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THE UNION OF SOUTH AFRICA
Government Gazette Extraordinary.

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Buitegewone Staatskoerant
 VAN DIE UNIE VAN SUID-AFRIKA.

UITGEGEE OP GESAG.

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PRIME MINISTER'S DEPARTMENT.

The following Government Notice is published for general information.

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

The Prime Minister's Office,
 Cape Town.

No. 1977. 14th November, 1927.

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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DEPARTEMENT VAN DIE EERSTE MINISTER.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

Kantoor van die Eerste Minister,
 Kaapstad.

No. 1977. 14 November, 1927.

Hiermee word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan die volgende wette wat hiermee vir algemene informasie gepubliseer word.

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No. 40, 1927.]

ACT

To define Union nationality, and to provide for the
Flags of the Union of South Africa.

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

CHAPTER I.

NATIONALS OF THE UNION OF SOUTH AFRICA.

1. The following persons shall be Union nationals—

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

2.—The wife of a Union national shall be deemed to be a Union national, and the wife of a person who is not a Union national shall not be deemed to be a Union national: Provided that where a man ceases during the continuance of his marriage to be a Union national it shall be lawful for his wife, if she has made a declaration in terms of the first proviso to section twelve of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), to make a further declaration that she desires to retain status as a Union national and thereupon she shall be deemed to remain a Union national: Provided further that such further declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister.

3. A woman who, having been a Union national, has by or in consequence of her marriage ceased to be a Union national, shall not by reason only of the death of her husband or the dissolution of her marriage become a Union national; and a woman who, not having been a Union national, has by or in consequence of her marriage become a Union national, shall not, by reason only of the death of her husband or the dissolution of her marriage, cease to be a Union national.

Persons who
are Union
nationals.

National
status
of married
women.

Status of
widows and
divorced
women.

No. 40, 1927.]

WET

Om Unie nasionaliteit te bepaal en om voorsiening
te maak vir die vlac van die Unie van Suid-
Afrika.

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

HOOFSTUK I.

STAATSBURGERS VAN DIE UNIE VAN SUID-AFRIKA.

1. Die volgende persone is Unie staatsburgers—

- (a) iemand wat gebore is in 'n deel van Suid-Afrika wat in die Unie opgeneem is en wat nie 'n vreemdeling of 'n verbode immigrant kragtens enige wet betreffende immigrasie is nie;
- (b) 'n Britse onderdaan, wie se binnekoms in 'n deel van Suid-Afrika wat in die Unie opgeneem is in ooreenstemming was met enige wet, wat op die tydstip van bedoelde binnekoms die immigrasie van mense in daardie deel van Suid-Afrika gereël het, en wat vir 'n tydperk van ten minste twee jaar daarna sonder onderbreking in die Unie gedomisilieer was, solang as hy daardie domisielie behou;
- (c) iemand wat nie 'n verbode immigrant kragtens enige wet betreffende immigrasie is nie en wat in die Unie gedomisilieer en kragtens die wette van enige deel van Suid-Afrika wat in die Unie opgeneem is, genaturaliseer is as Britse onderdaan en wat vir 'n ononderbroke tydperk van minstens drie jaar na sy binnekoms in daardie deel van Suid-Afrika in die Unie gedomisilieer was, solang as hy daardie domisielie behou en nie 'n vreemdeling word nie;
- (d) iemand wat buite enige deel van Suid-Afrika wat in die Unie opgeneem is gebore is, wie se vader by die betrokke persoon se geboorte 'n Unie staatsburger was, of 'n Unie staatsburger sou gewees het as hierdie Wet by die betrokke persoon se geboorte van krag gewees was, en toe nie in die diens van 'n vyandelike staat was nie: Met die verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie op iemand wat, indien hy die Unie inkom, of daarin gevind word, ingevolge enige wet betreffende immigrasie 'n verbode immigrant sou wees.

2. Die eggenote van 'n Unie staatsburger word geag 'n Unie staatsburger te wees, en die eggenote van 'n persoon wat nie 'n Unie staatsburger is nie, word nie geag 'n Unie staatsburger te wees nie: Met die verstande dat wanneer 'n man gedurende die bestaan van sy huwelik ophou om 'n Unie staatsburger te wees, sy eggenote, as sy ooreenkomstig die eerste voorbehoudsbepaling by artikel twaalf van die Britse Nasionaliteit in die Unie en Naturalisasie en Status van Vreemdelinge Wet, 1926, (Wet No. 18 van 1926) 'n verklaring afgelê het, 'n verder verklaring kan aflê dat sy 'n Unie staatsburger wil bly en daarop word sy geag 'n Unie staatsburger te bly: Met die verstande voorts dat sodanige verdere verklaring afgelê kan word voor 'n magistraat, vrederegter of 'n ander deur die Minister gemagtigde persoon en in die vorm moet wees wat die Minister voorskrywe.

3. 'n Vrou, wat tevore 'n Unie staatsburger was en weens of as gevolg van haar huwelik opgehou het 'n Unie staatsburger te wees word nie alleen weens die dood van haar eggenoot of die ontbinding van haar huwelik 'n Unie staatsburger nie; en 'n vrou wat nie vantevore 'n Unie staatsburger was nie en weens of as gevolg van haar huwelik 'n Unie staatsburger geword is, hou nie op om 'n Unie staatsburger te wees nie alleen weens die dood van haar eggenoot of die ontbinding van haar huwelik.

Wie Unie
staats-
burgers is

Nasionale
status van
gehude
vroue.

Status van
weduwee
geskeie
vroue.

Status of children.

4. (1) Where a person being a Union national ceases to be a Union national whether by declaration renouncing status as a Union national or otherwise, every child of that person, being under the age of twenty-one, shall thereupon cease to be a Union national: Provided that where a widow who is a Union national marries a person who is not a Union national, any child of her by her former husband shall not, by reason only of her marriage, cease to be a Union national.

(2) Any child who has so ceased to be a Union national may, within one year after attaining the age of twenty-one, make a declaration that he wishes to resume status as a Union national and shall thereupon again become a Union national: Provided that such declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister.

Declaration of renunciation.

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

(2) Such declaration may be made before a magistrate, a justice of the peace or other person authorized by the Minister and shall be in the form prescribed by the Minister: Provided that if such person subsequently establishes a domicile in the Union the provisions of paragraph (b) of section one shall apply to him.

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

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

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

Register of declarations.

6. The Minister shall cause a register to be made and kept of all declarations made under this Chapter.

CHAPTER II.

FLAGS OF THE UNION OF SOUTH AFRICA.

Flags of the Union.

7. (1) The flags of the Union shall be—

- (a) the Union Jack to denote the association of the Union with the other members of the group of nations constituting the British Commonwealth of Nations; and
- (b) the National Flag of which the design is set out in section eight.

(2) The Union Jack shall be flown with the National Flag from the Houses of Parliament and from the principal Government buildings in the Capitals of the Union and of the Provinces, at the Union ports, and on Government offices abroad, and at such other places in the Union as the Government may determine.

(3) The Governor-General may by regulation fix the manner in which the flags may be flown on ships on the high seas or for special purposes or occasions.

Status van kinders.

4. (1) Indien iemand wat 'n Unie staatsburger is ophou om 'n Unie staatsburger te wees hetsy deur 'n verklaring waarby hy afstand doen van sy status as Unie staatsburger of andersins hou elke kind van bedoelde persoon, wat die leeftyd van een-en-twintig jaar nog nie bereik het nie, op om 'n Unie staatsburger te wees: Met die verstande dat indien 'n weduwee wat 'n Unie staatsburger is met iemand trou wat nie 'n Unie staatsburger is nie, 'n kind van haar vorige huwelik nie alleen weens haar huwelik ophou om 'n Unie staatsburger te wees nie.

