen of enige klasse van goederen geheel of gedeeltelik in zodanig land vervaardigd of voortgebracht, onverschillig van waar ingevoerd; en vanaf en na een datum in de Proklamatie te worden vermeld en tot 30ste Junie, 1935, wordt op zodanige goederen nieuwe of additionele rechten geheven, geïnd en betaald, volgens het tarief in de Proklamatie opgelegd en vermeld.

(2) De rechten die op goederen opgelegd kunnen worden krachtens sub-artikel (1), kunnen door verwijzing naar waarde of naar gewicht of enige andere maat van hoeveelheid opgelegd worden zoals in zodanige Proklamatie mag bepaald worden.”

2. Sub-artikel (1) van artikel *twaalf* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 12 van Wet No. 36 van 1925, soos gewysig deur artikel 9 van Wet No. 24 van 1927, artikel 2 van Wet No. 19 van 1928, artikel 2 van Wet No. 31 van 1929, artikel 3 van Wet No. 32 van 1930 en artikel 1 van Wet No. 44 van 1931.

- (a) deur byvoeging aan die end van paragraaf (h) van die woorde „en op materiaal voor uniformen van hospitaalverpleegsters ingevoerd door of ten behoeve van de raad van enige publieke hospitaal”, en
- (b) deur byvoeging aan die end van paragraaf (p) van die woorde „en op artikelen speciaal vervaardigd of geadapteerd voor het gebruik van blinden krachtens een certificaat tot dien effekte van de Nationale Raad voor Blinden”.

3. Sub-artikel (1) van artikel *veertien* van die Hoofwet word hiermee gewysig deur die woord „doeanerecht” te skrap en te vervang deur die woorde „recht dat uit krachte van een doeanewet betaalbaar is, en omvat een dumpingrecht, speciale belasting of surtaks”.

Wysiging van artikel 14 van Wet No. 36 van 1925, soos gewysig deur artikel 2 van Wet No. 34 van 1926, artikel 1 van Wet No. 14 van 1929 en artikel 6 van Wet No. 8 van 1933.

4. Artikel *vyftien* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 15 van Wet No. 36 van 1925, soos gewysig deur artikel 10 van Wet No. 49 van 1931 en artikel 1 van Wet No. 27 van 1932.

- (a) deur invoeging in sub-artikel (1) na die woorde „worden of zijn” van die woorde „of waarschijnlijk uitgevoerd zullen worden”; en
- (b) deur invoeging in paragraaf (d) van genoemde sub-artikel na die woord „invoerhaven” van die woorde

place"; by inserting after the word "port" where it occurs for the second time the words "or place"; and by inserting after the word "landing" the word "transportation";

(c) by inserting in paragraph (i) of the proviso to the said sub-section after the words "shall be imposed", the words "in terms of this sub-section";

(d) by inserting in paragraph (ii) of the proviso to the said sub-section after the words "such duties" the words "imposed in terms of this sub-section";

(e) by the deletion of the proviso to sub-section (4).

Amendment of section 22 of Act No. 9 of 1913, as amended by section 36 of Act No. 36 of 1925.

5. Sub-section (2) of section *twenty-two* of the Customs Management Act, 1913 (Act No. 9 of 1913), as amended, is hereby further amended by the addition at the end thereof of the words "and the expressions 'increase of duty' and 'increased duty' shall be construed as including any duty imposed on an article which previously had not been chargeable with duty".

Amendment of section 23 of Act No. 9 of 1913, as amended by section 16 of Act No. 23 of 1923.

6. Section *twenty-three* of the Customs Management Act, 1913 (Act No. 9 of 1913), as amended, is hereby further amended by deleting paragraph (c) and substituting:

"(c) Goods which are indecent or obscene or on any ground whatsoever objectionable; in the event of any question arising as to whether any goods are indecent or obscene or objectionable the decision of the Minister of the Interior shall be final: Provided that in respect of printed, engraved, lithographic and photographic matter the decision shall be given after consultation with the Board of Censors appointed in terms of sub-section (1) of section *two* of the Entertainments (Censorship) Act, 1931 (Act No. 28 of 1931)."

Amendment of section 51 of Act No. 9 of 1913.

7. Section *fifty-one* of the Customs Management Act, 1913 (Act No. 9 of 1913), is hereby amended by the addition thereto of the following new sub-section:—

"(3) Postal articles not liable to duty, and printed matter transmitted by post on which duty has been prepaid by means of stamps, may be imported without due entry as provided for in section *twenty-six*."

Special customs duty on oats.

8. Subject to the exemptions, and to any suspensions, rebates and conditions permitted or provided for by the principal Act, there shall be charged, levied, collected and paid on oats in the grain on importation into the Union, in addition to the duties set out in the First Schedule to that Act, as amended by this Act a special customs duty per cental equal to the amount by which seven shillings exceeds the cost per cental to the importer at the port of importation in the Union, which shall include the cost of packing, packages, landing charges, dock dues and the duties otherwise payable thereon: Provided that the cost of such oats per cental to the importer, free on board at the port of shipment, or if the oats have been imported overland free on railway truck or other vehicle at the place of despatch, shall be taken to be a sum not greater than the ordinary market price for export per cental at the time of purchase, expressed in Union currency, of similar oats free on board at the port of shipment, or free on railway truck or other vehicle at the place of despatch (as the case may be).

Certain Proclamations and Notices deemed to have been issued in terms of Act No. 36 of 1925, as amended by this Act.

9. Any Proclamation or Notice issued in terms of section *fifteen* of the principal Act, and which was in force at the commencement of this Act shall be deemed to have been issued in terms of the said section as amended by this Act.

Amendment of First and Second Schedules to Act No. 36 of 1925.

10. The First and Second Schedules to the principal Act are hereby amended in the manner shown respectively in the First and Second Schedules to this Act.



„of andere plaats”; deur invoeging na die woord „haven” van die woorde „of plaats”; en deur invoeging na die woord „landings-” van die woord „vervoer-”;

(c) deur invoeging in paragraaf (i) van die voorbehoudsbepaling op genoemde sub-artikel na die woord „rechten” van die woorde „opgelegd kragtens dit sub-artikel”;

(d) deur invoeging in paragraaf (ii) van die voorbehoudsbepaling op genoemde sub-artikel na die woorde „zulke rechten” van die woorde „opgelegd kragtens dit sub-artikel”;

(e) deur die voorbehoudsbepaling op sub-artikel (4) te skrap.

5. Sub-artikel (2) van artikel *twee-en-twintig* van die „Wet op het Beheer van de Doeane, 1913” (Wet No. 9 van 1913), soos gewysig, word hiermee verder gewysig deur byvoeging aandie end daarvan van die woorde „en de uitdrukkingen, verhoging van belasting en verhoogde belasting worden geacht te omvatten enige belasting opgelegd op een artikel waarop voorheen geen belasting geheven was”. Wysiging van artikel 22 van Wet No. 9 van 1913, soos gewysig deur artikel 36 van Wet No. 36 van 1925.

6. Artikel *drie-en-twintig* van die „Wet op het Beheer van de Doeane, 1913” (Wet No. 9 van 1913), soos gewysig, word hiermee verder gewysig deur paragraaf (c) te skrap en te vervang deur: Wysiging van artikel 23 van Wet No. 9 van 1913, soos gewysig deur artikel 16 van Wet No. 23 van 1923.

„(c) Goederen die onzedelik, ontuchtig of op enigerlei grond aanstotelik zijn, zullende in geval van twijfel of zulke goederen van onzedelike, ontuchtige of aanstotelike aard zijn, de uitspraak van de Minister van Binnenlandse Zaken beslissend zijn: Met dien verstande dat ten opzichte van gedrukte, gegraveerde, lithografiese of fotografiese artikelen de beslissing gegeven wordt na raadpleging met de „Raad van Sensors” benoemd krachtens sub-artikel (1) van artikel *twee* van de „Vermaaklikheids-Sensuurwet, 1931”, (Wet No. 28 van 1931)”.

7. Artikel *een-en-vyftig* van die „Wet op het Beheer van de Doeane, 1913” (Wet No. 9 van 1913), word hiermee gewysig deur die byvoeging van die volgende nuwe sub-artikel: Wysiging van artikel 51 van Wet No. 9 van 1913.

„(3) Postartikelen niet aan belasting onderhevig, en gedrukte zaken door de post verzonden waarop belasting vooruit betaald is bij wijze van zegels, kunnen ingevoerd worden zonder behoorlijke inklaring zoals in artikel *zes en twintig* bepaald.”

8. Behoudens die vrystellings, opskortings, kortings en voorwaardes in die Hoofwet toegestaan of vasgestel word daar op hawer in korrels by sy invoer in die Unie, buiten die doeanebelasting vermeld in die Eerste Bylae tot die Hoofwet, soos deur hierdie Wet gewysig, ’n besondere doeanebelasting per sentenaar gehef, ingevorder en betaal, wat gelykstaan met die bedrag waarmee sewe sjielings die koste per sentenaar vir die invoerder in die invoerhawe in die Unie oorskry, wat insluit die koste van inpak, verpakking, landingskoste, haweregte en die belastings andersins daarop betaalbaar: Met dien verstande dat die koste van sodanige hawer per sentenaar vir die invoerder, vry aan boord in die inskepingshawe, of indien die hawer oorland ingevoer is, vry op spoorwegtrok of ander voertuig op die plek van afsending, bereken word op nie meer as die gewone markprys vir uitvoer per sentenaar op die tydstip van aankoop, in Uniegeld uitgedruk, van soortgelyke hawer vry aan boord in die inskepingshawe of vry op spoorwegtrok of ander voertuig op die plek van afsending, soos die geval mag wees. Spesiale invoerreg op hawer.

9. Enige proklamasie of kennisgewing uitgereik kragtens artikel *vyftien* van die Hoofwet, en wat in werking was by die inwerkingtreding van hierdie Wet, word beskou as uitgereik te wees kragtens genoemde artikel, soos deur hierdie Wet gewysig. Sekere proklamasies en kennisgewings word beskou as uitgereik kragtens Wet No. 36 van 1925, soos gewysig deur hierdie Wet.

10. Die Eerste en Tweede Bylaes tot die Hoofwet word hiermee gewysig soos aangegee respektieflik in die Eerste en Tweede Bylaes tot hierdie Wet. Wysiging van Eerste en Tweede Bylaes tot Wet No. 36 van 1925.

Exemption from duty on materials and requisites for certain buildings and certain trolley buses.

11. Notwithstanding anything to the contrary contained in this Act—

- (a) the duty payable on materials and requisites for the construction of buildings erected by a university, college, school or public hospital, consequent on the amendment of tariff item 326 in the First Schedule shall not be charged, levied and paid in respect of materials and requisites for such buildings contracted for prior to the 1st May, 1934, or in the course of erection at the commencement of this Act; and
- (b) the increase in duty on railless cars or trolley-buses (electric) worked by current from overhead wires, consequent on the amendment of item 148 in the First Schedule shall not be charged, levied and paid in respect of such cars or buses contracted for prior to the 10th April, 1934.

Short title.

12. This Act shall be known as the Customs Tariff (Amendment) Act, 1934.

11. Nieteenstaande enige strydige bepaling in hierdie Wet—
- (a) word die doeaneregte betaalbaar op materiaal en benodigdhede vir die oprigting van geboue opgerig deur 'n universiteit, kollege, skool of publieke hospitaal as gevolg van die wysiging van tariefitem 326 in die Eerste Bylae, nie gehef, ingevorder en betaal nie ten opsigte van materiaal en benodigdhede vir sodanige geboue, waar die kontrak daarvoor voor die 1ste Mei, 1934, aangegaan was, of wat in proses van oprigting was by die inwerkingtreding van hierdie Wet; en
- (b) word die vermeerdering van doeaneregte op spoorlose waens of trollebusse (elektries) gedryf deur luggeleidingstroom, ingevolge die wysiging van item 148 in die Eerste Bylae nie gehef, ingevorder en betaal nie ten opsigte van sodanige waens of busse waar die kontrak daarvoor voor die 10de April 1934, aangegaan was.
- Vrystelling van doeanereg op materiaal en benodigdhede vir sekere geboue en sekere trollebusse.

12. Hierdie Wet heet die Doeanetarief Wysigingswet, 1934. Kort titel.

## First Schedule.

AMENDMENTS TO THE FIRST SCHEDULE TO THE CUSTOMS TARIFF AND EXCISE DUTIES AMENDMENT ACT, 1925, AS AMENDED.

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                    | Minimum Duty.                                       | Maximum Duty.                                        |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                    | £ s. d.                                             | £ s. d.                                              |
| 12           | By decreasing in paragraph (c) the minimum duty from 2d. per lb. to 1d. per lb.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                    |                                                     |                                                      |
| 13           | By decreasing in paragraph (a) the minimum duty from $\frac{1}{2}$ d. per lb. to $\frac{1}{4}$ d. per lb. and the maximum duty from 1 $\frac{1}{2}$ d. per lb. to 1 $\frac{1}{4}$ d. per lb.                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                    |                                                     |                                                      |
| 15           | By deleting in paragraph (b) after the word "corn" the words "millet, oats and rye" and by substituting the words "and millet".<br>By decreasing in paragraph (d) the minimum duty of 1s. per 100 lb. and maximum duty of 2s. per 100 lb. to free in each case.<br>By inserting the following new paragraphs:—<br>"(e) Oats:<br>(i) in the grain or raw ..<br>(ii) rolled, ground or otherwise prepared: in bulk<br>(iii) rolled, ground or otherwise prepared: not in bulk ..<br>(f) Rye:<br>(i) in the grain or raw ..<br>(ii) ground or otherwise prepared .. | per 100 lb.<br>per 100 lb.<br>per 100 lb.<br>plus a suspended duty of<br>per 100 lb.<br>per 100 lb.<br>per 100 lb. | 0 2 0<br>0 12 6<br>0 2 9<br>0 5 4<br>0 3 4<br>0 5 0 | 0 2 0<br>0 12 6<br>0 3 0<br>0 5 4<br>0 3 4<br>0 5 0" |
| 19           | By increasing in paragraph (d) the minimum duty of 3 $\frac{1}{2}$ d. per lb. to 5d. per lb. and the maximum duty of 3 $\frac{1}{2}$ d. per lb. to 6d. per lb.                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                    |                                                     |                                                      |
| 30           | By inserting in paragraph (b) after the word "cured" the words "but not including chipped or sliced dried beef packed in containers of less than 1 lb."                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                    |                                                     |                                                      |
| 45           | By decreasing in paragraph (a) the minimum duty of 6d. per lb. to 5d. per lb. and the maximum duty of 7 $\frac{1}{2}$ d. per lb. to 5d. per lb.<br>By decreasing in paragraph (b) the minimum duty of 4d. per lb. to 3d. per lb. and the maximum duty of 5 $\frac{1}{2}$ d. per lb. to 3d. per lb.                                                                                                                                                                                                                                                               |                                                                                                                    |                                                     |                                                      |
| 46           | By inserting in paragraph (b) after the word "preserved" the words "not including pickles, tomatoes, cucumbers and cabbage" and by inserting the following new paragraph (c):—<br>"(c) Tomatoes, cucumbers and cabbage, tinned or otherwise preserved, including tomato pulp and puree ..                                                                                                                                                                                                                                                                        | per lb.                                                                                                            | 0 0 2                                               | 0 0 2 $\frac{1}{2}$                                  |
| 59           | By inserting in paragraph (b) after the word "piece" the words "; and jute and hessian sugar pockets, lined or unlined".                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                    |                                                     |                                                      |
| 60           | By inserting the figure "(1)" before the word "Battery" and by inserting the following new paragraph:—<br>"(2) Filter bags, cloths, candles, discs and papers fashioned expressly for, essential to and to be used with filters for industrial and manufacturing purposes, and pulp and glass wool for use in such filters..                                                                                                                                                                                                                                     | ad valorem                                                                                                         | Free                                                | 5% "                                                 |



### Eerste Bylae.

WYSIGINGS VAN DIE EERSTE BYLAE TOT DIE DOEANETARIEF EN  
AKSIJNSRECHTEN WIJZIGINGSWET, 1925, SOOS GEWYSIG.

| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                          | Mini-<br>mum-<br>reg.                                                                  | Maksi-<br>mum-<br>reg.                              |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------|
| 12              | Deur vermindering in paragraaf (c) van die minimumreg van 2d. per lb. op 1d. per lb.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                          | £ s. d.                                                                                | £ s. d.                                             |
| 13              | Deur vermindering in paragraaf (a) van die minimumreg van 3d. per lb. op 1d. per lb. en die maksimumreg van 1½d. per lb. op 1¼d. per lb.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                          |                                                                                        |                                                     |
| 15              | Deur in paragraaf (b) na die woord „Kaffer-koren” die woorde „, gierst, haver en rogge” te skrap en deur die volgende woorde „en gierst” te vervang.<br>Deur vermindering in paragraaf (d) van die minimumreg van 1s. per 100 lb. en die maksimumreg van 2s. per 100 lb. op vry in beide gevalle<br>Deur invoeging van die volgende nuwe paragrawe:—<br>„(e) Haver:<br>(i) in korrels of rauw ..<br>(ii) gerold, gemalen of anders toebeleid, in massa ..<br>(iii) gerold, gemalen of anders toebeleid, niet in massa ..<br>(f) Rogge:<br>(i) in korrels of rauw ..<br>(ii) gemalen of anders toebeleid .. | per<br>100 lb.<br>per<br>100 lb.<br>per<br>100 lb.<br>plus een<br>per<br>100 lb.<br>per<br>100 lb.<br>per<br>100 lb.<br>per<br>100 lb.<br>per<br>100 lb. | 0 2 0<br>0 12 6<br>0 2 9<br>opgeschoorte belas-<br>ting van<br>0 5 4<br>0 3 4<br>0 5 0 | 0 2 0<br>0 12 6<br>0 3 0<br>0 5 4<br>0 3 4<br>0 5 0 |
| 19              | Deur vermeerdering in paragraaf (d) van die minimumreg van 3½d. per lb. op 5d. per lb. en die maksimumreg van 3½d. per lb. op 6d. per lb.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          |                                                                                        |                                                     |
| 30              | Deur invoeging in paragraaf (b) na die woord „gepreserveerd” van die woorde „, doch niet insluitende drooggemaakte gehakt of gesneden rundvlees verpakt in houders van minder dan 1 lb.”                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                          |                                                                                        |                                                     |
| 45              | Deur vermindering in paragraaf (a) van die minimumreg van 6d. per lb. op 5d. per lb. en die maksimumreg van 7½d. per lb. op 5d. per lb.<br>Deur vermindering in paragraaf (b) van die minimumreg van 4d. per lb. op 3d. per lb. en die maksimumreg van 5½d. per lb. op 3d. per lb.                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                          |                                                                                        |                                                     |
| 46              | Deur invoeging in paragraaf (b) na die woord „ingelegd” van die woorde „, doch niet insluitende pickles, tomaten, komkommers en kool”; en deur invoeging van die volgende nuwe paragraaf (c):—<br>„(c) Tomaten, komkommers en kool, in blikjes of anders ingelegd, insluitende tomaten pulp en purée ..                                                                                                                                                                                                                                                                                                    | per lb.                                                                                                                                                  | 0 0 2                                                                                  | 0 0 2½                                              |
| 59              | Deur invoeging in paragraaf (b) na die woord „stuk” van die woorde „, en jute en hessian suiker zakken, gevoerd of ongevoerd”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                          |                                                                                        |                                                     |
| 60              | Deur invoeging van die syfer „(1)” voor die woord „Batterijdoek” en deur invoeging van die volgende nuwe paragraaf:—<br>„(2) Filter-zakken, -doeken, -kaarsen, -schijven en papieren uitdrukkelik vervaardigd en noodzakelik voor en voor gebruik in verband met filters voor industriële en vervaardiging doeleinden, en pulp en glaswol voor gebruik in zodanige filters ..                                                                                                                                                                                                                              | ad valorem                                                                                                                                               | Vrij                                                                                   | 5%”                                                 |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                |                                                                      | Mini-<br>mum<br>Duty. | Maxi-<br>mum<br>Duty. |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-----------------------|-----------------------|
|              |                                                                                                                                                                                                                                                                                                                         |                                                                      | £ s. d.               | £ s. d.               |
| 64           | By inserting after the word "caps" the words "including tubular cheese cloth in the piece, for use in the manufacture of cheese".                                                                                                                                                                                       |                                                                      |                       |                       |
| 65           | By deleting sub-paragraph (iv) of paragraph (b) and substituting the following new sub-paragraph :—<br>"(iv) Knitted clothing including jerseys and pullovers (but not including underwear and shawls and second-hand coats, vests, trousers and jumpers) .. .. ."                                                      | <i>ad valorem</i><br>with a minimum per garment (except infants') of | 20%<br>0 0 4          | 20%<br>0 0 4          |
|              | By inserting in sub-paragraph (ii) of paragraph (d) after the word "coats," the words "jerkins, jumpers,".                                                                                                                                                                                                              |                                                                      |                       |                       |
| 66           | By inserting in paragraph (a) after the word "hemp," the word "manila,".<br>By inserting in paragraph (b) after the word "flax" the word "manila".<br>By inserting in paragraph (c) after the word "shoddy" where it appears for the second time, the words "but not including lubricated yarn in the form of packing". |                                                                      |                       |                       |
| 69           | By inserting the following new paragraph (d), the existing paragraph (d) becoming (e):—<br>"(d) Men's felt or fur hats .. .. ."                                                                                                                                                                                         | <i>ad valorem</i><br>with a minimum of<br>per doz.                   | 15%<br>0 3 0          | 20%<br>0 3 0          |
| 81           | By deleting sub-paragraph (a) of paragraph (1) and substituting the following new sub-paragraph :—<br>"(a) Seaming; binder twine and harvest yarn for agricultural purposes .. .. ."                                                                                                                                    | <i>ad valorem</i><br>plus a suspended<br><i>ad valorem</i>           | Free<br>10%           | 5%<br>10%             |
| 88           | By inserting after the word "same" the words "but not including structural steelwork for staging and platforms".                                                                                                                                                                                                        |                                                                      |                       |                       |
| 93           | By inserting in paragraph (b) after the word "steps" the words "steel wheels for fitting pneumatic tyres".                                                                                                                                                                                                              |                                                                      |                       |                       |
| 107          | By inserting the following new paragraph (f):—<br>"(f) Air conditioning machinery, n.e.e., and non-portable ventilating fans .. .. ."                                                                                                                                                                                   | <i>ad valorem</i>                                                    | Free                  | 5%                    |
| 111          | By inserting the figure "(1)" before the word "Gauze" where it first appears and by inserting the following new paragraph :—<br>"(2) Wire gauze, mosquito and fly .. .. ."                                                                                                                                              | <i>ad valorem</i>                                                    | Free                  | 5%                    |
| 117          | By inserting after the word "gates" the words "and metal doors".                                                                                                                                                                                                                                                        |                                                                      |                       |                       |
| 120          | By deleting the item and substituting the following new item :—<br>"120. Metals :<br>Aluminium and aluminium alloys : in plain, perforated or corrugated sheets ; in foil, strips and pellets ; and in extruded sections not worked up in any way                                                                       |                                                                      | Free                  | Free "                |
| 121          | By deleting in paragraph (a) the words "composition metal" and substituting the words "copper alloys".<br>By inserting the following new paragraph (c):—<br>"(c) Fittings of bronze, copper and copper alloys for the manufacture of metal windows and doors .. .. ."                                                   | <i>ad valorem</i>                                                    | 15%                   | 15%                   |

| Tarif<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                        | Mini-<br>mum-<br>reg. | Maksi-<br>mum-<br>reg. |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------|------------------------|
| 64             | Deur invoeging na die woord „doek” van die woorde „insluitende tubulaire kaasdoek in het stuk, voor gebruik bij de vervaardiging van kaas”.                                                                                                                                                                                                                                                                                    |                                                                        | £ s. d.               | £ s. d.                |
| 65             | Deur sub-paragraaf (iv) van paragraaf (b) te vervang deur die volgende nuwe sub-paragraaf :—<br>„(iv) Gebreide kleren met inbegrip van jerseys en pull-overs (doch uitgezonderd onderkieren en sjaals en gebruikte jassen, vesten, broeken en jumpers) ..                                                                                                                                                                      | ad valorem met een minimum per kleedingstuk (behalve van gelingen) van | 20%<br>0 0 4          | 20%<br>0 0 4           |
| 66             | Deur invoeging in sub-paragraaf (ii) van paragraaf (d) na die woord „Jassen,” van die woorde „jerkens, jumpers,”<br>Deur invoeging in paragraaf (a) na die woord „hennep,” van die woord „manilla,”<br>Deur invoeging in paragraaf (b) na die woord „vlas” van die woord „manilla.”<br>Deur invoeging in paragraaf (c) na die woord „shoddy” van die woorde „, doch niet inbegrepen gesmeerde draad in de vorm van busvulsel”. |                                                                        |                       |                        |
| 69             | Deur invoeging van die volgende nuwe paragraaf (d), die bestaande paragraaf (d) word (e) :—<br>„(d) Voor mannen, vilt- en pels-hoeden ..                                                                                                                                                                                                                                                                                       | ad valorem met een minimum van per doz.                                | 15%<br>0 3 0          | 20%<br>0 3 0           |
| 81             | Deur sub-paragraaf (a) van paragraaf (1) deur die volgende nuwe paragraaf te vervang :—<br>„(a) Zoomgaren; bind- en oogstgaren voor landbouw doeleinden ..                                                                                                                                                                                                                                                                     | ad valorem plus een<br>ad valorem                                      | Vry<br>10%            | 5%<br>10%              |
| 88             | Deur invoeging na die woord „daarvoor” van die woorde „, doch niet met inbegrip van stalen bouwwerk voor steigers en verhogen;”.                                                                                                                                                                                                                                                                                               |                                                                        |                       |                        |
| 93             | Deur invoeging in paragraaf (b) na die woord „treden” van die woorde „, stalen wielen voor luchtbanden”.                                                                                                                                                                                                                                                                                                                       |                                                                        |                       |                        |
| 107            | Deur die volgende nuwe paragraaf (f) in te voeg :—<br>„(f) Luchtzuivering machinerie, n.e.v., en ventileer waaiers, niet-draagbaar ..                                                                                                                                                                                                                                                                                          | ad valorem                                                             | Vrij                  | 5%                     |
| 111            | Deur invoeging van die syfer „(1)” voor die woord „Gaas” en deur die volgende nuwe paragraaf in te voeg :—<br>„(2) Gaasdraad, muskiet en vlieg ..                                                                                                                                                                                                                                                                              | ad valorem                                                             | Vrij                  | 5%                     |
| 117            | Deur na die woord „hekkens” die woorde „en metalen deuren” in te voeg.                                                                                                                                                                                                                                                                                                                                                         |                                                                        |                       |                        |
| 120            | Deur die item deur die volgende nuwe item te vervang :—<br>„120 Metalen :<br>Aluminium en aluminium allooien : in vlakke, geperforeerd of gegolide platen ; in blad, repen en korrels ; en in geperste afdelingen niet op enige wijze bewerkt ..                                                                                                                                                                               |                                                                        | Vrij                  | Vrij”.                 |
| 121            | Deur in paragraaf (a) die woorde „kompositie metaal” te skrap en deur die woorde „koper allooien” te vervang.<br>Deur invoeging van die volgende nuwe paragraaf (c) :—<br>„(c) Brons, koper, en koper allooien toebehoren voor de vervaardiging van metalen vensters en deuren..                                                                                                                                               | ad valorem                                                             | 15%                   | 15%                    |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                        | Minimum Duty.                 | Maximum Duty.                   |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------|---------------------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                        | £ s. d.                       | £ s. d.                         |
| 127          | By deleting the word "all" in paragraph (a) and substituting the words "except corrugated iron roofing sheets".<br>By deleting paragraph (c) and inserting the following new paragraphs (c), (d) and (e) :—<br><br>" (c) Varnished or lacquered but not including lacquered tinplate .. ..<br>(d) Lacquered tinplate ..<br>(e) Metal texts and mottoes of religious subjects, not being of precious metal ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>ad valorem</i>                                      | 20%<br>Free<br><br>Free       | 20%<br>Free<br><br>Free "       |
| 129          | By deleting paragraph (d) and inserting the following new paragraph :—<br><br>" (d) (i) Second-hand or used, the personal property of an individual, brought into the Union by him for his own use and not for sale ..<br><br>(ii) other second-hand or used, of a free on board value not exceeding £150 .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <i>ad valorem</i><br><br><br><br><br><i>per car</i>    | 20%<br><br><br><br><br>30 0 0 | 20%<br><br><br><br><br>30 0 0 " |
|              | By deleting paragraph (e) and substituting the following new paragraph :—<br><br>" (e) Parts and materials, other than tyres and tubes, for the building and equipment of motor-cars in the Union :<br><br>(i) Completely unassembled chassis for bodies to be constructed from wood unmanufactured or shaped or fashioned ; from metal sheets and metal stampings, panels, pillars, doors and door posts with or without metal fittings ; from cushion springs and cages therefor, sockets, electrical equipment and metal fittings ; from fibre and other boards in sheets ; from upholstery, carpeting and hood and curtain material, in the roll or piece ; and from other materials not fashioned or cut to shape .. ..<br><br>(ii) Materials in the form specified in sub-paragraph (i) and fittings, except such as are elsewhere provided for free of duty, and accessories, except radio apparatus .. .. | <i>ad valorem</i><br><br><br><br><br><i>ad valorem</i> | 10%<br><br><br><br><br>12½%   | 10%<br><br><br><br><br>12½% "   |
| 143          | By inserting in paragraph (a) after the word "grates" the words " : not being for manufacturing or industrial purposes ".<br><br>By inserting the following new paragraph :—<br><br>" (c) Electrical parts (not including heating plates and elements) and heat indicators for the manufacture of electric stoves and hot-plates, under such conditions and regulations as the Minister may prescribe                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>ad valorem</i>                                      | Free                          | 5% "                            |
| 147          | By inserting in paragraph (a) after the word "melting" the word " , grinding ".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                        |                               |                                 |



| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                           | Mini-<br>mum-<br>reg. | Maksi-<br>mum-<br>reg. |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------|------------------------|
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                           | £ s. d.               | £ s. d.                |
| 127             | Deur die woord „alle” in para-<br>graaf (a) te vervang deur die<br>woorde „behalve gegolfde ijzeren<br>dakplaten”.<br>Deur paragraaf (c) te skrap en<br>deur die volgende nuwe para-<br>grawe (c), (d) en (e) in te voeg:—<br>„(c) Verniste of verlakte, doch<br>niet inbegrepen verlakte<br>tinplaten . . . . .<br>(d) Verlakte tinplaten . . . . .<br>(e) Metalen teksten en motto's<br>van godsdienstige onder-<br>werpen, niet zijnde van<br>edel metaal . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ad valorem                | 20%<br>Vrij           | 20%<br>Vrij            |
| 129             | Deur paragraaf (d) deur die vol-<br>gende nuwe paragraaf te ver-<br>vang:—<br>„(d) (i) Tweede-hand of ge-<br>bruikte, de persoonlike<br>eigendom van een per-<br>soon, door hem inge-<br>bracht in de Unie voor<br>zijn eigen gebruik en<br>niet zijnde voor ver-<br>koop . . . . .<br>(ii) Andere tweede-hand of<br>gebruikte, van een<br>vrij-aanboord waarde<br>van hoogstens £150 . . . . .<br>Deur paragraaf (e) deur die vol-<br>gende nuwe paragraaf te ver-<br>vang:—<br>„(e) Onderdelen en materialen,<br>doch niet met inbegrip van<br>buiten- en binnenbanden,<br>voor de vervaardiging van<br>en toerusting van motor-<br>karren in de Unie :<br>(i) Geheel onopgezette chas-<br>sis voor koetsen te<br>worden gemaakt uit<br>hout onbewerkt of<br>gevormd of gefatsoe-<br>neerd, uit metalen<br>platen en metalen ge-<br>perste stukken, pane-<br>len, pilaren, deuren<br>en deurposten met of<br>zonder metalen bijbe-<br>horens; uit kussen-<br>veren en ramen daar-<br>voor, houders, elek-<br>triese toerusting en<br>metalen bijbehorens;<br>uit vezel of andere<br>borden in stukken voor<br>stofferderij, tapijten,<br>kap en scherm ma-<br>terialen in rollen of in<br>het stuk; en uit an-<br>dere materialen niet<br>gefatsoneerd of naar<br>vorm gesneden . . . . .<br>(ii) Materialen in de vorm<br>gespecificeerd in sub-<br>paragraaf (i) en bijbe-<br>horens, uitgenomen<br>zulke waarvoor elders<br>voorziening voor ge-<br>maakt is als vrij van<br>rechten, en toebe-<br>horens, behalve radio-<br>toestelle . . . . . | ad valorem<br><br>per kar | 20%<br><br>30 0 0     | 20%<br><br>30 0 0"     |
| 143             | Deur invoeging in paragraaf (a)<br>na die woord „roosters” van die<br>woorde „; niet zijnde voor<br>vervaardiging of industriële<br>doeleinden”.<br>Deur invoeging van die volgende<br>nuwe paragraaf (c):—<br>„(c) Elektriese onderdelen (niet<br>met inbegrip van ver-<br>warmingsplaten en elemen-<br>ten) warmte aanwijzers<br>voor de vervaardiging van<br>elektriese kachels en ver-<br>warmingsplaten, onder<br>zulke voorwaarden en regu-<br>laties als door de Minister<br>voorgeschreven mogen wor-<br>den . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ad valorem                | 10%<br><br>12½%       | 10%<br><br>12½%”       |
| 147             | Deur invoeging in paragraaf (a)<br>na die woord „smelten” van die<br>woord „, malen”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | ad valorem                | Vrij                  | 5%”                    |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                | Minimum Duty.                                                   | Maximum Duty.                                                       |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                | £ s. d.                                                         | £ s. d.                                                             |
| 148          | By deleting in paragraph (b) the words "and railless cars (electric) worked by current from overhead wires" and substituting the following words "and the under-carriage, including one tyre and tube for each wheel, and driving and trolley equipment of electric railless cars or trolley buses, the bodies of which are to be built in the Union, and metal sections, n.e.e., not perforated, put together or worked up in any way, for the construction of such bodies". |                                                                                                                                                |                                                                 |                                                                     |
| 153          | By deleting paragraph (b) and inserting the following new paragraphs (b), (c) and (d):—<br>" (b) Barbed, fencing .. ..<br>(c) Baling, and fencing other than barbed .. ..<br>(d) Other, except electric wire, millinery and picture wire, and wire made of precious metal .. ..                                                                                                                                                                                               | per 100 lb.<br>plus a suspended<br>ad valorem<br>per 100 lb.<br>plus a suspended<br>ad valorem<br>ad valorem<br>plus a suspended<br>ad valorem | Free<br>10%<br>Free<br>10%<br>Free<br>10%                       | 0 0 5<br>duty of 15%<br>0 0 4<br>duty of 15%<br>3%<br>duty of 15% " |
| 171          | By decreasing in sub-paragraph (ii) of paragraph (b) the minimum duty from 2d. per square foot to free and the maximum duty from 3d. to 1d. per square foot.                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                |                                                                 |                                                                     |
| 186          | By deleting in paragraph (b) the word "sand" and substituting therefor the word "salt".                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                |                                                                 |                                                                     |
| 202          | By deleting the item and substituting the following new item:—<br>" 202. Oils: vegetable, animal and fish, n.e.e.:<br>(1) Maize, groundnut, sunflower seed, soya bean and refined castor and cocoanut oil .. ..<br>(2) Other, including cod liver oil .. ..                                                                                                                                                                                                                   | ad valorem<br>or<br>per lb.<br>whichever<br>greater.<br>per lb.<br>ad valorem                                                                  | 20%<br><br>0 0 1<br>Plus a suspended<br>duty of<br>0 0 1<br>20% | 20%<br><br>0 0 1<br>shall be the<br>suspended<br>0 0 1<br>20% "     |
| 205          | By deleting the item and by substituting the following new item:—<br>" 205. Resin and turpentine :<br>(a) Resin (including artificial and synthetic resin), dry resinous gums and dry shellac : in bulk .. ..<br>(b) Synthetic or artificial resin compounded with fibre or fabric: in sheets, bars, rods and blocks, not worked up in any way .. ..<br>(c) Turpentine (natural and synthetic) .. ..                                                                          | ad valorem<br><br>ad valorem<br>ad valorem                                                                                                     | 5%<br><br>Free<br>20%                                           | 5%<br><br>Free<br>20% "                                             |
| 216          | By deleting the item and substituting the following new item:—<br>" 216. Animal glands and tissues and their preparations, including adrenalin, insulin and analogous glandular extracts; lymph; toxins; antitoxins; sera and vaccines and other biological and bacterial derivatives :                                                                                                                                                                                       |                                                                                                                                                |                                                                 |                                                                     |

| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                               | Mini-<br>mum-<br>reg. | Maksi-<br>mum-<br>reg.    |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------|
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               | £ s. d.               | £ s. d.                   |
| 148             | Deur in paragraaf (b) die woorde „en wagens niet op rails (elektriese) in beweging gebracht door stroom van bovengrondse geleiding” te vervang deur die woorde „en de onderstellen met inbegrip van een buiten- en binnenband voor elk wiel en het stuur en kontaktstang en -rol toerusting van elektriese wagens of trolleybussen niet op rails, waarvan de koetsen in de Unie te worden gemaakt, en metalen afdelingen n.e.v., niet geperforced of in elkaar gezet of op enige wijze bewerkt voor de vervaardiging van zodanige koetsen”. |                                                                                                               |                       |                           |
| 153             | Deur paragraaf (b) te skrap, en deur die volgende nuwe paragraawe (b), (c) en (d) in te voeg:—<br>„(b) Stekdraad, omheining ..<br><br>(c) Baaldraad, en omheiningdraad met uitzondering van stekeldraad ..<br><br>(d) Andere, behalve elektriese draad, modemakers- en schilderijdraad, en draad vervaardigd van edel metaal ..                                                                                                                                                                                                             | per<br>100 lb.<br>plus een opgeschorte<br>ad valorem                                                          | Vrij<br>10%<br>10%    | 0 0 5<br>belasting<br>15% |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | per<br>100 lb.<br>plus een opgeschorte<br>ad valorem                                                          | Vrij<br>10%<br>10%    | 0 0 4<br>belasting<br>15% |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ad valorem<br>plus een opgeschorte<br>ad valorem                                                              | Vrij<br>10%<br>10%    | 3%<br>belasting<br>15%”   |
| 171             | Deur vermindering in sub-paragraaf (ii) van paragraaf (b) van die minimumreg van 2d. per vierkante voet op vry en die maksimumreg van 3d. op 1d. per vierkante voet.                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                               |                       |                           |
| 186             | Deur in paragraaf (b) die woorde „verglaasd zandtegels” deur die woorde „met zout verglaasde tegels” te vervaag.                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                               |                       |                           |
| 202             | Deur die item te vervang deur die volgende nuwe item:—<br>„202. Olieën, plantaardige, dierlike en levertraan, n.e.v.:<br>(1) Mielie, grondnoot, zonnebloemzaad, sojaboon en gezuiverde kaster-en kokosolie ..<br><br>(2) Andere, met inbegrip van levertraan ..                                                                                                                                                                                                                                                                             | ad valorem<br>of<br>per lb.<br>naar gelang welke<br>het hoogst is. Plus<br>geschorte belasting van<br>per lb. | 20%<br>0 0 1<br>0 0 1 | 20%<br>0 0 1<br>0 0 1     |
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ad valorem                                                                                                    | 20%                   | 20%”                      |
| 205             | Deur die item deur die volgende nuwe item te vervang:—<br>„205. Hars en terpentijn:<br>(a) Hars (met inbegrip van kunsmatige en syntetiese hars), droge harsachtige gommen en schellak: in massa ..<br>(b) Synthetiese of kunsmatige hars vermengd met vezel of weefsel: in platen, staven, roeden en blokken, niet op enige wijze bewerkt<br>(c) Terpentijn (natuurlike en syntetiese) ..                                                                                                                                                  | ad valorem<br><br><br>ad valorem                                                                              | 5%<br><br>Vrij<br>20% | 5%<br><br>Vrij<br>20%”    |
| 216             | Deur die item deur die volgende nuwe item te vervang:—<br>„216. Dier klieren en weefsels en preparaten daarvan, met inbegrip van adrenalin, insulin en dergelijke klier ekstrakten; lymph; toxin; anti-toxin; serums en vaksine en andere biologiese en bakteriologiese derivaten:                                                                                                                                                                                                                                                          |                                                                                                               |                       |                           |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                            | Minimum Duty.  | Maximum Duty.    |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----------------|------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                            | £ s. d.        | £ s. d.          |
| 216          | (a) Lymph, toxins, anti-toxins, sera and vaccines and other bacterial derivatives and all admixtures thereof whether described by their common or proprietary names for prophylactic or therapeutic use .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <i>ad valorem</i>                                                          | 10%            | 20%              |
|              | (b) Bacterial cultures, pathogenic micro-organisms, and sera and toxins when imported solely for standardization purposes, by laboratories holding a permit under the Public Health Act, 1919 (Act No. 38 of 1919), or any amendment thereof .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                            | Free           | Free             |
|              | (c) Other, for prophylactic or therapeutic use ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                            | Free           | Free "           |
| 224          | By deleting the item and substituting the following new item:—<br>"224. Drugs and apothecary ware, n.e.c.:<br>(a) Cinchona alkaloids and their salts (including synthetic substances carrying a quinoline base), as may be approved by the Minister to be of recognized value in the prevention or treatment of malaria .. ..<br>(b) Other .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <i>ad valorem</i>                                                          | Free<br>20%    | Free<br>20% "    |
| 244          | By deleting paragraph (a) and substituting the following new paragraph:—<br>"(a) Carbonate, including soda crystals (washing soda):<br>(i) Soda crystals (washing soda) .. ..<br>(ii) Other, including soda ash .. ..<br>By inserting in paragraph (b) before the word "phosphate" the words "disodium and trisodium".<br>By inserting the following new paragraph:—<br>"(c) Aluminate .. ..<br>By inserting in paragraph (b) after the word "slippers," the words "ballet dancing shoes,".<br>By inserting in paragraph (c) after the word "rubber" the words "and canvas boots and shoes with rope soles" and by deleting sub-paragraph (i) of paragraph (c) and substituting the following:—<br>"(i) Men's and youths', women's and maids', sizes over 4 .. ..<br>By inserting the following new paragraph (f):—<br>"(f) Canvas uppers, cut, fashioned or finished .. .. | per 100 lb.<br>per 100 lb.                                                 | 0 2 0<br>0 2 0 | 0 3 6<br>0 2 0 " |
| 251          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                            | Free           | Free "           |
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>ad valorem</i><br>or<br>per pair<br>whichever duty shall be the greater | 30%<br>0 1 6   | 30%<br>0 2 6     |
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | per pair                                                                   | 0 1 6          | 0 2 6 "          |
| 252          | By inserting in paragraph (b) after the word "bridle" the words "or headstall".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                            |                |                  |
| 254          | By deleting in paragraph (a) the word "grained".<br>By inserting in paragraph (b) after the word "imitation" the words "and fancy leather in the piece, made from the skins of fishes".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                            |                |                  |
| 255          | By inserting in paragraph (c) after the word "enamelled" the words "and cellulose finished horse hide".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                            |                |                  |



| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                           | Mini-<br>mum-<br>reg.                      | Maksi-<br>mum-<br>reg.                 |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------|----------------------------------------|
| 216             | (a) Lymph, toxin, anti-<br>toxin, serums en vak-<br>sine en andere bak-<br>teriologische derivaten<br>en alle mengsels daar-<br>van, hetzij beschreven<br>door hun algemene- of<br>eigendomsnamen voor<br>prophylacties of thera-<br>peuties gebruik . . .<br>(b) Bakteriologische kwe-<br>kingen, pathogeniese<br>micro-organismen, en<br>serums en toxin wan-<br>neer ingevoerd enkel<br>voor standaardisering<br>doeleinden door labo-<br>ratoria in bezit van<br>een permit ingevolge<br>de Volksgezondheids-<br>wet, 1919 (Wet No. 36<br>van 1919) of enige<br>wijziging daarvan . .<br>(c) Andere, voor prophylacties of therapeuties gebruik . . . | <i>ad valorem</i>                                         | £ s. d.<br><br>10%<br><br>Vrij<br>Vrij     | £ s. d.<br><br>20%<br><br>Vrij<br>Vrij |
| 224             | Deur die item deur die volgende<br>nuwe item te vervang:—<br>„224. Drogerijen en apotekers-<br>waren, n.e.v.:<br>(a) Kina-alkaloiden en<br>zouten daarvan (met<br>inbegrip van synthe-<br>tiese stoffen met een<br>kina basis) zoals door<br>de Minister goedge-<br>keurd mag worden als<br>van erkende waarde te<br>zijn als voorbehoed-<br>middelen of voor de be-<br>handeling van malaria<br>(b) Andere . . .                                                                                                                                                                                                                                         | <i>ad valorem</i>                                         | Vrij<br>20%                                | Vrij<br>20%                            |
| 244             | Deur paragraaf (a) deur die vol-<br>gende nuwe paragraaf te ver-<br>vang:—<br>„(a) Karbonaat, met inbegrip van<br>kristalsoda (was-soda):<br>(i) Kristal-soda (was-soda)<br>(ii) Andere (met inbegrip<br>van soda-as) . . .<br>Deur invoeging in paragraaf (b)<br>voor die woord „fosfaat” van<br>die woorde „di-sodium en tri-<br>sodium”.<br>Deur die volgende nuwe para-<br>graaf in te voeg:—<br>„(c) Aluminaat . . .                                                                                                                                                                                                                                 | per<br>100 lb.<br>per<br>100 lb.                          | 0 2 0<br>0 2 0                             | 0 3 6<br>0 2 0                         |
| 251             | Deur invoeging in paragraaf (b)<br>na die woord „pantoffels,” van<br>die woorde „toneeldans schoe-<br>nen,”<br>Deur invoeging in paragraaf (c)<br>na die woord „bestaan” van die<br>woorde „en zeildoek laarzen en<br>schoenen met touw zolen” en<br>deur sub-paragraaf (i) van para-<br>graaf (c) deur die volgende te<br>vervang:—<br>„(i) Voor mans en jongens, en<br>dames en meisjes, maten<br>boven 4 . . .                                                                                                                                                                                                                                         | <i>ad valorem</i><br>of<br>per paar<br>naar gelang<br>het | Vrij<br>30%<br>0 1 6<br>naar gelang<br>het | Vrij<br>30%<br>0 2 6<br>belasting      |
| 252             | Deur invoeging van die volgende<br>nuwe paragraaf (f):—<br>„(f) Zeildoek-bovenschoenen, ge-<br>smeden, gefatsoeneerd of<br>afgewerkt . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | per paar                                                  | 0 1 6                                      | 0 2 6                                  |
| 254             | Deur in paragraaf (b) na die<br>woord „toom” die woorde „of<br>kopstuk” in te voeg.<br>Deur in paragraaf (a) die woord<br>„nerfzijde” deur die woord<br>„oppervlakte” te vervang.<br>Deur in paragraaf (b) na die<br>woord „nagemaakt” die woorde<br>„en galanterie leer in het stuk<br>van visvellen gemaakt” in te<br>voeg.                                                                                                                                                                                                                                                                                                                             |                                                           |                                            |                                        |
| 255             | Deur in paragraaf (e) na die woord<br>„geëmailleerd” die woorde „en<br>cellulose-afgewerkte paarden-<br>vellen” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                           |                                            |                                        |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                  | Minimum Duty.                                      | Maximum Duty.            |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------|--------------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                  | £ s. d.                                            | £ s. d.                  |
| 258          | By inserting after the word "latex," the words "first latex crepe,".                                                                                                                                                                                                                                                                                                                                                            |                                                                                  |                                                    |                          |
| 263          | By inserting in sub-paragraph (i) of paragraph (a) after the word "eggs," the words "fresh sausages ".                                                                                                                                                                                                                                                                                                                          |                                                                                  |                                                    |                          |
| 264          | By deleting the item and substituting the following new item:—<br>"264. Brushes, other than parts of agricultural, manufacturing and industrial machinery, but including machine bottle brushes; brooms; and wooden handles and stocks therefor:<br>(a) Brushes (excluding paint brushes and brushes for toilet use), brooms, whisks and mops .. .. .<br>(b) Machine bottle brushes<br>(c) Other, not being plated-ware .. .. . | <i>ad valorem</i><br><i>ad valorem</i><br><i>ad valorem</i><br><i>ad valorem</i> | 25%<br>20%<br>15%<br>plus a suspended duty of 10%  | 25%<br>25%<br>15%<br>10% |
| 272          | By inserting in paragraph (b) after the word "casements" the words "wooden shutters".                                                                                                                                                                                                                                                                                                                                           |                                                                                  |                                                    |                          |
| 273          | By deleting the item and substituting the following new item:—<br>"273. Plywood:<br>(a) Alder and birch, not exceeding 3 m.m. in thickness .. ..<br>(b) Other .. ..                                                                                                                                                                                                                                                             | <i>ad valorem</i><br>per cubic foot<br>or<br><i>ad valorem</i><br>whichever      | 20%<br>0 4 0<br>25%<br>duty shall be the greater". | 20%<br>0 4 0<br>25%      |
| 282          | By inserting in paragraph (a) after the word "bags" the words "and bags made from similar transparent cellulose materials ".                                                                                                                                                                                                                                                                                                    |                                                                                  |                                                    |                          |
| 290          | By inserting under the item the following note:<br>"NOTE.—Photographs produced from negatives which have been made or copied from other negative or positive photographs, other than photographs reproduced in metal, shall be classed as reproductions of photographs."                                                                                                                                                        |                                                                                  |                                                    |                          |
| 295          | By inserting in paragraph (a) after the word "cellophane" the words "and similar transparent cellulose materials ".                                                                                                                                                                                                                                                                                                             |                                                                                  |                                                    |                          |
| 307          | By inserting the figure "(1)" before the word "Sporting" and by inserting the following new paragraph:—<br>"(2) Metal stampings, wooden heads and wooden shafts, in the rough, for the manufacture of golf clubs ..                                                                                                                                                                                                             |                                                                                  |                                                    |                          |
| 319          | By deleting in sub-paragraph (ii) of paragraph (c) (1) the words "but not exceeding 18 m.m." and by deleting sub-paragraph (iii) of paragraph (c) (1).                                                                                                                                                                                                                                                                          |                                                                                  | Free                                               | Free".                   |
| 326          | By deleting the words "materials and requisites required for the construction and" and substituting the words "articles essential for the ".                                                                                                                                                                                                                                                                                    |                                                                                  |                                                    |                          |
| 327          | By inserting after the word "operations" the words "including air survey cameras and apparatus".                                                                                                                                                                                                                                                                                                                                |                                                                                  |                                                    |                          |
| 329          | By inserting in paragraph (3) after the word "limbs" the words "and appliances for attachment thereto".                                                                                                                                                                                                                                                                                                                         |                                                                                  |                                                    |                          |

| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                              | Mini-<br>mum-<br>reg.    | Maksi-<br>mum-<br>reg.                 |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------|
|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                              | £ s. d.                  | ₹ s. d.                                |
| 258             | Deur na die woord „latex,” die woorde „eerste latex crepe,” in te voeg.                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                              |                          |                                        |
| 263             | Deur in sub-paragraaf (i) van paragraaf (a) na die woord „eieren” die woorde „verse worstjes” in te voeg.                                                                                                                                                                                                                                                                                                                                      |                                                                                                              |                          |                                        |
| 264             | Deur die item deur die volgende nuwe item te vervang:—<br>„264. Borstels, behalve delen van landbou, vervaardiging en industriële machinerie, doch met inbegrip van machinebottelborstels; bezems; en houten stelen en kolven daarvoor:<br>(a) Borstels (met uitsluiting van verf kwasten en borstels voor toilet gebruik), bezems, borsteltjies en zwabbers ..<br>(b) Machine-bottel borstels<br>(c) Andere, niet zijnde gemetaleerd waren .. | <i>ad valorem</i><br><i>ad valorem</i><br><i>ad valorem</i><br>plus een opgeschorte van<br><i>ad valorem</i> | 25%<br>20%<br>15%<br>10% | 25%<br>25%<br>15%<br>10%”<br>belasting |
| 272             | Deur in paragraaf (b) na die woord „vleugelwerk” die woorde „houten luiken” in te voeg.                                                                                                                                                                                                                                                                                                                                                        |                                                                                                              |                          |                                        |
| 273             | Deur die item deur die volgende nuwe item te vervang:—<br>„273. Multiplexhout:<br>(a) Elzen- en berkehout, van hoogstens 3 m.m. dikte .. ..<br>(b) Andere .. ..                                                                                                                                                                                                                                                                                | <i>ad valorem</i><br>per kubieke voet<br>of<br><i>ad valorem</i><br>naar gelang welke het hoogst is”         | 20%<br>0 4 0<br>25%      | 20%<br>0 4 0<br>25%<br>belasting       |
| 282             | Deur in paragraaf (a) na die woord „cellophanezakken” die woorde „en zakken van dergelijke doorschijnend cellulose materialen gemaakt” in te voeg.                                                                                                                                                                                                                                                                                             |                                                                                                              |                          |                                        |
| 290             | Deur onderaan die item die volgende noot in te voeg:—<br>„Noot:—Portretten gemaakt van negatieven welke van andere negatieven of eerste foto-graven gemaakt zijn, behalve portretten afgedrukt op metaal, moeten als reproducties van portretten geklassificeerd worden”.                                                                                                                                                                      |                                                                                                              |                          |                                        |
| 295             | Deur in paragraaf (a) na die woord „cellophane” die woorde „en dergelijke doorschijnend cellulose materialen” in te voeg.                                                                                                                                                                                                                                                                                                                      |                                                                                                              |                          |                                        |
| 307             | Deur die syfer „(1)” voor die woord „Sportsgoederen” in te voeg, en deur invoeging van die volgende nuwe paragraaf:—<br>„(2) Metalen stukken, houten koppen en houten stelen, zijnde ruw; voor de vervaardiging van kolfstokken .. ..                                                                                                                                                                                                          |                                                                                                              | Vrij                     | Vrij”                                  |
| 319             | Deur in sub-paragraaf (ii) van paragraaf (c) (1) die woorde „maar niet meer dan 18 m.m.” te skrap; en deur sub-paragraaf (iii) van paragraaf (c) (1) te skrap.                                                                                                                                                                                                                                                                                 |                                                                                                              |                          |                                        |
| 326             | Deur die woorde „materiaal en benodigdheden voor het oprichting en” deur die woorde „artikelen noodzakelik voor het” te vervang.                                                                                                                                                                                                                                                                                                               |                                                                                                              |                          |                                        |
| 327             | Deur na die woord „fabrikage” die woorde „met inbegrip van luchtopmeting kameras en apparaten” in te voeg.                                                                                                                                                                                                                                                                                                                                     |                                                                                                              |                          |                                        |
| 329             | Deur in paragraaf (3) na die woord „Kunstledematen” die woorde „en gereedschappen voor aanhechten daaraan” in te voeg.                                                                                                                                                                                                                                                                                                                         |                                                                                                              |                          |                                        |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| 338          | By inserting before the word "studs" the word "metal" and by inserting after the word "hydroxyl;" the words "cellulose paints and under-coating and thinners for such paints; hair felt, compressed felt, and rand tacking wire 'Stahlband' (steel ribbon); materials of leather backed with fabric, in the piece for the manufacture of slippers;"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 342          | By deleting in paragraph (1) the words "Cocoa mass, paste or slab," and "unsweetened block chocolate," and by inserting after the word "cellophane," the words "and similar transparent cellulose materials".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 343          | By deleting the word "crude" appearing before the word "pine" and by inserting after the word "potash" the words "petroleum jelly, crude eucalyptus and citronella oil, benzoic acid, and beta-naphthol".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 344          | By inserting after the word "batteries," where it appears at the end of the item the words "Battery jars and covers therefor made of glass, barium sulphate, mercuric acetate, oxides of lead and lamp black."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 346          | By inserting after the word "material," the words "Stoving enamel and drawn steel tubing."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 347          | By deleting the word "black" and by inserting after the word "bands," where it appears at the end of the item the words "Springs, cork in sheets, and metal fittings, for the manufacture of caps and helmets."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 348          | By inserting in paragraph (1) after the word "solution," the words "liquid leather dressings in bulk for bags and handbags," and by deleting the words "lacquered or enamelled tin strips in rolls" and substituting therefor the words "metal strips, tinned, lacquered, enamelled or other in rolls or in coils".<br>By inserting in paragraph (3) after the word "paper" the words "and ornaments not being of precious metal".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 350          | By inserting in paragraph (3) after the word "cloth" the words "and piece goods of cotton not provided for under item 76, for use as filter cloth".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 352          | By inserting in the heading to the item after the word "expressing" the words "and refining"; and after the word "bulk," the words "Bleaching and decolorising agents. Petroleum ether, benzine, benzol (benzene), carbon disulphide, trichlorethylene and tetrachlorethane."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 353          | By inserting in the heading to the item after the word "Paint," the word "thinner,"; and by deleting paragraph (1) and substituting the following new paragraph :—<br>"(1) Materials in bulk, for the manufacture of paints, thinners, leads, varnishes and polishes and putty, for resale, namely : Leads, white and red, dry; and lithopone; linseed oil, boiled or raw; linsidol and similar substitutes for linseed oil; turpentine (natural or synthetic); coal tar naphtha; acetic acid; amber oil; amyl acetate; ethyl acetate; waxes, pine oil, rape oil, technical white oil, cassia oil and citronella oil for polish making; binders for the manufacture of distempers and sulphate of iron for colouring distempers; oleic acid; oil of mirbane; cobalt linocate, crude celluloid in flakes and zinc and barium compounds in the dry state, cellulose nitrates, aluminium stearate and asbestine, for the manufacture of paints; toluol or toluene for the manufacture of thinners." |
| 356          | By deleting from paragraph (4) the words "and corrugated lined board".<br>By deleting paragraph (10) and substituting the following new paragraph :—<br>"(10) Tape (cotton and linen) in rolls for printing tickets; and cloth (cotton and linen) in rolls, not perforated nor printed on, for the manufacture of tags."<br>By inserting the following new paragraph :—<br>"(14) Wrapping paper, the weight of which at a size of 29 inches by 45 inches, or its equivalent, exceeds 105 lb. per ream of 480 sheets, for the manufacture of corrugated cardboard and corrugated cardboard containers."                                                                                                                                                                                                                                                                                                                                                                                           |
| 357          | By inserting after the word "bulk," where it appears the second time the words "Waste pieces or worn-out lengths of whale lines and ships' ropes for reduction to fibre."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 358          | By deleting the item and substituting the following new item :—<br>"358. <i>Rubber Manufacturing Industry.</i> —<br>(1) Pigments; dyestuffs; compounding agents, viz.: ebonite dust, carbonate of magnesia, calcined magnesia, precipitated barytes (Blanc Fixe), clay, ethylene polysulphide (Ethanite) and zinc stearate powder.<br>(2) Rubber substitutes, viz., vulcanized vegetable oils, in bulk.<br>(3) Pitches, tars, petroleum jelly, rubber compounding oils, stearine (stearic acid), "Plastogen" and hydrocarbon mineral rubber.<br>(4) Rubber Solvents.<br>(5) Sulphur chloride in jars of not less than one Imperial Gallon.<br>(6) Canvas, melton cloth and jute cloth (hessian) in the piece; mercury sheeting, yarns, webbing and rubber labels.<br>(7) Organic accelerators (of vulcanization).<br>(8) Anti-oxidants."                                                                                                                                                         |
| 360          | By inserting after the word "oil" where it appears the first time the words "olive oil," and after the word "lubricants," the words "Fatty acids of soya bean and cotton seed oils."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 338             | Deur voor die woord „knoppen” die woord „metalen” in te voeg ; en deur na die woord „hydroxyl,” die woorde „cellulose verven en grondverfstoffen en verdunmiddelen voor zodanige verven ; haarvilt, samengeperste vilt, en nageldraad „stahl-band” ; weefsel bekleed met leer, in het stuk voor de vervaardiging van pantoffels ;” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 342             | Deur in paragraaf (1) die woorde „Cacao, mass’, deeg of tablet,” en die woorde „onverzoete blok chocolade,” te skrap ; en na die woord „cellophane” die woorde „en dergelijke doorschijnend cellulose materialen” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 343             | Deur die woorde „benzol, rauwe” deur die woorde „nitro-benzol,” te vervang, en deur na die woord „potas” die woorde „, petroleum-smeer, rauwe eucalyptus- en citronellaolie, benzoëzuur, en beta-naphthol” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 344             | Deur invoeging aan die einde van die paragraaf na die woord „natbatterijen.” van die woorde „Batterij potten en deksels daarvoor van glasgemaakt, bariumsulfaat, kwikzuur, loodoxyde en lampswartsel.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 346             | Deur na die woord „verpakkingsmateriaal.” die woorde „Bakver-nissen en getrokken staalbuizen.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 347             | Deur die woord „swart” te skrap, en deur na die woord „binne-banden.” die woorde „Veren, kurk in vellen, en metalen bijbehorens, voor de vervaardiging van petten en helmen.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 348             | Deur in paragraaf (1) na die woord „gom,” die woorde „vloei-bare leersmeersel in massa voor tassen en handtassen,” in te voeg ; en deur die woorde „verlakte of geëmailleerde tinstrookjes in rollen”, deur die woorde „metalen strookjes, vertind, verlakt, geëmailleerd of andere in rollen” te vervang.<br>Deur na die woord „viltpapier” in paragraaf (3) die woorde „en versiersel niet van edelmetaal” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 350             | Deur na die woord „batterijdoek” in paragraaf (3) die woorde „en stukgoederen van katoen welke niet onder item 76 valt, voor gebruik als filterdoek” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 352             | Deur na die woord „persen” in die opskrif van die item die woorde „en zuivering” in te voeg ; en na die woord „massa.” die woorde „Bleek- en ontkleuringsmiddelen. Petroleumether, benzine, benzol (benzene), kooldisulfide, trichlorethylene en tetrachlorethane.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 353             | Deur in die opskrif van die item na die woord „Verven,” die woord „verdunmiddelen,” in te voeg ; en deur paragraaf (1) deur die volgende nuwe paragraaf te vervang :—<br>„(1) Materialen in massa, voor de fabrikage van verven, verdun-middelen, lood, vernissen en politoer en stopverf, voor wederverkoop naamlik : Lood, wit en rood, droog ; en lithopone ; lijnolie, gekookt of rauw ; linsidol en dergelijke surrogaten voor lijnolie ; terpentijn (natuurlike of syn-thetiese) ; koolteer naphtha ; azijnzuur ; barnsteenolie ; amylacetaat ; ethyl acetaat ; wassen, denneolie, raapolie, techniesewitolie, kassieolie en citronellaolie voor politoer vervaardiging ; bindmiddelen voor de vervaardiging van waterverven en ijzersulfaat voor kleuring van waterverven ; oliezuur ; nitrobenzole olie ; kobalt „linoleate”, ruw celluloidse schilfers en zink en barium mengsels in droge vorm, cellulose nitraten, aluminium stearaat en asbestine, voor de vervaardiging van verven ; toluol of toluen voor de vervaardiging van verdunmiddelen.” |
| 356             | Deur in paragraaf (4) die woorde „, en gerimpeld gelinieerd papier” te skrap.<br>Deur paragraaf (10) deur die volgende nuwe paragraaf te vervang :—<br>„(10) Band (katoen en linnen) in rollen voor het drukken van etiketten ; en doek (katoen en linnen) in rollen, niet geperforeerd of bedrukt voor de vervaardiging van etiketten.”<br>Deur invoeging van die volgende nuwe paragraaf :—<br>„(14) Pakpapier, wanneer het gewicht tegen een grootte van 29 duim by 45 duim of wat daarmee gelijk staat, meer dan 105 lb. per riem van 480 vel is, voor de vervaardiging van gerimpelde karton en gerimpelde karton houders.”                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 357             | Deur na die woord „massa.” waar dit die tweede maal voorkom die woorde „Afvalstukken en gesleten lengtes van walvis- en skeepstouw voor uitrafeling in vezel.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 358             | Deur die item deur die volgende nuwe item te vervang :—<br>„358. <i>Rubber fabrikage nywerheid.</i> —<br>(1) Verfstoffen ; kleurstoffen ; vulkaniserende middelen, n.l. : ebonietpoeder, magnesium-karbonaat, verkalkte magnesium, gepresipiteerde baryt (Blanc Fixe), klei, ethyleen polisulfied (ethanite) en zink stearaat poeder.<br>(2) Rubber surrogaten, n.l., gevulkaniseerde plantaardige olieën, in massa.<br>(3) Pek, teer, petroleum smeer, rubber samenstellende olieën, stearine (stearic acid), „plastogen” en hydro-koolstof mineraal rubber.<br>(4) Rubber-oplossingsmiddelen.<br>(5) Zwavelkloor in houders van minstens een imperiale gallon.<br>(6) Zeildoek, meltendoek en juutdoek (hessian) in het stuk ; foeliedoek, draad (yarns), weefselband en rubber-etiketten.<br>(7) Organiese versnellers (voor vulkanisatie).<br>(8) Anti-oxideerende middelen.”                                                                                                                                                                             |
| 360             | Deur na die woord „Sojaboonolie,” die woorde „olijfolie,” en na die woord „smeermiddelen,” die woorde „Vetzuren van soja-boon en katoen-saadolie.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 361          | By deleting the item and substituting the following new item :—<br>"361. <i>Steelware and steel ceilings manufacturing industries.</i> —<br>Eyelets, rolled steel sections other than those provided for in tariff item 122 and not worked up in any way, chains, handles, angles, rims and rings for the manufacture of pressed steelware, including milk cans; rough steel tubing for petrol and other fillers; titanium wash and water-proofing compounds for use in the manufacture of steel ceilings."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 362          | By inserting in paragraph (2) after the word "oils" the words "and solidified emulsions of oil".<br><br>By inserting in paragraph (5) after the word "yarns" the words "buttons, and zyp or similar fasteners" and by inserting the following new paragraph (6):—<br>"(6) Waste cotton or teased cotton waste, dyed, for the spinning of yarn."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 363          | By inserting in the heading to the item after the word "Tanning" the words "and leather manufacturing".<br><br>By inserting after the word "soap," the words "Pickled goat and kid skins for the manufacture of leather."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 365          | By inserting after the word "fasteners," the words "hooks and eyes, rivets and caps, press studs, and other metal fasteners," and after the word "bulk," the words "Linseed oil."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 368          | By deleting in paragraph (3) the word "Metal" and substituting therefor the words "Punchions and metal".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 373          | By inserting in the heading to the item after the word "industries" the words "including foundry work and the manufacture of metal castings" and in paragraph (1) after the word "linings" the words "; waxes; 'Lunkerit' and similar anti-piping material for the manufacture of steel ingots; French earth; crushed tiles and moulder's sand" and by inserting the following new paragraphs (10), (11), (12) and (13):—<br>"(10) Metal liner tubes for the manufacture of hollow rock drill steel.<br>(11) Fluxes for the manufacture of welding electrodes; 'stalloy' composition metal in sheets for the manufacture of electric welding machines.<br>(12) Frame tubing not cut to size, fork steering tubing not cut to size, lugs and bottom bracket shells, fork crowns, fork blades, fork ends, back fork blades and bridges and chain stays, stove enamel, flint and flint powder, for the manufacture of bicycle frames and bicycles.<br>(13) Enamellers' clay and frit, oxides and steel-grit: for the manufacture of stoves, including electric stoves." |
| 376          | By inserting after the word "export," the words "Vegetable parchment paper for lining butter boxes."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 378          | By deleting the item and substituting the following new item :—<br>"378. <i>Clothing Manufacturing Industry.</i> —<br>(1) Linings, paddings, trimmings, canvas and pocketings, including sheetings provided for in item 61, in the piece, pads, buttons and metal fasteners therefor and buckles, other than jewellery, and zyp or similar fasteners: for the manufacture of men's and boys' clothing, and women's and girls' shorts (knickers) and slacks (trousers). Badges (cap and collar), buttons and metal fasteners therefor, gold and silver lace in the piece, and sword knots: for the manufacture of naval and military uniforms.<br>(2) Piece goods of cotton not provided for under item 76 of the tariff, for the manufacture of dust-coats, butchers' and warehousemen's and factory coats, overalls and boiler suits and motorists' suits, and motorists' leggings and native houseboy suits."                                                                                                                                                      |
| 381          | By deleting the item and substituting the following new item :—<br>"381. <i>Lime Juice, and fruit and vegetable products manufacturing industries.</i> —<br>(1) Lime juice (crude): in bulk, for the manufacture of lime juice and lime juice cordial.<br>(2) Metal drums and wooden casks of a capacity of not less than 40 gallons for use as containers of juice, squash, pulp, peel and pectin, produced from South African fruit and vegetables, for export only."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 383          | By inserting after the word "bulk," the words "Vanadium mass and platinised asbestos mass."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 390          | By deleting the item and substituting the following new item :—<br>"390. Elastic and other webbing in reels and in the piece, metal fittings for the manufacture of braces, suspenders, garters, belts, corsets, brassieres and suspender belts."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 393          | By deleting the words "(other than of leather)" and substituting the following words "(including cellulose finished leather but not other leathers)".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 394          | By deleting the heading to the item and inserting the following new heading :—<br>"Button, buckle and comb manufacturing industry.—"<br>By adding the following new items :—<br>"395. <i>Plastic Goods manufacturing industry.</i> —<br>Casein, cellulose, or artificial or synthetic resin compounded with other materials: in granulated flakes or powder form.<br>396. <i>Infants' food manufacturing industry.</i> —<br>Malted dextrin powder."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Tarief<br>Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 361.            | Deur die item deur die volgende nuwe item te vervang:—<br>„361. <i>Staalwerk en staalplafond fabrikage nijverheden.</i> —Oogjes, gerold stalenafdelingen, waarvoor geen voorziening in tarief item 122 gemaakt is, en niet op enige wijze bewerkt, kettingen, handvatsels, hoeken, hoepels en ringen voor de vervaardiging van geperste staal waren, met inbegrip van melk-kannen; ruwe stalen buizen voor petrol en andere vullers; titanium waterverf en waterdichte mengsels voor gebruik bij de fabrikage van staalplafond.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 362             | Deur in paragraaf (2) na die woord „Olieën” die woorde „en gestolde verzachtende middelen van olie” in te voeg.<br>Deur in paragraaf (5) na die woord „(yarns)” die woorde „knopen, en „zyp” of soortgelyke hechtsels” in te voeg, en deur byvoeging van die volgende nuwe paragraaf (6):—<br>„(6) Katoen-afval of gekamde katoen-afval, geveerd, voor het spinnen van draad.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 363             | Deur die woord „ <i>Leerlooijverheid</i> ” in die opskrif van die item deur die woorde „Leerlooi en leer fabrikage nijverheid” te vervang.<br>Deur na die woord „witzeepe” die woorde „Gepekde geit en geitlam vellen voor de fabrikage van leer.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 365             | Deur na die woord „hechtsels,” die woorde „haakjes en oogjes, klinknagels en dopjes, drukknopen, en andere metalen hechtsels,” en na die woord „massa.” die woord „Lijnolie.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 368             | Deur in paragraaf (3) die woord „Metalen” deur die woorde „Vaten (punchoons) en metalen” te vervang.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 373             | Deur in die opskrif van die item na die woord „ <i>bewerking</i> ” die woorde „met inbegrip van gieterij en de fabrikage van metalen gietstukken”, en in paragraaf (1) na die woord „hoogoven-belegging” die woorde „; wassen; „Lunkerit” en dergelijke anti-inzinking materialen voor de vervaardiging van vloestaal; talkaarde; gemaalde tegels en gieters-zand”, en deur die volgende nuwe paragrafe (10), (11), (12) en (13) in te voeg:—<br>„(10) Metalen voering buizen voor de vervaardiging van hol rotsboor-staal.<br>(11) Smeltmiddelen voor de vervaardiging van smeed-elektroden; „stalloy” metaalmengsel in platen voor de vervaardiging van elektriese-welmachine.<br>(12) Raambuizen niet naar maat gesneden, stuur-vork-buizen niet naar maat gesneden, lasstukken en onderste lasdoppen, vorkkronen, vorkklemmen, vorkpunten, achter-vork-lemmen en verbinding stukken en ketting-stutten, bakvernis, flint en flintpoeder, voor de vervaardiging van rijwielraamen en rijwielen.<br>(13) Emailwerkers-klei en frit, oxyde en staalvijsel: voor de vervaardiging van kachels, met inbegrip van elektriese kachels.” |
| 376             | Deur na die woord „uitvoer.” die woorde „Plant aardige perkament papier voor boterkas-voering.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 378             | Deur die item deur die volgende nuwe item te vervang:—<br>„378. <i>Kleding fabrikage.</i> —<br>(1) Voeringen, opvulsel, garneersel, zeildoek en zak-materiaal, met inbegrip van lakengoed welke onder item 61 valt, in het stuk, kussentjes, knopen en metalen hechtsels daarvoor en gespen, niet zijnde juweliers-waren, en „zyp” of soortgelyke hechtsels: voor de fabrikage van mans en jongens kleren, en dames en meisjes kortbroeken (shorts) en langbroeken (slacks). Ordetekens (pet en boord), knopen en metalen hechtsels daarvoor, goud- en zilverboordsel in het stuk, en zwaardknopen: voor de fabrikage van marine en militaire uniformen.<br>(2) Katoen-stukgoederen, waarvoor geen voorsiening in item 78 van het tarief is, voor de fabrikage van stofjassen, slachters- en pakhuisbediende- en fabrieks-jassen, „overalls” en stoomketelkleren en motorist-kleren en beenkappen en huisjongens kleren.”                                                                                                                                                                                                            |
| 381             | Deur die item deur die volgende nuwe item te vervang:—<br>„381. <i>Lemoensap, en vruchten en groenten produkten nijverheid.</i> —<br>(1) Lemoensap (rauw): in massa, voor de vervaardiging van lemoensap en lemoensapeordiaal.<br>(2) Metalen kannen en houten vaten van een inhoudsmaat van minstens 40 gallons voor gebruik als houders van sap, „squash”, pulp, schil en pectine, voortgebracht van Zuid-Afrikaanse vruchten en groenten, alleenlik voor uitvoer.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 383             | Deur na die woord „massa.” die woorde „Vanadiumklonten en geplatineerde asbestklonten.” in te voeg.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 390             | Deur die item deur die volgende nuwe item te vervang:—<br>„390. Elastieke-band en andere weefselband op rollen en in het stuk, metalen bijbehoren, voor de fabrikage van bretels, hangbanden, kousebanden, gordels, korsetten, „brassieres” en hangband-gordels.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 393             | Deur die woorde „(niet van leer)” deur die woorde „(met inbegrip van cellulose afgewerkte leer doch niet van andere leer)” te vervang.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 394             | Deur die opskrif van die item deur die volgende nuwe opskrif te vervang:—<br>„Knopen, gespen en kammen fabrikage.—”.<br>Deur byvoeging van die volgende nuwe items:—<br>„395. <i>Plastiese goedere fabrikage.</i> —Caseine, cellulose, of kunstmatige of synthetiese hars samengesteld met andere materialen: in korrel, schilfer of poeder vorm.<br>396. <i>Kindervoedsel fabrikage.</i> —Gemoutte dextrine poeder.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

By deleting in the General Note the definition of "Chassis" and by substituting the following :—

" 'Chassis' shall mean the frame, engine and undergear of a power-driven vehicle and shall not include rubber tyres and tubes, spare parts and parts other than those mentioned hereunder, except such as may be approved by the Minister from time to time :—

Wheels,  
Axles,  
Transmission gear to axles,  
Self-starter,  
Steering gear,  
Brakes,  
Springs, including covers and bumpers therefor,  
Shock absorbers,  
Lamp brackets and tie-rod,  
Spare wheel carriers or brackets,  
Licence number brackets, front and rear,  
Radiator, including shell, guard, or grille, and cap,  
Mudguards,  
Bonnet and scuttle dash (cowl),  
Windscreen and windscreen wipers,  
Running boards, including aprons, and toe boards,  
Dashboard,  
Ignition and lighting equipment,  
Carburettor,  
Filters, fuel, oil and air,  
Pumps, fuel, oil and water,  
Tanks, fuel, oil and water,  
Vacuum tank,  
Instrument board,  
Horns and hooters,  
Speedometer,  
Gauges, fuel, oil, water and temperature,  
Rear view mirror,  
Sun screens, or visors,  
Saddle for 3-wheel Commercial vehicle.