(2) 'n Kind wat aldus opgehou het om 'n Unie staatsburger te wees mag binne 'n jaar nadat hy die leeftyd van een-en-twintig jaar bereik het 'n verklaring af lê dat hy die status van 'n Unie staatsburger wil hervat en daarop word hy weer 'n Unie staatsburger: Met die verstande dat sodanige verklaring afgelê kan word voor 'n magistraat, vrederegter of 'n ander deur die Minister gemagtigde persoon en in die vorm moet wees wat die Minister voorskrywe.

Verklaring van afstand doen.

5. (1) Iemand wat 'n Unie staatsburger is omdat hy in 'n deel van Suid-Afrika wat in die Unie opgeneem is gebore is, maar wat by sy geboorte of gedurende sy minderjarigheid kragtens die wet van die Verenigde Koninkryk, of van 'n besitting van die Britse Ryk of van 'n selfregerende dominium ook 'n staatsburger van daardie koninkryk, besitting of dominium geword het en dit nog is, en iemand wat alhoewel hy buite daardie deel van Suid-Afrika gebore is 'n Unie staatsburger is, kan, mits hy meerderjarig is en nie krank-sinnig of swaksinnig is nie en nie in die Unie gedomisilieer is nie, 'n verklaring af lê waarby hy afstand doen van sy status as 'n Unie staatsburger.

(2) Sodanige verklaring kan afgelê word voor 'n magistraat, vrederegter of 'n ander deur die Minister gemagtigde persoon en moet in die vorm wees wat die Minister voorskrywe: Met die verstande dat indien so iemand naderhand domisielie in die Unie erlang, die bepaling van paragraaf (b) van artikel een op hom van toepassing is.

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

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

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

6. Die Minister laat 'n register van alle ingevolge hierdie Hoofstuk afgelegde verklarings aanlê en hou.

Register van verklarings.

HOOFSTUK II.

VLAE VAN DIE UNIE VAN SUID-AFRIKA.

7. (1) Die vlae van die Unie sal wees—

- (a) die Union Jack om die assosiasie van die Unie met die ander lede van die groep wat die Britse Gemenebes van Nasies vorm aan te dui; en
- (b) die Nasionale Vlag waarvan die ontwerp in artikel ag omskrywe word.

Vlae van die Unie.

(2) Die Union Jack sal saam met die Nasionale Vlag gehys word op die Parlementsgeboue, en op die vernaamste regeringsgeboue in die hoofstede van die Unie en van die Provinsies, in die Unie-hawens, en op die Regeringskantore oorsee, en op sodanige ander plekke binne die Unie as wat die Regering mag bepaal.

(3) Die Goewerneur-generaal kan deur regulasie die manier vasstel waarop die vlae op skepe in volle see of vir besondere doeleindes of geleenthede gehys kan word.

8. The design of the National Flag of the Union shall be—
Three horizontal stripes of equal width from top to bottom, orange, white, blue; in the centre of the white stripe the old Orange Free State Flag hanging vertically, spread in full, with the Union Jack adjoining horizontally spread in full towards the pole, and the old Transvaal Vierkleur adjoining horizontally spread in full away from the pole, equidistant from the margins of the white stripe. The flags shall all be of the same size and their shape shall be proportionally the same as the National Flag and the width of each equal to one-third of the width of the white stripe.

CHAPTER III.

GENERAL.

9. In this Act—

- “alien” means a person who is not a British subject;
“British subject” has the meaning assigned to it in the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), or any amendment thereof;
“Minister” means the Minister of the Interior or any other Minister of State to whom the Governor-General may assign the administration of this Act;
“Union” means the Union of South Africa and includes the mandated territory of South West Africa.

10. This Act may be cited as the Union Nationality and Flags Act, 1927, and shall commence and come into operation on the 31st May, 1928.

8. Die ontwerp van die Nasionale Vlag van die Unie is as volg:—

Drie horisontale bane ewe wyd, van bo na onder oranje wit, blou; in die middel van die wit baan die gewese vlag van die Oranje Vrystaat vertikaal ten volle oopgesprei ahangende, met die Union Jack horisontaal daaraan grensende ten volle oopgesprei in die rigting van die vlagpaal, en die gewese Transvaalse Vierkleur horisontaal daaraan grensende ten volle oopgesprei weg van die vlagpaal af, op gelyke afstand van die kante van die wit baan. Die vlac sal almal ewe groot wees, en hul vorm sal proporsioneel dieselfde as die van die Nasionale Vlag wees, en die breedte van elk gelyk aan een-derde van die breedte van die wit baan.

HOOFSTUK III.

ALGEMENE BEPALINGS.

9. In hierdie Wet—

- beteken “vreemdeling” iemand wat nie ’n Britse onderdaan is nie;
het “Britse onderdaan” die betekenis wat in die Wet op Britse Nasionaliteit in die Unie en Naturalisasie en Status van Vreemdelinge, 1926 (Wet No. 18 van 1926) of ’n wysiging daarvan daaraan toegeskrywe is;
beteken “Minister” die Minister van Binnelandse Sake of ’n ander staatsminister aan wie die Goewerneurgeneraal die uitvoering van hierdie Wet mog opdra;
beteken “Unie” die Unie van Suid-Afrika en sluit die mandaat-gebied van Suidwes-Afrika in.

10. Hierdie Wet kan aangehaal word as die Unie Nasionaliteit en Vlae Wet, 1927 en tree in werking op 31 Mei 1928.

No. 41, 1927.]

No. 41, 1927.]

ACT

To repeal section *fifteen* of the Orange Free State Marriage Law and to validate certain 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:—

1. Section *fifteen* of the Marriage Law of the Orange Free State (Law No. 26 of 1899) is hereby repealed.

2. Every marriage solemnized prior to the commencement of this Act, which was not recognized as valid in the Orange Free State, solely because of non-compliance with the provisions of the said section *fifteen* is hereby validated as from its solemnization: Provided that the provisions of this section shall not apply in regard to any such marriage—

- (a) if either party thereto has, between the date of its solemnization and the commencement of this Act, contracted a valid marriage with a person other than a party to such firstmentioned marriage; or
(b) if it has been set aside or declared to be void by a competent court of law.

3. This Act may be cited as the Orange Free State Marriage Law Amendment Act, 1927.

WET

Om artikel *vyftien* van die Oranje-Vrystaatse Huwelikswet te herroep en sekere huwelike te wettig.

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

1. Artikel *vyftien* van die Huwelikswet van die Oranje-Vrystaat (Wet No. 26 van 1899) word hiermee herroep.

2. Elke voor die inwerkingtreding van hierdie Wet bevestigde huwelik wat in die Oranje-Vrystaat nie as geldig erken was alleen omdat nie voldaan was aan die bepalings van voormelde artikel *vyftien* word hiermee gewettig vanaf sy bevestiging: Met die verstande dat die bepalings van hierdie artikel nie van toepassing is nie met betrekking tot so'n huwelik—

- (a) as een van die partye daarin tussen die dag van sy bevestiging en die inwerkingtreding van hierdie Wet 'n geldige huwelik aangegaan het met iemand anders as 'n party in eersbedoelde huwelik; of
(b) as dit deur 'n bevoegde geregshof vernietig of nietig verklaar is.