*Note.*—The attachment of tyres or tubes, buffers and bumpers, clock, luggage carriers and radio apparatus shall not debar the chassis from admission as chassis, but duty must be paid on these articles at the rates provided for under their appropriate items of the tariff."

## Second Schedule.

AMENDMENTS TO THE SECOND SCHEDULE TO THE CUSTOMS TARIFF AND  
EXCISE DUTIES AMENDMENT ACT, 1925, AS AMENDED.

### PART—I.

| Tariff Item. | Article.                                                                                                                                                                                                                                                                             | Minimum duty. | Maximum duty. | Countries whose products are admissible at minimum rates of duty. |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|-------------------------------------------------------------------|
| 13           | By decreasing in paragraph (a) the minimum duty from ½d. per lb. to ¼d. per lb. and the maximum duty from 1½d. per lb. to 1¼d. per lb.                                                                                                                                               | £ s. d.       | £ s. d.       |                                                                   |
| 60           | By inserting the following new item :—<br>"60. (2) Filter bags, cloths, candles, discs and papers fashioned expressly for, essential to, and to be used with filters for industrial and manufacturing purposes, and pulp and glass wool for use in such filters<br><i>ad valorem</i> | Free          | 5%            | United Kingdom "                                                  |
| 107          | By inserting the following new item :—<br>"107 (f) Air conditioning machinery, n.e.e., and non-portable ventilating fans<br><i>ad valorem</i>                                                                                                                                        | Free          | 5%            | United Kingdom "                                                  |
| 111          | By inserting the following new item :—<br>"111. (2) Wire Gauze, mosquito and fly .. <i>ad valorem</i>                                                                                                                                                                                | Free          | 5%            | Canada"                                                           |



Deur die bepaling van „Chassis” in die Algemene Noot te vervang deur die volgende:—

Met „chassis” wordt bedoeld het onderstelraam, motor en onderstel van een door kracht gedreven voertuig, en sluit niet rubber buiten- en binnenbanden en ekstra delen en delen in die niet hieronder genoemd zijn, behalve zulke welke door de Minister van tijd tot tijd mogen goedgekeurd worden:

Wielen,  
Assen,  
Transmissierad naar assen,  
Zelfaanzetter,  
Stuurtoestel,  
Remmen,  
Veren, met inbegrip van hulsels en buffers daarvoor,  
Schokbrekers,  
Verbinding en koppelstaf voor lampen,  
Extra-wiel drager en klampen,  
Licentie nummerplaat houders, voor en achter,  
Verkoeler, met inbegrip van dop, scherm of rooster, en deksel,  
Modderschermen,  
Motordeksel en bakspatbord (cowl),  
Windscherm en windschermvegers,  
Voetborden, met inbegrip van voetbordlijsten, en toonpuntbord,  
Spatbord,  
Ontbranding en verlichting toerusting,  
Karburateur,  
Filtreerders, brandstof, olie en lucht,  
Pompen voor brandstof, olie en water,  
Bakken voor brandstof, olie en water,  
Zuigbak,  
Instrumentbord,  
„Horns” en toeters,  
Snelheidsmeter,  
Aanwijzers voor brandstof, olie, water en temperatuur,  
Spiegels voor achter uitzicht,  
Zonschermen of maskers,  
Zadel voor drie-wiel kommercieel wagens.

Noot.—De bijvoeging van buiten- en binnenbanden, buffers en stoters, uurwerken, baggage dragers en radio-toestelle, belet niet de invoer van de „Chassis” als „Chassis” doch doeanerechten moeten op die delen betaald worden volgens de rechten daarvoor bepaald onder de toepasselijke posten van het tarief.”

### Tweede Bylae.

WYSIGINGS IN DIE TWEDE BYLAE VAN DIE „DOEANETARIEF EN AKSIJNSRECHTEN WIJZIGINGSWET, 1925,” SOOS GEWYSIG.

#### DEEL—I.

| Tarief Item. | Artikel.                                                                                                                                                                                                                                                                                                                     | Mini-mum-reg. | Maksi-mum-reg. | Lande wie se produkte invoerbaar is teen minimum doeanereg-tariewe. |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|---------------------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                                                              | £ s. d.       | £ s. d.        |                                                                     |
| 13           | Deur vermindering in paragraaf (a) van die minimumreg van ½d. per lb. op ½d. per lb. en die maksimumreg van 1½d. per lb. op 1½d. per lb.                                                                                                                                                                                     |               |                |                                                                     |
| 60           | Deur invoeging van die volgende nuwe paragraaf:—<br>„60. (2) Filter-zakken, -doeken, -kaarsen, -schijven en papieren uitdrukkelik vervaardigd en noodzakelik voor en voor gebruik in verband met filters voor industriële en vervaardiging doeleinden, en pulp en glaswol voor gebruik in zodanige filters <i>ad valorem</i> | Vrij          | 5%             | Verenigde Konink-rijk”.                                             |
| 107          | Deur invoeging van die volgende nuwe item.—<br>„107. (f) Luchtzuivering ma-chinerie, n.e.v., en ventileer waaiers, niet draagbaar <i>ad valorem</i>                                                                                                                                                                          | Vrij          | 5%             | Verenigde Konink-rijk”.                                             |
| 111          | Deur die volgende nuwe item in te voeg:—<br>„111. (2) Gaasdraad, muskiet en vlieg .. <i>ad valorem</i>                                                                                                                                                                                                                       | Vrij          | 5%             | Kanada”                                                             |

| Tariff Item. | Article.                                                                                                                                                                                                                                                                                    | Minimum duty.                                  | Maximum duty.                  | Countries whose products are admissible at minimum rates of duty. |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|--------------------------------|-------------------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                             | £ s. d.                                        | £ s. d.                        |                                                                   |
| 143          | By inserting the following new paragraph :—<br>“(c) Electrical parts (not including heating plates and elements) and heat indicators for the manufacture of electric stoves and hot-plates, under such conditions and regulations as the Minister may prescribe .. <i>ad valorem</i> ..     | Free                                           | 5%                             | United Kingdom and Canada”                                        |
| ex 153       | By deleting the item and substituting the following new item :—<br>“153. (b) Barbed, fencing, per 100 lb.<br>(c) Baling, and fencing other than barbed per 100 lb.<br>(d) Other, except electric wire, millinery and picture wire, and wire made of precious metal <i>ad valorem</i> ..     | Free                                           | 0 0 5                          | United Kingdom                                                    |
|              |                                                                                                                                                                                                                                                                                             | Free                                           | 0 0 4                          | United Kingdom                                                    |
|              |                                                                                                                                                                                                                                                                                             | Free                                           | 3%                             | United Kingdom”                                                   |
| 171          | By decreasing in sub-paragraph (ii) of paragraph (b) the minimum duty from 2d. per sq. foot to free and the maximum duty from 3d. to 1d. per sq. foot.                                                                                                                                      |                                                |                                |                                                                   |
| 261          | By inserting in paragraph (c) after the word “rubber” the words “and canvas boots and shoes with rope soles” and by deleting sub-paragraph (i) of paragraph (c) and substituting the following :—<br>“(i) Men's and youths', women's and maids', sizes over 4 <i>ad valorem</i> or per pair | 30%<br>0 1 6<br>whichever shall be the greater | 30%<br>0 2 6<br>or duty be the | United Kingdom and Canada”                                        |
|              | By inserting the following new paragraph :—<br>“(f) Canvas uppers, cut, fashioned or finished .. per pair                                                                                                                                                                                   | 0 1 6                                          | 0 2 6                          | United Kingdom and Canada”                                        |
| 264          | By inserting the following new item :—<br>“264. (b) Machine bottle brushes <i>ad valorem</i> ..                                                                                                                                                                                             | 20%                                            | 25%                            | United Kingdom”                                                   |
| ex 335       | By deleting the item :—<br>“ex 335. Wire gauze (mosquito and fly) .. <i>ad valorem</i> ..                                                                                                                                                                                                   | 15%                                            | 20%                            | Canada”                                                           |

| Tarief Item. | Artikel.                                                                                                                                                                                                                                                                                                                                                                    | Mini-<br>mum-<br>reg.        | Maksi-<br>mum-<br>reg.       | Lande wie<br>se pro-<br>dukte in-<br>voerbaar<br>is teen<br>minimum<br>doeane-<br>reg-<br>tariewe.    |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------|
|              |                                                                                                                                                                                                                                                                                                                                                                             | £ s. d.                      | £ s. d.                      |                                                                                                       |
| 143          | Deur invoeging van die volgende<br>nuwe paragraaf:—<br>„(c) Elektriese onderdelen (niet<br>met inbegrip van verwar-<br>mingsplaten en elementen)<br>warmte aanwyzers voor de<br>vervaardiging van elek-<br>triese kachels en verwar-<br>mingsplaten, onder zulke<br>voorwaarden en regulaties<br>als door de Minister voor-<br>geschreven mogen worden<br><i>ad valorem</i> | Vrij                         | 5%                           | Verenigde<br>Konink-<br>rijk en<br>Kanada”                                                            |
| 153          | Deur die item deur die volgende<br>nuwe item te vervang:—<br>„153. (b) Stekdraad, omheining<br>per 100 lb.<br><br>(c) Baaldraad, en omhei-<br>ningdraad met uitzon-<br>dering van stekeldraad<br>per 100 lb.<br><br>(d) Andere, behalve elek-<br>triese draad, modema-<br>kers- en schilderijdraad,<br>en draad vervaardigd<br>van edel metaal<br><i>ad valorem</i>         | Vrij<br><br>Vrij<br><br>Vrij | 0 0 5<br><br>0 0 4<br><br>3% | Verenigde<br>Konink-<br>rijk<br><br>Verenigde<br>Konink-<br>rijk<br><br>Verenigde<br>Konink-<br>rijk” |
| 171          | Deur vermindering in sub-pa-<br>raaf (ii) van paragraaf (b) van<br>die minimumreg van 2d. per<br>vierkante voet op vrij en die<br>maksimumreg van 3d. op 1d. per<br>vierkante voet.                                                                                                                                                                                         |                              |                              |                                                                                                       |
| 251          | Deur invoeging in paragraaf (c) na<br>die woord „is” van die woorde<br>„en zeildoek laarzen en schoe-<br>nen met touw zolen”, en deur<br>sub-paragraaf (i) van paragraaf<br>(c) deur die volgende te ver-<br>vang:—<br>„(i) Voor mans en jongens, en<br>dames en meisjies, maten<br>boven 4 .. <i>ad valorem</i><br>of<br>per paar                                          | 30%<br><br>0 1 6             | 30%<br><br>0 2 6             | Verenigde<br>Konink-<br>rijk<br>en<br>Kanada”                                                         |
|              | Deur invoeging van die volgende<br>nuwe paragraaf:—<br>„(f) Zeildoek-bovenschoen, ge-<br>sneden, gefatsoeneerd of<br>afgewerkt .. per paar                                                                                                                                                                                                                                  | 0 1 6                        | 0 2 6                        | Verenigde<br>Konink-<br>rijk en<br>Kanada”                                                            |
| 264          | Deur die volgende nuwe item in te<br>voeg:<br>„264. (b) Machine-bottelborstels<br><i>ad valorem</i>                                                                                                                                                                                                                                                                         | 20%                          | 25%                          | Verenigde<br>Konink-<br>rijk”                                                                         |
| 335          | Deur die item te skrap:—<br>„ex 335 Draadgaas (muskiet en<br>vlieg) <i>ad valorem</i>                                                                                                                                                                                                                                                                                       | 15%                          | 20%                          | Kanada”                                                                                               |

No. 43, 1934.]

# ACT

## To amend the Gold Mines Excess Profits Duty Act, 1933.

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 3 of Act 33 of 1933.

1. Section *three* of the Gold Mines Excess Profits Duty Act, 1933 (Act No. 33 of 1933), hereinafter referred to as "the principal Act," is hereby repealed and the following section substituted therefor:

"Determination of standard profit.

3. (1) The standard profit attributable to any mine in respect of any assessable period shall be the average profit earned in respect of that mine in respect of each ton of ore from the mine milled during the months of November and December, 1932, multiplied by the number of tons of ore from the mine hoisted and milled during the period of assessment: Provided that if the Government Mining Engineer is of opinion that a mine had not reached the stage of normal production before the first day of November, 1932, he may, upon the application of such mine, and subject to objection and appeal as hereinafter provided, fix a rate of profit per ton of ore in respect of that mine which, multiplied by the number of tons of ore from that mine hoisted and milled during any assessable period, shall be accepted as the standard profit attributable to that mine in respect of that assessable period: Provided further that in the case of a mine which had not commenced production before the first day of November, 1932, the standard profit attributable to that mine in respect of any assessable period shall be the average profit per ton of ore milled earned in respect of the mines of the Witwatersrand as a whole during the months of November and December, 1932, multiplied by the number of tons of ore from that mine hoisted and milled during that assessable period.

(2) For the purpose of determining the standard profit attributable to any mine in respect of any assessable period, the profit earned in respect of that mine during the months of November and December, 1932, shall be calculated in the same manner as the profit earned in respect of that mine during that assessable period is calculated: Provided that in the calculation of the profit earned in respect of any mine during the months of November and December, 1932, the gold won during that period shall be valued at the price of gold prevailing in the Union immediately prior to the twenty-first day of December, 1932."

Amendment of section 5 of Act 33 of 1933.

2. (1) Section *five* of the principal Act is hereby amended—

(a) by the substitution in paragraph (c) of sub-section (1) thereof for the words "actually incurred during such period in respect of underground equipment and shaft sinking approved by the Minister of Finance after he has considered a report thereon by the Government Mining Engineer" of the words "which has been approved by the Minister of Finance and which is proved to the satisfaction of the Commissioner to have been actually and necessarily incurred during such period in respect of underground equipment and shaft-sinking";

(b) by the addition at the end of sub-section (1) thereof of the following words:

"and by deducting from the amount remaining after the deductions defined in paragraphs (a), (b) and (c) have been made an abatement of the sum of ten thousand pounds, which sum shall be diminished by one pound for every three pounds by which such amount remaining exceeds ten thousand pounds"; and



No. 43, 1934.]

# WET

## Tot wysiging van die Goudmyne- Oorwinsbelastingswet, 1933.

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

1. Artikel drie van die Goudmyne-Oorwinsbelastingswet, 1933 (Wet No. 33 van 1933), hieronder „die Hoofwet” genoem word hiermee herroep en vervang deur die volgende artikel: Wysiging van artikel 3 van Wet 33 van 1933.

„Vasstelling 3. (1) Die standaardprofyt aan 'n myn toeskryfbaar ten opsigte van 'n aanslaanbare tydperk is die gemiddelde wins gemaak ten opsigte van daardie myn ten aansien van elke ton erts uit die myn gedurende die maande November en Desember, 1932, gemaak, vermenigvuldig met die getal tonne erts uit die myn gedurende die tydperk van aanslag opgehys en gemaak: Met die verstande dat, as volgens oordeel van die Staatsmyningenieur 'n myn voor die eerste dag van November 1932 nog nie die stadium van normale produksie bereik het nie, hy op aansoek van daardie myn, en onderhewig aan beswaar en aan appèl, soos hierna bepaal, ten opsigte van daardie myn 'n winsskaal per ton erts kan vasstel, wat, vermenigvuldig met die getal tonne erts uit daardie myn gedurende 'n aanslaanbare tydperk opgehys en gemaak, aangeneem word as die standaardprofyt aan daardie myn toeskryfbaar ten opsigte van daardie aanslaanbare tydperk: Met die verstande, voorts, dat in die geval van 'n myn wat voor die eerste dag van November 1932 nog nie begin het produseer nie, die standaardprofyt aan daardie myn toeskryfbaar ten opsigte van 'n aanslaanbare tydperk die gemiddelde wins is wat per gemaalde ton erts gedurende die maande November en Desember 1932 ten opsigte van die myne van die Witwatersrand as geheel gemaak is, vermenigvuldig met die getal tonne erts uit daardie myn gedurende daardie aanslaanbare tydperk opgehys en gemaak.

(2) By die vasstelling van die standaardprofyt aan 'n myn toeskryfbaar ten opsigte van 'n aanslaanbare tydperk, word die wins wat ten opsigte van daardie myn gedurende die maande November en Desember 1932 gemaak is bereken op dieselfde wyse as wat die wins gedurende daardie aanslaanbare tydperk ten opsigte van daardie myn gemaak bereken word: Met die verstande dat by berekening van die wins ten opsigte van 'n myn gedurende die maande November en Desember 1932 gemaak, die goud gedurende daardie tydperk verkry getakseer word teen die prys van goud wat onmiddellik voor die een-en-twintigste dag van Desember 1932 in die Unie geheers het.”

2. (1) Artikel vyf van die Hoofwet word hiermee gewysig— Wysiging van artikel 5 van Wet 33 van 1933.

(a) deur in paragraaf (c) van sub-artikel (1) daarvan die woorde „werklik gemaak gedurende bedoelde tydperk ten opsigte van ondergrondse uitrusting en die grawe van skagte, wat deur die Minister van Finansies goedgekeur is na hy 'n rapport daarop van die Staatsmyningenieur oorweeg het” te vervang deur die woorde „wat deur die Minister van Finansies goedgekeur is en waarvan tot bevrediging van die Kommissaris bewys word dat hulle werklik en noodsaaklikerwys gedurende bedoelde tydperk ten opsigte van ondergrondse uitrusting en die grawe van skagte gemaak is”;

(b) deur aan die end van sub-artikel (1) daarvan die volgende woorde by te voeg:

„en deur van die na aftrek van die in paragrafe (a), (b) en (c) omskrewe bedrae oorblywende bedrag af te trek 'n korting groot tienduisend pond, watter bedrag verminder word met een pond op elke drie pond waarmee bedoelde oorblywende bedrag tienduisend pond te howe gaan”; en

(c) by the addition at the end of sub-section (2) thereof of the following words:

"Provided that where it is established to the satisfaction of the Commissioner that a mine which commenced production and earned revenue prior to the thirty-first day of December, 1932, ceased production prior to that date, the Commissioner may apply the provisions of this sub-section to such mine in respect of any expenditure incurred after the thirty-first day of December, 1932, but prior to the recommencement of production by such mine, and may include in any allowance made in respect of shaft-sinking any amount expended in the reconditioning of shafts which were sunk prior to the cessation of production."

(2) Paragraph (b) of sub-section (1) shall be deemed to have come into operation on the first day of July, 1933.

Amendment of section 8 of Act 33 of 1933.

3. Section six of the principal Act is hereby repealed and the following section substituted therefor:

"Rate of duty 6. (1) The rate of duty chargeable in respect of the excess profits derived from any mine during any assessable period shall be as follows:

- (a) where the excess of the rate of actual profit per ton in respect of that mine for that period over the basic rate of profit per ton attributable to that mine for that period is not greater than thirty pence, for each completed penny of such excess, one per cent. of the dutiable amount of such excess profits;
- (b) where the excess of the rate of actual profit per ton in respect of that mine for that period over the basic rate of profit per ton attributable to that mine for that period is greater than thirty pence, a percentage of the dutiable amount of such excess profits determined in accordance with the following formula:

$$y = 60 - \frac{900}{x},$$

in which  $y$  represents such percentage and in which  $x$  represents the number of pence in the excess of the rate of actual profit per ton over the basic rate of profit per ton.

(2) The rate of actual profit per ton in respect of any mine for any assessable period shall be the figure arrived at by dividing the profits derived from that mine during that period by the number of tons of ore from that mine hoisted and milled during that period.

(3) The basic rate of profit per ton attributable to any mine for any assessable period shall be the figure arrived at by dividing the standard profit attributable to that mine in respect of that period by the number of tons of ore from that mine hoisted and milled during that period."

Amendment of section 7 of Act 33 of 1933.

4. Section seven of the principal Act is hereby amended by the deletion of paragraph (a) thereof.

Amendment of section 17 of Act 33 of 1933.

5. Section seventeen of the principal Act is hereby amended by the deletion of the definition of the term "the standard value of gold".

Restriction of total levy of gold mines excess profits duty plus income tax levied under Act 40 of 1925, as amended, on excess profits to £7,400,000.

6. (1) If the amount of gold mines excess profits duty payable in respect of the calendar year ending on the thirty-first day of December, 1934, when added to the income tax leviable in respect of that calendar year in terms of the Income Tax Act, 1925 (Act No. 40 of 1925), as amended, upon the excess profits derived from mining for gold, exceeds, as a whole, the sum of seven million four hundred thousand pounds, the Commissioner shall refund to each person by whom gold mines excess profits duty has been paid an amount which bears to the amount of such excess the same ratio as the amount of gold mines excess profits duty so paid by that person bears to the total amount so payable as gold mines excess profits duty in respect of the said calendar year.

(2) For the purposes of this section—

- (a) the amount of income tax leviable in respect of the calendar year ending on the thirty-first day of December, 1934, upon the excess profits derived from mining for gold shall be deemed to be the total amount of income

- (c) deur aan die end van sub-artikel (2) daarvan die volgende woorde by te voeg:

„Met die verstande dat wanneer tot bevrediging van die Kommissaris bewys word dat 'n myn, wat voor die een-en-dertigste dag van Desember 1932 begin produseer en inkomste verwerf het, voor daardie datum opgehou het om te produseer, die Kommissaris die bepalinge van hierdie sub-artikel op bedoelde myn kan toepas ten opsigte van koste gemaak na die een-en-dertigste dag van Desember 1932 maar voor bedoelde myn weer begin produseer, en by 'n vermindering wat ten opsigte van die grawe van skagte toegestaan word enige bedrag kan byvoeg wat uitgegee is vir die herstel van skagte wat gegrawe is voor die staking van produksie.

- (2) Paragraaf (b) van sub-artikel (1) word geag in werking te getree het op die eerste dag van Julie 1933.

3. Artikel ses van die Hoofwet word hiermee herroep en vervang deur die volgende artikel:

Wysiging van artikel 6 van Wet 33 van 1933.

- „Belasting-skaal. 6. (1) Die skaal van die belasting wat hefbaar is ten opsigte van die oorwins uit 'n myn behaal gedurende enige aanslaanbare tydperk is as volg:
- (a) wanneer die werklike winsskaal per ton ten opsigte van daardie myn vir daardie tydperk die grond-winskaal per ton aan daardie myn vir daardie tydperk toeskryfbaar met nie meer as dertig pennies oorskry, op elke volle pennie van bedoelde oorskryding, een persent van die belasbare bedrag van bedoelde oorwins;
- (b) wanneer die werklike winsskaal per ton ten opsigte van daardie myn vir daardie tydperk die grond-winskaal per ton aan daardie myn vir daardie tydperk toeskryfbaar met meer as dertig pennies oorskry, 'n persentasie van die belasbare bedrag van bedoelde oorwins vasgestel volgens die volgende formule:

$$y = 60 - \frac{900}{x},$$

waarin  $y$  bedoelde persentasie voorstel en  $x$  die aantal pennies waarmee die werklike winsskaal per ton die grond-winskaal per ton oorskry.

- (2) Die werklike winsskaal per ton ten opsigte van 'n myn vir enige aanslaanbare tydperk is die syfer wat bereik word deur die winste uit daardie myn gedurende daardie tydperk behaal te deel deur die getal tonne erts uit daardie myn gedurende daardie tydperk opgehys en gemaak.

- (3) Die grond-winskaal per ton aan 'n myn vir enige aanslaanbare tydperk toeskryfbaar is die syfer wat bereik word deur die standaardprofyt aan daardie myn toeskryfbaar ten opsigte van daardie tydperk te deel deur die getal tonne erts uit daardie myn gedurende daardie tydperk opgehys en gemaak.

4. Artikel sewe van die Hoofwet word hiermee gewysig deur paragraaf (a) daarvan te skrap. Wysiging van artikel 7 van Wet 33 van 1933.

5. Artikel sewentien van die Hoofwet word hiermee gewysig deur die omskrywing van die uitdrukking „die standaard-waarde van goud” te skrap. Wysiging van artikel 17 van Wet 33 van 1933.

6. (1) As die totaalbedrag van goudmyne-oorwinsbelasting, wat ten opsigte van die kalenderjaar wat op die een-en-dertigste dag van Desember 1934 eindig betaalbaar is, tesame met die inkomstebelasting, wat kragtens die Inkomstebelastingwet, 1925 (Wet No. 40 van 1925), soas gewysig, ten opsigte van daardie kalenderjaar op die oorwins behaal deur goud te myn hefbaar is, die geldsom van sewemiljoen vierhonderdduisend pond te bowe gaan, moet die Kommissaris aan elke persoon wat goudmyne-oorwinsbelasting betaal het 'n bedrag terugbetaal wat in dieselfde verhouding staan tot die bedrag van die oorskot as die bedrag van goudmyne-oorwinsbelasting wat daardie persoon aldus betaal het staan tot die totaalbedrag wat aldus as goudmyne-oorwinsbelasting ten opsigte van vermelde kalenderjaar betaalbaar is. Beperking van totaal bedrag van heffing van goudmyne-oorwinsbelasting met inkomstebelasting op oorwins geheel kragtens Wet 40 van 1925, soas gewysig, tot £7,400,000.

- (2) By toepassing van hierdie artikel—

- (a) word die bedrag van inkomstebelasting hefbaar ten opsigte van die kalenderjaar wat eindig op die een-en-dertigste dag van Desember 1934 op die oorwins behaal deur goud te myn, geag te wees die totaal-

tax leviable during the year ending on the thirty-first day of March, 1935, on persons by whom gold-mining operations were carried on during the last-mentioned year after deduction of the sum of one million eight hundred thousand pounds; and

- (b) the determination of the excess profits derived as a whole from mining for gold shall be in accordance with the provisions of the principal Act, and the amendments of that Act affected by this Act, relating to the determination of the excess profits of any mine, shall not apply.

Short title and commencement.

7. This Act shall be known as the Gold Mines Excess Profits Duty (Amendment) Act, 1934, and, subject to the provisions of sub-section (2) of section *two*, shall come into force on the first day of July, 1934.

No. 42, 1934.]

## ACT

### To amend the Merchant Shipping (Certificates of Competency) Act, 1925.

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 19 of Act 45 of 1925.

1. Section *nineteen* of the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925), is hereby amended by the substitution in the definition of the expression "fishing boat" for the word "twenty-five" of the words "one hundred".

Short title.

2. This Act shall be known as the Merchant Shipping (Certificates of Competency) Amendment Act, 1934.



bedrag van inkomstbelasting hefbaar gedurende die jaar wat eindig op die een-en-dertigste dag van Maart 1935 op persone deur wie goud gedurende laasvermelde jaar gemyn is, na aftrekking van die som van eenmiljoen agthonderdduisend pond; en

- (b) word die totaalbedrag van die oorwins wat behaal is deur goud te myn vasgestel volgens die bepalinge van die Hoofwet, en word die wysigings van daardie Wet wat deur hierdie Wet aangebring is, met betrekking tot die vasstelling van die oorwins van een- of ander myn, nie toegepas nie.

7. Hierdie Wet heet die Goudmyne-Oorwinsbelasting Kort-titel en Wysigingswet, 1934, en, behoudens die bepalinge van sub-inwerkingtreding, artikel (2) van artikel twee, tree in werking op die eerste dag van Julie 1934.

No. 42, 1934.]

## WET

Tot wysiging van die „Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925”.

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

1. Artikel *negentien* van die „Koopvaardij (Certifikaten van Wysiging van Bekwaamheid) Wet, 1925” (Wet No. 45 van 1925), word artikel 19 van Wet hiermee gewysig deur die woorde „vif en twintig” in die 45 van 1925. omskrywing van die uitdrukking „visboot” te vervang deur die woord „honderd”.

2. Hierdie Wet heet die Koopvaardy (Sertifikate van Kort titel. Bekwaamheid) Wysigingswet, 1934.

No. 44, 1934.]

## ACT

**To fix the rate of normal and super income tax in respect of the year of assessment ending on the thirtieth day of June, 1934, and to amend the Income Tax Act, 1925.**

**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 :—

Rates of income tax.

1. In terms of sub-section (2) of section *five* and sub-section (2) of section *twenty-five* respectively of the Income Tax Act, 1925 (Act No. 40 of 1925), which, as amended from time to time, is hereinafter referred to as the principal Act, the rates of income tax to be levied in respect of the year of assessment ending the thirtieth day of June, 1934, shall be as follows :—

(a) in so far as normal tax is concerned—

- (i) in the case of companies the sole or principal business of which is mining for gold, for each pound of taxable amount, four shillings ;
- (ii) in the case of companies the sole or principal business of which is mining for diamonds, for each pound of taxable amount, three shillings ;
- (iii) in the case of all other companies, for each pound of taxable amount, two shillings and sixpence ;
- (iv) in the case of persons other than companies, for each pound of taxable amount, one shilling and as many two-thousandths of a penny as there are pounds in that amount, subject to a maximum rate of two shillings in every such pound :

Provided that the amounts arrived at by calculation in accordance with the provisions of paragraphs (iii) and (iv) shall be subject to a rebate of twenty per centum :

And provided further that for the purpose of assessing any tax imposed by a provincial council in the exercise of its powers under section *eleven* and the First Schedule of the Financial Relations Act, 1913 (Act No. 10 of 1913), as amended, on the incomes of persons and companies, the amount of normal tax payable under the Income Tax Acts of the Union by any taxpayer in respect of the year of assessment ending the thirtieth day of June, 1934, shall be deemed to be equal to the amount which would have been payable by such taxpayer as normal tax if the first proviso to this paragraph had not been enacted ;

(b) in so far as super tax is concerned, for each pound of the amount subject to super tax, one shilling and as many five-hundredths of a penny as there are pounds in that amount, subject to a maximum rate of five shillings in every such pound.

Amendment of section 10 of Act 40 of 1925, as amended by section 5 of Act 36 of 1926, section 4 of Act 23 of 1927, section 4 of Act 18 of 1928 and section 2 of Act 30 of 1931.

2. Section *ten* of the principal Act is hereby amended by inserting in paragraph (b) of sub-section (1) after the words "local authority within the Union" the words "or the Electricity Supply Commission".

Amendment of section 14 of Act 40 of 1925, as amended by section 6 of Act 36 of 1926 and section 4 of Act 30 of 1931.

3. Section *fourteen* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (2) for the words "three hundred pounds" of the words "four hundred pounds" ;
- (b) by the substitution in paragraph (b) of sub-section (4) for the words "three hundred pounds", in both places where they occur, of the words "four hundred pounds" ;
- (c) by the substitution in sub-section (5) for the words "three hundred pounds" of the words "four hundred pounds".

No. 44, 1934.]

## WET

**Om die skaal van normale en super-inkomstebelasting vas te stel vir die jaar van aanslag wat op die dertigste dag van Junie 1934 eindig, en om die Inkomstebelasting Wet, 1925, te wysig.**

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

1. Ooreenkomstig respektieffik sub-artikel (2) van artikel *vyf* en sub-artikel (2) van artikel *vyf-en-twintig* van die Inkomstebelastingwet, 1925 (Wet No. 40 van 1925), wat soas van tyd tot tyd gewysig, hieronder die Hoofwet genoem word, is die skale van inkomstebelasting wat gehef moet word oor die jaar van aanslag wat eindig op die dertigste dag van Junie 1934, as volg:—

Skale van inkomstebelasting.

(a) wat normale belasting betref—

- (i) in die geval van maatskappye wie se enigste of vernaamste besigheid uit myn van goud bestaan, vier sjielings op elke pond van die belasbare bedrag;
- (ii) in die geval van maatskappye wie se enigste of vernaamste besigheid uit myn van diamante bestaan, drie sjielings op elke pond van die belasbare bedrag;
- (iii) in die geval van alle ander maatskappye, twee sjielings en ses pennies op elke pond van die belasbare bedrag;
- (iv) in die geval van persone wat nie maatskappye is nie, op elke pond van die belasbare bedrag een sjieling en soveel tweeduisendstes van 'n pennie as wat daardie bedrag ponde bevat, maar met twee sjielings op elke sodanige pond as maksimum van die skaal:

Met die verstande dat die bedrae wat deur berekening in ooreenstemming met die bepalinge van paragrawe (iii) en (iv) vasgestel is verminder word met twintig persent:

Met die verstande, voorts, dat vir die aanslag van 'n belasting deur 'n provinsiale raad in die uitoefening van sy bevoegdheid kragtens artikel *elf* en die Eerste Bylae van die Finansiële Verhoudingswet, 1913 (Wet No. 10 van 1913), soas gewysig, opgelê op inkomste van persone en maatskappye, word die bedrag van die normale belasting deur 'n belastingpligtige kragtens die Inkomstebelastingswette van die Unie verskuldig vir die jaar van aanslag wat op die dertigste dag van Junie 1934 eindig, beskou as gelyk aan die bedrag wat daardie belastingpligtige as normale belasting sou verskuldig gewees het as die eerste voorbehoudsbepaling tot hierdie paragraaf nie ingevoer was nie;

(b) wat superbelasting betref, op elke pond van die bedrag wat aan superbelasting onderhewig is, een sjieling en soveel vyfhonderdstes van 'n pennie as wat daardie bedrag ponde bevat, maar met vyf sjielings op elke sodanige pond as maksimum van die skaal.

2. Artikel *tien* van die Hoofwet word hiermee gewysig deur in paragraaf (h) van sub-artikel (1) na die woorde „plaaslik bestuur in de Unie” die woorde „of door de Elektrisiteitsvoorziening Kommissie” in te voeg.

Wysiging van artikel 10 van Wet 40 van 1925, soas gewysig deur artikel 5 van Wet 36 van 1926, artikel 4 van Wet 23 van 1927, artikel 4 van Wet 18 van 1928 en artikel 2 van Wet 30 van 1931.

3. Artikel *veertien* van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die woorde „drie honderd pond” te vervang deur „vier honderd pond”;
- (b) deur in paragraaf (b) van sub-artikel (4) die woorde „drie honderd pond,” op albei plekke waar hulle voorkom, te vervang deur „vier honderd pond”;
- (c) deur in sub-artikel (5) die woorde „drie honderd pond” te vervang deur „vier honderd pond”.

Wysiging van artikel 14 van Wet 40 van 1925, soas gewysig deur artikel 6 van Wet 36 van 1926 en artikel 4 van Wet 30 van 1931.

Short title and commencement.

4. This Act shall be known as the Income Tax Act, 1934, and shall come into force upon the first day of July, 1934: Provided that the amendments to the principal Act herein contained shall first take effect in respect of assessments made for the year of assessment ending the thirtieth day of June, 1934.

No. 45, 1934.]

## ACT

To amend and extend the provisions of section *one hundred and forty-nine* of the South Africa Act, 1909.

Amendment of Section 149 of South Africa Act.

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. Section *one hundred and forty-nine* of the South Africa Act is hereby deleted and the following new section substituted therefor:

"Petition by provincial council necessary for alteration of provinces or for abolition of provincial councils. 149. Parliament shall not—  
(a) alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Union, except on the petition of the provincial council of every province whose boundaries are affected thereby;  
(b) abolish any provincial council or abridge the powers conferred on provincial councils under section *eighty-five*, except by petition to Parliament by the provincial council concerned."

Short title.

2. This Act shall be known as the South Africa Act Amendment Act, 1934.



4. Hierdie Wet heet die Inkomstebelastingwet, 1934, en tree Kort titel en op die eerste dag van Julie 1934 in werking: Met die ver- inwerkingtreding. stande dat die wysigings van die Hoofwet wat hierdie Wet bevat eers in werking tree met betrekking tot die aanslag vir die jaar van aanslag wat op die dertigste dag van Junie 1934 eindig.

No. 45, 1934.]

## WET

Tot wysiging en uitbreiding van die bepalings van artikel *honderd-negen-en-veertig* van die Suid-Afrika Wet, 1909.

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

1. Artikel *honderd-negen-en-veertig* van die Suid-Afrika Wet Wysiging van word hierby geskrap en deur die volgende nuwe artikel artikel 149 van Suid-Afrika vervang: Wet.

„Petisie van provinsiale raad nodig vir verandering van grense van provinsies of vir afskaffing van provinsiale rade.

149. Die Parlement mag nie—

- (a) die grense van 'n provinsie verander, 'n provinsie in twee of meer provinsies verdeel, of 'n nuwe provinsie uit provinsies binne die Unie vorm, behalwe op petisie van die provinsiale raad van elke provinsie waarvan die grense daardeur geraak word nie;
- (b) 'n provinsiale raad afskaf of die bevoegdhede aan provinsiale rade verleen onder artikel *vyf-en-tagtig* inkort, behalwe op petisie aan die Parlement deur die betrokke provinsiale raad nie.

2. Hierdie Wet word die Wet tot wysiging van die Suid- Kort titel. Afrika Wet, 1934 genoem.

No. 46, 1934.]

## ACT

**To amend the Irrigation and Conservation of Waters Act, 1912; to provide for the use of water from the Orange River on land in the Mandated Territory of South-West Africa and to validate certain acts and rights of town councils in the Orange Free State.**

**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 2 of Act 8 of 1912.

1. Section *two* of the Irrigation and Conservation of Waters Act, 1912 (hereinafter referred to as the principal Act) is hereby amended—

(i) by the addition of the word "or" at the end of paragraph (b) of the definition of "riparian land", and by the insertion, after that paragraph, of the following new paragraph:—

"(c) any sub-division of any island in any public stream";

(ii) by the insertion, before the last sentence of the definition of "riparian land" of the following new sentence:

"For the purposes of section *fourteen* 'riparian land' shall also include any land which is capable of being irrigated with water from the public stream in question by means of a Government irrigation work in connection with such stream: Provided that such land shall continue to be riparian land even if such work ceases to be maintained or controlled by the Government; but if at any time after such cessation it has, during a period of ten years, not been beneficially irrigated with water from such public stream by means of the said work, it shall cease to be riparian land;"

Substitution of section 15 of Act 8 of 1912.