3. Hierdie Wet mag aangehaal word as die Oranje-Vrystaatse Huwelikswet Wysigings Wet, 1927.

Ontwerp van nasionale Vlag.

Woord-bepaling.

Kort titel en datum van inwerking-treding.

Herroeping van artikel *vyftien* van Wet No. 26 van 1899.

Wettiging van sekere huwelike.

Kort titel.

Design of National Flag.

Interpretation of terms.

Short title and date of commencement.

Repeal of section *fifteen* of Law No. 26 of 1899.

Validation of certain marriages.

Short title.

No. 44, 1927.]

ACT

To consolidate and amend the laws in force in the several provinces of the Union relating to prospecting and mining for precious stones, to amend in certain respects the laws relating to the diamond trade, and to provide 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:—

PRELIMINARY.

Right of mining for precious stones vested in the Crown.

1. Subject to the provisions of this Act, the right of mining for and disposing of all precious stones is vested in the Crown.

Application of Act.

2. (1) Notwithstanding anything in any other law contained the provisions of this Act shall apply to land in the Province of the Cape of Good Hope held by private persons under title which does not contain a reservation of precious stones in favour of the Crown: Provided that, save for the provisions of section *one hundred and fifteen*, the provisions of this Act shall not apply to any such land upon which precious stones have been discovered and mining or digging operations have been carried on prior to the first day of April, 1927, in a manner satisfactory to the Minister, whose certificate shall be final.

(2) Save for the provisions of section *thirty-eight* and Part II of Chapter V nothing in this Act shall be deemed to affect any existing mines referred to in Part VIII of Ordinance No. 4 of 1904 of the Orange Free State or any other mines discovered in terms of any prior law, and existing at the commencement of this Act, and all the provisions of the laws in force at such commencement relating to such mines shall notwithstanding the repeal of those laws by this Act continue to be in force in so far as they are not repugnant to Part II of the said Chapter.

Repeal of laws.

3. The laws mentioned in the First Schedule to this Act subject to the provisions of sub-section (2) of section *two*, are hereby repealed to the extent set out in the fourth column of that Schedule.

CHAPTER I.

PROSPECTING.

A.—On Unoccupied Unalienated Crown Land.

Rights and obligations of a prospector on unoccupied Crown land.

4. (1) All unoccupied unalienated Crown land shall, for the purposes of this Act and subject to the provisions of this section, be open to prospecting under prospecting permit:

Provided that no Crown land which is the subject of a prospecting agreement under Ordinance No. 4 of 1904 of the Orange Free State shall be open to prospecting until the termination of such agreement.

(2) The Minister may, at any time by notice in the *Gazette*, attach conditions to prospecting on Crown land under this Act, and vary the conditions for different portions of land.

(3) A prospector on Crown land open to prospecting shall, for the purposes of and while lawfully prospecting, be entitled to graze free of cost on such land four draught animals and, with the written consent of the mining commissioner, such additional number of draught animals as may appear to the mining commissioner to be necessary. Such prospector shall further have the right for his personal requirements and for prospecting purposes to take upon such land water which is not

No. 44, 1927.]

WET

Tot konsolidasie en wysiging van die wette van krag in die verskeie provinsies van die Unie betreffende prospekter na en myn van edelgesteentes, om in sekere opsigte die wette op die diamant-handel te wysig, en om voorsiening te maak vir daarmee in verband staande sake.

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

INLEIDING.

1. Met inagneming van die bepalings van hierdie Wet behoort die reg om na alle edelgesteentes te myn en daarvoor te beskik, aan die Kroon.

Reg om na edelgesteentes te myn behoort aan Kroon.

2. (1) Nieteenstaande enige ander regsbeplanning is die bepalings van hierdie Wet van toepassing op grond in die Provinsie Kaap die Goeie Hoop, in besit van private persone kragtens tietels wat geen voorbehoud van edelgesteentes aan die Kroon bevat nie: Met die verstande dat die bepalings van hierdie Wet, met uitsondering van die bepalings van artikel *honderd-en-vyftien*, nie van toepassing is nie op sodanige grond waarop voor die eerste dag van April 1927 edelgesteentes ontdek en myn- of delwerswerksaamhede verrig is op 'n manier waarmee die Minister (wie se sertifikaat finaal is) genoeë neem.

Toepassing van Wet.

(2) Met uitsondering van die bepalings van artikel *ag-en-dertig* en Deel II van Hoofstuk V, word hierdie Wet nie geag van toepassing te wees nie op enige bestaande myne genoem in Deel VIII van Ordonnansie No. 4 van 1904 van die Oranje-Vrystaat of enige ander myne kragtens 'n vorige wet ontdek wat by die inwerking-treding van hierdie Wet bestaan en alle bepalings van wette, wat by daardie inwerkingtreding van krag is betreffende sulke myne bly, nieteenstaande die herroeping van daardie wette deur hierdie Wet, van krag vir sover hulle nie met Deel II van genoemde Hoofstuk in stryd is nie.

3. Die wette opgenoem in die Eerste Bylae tot hierdie Wet word, behoudens die bepalings van sub-artikel (2) van artikel *twee*, hiermee herroep in die omvang vermeld in die vierde kolom van daardie Bylae.

Herroeping van wette.

HOOFSTUK I.

PROSPEKTEER.

A.—Op onbesette onvervreemde Kroongrond.

4. (1) Vir die doeleindes van hierdie Wet en met inagneming van die bepalings van hierdie artikel staan dit vry om op alle onbesette, onvervreemde Kroongrond te prospekter kragtens 'n prospekter-permit: Met die verstande dat dit nie vrystaan nie om op Kroongrond wat die onderwerp van 'n prospekterkontrak ingevolge Ordonnansie No. 4 van 1904 van die Oranje-Vrystaat uitmaak, te prospekter voor die beëindiging van daardie kontrak.

Regte en verpligtings van prospekterder op onbesette Kroongrond.

(2) Die Minister mag te eniger tyd by kennisgewing in die *Staatskoerant* voorwaardes stel op die prospekter op Kroongrond volgens hierdie Wet en verskillende voorwaardes stel vir verskillende gedeeltes van grond.

(3) 'n Prospekterder op Kroongrond waarop dit vrystaan om te prospekter, is, vir die doeleindes van prospekter en terwyl hy wettig prospekter geregtig om op daardie grond vier trekkdiere en met die skriftelike toestemming van die mynkommissaris, so 'n groter aantal trekkdiere as wat die mynkommissaris nodig ag, kosteloos te laat wei. Dié prospekterder is verder geregtig om vir sy persoonlike behoeftes en vir prospekterdoeleindes op daardie grond water te neem wat nie kunsmatig bewaar word

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

(4) Any land acquired by the Board under sub-section (3) shall be deemed to be within the area defined by the Minister under sub-section (1) of section one.

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

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

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

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

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

- (a) the basis on which rights of voting by registered owners of lots in the settlement at elections for membership of the Board shall be exercised and the manner in which elections for membership of the Board shall be carried out;
- (b) the filling of vacancies on the Board arising through death, resignation or other cause;
- (c) the procedure of the Board;
- (d) the manner in which proposals by the Board to buy, sell, exchange, donate or hypothecate land in terms of sub-section (3) of section two shall be submitted to a meeting of such registered owners and the procedure to be followed in convening any such meeting;
- (e) the rendering of a report and statement of accounts by the Board in respect of its operation;
- (f) the procedure governing the making of rules by the Board under the powers conferred by the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925).

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

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

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

(4) Grond deur die raad kragtens sub-artikel (3) verkry, word geag te wees binne die gebied deur die Minister omskrywe kragtens sub-artikel (1) van artikel een.

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

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

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

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

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

- (a) die grondslag waarop geregistreerde eienaars van persele in die nedersetting by verkiesing van lede van die raad hulle stemreg moet uitoefen en die manier waarop verkiesings van lede van die raad moet plaasvind;
- (b) die aanvulling van vakatures in die raad wat ontstaan deur die dood, bedanking of om ander redes;
- (c) die prosedure van die raad;
- (d) die manier waarop voorstelle van die raad om grond kragtens sub-artikel (3) van artikel twee te koop, te verkoop, te verruil, weg te gee of met verband te belas, aan 'n vergadering van daardie geregistreerde eienaars voorgelê moet word en die prosedure wat in ag geneem moet word by die belegging van so'n vergadering;
- (e) oorlegging van 'n verslag en rekeningstaat deur die raad met betrekking tot sy verrigtings;
- (f) die prosedure wat van toepassing is op die vasstelling van reëls deur die raad kragtens die bevoegdhede verleen deur die Nederzettingen (Komitee van Beheer) Wet, 1925 (Wet No. 21 van 1925).

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

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

Toekenning van meentgrond aan raad.

Regulasies.

Bestaande

reëls.

Kort tiietel.

No. 43, 1927.]

ACT

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

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

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

(2) The Board shall consist of five members who shall be elected by the registered owners of lots within the settlement in manner prescribed by regulation under section *four*. Every member of the Board elected as aforesaid shall hold office for a period of three years. If such owners shall at any time fail, neglect or refuse to elect a Board or to elect a sufficient number of members to form such Board, the Minister may, by notice in the *Gazette*, appoint from among such owners a sufficient number of persons to constitute such Board.

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

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

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

(2) The Board shall, within the area defined by the Minister under sub-section (1) of section *one*, have, subject to the approval of the Minister, all such powers as may be exercised by a committee of management constituted under the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925): Provided that such powers shall, save as specially provided in this Act, be exercised subject to such rights as the registered owners aforesaid may have under their title deeds, and provided further that, in the making of any rules under the powers aforesaid, the Board shall be governed by the provisions of any regulations made under section *four*.

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

No. 43, 1927.]

WET

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

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

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

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

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

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

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

(2) Binne die gebied deur die Minister kragtens sub-artikel (1) van artikel *een* omskrywe het die raad, met goedkeuring van die Minister, al die bevoegdhede wat uitgeoefen mag word deur 'n komitee van beheer ingestel kragtens die Nedersettingen (Komitee van Beheer) Wet, 1925 (Wet No. 21 van 1925): Met die verstande dat daardie bevoegdhede, behoudens die besondere bepalings van hierdie Wet, uitgeoefen moet word met inagneming van die regte wat voormelde geregistreerde eienaars kragtens hulle tielbewyse mog hê; en met die verstande ook dat die raad by die vaststelling van reëls kragtens voormelde bevoegdhede, hom moet hou aan die bepalings van regulasies uitgevaardig ingevolge artikel *vier*.

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

Instelling van raad van Immigrante-Nedersetting Marburg.

Werkkring van raad.

Constitution of Marburg Immigration Settlement Board.

Functions of Board.

No. 42, 1927.]

ACT

To provide for the eradication of the citrus disease called psorosis or scaly bark.

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

1. (1) Any person who is in possession or has the control, care or supervision of any citrus tree which is infected or suspected, upon reasonable grounds, of being infected with the disease known as psorosis or scaly bark, shall forthwith give notice thereof in writing to the Secretary for Agriculture.

(2) Every such tree shall, subject to the provisions of sub-section (3), forthwith be destroyed in manner prescribed by regulation made under this Act—

- (a) if the owner of the land upon which such tree is standing has the right to dispose of any fruit which such tree might be bearing, then by such owner; or
- (b) if a person other than such owner has such right, then by such other person upon the instructions of an officer designated by the Minister of Agriculture to give such instructions.

(3) The Minister of Agriculture may in circumstances defined by regulation made under this Act, and during such period as he may deem desirable and under such conditions as he may impose, exempt a person referred to in sub-section (2) from the provisions of that sub-section.

2. No person shall convey into the Union or from one place to another within the Union any citrus tree or any part of a citrus tree which is infected with psorosis or scaly bark.

3. (1) Any person who fails to comply with any requirement of section one, or who contravenes the provisions of section two, shall be guilty of an offence and liable on conviction to the penalties prescribed by section twenty-seven of the Agricultural Pests Act, 1911 (Act No. 11 of 1911).

(2) If any person whose duty it is under section one to destroy any tree fails to do so, the Minister of Agriculture may cause the land whereon such tree is standing to be entered and such tree to be destroyed, and may recover the cost of such destruction from such person.

4. No compensation shall be paid out under section seven or fifteen of the Agricultural Pests Act, 1911 (Act No. 11 of 1911), to any person in respect of the destruction of any tree in terms of this Act.

5. The Governor-General may make regulations, not inconsistent with this Act, prescribing the manner in which citrus trees shall be destroyed under sub-section (2) of section one, and defining the circumstances in which the Minister of Agriculture may grant the exemption referred to in sub-section (3) of section one.

6. This Act may be cited as the Psorosis Act, 1927.

Destruction of citrus trees affected by scaly bark.

Prohibition of removal of infected trees.

Penalties.

No compensation to be paid.

Regulations.

Short title.

No. 42, 1927.]

WET

Om voorsiening te maak vir die uitroeiing van die sietrussiekte genoem psorosis of skurwebas.

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

1. (1) Iemand wat in besit is van, of die toesig het op, of die sorg het oor 'n sietrusboom wat besmet is of waarvan gegronde vermoede bestaan dat hy besmet is met die siekte genoem psorosis of skurwebas, moet onverwyld daarvan skriftelik kennis gee aan die Sekretaris van Landbou.

(2) Elke sodanige boom moet, met inagneming van die bepalings van sub-artikel (3), onverwyld volgens voorskrif van regulasies, kragtens hierdie Wet uitgevaardig, vernietig word—

- (a) as die eienaar van die grond waarop daardie boom staan die beskikkingsreg het oor enige vrugte wat daardie boom mog dra, dan deur daardie eienaar; of
- (b) as iemand anders as bedoelde eienaar daardie reg het, dan deur daardie ander persoon op bevel van 'n amptenaar wat die Minister van Landbou aangewys het om sulke bevel te gee.

(3) Die Minister van Landbou mag onder die omstandighede, omskrywe in regulasies kragtens hierdie Wet uitgevaardig, en wel vir solank as wat hy dit wenslik ag en onder sodanige voorwaardes as wat hy mog bepaal, iemand vermeld in sub-artikel (2) van die bepalings van daardie sub-artikel vrystel.

2. Niemand mag 'n sietrusboom of enige deel van 'n sietrusboom wat met psorosis of skurwebas besmet is, in die Unie invoer of van een plek na 'n ander in die Unie vervoer.

3. (1) Iemand wat in gebreke bly om aan 'n vereiste van artikel een te voldoen of wat die bepalings van artikel twee oortree, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe bepaal in artikel sewen-en-twintig van die Landbouplagen Wet, 1911 (Wet No. 11 van 1911).

(2) As iemand wat kragtens artikel een verplig is om 'n boom te vernietig, in gebreke bly om dit te doen, dan mag die Minister van Landbou die grond waarop daardie boom staan, laat betree en daardie boom laat vernietig en hy mag die koste van die vernietiging op bedoelde persoon verhaal.