2. Section *fifteen* of the principal Act is hereby repealed and the following section substituted therefor:—

"Protected area: Minister's permit for storage works therein.

15. (1) The Governor-General may, by proclamation in the *Gazette*, declare any area containing a public stream or a part of a public stream to be a protected area for the purposes of this section.

(2) No person shall, within a protected area—

(a) construct an irrigation work of a storage capacity exceeding one hundred and fifty million gallons; or

(b) enlarge an existing irrigation work of such a storage capacity; or

(c) enlarge an existing irrigation work to a storage capacity exceeding one hundred and fifty million gallons;

for the storage of surplus water from any public stream in such protected area, unless he has obtained from the Minister as hereinafter provided, a permit for such construction or enlargement.

(3) When a riparian owner desires to carry out, within a protected area, a work referred to in subsection (2) for the storage of surplus water of the public stream in relation whereof he is a riparian owner, he may apply to the Minister for a permit under this section.

(4) On receipt of any such application the Minister shall cause the matter to be investigated in such manner as he may decide and may, as a result of such investigation, issue a permit for the construction or enlargement of the work as applied for or in a modified form, and in such permit he may fix the period within which any such work shall be completed and impose such conditions as he may deem fit.

No. 46, 1934.]

## WET

Tot wysiging van die Besproeiings- en Waterbewarings-Wet, 1912; om voorsiening te maak vir die gebruik van water uit die Oranjerivier op grond in die Mandaatgebied Suidwes-Afrika en tot bekragtiging van sekere handelings en regte van stadsrade in die Oranje-Vrystaat.

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

1. Artikel twee van die Besproeiings- en Waterbewarings-Wet, 1912 (hieronder die Hoofwet genoem) word hiermee gewysig—

Wysiging van artikel 2 van Wet 8 van 1912.

- (i) deur die woord „of” aan die end van paragraaf (b) van die omskrywing van „oevergrond” by te voeg en deur die volgende nuwe paragraaf na daardie paragraaf in te voeg:

„(c) iedere ondervdeling van een eiland in een openbare stroom”;

- (ii) deur invoeging van die volgende nuwe sinsnede voor die laaste sinsnede van die omskrywing van „oevergrond”:

„Voor de toepassing van artikel veertien omvat „oevergrond” tevens alle grond die met water uit de betrokken openbare stroom besproeid kan worden door middel van een Staatsbesproeiingswerk in verband met die stroom: Met dien verstande dat die grond oevergrond blijft, zelfs indien onderhoud of beheer van dat werk van regeringswege ophoudt; doch indien hij te eniger tijd daarna gedurende een tijdperk van tien jaar niet op nuttige wijze met water uit die openbare stroom door middel van bedoeld werk besproeid werd, houdt hij op om oevergrond te zijn.”.

2. Artikel vyftien van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 15 van Wet 8 van 1912.

„Beschermd gebied; Ministers vergunning voor waterbewaringswerken daarin. 15. (1) De Goeverneur-generaal kan bij proklamatie in de Staatskoerant een gebied dat een openbare stroom of een deel van een openbare stroom bevat, voor de toepassing van dit artikel tot een beschermd gebied verklaren.

(2) Niemand mag in een beschermd gebied—

- (a) een besproeiingswerk met een groter bewaringsvermogen dan honderd en vijftig miljoen gallon aanleggen; of  
(b) een bestaand besproeiingswerk met zulk een bewaringsvermogen vergroten; of  
(c) een bestaand besproeiingswerk tot een bewaringsvermogen van meer dan honderd en vijftig miljoen gallon vergroten,

ter bewaring van surpluswater uit een openbare stroom in dat beschermde gebied, tenzij hij volgens onderstaande bepalingen van de Minister een vergunning voor bedoelde aanleg of vergroting verkregen heeft.

(3) Wanneer een oevereigenaar in een beschermd gebied een in sub-artikel (2) vermeld werk wenst uit te voeren ter bewaring van surpluswater uit de openbare stroom ten aanzien waarvan hij een oevereigenaar is, dan kan hij bij de Minister om een vergunning ingevolge dit artikel aanzoek doen.

(4) Na ontvangst van zulk een aanzoek laat de Minister de zaak onderzoeken op een door hem bepaalde wijze en kan naar aanleiding van dat onderzoek een vergunning uitreiken voor de aanleg of vergroting van het werk zoals aangezoekt of in een veranderde vorm; en in die vergunning kan hij het tijdperk vaststellen binnen hetwelk zulk een werk voltooid moet worden en voorwaarden stellen die hij wenselijk acht.

(5) The Minister may cancel or alter any permit under this section if the work for which the permit was granted has not been commenced and diligently carried to completion within the period fixed in the permit and in accordance with the conditions imposed therein."

Substitution of section 16 of Act 8 of 1912.

3. Section *sixteen* of the principal Act is hereby repealed and the following section substituted therefor:—

"Regulations for protected areas.

16. The Governor-General may make regulations as to—

- (a) the form and procedure to be adopted by a riparian owner when applying for a permit under section *fifteen*;
- (b) the information and documents to be supplied with such application;
- (c) the furnishing and enforcing of undertakings and securities for the proper completion of the work to which the application relates;
- (d) the issue of permits and the recording thereof."

Substitution of section 20 of Act 8 of 1912.

4. Section *twenty* of the principal Act is hereby repealed and the following section substituted therefor:

"Permission to impound and abstract water of public stream for tertiary uses.

20. (1) Notwithstanding anything to the contrary contained in any other provision of this Act, but subject to the provisions of section *fifteen* and to any permit granted under that section, a water court may, on the application of a riparian owner, grant permission to him (if it is of opinion that the exercise of such permission will be in the public interest) to abstract or to impound within or without the channel of the stream in relation to which he is a riparian owner, for tertiary use (whether on such land or elsewhere) a stated quantity of surplus water in such stream or a defined part of the normal flow in such stream, or both such surplus water and such part of the normal flow.

(2) Before granting any permission under subsection (1) the water court shall in its discretion determine in what manner and to what extent the rights of all persons or of any one or more of the persons entitled to the use of water from such stream shall be abated for the purpose of making available the water in respect of which such permission is to be granted: Provided that—

- (a) the rights of any riparian owner in relation to such stream, to the primary use of the normal flow in such stream, shall not be so abated or otherwise prejudicially affected without his consent in writing;
- (b) such abatement shall as far as practicable be made in the first instance in respect of the rights of persons who have not exercised such rights;
- (c) any rights to any water from a public stream granted to any person, body, or institution by a private or special statute shall not be subject to any abatement;
- (d) the water court shall, further, make such permission dependent upon the payment of compensation (the amount and manner of payment whereof shall be determined by the water court) to any person whose rights have been so abated or who will, in the opinion of the water court, be otherwise prejudicially affected by the exercise of such permission.

(3) The water court may, subject to the imposition of such conditions as will prevent lower riparian owners from being prejudicially affected, permit any person entitled to utilize water from a public stream for secondary use, to utilize such water or a part of such water for any use, whether on land riparian to such stream or elsewhere.



(5) De Minister kan een vergunning ingevolge dit artikel intrekken of wijzigen indien het werk waarvoor de vergunning verleend werd, niet binnen het in de vergunning vastgestelde tijdperk en volgens de daarin gestelde voorwaarden begonnen en naarstig volvoerd werd".

3. Artikel *sestien* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 16 van Wet 8 van 1912.

„Regulaties 16. De Goeverneur-generaal kan regulaties uit-  
voor vaardigen aangaande—  
beschermd gebied.

- (a) de vorm en de procedure te worden in acht genomen door een oevereigenaar wanneer hij ingevolge artikel *viijftien* een vergunning aanvraagt;
- (b) de gegevens en stukken die met zulk een aanzoek ingeleverd moeten worden;
- (c) het aangaan van verbintenissen, stellen van waarborgen (en het doen gelden ervan) tot behoorlike voltooiing van het werk waarop het aanzoek betrekking heeft;
- (d) de uitreiking van vergunningen en de optekening ervan".

4. Artikel *twintig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 20 van Wet 8 van 1912.

„Vergunning 20. (1) Niettegenstaande andersluidende bepalingen in deze Wet doch behoudens de bepalingen van artikel *viijftien* en van een ingevolge dat artikel verleende vergunning, kan een waterhof aan een oevereigenaar op zijn aanzoek vergunning verlenen (indien het van oordeel is dat de uitoefening van die vergunning in het openbare belang zal zijn), om een vastgestelde hoeveelheid surpluswater in de stroom met betrekking waartoe hij oevereigenaar is of een bepaald deel van de normale stroming in die stroom of beide zulk surpluswater en zulk een deel van de normale stroming voor tertiair gebruik (hetzij op bedoelde grond of elders) uit te halen of binnen of buiten de bedding van die stroom op te vangen.

(2) Alvorens ingevolge sub-artikel (1) een vergunning te verlenen, bepaalt het waterhof volgens goeddunken op welke wijze en in hoe verre de rechten van alle personen of van een of meer van de personen die gerechtigd zijn tot het gebruik van het water van die stroom, ingekort moeten worden ten einde het water, ten opzichte waarvan die vergunning verleend zal worden, beschikbaar te maken: Met dien verstande dat—

- (a) de rechten van een oevereigenaar met betrekking tot die stroom, op het primair gebruik van de normale stroming in die stroom, niet aldus ingekort of anderszins nadelig beïnvloed mogen worden zonder zijn schriftelike toestemming;
- (b) die inkorting, voor zover doenlik, in de eerste plaats toegepast wordt op de rechten van personen welke die rechten niet uitgeoefend hebben;
- (c) de rechten tot water uit een openbare stroom door een private of speciale wet aan een persoon, lichaam of inrichting verleend, niet ingekort mogen worden;
- (d) het waterhof voorts die vergunning afhankelijk moet maken van de betaling van schadevergoeding (welks bedrag en betalingswijze het waterhof moet bepalen) aan elkeen wiens rechten aldus ingekort werden of die volgens het oordeel van het waterhof anderszins benadeeld zal worden wanneer van bedoelde vergunning gebruik gemaakt wordt.

(3) Het waterhof kan aan iemand die gerechtigd is water uit een openbare stroom voor sekundair gebruik aan te wenden, vergunning verlenen, doch op voorwaarden die lagere overeinaren tegen benadeling vrijwaren, om dat water of een deel van dat water voor enig gebruik aan te wenden, hetzij op oevergrond aan die stroom of elders.

(4) In granting any permission under this section the water court may subject to all existing rights impose such conditions as it considers desirable."

Substitution of section 21 of Act 8 of 1912. 5. Section *twenty-one* of the principal Act is hereby repealed and the following section substituted therefor:

Use of water by the Administration of the Railways and Harbours. 21. (1) Notwithstanding anything to the contrary in any other provision of this Act contained, but subject to the provisions of sections *one hundred and two to one hundred and sixteen* inclusive, the water court may grant to the Administration of the Railways and Harbours permission to utilize for railway purposes any water from a public stream, whether the said Administration is or is not a riparian owner in relation to such stream and whether such water is to be used on any riparian land or elsewhere within or without the catchment area of such stream.

(2) The provisions of sub-sections (2), (3) and (4) of section *twenty* shall, *mutatis mutandis*, apply in regard to any permission under sub-section (1) of this section.

(3) Notwithstanding anything to the contrary in any other provision of this Act contained any riparian owner may, apart from any transfer of the land whereof he is the riparian owner, transfer to the said Administration all or any part of the right which such owner may have to the use (for any purpose) of any water in the stream in relation whereof he is a riparian owner. Thereupon the said Administration shall, to the extent of such transfer, be substituted for such owner in regard to the latter's riparian rights in relation to such stream, and may, with the permission of the water court in lieu of such owner utilize within or without the catchment area of such stream, for railway purposes any water from such stream in regard to which it is so substituted.

(4) Any right to water, acquired by the said Administration from any riparian owner or enjoyed by the said Administration immediately prior to the coming into operation of this section, shall be deemed to have been acquired in terms of sub-section (3) and the use of such water for railway purposes shall be deemed to have been permitted by the water court.

(5) The said Administration when entitled to use water from any public stream under this section shall in so far as may be necessary for the protection of its rights to such use whether in the past or in the future be deemed to be a riparian owner in relation to that stream."

Amendment of section 32 of Act 8 of 1912 as amended by section 2 of Act 26 of 1918. 6. Section *thirty-two* of the principal Act is hereby amended by the insertion after paragraph (h) of the following new paragraph (i), the existing paragraph (i) thereby becoming paragraph (j):

"(i) to give such directions for the erection, maintenance, control and supervision of devices for the proper measurement and division of the normal flow of water and as to payment of the costs thereof as may be necessary to give effect to its orders or awards."

Amendment of section 62 of Act 8 of 1912. 7. Section *sixty-two* of the principal Act is hereby amended by the addition at the end of paragraph (b) of the following words:—

"and for that purpose erect and maintain such devices for measuring and dividing the normal flow of the said water or controlling diversion thereof as may have been ordered by the water court, or in the absence of any such order, as it may consider necessary".

Substitution of section 72 of Act 8 of 1912. 8. Section *seventy-two* of the principal Act is hereby repealed and the following section substituted therefor:—

"Enforcement of water courts order against river board. 72. When a water court has made an order which imposes any duty upon a river board, the Director may from time to time appoint an engineer to inspect any place where that duty is to be carried out, or may himself inspect such place, and if as a result of such engineer's report or of his own inspection

(4) By verlening van een vergunning ingevolge dit artikel, kan het waterhof met inachtneming van alle bestaande rechten de voorwaarden stellen die het wenselijk acht".

5. Artikel *een-en-twintig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 21 van Wet 8 van 1912.

„Gebruik van water door Administratie van Spoorwegen en Havens.

21. (1) Niettegenstaande andersluidende bepalingen in deze Wet, doch behoudens de bepalingen van artikels *honderd en twee* tot en met *honderd en zestien*, kan het waterhof aan de Administratie van Spoorwegen en Havens vergunning verlenen om water uit een openbare stroom voor spoorwegdoeleinden aan te wenden, hetzij bedoelde Administratie al dan niet een oevereigenaar met betrekking tot die stroom is en hetzij dat water op oevergrond of elders binnen of buiten het toevloeigebied van die stroom gebruikt zal worden.

(2) De bepalingen van sub-artikels (2), (3) en (4) van artikel *twintig* zijn *mutatis mutandis* van toepassing met betrekking tot een vergunning ingevolge sub-artikel (1) van dit artikel.

(3) Niettegenstaande andersluidende bepalingen in deze Wet, kan een oevereigenaar, afgezien van de overdracht van de grond waarvan hij overeigenaar is, alle recht of een deel van het recht dat hij mocht hebben tot het gebruik (voor welk doel ook) van water in de stroom met betrekking waartoe hij oevereigenaar is, aan bedoelde Administratie overdragen. Daarop treedt bedoelde Administratie naarmate van de overdracht in de plaats van die eigenaar wat betreft diens oeverrechten ten aanzien van de stroom en kan, met goedkeuring van het waterhof, in plaats van die eigenaar, alle water uit de stroom met betrekking waartoe hij aldus in de plaats van de oevereigenaar getreden is, binnen of buiten het toevloeigebied van de stroom voor spoorwegdoeleinden aanwenden.

(4) Alle recht op water, door bedoelde Administratie van een oevereigenaar verkregen of door bedoelde Administratie uitgeoefend onmiddellijk vóór het inwerkingtreden van dit artikel, wordt geacht ingevolge sub-artikel (3) verkregen te zijn en het gebruik van zodanig water voor spoorwegdoeleinden wordt geacht door het waterhof vergund te zijn geworden.

(5) Wanneer bedoelde Administratie krachtens dit artikel gerechtigd is om water uit een openbare stroom te gebruiken, wordt dezelve voor zover nodig tot bescherming van zijn recht tot dat gebruik hetzij in het verleden of in de toekomst, geacht een oevereigenaar met betrekking tot die stroom te zijn".

6. Artikel *twee-en-dertig* van die Hoofwet word hiermee gewysig deur die volgende nuwe paragraaf (i) na paragraaf (h) in te voeg, waardeur die bestaande paragraaf (i) paragraaf (j) word:

Wysiging van artikel 32 van Wet 8 van 1912 soos gewysig deur artikel 2 van Wet 26 van 1916.

„(i) het waterhof vaardigt de nodige beschikkingen uit voor de aanleg, de instandhouding, het beheer en het toezicht van inrichtingen voor het behoorlike meten en verdelen van de normale waterstromingen omtrent de betaling van de kosten ervan, ten einde gevolg te geven aan zijn orders of uitspraken".

7. Artikel *twee-en-sestig* van die Hoofwet word hiermee gewysig deur die volgende woorde aan die end van paragraaf (b) by te voeg:

Wysiging van artikel 62 van Wet 8 van 1912.

„en te dien einde legt hij de inrichtingen aan en onderhoudt ze om de normale stroming van bedoeld water te meten en te verdelen of om uitkering ervan te kontroleren, die het waterhof mocht voorgeschreven hebben of bij ontbreken van zulk een voorschrift, die hij nodig acht".

8. Artikel *twee-en-sewentig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 72 van Wet 8 van 1912.

„Uitvoering van order van waterhof teenoover rivierraad.

72. Wanneer een waterhof een order uitgevaardigd heeft waardoor aan een rivierraad een verplichting opgelegd wordt, dan kan de Direkteur van tijd tot tijd een ingenieur aanstellen om de plaats waar aan die verplichting voldaan moet worden, te bezichtigen, of zelf die plaats bezichtigen, en indien hij ten gevolge van het verslag van die ingenieur of van zijn eigen bezichtiging overtuigd is dat de

tion he is satisfied that the river board is not carrying out, in a satisfactory manner, the order of the water court, he shall report the fact to the Minister who shall thereupon call upon the river board to take, within a period fixed by him, such action as he may direct in order to comply with the said order, and if the river board fails to carry out the Minister's direction, he shall take such action as he may think fit in order to give effect to the said order and may recover the cost of such action from the river board."

Substitution of section 98 of Act 8 of 1912. 9. Section *ninety-eight* of the principal Act is hereby repealed and the following section substituted therefor:—

"Expropriation of land or rights in connection with Government irrigation work. 98. (1) Whenever the Governor-General has constructed or commenced the construction or contemplates the construction of any Government irrigation work, he may by proclamation in the *Gazette* define the area (hereinafter referred to as a Government irrigation area) comprising every piece of land which or a portion whereof is affected or is to be affected by such work, and may from time to time by like proclamation alter the boundaries of such area.

(2) Whenever the Governor-General deems it expedient in any Government irrigation area to acquire any land or a servitude over any land or to use temporarily any land or to take and use any substance whatever, whether organic or inorganic, from any land, which in his opinion is required for or in connection with a Government irrigation work, or to acquire any land or a servitude for the benefit of the owner of any land which is to be dealt with under any law relating to land settlement, or for the purpose of attaining uniformity in the control, supply or distribution of water within a Government irrigation area, to acquire the ownership or the use or control of any irrigation work in that area and any rights in connection with such work, he may appropriate such land or irrigation work or servitude or the use of such land or the use or control of such irrigation work, or any such substance for any of the purposes aforesaid, without the consent of any person having any interest in the property or right appropriated, subject to an obligation to pay compensation, the amount whereof shall, in the absence of agreement, be determined by the water court in accordance with the provisions of sub-section (3): Provided that not less than three months before the Governor-General appropriates any property or right under this sub-section, the Minister shall have given to the owner of the land affected and to every person who is shown upon the title deed of such land to have any interest therein, and whose whereabouts he can readily ascertain, a notice, in writing, setting forth clearly and fully the property or right which the Governor-General proposes to appropriate and the compensation offered therefor: Provided further that if the owner notifies the Minister in writing within three months of the date of the notice referred to in this sub-section that he desires to retain a portion of the irrigable land on the property to be appropriated, the Governor-General

- (a) may exclude such portion (whatever its extent may be); or
- (b) shall exclude so much of such portion as does not exceed one hundred morgen in extent from the appropriation, if the situation thereof will not in his opinion interfere with the construction, operation or maintenance of the irrigation works in question.

(3) Such compensation shall—

- (a) in the case of the appropriation of land, not exceed—
  - (i) the fair market value of the land, without improvements; plus
  - (ii) the fair value of any necessary or useful improvements thereon; plus



rivierraad niet op een bevredigende wijze de order van het waterhof uitvoert, deelt hij dat feit mee aan de Minister, die daarop de rivierraad aanzegt om binnen een door hem vastgestelde termijn de door hem voorgeschreven stappen te doen om bedoelde order uit te voeren en indien de rivierraad verzuimt om aan de aanzegging van de Minister te voldoen, doet de Minister wat hij nodig acht om aan bedoelde order gevolg te geven en kan de daaraan verbonden kosten op de rivierraad verhalen".

9. Artikel *agt-en-negentig* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:

Vervanging van artikel 98 van Wet 8 van 1912.

„Onteigening van grond of rechten in verband met Staatsbesproeiingswerk.

98. (1) Wanneer de Goeverneur-generaal een Staatsbesproeiingswerk aangelegd heeft of de aanleg ervan begonnen is of voorgenomen heeft, kan hij bij proklamatie in de *Staatskoerant* een gebied omschrijven (hieronder een Staatsbesproeiingsgebied genoemd), dat ieder stuk grond omvat, dat door bedoeld werk geheel of ten dele beïnvloed wordt of zal worden, en kan van tijd tot tijd door een dergelijke proklamatie de grenzen van dat gebied veranderen.

(2) Wanneer de Goeverneur-generaal het wenselijk acht om in een Staatsbesproeiingsgebied grond of een servituut op grond te verkrijgen of om grond tijdelijk te gebruiken of om welke stof ook al, hetzij organies of anorganies, van grond te nemen en te gebruiken, die naar zijn oordeel voor of in verband met een Staatsbesproeiingswerk nodig is, of om grond of een servituut op grond te verkrijgen ten bate van de eigenaar van grond waarover beschikt zal worden ingevolge de wet op nederzettingen, of om, ter verkrijging van eenvormigheid in het beheer, de verstrekking of verdeling van water in een Staatsbesproeiingsgebied, de eigendom of het gebruik of het beheer van een besproeiingswerk in dat gebied en rechten in verband met dat werk te verkrijgen, dan kan hij die grond of dat besproeiingswerk of dat servituut of het gebruik van die grond of het gebruik of beheer van dat besproeiingswerk of een zodanige stof voor voormelde doeleinden zich toeëigenen, zonder toestemming van iemand die belang heeft bij het toegeëigende goed of recht, doch onder verplichting tot betaling van schadevergoeding waarvan het bedrag, indien de partijen het niet eens kunnen worden, door het waterhof volgens de bepalingen van sub-artikel (3) bepaald wordt: Met dien verstande dat niet minder dan drie maanden voordat de Goeverneur-generaal een goed of recht ingevolge dit sub-artikel zich toeëigent, de Minister aan de eigenaar van de betrokken grond en aan een ieder die uit het titelbewijs van die grond blijkt een belang erbij te hebben en wiens verblijfplaats hij makkelijk te weten kan komen, bij schriftelijke kennisgeving duidelijk en volledig moet meedelen, welk goed of recht de Goeverneur-generaal voornemens is zich toe te eigenen en welke schadevergoeding hij daarvoor aanbiedt: Met dien verstande verder dat indien de eigenaar de Minister binnen drie maanden van de datum van de in dit sub-artikel bedoelde kennisgeving schriftelijk in kennis stelt dat hij verlangt een gedeelte van de besproeibare grond op het eigendom dat toegeëigend wordt, te behouden, de Goeverneur-generaal

(a) dat gedeelte (hoe groot het ook mocht zijn) van de toeëigening kan uitsluiten; of

(b) ten hoogste honderd morgen van dat gedeelte van de toeëigening moet uitsluiten

indien de ligging daarvan volgens zijn mening de aanleg, werking of onderhoud van de betrokken besproeiingswerken niet zal hinderen.

(3) Zodanige schadevergoeding mag—

(a) in geval van toeëigening van grond, niet meer bedragen dan—

(i) de billike marktwaaarde van de grond, zonder verbeteringen; benevens

(ii) de billike waarde van alle nodige en nuttige verbeteringen erop; benevens

- (iii) the fair value of any luxurious improvements thereon, not exceeding the actual cost of such improvements; plus
- (iv) a sum to make good any actual inconvenience or loss likely to be caused by the expropriation;
- (b) in the case of the appropriation of any irrigation work (together with any rights connected therewith), not exceed the fair value of such work (together with any rights connected therewith) and if the former owner of such work continues to own or occupy land irrigated or benefitting directly or indirectly by water from any Government irrigation work, such compensation may consist in whole or in part of a variation or remission of Government water rates or any other charges for water:

Provided that in estimating such value the water court shall not take into account any enhancement in the values, which may be caused by the construction, maintenance, repair, alteration or extension of the Government irrigation work in connection wherewith the appropriation is made, and provided further that the water court may in its discretion add to the values referred to in sub-paragraphs (i) and (ii) of paragraph (a) and in paragraph (b) an amount not exceeding one-fifth of such values whenever it is satisfied that the property in question was not acquired for speculative purposes at any time after a date five years prior to the authorization of such work.

(4) The provisions of sub-section (2) shall not apply in connection with any land which is or forms part of a native area described in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), but whenever an Act of Parliament authorizes the excision from any such native area, or the exclusion from the said Schedule, of any land therein which is situate in a Government irrigation area, and the Governor-General is satisfied that the majority of the representatives of the natives residing on such land or on the native area of which such land forms part, are willing to accept other land in exchange for the land excised or excluded, or to be excised or excluded as aforesaid, the Governor-General may appropriate such other land *mutatis mutandis* in manner provided in sub-sections (2) and (3) and substitute it for the first-mentioned land.

(5) Whenever any compensation for any property or right appropriated under this section is to be determined by the water court, the personnel of the court shall be increased by the selection of an additional assessor from the list of water court assessors of the district in question: Provided that if there is an equality of votes on any question to be determined by the increased water court, the president shall have a casting vote."

Repeal of section 99 of Act 8 of 1912.      10. Section *ninety-nine* of the principal Act is hereby repealed.

Amendment of section 103 of Act 8 of 1912.      11. Sub-section (2) of section *one hundred and three* of the principal Act is hereby amended by the insertion after the word "constructing" of the word "enlarging".

Amendment of section 104 of Act 8 of 1912.      12. Section *one hundred and four* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the word "another" of the words "by building a dam or weir on it or", and by the insertion after the words "or other irrigation work" of the words "whether or not such dam, weir or other work has been erected on such land";
- (b) by the deletion of sub-section (3) and the substitution therefor of the following new sub-section:

- (iii) de billike waarde van alle weeldeverbeteringen erop doch niet meer dan de werklike kosten van die verbeteringen; benevens
- (iv) een bedrag tot vergoeding van werkelijk ongerief en verlies dat de onteigening vermoedelik ten gevolge zal hebben;
- (b) in geval van toeëigening van een besproeiingswerk (met de daarmee in verband staande rechten) niet meer bedragen dan de billike waarde van dat werk (met de daarmee in verband staande rechten) en indien de vroegere eigenaar van dat werk eigenaar of bezitter blijft van grond die besproeid wordt of direkt of indirekt voordeel trekt uit water uit een Staatsbesproeiingswerk, dan kan die schadevergoeding geheel of ten dele bestaan uit een verandering of kwijtschelding van Staatswaterbelasting of van een andere heffing voor water:

Met dien verstande dat het waterhof bij de schatting van voormelde waarde niet in aanmerking mag nemen de waardevermeerdering die het gevolg mocht zijn van de aanleg, het onderhoud, de herstelling, de verandering of de uitbreiding van het Staatsbesproeiingswerk in verband waarmee de toeëigening plaatsvindt; en met dien verstande voorts dat het waterhof volgens goeddunken bij de waarde bedoeld in sub-paragrafen (i) en (ii) van paragraaf (a) en in paragraaf (b), mag bijvoegen een bedrag van ten hoogste een-vijfde van die waarde, wanneer het bevindt dat het betrokken goed niet om te spekuleren verkregen werd te eniger tijd na een datum vijf jaar vóór de goedkeuring van voormeld werk.

(4) De bepalingen van sub-artikel (2) zijn niet van toepassing in verband met grond die is of een deel uitmaakt van een naturellestreek vermeld in de Bijlage tot de Naturellen Grond Wet, 1913 (Wet No. 27 van 1913), doch wanneer een Parlements-wet de onttrekking aan zulk een naturellestreek of de verwijdering uit bedoelde Bijlage veroorlooft van grond erin die gelegen is in een staatsbesproeiingsgebied en de Goeverneur-generaal is overtuigd dat die meerderheid van de vertegenwoordigers van de naturellen die wonen op die grond of in de naturellestreek waartoe die grond behoort, gewillig zijn om voor de grond, die zoals voormeld onttrokken of verwijderd is of zal worden, andere grond in ruil aan te nemen, dan kan de Goeverneur-generaal zich die andere grond *mutatis mutandis* volgens de bepalingen van sub-artikels (2) en (3) toeëigenen en in de plaats van eerstbedoelde grond stellen.

(5) Wanneer schadevergoeding voor een ingevolge dit artikel toegeëigend goed of recht door het waterhof bepaald moet worden, wordt het personeel van het hof vermeerderd door de keuze van een verdere assessor uit de lijst van waterhofassessoren van het betrokken distrikt: Met dien verstande dat bij staking van stemmen over een vraag die het vermeerderde waterhof moet beslissen, de president een beslissende stem heeft.

10. Artikel *negen-en-negentig* van die Hoofwet word hiermee herroep.

Herroeping van artikel 99 van Wet 8 van 1912.

11. Sub-artikel (2) van artikel *honderd-en-drie* van die Hoofwet word hiermee gewysig deur die woorde „te vergroten” na die woord „leggen” in te voeg.

Wysiging van artikel 103 van Wet 8 van 1912.

12. Artikel *honderd-en-vier* van die Hoofwet word hiermee gewysig—

Wysiging van artikel 104 van Wet 8 van 1912.

(a) deur in sub-artikel (1) na die woord „toebehorende” die woorde „te bezetten door een dam of stuw erop te bouwen of door het” en na die woorde „een of ander besproeiingswerk” die woorde „hetzij die dam of stuw of dat andere werk al dan niet op die grond aangelegd is” in te voeg;

(b) deur sub-artikel (3) te skrap en te vervang deur die volgende nuwe sub-artikel:

"(3) When an owner of land requires a perpetual servitude of storage for irrigation purposes over the land of another person, the latter may, before the servitude has been acquired, pay or give security for the payment of a proportionate share of the cost of construction of the storage work and shall, thereupon after completion of the said work, so far as is consistent with the provisions of Chapter II, be entitled to receive the benefit of the storage work in the proportion which the area which he proposes to irrigate from the said work on the land over which the servitude is held bears to the whole area proposed to be irrigated: Provided that any dispute as to the extent of the area to be irrigated or as to the total cost of the work or as to each party's proportion of such cost shall be determined by the water court at the instance of either of the said owners."

Amendment of section 105 of Act 8 of 1912.

13. Section *one hundred and five* of the principal Act is hereby amended—

- (a) by the deletion in sub-section (1) of the words "or weir" and the substitution therefor of the words "weir, pump, turbine or power house and necessary appurtenances";
- (b) by the deletion of sub-section (3) and the substitution therefor of the following sub-section:  
 "(3) For the purposes of sub-section (2) the term "weir" means an obstruction placed across the bed of a public stream in order to raise the water level in it solely for diverting such water on to the land."

Substitution of section 106 of Act 8 of 1912.

14. Section *one hundred and six* of the principal Act is hereby repealed and the following section substituted therefor:

"Servitude 106. Every servitude in this Chapter described includes shall, unless otherwise agreed to in a deed of right to take servitude, include a right to take from any land materials. subject to a servitude, all material necessary for the purpose of constructing, maintaining, and repairing any irrigation work thereon, and it shall also include a right to occupy temporarily so much land as may be reasonably required during the period of construction for the construction of camps and roads and for the erection thereon of such houses, plant, reservoirs and other structures as may be necessary in connection with the construction of the work, and to occupy permanently so much land as may be reasonably required for the residence of persons necessary in connection with the operation and maintenance of the works in question under such conditions, in the case of dispute, as the water court may determine."

Amendment of section 109 of Act 8 of 1912.

15. Section *one hundred and nine* of the principal Act is hereby amended by the insertion in sub-section (1) after paragraph (d) of the following new paragraph (e), the present paragraphs (e) and (f) becoming paragraphs (f) and (g) respectively:—

"(e) the land required temporarily for construction camps and permanently for the residences of persons necessary in connection with the operation and maintenance of the works in question."

Amendment of section 115 of Act 8 of 1912.

16. Section *one hundred and fifteen* of the principal Act is hereby amended by the deletion of the last sentence and the substitution therefor of the following provision:—

"If the title deed of any such land cannot readily be produced for purposes of registration the registrar of deeds concerned shall note the servitude on the duplicate title deed filed in his office and in the appropriate registers: Provided that no further transaction relating to the said land shall be registered until registration of the servitude has been completed by endorsement thereof on the title deeds, for which purpose the registrar of deeds is hereby required to impound the said title deed and to make the necessary endorsement thereon whenever it may for any reason be lodged in his office."

Insertion of new section 116bis in Act 8 of 1912.

17. The following new section is hereby inserted in the principal Act after section *one hundred and sixteen*:—

"Governor-General 116bis. On compliance with the relevant requirements of this Chapter, the Governor-General may, in connection with any water which he is entitled to use, supply or control, or in connection with any servitudes."



„(3) Wanneer een grondeigenaar een altyddurend servituut van waterbewaring voor besproeiingsdoeleinden nodig heeft over de grond van een ander, dan kan laatstbedoelde vóór verkrijging van het servituut een evenredig aandeel van de kosten van aanleg van het bewaringswerk betalen of voor de betaling ervan zekerheid stellen en is daarop na voltooiing van bedoeld werk, voorzover bestaanbaar met de bepalingen van Hoofdstuk II, gerechtigd tot genot van het voordeel van het bewaringswerk volgens de verhouding waarin de oppervlakte van de grond waarop het servituut rust, die hij voornemens is uit bedoeld werk te besproeien, staat tot de hele te besproeien oppervlakte: Met dien verstande dat een geschil omtrent de grootte van de te besproeien oppervlakte of omtrent de totale kosten van het werk of omtrent het aandeel van iedere partij in die kosten, door het waterhof op voordracht van een van beide eigenaren beslecht wordt”.

13. Artikel *honderd-en-vyf* van die Hoofwet word hiermee gewysig— Wysiging van artikel 105 van Wet 8 van 1912.

(a) deur in sub-artikel (1) die woorde „of stuw” te skrap en te vervang deur die woorde „stuw, pomp, turbine of machinehuis met nodige toebehoren”;

(b) deur sub-artikel (3) te skrap en te vervang deur die volgende sub-artikel:

„(3) Voor de toepassing van sub-artikel (2) betekent het woord „stuw” een waterkering over de bedding van een openbare stroom gelegd om het waterpeil erin te verhogen slechts ten einde dat water op het land uit te leiden”.

14. Artikel *honderd-en-ses* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang: Wysiging van artikel 106 van Wet 8 van 1912.

„Servituut 106. Ieder in dit Hoofdstuk omschreven servituut omvat recht om materiaal te nemen. sluit in het recht om van de met servituut bezwaarde grond het nodige materiaal te nemen om een besproeiingswerk erop aan te leggen, in stand te houden en te herstellen, tenzij in een akte van servituut anders overeengekomen is. Het sluit voorts in het recht om tijdelik zo veel grond te bezetten als gedurende de aanleg redelijkerwijs nodig mocht zijn voor de aanleg van kampen en wegen en voor de oprichting erop van de huizen, werktuigen, reservoirs en andere bouwwerken die in verband met de aanleg van het werk nodig zijn en zo veel grond permanent te bezetten als redelijkerwijs nodig mocht zijn voor de woningen van personen die nodig zijn in verband met exploitatie en onderhoud van de betrokken werken, en wel op de voorwaarden die het waterhof in geval van geschil mocht bepalen”.

15. Artikel *honderd-en-nege* van die Hoofwet word hiermee gewysig deur in sub-artikel (1), na paragraaf (d) die volgende nuwe paragraaf (e) in te voeg, waardeur die teenswoordige paragrafe (e) en (f) respektieflik paragrafe (f) en (g) word: Wysiging van artikel 109 van Wet 8 van 1912.

„(e) de grond die tijdelik voor aanleg-kampen en permanent voor de woningen van personen die nodig zijn in verband met exploitatie en onderhoud van de betrokken werken, benodigd is”.

16. Artikel *honderd-en-vyftien* van die Hoofwet word hiermee gewysig deur die laaste sinsnede te skrap en te vervang deur die volgende bepaling: Wysiging van artikel 115 van Wet 8 van 1912.

„Indien het eigendomsbewijs van zodanige grond niet makkelik ter registratie overgelegd kan worden, noteert de betrokken registrateur van akten het servituut op het in zijn kantoor bewaarde duplikaat van het eigendomsbewijs en in de toepasselike registers: Met dien verstande dat geen verdere rechtshandeling met betrekking tot bedoelde grond geregistreerd mag worden, totdat de registratie van het servituut voltooid is door aantekening ervan op het eigendomsbewijs en te dien einde moet de registrateur van akten op bedoeld eigendomsbewijs beslag leggen en de nodige aantekening erop maken wanneer het om welke reden ook bij zijn kantoor ingediend wordt”.

17. Die volgende nuwe artikel word hiermee na artikel *honderd-en-sestien* in die Hoofwet ingevoeg: Invoeging van nuwe artikel 116bis in Wet 8 van 1912.