4. Geen skadevergoeding ingevolge artikel sewe of vyftien van die Landbouplagen Wet, 1911, (Wet No. 11 van 1911) word aan iemand uitbetaal weens vernietiging van 'n boom volgens hierdie Wet.

5. Die Goewerneur-generaal mag regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig, waarin voorgeskrywe word hoe sietrusbome ingevolge sub-artikel (2) van artikel een vernietig moet word en waarin die omstandighede omskrywe word waaronder die Minister van Landbou die vrystelling vermeld in sub-artikel (3) van artikel een mag verleen.

6. Hierdie Wet mag aangehaal word as die Psorosis Wet, Kort tiel. 1927.

Vernietiging van sietrus-bome wat met skurwebas besmet is.

Verbod van vervoer van besmette bome.

Straf-bepalings.

Geen skade-vergoeding word betaal.

Regulasies.

artificially conserved. He may further take from such land wood for his personal use. The quantity of such wood and water taken shall be such as the mining commissioner may authorize and shall be taken under such conditions as he may prescribe.

(4) On Crown land open to prospecting a prospector may peg an area called a prospecting area as far as possible rectangular in shape and not exceeding two thousand feet in length and two thousand feet in breadth, which shall be pegged by placing in accordance with regulation pegs on its sides and angular points.

(5) No prospecting area shall be pegged between sunset and sunrise nor on a Sunday or on any day declared by or appointed under law to be a public holiday.

(6) A prospector who has fulfilled the conditions of subsection (4) of this section shall have the exclusive right of prospecting such area during the currency of his permit, so long as he prospects to the satisfaction of the mining commissioner, and fulfils all conditions prescribed by regulation.

(7) Such prospector may at any time abandon, or provided that no area lawfully pegged by another prospector is interfered with, alter the position of his prospecting area and shall report the pegging, or the alteration, or the abandonment, of the area (as the case may be) in writing to the mining commissioner or to a claim inspector or mining constable within three days thereafter. Whenever he abandons or alters the area or forfeits the rights aforesaid, or whenever his prospecting permit expires, he shall remove his pegs. If such prospector fail to comply with any provision of this sub-section, he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds, and shall lose all rights which he might otherwise claim under section *thirteen* of this Act.

(8) No prospector shall be entitled to peg or hold more than one prospecting area at one and the same time in any one mining district.

(9) It shall be the duty of every prospector on Crown land open to prospecting prior to the abandonment of his prospecting area, to fill up with ground, rock or debris, and level with the surface all dangerous excavations and shafts made by him: Provided that the mining commissioner may authorize in lieu of such filling up the erection of a fence or other suitable protection approved by him. If the prospector fail to comply with any provision of this sub-section he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and the mining commissioner may cause such excavations and shafts to be fenced or filled up at the expense of the prospector.

(10) Every prospector shall be obliged in respect of any prospecting area pegged by him on Crown land open to prospecting, to prospect thereon, to the satisfaction of the mining commissioner and to be in personal attendance during prospecting operations and if he make default in so prospecting, or if he fail to comply with any of the provisions of this section the mining commissioner may notify him in writing that all rights under his prospecting permit in respect of the area pegged by him are forfeited and the prospector shall not be permitted to peg another prospecting area in the same mining district for a period of six months, notwithstanding the currency of his permit.

B.—On Crown Land alienated under title containing a reservation of precious stones to the Crown.

5. (1) Subject to the provisions of this Act, every surface owner and every licensee and lessee of Crown land who has exercised the right of purchase of such land in terms of his licence or lease, in whose title, licence or lease there is a reservation of precious stones to the Crown, shall, notwithstanding anything in any law contained, have the exclusive right of prospecting for such reserved precious stones on his land, either by himself or

nie. Hy mag verder van daardie grond hout neem vir sy persoonlike gebruik. Soveel hout en water mag geneem word as wat die mynkommissaris mog veroorloof en dit moet geneem word op sulke voorwaardes as wat hy mog vasstel.

(4) 'n Prospekteerder mag op Kroongrond waarop dit vrystaan om te prospekteer 'n terrein, wat prospekteerterrein genoem word, afpen, soveel as moontlik reghoekig van vorm en nie meer as tweeduisend voet lank en tweeduisend voet breed nie, wat afgepen moet word deur, volgens regulasies, penne te slaan op die sykante en hoekpunte.

(5) Geen prospekteerterrein mag afgepen word tussen sonder en sonop nie, nog op 'n Sondag of op enige dag wat kragtens 'n wet tot 'n openbare feesdag verklaar of as sodanig aangewys is.

(6) 'n Prospekteerder wat aan die voorwaardes van sub-artikel (4) van hierdie artikel voldoen het, het die uitsluitende reg om gedurende die geldigheid van sy permit op daardie terrein te prospekteer solank as die mynkommissaris met sy prospekteer tevrede is en hy voldoen aan alle deur regulasies bepaalde voorwaardes.

(7) So 'n prospekteerder mag te eniger tyd sy prospekteerterrein opgee of, mits geen inbreuk gemaak word op die terrein wat deur 'n ander prospekteerder wettig afgepen is, die ligging daarvan verander en hy moet binne drie dae nadat hy die terrein afgepen, verander of opgegee het (soas die geval mag wees) skriftelik daarvan aan die mynkommissaris of aan 'n kleim-inspekteur of mynkonstabel kennis gee. As hy die terrein opgee of verander of die voormelde regte verbeur, of as sy prospekteerpermit verloop, moet hy sy penne verwyder. As so 'n prospekteerder versuim om aan enige bepaling van hierdie sub-artikel te voldoen, dan is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond en verloor hy alle regte waarop hy anders kragtens artikel *dertien* van hierdie Wet aanspraak sou kan maak.

(8) Geen prospekteerder is geregtig om gelyktydig in een myndistrik meer as een prospekteerterrein af te pen of te besit.

(9) Elke prospekteerder op Kroongrond waarop dit vrystaan om te prospekteer is verplig om, voordat hy sy prospekteerterrein opgee alle gevaarlike uitgrawings en skagte wat deur hom gemaak is met grond, rots of puin op te vul en met die oppervlakte gelyk te maak: Met die verstande dat die mynkommissaris magtiging mag verleen tot die oprigting in plaas van daardie opvulling van 'n heining of ander geskikte deur hom goedgekeurde beskerming. As die prospekteerder versuim om aan enige bepaling van hierdie sub-artikel te voldoen, dan is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond en die mynkommissaris mag sulke uitgrawings en skagte op koste van die prospekteerder laat omhein of opvul.

(10) Elke prospekteerder is verplig om op 'n prospekteerterrein wat hy afgepen het op Kroongrond waarop dit vrystaan om te prospekteer, tot tevredeheid van die mynkommissaris te prospekteer, en om gedurende die prospekteerwerkzaamhede persoonlik teenwoordig te wees en as hy in gebreke bly om aldus te prospekteer of as hy versuim om aan enige van die bepalinge van hierdie artikel te voldoen, mag die mynkommissaris hom skriftelik kennis gee dat al sy regte kragtens sy prospekteerpermit ten opsigte van die terrein wat hy afgepen het, verbeur is en die prospekteerder is nieteenstaande die geldigheid van sy permit, gedurende 'n tydperk van ses maande nie geregtig om 'n ander prospekteerterrein in dieselfde myndistrik af te pen nie.

B.—Op Kroongrond vervreem met 'n tiel waar 'n voorbehoud van edelgesteentes aan die Kroon voorkom.

5. (1) Met inagneming van die bepalinge van hierdie Wet het elke oppervlakte-eienaar en elke vergunninghouer en huurder van Kroongrond, wat sy reg om daardie grond te koop uitgeoefen het volgens sy vergunning of huurkontrak, in wie se tielbewys, vergunning of huurkontrak 'n voorbehoud van edelgesteentes aan die Kroon bestaan, nieteenstaande die bepaling van enige wet, die uitsluitende reg om na sulke voorbehoue edelgesteentes op sy grond te prospekteer, hetsy per-

Regte en verpligtinge van besitter van Kroongrond vervreem met 'n voorbehoud van edelgesteentes aan die Kroon.

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not more than one person nominated by him: Provided that he previously takes out a prospecting permit in the form prescribed by regulation, and provided further that in the case of a licensee or lessee the consent in writing of the Minister to such prospecting be first obtained. In the case of a licensee or lessee such right of prospecting shall be granted only for the duration of his lease or licence and any prospecting permit issued under this Act or the regulations made thereunder shall *ipso facto* be cancelled on the termination or cancellation of the lease or licence. "Duration of his lease or licence" shall for the purposes of this section include the period between the date on which the right to purchase the land in terms of the lease or licence has been exercised and the date of registration of a Crown Grant or deed of transfer in respect of such land.

(2) In the event of prospecting being permitted and undertaken as aforesaid the surface owner, licensee or lessee shall, in consideration of the issue to him or his nominee of a prospecting permit as hereinafter provided, waive for himself and for his successor in title every right, whether present or future, to claim compensation from the Government for any loss, damage or encroachment which he may at any time sustain by reason of prospecting or mining for and the exploitation of such reserved precious stones on and under his land, or of any act incidental to such prospecting, mining or exploitation or by reason of the resumption or proclamation of the said land or any part thereof by the Government for mining purposes; nor shall such surface owner, licensee or lessee be entitled to surrender under any law dealing with the disposal of land for settlement purposes the whole or any portion of his land on the resumption or proclamation of his land for prospecting or mining purposes.

(3) No such prospecting permit shall be issued unless the surface owner, licensee or lessee produces to the issuing officer his title deed, licence or lease of the land or other document entitling him to occupation of the land on which it is desired to prospect. The waiver referred to in sub-section (2) of this section shall be in the form set out in the Second Schedule to this Act, and be completed in duplicate. The duplicate original of the prospecting permit and of the waiver so completed shall be transmitted by the issuing officer to the registrar of deeds for the area in which the land is situate. The issuing officer shall also forward the title deed, licence or lease of the land or other document entitling the occupier to occupy the land to such registrar, who shall cause an endorsement to be made thereon and on the copy of such title deed, licence or lease or other document filed in his deeds registry, and also on the Land Department's copy, to the effect that such title deed, licence, lease or other document is subject to the waiver set out in sub-section (2), and make the necessary entries in his registers:

Provided that no such prospecting permit shall be issued and no such endorsement shall be made without the written consent of the registered holder of any mortgage bond over the land:

Provided further that the provisions of sub-sections (2) and (3) of this section shall not apply to surface owners of land in the Province of the Cape of Good Hope in whose title there is a reservation of precious stones to the Crown unless such land is held under the Land Settlement Act, 1912 (Act No. 12 of 1912), or any amendment thereof.

C.—On Private Land.

6. (1) The owner of private land may—

- (a) himself, or by his servants acting under his authority, and on his behalf prospect for precious stones on that land without a prospecting permit;
- (b) permit not more than five persons to prospect for precious stones on that land on such terms and conditions

Prospecting
by owner for
precious
stones.

soonlik of deur nie meer dan een persoon deur hom gemagtig: Met die verstande dat hy vooraf 'n prospekter-permit uitneem in die by regulasie voorgeskrewe vorm en met die verstande verder dat in die geval van 'n vergunninghouer of huurder die skriftelike toestemming van die Minister tot daardie prospekter eers verkry word. In die geval van 'n vergunninghouer of huurder word daardie prospekterreg slegs gedurende sy huur of vergunning verleen en 'n prospekter-permit uitgereik ingevolge hierdie Wet of die ingevolge daarvan uitgevaardigde regulasies verval *ipso facto* met die beëindiging of intrekking van die huur of vergunning. "Gedurende sy huur of vergunning" omvat, vir die doeleindes van hierdie artikel, die tydperk tussen die dag waarop die reg om die grond te koop volgens die huurkontrak of vergunning uitgeoefen is, en die dag van registrasie van 'n grondbrief of transportakte van daardie grond.

(2) In geval, soas voormeld, kragtens permit geprospekter word, moet die oppervlakeienaar, vergunninghouer of huurder, op grond van die uitreiking aan hom of sy gemagtigde van 'n prospekter-permit soas hieronder bepaal vir homself en sy regsopvolger afstand doen van al sy teenswoordige en toekomstige regte om van die Regering vergoeding te eis van enige verlies, skade of inbreuk wat hy te eniger tyd mog ly as 'n gevolg van die prospekter na of myn en ontginning van sulke voorbehoude edelgesteentes op en onder sy grond of as 'n gevolg van enige handeling verrig in verband met sulke prospekter, myn of ontginning of as 'n gevolg van die terugneming of proklamering van bedoelde grond of 'n gedeelte daarvan deur die Regering vir myndoelindes, nog is daardie oppervlakeienaar, vergunninghouer of huurder geregtig om, ingevolge enige wet betreffende die vervreemding van grond vir nedersettings-doeleindes, by die terugneming of proklamering van daardie grond vir prospekter- of myndoelindes, van sy grond of 'n gedeelte daarvan afstand te doen.

(3) So 'n prospekter-permit word nie uitgereik nie tensy die oppervlakeienaar, vergunninghouer of huurder aan die uitreikende amptenaar sy tielbewys, vergunning of huur van die grond of ander dokument wat hom reg gee tot besetting van die grond waarop hy wil prospekter, vertoon. Die afstand bedoel in sub-artikel (2) van hierdie artikel, moet beliggaam wees in die vorm opgeneem in die Tweede Bylae tot hierdie Wet en in tweevoud uitgemaak wees. Die uitreikende amptenaar moet die oorspronklike duplikaat van die prospekter-permit en van die aldus uitgemaakte afstand deurstuur aan die registrateur van aktes vir die gebied waarin die grond geleë is. Die uitreikende amptenaar moet ook die tielbewys, huur of vergunning van die grond of die ander dokument wat aan die besitter die reg gee om die grond te beset, deurstuur aan daardie registrateur wat daarop en op die eksemplaar van daardie tielbewys, huur of vergunning of ander dokument, in bewaring in sy registrasie-kantoor en ook op die Departement van Lande se eksemplaar laat aanteken dat daardie tielbewys, huur, vergunning of ander dokument onderhewig is aan die afstand vermeld in sub-artikel (2) en die nodige aantekeninge in sy registers maak:

Met die verstande dat so 'n prospekter-permit nie uitgereik, nog so 'n aantekening gemaak mag word sonder die skriftelike toestemming van die geregistreerde houer van 'n verband op die grond:

Met die verstande ook dat die bepalinge van sub-artikels (2) en (3) van hierdie artikel nie toepaslik is nie op oppervlakeienaars van grond in die Provinsie Kaap die Goeie Hoop, in wie se tiel 'n voorbehoud van edelgesteentes aan die Kroon voorkom, tensy daardie grond besit word volgens die Kroongrond Nederzettinge Wet, 1912 (Wet No. 12 van 1912), of 'n wysiging daarvan.

C.—Op Private Grond.