„Goeverneur-generaal kan 116bis. De Goeverneur-generaal kan (mits aan de toepasselike bepalingen van dit Hoofdstuk voldaan word) in verband met water dat hij servituten verkrijgen engerechtigd is te gebruiken, te verstrekken of verdragen te beheren, of in verband met een besproeiingswerk

irrigation work which he has constructed or is constructing or intends to construct (whether on land belonging to the State or on land belonging to any person and whether on behalf of the State or on behalf of any person) acquire any servitude referred to in this Chapter and may at any time transfer such servitude to any person to whom he has transferred the use, supply or control of such water or the control of such irrigation work."

Amendment of section 138 of Act 8 of 1912.

18. Section *one hundred and thirty-eight* of the principal Act is hereby amended by the addition at the end thereof, of the following words:—

"or as affecting any right conferred by any private or special statute".

Repeals not to affect action taken under repealed provisions.

19. Notwithstanding the repeal of sections *fifteen* and *sixteen* of the principal Act, any permission granted or determination made or order issued or any other act performed by a water court and any undertaking or security given by any person under either of those sections shall remain of the same force and effect as if those sections had not been repealed, and any application or declaration made under either of those sections before the commencement of this Act shall be dealt with and all proceedings in connection therewith shall be concluded as if this Act had not been passed: Provided that any period within which any works referred to in a declaration mentioned in section *sixteen*, must be constructed, shall be extended by two years: Provided further, that notwithstanding any such permission, determination, or order, any person may construct within the area to which such permission, determination or order relates—

(a) a storage work of a capacity not exceeding twenty-five million gallons and impound surplus water therein for his use;

(b) a diversion irrigation work capable of diverting a flow not exceeding ten cubic feet per second, and by means thereof divert surplus water from a public stream for his use.

Permission to use water of the Orange River in the Mandated Territory of South-West Africa.

20. (1) On the application of an owner of land situate in the Mandated Territory of South-West Africa, the Minister (as defined in the principal Act) may, in his discretion, grant to such owner, on such conditions as he may think fit to impose, permission to abstract, for use on such land, such quantity of water from the Orange River as the Minister may determine: Provided that such abstraction does not detrimentally affect the right of any person to abstract water from the said river for use in the Union by means of works existing at the time of granting such permission.

(2) Such permission shall specify the period for which it is granted, which period shall not exceed twenty years.

(3) After the expiration of such permission the said Minister may, in his discretion, renew it either in its original form or with such amendments as he may deem desirable, or he may grant a fresh permission under sub-section (1) in respect of the same or any part of the land to which the expired permission referred.

(4) If any condition imposed by the said Minister is not carried out, he may cancel such permission and remove any weir or other obstruction erected in the river by the person to whom the permission was granted.

Validation of certain acts and rights of municipalities in Orange Free State.

21. Any act performed or right purporting to have been acquired prior to the commencement of this Act by the town council of any municipality in the Province of the Orange Free State in accordance with the provisions of any law or of any ordinance which were or are in conflict or inconsistent with any provisions of the principal Act, shall be deemed to have been an act lawfully performed or a right lawfully acquired and is hereby validated.

Short title.

22. This Act shall be known as the Irrigation Amendment Act, 1934.

dat hij aangelegd heeft of aanlegt of voornemens is aan te leggen (hetzij op grond die aan de Staat of aan een persoon behoort en hetzij ten behoeve van de Staat of ten behoeve van een persoon), een in dit Hoofdstuk vermeld servituut verkrijgen en kan dat servituut te eniger tijd overdragen aan een persoon aan wie hij het gebruik, de verstrekking of het beheer van dat water of het beheer van dat besproeiingswerk overgedragen heeft".

18. Artikel *honderd-acht-en-dertig* van die Hoofwet word hiermee gewysig deur die volgende woorde aan die end by te voeg: „of op een door een private of speciale wet verleend recht”. Wysiging van artikel 138 van Wet 8 van 1912.

19. Ondanks die herroeping van artikels *vyftien* en *sestien* van die Hoofwet, behou 'n vergunning, bepaling, vasstelling of bevel of ander handeling van 'n waterhof of 'n onderneming of sekerheidstelling van 'n persoon kragtens die een of die ander van daardie artikels dieselfde regsgeldigheid asof daardie artikels nie herroep was nie en 'n applikasie of verklaring, voor die inwerkingtreding van hierdie Wet gemaak kragtens die een of die ander van daardie artikels, word behandel en alle verrigtings in verband daarmee word voltooi asof hierdie Wet nie ingevoer was nie: Met dien verstande dat 'n tydperk waarbinne werke bedoeld in 'n verklaring vermeld in artikel *sestien*, aangeleg moet word, met twee jaar verleng word: Met dien verstande verder dat, ondanks so 'n vergunning, vasstelling of bevel enigeen in die gebied waarop so 'n vergunning, vasstelling of bevel betrekking het— Wetsherroeping sonder invloed op handelings ingevolge herroepe bepalinge.

- (a) 'n bewaarwerk mag bou wat hoogstens vyf-en-twintig miljoen gellings kan bevat, en daarin surplus-water mag opdam vir sy eie gebruik;
- (b) 'n uitkeer-besproeiingswerk mag bou wat 'n stroom van hoogstens tien kubieke voet per sekonde kan uitkeer, en deur middel daarvan surplus-water uit 'n openbare stroom mag uitkeer vir sy eie gebruik.

20. (1) Op aansoek van 'n eienaar van grond, geleë in die Mandaatgebied Suidwes-Afrika, kan die Minister (soas omskryf in die Hoofwet), volgens goeddunke aan bedoelde eienaar op sodanige voorwaardes as wat hy wenslik ag om te stel, vergunning verleen om vir gebruik op daardie grond soveel water uit die Oranjerivier te haal as wat die Minister bepaal, mits daardeur geen inbreuk gemaak word nie op die reg van iemand om water uit genoemde rivier te haal, vir gebruik in die Unie, deur middel van werke wat bestaan op die tydstip wanneer die vergunning verleen word. Vergunning om water uit die Oranjerivier te gebruik in die mandaatgebied Suidwes-Afrika.

(2) Daardie vergunning moet bepaal vir hoelank dit verleen word maar sy duur mag nie twintig jaar te bo gaan nie.

(3) Na verstryking van die vergunning kan bedoelde Minister dit hernuwe, hetsy in sy oorspronklike vorm of met die wysigings wat hy wenslik ag, of hy kan 'n nuwe vergunning kragtens sub-artikel (1) verleen met betrekking tot dieselfde grond of 'n deel van die grond waarop die verstreke vergunning betrekking het.

(4) As 'n voorwaarde wat bedoelde Minister gestel het, nie uitgevoer word nie, dan kan hy bedoelde vergunning intrek en elke wal of ander hindernis wat die persoon, aan wie die vergunning verleen is, in die rivier opgerig het, verwyder.

21. Elke handeling of reg wat 'n stadsraad van 'n munisipaliteit in die Provinsie Oranje-Vrystaat voor die inwerkingtreding van hierdie Wet verrig het of voorgeefflik verwerf het volgens die bepalinge van een of ander wet of ordonnansie wat in stryd of onbestaanbaar is of was met een of ander bepaling van die Hoofwet, word geag 'n wettig verrigte handeling of 'n wettig verkregte reg te wees en word hiermee bekragtig. Bekragtiging van sekere handelings en regte van munisipaliteite in Oranje-Vrystaat.

22. Hierdie Wet heet die Besproeiings-Wysigingswet, 1934. Kort titel.

No. 47, 1984.]

## ACT

To provide for the legalization of the marriages of certain persons now residing in the Union of South Africa or in the mandated territory of South West Africa contracted prior to 1906 in the Bechuanaland Protectorate or in the former German Protectorate of South West Africa or prior to the second day of April, 1929, in Angola, and for the registration of the said marriages.

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:—

Appointment of  
commissioner.

1. As soon as possible after the commencement of this Act the Administrator of the mandated territory of South-West Africa shall appoint on such conditions as he may think fit, but subject to the provisions of this Act, a Commissioner for Angola Marriages (hereinafter called "the commissioner") for the purpose of giving effect to this Act.

Registration and  
legalization of  
Angola marriages.

2. (1) Any person whose marriage was solemnised before the first day of January, 1906, in the Bechuanaland Protectorate or in the former German Protectorate of South West Africa, while he was on his way from the Transvaal to Angola, or before the second day of April, 1929, in Angola, by a minister, elder, or person purporting to act as a marriage officer of any recognized christian church denomination of South Africa and any child of such person, provided they are resident at the time of making the application in the Union or in the mandated territory of South West Africa, may, within twelve months from the commencement of this Act, or within such further period as the Administrator of the said territory may determine, apply to the commissioner for the registration of the said marriage under sub-section (2).

(2) The commissioner shall institute an inquiry into every such application, and if he is satisfied that—

- (a) such marriage was entered into *bona fide* and was not within the prohibited degrees of consanguinity or affinity according to the law prevailing in the Transvaal at the commencement of this Act; and
- (b) no party to the marriage, being still alive, is a subject of a foreign state,

he shall frame a register signed by himself recording the fact that a marriage was duly entered into between the parties, and setting forth the full names and condition of the parties before their marriage, their race, age, place of residence and calling and the place and date of marriage, and he shall submit such marriage register to the Registrar of Births, Marriages and Deaths of the Province of the Transvaal who shall have the custody of the same.

(3) A marriage registered in terms of sub-section (2) shall be valid for all purposes and be deemed to have been valid as from the date on which it was contracted unless it is proved to be a bigamous marriage or unless it is proved that the registration thereof was obtained by fraud.

(4) Every such register shall after its receipt by the said registrar for the purposes of the Registration of Births, Marriages and Deaths Act, 1923 (Act No. 17 of 1923), or of the said Act as applied to the mandated territory of South West Africa, and for that purpose modified by the Registration of Births, Marriages and Deaths Proclamation, 1923 (Proclamation No. 38 of 1923) of the Administrator of the said territory, be deemed to be a register which by virtue of the said Act or of the said Act as so applied is in the custody of the said registrar.

Powers, jurisdic-  
tion and privileges  
of commissioner.

3. (1) The commissioner shall have the powers, jurisdiction and privileges of a commission and of the chairman of a commission as set out in sections *three to seven* inclusive of the Commissions' Powers Ordinance, 1927 (Ordinance No. 6 of 1927) of the mandated territory of South West Africa and the provisions of the said sections shall *mutatis mutandis* apply to all matters dealt with by him.



No. 47, 1934.]

## WET

Om voorsiening te maak vir die wettiging van die huwelike van sekere persone tans in die Unie van Suid-Afrika of in die mandaatgebied van Suidwes-Afrika woonagtig, wat vóór 1906 in die Betsjoeanaland Protektoraat of in die voormalige Duitse Protektoraat van Suidwes-Afrika, of vóór die tweede dag van April 1929 in Angola aangegaan is, en vir die registrasie van daardie huwelike.

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

1. So spoedig doenlik na die inwerkingtreding van hierdie Wet sal die Administrateur van die mandaatgebied van Suidwes-Afrika, op sodanige voorwaardes, onderhewig aan die bepalinge van hierdie Wet, as hy wenslik ag, 'n Kommissaris vir Angola Huwelike (hierin „die kommissaris” genoem), aanstel, ten einde aan die bepalinge van hierdie Wet gevolg te gee.

Aanstelling van kommissaris.

2. (1) Enige persoon wat vóór die eerste dag van Januarie 1906 in die Betsjoeanaland Protektoraat of in die voormalige Duitse Protektoraat van Suidwes-Afrika, terwyl hy op weg was van Transvaal na Angola, of vóór die tweede dag van April 1929 in Angola, deur 'n predikant, onderling of voorgegewe huweliksbeambte van enige erkende Christelike kerkgenootskap van Suid-Afrika in die huwelik bevestig is, en enige kind van sodanige persoon kan, indien hulle tydens die aansoek in die Unie of in die mandaatgebied van Suidwes-Afrika woonagtig is, binne twaalf maande vanaf die inwerkingtreding van hierdie Wet of binne sodanige verdere tydperk as wat die Administrateur van die genoemde gebied mag bepaal, aansoek doen by die kommissaris vir die registrasie van sodanige huwelik ooreenkomstig sub-artikel (2).

Registrasie en wettiging van Angola huwelike.

(2) Die kommissaris sal ondersoek instel met betrekking tot ieder sodanige aansoek, en indien tot sy bevrediging blyk dat—

(a) so 'n huwelik *bona fide* aangegaan is en dat dit nie binne die verbode grade van bloed- of aanverwantskap volgens die Transvaalse reg, soos dit tydens die inwerkingtreding van hierdie Wet bestaan, was nie; en

(b) geen party tot die huwelik wat nog lewe, 'n onderdaan is van 'n vreemde staat nie,

'n register, deur homself geteken, uitmaak waarin hy die feit boekstaaf dat 'n huwelik behoorlik tussen die partye aangegaan is met vermelding van die voorhuwelike volle name en staat van die partye tot die huwelik, hul ras, ouderdomme, woonplek en beroep en die plek en datum van die huwelik, en hy sal sodanige huweliksregister aan die Registrateur van Geboortes, Huwelike en Sterfgevallen van die Provinsie Transvaal stuur vir bewaring.

(3) 'n Ingevolge sub-artikel (2) geregistreeerde huwelik is geldig vir alle doeleindes en word geag geldig te gewees het vanaf die datum waarop dit aangegaan is tensy bewys word dat dit 'n bigamiese huwelik is, of tensy bewys word dat die registrasie daarvan deur bedrog verkry is.

(4) Enige sodanige register sal, na ontvangs daarvan deur die genoemde registrateur, vir die doeleindes van die „Wet op Registrasie van Geboortes, Huwelike en Sterfgevallen, 1923” (Wet No. 17 van 1923), of van die genoemde wet soos toegepas op die mandaatgebied van Suidwes-Afrika en vir die doel gewysig deur die „Registrasie van Geboortes, Huwelike en Sterfgevallen Proklamasie, 1923” (Proklamasie No. 38 van 1923) van die Administrateur van genoemde gebied, geag word 'n register te wees wat kragtens die genoemde Wet of van die genoemde Wet soos aldus toegepas in die bewaring van die genoemde registrateur is.

3. (1) Die kommissaris sal die magte, regsmag en voorregte van 'n kommissie en van die voorsitter van 'n kommissie, soos in artikels drie tot sewe inbegrepe, van die Magte van Kommissies Ordonnansie 1927 (Ordonnansie No. 6 van 1927); van die mandaatgebied van Suidwes-Afrika, aangegee, besit, en die bepalinge van die genoemde artikels sal *mutatis mutandis* van toepassing wees op alle verhandelinge voor hom.

Magte, regsmag en voorregte van kommissaris.

(2) The commissioner may accept as evidence of the facts which in terms of sub-section (2) of section *two* of this Act must be proved to his satisfaction—

- (a) any marriage register kept for or on behalf of any church denomination referred to in sub-section (1) of that section ;
- (b) an extract or copy of such a register certified by a minister, elder or person purporting to act as a marriage officer of the denominations referred to in the said sub-section ; and
- (c) any other relevant evidence.

Short title.

4. This Act shall be known as the Legalization of Angola Marriages Act, 1934

No. 49, 1934.]

## ACT

**To Ratify a certain declaration made by the Government of the Union in lieu of a previous declaration made in terms of certain Conditions prescribed under the Colonial Stock Act, 1900.**

**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:—

Ratification of declaration contained in Schedule.

1. The declaration made by His Majesty's Government in the Union as contained in the Schedule to this Act is hereby ratified and shall have effect accordingly.

Short title and commencement.

2. This Act shall be known as the Colonial Stock Act, 1900, Declaration Act, 1934, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

## Schedule.

WHEREAS in terms of the conditions prescribed by His Majesty's Treasury in the United Kingdom under the Colonial Stock Act, 1900, Act No. 6 of 1913 has been passed by the Parliament of the Union of South Africa and the Union Government has placed on record a formal expression of its opinion that "any Union Legislation which appears to the Government of the United Kingdom to alter any of the provisions affecting the stock to the injury of the stockholder or to involve a departure from the original contract in regard to the stock would properly be disallowed";

AND WHEREAS the Union of South Africa is desirous of abolishing the right of disallowance by repealing section 65 of the South Africa Act, 1909:

AND WHEREAS His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have undertaken to modify the said Treasury conditions provided a suitable undertaking is given by His Majesty's Government in the Union of South Africa by which the interests of stockholders are safe-guarded;

AND WHEREAS His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have accepted the undertaking given by His Majesty's Government in the Union of South Africa set out hereunder:

NOW THEREFORE His Majesty's Government in the Union of South Africa declare as follows:—

The Union Government undertake that legislation which appears to the United Kingdom Government either to amend Act No. 6 of 1913 of the Union to the injury of stockholders or to involve a departure from the original contract in regard to the stock shall not be submitted for the Royal Assent except after agreement with the United Kingdom Government. Furthermore, if attention is drawn to such legislation already passed by the Union Parliament the Union Government will take the necessary steps to ensure such amendments as may be requested by the United Kingdom Government.

(2) Die kommissaris kan as getuienis van die feite wat onder sub-artikel (2) van artikel twee van hierdie Wet tot sy bevrediging moet blyk, aanneem—

- (a) enige huweliksregister vir of namens 'n in sub-artikel (1) van daardie artikel genoemde kerkgenootskap gehou;
- (b) 'n deur 'n predikant, ouderling of voorgegewe huweliks-beampte van die kerkgenootskappe in die genoemde sub-artikel (1) vermeld, gesertifiseerde uittreksel uit of afskrif van sodanige register; en
- (c) enige ander relevante getuienis.

4. Hierdie Wet word genoem die *Wettiging van Angola Kort titel Huwelike Wet 1934*.

No. 49, 1934.]

## WET

**Om 'n Verklaring van die Unie-Regering ter vervanging van 'n vorige verklaring gemaak onder voorwaardes vasgestel onder die „Colonial Stock Act, 1900”, te bekragtig.**

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

1. Die verklaring gemaak deur Sy Majesteit se Regering in die Unie vervat in die Bylae van hierdie Wet word hiermee bevestig en sal so van krag wees. Bekragtiging van verklaring vervat in Bylae.
2. Hierdie Wet word genoem die *Wet op die Verklaring onder die „Colonial Stock Act, 1900”, van 1934*, en sal op 'n datum, deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel, in werking tree. Kort titel en inwerkingtreding.

### Bylae.

NADEMAAL volgens die voorwaardes wat voorgeskrýwe is deur Sy Majesteit se Tesourie in die Verenigde Koninkryk onder die „Colonial Stock Act, 1900”, Wet No. 6 van 1913 aangeneem is deur die Parlement van die Unie van Suid-Afrika en die Unie-Regering formeel sy mening geboekstaaf het dat „aan enige Unie-wetgewing wat, volgens die oordeel van die Regering van die Verenigde Koninkryk, die bepalinge betreffende die skuldbriewe tot nadeel van die skuldbriefhouer wysig of 'n afwyking van die oorspronklike kontrak betreffende die skuldbriewe inhou, behoorlikerwyse krag sou ontsê kan word”;

EN NADEMAAL die Unie van Suid-Afrika begerig is om die reg van kragontsegging af te skaf deur artikel 65 van die Suid-Afrika Wet, 1909, te herroep;

EN NADEMAAL Sy Majesteit se Regering in die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland daarin toegestem het om die gemelde Tesourie-voorwaardes te wysig, mits Sy Majesteit se Regering in die Unie van Suid-Afrika 'n geskikte waarborg gee waardeur die belange van die skuldbriefhouers beskerm word;

EN NADEMAAL Sy Majesteit se Regering in die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland die waarborg aanvaar het wat Sy Majesteit se Regering in die Unie van Suid-Afrika gegee het, soos hieronder uiteengesit;

DAAROM verklaar Sy Majesteit se Regering in die Unie van Suid-Afrika as volg:—

Die Unie-Regering onderneem om wetgewing wat, volgens die oordeel van die Regering van die Verenigde Koninkryk, Wet No. 6 van 1913 van die Unie tot nadeel van skuldbriefhouers wysig, of 'n afwyking van die oorspronklike kontrak met betrekking tot die skuldbriewe inhou, nie ter verkyring van die Koning se toestemming voor te lê nie tensy met goedkeuring van die Regering van die Verenigde Koninkryk.

Voorts, sal die Unie-Regering, as sy aandag bepaal word by wetgewing wat alreeds deur die Unie-Parlement aangeneem is, die nodige stappe doen om die wysigings wat die Regering van die Verenigde Koninkryk beger, te laat aanbring.

No. 48, 1934.]

# ACT

To establish a Livestock and Meat Industries Control Board and to define its functions; to provide for the imposition of a levy upon slaughtered cattle, sheep and goats, and for the manner of expending such levy; for the improvement of cattle; for the sale by public auction of certain classes of livestock by weight; for the erection and inspection of cold storages; for the inspection for the purposes of grading of meat; for the regulation of the livestock and meat industries, and for matters incidental thereto.

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:—

## INTRODUCTORY.

### Division of Act.

1. This Act is divided into six Chapters which relate to the following matters, respectively:—

Chapter I. Livestock and Meat Industries Control Board. (Sections *three to eighteen*).

Chapter II. Levy upon Slaughtered Stock. (Sections *nineteen to twenty-three*).

Chapter III. Improvement of cattle. (Sections *twenty-four to thirty*).

Chapter IV. Cold Storages, Meat Extract or Canning Factories, Abattoirs and Slaughterpoles. (Sections *thirty-one to thirty-five*).

Chapter V. Regulation of the Trade in Meat. (Sections *thirty-six to forty-four*).

Chapter VI. General and Supplementary Provisions. (Sections *forty-five to fifty-nine*).

### Definitions.

2. In this Act, unless inconsistent with the context—

“wholesale butcher” means a person engaged in the trade of selling meat for re-sale;

“retail butcher” means a person engaged in the trade of selling meat for consumption by the purchasers thereof;

“cold storage” means any place or building, having a total storage capacity in excess of two thousand cubic feet, where perishable products are stored, kept or preserved at low temperatures for purposes of trade or reward;

“co-operative organization” means a co-operative agricultural society or co-operative agricultural company registered under the Co-operative Societies Act, 1922 (Act No. 28 of 1922), which by its regulations or under any law is authorized to receive, buy, sell, store or slaughter livestock;

“Minister” means the Minister of Agriculture or any other Minister of State acting in his stead;

“local authority” means a local authority as defined by section *seven* of the Public Health Act, 1919 (Act No. 36 of 1919), but shall for the purposes of section *seventeen* include any local authority defined under or by the provisions of sections *eight* and *nine* of the said Act;

“board” means the Livestock and Meat Industries Control Board;

“regulation” means a regulation made under this Act;

“sheep” includes goat;

“mutton” includes goats’ meat;

“slaughter cattle” means cattle which are intended for human consumption or are suitable for human consumption and, in section *seventeen*, includes cattle which, prior to the commission in relation thereto of any act which is the subject of complaint or prosecution, have been certified by an inspector appointed by the board to be slaughter cattle;



No. 48, 1934.]

## WET

Om 'n raad van beheer oor die vee- en vleisnywerheid in te stel en om sy werksaamhede te bepaal; om voorsiening te maak vir 'n heffing op geslagte beeste, skape en bokke en vir die besteding van daardie heffing; vir die verbetering van beeste; vir die verkoop op publieke veilinge van bepaalde kategoriee van lewende hawe volgens gewig; vir die oprigting en inspeksie van koelkamers; vir die inspeksie vir die doeleindes van gradering van vleis; vir die reëling van die vee- en vleisnywerhede, en vir sake wat daarmee in verband staan,

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

## INLEIDINGSBEPALINGS.

1. Hierdie Wet word ingedeel in ses Hoofstukke, wat respektiewelik oor die volgende onderwerpe handel:—

Hoofstuk I. Raad van Beheer oor die Vee- en Vleisnywerhede. (Artikels drie tot agtien.)

Hoofstuk II. Heffing op Geslagte Vee. (Artikels negen tot drie-en-twintig.)

Hoofstuk III. Verbetering van Beeste. (Artikels vier-en-twintig tot dertig.)

Hoofstuk IV. Koelkamers, Vleisekstrak- of Inléfabrieke, Abattoirs en Slagpale. (Artikels een-en-dertig tot vyf-en-dertig.)

Hoofstuk V. Reëling van Vleishandel. (Artikels ses-en-dertig tot vier-en-veertig.)

Hoofstuk VI. Algemene en Aanvullende Bepalings. (Artikels vyf-en-veertig tot negen-en-vyftig.)

2. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

Woord-  
omskrywing.

„groothandelslagter”, iemand wat as bedryf vleis aan wederverkopers verkoop;

„kleinhandelslagter”, iemand wat as bedryf vleis verkoop vir verbruik deur die kopers daarvan;

„koelkamer”, 'n plek of gebou met 'n totale opbergingsruimte van meer as tweeduisend kubieke voet, waar bederfbare produkte vir handelsdoeleindes of vergoeding op lae temperatuur gebêre, gehou of teen bederf bewaar word;

„koöperatiewe organisasie”, 'n koöperatiewe landbouvereniging of landboumaatskappy wat kragtens die „Wet op Koöperatiewe Verenigings, 1922” (Wet No. 28 van 1922), geregistreer is, en wat volgens sy statute of 'n regsbeepaling bevoeg is om lewende hawe of vleis te ontvang, te koop, te verkoop of te bewaar of om lewende hawe te slag;

„Minister”, die Minister van Landbou of 'n ander Staatsminister wat namens hom optree;

„plaaslike bestuur”, 'n plaaslike bestuur soos omskrywe deur artikel sewe van die „Volksgezondheidswet, 1919” (Wet No. 36 van 1919), maar omvat vir die toepassing van artikel sewentien 'n plaaslike bestuur omskrywe kragtens of deur die bepalinge van artikels agt en nege van genoemde Wet;

„raad”, die Raad van Beheer oor die Vee- en Vleisnywerhede;

„regulasie”, 'n regulasie uitgevaardig kragtens hierdie Wet;

„skaap”, ook bok;

„skaapvleis”, ook bokvleis;

„slagbeeste”, beeste wat vir menslike verbruik bestem is of wat vir menslike verbruik geskik is, en, in artikel sewentien, ook beeste wat gesertifiseer is slagbeeste te wees deur 'n inspekteur deur die raad aangestel, alvorens 'n handeling wat die onderwerp is van 'n klag of vervolging in verband daarmee verrig is;

"slaughter sheep", "slaughter pigs" and "slaughter stock" bear corresponding meanings; and  
 "exporter" means any group or association of breeders of livestock, whether co-operative or not, who, to the satisfaction of the Minister, collaborate in the export of such livestock for slaughter purposes or of meat derived from such livestock.

## CHAPTER I.

### LIVESTOCK AND MEAT INDUSTRIES CONTROL BOARD.

Establishment of Livestock and Meat Industries Control Board.

Constitution of board and appointment of members.

Nomination of pedigree stock breeders and livestock farmers' representatives.

Nomination of exporters' representative.

Nomination of butchers' representative.

3. There is hereby established a board to be known as the Livestock and Meat Industries Control Board, which shall be a body corporate, capable of suing and being sued in its corporate name, and subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

4. (1) The board shall consist of eleven members, appointed by the Governor-General, of whom—

- (a) one shall be an officer of the Department of Agriculture (nominated by the Minister) who shall be chairman of the board;
- (b) one shall represent the breeders of pedigree stock (hereinafter referred to as the pedigree stock breeders' representative) who shall be nominated in accordance with sub-section (1) of section five;
- (c) four shall represent the livestock farmers (hereinafter referred to as the livestock farmers' representatives) who shall be nominated in accordance with sub-section (2) of section five;
- (d) one shall represent the exporters (hereinafter referred to as the exporters' representative) who shall be nominated in accordance with the provisions of section six;
- (e) one shall be a business man and shall be nominated by the Association of Chambers of Commerce of South Africa;
- (f) one shall represent the combined wholesale and retail butchers trade (hereinafter referred to as the butchers' representative) who shall be nominated in accordance with the provisions of section seven;
- (g) one shall represent the larger local authorities (hereinafter referred to as the municipal representative) and shall be nominated by the United Municipal Executive of South Africa;
- (h) one shall represent the livestock auctioneers (hereinafter referred to as the auctioneers' representative) who shall be nominated in accordance with section eight.

(2) In addition to the members to be appointed in terms of the provisions of sub-section (1), there shall be the following members *ex officio*, to wit the Director of Native Agriculture (or his duly appointed deputy) and such other officer or officers of the Department of Agriculture as the Minister may from time to time nominate to attend a meeting or meetings of the board and such members *ex officio*, while not having the right to vote at any meeting, shall in all other respects have the same rights as other members of the board.

5. (1) The pedigree stock breeders' representative shall be nominated by the South African Stud Book Association.

(2) One livestock farmers' representative shall be nominated by an association or associations of farmers representing, in the opinion of the Minister, the livestock farmers of each province.

6. The exporters' representative shall be nominated by an organization or by organizations of exporters of meat from the Union representing, in the opinion of the Minister, the interests of the exporters of meat.

7. If there are in existence a wholesale butchers' association and a retail butchers' association which, in the opinion of the Minister, are representative respectively of the wholesale and retail butchers trade of the Union, such associations shall have the right jointly to nominate the butchers' representative for appointment to the board, or, in the event of there being no such associations in existence, the wholesale and retail butchers' associations which exist in the Union shall have the right to nominate, after mutual consultation, the butchers' representative for appointment to the board.

„slagskape”, „slagvarke” en „slagvee” dienoreenkomstige betekenis; en  
 „uitvoerder,” ’n groep of assosiasie van telers van lewende hawe, al dan nie op kooperatiewe basis, wat tot bevrediging van die Minister saamwerk vir die uitvoer van sodanige lewende hawe vir slagdoeleindes of van vleis afkomstig van sodanige lewende hawe.

## HOOFSTUK I.

### RAAD VAN BEHEER OOR DIE VEE- EN VLEISNYWERHEDE.

3. ’n Raad word hiermee ingestel, genoem die Raad van Beheer oor die Vee- en Vleisnywerhe, met regs persoonlikheid bekle, wat as eiser en verweerder in sy naam as regs persoon in regte kan optree en wat, met inagneming van die bepalings van hierdie Wet, alle handelings kan verrig wat regspersone regtens kan verrig.

Instelling van Raad van Beheer oor die Vee- en Vleisnywerhe.

4. (1) Die raad bestaan uit elf lede, deur die Goewerneur-generaal aan te stel, van wie—

Samestelling van raad en aanstelling van lede.

- (a) een ’n amptenaar van die Departement van Landbou moet wees (deur die Minister genomineer), as voorsitter van die raad;
- (b) een ’n verteenwoordiger moet wees van die stamboekveetelers (hieronder stamboekveetelers-vertenwoordiger genoem) genomineer te word volgens sub-artikel (1) van artikel vyf;
- (c) vier verteenwoordigers moet wees van die veeboere (hieronder veeboere-vertenwoordigers genoem) genomineer te word volgens sub-artikel (2) van artikel vyf;
- (d) een ’n verteenwoordiger moet wees van die uitvoerders (hieronder uitvoerders-vertenwoordiger genoem) genomineer te word volgens artikel ses;
- (e) een ’n besigheidsman moet wees en genomineer moet word deur die Vereniging van Kamers van Koophandel van Suid-Afrika;
- (f) een ’n verteenwoordiger moet wees van die gesamentlike groothandel- en kleinhandelslagters (hieronder slagters-vertenwoordiger genoem) genomineer te word volgens artikel sewe;
- (g) een ’n verteenwoordiger moet wees van die groter plaaslike besture (hieronder die munisipale vertenwoordiger genoem) genomineer te word deur die Verenigde Munisipale Uitvoerende Raad van Suid-Afrika;
- (h) een ’n verteenwoordiger moet wees van die venduafslaers van lewende hawe (hieronder die venduafslaers-vertenwoordiger genoem) genomineer te word volgens artikel agt.

(2) Behalwe die lede wat volgens die bepalings van sub-artikel (1) aangestel word, sal daar nog die volgende *ex officio* lede van die raad wees, naamlik die Direkteur van Naturelle Landbou (of sy behoorlik benoemde plaasvervanger) en sodanige amptenaar of amptenare van die Departement van Landbou as die Minister van tyd tot tyd mag benoem om ’n vergadering of vergaderings van die raad by te woon en sodanige *ex officio* lede het geen stem by enige vergadering van die raad nie, maar het in alle ander opsigte dieselfde regte as ander lede van die raad.

5. (1) Die stamboekveetelers-vertenwoordiger word genomineer deur „De Zuidafrikaanse Stamboekvereniging”.

Nominasie van vertenwoordigers van stamboekveetelers en veeboere.

(2) Een veeboere-vertenwoordiger word genomineer deur ’n assosiasie of assosiasies van boere wat volgens die oordeel van die Minister die veeboere van elke provinsie vertenwoordig.

6. Die uitvoerders-vertenwoordiger word genomineer deur ’n organisasie of organisasies van uitvoerders van vleis uit die Unie wat volgens die oordeel van die Minister die belange van die uitvoerders van vleis vertenwoordig.

Nominasie van uitvoerders-vertenwoordiger.

7. Indien daar ’n assosiasie van groothandelslagters en ’n assosiasie van kleinhandelslagters bestaan, wat volgens die oordeel van die Minister vertenwoordigend is van respektieffik die groothandel- en kleinhandelslagtersbedryf van die Unie, dan het sodanige assosiasies die reg om gesamentlik die slagters-vertenwoordiger vir aanstelling op die raad te nomineer, of, indien daar nie sulke assosiasies bestaan nie, is die groothandel- en kleinhandel-slagtersassosiasies wat in die Unie bestaan geregtig om, na onderlinge raadpleging, die slagters-vertenwoordiger vir aanstelling op die raad te nomineer.

Nominasie van slagters-vertenwoordiger.

Nomination of  
auctioneers'  
representative.

8. If there is in existence an association of livestock auctioneers which, in the opinion of the Minister, is representative of the livestock auctioneers of the Union, such association shall have the right to nominate the auctioneers' representative for appointment to the board, or, in the event of there being no such association in existence, the livestock auctioneers' associations which exist in the Union shall have the right to nominate, after mutual consultation, the auctioneers' representative for appointment to the board.

Notice to  
societies,  
associations or  
organizations to  
nominate  
representatives.

9. Whenever nominations in terms of paragraphs (e) and (g) of sub-section (1) of section *four* and of sections *five*, *six*, *seven* and *eight*, become necessary, the Minister shall, by notice in writing, call upon the societies, associations or organizations concerned to nominate (within a period stated in such notice) such persons as they are entitled to nominate for appointment to the board in terms of the said sections.

If no suitable  
person  
nominated,  
Minister may  
nominate.

10. If any person nominated as aforesaid is, in the opinion of the Minister, not suitable for appointment as a member of the board, the Minister may refer such nomination back to the society, association or organization concerned and call upon such society, association or organization to nominate some other person for appointment to the board, and if the society, association or organization thereupon again nominates a person who, in the opinion of the Minister, is not suitable as aforesaid, or if such society, association or organization fails to nominate a person, the Minister may himself nominate any person whom he considers fit to be a member of the board.

If no society,  
association or  
organization exists,  
Minister may  
nominate.

11. If a society, association or organization as laid down in paragraph (e) or (g) of sub-section (1) of section *four* or in section *five*, *six*, *seven* or *eight* is not in existence, the Minister may himself appoint a person or persons to serve on the board to represent the interests concerned.

Tenure of office  
of members of  
board.

12. (1) Of the first members of the board nominated under paragraph (e) of sub-section (1) of section *four* two shall be appointed for a period of one year only, and the first members of the board nominated in terms of paragraphs (b), (g) and (h) of sub-section (1) of section *four* shall be appointed for a period of one year only—all the other members of the board shall be appointed for a period of two years; thereafter all members of the board shall be appointed for a period of two years. Which two of the members nominated under paragraph (e) of sub-section (1) of section *four* shall be appointed for a period of one year only, shall be determined by lot. All members shall hold office during a further period until their successors have been appointed, not exceeding three months after the expiration of their term of office. Any member whose term of office has expired shall be eligible for re-appointment.

(2) Whenever the office of any member of the board for any reason becomes vacant before the expiration of the period for which he was appointed, the Minister may, on the recommendation of the board or of the society, association or organization concerned, appoint any other person whom he considers suitable to fill such vacancy until the expiration of the period for which the vacating member was appointed.

(3) Whenever the Minister is satisfied that any member of the board is prevented by illness, absence or other sufficient cause from performing the duties of his office, the Minister may appoint any other person whom he considers suitable to act as the deputy of such member while he is so prevented, and while acting as such in terms of his appointment the said deputy shall be deemed to be a member of the board.

(4) Whenever a member of the board, without its leave, has failed to attend three consecutive meetings thereof, and no person has been appointed to act as his deputy in terms of sub-section (3), he shall cease to be a member of the board.

(5) Whenever there are so many vacancies on the board that no quorum can be formed, the Minister may perform all the functions of the board until such time as sufficient of the said vacancies have been filled to enable a quorum of the board to be formed.

Quorum,  
majority  
decision and  
chairman's  
casting vote.

13. (1) Five members of the board having the power to vote shall form a quorum.

(2) The decision of the majority of the members of the board present at any meeting thereof and qualified to vote at a meeting of the board, shall constitute the decision of the board: Provided that in the event of an equality of votes at any such meeting the chairman of the board shall have a casting vote in addition to his deliberative vote.



8. Indien daar 'n vereniging van vendu-afslaers van lewende hawe bestaan wat volgens die Minister se oordeel die vendu-afslaers van die Unie verteenwoordig, is genoemde vereniging geregtig om die vendu-afslaers-vertenwoordiger vir aanstelling op die raad te nomineer, of indien daar nie so 'n vereniging bestaan nie, is die verenigings van vendu-afslaers van lewende hawe wat in die Unie bestaan geregtig om, na onderlinge raadpleging, die vendu-afslaers-vertenwoordiger vir aanstelling op die raad te nomineer.

Nominasie van vendu-afslaers-vertenwoordiger.

9. Wanneer nominasies volgens paragrafe (e) en (g) van sub-artikel (1) van artikel vier en artikels vyf, ses, sewe en agt, nodig word, sê die Minister die betrokke verenigings, assosiasies of organisasies skriftelik aan om binne 'n tydperk, in die aansegging vasgestel, die persone te nomineer wat hulle volgens bedoelde artikels geregtig is om vir aanstelling as lede van die raad te nomineer.