6. (1) Die eienaar van private grond mag—

- (a) self of deur sy diensbodes wat kragtens sy magtiging en namens hom handel, sonder prospekter-permit op daardie grond na edelgesteentes prospekter;
- (b) aan nie meer as vyf persone nie toestaan om op daardie grond na edelgesteentes te prospekter op sulke voor-

Prospekte
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as he may have in writing prescribed: Provided that such persons are holders of diggers' certificates: Provided further that no local authority shall prospect or permit prospecting under this sub-section unless it has first obtained the written consent of the Executive Committee of the Provincial Council concerned.

(2) The owner, when he intends to exercise rights under paragraph (a) of sub-section (1) of this section, shall give notice in writing to the mining commissioner and when he permits any specified person to prospect, shall give notice in writing of that fact to the mining commissioner, and shall transmit therewith the name and address of that person and state the period for which the permission has been given.

Except as provided in sub-section (1) and in this sub-section, no person shall prospect on any private land, and any owner of private land who makes default in complying with any requirement of this sub-section shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

D.—Miscellaneous.

7. (1) Nothing contained in this Act shall in any way affect the rights of the Crown, whether declared in any document of title or otherwise, to resume for public or mining purposes any land held with a reservation of precious stones to the Crown.

(2) The Governor-General may by proclamation in the *Gazette*, notwithstanding anything in this or any other Act contained, permit, prohibit or restrict prospecting on any Crown land, and prohibit or restrict it on any other land.

(3) The Governor-General may cause to be carried out any prospecting operations on unalienated Crown land.

8. (1) Subject to the provisions of this Chapter a prospecting permit shall, upon application, be issued by the mining commissioner of the district in which the prospecting is to be carried out to any natural person who holds a digger's certificate obtained in the manner provided by section fifty-seven of this Act, and shall not be transferable:

Provided that the surface owner of Crown land prospecting thereon himself, or by his servants acting under his authority shall not be obliged to hold a digger's certificate.

(2) Every prospecting permit shall be in the form prescribed by regulation for unoccupied unalienated Crown land, Crown land held under title containing a reservation of precious stones to the Crown and private land respectively, and shall, subject to the provisions of this Act, authorize the holder thereof to prospect for precious stones on the land specified therein for a period not exceeding one month from the date of its issue, or the currency of the holder's digger's certificate. A licence fee of two shillings and sixpence per month payable in advance shall be charged for a prospecting permit.

(3) In carrying on prospecting operations under this Act no person whether on private land or Crown land shall employ more than ten servants or labourers or any European labourer who is not the holder of a digger's certificate.

(4) The mining commissioner may at any time by notice in writing served upon any person carrying out any operations purporting or alleged to be prospecting operations declare that such operations amount to digging and may prohibit the continuance of such operations.

(5) The withdrawal from prospecting of any land, or the prohibition or restriction of prospecting shall not prejudice the application of a prospector for a certificate of discovery in respect of any prospecting lawfully carried on by him before such withdrawal, prohibition or restriction.

9. (1) A prospecting permit shall not authorize the holder thereof to prospect, or peg a prospecting area, in or on—

(a) surveyed erven or stands in any town, village or township, or on any public square, street, road, cemetery, or in a municipal location, or on any

waardes as wat hy skriftelik mag gestel het, mits daardie persone in besit van delwersertifikate is: Met die verstande verder dat geen plaaslike bestuur kragtens hierdie sub-artikel mag prospekteer of laat prospekteer tensy hy vooraf die skriftelike toestemming ontvang het van die uitvoerende komitee van die betrokke provinsiale raad.

(2) Wanneer die eenaar voornemens is om sy regte volgens paragraaf (a) van sub-artikel (1) van hierdie artikel uit te oefen, moet hy aan die mynkommissaris skriftelik kennis gee en as hy aan 'n bepaalde persoon toestaan om te prospekteer, moet hy van daardie feit skriftelik aan die mynkommissaris kennis gee en teweens die naam en die adres van daardie persoon opstuur en die tydperk vermeld waarvoor die toestemming gegee is. Niemand mag op private grond prospekteer behalwe volgens bepaling van sub-artikel (1) en van hierdie sub-artikel en 'n eenaar van private grond wat versuim om aan 'n vereiste van hierdie sub-artikel te voldoen, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

D.—Gemengde Bepalings.

7. (1) Geen bepaling van hierdie Wet beïnvloed die regte van die Kroon, hetsy die in 'n tielakke uiteengesit is of andersins, om grond, besit met 'n voorbehoud van edelgesteentes aan die Kroon, vir myn- of publieke doeleindes terug te neem.

(2) Nieteenstaande enige bepaling van hierdie 'n ander Wet, mag die Goewerneur-generaal by proklamasie in die *Staatskoerant* die prospekteer op Kroongrond toestaan, verbied, of beperk en dit op ander grond verbied of beperk.

(3) Die Goewerneur-generaal mag enige prospekteer-werksaamhede op onvervreemde Kroongrond laat verrig.

8. (1) Met inagneming van die bepaling van hierdie Hoofstuk moet 'n prospekteerpermit deur die mynkommissaris van die distrik waarin geprospekteer sal word op aanvraag uitgereik word aan elke mens wat 'n delwersertifikaat verkry het soos artikel *sewen-en-vyftig* van hierdie Wet bepaal en is nie oordraagbaar nie: Met die verstande dat die oppervlakte-eenaar van Kroongrond wat self of deur sy diensbodes, wat kragtens sy magtiging handel, daarop prospekteer, geen delwersertifikaat behoeft te besit nie.

(2) Elke prospekteerpermit moet vervat wees in die vorm deur die regulasies respektieffik voorgeskrywe vir onbesette, onvervreemde Kroongrond, Kroongrond besit kragtens 'n tielakke waarin 'n voorbehoud van edelgesteentes aan die Kroon voorkom en private grond, en magtig, met inagneming van die bepaling van hierdie Wet, die houer daarvan om gedurende 'n tydperk van hoogstens een maand vanaf die datum van uitreiking daarvan, of die geldigheid van die delwersertifikaat van die houer, op daarin genoemde grond, na edelgesteentes te prospekteer. Vir 'n prospekteerpermit word 'n lisensiegeld van twee sjielings en sikspens per maand, vooruit betaalbaar, bereken.

(3) By die verrigting van prospekteerwerksaamhede ingevolge hierdie Wet, mag niemand, hetsy op private grond of op Kroongrond, meer as tien bediendes of arbeiders of 'n blanke arbeider wat nie die houer van 'n delwersertifikaat is nie, in diens stel.

(4) Die mynkommissaris mag te eniger tyd deur 'n skriftelike kennisgewing aan iemand wat werksaamhede verrig waarvan voorgegee of beweer word dat dit prospekteerwerksaamhede is, verklaar dat daardie werksaamhede delf uitmaak en mag die voortsetting van daardie werksaamhede verbied.

(5) As grond van prospekteer onttrek word of prospekteer verbied of beperk word, maak dit geen inbreuk op die aansoek van 'n prospekteerder om 'n sertifikaat van ontdekking met betrekking tot prospekteer wat hy wettig uitgevoer het voor daardie onttrekking, verbod of beperking.

9. (1) 'n Prospekteerpermit gee aan die houer daarvan die reg om te prospekteer of 'n prospekteerterrein af te pen

(a) opgemete erwe of standplase in 'n stad of dorp of op 'n publieke plein, straat, pad, begraaftplek of munisi-

Uitreiking van en regte verbonde aan prospekteer-permitte.

Waar prospekteer beperk is.