Aansegging van verenigings, assosiasies of organisasies om vertenwoordigers te nomineer.

10. Indien iemand wat soas voormeld genomineer is, volgens die Minister se oordeel, nie geskik is om as lid van die raad aangestel te word nie, kan die Minister daardie nominasie terugverwys na die betrokke vereniging, assosiasie of organisasie en daardie vereniging, assosiasie of organisasie aansê om iemand anders vir aanstelling op die raad te nomineer, en indien daardie vereniging, assosiasie of organisasie daarop weer iemand nomineer wat, volgens die Minister se oordeel, ongeskik is, soas vermeld, of wanneer so 'n vereniging, assosiasie of organisasie in gebreke bly om iemand te nomineer, kan die Minister self iemand aanstel wat hy geskik ag om lid van die raad te wees.

As geen geskikte persoon genomineer word nie, kan Minister nomineer.

11. Indien 'n vereniging, assosiasie of organisasie soas vermeld in paragraaf (e) of (g) van sub-artikel (1) van artikel vier of in artikel vyf, ses, sewe of agt nie bestaan nie, kan die Minister self 'n persoon of persone aanstel om op die raad die betrokke belange te verteenwoordig.

As geen vereniging, assosiasie of organisasie bestaan nie, kan Minister nomineer.

12. (1) Van die eerste lede van die raad genomineer kragtens paragraaf (c) van sub-artikel (1) van artikel vier, word twee vir 'n tydperk van slegs een jaar aangestel, en die eerste lede van die raad genomineer kragtens paragrafe (b), (g) en (h) van sub-artikel (1) van artikel vier word genomineer vir 'n tydperk van slegs een jaar; al die ander lede van die raad word vir 'n tydperk van twee jaar aangestel; daarna word alle lede van die raad vir 'n tydperk van twee jaar aangestel. Watter twee van die lede kragtens paragraaf (c) van sub-artikel (1) van artikel vier genomineer aangestel word vir 'n tydperk van slegs een jaar, moet deur loting beslis word. Alle lede beklee hulle amp gedurende 'n verdere tydperk (totdat hulle opvolgers aangestel is) van hoogstens drie maande na verstryking van hulle ampstyd. Elke lid wie se ampsduur verstryk is, is herbenoembaar.

Ampsduur van lede van raad.

(2) Wanneer die setel van 'n lid van die raad om enige rede vakant word voor verloop van die tydperk waarvoor hy aangestel is, kan die Minister, op aanbeveling van die raad, of van die betrokke vereniging, assosiasie of organisasie, iemand anders aanstel wat hy geskik ag om die vakature te vul totdat die tydperk waarvoor die uitgevalle lid aangestel was, verstryk is.

(3) Wanneer die Minister bevind dat een of ander lid van die raad deur siekte, afwesigheid of 'n ander voldoende rede verhinder is om sy ampswerkzaamhede te verrig, kan die Minister iemand anders wat hy geskik ag aanstel om as plaasvervanger van daardie lid op te tree solank hy aldus verhinder is, en terwyl die plaasvervanger as sodanig ooreenkomstig sy aanstelling optree, word hy as lid van die raad beskou.

(4) Wanneer 'n raadslid sonder die raad se verlof, versuim het om drie agtereenvolgende raadsvergaderings by te woon en niemand volgens sub-artikel (3) as sy plaasvervanger aangestel is nie, hou hy op om lid van die raad te wees.

(5) Wanneer daar soveel vakatures in die raad bestaan dat geen kworum tot stand kan kom nie, kan die Minister al die werkzaamhede van die raad verrig totdat so veel van die vakatures aangevul is dat 'n kworum van die raad tot stand kan kom.

13. (1) Vyf stemgeregtigde lede van die raad maak 'n kworum uit.

Kworum, meerderheidsbeslissing en beslissende stem van voorsitter.

(2) Die beslissing van die meerderheid van die raadslade wat op 'n raadsvergadering aanwesig is, en wat geregtig is om by 'n vergadering van die raad te stem, maak 'n beslissing van die raad uit. Met die verstande dat die voorsitter van die raad, by staking van stemme op so 'n vergadering, benewens sy beraadslagende stem ook 'n beslissende stem het.

Allowances of members of the board.

14. (1) The members of the board (other than those in receipt of a salary from public funds) shall receive such allowances to meet all reasonable expenses to which they may be put in connection with the business of the board, as the Minister may determine.

(2) Such allowances shall be paid out of the funds of the board.

Meetings of the board.

15. (1) The first meeting of the board shall be held on a day and at a place to be appointed by the Minister.

(2) All subsequent meetings of the board shall be held at such times and places as the board shall from time to time determine, but not more than four ordinary meetings shall be held during any one year, except with the approval of the Minister.

(3) The chairman of the board may himself at any time call a special meeting of the board.

(4) The meetings of the board shall be convened by notice given by the chairman of the board.

Committees of board.

16. (1) The board may, with the consent of the Minister, appoint one or more committees from its members, and any such committee shall be invested with such of the board's powers as may be prescribed by regulation.

(2) The members of a committee shall receive the same allowances as the members of the board.

(3) The chairman of the board may at any time and at any place convene a meeting of any committee.

(4) The decision of a majority of all the members of a committee shall constitute the decision of the committee.

Powers of the board.

17. (1) The board shall have power—

(a) to appoint such persons as it considers necessary to enable it to exercise its functions, at such remuneration and on such conditions as it may determine;

(b) to hire or acquire any property which it considers necessary for the purpose of exercising its functions;

(c) to impose on all cattle and on all sheep slaughtered at any abattoir or slaughter-pole under the control of a local authority or registered or required to be registered in terms of the provisions of the Public Health Act, 1919, or of any regulations made thereunder, a levy, in the case of cattle, not exceeding two shillings per animal of six months and older, and not exceeding sixpence per animal under six months, and in the case of sheep, not exceeding sixpence per animal: Provided that such levy shall not be imposed except with the consent of the Minister;

(d) to pay out of its funds to any person who exports beef or mutton or slaughter cattle or slaughter sheep from the Union a bounty or premium (which may vary according to the grade of the article exported or from which may be excluded meat or animals below a specified grade) of an amount which the board, with the consent of the Minister, may determine;

(e) to utilize levy funds to meet the expenses incurred under paragraphs (a) and (b) and, generally, to assist the development and betterment of the livestock and meat industries;

(f) to create a reserve fund into which any surplus levy funds not required for immediate use shall be paid;

(g) to make, out of its funds, all payments which the board is required to incur and which it may lawfully incur under this Act in the exercise of its functions;

(h) to publish, in collaboration with the Department of Agriculture, particulars of the prices of slaughter stock and of the wholesale and retail prices of meat and, generally, to disseminate information concerning the livestock and meat industries;

(i) generally to advise the Minister on all matters concerning the development of the livestock and meat industries and to recommend to the Minister any steps which, in the opinion of the board, are calculated to promote the general welfare of those industries, with due regard to the interests of the consumers of meat.

(2) The provisions of paragraphs (c) and (d) of sub-section (1) shall not apply to animals or meat which are imported into the Union and exported from the Union, or to animals which are imported into the Union and slaughtered in the Union and the meat whereof is exported from the Union.

14. (1) Die lede van die raad (behalwe die wat uit staatsgelde Toelae van lede van 'n salaris trek) ontvang die toelae tot dekking van al hulle raad.  
redelike onkoste in verband met sake van die raad, wat die Minister mog bepaal.

(2) Sodanige toelae word uit die gelde van die raad betaal.

15. (1) Die eerste vergadering van die raad word gehou Raadsver-  
op 'n dag en plek deur die Minister vasgestel te word. gaderings.

(2) Alle volgende vergaderings van die raad word op die tye en plekke gehou wat die raad van tyd tot tyd vasstel, maar nie meer as vier gewone vergaderings word gedurende een jaar gehou, tensy met die goedkeuring van die Minister.

(3) Die voorsitter van die raad kan self te eniger tyd 'n spesiale vergadering van die raad byeenroep.

(4) Die vergaderings van die raad word saamgeroep op kennisgewing van die voorsitter van die raad.

16. (1) Die raad kan met die toestemming van die Minister Komitees van raad  
een of meer komitees uit sy lede benoem, en so 'n komitee is bekleed met sodanige bevoegdhede van die raad as wat deur regulasies omskrewe mog word.

(2) Die lede van 'n komitee ontvang dieselfde toelae as die lede van die raad.

(3) Die voorsitter van die raad kan te eniger tyd en op enige plek 'n vergadering van 'n komitee belê.

(4) 'n Besluit van die meerderheid van al die lede van 'n komitee maak 'n besluit van die komitee uit.

17. (1) Die raad is bevoeg—

Bevoegdhede van raad.

(a) om die persone aan te stel wat hy nodig ag om hom in staat te stel sy werksaamhede te verrig en wel teen die besoldiging en op die voorwaardes wat hy mog vasstel;

(b) om enige goed aan te skaf of te huur wat hy nodig ag vir die verrigting van sy werksaamhede;

(c) om op alle beeste en op alle skape, geslag in alle abattoirs of slagpale, wat onder beheer is van 'n plaaslike bestuur of wat geregistreer is volgens die bepalings van die „Volksgezondheidswet, 1919” of van daar-  
onder uitgevaardigde regulasies, of wat volgens daardie bepalings behoort geregistreer te wees, hoogstens twee shillings per bees van ses maande en ouer en hoogstens ses pennies per bees van onder ses maande en hoogstens ses pennies per skaap te hef: Met die verstande dat sodanige heffing alleen opgelê kan word met die toestemming van die Minister;

(d) om uit sy gelde aan iemand wat beesvleis of skaap-  
vleis of slagbeeste of slagskape uit die Unie uitvoer 'n toeslag of premie te betaal (wat kan verskil volgens die kwaliteitsgraad van die uitgevoerde artikel of waarvan vleis of diere onder 'n vasgestelde standaard uitgesluit mog word), die bedrag waarvan die raad, met die goedkeuring van die Minister, kan bepaal;

(e) om heffingsgelde te bestee om die uitgawe gemaak ingevolge paragrawe (a) en (b) te dek en oor die algemeen om die ontwikkeling en verbetering van die vee- en vleisnywerhede te bevorder;

(f) om 'n reserwefonds daar te stel waarin orige heffings-  
gelde wat nie vir onmiddellike gebruik benodig is nie, inbetaal moet word;

(g) om uit sy gelde alle betalings te doen waartoe die raad verplig is of wat hy wettig mag doen kragtens hierdie Wet by die verrigting van sy werksaamhede;

(h) om, in samewerking met die Departement van Landbou, besonderhede te publiseer van pryse van slagvee en groothandels- en kleinhandelspryse van vleis en oor die algemeen om inligting te versprei omtrent die vee- en vleisnywerhede;

(i) om oor die algemeen advies te verleen aan die Minister omtrent alle sake aangaande die ontwikkeling van die vee- en vleisnywerhede en om by die Minister alle stappe aan te beveel wat volgens die raad se oordeel strek tot bevordering van die algemene welvaart van daardie nywerhede, met behoorlike inagneming van die belange van verbruikers van vleis.

(2) Die bepalings van paragrawe (c) en (d) van sub-artikel (1) is nie van toepassing nie op diere of vleis wat in die Unie van elders ingevoer en wat uit die Unie uitvoer is, of op diere wat in die Unie van elders ingevoer en in die Unie geslag en die vleis waarvan uit die Unie uitvoer is.

Grant of further powers to the board.

18. The Governor-General may by proclamation in the *Gazette* confer upon the board power—

- (a) to determine the maximum numbers of slaughter cattle, slaughter sheep or slaughter pigs, or the maximum quantities of beef, mutton or pork, which during any period fixed by the board it shall be lawful to transport or to bring into or out of any area defined by the board;
- (b) to determine the maximum numbers of slaughter cattle, slaughter sheep or slaughter pigs which it shall be lawful to sell or offer for sale on any day or during any period fixed by the board, at any market or other place defined by the board, at which slaughter cattle, slaughter sheep or slaughter pigs are sold.

## CHAPTER II.

### LEVY UPON SLAUGHTERED STOCK.

Notification of levy in *Gazette*.

19. Any levy imposed by the board by virtue of section *seventeen* shall be published by the Minister by notice in the *Gazette* and shall become operative upon the date stated in such notice.

Payment of levy on slaughtered cattle and sheep.

20. (1) Any person who owns or has control of any abattoir or slaughter-pole, shall not later than the fifteenth day of each calendar month pay to the board the amount payable in respect of the levy on the number of cattle and the number of sheep slaughtered at such abattoir or slaughter-pole during the preceding calendar month.

(2) Such person (if not the owner of such cattle or sheep) may recover from the person by whom or at whose instance the animal has been slaughtered the amount of levy, and the last-mentioned person may—

- (a) if he is not the owner of the animal, in turn recover such amount from the owner;
- (b) if he is the owner of such animal, and has bought it at a livestock auction market owned or controlled by the local authority by which the abattoir or slaughter-pole is owned or controlled, in turn recover such amount from the person at whose instance the animal was sold at such livestock auction market: Provided that upon the conclusion of the sale such animal was immediately removed to such abattoir or slaughterpole for slaughter by, or on behalf of, such owner.

(3) Any person paying over any money to the board under this section in respect of such animal whereof he was not the owner when it was slaughtered shall be entitled to receive from the board such commission on the amount so paid, as may be prescribed by regulation.

Cattle levy fund and sheep levy fund.

21. (1) The board shall establish a fund to be known as the cattle levy fund into which it shall deposit all moneys derived from the levy on cattle.

(2) The board shall also establish a fund to be known as the sheep levy fund into which it shall deposit all moneys derived from the levy on sheep.

Bounties paid out of separate funds.

22. Any bounty or premium paid by the board on the export of slaughter cattle and beef shall be defrayed from the cattle levy fund and any bounty or premium paid by the board on the export of mutton shall be defrayed from the sheep levy fund.

Apportionment of other expenditure.

23. Any expenditure incurred by the board, other than the payment of bounties or premiums on the export of beef or mutton or slaughter cattle or slaughter sheep, shall be defrayed either from the cattle levy fund or from the sheep levy fund in accordance with the benefit which either the cattle industry or the sheep industry may, in the opinion of the board, be expected to derive from such expenditure: Provided that any amount of the levy on slaughter cattle in excess of the sum of sixpence per animal of six months and older and the sum of two pence per animal of under six months, and similarly any amount of the levy on slaughter sheep in excess of the sum of two pence per sheep, shall be used exclusively for the payment of a bounty or premium on the export respectively of slaughter cattle or beef and slaughter sheep or mutton from the Union.



18. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* aan die raad die mag verleen—

Verlening van  
verdere bevoegd-  
hede aan raad.

(a) om die maksimum aantalle slagbeeste, slagskape of slagvarke, of die maksimum hoeveelhede beesvleis, skaapvleis of varkvleis vas te stel wat wettiglik gedurende 'n tydperk deur die raad vasgestel, vervoer of gebring kan word na of van 'n deur die raad omskrewe gebied;

(b) om die maksimum aantalle slagbeeste, slagskape of slagvarke vas te stel wat wettiglik verkoop of ter verkoop aangebied kan word op 'n dag of gedurende 'n tydperk deur die raad vasgestel op 'n mark of ander plek deur die raad bepaal, waar slagbeeste, slagskape of slagvarke verkoop word.

## HOOFTUK II.

### HEFFING OP GESLAGTE VEE.

19. Elke heffing van die raad kragtens artikel *sewentien* word deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak en tree in werking op 'n dag in daardie kennisgewing vasgestel.

Bekendmaking van  
heffing in *Staats-  
koerant*.

20. (1) Elke persoon wat die eienaar of beheerder is van 'n abattoir of slagpaal, moet aan die raad nie later as die vyftiende dag van elke kalendermaand die bedrag betaal wat betaalbaar is ten opsigte van die heffing op die aantal beeste en die aantal skape wat in daardie abattoir of slagpaal geslag is gedurende die voorafgaande kalendermaand.

Betaling van  
heffing op geslagte  
beeste en skape.

(2) So 'n persoon (indien nie die eienaar van so 'n bees of skaap nie) kan op die persoon deur wie of ten behoewe van wie sodanige dier geslag is die bedrag van die heffing verhaal en laasgenoemde persoon kan—

(a) indien hy nie die eienaar van die dier is nie, op sy beurt daardie bedrag op die eienaar verhaal;

(b) indien hy die eienaar van die dier is, en dit gekoop het op 'n lewende hawe vendu-mark geëien of beheer deur die plaaslike bestuur wat die abattoir of slagpaal eien of beheer, op sy beurt daardie bedrag verhaal op die persoon ten behoewe van wie die dier op daardie lewende hawe vendu-mark verkoop is: Met die verstande dat sodanige dier onmiddellik na sluiting van die koop vervoer was na sodanige abattoir of slagpaal om deur, of ten behoewe van, vermeldde eienaar geslag te word.

(3) Elke persoon wat volgens hierdie artikel gelde aan die raad betaal ten opsigte van so 'n dier waarvan hy nie die eienaar was toe dit geslag is nie, is geregtig om sodanige kommissie op die aldus betaalde bedrag te ontvang van die raad as deur regulasie voorgeskryf mog word.

21. (1) Die raad moet 'n fonds instel, onder die benaming van die beesheffingsfonds, waarin hy alle gelde moet stort wat die heffing op beeste oplewer.

Beesheffingsfonds  
en skaapheffings-  
fonds.

(2) Die raad moet ook 'n fonds instel onder die benaming van die skaapheffingsfonds, waarin hy alle gelde moet stort wat die heffing op skape oplewer.

22. Elke toeslag of premie deur die raad op die uitvoer van slagbeeste en beesvleis betaal, moet uit die beesheffingsfonds getrek word en elke toeslag of premie deur die raad op die uitvoer van skaapvleis betaal, moet uit die skaapheffingsfonds betaal word.

Toeslag op uitvoer  
uit afsonderlike  
fondse.

23. Alle uitgawes van die raad, behalwe toeslae of premies betaal op die uitvoer van beesvleis of skaapvleis of slagbeeste of slagskape, moet of uit die beesheffingsfonds of uit die skaapheffingsfonds gedek word na gelang van die voordeel wat volgens die oordeel van die raad of die beesnywerheid of die skaapnywerheid verwag kan word uit daardie uitgawes te trek: Met die verstande dat elke bedrag van die heffing op slagbeeste, wat die som van ses pennies vir elke bees van ses maande of ouer, of die som van twee pennies vir elke bees onder ses maande te bowe gaan, en, ewe-eens, elke bedrag van die heffing op slagskape wat die som van twee pennies vir elke skaap te bowe gaan, uitsluitlik gebruik moet word vir die betaling van 'n toeslag of premie op die uitvoer respektieflik van slagbeeste of beesvleis en slagskape of skaapvleis uit die Unie.

Verdeling van  
ander uitgawes.

## CHAPTER III.

## IMPROVEMENT OF CATTLE.

Establishment of  
cattle  
improvement  
areas.

24. The Governor-General may, by proclamation in the *Gazette*, declare any district or defined area to be a cattle improvement area, if the magistrate of that district, or of the district in which that area is situate, has transmitted to the Secretary for Agriculture a resolution recommending that such district or area be proclaimed a cattle improvement area, and a certificate that the provisions of section *twenty-five* have been complied with and that the resolution has been duly adopted in accordance with the provisions referred to.

Meeting of  
cattle  
farmers.

25. (1) If a written request is addressed to the magistrate of a district, signed by not less than twenty-five persons who being registered parliamentary voters own or hire land situate in that district or in an area within that district, each of whom owns at least thirty head of cattle (of which at least fifteen are breeding stock) running on that land, the magistrate shall convene a meeting for the purpose of considering a resolution recommending that such district or area be proclaimed a cattle improvement area.

(2) Notice of the meeting shall be given by means of notices duly posted up at the magistrate's office and in addition by at least three publications of an advertisement in Afrikaans and English in one or more newspapers circulating in the district or area concerned, the last publication of which appears not less than one month before the date fixed for the meeting.

(3) The magistrate of the district or of the district within which the area is situate, as the case may be, or, in his absence, the assistant magistrate, shall preside at the meeting and submit the proposed resolution to the meeting.

(4) The resolution shall not be passed unless the majority of votes cast at the meeting in accordance with sub-sections (5) and (6) are cast in favour of the resolution.

(5) Every person attending the meeting, who to the satisfaction of the presiding officer possesses the qualifications prescribed in sub-section (1), shall be entitled to vote at the meeting and no other person shall have that right.

(6) Not more than one vote shall be cast by any one person

No other than  
approved bulls  
to be kept in  
cattle  
improvement  
areas.

26. (1) From and after a date fixed by the proclamation declaring any district or area a cattle improvement area, which date shall be not less than twelve and not more than eighteen months later than the date on which that proclamation takes effect, it shall be unlawful to keep in or introduce into such district or area any bull over twelve months of age, unless such bull has been previously inspected and approved for purposes of the breeding of cattle by an inspector appointed or designated by the Minister.

(2) Any person who keeps any bull in, or introduces any bull into, any such district or area in contravention of the provisions of this section shall be guilty of an offence.

Appeal against  
decision  
disapproving bull.

27. (1) Any person who keeps any bull in a cattle improvement area, or intends to keep any bull in a cattle improvement area, may note an appeal with the magistrate of the district within which the cattle improvement area is situate against a decision of an inspector disapproving such bull.

(2) Appeal shall be noted by lodging with the magistrate, within a period of fourteen days after the decision of the inspector has been announced, of written notice of intention to appeal, and depositing with the magistrate a sum, not exceeding ten pounds, sufficient in the opinion of the magistrate to cover the probable costs of the appeal.

(3) The appeal shall be referred for final decision to a committee of appeal consisting of three cattle farmers, to be appointed by the Minister, none of whom shall have any direct or indirect interest in the bull.

(4) If the appellant withdraws or fails to proceed with the appeal, or if the committee of appeal dismisses the appeal, the appellant shall forfeit to the Consolidated Revenue Fund out of the sum deposited with the magistrate in terms of the provisions of sub-section (2) an amount equal to the costs of the appeal. If, however, the appeal be upheld the sum so deposited shall be refunded to the appellant.

Branding or  
marking of  
approved bulls.

28. (1) Every bull which has been so approved by an inspector or a committee of appeal shall be forthwith branded or suitably marked by the owner, in accordance with regulations, and to the satisfaction of the inspector or committee of appeal, as the case may be.

# HOOFSTUK III.

## VERBETERING VAN BEESTE.

24. Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, enige distrik of bepaalde gebied as 'n beesteverbeteringsgebied verklaar, as die magistraat van daardie distrik, of van die distrik waarin daardie gebied geleë is, aan die Sekretaris vir Landbou 'n besluit oorgestuur het, wat aanbeveel dat sodanige distrik of gebied tot 'n beesteverbeteringsgebied geproklameer word, en 'n sertifikaat dat aan die bepalinge van artikel vyf-en-twintig voldoen is en dat die besluit behoorlik, ooreenkomstig vermelde bepalinge, geneem is.

Instelling van beesteverbeteringsgebiede.

25. (1) Wanneer 'n skriftelike versoek aan die magistraat van 'n distrik gerig is, wat geteken is deur nie minder nie as vyf-en-twintig persone, wat geregistreerde parlementêre kiesers is en grond in daardie distrik of in 'n gebied binne daardie distrik geleë besit of gehuur het, elkeen waarvan ten minste dertig stuk beeste besit (waarvan ten minste vyftien aantelbeeste is), wat op daardie grond loop, moet die magistraat 'n vergadering byeenroep, ten einde 'n besluit aanbevelende dat daardie distrik of gebied tot 'n beesteverbeteringsgebied geproklameer word te oorweeg.

Vergadering van beesboere.

(2) Kennis van die vergadering moet gegee word deur middel van kennisgewings behoorlik by die magistraatskantoor aangeplak en verder deur middel van minstens drie publikasies van 'n advertensie in Afrikaans en Engels in een of meer nuusblaaie, wat in die betrokke distrik of gebied in omloop is, die laaste publikasie waarvan ten minste een maand voor die datum vasgestel vir die vergadering verskyn.

(3) Die magistraat van die distrik, of van die distrik waarin die gebied geleë is, na die geval mag wees, of as hy afwesig is, die assistent-magistraat, moet as voorsitter van die vergadering optree, en moet die voorgestelde besluit aan die vergadering voorleë.

(4) Die besluit word nie aangeneem nie tensy die meerderheid van stemme wat ooreenkomstig sub-artikels (5) en (6) op die vergadering uitgebring is ten gunste is van die besluit.

(5) Elke persoon wat die vergadering bywoon en wat na die oordeel van die voorsittende amptenaar die kwalifikasies besit wat neergelê is in sub-artikel (1), het die reg om op die vergadering te stem en geen ander persoon het daardie reg nie.

(6) Nie meer as een stem mag deur een persoon uitgebring word nie.

26. (1) Vanaf en na 'n datum vasgestel deur die proklamasie waarby 'n distrik of gebied tot 'n beesteverbeteringsgebied verklaar word, watter datum nie minder as twaalf en nie meer as agtien maande later mag wees nie as die datum waarop die proklamasie in werking tree, is dit onwettig om 'n bul van twaalf maande of ouer in daardie distrik of gebied aan te hou of in te voer, tensy die bul vooraf deur 'n inspekteur deur die Minister aangestel of aangewys geïnspekteer en vir veeteelt-doeleindes goedgekeur is.

Aanhou van slegs goedgekeurde bulle in beesteverbeteringsgebiede.

(2) Iemand wat, teenstrydig met die bepalinge van hierdie artikel, 'n bul in so'n distrik of gebied aanhou of invoer is aan 'n misdryf skuldig.

27. (1) Iemand wat 'n bul in 'n beesteverbeteringsgebied aanhou of voornemens is 'n bul in 'n beesteverbeteringsgebied aan te hou kan by die magistraat van die distrik waarin die beesteverbeteringsgebied geleë is appél aanteken teen 'n afkeuring van daardie bul deur 'n inspekteur.

Appél teen afkeuring van bul.

(2) Appél word aangeteken deur indiening by die magistraat, binne 'n tydperk van veertien dae vanaf die bekendmaking van die beslissing van die inspekteur, van skriftelike kennisgewing van die voorneme om te appelleer, en deponering by die magistraat van 'n bedrag van hoogstens tien pond, voldoende volgens die mening van die magistraat om die moontlike koste van die appél te dek.

(3) Die appél word vir finale beslissing verwys na 'n komitee van appél, bestaande uit drie beesboere, geeneen van wie enige belang, hetsy direk of indirek, in die bul het nie, aangestel te word deur die Minister.

(4) As die appellant die appél terugtrek of nie daarmee voortgaan nie, of as die komitee die appél van die hand wys, verbeur die appellant aan die Gekonsolideerde Inkomstefonds uit die bedrag gedeponeer by die magistraat kragtens die bepalinge van sub-artikel (2) 'n bedrag gelyk aan die koste van die appél. Indien die appél egter gehandhaaf word, word die aldus gedeponeerde bedrag aan die appellant terugbetaal.

28. (1) Elke bul wat aldus deur 'n inspekteur of 'n komitee van appél goedgekeur is, moet onverwyldeur deur die eienaar gebrandmerk of behoorlik gemerk word, ooreenkomstig regulasies, en tot bevrediging van die inspekteur of komitee, na die geval mag wees.

Brand of merk van goedgekeurde bulle.

(2) The owner shall forthwith after the branding or marking of the bull transmit in writing, full particulars of the bull and of the brand or other mark to the Secretary for Agriculture, and the latter shall cause all such particulars to be recorded in a stock book duly opened for the purpose.

(3) The owner of any such bull who fails so to brand or mark the bull, or so to transmit in writing to the Secretary for Agriculture full particulars of the bull and of the brand or other mark, shall be guilty of an offence.

Castration of  
impounded bulls.

29. (1) Whenever any bull which appears to be twelve months of age or over, and which does not bear a clearly visible brand or other mark showing that he has been approved by an inspector or a committee of appeal in accordance with the provisions of section *twenty-six* or *twenty-seven*, is received into any pound situate within a cattle improvement area, and the person impounding the bull states to the poundmaster that the bull has trespassed upon land situate within that cattle improvement area, or delivers to him a letter purporting to be signed by an occupier of land so situate and stating that the bull has trespassed upon the land occupied by him, the poundmaster shall immediately report the fact in writing to an inspector appointed or designated for that cattle improvement area in terms of section *twenty-six*.

(2) Upon receiving any such report, the inspector shall as soon as is practicable inspect the bull, and if in his opinion the bull is undesirable for purposes of breeding, he shall castrate the bull or cause him to be castrated.

(3) The poundmaster shall not release or sell any such bull until he has been inspected by an inspector, and, if that officer is of opinion that the bull is undesirable for purposes of breeding, until the bull has been castrated.

Local advisory  
committees.

30. The Minister may, in his discretion, appoint an advisory committee not exceeding five members, who shall be cattle farmers, in any cattle improvement area, to advise him upon such matters concerning the improvement of cattle in the area as he may from time to time refer to such committee.

#### CHAPTER IV.

##### COLD STORAGE, MEAT EXTRACT OR CANNING FACTORIES, ABATTOIRS AND SLAUGHTER-POLES.

Erection of cold  
storages and  
factories with the  
assistance of  
State funds.

31. (1) Whenever, for the purpose of storing meat and improving the local marketing of meat and meat-products and advancing the export thereof, a co-operative organization proposes to erect at some central place or places in the Union cold storages or meat extract or canning factories the Minister, if he is satisfied that the erection of such cold storages or meat extract or canning factories is in the interests of the livestock and meat industries, and that the guarantees and security are adequate, may, on the recommendation of the board, advance moneys for the erection thereof out of funds voted by Parliament for that purpose: Provided the Minister is satisfied that such organization fairly represents the producers of slaughter stock in the area concerned and that there are reasonable prospects that the organization will make a success of the undertaking.

(2) All moneys advanced by the Minister in terms of sub-section (1) shall be repayable with interest over a period to be determined by the Minister: Provided that such period shall not exceed twenty-five years.

(3) Whenever moneys are advanced by the Minister for the erection of a cold storage or meat extract or canning factory in terms of sub-section (1)—

(a) the Minister shall notwithstanding anything to the contrary contained in any other law, be entitled to nominate one-third of the members of the board of directors of the organization;

(b) no charges shall be levied for the use of such cold storage, except those that have been approved by the Minister;

(c) the Minister shall be entitled to cause the operations and the accounts of the organization to be inspected from time to time;

(d) the cold storage shall not be used for the storage of products other than meat, except with the approval of the Minister.



(2) Die eienaar moet onverwyld na die brandmerking of merking van die bul volle besonderhede van die bul en van die brandmerk of ander merk aan die Sekretaris vir Landbou skriftelik meedeel, en laasgenoemde moet alle sodanige besonderhede laat opteken in 'n behoorlik vir die doel aangelegde veeboek.

(3) Die eienaar van so'n bul, wat versuim om die bul aldus te brandmerk of te merk, of om volle besonderhede van die bul en van die brandmerk of ander merk aldus aan die Sekretaris vir Landbou skriftelik mee te deel, is aan 'n misdryf skuldig.

29. (1) Wanneer enige bul wat twaalf maande of ouer lyk en wat nie 'n duidelike sigbare brandmerk of ander merk dra nie, wat aantoon dat hy deur 'n inspekteur of 'n komitee van appél ooreenkomstig die bepalings van artikel *ses-en-twintig* of *sewen-en-twintig* goedgekeur is, in enige skut geleë binne 'n beesteverbeteringsgebied opgeneem word, en die persoon wat die bul skut aan die skutmeester verklaar, dat die bul op grond geleë binne daardie beesteverbeteringsgebied oortreding gepleeg het, of 'n brief aan hom aflewer, wat blyk geteken te wees deur die bewoner van aldus geleë grond, en wat verklaar dat die bul op die deur hom bewoonde grond oortreding gepleeg het, moet die skutmeester die feit onmiddellik in geskrif aan 'n inspekteur, wat vir daardie beesteverbeteringsgebied ingevolge artikel *ses-en-twintig* aangestel of aangewys is, rapporteer.

Kastrasie van geskutte bulle.

(2) Na ontvangs van so'n rapport moet die inspekteur so spoedig as doenlik mag wees die bul inspekteer, en as die bul syns insiens vir teeltdoeleindes ongewens is, moet hy die bul kastreer of laat kastreer.

(3) Die skutmeester mag so 'n bul nie vrylaat of verkoop nie, totdat hy deur 'n inspekteur geïnspekteer is, en, as daardie amptenaar van mening is dat die bul vir teeltdoeleindes ongewens is, totdat die bul gekastreer is.

30. Die Minister kan na goëddunke in enige beesteverbeteringsgebied 'n adviserende komitee van hoogstens vyf lede wat beesboere is benoem om hom van advies te dien omtrent al sodanige sake aangaande die verbetering van beeste in die gebied as wat hy van tyd tot tyd aan die komitee mag voorlê.

Plaaslike adviserende komitee.

#### HOOFSTUK IV.

##### KOELKAMERS, VLEISEKSTRAK- OF INLÊFABRIEKE, ABATTOIRS EN SLAGPALE.

31. (1) Wanneer 'n koöperatiewe organisasie voornemens is om koelkamers of vleisekstrak- of inlêfabrieke op te rig op 'n sentrale plek of plekke in die Unie met die doel om vleis daarin te bewaar, en die binnelandse bemarking van vleis en vleisprodukte te verbeter en die uitvoerhandel daarvan te bevorder, en indien die Minister oortuig is dat die oprigting van sodanige koelkamers of vleisekstrak- of inlêfabrieke in belang is van die vee- en vleisnywerhede en dat die waarborge en sekuriteit voldoende is, kan hy, op aanbeveling van die raad, uit fondse daartoe beskikbaar gestel deur die Parlement, gelde voorskiet vir die oprigting daarvan; mits die Minister oortuig is dat die betrokke organisasie vrywel verteenwoordigend is van die produsente van slagvee van die betrokke streek en dat redelike vooruitsigte bestaan dat die organisasie 'n sukses van die onderneming sal maak.

Oprigting van koelkamers en fabrieke met behulp van Staatsgelde.

(2) Alle gelde voorgeskiet deur die Minister kragtens sub-artikel (1) is terugbetaalbaar met rente oor 'n tydperk deur die Minister te bepaal: Met die verstande dat so'n tydperk nie vyf-en-twintig jaar te bowe gaan nie.

(3) Indien gelde deur die Minister kragtens sub-artikel (1) voorgeskiet word vir die oprigting van 'n koelkamer of vleisekstrak- of inlêfabriek—

- (a) is die Minister geregtig om, nieteenstaande anders-luidende bepalings van enige ander wet, een-derde van die aantal lede te benoem van die raad van direkteure van die organisasie;
- (b) kan geen fooie opgelê word vir die gebruik van daardie koelkamer, tensy hulle deur die Minister goedgekeur is;
- (c) is die Minister geregtig om van tyd tot tyd die werksaamhede en rekenings van die organisasie te laat ondersoek; en
- (d) kan die koelkamer nie sonder goedkeuring van die Minister gebruik word nie vir die bewaring van produkte behalwe vleis.

Erection of cold storages by Minister.

32. Whenever in any area no cold storage exists for the storage of meat, or, in the opinion of the board the existing cold storages do not provide for the reasonable needs of the meat industry and a local authority, where such area falls wholly or partly within the area of jurisdiction of a local authority, fails, within a period to be fixed by the Minister, to make such provision, the Minister may on the recommendation of the board, out of funds voted by Parliament for the purpose from time to time, cause a cold storage or cold storages to be erected for the storage of meat and other products and exercise control thereof and levy such charges for the use thereof as may be prescribed by regulation.

Approval of cold storages.

33. (1) No person shall have the right to erect and use a cold storage intended for the storage of meat or other perishable agricultural products, or to use an existing cold storage for such purposes, unless such cold storage conforms to the regulations, has previously been approved by the Minister as being suitable for the purpose and has been registered with the Department of Agriculture.

(2) The Minister may prohibit the registration of any cold storage in any area where there are, in his opinion, sufficient other such institutions to store meat or other perishable agricultural products under satisfactory conditions.

Withdrawal of approval and cancellation of registration.

34. The Minister may at any time withdraw his approval in respect of the use of any cold storage, or cause the registration thereof to be cancelled, if, in his opinion the cold storage is not kept in proper condition or does not conform in other respects to the regulations.

Inspection of cold storages.

35. The Minister may specially or generally appoint or designate any person or persons to inspect cold storages; and any persons so appointed or designated may at all reasonable hours enter upon the premises of any such cold storage, and inspect such cold storage.

## CHAPTER V.

### CONTROL OF MEAT TRADE.

Qualifications of butchers in proclaimed areas.

36. (1) The Governor-General may from time to time by proclamation in the *Gazette* define areas within which, after a date fixed by such proclamation, the provisions of this section shall apply.

(2) In any area defined in terms of sub-section (1), and after the date so fixed, no person shall sell meat by retail, unless he possesses the qualifications prescribed by regulation for butchers, or take into, or keep in, his employ as a blockman any person who does not possess such qualifications: Provided that the restrictions imposed by this sub-section upon the sale of meat by retail by persons who do not possess the qualifications prescribed by regulation for butchers shall not apply in respect of the sale of meat in a retail butchery business by a person who—

(a) on the first day of April, 1934, was the owner or the part-owner of the business concerned; or

(b) is the owner or the part-owner of such a business which is under the *bona fide* management of a person who possesses the said qualifications.

Security by butchers in proclaimed areas.

37. (1) The Governor-General may from time to time by proclamation in the *Gazette* define areas within which, after a date fixed by such proclamation, the provisions of this section shall apply.

(2) In any area defined in terms of sub-section (1), and after the date so fixed, no person trading as a wholesale butcher or retail butcher shall buy or sell any livestock or meat unless he has given security to the satisfaction of the Minister to fulfil his obligations towards any person from whom he has bought any livestock or meat.

Sale of livestock at public auction by weight in proclaimed areas.

38. (1) The Governor-General may from time to time by proclamation in the *Gazette* define areas within which, after a date fixed by such proclamation, the provisions of this section shall apply to classes of livestock defined by such proclamation.

(2) In any area defined in terms of sub-section (1), and after the date so fixed, no person shall sell or buy at public auction any livestock belonging to any of the classes so defined otherwise than at a price based upon the live weight of such livestock.

32. Wanneer in 'n bepaalde streek geen koelkamers vir die bewaring van vleis bestaan nie, of, na oordeel van die raad die bestaande koelkamers nie aan die redelike eise van die vleisnywerheid voldoen nie, en 'n plaaslike bestuur, waar sodanige streek geheel of gedeeltelik val binne die regsgebied van 'n plaaslike bestuur, versuim om, binne 'n tydperk deur die Minister vas te stel, sodanige voorsiening te maak, kan die Minister op aanbeveling van die raad, uit fondse van tyd tot tyd vir die doel deur die Parlement beskikbaar gestel, 'n koelkamer of koelkamers vir die bewaring van vleis en andere produkte oprig en beheer, en sodanige fooie op lê vir die gebruik daarvan as wat by regulasie voorgeskrywe word.

Minister kan self koelkamers oprig.

33. (1) Niemand het die reg om 'n koelkamer, bedoel vir die bewaring van vleis of ander bederfbare landbouprodukte op te rig of te gebruik nie, of 'n bestaande koelkamer vir so 'n doel te gebruik nie, tensy die koelkamer voldoen aan die regulasies, vooraf deur die Minister goedgekeur as geskik vir die doel en geregistreer is by die Departement van Landbou.

Goedkeuring van koelkamers.

(2) Die Minister kan die registrasie van enige koelkamer belet in enige gebied waarin daar, volgens sy mening, voldoende ander sodanige inrigtings bestaan vir die opberging van vleis of ander bederfbare landbouprodukte onder bevredigende voorwaardes.

34. Die Minister kan te eniger tyd sy goedkeuring ten aansien van die gebruik van 'n koelkamer terugtrek, of die registrasie daarvan doen kanselleer, wanneer die koelkamer na sy oordeel nie in behoorlike toestand gehou word nie of in ander opsigte nie aan die regulasies voldoen nie.

Terugtrekking van goedkeuring en kansellering van registrasie.

35. Die Minister kan spesiaal of in die algemeen 'n persoon of persone aanstel of aanwys om koelkamers te inspekteer; en 'n aldus aangestelde of aangewese persoon kan op alle redelike ure die terrein van enige koelkamer betree en die koelkamer inspekteer.

Inspeksie van koelkamers.

## HOOFTUK V.

### REËLING VAN VLEISHANDEL.

36. (1) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* streke omskrywe, waarin, na 'n datum in die proklamasie vasgestel, die bepalinge van hierdie artikel van toepassing sal wees.

Kwalifikasies van slagters in geproklameerde streke.

(2) In 'n streek volgens sub-artikel (1) omskrywe, en na die aldus vasgestelde datum, mag niemand vleis in die kleinhandel verkoop nie, tensy hy aan die kwalifikasies voldoen wat by regulasie vir slagters voorgeskrywe is, of 'n persoon wat nie aan sodanige kwalifikasies voldoen nie in die hoedanigheid van blokman in diens neem of in diens hou nie: Met die verstande dat die beperkings opgelê by hierdie sub-artikel ten opsigte van die verkoop van vleis in die kleinhandel deur persone wat nie aan die kwalifikasies by regulasie vir slagters voorgeskrywe voldoen nie, nie van toepassing is nie ten opsigte van die verkoop van vleis in 'n kleinhandel-slagtersbesigheid deur 'n persoon wat—

(a) op die eerste dag van April 1934 geheel of ten dele die eienaar was van die betrokke besigheid; of

(b) geheel of ten dele die eienaar is van 'n sodanige besigheid wat onder die *bona fide* bestuur staan van 'n persoon wat die vermelde kwalifikasies besit.

37. (1) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* streke omskrywe, waarin, na 'n datum in die proklamasie vasgestel, die bepalinge van hierdie artikel van toepassing sal wees.

Stel van sekuriteit deur slagters in geproklameerde streke.

(2) In 'n streek volgens sub-artikel (1) omskrywe, en na die aldus vasgestelde datum, mag niemand wat handel drywe as groothandelslagter of as kleinhandelslagter lewende hawe of vleis koop of verkoop nie, tensy hy tot die genoeë van die Minister sekuriteit gestel het om sy verpligtinge na te kom jeens iemand van wie hy lewende hawe of vleis gekoop het.

38. (1) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* streke omskrywe, waarin, na 'n datum in die proklamasie vasgestel, die bepalinge van hierdie artikel van toepassing sal wees op kategorieë van lewende hawe in daardie proklamasie bepaal.

Verkoop van lewende hawe op publieke veiling volgens gewig in geproklameerde streke.

(2) In 'n streek volgens sub-artikel (1) omskrywe, en na die aldus vasgestelde datum, mag niemand op 'n publieke veiling lewende hawe behorende tot die aldus bepaalde kategorieë op 'n ander wyse verkoop of koop dan teen 'n prys wat berus op die lewendige gewig van daardie lewende hawe.

Provision of  
scales:

39. (1) Every local authority whose area of jurisdiction is situate wholly or partly within an area defined under section *thirty-eight* shall, at places indicated by the Minister, provide and maintain scales which, in the opinion of the Minister, are suitable and sufficient in number for the weighing of livestock for the purposes of sub-section (2) of section *thirty-eight*, unless other readily available scales, not provided by such local authority, are, in the opinion of the Minister, suitable and sufficient in number for the purpose.

(2) If any such local authority fails to provide such scales within three months after being called upon by the Minister to do so, and no other suitable scales are readily available, the Minister may cause suitable scales to be acquired and erected and maintained, and may recover the cost of such scales and the erection and maintenance thereof from such local authority, and the Minister shall be exempted from any liability which may result from such erection and maintenance.

(3) Any local authority which has the control of any scale used for the weighing of livestock may levy charges fixed at rates not higher than those necessary to cover the cost incurred by the local authority in connection with the acquisition, erection, maintenance and use of such scale, but in no case shall such charges exceed a sum of one shilling for each head of cattle or the sum of one penny for each sheep or other animal so weighed.

Inspection and  
grading of meat.

40. The Minister may in his discretion generally or specially authorize any person to inspect meat at any cold storage, abattoir or slaughter-pole for the purpose of grading it in accordance with the standards of quality prescribed by regulation and on payment of fees so prescribed.

Prohibition of  
the delivery  
within a  
proclaimed area  
of meat sold  
outside that area.

41. Whenever the Governor-General is satisfied that the meat trade or the livestock and meat industries are adversely affected by the practice of delivering meat in the course of trade in retail quantities within an area, which has not been sold within that area, the Governor-General may, by proclamation in the *Gazette*, prohibit the delivery within that area in the course of trade of meat in retail quantities which has not been sold within that area.

Unlawful  
restraint of the  
trade of a butcher.

42. (1) Every act, contract, combination or conspiracy calculated to effect an unreasonable restraint of the trade of a butcher is hereby declared to be illegal, and any person who commits any such act or enters into any such contract or joins in any such combination or conspiracy shall be guilty of an offence: Provided that it shall not be illegal for any person carrying on the trade of a butcher to enter into a *bona fide* partnership with any other person or persons carrying on the same trade, or to enter into a *bona fide* arrangement with any other person or persons carrying on the same trade, with the object of effecting economies therein: Provided further that the Minister may require the names of the parties concerned in such partnership or with such arrangement to be disclosed to him.

(2) Under no circumstances shall an arrangement whereby one party in the disposal of a business to another party undertakes not to open a similar business in any specified area be deemed to be an act contrary to the provisions of sub-section (1).

Exercise of  
compulsion by  
wholesale  
butchers upon  
the trade in  
meat and livestock.

43. Any person carrying on the trade of a wholesale butcher shall be guilty of an offence if, by any means whatsoever, whether exercised directly or indirectly, he compels or induces or endeavours to compel or induce any other person—

- (a) to charge any specified price or specified minimum or maximum price for any meat or livestock sold or offered for sale, by such other person; or
- (b) to refrain from purchasing meat or livestock from any source or seller, or from selling or dealing in any such meat or livestock; or
- (c) to limit the quantity of any meat or livestock which he shall sell.

Refusal by a  
wholesale  
butcher to supply  
meat or livestock  
to a retail  
butcher.

44. (1) Any person engaged in the trade of a wholesale butcher shall be guilty of an offence if he refuses to supply meat or livestock which he has available, on the most favourable terms as to price and time and method of payment in accordance with the custom of the trade, to any *bona fide* retail butcher who is in a position to make satisfactory arrangements in accordance with such terms as to payment and is willing to purchase the quantity of meat or livestock usually supplied in similar transactions to butchers.



39. (1) Elke plaaslike bestuur, wie se gebied geheel of gedeeltelik geleë is binne 'n kragtens artikel *ag-en-dertig* omskrewende streek, moet op plekke deur die Minister aangedui skale verskaf en instandhou wat, volgens die oordeel van die Minister, geskik en voldoende in aantal is vir die weeg van lewende hawe vir die doeleindes van sub-artikel (2) van artikel *ag-en-dertig*, tensy ander gemaklik verkrygbare skale, nie deur daardie plaaslike bestuur verskaf nie, volgens oordeel van die Minister, vir die doel geskik en voldoende in aantal is.

(2) Wanneer so'n plaaslike bestuur in gebreke bly om sodanige skale te verskaf binne drie maande na die Minister hom aangesê het om sulks te doen en geen ander geskikte skale soos bovermeld gemaklik verkrygbaar is nie, kan die Minister geskikte skale laat aanskaf en oprig en instandhou en kan die koste van sodanige skale en die oprigting en instandhouding daarvan op daardie plaaslike bestuur verhaal, en die Minister word vrygestel van enige aanspreeklikheid wat mag voortvloei uit sodanige oprigting en instandhouding.

(3) 'n Plaaslike bestuur wat die beheer het oor 'n skaal wat vir die weeg van lewende hawe gebruik word, kan fooie oplê volgens 'n tarief wat nie hoër is dan wat nodig is om die koste beloop deur die plaaslike bestuur in verband met die aanskaffing, oprigting, instandhouding en gebruik van sodanige skaal te dek nie, maar in geen geval sal sodanige fooie die som van een shilling vir elke bees of die som van een pennie vir elke skaap of ander dier aldus geweeg te bowe gaan nie.

40. Die Minister kan na goeddunke enige persoon spesiaal of in die algemeen magtig om vleis by enige koelkamer, abattoir of slagpaal te inspekteer met die doel om dit te gradeer ooreenkomstig standaarde van kwaliteit deur regulasie voorgeskrewe, en teen betaling van fooie aldus voorgeskrewe.

Inspeksie en gradering van vleis.

41. Wanneer die Goewerneur-generaal oortuig is dat die vleishandel of die vee- en vleisnywerhede nadelig beïnvloed word deur die gewoonte om vleis as 'n handelstransaksie in hoeveelhede van kleinhandel in 'n gebied te lower, wat nie binne daardie gebied verkoop is nie, kan hy by proklamasie in die *Staatskoerant* verbied dat vleis, wat nie binne daardie gebied verkoop is nie, as 'n handelstransaksie in daardie gebied in hoeveelhede van kleinhandel gelewer word.

Verbod teen die lowering binne 'n geproklameerde gebied van vleis wat buite daardie gebied verkoop is.

42. (1) Iedere daad, kontrak, kombinasie of samespanning wat bereken is om 'n onredelike stremming op die handel van 'n slagter uit te oefen, word hiermee onwettig verklaar, en iemand wat so'n daad pleeg of so'n kontrak aanvaar of deelneem aan so'n kombinasie of samespanning, is skuldig aan 'n misdryf: Met die verstande dat dit nie onwettig sal wees nie vir 'n persoon wat die beroep van 'n slagter uitoefen om hom in 'n *bona fide* vennootskap te begewe met 'n ander persoon of ander persone wat dieselfde beroep uitoefen, of om 'n *bona fide* ooreenkoms aan te gaan met 'n ander persoon of ander persone wat dieselfde beroep uitoefen met die doel om besuiniging in die uitoefening daarvan te verwesenlik: Met die verstande verder dat die Minister kan eis dat die name van die belanghebbende persone in so 'n vennootskap of ooreenkoms aan hom meegedeel word.

Onredelike stremming op handel van 'n slagter.

(2) In geen geval sal 'n ooreenkoms waaronder een persoon sy besigheid aan 'n ander persoon oormak en onderneem 'n soortgelyke besigheid nie meer te begin in 'n omskrewende gebied nie beskou word as 'n handeling in stryd met die bepalinge van sub-artikel (1).

43. Iemand wat die beroep van groothandelslagter uitoefen is aan 'n misdryf skuldig as hy deur watter middels ook al, hetsy direk of indirek, iemand anders dwing of beweeg of poog om hom te dwing of te beweeg—

Uitoefening van dwang deur groothandelslagters op handel in vleis en lewende hawe.

- (a) om 'n bepaalde prys of 'n bepaalde minimum of maksimum prys te eis vir vleis of lewende hawe deur so iemand anders verkoop of ter verkoop aangebied; of
- (b) om geen vleis of lewende hawe uit enige bron of van enige verkoper te koop nie, of om geen sodanige vleis of lewende hawe te verkoop of handel daarin te drywe nie; of
- (c) om die hoeveelheid vleis of lewende hawe wat hy mag verkoop, te beperk.

44. (1) Iemand wat die beroep van groothandelslagter uitoefen is aan 'n misdryf skuldig as hy weier om vleis of lewende hawe wat hy beskikbaar het, te lower op die voordeligste voorwaardes wat betref prys en tyd en wyse van betaling volgens handelsgebruik aan 'n *bona fide* kleinhandelslagter wat in staat is om bevredigende reëlins te tref ooreenkomstig daardie voorwaardes wat betref betaling en gewillig is soveel vleis of lewende hawe te koop as gewoonlik in soortgelyke transaksies aan slagters gelewer word.

Weiering deur groothandelslagter om vleis of lewende hawe aan 'n kleinhandelslagter te lower.

(2) Any person charged with an offence under sub-section (1) shall be deemed at any time when he is alleged to have refused to supply meat or livestock, to have had meat or livestock, as the case may be, available for such supply, unless he proves the contrary.

## CHAPTER VI.

### GENERAL AND SUPPLEMENTARY PROVISIONS.

Records to be kept by persons dealing in livestock or meat.

45. (1) Every auctioneer, agent, factor or speculator who has transactions in livestock or meat and every wholesale butcher or retail butcher shall keep, in either of the official languages of the Union, and in a form and manner prescribed by regulation, proper records and a proper set of accounts.

(2) This section shall apply only in such areas as the Governor-General may from time to time determine by proclamation in the *Gazette*.

Records to be kept by persons who own or control abattoirs or slaughter-poles.

46. Every person who owns or controls any abattoir or slaughter-pole shall keep an accurate record, in a form to be prescribed by regulation, of the total number of cattle of six months and older, the total number of cattle under six months and the total number of sheep slaughtered each day at such abattoir or slaughter-pole, and also of the number of cattle of six months and older, the number of cattle under six months and the number of sheep slaughtered each day at such abattoir or slaughter-pole which, in terms of sub-section (2) of section *seventeen*, are not subject to a levy.

Preservation of records.

47. No person shall destroy any records, account or document kept under the provisions of section *forty-five* or *forty-six* before a period of twelve months has elapsed after the end of the calendar year during which any transaction or occurrence referred to therein took place.

Information to be furnished concerning transactions in livestock and meat.

48. (1) The Minister may at any time require that any auctioneer, agent, factor, speculator in livestock, wholesale butcher or retail butcher furnish him with any information desired by him in respect of any or all of his transactions in livestock or meat, or that any person who owns or controls any cold storage, abattoir or slaughter-pole furnish him with any information desired by him in respect of any meat stored in any such cold storage or any livestock slaughtered at any such abattoir or slaughter-pole.

(2) Every person who owns or has control of any abattoir or slaughter-pole shall not later than the fifteenth day of every calendar month furnish to the Minister an accurate statement, in a form to be prescribed by regulation, of the total number of cattle of six months and older, the total number of cattle under six months and the total number of sheep slaughtered at such abattoir or slaughter-pole during the immediately preceding calendar month, and showing also the number of cattle of six months and older, the number of cattle under six months and the number of sheep slaughtered at such abattoir or slaughter-pole during the immediately preceding calendar month which, in terms of sub-section (2) of section *seventeen* are not subject to a levy.

Examination of records.

49. Any officer or other person appointed or designated by the Minister for the purpose may at all reasonable times enter upon any cold storage, abattoir or slaughter-pole or upon any premises occupied by any auctioneer, agent, factor, speculator in livestock, wholesale butcher or retail butcher and inspect all records, accounts and documents there being and require an explanation of any record, account or document referring to or suspected to refer to transactions in or acts in respect of livestock or meat, and seize all records, accounts or documents which may afford evidence of any contravention of this Act, and may make extracts and copies of all records or accounts or documents which may afford evidence of any such contravention.

Regulations.

50. (1) The Governor-General may make regulations—

- (a) prescribing the manner in which the board shall exercise its powers and functions;
- (b) defining the powers of the board with which the committees of the board are invested;
- (c) prescribing measures for ensuring the carrying into effect of decisions by the board in the exercise of powers conferred upon it under section *eighteen*;

(2) Iemand wat van 'n misdryf in sub-artikel (1) bedoel, beskuldig word, word geag te eniger tyd wanneer dit beweer word dat hy geweier het vleis of lewende hawe te lewer, vleis of lewende hawe, na die geval mag wees, beskikbaar te gehad het vir sodanige lewering, tensy hy die teenoorgestelde bewys.

## HOOFSTUK VI.

### ALGEMENE EN AANVULLENDE BEPALINGS.

45. (1) Iedere vendu-afslaer, agent, faktor of spekulateur wat transaksies in lewende hawe of vleis het, en iedere groot-handel- en kleinhandelslagter moet, in die ene of die ander offisiële taal van die Unie en in die vorm en op die wyse by regulasie voorgeskrywe, behoorlike aantekeninge en 'n behoorlike stel rekenings hou.

Aantekeninge te hou deur handelaars in lewende hawe of vleis.

(2) Hierdie artikel is alleen van toepassing op sulke streke as die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* vasstel.

46. Elke persoon wat die eienaar of beheerder is van 'n abattoir of slagpaal, moet 'n juiste aantekening hou (in 'n vorm deur regulasie bepaal te word) van die gehele aantal beeste van ses maande en ouer, die gehele aantal beeste van onder ses maande en die gehele aantal skape wat op elke dag in daardie abattoir of slagpaal geslag is en ook van die aantal beeste van ses maande en ouer, die aantal beeste van onder ses maande, en die aantal skape, wat op elke dag in daardie abattoir of slagpaal geslag is, en wat, ooreenkomstig sub-artikel (2) van artikel *sewentien*, nie aan 'n heffing onderhewig is nie.

Hou van aantekeninge deur eienaars of beheerders van abattoirs of slagpale.

47. Niemand vernietig enige aantekening, rekening of dokument, wat ingevolge die bepalinge van artikel *vyf-en-veertig* of *ses-en-veertig* gehou word; voor verloop van 'n tydperk van twaalf maande na die end van die kalenderjaar waarin enige transaksie of gebeurtenis waarna daarin verwys word, plaasgevind het.

Bewaring van aantekeninge.

48. (1) Die Minister kan te eniger tyd van 'n vendu-afslaer, agent, faktor, spekulateur in lewende hawe, groothandel- of kleinhandelslagter eis dat hy hom sal voorsien van alle informasie wat hy mog verlang in verband met enige van of al sy transaksies in lewende hawe of vleis, of van 'n persoon wat die eienaar of beheerder is van 'n koelkamer, abattoir of slagpaal, eis dat hy hom sal voorsien van alle informasie wat hy mog verlang in verband met vleis bewaar in daardie koelkamer of lewende hawe, geslag in daardie abattoir of slagpaal.

Gegewens wat verstrek moet word aangaande transaksies in lewende hawe en vleis.

(2) Elke persoon wat die eienaar of beheerder is van 'n abattoir of slagpaal, moet nie later as die vyftiende dag van elke kalendermaand, aan die Minister 'n juiste opgawe instuur (in 'n vorm deur regulasie vasgestel te word) van die gehele aantal beeste van ses maande en ouer, die gehele aantal beeste van onder ses maande, en die gehele aantal skape wat in daardie abattoir of slagpaal gedurende die voorafgaande kalendermaand geslag is, en aantoonende ook die aantal beeste van ses maande en ouer, die aantal beeste van onder ses maande, en die aantal skape wat in daardie abattoir of slagpaal gedurende die voorafgaande kalendermaand geslag is, en wat, ooreenkomstig sub-artikel (2) van artikel *sewentien*, nie aan 'n heffing onderhewig is nie.

49. 'n Amptenaar of ander persoon deur die Minister daartoe aangestel of aangewys kan op enige redelike tyd enige koelkamer, abattoir of slagpaal of enige perseel in okkupasie van enige vendu-afslaer, agent, faktor, spekulateur in lewende hawe of groothandel- of kleinhandelslagter betree, en alle aantekeninge, rekeninge en dokumente aldaar insien, en 'n verklaring eis van een of ander aantekening, rekening of dokument wat betrekking het, of vermoed word betrekking te hê, op transaksies in of handelinge in verband met lewende hawe of vleis, en beslag lê op alle aantekeninge, rekeninge of dokumente wat bewys mag lewer van 'n oortreding van hierdie Wet, en uittreksels en afskrifte maak van alle aantekeninge of rekeninge of dokumente wat bewys mag lewer van 'n sodanige oortreding.

Insage van rekords.

50. (1) Die Goewerneur-generaal kan regulasies uitvaardig—

Regulasies.

- (a) om die wyse waarop die raad sy magte en werksaamhede moet uitvoer, vas te stel;
- (b) om die bevoegdhede van die raad te omskrywe waarmee die komitees van die raad bekleed is;
- (c) om maatreëls voor te skrywe om te verseker dat uitvoering gegee word aan besluite deur die raad geneem in die uitoefening van magte aan hom verleen uit kragte van artikel *agtien*;

- (d) prescribing the forms of permits or other authorities required in pursuance of section *eighteen*, and the form and method of application therefor and the particulars to be furnished by any applicant for any such permit or authority ;
- (e) prescribing the form of sworn declaration to be made by any person consigning cattle, sheep or pigs or beef, mutton or pork to or from any such area as is referred to in paragraph (a) of section *eighteen* ;
- (f) requiring local authorities, marketmasters, auctioneers and persons engaged in the livestock and meat industries or the meat trade to render returns or furnish information to the board respecting the livestock and meat industries and the meat trade ; and prescribing the form and manner in which such returns or information shall be rendered or furnished ;
- (g) fixing the commission which may be paid in terms of sub-section (3) of section *twenty* ;
- (h) prescribing the procedure of committees of appeal referred to in section *twenty-seven* and fixing the period of office of the members of such committees and the allowances to which they shall be entitled ;
- (i) concerning the branding, marking, registration and inspection of bulls in proclaimed cattle improvement areas ;
- (j) concerning the structure, sanitation, drainage, ventilation, lighting, equipment and appliances of cold storages, and meat extract or canning factories, and the machinery and apparatus, instruments and utensils to be used therein ;
- (k) prescribing the manner and form of application for the registration of cold storages ;
- (l) prescribing fees for the inspection of cold storages ;
- (m) prescribing fees for the use of cold storages erected under section *thirty-two* ;
- (n) prescribing the method of sale of livestock by weight, the time when and conditions under which weighing shall take place, and the type of scale that shall be erected ;
- (o) prescribing the method of handling, transporting and storing meat intended to be used or consumed by any person other than the producer thereof ;
- (p) prescribing standards of quality, rules for the inspection for the purpose of grading of meat and the fees that may be charged for such services ;
- (q) prescribing qualifications to be possessed by butchers, the method by which such qualifications shall be acquired and the recognition of certificates of fitness as butchers ;
- (r) prescribing the manner in which security shall be given from time to time by a wholesale butcher or a retail butcher carrying on business within an area proclaimed under section *thirty-seven*, the manner in which such security shall be made available to any person who has suffered any loss in respect whereof such security was given, and the amount of which security shall be given, which shall be calculated according to a scale to be fixed by such regulations, and which, if such wholesale butcher or retail butcher has transacted any business as such during the year preceding the date on which such security is given, shall be based upon the volume of such business : Provided that such security shall not be more than two thousand five hundred pounds and shall not be less than two hundred pounds ;
- (s) prescribing the form in which records and accounts shall be kept by persons trading in livestock or meat and by owners or persons having control of abattoirs or slaughter-poles.

(2) The Governor-General may make different regulations for different areas or places or different cold storages, or in respect of different classes of livestock or meat.

(3) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding the penalties provided in sub-section (2) of section *fifty two*.



- (d) om die vorms van die permitte of ander magtigings voor te skrywe wat vereis mag word ingevolge artikel *agtien*, en die vorm en wyse van aansoek daarom en die besonderhede wat verskaf moet word deur 'n applikant vir so 'n permit of magtiging;
- (e) om die vorm van die beëdigde verklaring voor te skrywe wat gemaak moet word deur 'n persoon wat 'n besending beeste, skape of varke, of beesvleis, skaapvleis of varkvleis stuur na of van so 'n gebied as vermeld in paragraaf (a) van artikel *agtien*;
- (f) om plaaslike besture, markmeesters, vendu-afslaaers en persone wat betrokke is in die vee- en vleisnywerhede of die vleishandel te verplig om aan die raad state in te lewer en gegewens te verstrek aangaande die vee- en vleisnywerhede en die vleishandel; en om die vorm en wyse voor te skrywe waarop sodanige state of gegewens ingelewer of verstrek moet word;
- (g) om die kommissie vas te stel wat volgens sub-artikel (3) van artikel *twintig* betaal kan word;
- (h) om die prosedure van komitees van appèl vermeld in artikel *sewen-en-twintig* voor te skryf, en die ampsduur van die lede van sulke komitees en die toelaes waarop hulle geregtig is vas te stel;
- (i) met betrekking tot die brandmerking, merking, registrasie en inspeksie van bulle in geproklameerde beesteverbeteringsgebiede;
- (j) met betrekking tot die bou, sanitêre inrigting, afwater, ventilasie, verligting, inrigting en toestelle van koelkamers, vleisekstrak- en inléfabrieke en die masjinerie en apparate, instrumente en werktuie wat daarin gebruik moet word;
- (k) om die wyse en vorm van aansoek vir die registrasie van koelkamers voor te skrywe;
- (l) om fooie voor te skrywe vir die inspeksie van koelkamers;
- (m) om fooie voor te skrywe vir die gebruik van koelkamers opgerig kragtens artikel *twee-en-dertig*;
- (n) om voor te skrywe die metode van verkoop van lewende hawe volgens gewig, die tyd en omstandighede wanneer geweeg moet word, en die tipe van skaal wat opgerig moet word;
- (o) om die wyse van hantering, vervoer en bewaring van vleis bestem vir gebruik of verbruik van iemand anders as die voortbrenger daarvan voor te skrywe;
- (p) om die standaarde van kwaliteit, reëls vir die inspeksie vir die doeleindes van gradering van vleis en die fooie wat opgelé mag word vir sulke dienste voor te skrywe;
- (q) om die kwalifikasies voor te skrywe waaraan slagters moet voldoen, die wyse waarop hierdie kwalifikasies moet verkry word en die erkenning van sertifikate van bevoegdheid as slagters;
- (r) om die wyse voor te skrywe waarop sekuriteit van tyd tot tyd deur 'n groothandelslagter of kleinhandel-slagter wat in 'n uit kragte van artikel *sewen-en-dertig* geproklameerde streek handel drywe, gestel moet word, die wyse waarop die sekuriteit ter beskikking gestel moet word van iemand wat skade gely het ter sake waarvan dit gestel is, en die bedrag waarvoor sekuriteit gestel moet word, wat bereken moet word volgens 'n skaal in die regulasies vas te stel, en wat, indien die groothandelslagter of kleinhandel-slagter as sodanig besigheid gedrywe het gedurende die jaar voorafgaande aan die dag waarop die sekuriteit gestel moet word, gebaseer moet word op die omvang van daardie besigheid: Met die verstande dat bedoelde sekuriteit nie meer as tweehonderd pond en nie minder as tweehonderd pond bedra nie;
- (s) om die vorm voor te skrywe waarin aantekenings en rekenings gehou moet word deur persone wat handel dryf in lewende hawe of vleis en deur eienaars of persone in beheer van abattoirs of slagpale.

(2) Die Goewerneur-generaal kan verskillende regulasies uitvaardig vir verskillende streke of plekke of verskillende koelkamers, of met betrekking tot verskillende kategorieë van lewende hawe of verskillende soorte vleis.

(3) Die regulasies kan as straf op oortreding daarvan of op versuim om te voldoen daaraan, strawwe voorskrywe wat nie die strawwe in sub-artikel (2) van artikel *twee-en-veftig* bepaal, te bowe gaan nie.

|                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Offences.                                                 | <p>51. Any person who—</p> <p>(a) contravenes or fails to comply with this Act, or any proclamation issued or regulation made under this Act, or any prohibition, direction or order issued by virtue of this Act or of any such proclamation or regulation; or</p> <p>(b) when furnishing any information for the purpose of any provision of this Act or of any such proclamation, regulation, direction or order, furnishes information which is false knowing it to be false; or</p> <p>(c) obstructs, hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of this Act or any such proclamation, regulation, direction or order,</p> <p>shall be guilty of an offence.</p>                                                                                                                                                                                                                                                                         |
| Penalties.                                                | <p>52. (1) Any person convicted of an offence under section <i>forty-two</i>, <i>forty-three</i> or <i>forty-four</i> shall be liable to a fine not exceeding five hundred pounds. Upon a subsequent conviction of the same person of the same offence or of another offence under section <i>forty-two</i>, <i>forty-three</i> or <i>forty-four</i> within a period of three years, the court convicting such person may in its discretion in addition to imposing such penalty, cancel any licence held by him under which he sells meat or livestock, and declare the person convicted incapable during a period not exceeding three years of receiving any licence which would entitle him to sell meat or livestock.</p> <p>(2) Any person convicted under the provisions of this Act of any offence other than an offence under section <i>forty-two</i>, <i>forty-three</i> or <i>forty-four</i> shall be liable to a fine not exceeding fifty pounds.</p>                                              |
| Railways and Harbours Administration protected.           | <p>53. No action shall lie against the South African Railways and Harbours Administration by reason of its refusal to transport any slaughter cattle, slaughter sheep or slaughter pigs, or any beef, mutton or pork, or to accept any slaughter cattle, slaughter sheep or slaughter pigs, or any beef, mutton or pork for transport, into or out of any such area as is referred to in paragraph (a) of section <i>eighteen</i> if the reason for such refusal was the exercise by the board of the powers conferred upon the board by proclamation issued under that paragraph.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Repeal or amendment of proclamations.                     | <p>54. The Governor-General may, by proclamation in the <i>Gazette</i>, repeal or amend any proclamation issued by virtue of this Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Application of Act to other classes of slaughter animals. | <p>55. (1) The Governor-General may, by proclamation in the <i>Gazette</i>, apply any or all the provisions of this Act <i>mutatis mutandis</i> to other classes of slaughter animals or other kinds of meat, provided a written request to that effect is addressed to the Minister by an association or meeting of the farmers and other interested persons concerned, recognized by the Minister, and the Governor-General is satisfied that it is the wish of the majority of such farmers and other interested persons.</p> <p>(2) Whenever the provisions of paragraph (c) of sub-section (1) of section <i>seventeen</i> are applied to pigs, an additional seat shall be allotted on the board to a representative of the pig farmers, such representative to be nominated by an association of pig farmers which, in the opinion of the Minister, is representative of the pig farmers, and the provisions of sections <i>nine</i>, <i>ten</i> and <i>eleven</i> shall apply to such nominations.</p> |
| Savings.                                                  | <p>56. Nothing in this Act contained shall affect the provisions of the Agricultural Produce Export Act, 1917 (Act No. 35 of 1917), the Public Auctions and Transactions in Livestock and Produce Act, 1925 (Act No. 22 of 1925), or the Perishable Products Export Control Act, 1926 (Act No. 53 of 1926), or the provisions of any amendment of any of the said Acts.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Public Health provisions.                                 | <p>57. (1) The provisions of this Act shall in no wise affect the provisions of the Public Health Act, 1919, or any amendment thereof, and shall be construed as being in addition to and not in substitution of the provisions of the said Act, or any amendment thereof.</p> <p>(2) There shall be consultation between the Department of Agriculture and the Department of Public Health whenever the interests of public health are involved or the provisions of the Public Health Act, 1919, or any amendment thereof, or of any regulations framed thereunder, appear to be affected by the provisions of this Act or any regulations framed thereunder.</p>                                                                                                                                                                                                                                                                                                                                            |

51. Enigeen wat—

Misdrywe.

- (a) hierdie Wet, of 'n proklamasie of regulasie kragtens hierdie Wet uitgevaardig, of 'n verbod, opdrag of order uit kragte van hierdie Wet of so'n proklamasie of regulasie uitgevaardig, oortree, of in gebreke bly om daaraan te voldoen; of
- (b) wanneer hy in verband met 'n bepaling van hierdie Wet of so'n proklamasie, regulasie, opdrag of order, inligtings of gegewens verstrek, valse inligtings of gegewens verstrek wetende dat hulle vals is; of
- (c) iemand by die verrigting van 'n handeling, wat hy kragtens hierdie Wet of so'n proklamasie, regulasie, opdrag of order bevoeg is te verrig, belemmer of hinder, of vrees aanjaag,

is aan 'n misdryf skuldig.

52. (1) Iemand wat skuldig bevind is aan 'n misdryf bedoel in artikel *twee-en-veertig*, *drie-en-veertig* of *vier-en-veertig* is strafbaar met 'n boete van hoogstens vyfhonderd pond. By 'n verdere skuldigbevinding van dieselfde persoon aan dieselfde misdryf of aan 'n ander misdryf bedoel in artikel *twee-en-veertig*, *drie-en-veertig* of *vier-en-veertig* binne 'n tydperk van drie jaar, kan die veroordelende hof volgens goedvinde, behalwe die oplegging van so 'n straf, ook 'n lisensie in besit van die veroordeelde, uit kragte waarvan hy vleis of lewende hawe verkoop, intrek, en die veroordeelde onbevoeg verklaar om gedurende 'n tydperk van hoogstens drie jaar 'n lisensie te ontvang wat hom die reg sou gee om vleis of lewende hawe te verkoop.

(2) Iemand wat ingevolge die bepalinge van hierdie Wet skuldig bevind is aan 'n misdryf, behalwe 'n misdryf bedoel in artikel *twee-en-veertig*, *drie-en-veertig* of *vier-en-veertig*, is strafbaar met 'n boete van hoogstens vyftig pond.

53. Geen geregtelike stappe kan teen die Suid-Afrikaanse Spoorweë- en Hawens-administrasie ingestel word nie op grond van sy weiering om slagbeeste, slagskape of slagvarke, of beesvleis, skaapvleis of varkvleis te vervoer, of om slagbeeste, slagskape of slagvarke, of beesvleis, skaapvleis of varkvleis in ontvangs te neem vir vervoer na of van so'n gebied, soos vermeld in paragraaf (a) van artikel *agtien*, as die rede vir daardie weiering die uitoefening was deur die raad van die magte aan hom verleen deur proklamasie uitgevaardig kragtens daardie paragraaf.

Spoorweë- en  
Hawens-  
administrasie  
gevy waar.

54. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* enige uit kragte van hierdie Wet uitgevaardigde proklamasie herroep of wysig.

Herroeping of  
wysiging van  
proklamasies.

55. (1) Die Goewerneur-generaal kan deur proklamasie in die *Staatskoerant* enige of alle bepalinge van hierdie Wet *mutatis mutandis* van toepassing maak op ander kategorieë van slagdiere, of ander soorte vleis, mits 'n deur die Minister erkende assosiasie of vergadering van betrokke boere en ander belanghebbendes die Minister daarom skriftelik versoek, en die Goewerneur-generaal tevrede gestel is dat dit die verlanke is van die meerderheid van die betrokke boere en ander belanghebbendes.

Toepassing van  
Wet op ander  
kategorieë van  
slagdiere.

(2) Wanneer die bepalinge van paragraaf (c) van sub-artikel (1) van artikel *sewentien* van toepassing gemaak word op varke, moet 'n addisionele setel op die raad daargestel word vir 'n verteenwoordiger van varkboere, genomineer te word deur 'n assosiasie van varkboere wat volgens die oordeel van die Minister die varkboere verteenwoordig, en die bepalinge van artikels *nege*, *tien* en *elf* is van toepassing op sodanige nominasie.

56. Die bepalinge van hierdie Wet maak geen inbreuk nie op die bepalinge van die „Landbouvoortbrengselen-Uitvoer Wet, 1917” (Wet No. 35 van 1917), die „Publieke Veilinge en Transaksies in Levende Hawe en Landbouvoortbrengselen Wet, 1925” (Wet No. 22 van 1925), of die Wet op Reëling van Uitvoer van Bederfbare Produkte, 1926 (Wet No. 53 van 1926), of op die bepalinge van wysigings van genoemde Wette.

Voorbehoud.

57. (1) Die bepalinge van hierdie Wet maak hoegenaamd geen inbreuk op die bepalinge van die „Volksgezondheidswet, 1919”, of enige wysiging daarvan en word geag die bepalinge van daardie wet aan te vul en nie te vervang nie.

Toepassing van  
Wet.

(2) Die Departement van Landbou en die Departement van Volksgezondheid sal mekaar by alle geleenthede raadpleeg wanneer dit die belange van die volksgezondheid raak of die bepalinge van die „Volksgezondheidswet, 1919”, of enige wysiging daarvan, of van enige regulasies uitgevaardig kragtens die bepalinge van vermelde wet, geaffekteer skyn te wees deur enige bepalinge van hierdie Wet of enige regulasies daaronder uitgevaardig.

Repeal of Act  
No. 29 of 1932.

58. The Meat Trade Control Act, 1932 (Act No. 29 of 1932), is hereby repealed, and the Meat Trade Control Board established in accordance with section *one* of that Act is hereby dissolved; and all assets and liabilities and rights and obligations of that board are hereby transferred to and vested in and attached to the Livestock and Meat Industries Board established by section *three* of this Act

Short title and  
commencement.

59. This Act shall be known as the Livestock and Meat Industries Act, 1934, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*.

No. 50, 1934.]

## ACT

### To control the export of crawfish from the Union to certain countries and territories.

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:—

Permit for export  
of crawfish for  
consumption in  
certain countries  
and territories.

1. (1) No person shall export any crawfish from the Union for consumption in any country or territory in respect of which a notice has been published in terms of section *two*, except under the authority of a permit granted by the Minister of Commerce and Industries.

(2) Any such permit may prescribe the quantity to be exported, the period within which, the port from which, and the manner in which the export is to take place and such other conditions as the Minister in his discretion may determine.

Application to  
certain countries  
and territories.

2. Whenever the Minister of Commerce and Industries is satisfied that the export of crawfish from the Union to any country or territory is subject to quantitative restriction, he may by notice in the *Gazette* declare that fact.

Penalty.

3. Any person who contravenes the provisions of section *one*, or contravenes or fails to comply with any condition attached to any permit granted in pursuance of section *one*, shall be guilty of an offence and on conviction be liable to a fine not exceeding two hundred and fifty pounds.

Onus of proof.

4. Whenever, in any proceedings under this Act, it is proved that any crawfish, the subject of the charge, was exported from the Union, it shall be presumed, until the contrary is proved, that it was exported for consumption in the country or territory stated in the charge.

Interpretation.

5. In this Act—

“crawfish” means any crawfish, or any part of any crawfish, whether it has been treated or not; and  
“the Union” includes the sea within three nautical miles from any part of the shores of the Union.

Short title.

6. This Act shall be known as the Crawfish Export Control Act, 1934, and shall cease to have effect on the first day of July, 1935.



58. Die Wet op die Beheer van die Vleishandel, 1932 (Wet No. 29 van 1932), word hiermee herroep, en die Raad van Toesig op die Vleishandel, wat ooreenkomstig artikel een van daardie Wet ingestel is, word hiermee ontbind; en alle bate en laste en regte en verpligtings van daardie raad word hierby oorgedra op en gevestig in en opgelê aan die Raad van Beheer oor die Vee- en Vleisnywerhede wat deur artikel drie van hierdie Wet ingestel is.

Herroeping van  
Wet No. 29 van  
1932.

59. Hierdie Wet heet die Wet op die Vee- en Vleisnywerhede, 1934, en tree in werking op 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel.

Kort titel en  
inwerkingtreding.

No. 50, 1934.]

## WET

Tot reëling van die uitvoer van kreef uit die Unie na sekere lande en gebiede.

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

1. (1) Niemand mag kreef uit die Unie uitvoer nie vir verbruik in 'n land of gebied ten opsigte waarvan 'n kennisgewing volgens artikel twee gepubliseer is, behalwe op gesag van 'n permit verleen deur die Minister van Handel en Nywerheid.

Permit om kreef  
uit te voer vir  
verbruik in sekere  
lande en gebiede.

(2) So 'n permit kan voorskrywe die hoeveelheid wat uitgevoer kan word, die tydperk binne welke, die hawe waaruit, en die wyse waarop die uitvoer moet plaasvind, en sulke ander voorwaardes as wat die Minister na goedvinde mag vasstel.

2. Indien die Minister van Handel en Nywerheid daarvan oortuig is dat die uitvoer van kreef uit die Unie na een of ander land of gebied aan kwantitatiewe beperking onderhewig is, kan hy by kennisgewing in die *Staatskoerant* van daardie feit melding maak.

Toepassing op  
sekere lande en  
gebiede.

3. Enigeen wat die bepalinge van artikel een oortree, of wat 'n voorwaarde wat aan 'n kragtens artikel een verleende permit geheg is oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd-en-vyftig pond.

Straf.

4. Wanneer, in geregtelike stappe ingevolge hierdie Wet, bewys word dat kreef, wat die onderwerp van die aanklagte is, uit die Unie uitgevoer is, ontstaan daar, tensy die teenoorgestelde bewys word, 'n vermoede dat dit uitgevoer is vir verbruik in die land of gebied wat in die akte van beskuldiging vermeld word.

Bewyslas.

5. In hierdie Wet beteken—

Woordomskrywing.

„kreef”, enige kreef, of enige gedeelte van 'n kreef, hetsy bewerk of onbewerk; en

„die Unie”, ook die see binne drie seemyle van enige gedeelte van die kus van die Unie.

6. Hierdie Wet heet die Kreefuitvoer Reëlingswet, 1934, en sy regsgeldigheid eindig op die eerste dag van Julie 1935.

Kort titel

No. 51, 1934.]

# ACT

## To amend the Dairy Industry Control Act, 1930.

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 13 of Act 35 of 1930 as amended by section 1 of Act 7 of 1932.

1. Section *thirteen* of the Dairy Industry Control Act, 1930, is hereby amended—

(a) by the deletion of sub-sections (3) and (4) and the substitution therefor of the following sub-sections—

“(3) Whenever the board has made a determination under sub-section (2), every person who is the owner of a registered creamery or registered cheese factory on the date of such determination and who has received a notification under sub-section (4) shall export, or after reasonable notice to the board deliver to it, for export, at any place or places specified by the board, before the expiration of the period to which the determination relates, a quantity of butter or cheese, as the case may be, which bears the same ratio to the total quantity of butter or cheese manufactured by such owner during the period of twelve calendar months immediately preceding the said date, as the quantity of butter or cheese, as the case may be, so determined by the board bears to the total quantity of butter or cheese manufactured in all registered creameries or registered cheese factories, which are registered on the date of such determination, during the said period of twelve calendar months: Provided that—

(a) if any such owner did not produce any butter or cheese during the lastmentioned period, he shall, for the purpose of this sub-section, be deemed to have manufactured during that period a quantity of butter or cheese equal to the quantity which he is, in the opinion of the board, likely to manufacture during the period of twelve calendar months immediately succeeding the said date;

(b) if in the opinion of the board the quantity of butter or cheese, as the case may be, which any such owner will manufacture during the period of twelve calendar months immediately succeeding the said date is likely to be greater or less than the quantity manufactured by him during the period of twelve calendar months immediately preceding that date, the board may in its discretion, and at any time, whether before or after the issue of a notification under sub-section (4), increase or reduce the quantity of butter or cheese, as the case may be, which such owner shall be obliged to export or deliver for export under this sub-section, and thereby correspondingly increase or reduce the quantity of butter or cheese determined for export, but without affecting the obligation of any other owner of a creamery or cheese factory under this sub-section, to export or deliver for export a particular quantity of butter or cheese, which obligation shall be based upon the quantity determined by the board for export under sub-section (2), as if no such increase or reduction had been effected;

(c) the board may, in its discretion, and at any time, whether before or after the issue of a notification under sub-section (4), reduce the quantity of butter or cheese, as the case may be, which any such owner shall be obliged to export or deliver for export in terms of this sub-section, by the

No. 51, 1934.]

# WET

## Tot wysiging van die Wet op die Beheer van die Suiwelnywerheid, 1930.

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

1. Artikel *derien* van die Wet op die Beheer van die Suiwelnywerheid, 1930, word hiermee gewysig—

(a) deur sub-artikels (3) en (4) te skrap en te vervang deur die volgende sub-artikels—

„(3) Wanneer die raad 'n vasstelling kragtens sub-artikel (2) gemaak het, moet elke persoon wat op die datum van die vasstelling die eienaar van 'n geregistreerde botterfabriek of 'n geregistreerde kaasfabriek is en wat 'n kennisgewing kragtens sub-artikel (4) ontvang het, voor die verstryking van die tydperk waarop bedoelde vasstelling betrekking het, uitvoer, of na redelike kennisgewing aan die raad, aan hom op enige plek of plekke deur die raad bepaal vir uitvoer lewer: 'n hoeveelheid botter of kaas, (al na die geval), wat in dieselfde verhouding staan tot die totale hoeveelheid botter of kaas deur daardie eienaar vervaardig gedurende die tydperk van twaalf kalendermaande wat aan voormelde datum onmiddellik voorafgaan, as die verhouding waarin die hoeveelheid botter of kaas (al na die geval), wat die raad aldus vasgestel het, staan tot die hoeveelheid botter of kaas gedurende voormelde tydperk van twaalf kalendermaande vervaardig in alle geregistreerde botterfabrieke of kaasfabrieke, wat op die datum van bedoelde vasstelling geregistreer is: Met die verstande dat—

(a) as so 'n eienaar gedurende laasbedoelde tydperk geen botter of kaas vervaardig het nie, vir die toepassing van hierdie sub-artikel beskou word dat hy 'n ewe grote hoeveelheid botter of kaas vervaardig het as die hoeveelheid wat hy, na oordeel van die raad, waarskynlik sal vervaardig gedurende die twaalf kalendermaande wat op bedoelde datum onmiddellik volg;

(b) as na oordeel van die raad die hoeveelheid botter of kaas (al na die geval), wat so 'n eienaar gedurende die tydperk van twaalf kalendermaande onmiddellik volgende op bedoelde datum sal vervaardig, waarskynlik groter of kleiner sal wees as die hoeveelheid deur hom vervaardig gedurende die tydperk van twaalf kalendermaande wat aan daardie datum onmiddellik voorafgaan, die raad volgens goëddunke en te eniger tyd, hetsy voor of na die uitvaardiging van 'n kennisgewing kragtens sub-artikel (4), die hoeveelheid botter of kaas, (al na die geval), wat daardie eienaar, kragtens hierdie sub-artikel moet uitvoer of vir uitvoer moet lewer, kan vermeerder of verminder, en daardeur die hoeveelheid botter of kaas wat vir uitvoer vasgestel is, dien-ooreenkomstig vermeerder of verminder, maar sonder verandering van die verpligting ingevolge hierdie sub-artikel, van enige ander eienaar van 'n botterfabriek of kaasfabriek om 'n bepaalde hoeveelheid botter of kaas uit te voer of vir uitvoer te lewer—'n verpligting wat berus op die hoeveelheid wat die raad kragtens sub-artikel (2) vir uitvoer vasgestel het, as of so 'n vermeerdering of vermindering nie gemaak is nie;

(c) die raad volgens goëddunke en te eniger tyd, hetsy voor of na die uitvaardiging van 'n kennisgewing kragtens sub-artikel (4), die hoeveelheid botter of kaas (al na die geval), wat so 'n eienaar kragtens hierdie sub-artikel moet uitvoer of vir

Wysiging van artikel 13 van Wet 35 van 1930 soos gewysig deur artikel 1 van Wet, 7 van 1932.

quantity or by a portion of the quantity of butter or cheese, as the case may be, which he exported with the permission of the board, during the period of twelve calendar months immediately preceding the said date, in excess of the quantity which he was required to export under this sub-section ;

(d) for the purpose of this sub-section, any such owner shall be deemed to have manufactured, during any calendar month the quantity of butter or cheese shown in the statement or statements transmitted by him in respect of that month to the Superintendent of Dairying, in terms of sub-section (2) of section *seventeen*, or sub-section (2) of section *twenty*, as the case may be, and if any owner has failed to transmit to the said superintendent the prescribed statement concerning any registered creamery or registered cheese factory in respect of any calendar month, the said superintendent may estimate the quantity of butter or cheese, as the case may be, manufactured by that owner in that creamery or cheese factory during that calendar month, and every such estimate shall be deemed to determine correctly the quantity manufactured by that owner.

(4) Whenever the board has made a determination under sub-section (2) it shall within a reasonable time after making such a determination, notify every owner of a registered creamery or registered cheese factory of the quantity of butter or cheese, as the case may be, which he shall export or deliver to the board for export, in terms of sub-section (3). Such notification shall specify the place or places where such delivery may be made ;

(b) by the deletion in sub-section (5) of the words " whether before or after the expiration of such period " and by the substitution of the word " notification " for the word " direction " in that sub-section ;

(c) by the deletion, in sub-section (6) of the words " fails to comply with any such direction, the board may after the expiration of such period " and the substitution therefor of the words " has failed to comply with any requirement of sub-section (3) with which it was his duty to comply, the board may " ;

(d) by the substitution of the word " notification " for the word " direction " in sub-section (8) ;

(e) by the addition at the end of the said section of the following new sub-section :

" (12) The board may at any time after making a determination under sub-section (2), whether before or after the expiration of the period to which that determination relates, cancel any such determination, or from time to time extend or reduce that period or suspend the operation of any such determination for any period or increase or reduce the quantity of butter or cheese, as the case may be, fixed by such determination ; and thereupon the obligation of every owner of a registered creamery or registered cheese factory under sub-section (3) as a result of such determination shall be modified in accordance with the board's action under this sub-section : Provided that any action taken by the board under this sub-section shall be notified to every such owner affected thereby.

Short title.

2. This Act shall be known as the Dairy Industry Control Amendment Act, 1934.



uitvoer moet lewer, kan verminder met die hoeveelheid of met 'n deel van die hoeveelheid botter of kaas, (al na die geval), wat hy met die toestemming van die raad, gedurende die tydperk van twaalf kalendermaande onmiddellik voorafgaande aan voormelde datum, uitgevoer het bo die hoeveelheid wat hy kragtens hierdie sub-artikel verplig was om uit te voer:

- (d) vir die toepassing van hierdie sub-artikel, vermoed word dat so 'n eienaar gedurende een of ander kalendermaand die hoeveelheid botter of kaas vervaardig het wat aangegee word in die opgawe of opgawes vir daardie maand wat hy, ingevolge sub-artikel (2) van artikel *seventien*, of sub-artikel (2) van artikel *twintig*, (al na die geval), aan die Superintendent van die Suiwelnywerheid ingestuur het en as so 'n eienaar in gebreke gebly het om die voorgeskrewe opgawe omtrent 'n geregistreerde botterfabriek of geregistreerde kaasfabriek, vir die een of ander maand aan bedoelde superintendent in te stuur, dan kan bedoelde superintendent die hoeveelheid botter of kaas, (al na die geval), wat daardie eienaar in daardie botterfabriek of kaasfabriek gedurende daardie kalendermaand vervaardig het, skat, en so 'n skatting word beskou as 'n juiste bepaling van die hoeveelheid wat daardie eienaar vervaardig het.
- (4) Wanneer die raad kragtens sub-artikel (2) 'n vasstelling gemaak het, moet hy binne 'n redelike tyd daarna elke eienaar van 'n geregistreerde botterfabriek of geregistreerde kaasfabriek in kennis stel van die hoeveelheid botter of kaas (al na die geval), wat hy ingevolge sub-artikel (3), moet uitvoer of aan die raad vir uitvoer moet lewer en daardie kennisgewing moet die plek of plekke aangee waar sodanige lewering kan geskied";
- (b) deur in sub-artikel (5) die woorde „ditsy voor of na afloop van sodanige tydperk” te skrap en deur die woord „bevel” te vervang deur die woord „kennisgewing”;
- (c) deur die woorde „As enige sodanige eienaar versuim om aan enige sodanige bevel te voldoen, kan die raad na afloop van sodanige tydperk” in sub-artikel (6) te skrap en te vervang deur die woorde „As so 'n eienaar versuim het om te voldoen aan 'n vereiste van sub-artikel (3) waaraan hy behoort te voldoen het, dan kan die raad”;
- (d) deur in sub-artikel (8) die woord „bevel” te vervang deur die woord „kennisgewing”.
- (e) deur die volgende nuwe sub-artikel aan die end van die artikel by te voeg:

„(12) Die raad kan te eniger tyd nadat hy 'n vasstelling kragtens sub-artikel (2) gemaak het, hetsy voor of na afloop van die tydperk waarop daardie vasstelling betrekking het, so 'n vasstelling intrek, of van tyd tot tyd daardie tydperk verleng of verkort of die toepassing van so 'n vasstelling 'n tyd lang opskort of die hoeveelheid botter of kaas (al na die geval), wat deur so 'n vasstelling bepaal is, vermeerder of verminder; en daarop word die verpligting van elke eienaar van 'n geregistreerde botterfabriek of geregistreerde kaasfabriek kragtens sub-artikel (3) as 'n gevolg van daardie vasstelling verander in ooreenstemming met die beskikking van die raad kragtens hierdie sub-artikel:

Met die verstande dat elke beskikking van die raad kragtens hierdie sub-artikel bekend gemaak moet word aan elke eienaar wat daardeur geraak word.

2. Hierdie Wet heet die Suiwelnywerheid-Wysigingswet, Kort titel. 1934.

## PROCLAMATION

By LIEUTENANT-COLONEL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF CLARENDON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

No. 86.]

[6th June, 1934.

### REBATE OF CUSTOMS DUTIES ON CERTAIN ARTICLES FOR USE IN MANUFACTURES.

WHEREAS by section *twelve (k)* of the Customs and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended, the Governor-General may, by proclamation in the *Gazette*, declare that subject to regulations set out in such proclamation, there shall be allowed a rebate of the whole or any part of the duty otherwise payable under the aforesaid Act, as amended, on any article which is a raw material or essential requisite of any industry in respect of which the Board of Trade and Industries recommends such a rebate;

AND WHEREAS the Board of Trade and Industries has recommended that the customs duty on the undermentioned articles imported into the Union for use in the industries specified, be rebated to the extent of the full ordinary duty thereon;

Now, THEREFORE, under and by virtue of the powers vested in me as aforesaid, I do hereby declare, proclaim and make known that on and after the date of the first publication of this my Proclamation in the *Gazette* a rebate of the whole ordinary duty otherwise payable shall, subject to the subjoined regulations, be allowed on the following articles when imported or taken out of bond by a manufacturer for use in the respective industries specified hereunder:—

#### *Fruit and Vegetable Products Manufacturing Industry.*

Cherries, preserved not crystallized for use as an ingredient in canned fruit salad for export.

#### *Brickmaking Industry.*

Calcined magnesite for the manufacture of magnesite bricks.

## REGULATIONS.

1. Every person desirous of importing free of ordinary duty any of the articles or substances specified in this Proclamation shall first make application to the Commissioner of Customs to be registered as a manufacturer under rebate and in so doing shall state—

- the name under which he trades;
- the industry in which he is engaged, and if any other business is carried on in the same premises, the nature of such business;
- the locality of his factory or works, and the number of operatives employed;
- whether the premises are licensed under the Factories Act;
- the class of goods he desires to import under rebate of the duty, and the estimated value of such importations per annum.

NOTE.—In the case of persons or firms already registered as manufacturers under rebate it will suffice if applicant furnishes the Commissioner of Customs with particulars of the names under which he trades and the estimated value of the material he proposes to import per annum under this Proclamation.

2. The applicant, if approved, shall enter into a bond with sufficient surety and to an amount not less than *one hundred pounds*, to be determined by the Commissioner of Customs, the conditions of the bond being that all goods imported by him, taken out of bonded warehouse or received from another manufacturer under rebate for use in the industry to be named in the bond, will be used solely for the purpose specified, and if any portion of a consignment so imported or received be sold, used, removed from his factory or store, or disposed of for any other purpose, without the written consent of the proper officer of customs, duty at full rate otherwise leviable shall be paid on the whole consignment.

3. The applicant shall thereupon be registered as a manufacturer under rebate, and permitted to receive, under these regulations and subject to withdrawal of the permission at any time by the Minister, the goods enumerated under the appropriate headings of this Proclamation, and such goods shall be conveyed to and stored only in the premises referred to in regulation *one*, which shall also be registered.

4. The manufacturer, or his clearing agents specially authorized by power of attorney to act for him in that behalf, shall on first importation declare on the customs bill of entry that such goods are to be used solely for the purposes specified under the respective headings, and shall furnish the proper officer of customs at the port of entry with an additional copy of such bill of entry.

## PROKLAMASIE

VAN LUITENANT-KOLONEL SY EKSELLENSIE DIE HOOGDELAGBARE DIE GRAAF VAN CLARENDON, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDESKETE ORDE VAN SAINT MICHAEL EN SAINT GEORGE, GOEWERNEUR-GENERAAL EN OPPERBEVELHEBBER IN OOR DIE UNIE VAN SUID-AFRIKA.

No. 86.]

[6 Junie 1934.

### KORTING VAN DOEANEREGTE OP SEKERE ARTIKELS VIR GEBRUIK BY VERVAARDIGING.

NADemaal by artikel *twalf (k)* van die „Doeanetarief en Aksijnsrechten Wijzigingswet”, 1925 (Wet No. 36 van 1925), soos gewysig, die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan verklaar dat, met inagneming van regulasies uiteengesit in sodanige Proklamasie, daar 'n korting van die hele of enige deel van die regte anders betaalbaar onder voornoemde Wet soos gewysig, sal toegestaan word, op enige artikel wat 'n ruwe materiaal of noodsaaklike vereiste is van enige nywerheid ten opsigte waarvan die Raad van Handel en Nywerheid sodanige korting aanbeveel;

EN NADemaal die Raad van Handel en Nywerheid aanbeveel het dat 'n korting van die doeanereg op die ondergenoemde artikels in die Unie ingevoer vir gebruik in genoemde nywerhede tot die volle bedrag van die gewone doeanereg sal toegestaan word;

So is dit dat ek, volgens en kragtens die bevoegdheid my verleen soos vermeld, hierby verklaar; proklameer en bekendmaak dat, vanaf en na die datum van die eerste publikasie van hierdie Proklamasie in die *Staatskoerant*, 'n korting van die hele gewone reg andere betaalbaar, met inagneming van die bygevoegde regulasies, toegestaan word op die onderstaande artikels ingevoer of gelos uit entrepôt deur 'n fabrikant in die respektiewe nywerhede hieronder genoem:—

#### *Nywerheid vir die Vervaardiging van Vrugte en Groente Produkte.*

Gepreserveerde kersies, nie gekristalliseer nie vir gebruik as 'n bestanddeel van ingemaakte vrugteslaai vir uitvoer.

#### *Steen-vervaardigingsnywerheid.*

Verkalkte magnesiet vir die vervaardiging van magnesiet-stene.

## REGULASIES.

1. Elkeen wat voornemens is enige van die artikels of stowwe genoem in hierdie Proklamasie, vry van gewone doeanereg in te voer, moet eers aansoek doen by die Kommissaris van Doane en Aksyns om hom te laat registreer as 'n vervaardiging onder korting, en moet dan meld:—

- die naam waaronder hy handeldryf;
- die bedryf wat hy uitoefen en as daar enige ander besigheid in dieselfde gebou gedryf word, die aard van sodanige besigheid;
- die plek van sy fabriek of werkplekke en die aantal persone in diens;
- of die gebou onder die Fabriekswet gelisensieer is;
- die soort goedere wat hy verlang om onder korting van die doeanereg in te voer, en die geskatte jaarlikse waarde van sodanige invoer.

N.B.—In die geval van persone of firmas alreeds geregistreer as vervaardigers onder korting, is dit voldoende indien die applikant die Kommissaris van Doane voorsien van besonderhede van die naam waaronder hy handel, en die beraamde waarde van die materiale wat hy kragtens hierdie proklamasie jaarliks wens in te voer.

2. Die aanvrager, indien goedgekeur, moet hom met voldoende borgstelling verbind vir 'n bedrag van minstens *honderd pond*, of wat vasgestel word deur die Kommissaris van Doane, en alle goedere deur hom ingevoer, uit die pakhuis geneem of ontvang van 'n fabrikant onder korting, vir gebruik in die nywerheid in die verbintenisse genoem; moet uitsluitlik gebruik word vir genoemde doel, en indien enige gedeelte van 'n besending aldus ingevoer of ontvang, verkoop, vir enige ander doel gebruik of uit sy fabriek of pakhuis verwyder, of van die hand gesit word sonder skriftelike toestemming van die daarvoor aangewese doeaneamptenaar, moet doeanereg teen die volle tarief anders hefbaar op die hele besending betaal word.

3. Die aanvrager moet daarna geregistreer word as 'n vervaardiger onder korting, en toegelaat word om kragtens hierdie regulasies en onderworpe aan die herroeping van die vergunning, te eniger tyd, deur die Minister, die goedere genoem onder die hoofde van die Proklamasie in verband daarmee, te ontvang, en sodanige goedere moet vervoer word na en bewaar word uitsluitlik in die gebou genoem in regulasie *een*, wat ook registreer moet word.

4. Die vervaardiger of sy inkleringsagent spesiaal gemagtig deur 'n volmag om namens hom op te tree, moet by eerste invoer op die inkleringsvorm verklaar dat sodanige goedere uitsluitlik vir die doeleinde genoem onder die respektiewe hoofde gebruik sal word en moet die doeaneamptenaar in die hawe van invoer voorsien van 'n addisionele kopie van sodanige inkleringsvorm.

5. The goods in question may be cleared from a bonded warehouse free of ordinary duty for a registered manufacturer, provided that in addition to the customs bill of entry *ex bond* a declaration on transfer, in the form appended, be furnished in duplicate to the proper officer of customs. The bill of entry shall specify the name and address of the manufacturer and the industry for which the goods are intended.

6. A registered manufacturer may, subject to permission previously obtained from the proper officer of customs, transfer to another registered manufacturer goods imported under this Proclamation, provided a declaration on transfer in the form appended be furnished in duplicate to the aforesaid officer.

7. A declaration on transfer referred to in regulations *five* and *six* must be completed with a receipt from the manufacturer to whom the goods are transferred, and failing the return of such receipt to the proper officer of customs within fourteen days, the person transferring the goods shall remain liable for the duty otherwise leviable, and shall pay the same forthwith on demand.

8. The manufacturer shall keep a stock-book in the form approved by the Commissioner of Customs showing full particulars of all receipts and disposals, and in such manner that the goods entered for industrial purposes can readily be accounted for to the satisfaction of the proper officer of customs.

9. The manufacturer shall, if required by the proper officer of customs, provide a properly secured store for such goods and shall provide at his own expense such necessary fastenings as will permit of the store being locked with a customs lock.

10. The books and premises of the manufacturer shall be open for inspection at any time during working hours by a duly authorized officer of customs, and should it be deemed necessary at any time to retain an officer on the premises for any period for supervision, the usual charge for special attendance of a customs officer shall be paid by the manufacturer.

Any person who fails to comply with the provisions of this Proclamation shall, in terms of section *one hundred and sixteen* of the Customs Management Act, 1913, be liable to a fine not exceeding *three hundred pounds* and forfeiture of the goods.

Customs.....

CUSTOMS—UNION OF SOUTH AFRICA.

DECLARATION ON TRANSFER OF REBATE/BOND STOCKS TO A MANUFACTURER UNDER REBATE.

To the Collector of Customs,

I/We certify that the undermentioned goods entered per Bill of Entry No.....date..... under rebate/*ex bond* have been duly transferred to Messrs.....  
Address.....  
Signature of Importer.....  
Date.....

Received in full the above-described goods, which I/we hereby declare are to be used solely in the manufacture of.....  
Signature of manufacturer.....  
Address.....  
Date.....

NOTE.—Should these goods or any portion thereof be sold or otherwise disposed of so as to come into the possession of any parties not entitled to import free of duty, full duty will be levied on the whole consignment.

This form to be completed in duplicate and returned to the Collector of Customs within fourteen days from the date of the transfer.

GOD SAVE THE KING!

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Fifth day of June, One thousand Nine hundred and Thirty-four.

CLARENDON,  
Governor-General.

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

P. DUNCAN.

5. Genoemde goedere kan vir 'n geregistreerde vervaardiger vry van gewone belasting uit 'n entrepôt gelos word, mits buite en behalwe die doeaneaanblyf van inklaaring uit entrepôt, by oordrag 'n verklaring in die vorm hieronder aangeheg in duplo aan die daarvoor aangewese doeanebeampte verskaf word. Die naam en adres van die vervaardiger en die nywerheid waarvoor die goedere bestem is moet op die inklaaringsvorm vermeld word.

6. 'n Geregistreerde vervaardiger kan, mits hy tevore vergunning van die daarvoor aangewese doeanebeampte verkry, aan 'n ander geregistreerde vervaardiger, goedere ingevoer onder hierdie Proklamasie, oordra, mits 'n verklaring by die oordrag in die vorm hieronder aangeheg in duplo aan genoemde beampte verskaf word.

7. Die verklaring by die oordrag vermeld in regulasies *vyf* en *sas* moet aangevul word met 'n ontvangsbewys van die vervaardiger aan wie die goedere oorgedra is, en indien by versuim om sodanige ontvangsbewys binne *veertien dae* aan die daarvoor aangewese doeanebeampte terug te stuur, bly die persoon wat die goedere oordra aanspreeklik vir die doeane-reg anders hefbaar, en moet dit onmiddellik by aanvraag betaal.

8. Die vervaardiger moet 'n voorraadboek hou in die vorm deur die Kommissaris van Doeane goedgekeur, waarin hy volledig besonderhede van alle ontvangste en verkope aantoon, en op sodanige wyse dat van die goedere geboek vir industriële doeleindes, geredelik rekenskap kan gegee word ten genoeë van die doeanebeampte.

9. Die vervaardiger moet, indien die daartoe aangewese doeanebeampte dit verlang, vir sodanige goedere 'n pakhuis voorsien, wat behoorlik gesluit kan word, en op eie koste sodanige grendels aanbring dat die pakhuis met 'n doeane-slot gesluit kan word.

10. Die boeke in die gebou van die vervaardiger moet te eniger tyd gedurende werkure ter insae wees van 'n behoorlik gemagtigde doeanebeampte; en indien dit nodig gaag word om te eniger tyd 'n doeanebeampte vir toesig in die gebou te laat bly vir 'n bepaalde tyd, moet die gewone loon vir ekstra diens van so'n amptenaar deur die vervaardiger betaal word.

Iedereen wat die bepalinge van hierdie Proklamasie oortree of versuim om na te kom, kan kragtens artikel *honderd-en-sestien* van die Wet op die Beheer van Doeane, 1913, gestraf word met 'n boete van hoogstens *drie-honderd pond* en verbeurdverklaring van goedere.

Doeane.....

DOEANE—UNIE VAN SUID-AFRIKA.

VERKLARING BY DIE OORDRAG VAN KORTING/VOORRADE ONDER WAARBORG AAN 'N VERVAARDIGER ONDER KORTING.

Aan die Ontvanger van Doeane,

Ek/Ons verklaar hierby dat die onderstaande goedere ingeklaar volgens inklaaringsbrief No.....datum..... onder korting uit entrepôt behoorlik oorgedra is aan.....  
Adres.....  
Handtekening van invoerder.....  
Datum.....

Ten volle ontvang die bogenoemde goedere, wat ek/ons hierby verklaar uitsluitlik vir gebruik by die vervaardiging van.....  
.....te wees.

Handtekening van vervaardiger.....  
Adres.....  
Datum.....

N.B.—Indien hierdie goedere of enige gedeelte daarvan verkoop of anders van die hand gesit word en in die besit kom van persone wat nie geregtig is om goedere belasting-vry in te voer nie, word die volle doeane-reg op die hele besending gehef.

Die vorm moet in duplo ingevul en teruggestuur word aan die Ontvanger van Doeane binne *veertien dae* van oordrag.

GOD BEHOEDE DIE KONING!

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Vyfde dag van Junie Eenduisend Negenhonderd-vier-en-dertig.

CLARENDON,  
Goewerneur-generaal.

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

P. DUNCAN,



# PROCLAMATION

By LIEUTENANT-COLONEL HIS EXCELLENCY THE RIGHT HONOURABLE THE EARL OF CLARENDON, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF IN AND OVER THE UNION OF SOUTH AFRICA.

No. 87.]

[6th June, 1934.

## WITHDRAWAL OF PROCLAMATIONS RELATIVE TO REBATE OF CUSTOMS DUTY.

WHEREAS by Proclamations No. 267, dated the 11th October, 1930, No. 184, dated the 29th September, 1932, No. 213, dated the 27th September, 1933, No. 236, dated the 18th October, 1933, and No. 42, dated the 27th February, 1934, His Excellency the Governor-General did under the powers vested in me by section twelve (k) of the Customs Tariff and Excise Duties Amendment Act, 1925 (Act No. 36 of 1925), as amended, declare, proclaim and make known that subject to regulations set out in the aforesaid Proclamations there should be allowed a rebate of the whole or part of the duty otherwise payable on the goods specified therein when imported or taken out of bond by approved manufacturers for use in the respective industries mentioned therein;

AND WHEREAS it has been made to appear to me that the necessity for the exercise of the aforesaid power no longer exists;

NOW, THEREFORE, I do hereby declare, proclaim and make known that from and after the date of the publication of this my Proclamation in the *Gazette* the provisions of the aforesaid Proclamations shall cease to have force and effect, save insofar that any goods on which the said duty has been rebated shall remain subject to the regulations set forth therein as if those Proclamations had remained in force and effect.

GOD SAVE THE KING!

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Fifth day of June, One thousand Nine hundred and Thirty-four.

CLARENDON,  
Governor-General.

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

P. DUNCAN.

## GOVERNMENT NOTICE.

### DEPARTMENT OF FINANCE.

The following Government Notice is published for general information.

J. G. HUBBALL,  
Secretary for Finance.

Treasury,  
Cape Town.

No. 728.]

[6th June, 1934.

It is hereby notified for general information by the Minister of Finance that the undermentioned Government Notices are repealed or amended as indicated hereunder:—

- (1) Government Notices No. 955, dated 6th June, 1928, No. 1133, dated 3rd July, 1931, No. 1196, dated 9th September, 1932, No. 666, dated 12th May, 1933, and No. 175, dated 16th February, 1934, are hereby repealed.
- (2) Government Notice No. 960, dated the 10th June, 1931, as amended by deleting therefrom all references to carbonate of soda (soda ash) for use in the glass manufacturing industry.

# PROKLAMASIE

VAN LUITENANT-KOLONEL SY EKSELLENSIE DIE HOOGHEDELAGHARE DIE GRAAF VAN CLARENDON, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDERSCHEIDE ORDE VAN SAINT MICHAEL EN SAINT GEORGE, GOEWERNEUR-GENERAAL EN OPPERBEVELHEBBER IN EN OOR DIE UNIE VAN SUID-AFRIKA.

No. 87.]

[6 Junie 1934.

## HERROEPING VAN PROKLAMASIES BETREFFENDE KORTING VAN DOENANEREK.

NADemaal deur Proklamasies No. 267, gedateer 11 Oktober 1930, No. 184, gedateer 29 September 1932; No. 213, gedateer 27 September 1933, No. 236, gedateer 18 Oktober 1933, en No. 42 gedateer 27 Februarie 1934, Sy Eksellensie die Goewerneur-generaal ingevolge en kragtens die bevoegdheid my verleen by artikel twaalf (k) van die „Doenatarief en Aksijnsrechten Wijzigingswet“, 1925 (Wet No. 36 van 1925), soos gewysig, verklaar, proklameer en bekendgemaak het dat met inagneming van regulasies soos in die voornoemde Proklamasies uiteengesit daar 'n korting toegestaan sal word van die hele of gedeelte van die reg anders betaalbaar op die goedere daarin gespesifiseer wanneer ingevoer of geos uit entrepôt deur goedgekeurde vervaardigers vir gebruik in die verskillende nywerhede daarin genoem;

EN NADemaal dit tot my kennis gebring is dat die noodsaaklikheid vir die uitoefening van voormelde mag nie meer bestaan nie;

So is dit dat ek hiermee verklaar, proklameer en bekendmaak dat vanaf en na die datum van die publikasie van hierdie Proklamasie in die *Staatskoerant* die bepalinge van voornoemde Proklamasies nie meer van krag sal wees nie, behoudens vir sover dat enige goedere waarop 'n korting van daardie reg toegestaan is bly dit onderworpe aan die regulasies daarin uiteengesit asof die genoemde Proklamasies nog van krag was.

GOD BEHOEDE DIE KONING!

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Vyfde dag van Junie Eenduisend Negenhonderd-vier-en-dertig.

CLARENDON,  
Goewerneur-generaal.

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

P. DUNCAN,

## GOEWERMENSKENNISGEWING.

### DEPARTEMENT VAN FINANSIES.

Onderstaande Goewermenskennisgewing word vir algemene informasie gepubliseer.

J. G. HUBBALL,  
Sekretaris van Finansies.

Tesourie,  
Kaapstad.

No. 728.]

[6 Junie 1934.

Hierby word deur die Minister van Finansies vir algemene informasie bekendgemaak dat die ondergenoemde Goewermenskennisgewings herroep of gewysig word, soos hieronder aange-  
toon:—

- (1) Goewermenskennisgewings No. 955, gedateer 6 Junie 1928, No. 1133, gedateer 3 Julie 1931, No. 1196, gedateer 9 September 1932, No. 666, gedateer 12 Mei 1933, en No. 175, gedateer 16 Februarie 1934, word hierby herroep.
- (2) Goewermenskennisgewing No. 960, gedateer 10 Junie 1931, word gewysig deur skrapping van alle verwysings na karbonaat van soda (soda-as) vir gebruik in die g-as vervaardigingnywerheid.



PAGE 348. NO. 741. Commissioners of Oaths: Appointments, etc. CH

PAGE 363. NO. 772. Portion of Farm Klipspruit No. 8, District Johannesburg, to be Proclaimed. CH

PAGE 384. NO. 285. Companies Registered, May, 1934.

PAGE IV. Patent Application - S.E.T. Ewing & J.L. Willey.

VI. Merrill Company: Application to amend Patent Specification.

XXIII. Coronation Collieries: Dividend Announcement. H

XXIII. Durban Roodepoort Deep, Limited: Notice to Shareholders re Agreement with New Steyn Estate Gold Mines, Limited.

XXIV. Henderson's Transvaal Estates, Limited. Dividend Announcement.

XXIV. New Durban Roodepoort Gold Mining Company, Ltd. Dividend Announcement.

XXIV. African Land & Investment Company, Limited. Dividend Announcement. A

XXIV. S.A. Townships Mining & Finance Corporation Ltd. Dividend Announcement. OK