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open spaces in any township or on any land reserved for or declared by the Minister to be required for public purposes;

- (b) any railway, as defined in the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), public works, tram line, stand, tailings, bewaarplaats, surface right or water right granted under this Act or any other law relating to mining;
- (c) any mine, mining area or residential area, or on any alluvial digging or on any land held under any licence or other mining title held by any other person under this Act or any prior law relating to precious stones, or under any law relating to mining, or on any prospecting area held by any other person under this Act or any other such law;
- (d) any other place reserved under this Act or a prior law relating to precious stones or under any law relating to mining or on any place pointed out by the mining commissioner by notice posted at his office as reserved from prospecting or pegging;
- (e) Crown land occupied under lease or licence under any law dealing with the disposal of Crown land without the consent in writing of the Minister;
- (f) Crown land advertised for disposal by notice in the *Gazette*, except with the consent in writing of the Minister, notwithstanding that it may be open to prospecting under section four;
- (g) any land used as a garden, orchard, vineyard, nursery, plantation, or on land under cultivation or within three hundred feet of any spring, well, water borehole, reservoir, dam, artificial water-course, or water-works, or within six hundred feet of any house, homestead, or building except with the written permission of the surface owner;
- (h) land which is either used or has been formally reserved in connection with any scheme of irrigation, or in any Government plantation, demarcated forest or forest reserve without the written permission of the Minister;
- (i) a native location or native reserve or trust land, which is Crown land, unless the written permission of the Minister of Native Affairs has been obtained; or
- (j) a native location, native reserve or native trust land whereof a chief or tribe is the owner, unless the written consent of such chief and tribe has been obtained as well as the written consent of the Minister of Native Affairs.

(2) Any person carrying on prospecting on land in respect of which he is not lawfully authorized to prospect shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds, and all precious stones found by him during such illegal prospecting may be confiscated.

10. Any prospector shall in the absence of regulations be entitled to all the precious stones found by him in the course of *bona fide* prospecting operations: Provided that the Governor-General may from time to time make regulations prescribing that any prospector shall pay a share of the proceeds of any precious stones into the Consolidated Revenue Fund, or prescribing the share of the proceeds to which the Crown and the prospector shall be entitled respectively. Such regulations may prescribe varying shares for different areas, and may provide for such measures of control, safe custody and disposal of precious stones as may, in the opinion of the Governor-General be necessary to ensure the payment of such share.

Crown's share in precious stones won by prospecting.

pale lokasie of op 'n ope plek in 'n dorp of op grond wat uitgehou of deur die Minister nodig verklaar is vir publieke doeleindes;

- (b) 'n spoorweg (soas omskrywe in die Spoorwegan en Havens Reglement, Bestuur en Beheer Wet, 1916 (Wet No. 22 van 1916)), publieke werke, tremlyn, standplaas, tailings, bewaarplaas, oppervlaktereg of waterreg, wat kragtens hierdie Wet of 'n ander wet betreffende die mynbedryf toegeken is;
- (c) 'n myn, mynterrein, of woonterrein, of op 'n alluwiale delwery, of grond wat deur iemand anders besit word kragtens 'n vergunning of ander mynreg ingevolge hierdie Wet of 'n vorige wet betreffende edelgesteentes of ingevolge enige ander wet betreffende die mynbedryf, of op 'n prospekterterrein wat iemand anders kragtens hierdie of so 'n ander wet besit;
- (d) enige ander plek kragtens hierdie Wet of 'n vorige wet betreffende edelgesteentes of enige ander wet betreffende die mynbedryf uitgehou, of op enige plek wat deur die mynkommissaris by kennisgewing in sy kantoor aangeplak, as uitgehou van prospekter of afpenning aangewys is;
- (e) Kroongrond besit kragtens huur of vergunning ingevolge 'n Wet op vervreemding van Kroongrond sonder skriftelike toestemming van die Minister;
- (f) Kroongrond wat by kennisgewing in die *Staatskoerant* geadverteer is om van die hand gesit te word, tensy met skriftelike toestemming van die Minister, niesteendaande dat dit kragtens artikel vier mag vrystaan om daarop te prospekter;
- (g) enige grond gebruik as 'n tuin, vrugteboord, wingerd, kwekery, plantasie, of beboude grond, of binne driehonderd voet van 'n fontein, waterput, waterboorgat, reservoir, dam, kunsmatige waterloop, of waterwerke, of binne seshonderd voet van 'n huis, woning of gebou tensy met die skriftelike toestemming van die oppervlakeienaar;
- (h) grond wat of gebruik of formeel uitgehou is in verband met 'n besproeiingskema, of 'n Regeringsplantasie, gedemarkeerde bos of bosreservaat, tensy met die skriftelike toestemming van die Minister;
- (i) 'n natuurlelokasie of natuurereservaat, of trustgrond, wat Kroongrond is, tensy die skriftelike toestemming van die Minister van Naturellesake verkry is; of
- (j) 'n natuurlelokasie, natuurereservaat of natuuretrustgrond waarvan 'n kaptein of stam die eienaar is tensy die skriftelike toestemming van daardie kaptein en stam en ook die skriftelike toestemming van die Minister van Naturellesake verkry is.

(2) Iemand wat prospekter op grond waarop hy nie wettige bevoegdheid het om te prospekter nie is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond en alle edelgesteentes wat hy gedurende sulke onwettige prospekter gevind het, mag verbeurd verklaar word.

10. 'n Prospekterder is as daar geen regulasies is nie geregtig op alle edelgesteentes wat hy gevind het in die loop van *bona fide* prospekterwerkzaamhede: Met die verstande dat die Goewerneur-generaal van tyd tot tyd regulasies mag uitvaardig waarin bepaal word dat 'n prospekterder 'n deel van die opbrings van edelgesteentes in die Gekonsolideerde Inkomstefonds moet betaal of waarin vasgestel word die aandeel in die opbrings waarop die Kroon en die prospekterder elkeen geregtig is. Sulke regulasies mag afwykende aandeel vir verskillende streke vasstel en mag sodanige maatreëls van toesig, versekerde bewaring en vervreemding van edelgesteentes bepaal as wat, volgens oordeel van die Goewerneur-generaal, nodig mag wees om die betaling van daardie aandeel te verseker.

Aandeel die Kroon edelgestes deur prospektering verkry.

CHAPTER II.

DISCOVERY.

11. (1) Notwithstanding anything contained in any law relating to the possession or disposal of diamonds, every prospector who has discovered precious stones shall forthwith give written notice of his discovery to the mining commissioner, and within fifteen days thereafter shall transmit a declaration to the mining commissioner in the form set out in the Third Schedule to this Act showing the weight and value of the precious stones found, the extent of ground worked and the number of persons employed by him. Notwithstanding anything in any other law contained a copy of the said declaration shall be submitted personally to the chief of the diamond detective department or his deputy or if more convenient to the magistrate of the district in which the prospecting is being carried out and the prospector shall also produce to such officer for inspection the precious stones referred to in the said declaration. The prospector shall at all times furnish such information in regard to his prospecting operations as the mining commissioner may demand.

(2) The prospector shall thereafter transmit to the mining commissioner, within one week after the last day of every calendar month or at such shorter intervals as the mining commissioner may prescribe, a similar declaration in respect of the prospecting operations conducted by him during that month or such shorter interval. A copy of the said declaration together with the precious stones referred to therein shall also be produced to the chief of the diamond detective department or to the magistrate in accordance with the provisions of the preceding sub-section.

(3) If the prospector fail to comply with any provision of this section, or make a declaration false in any material particular, knowing the same to be false, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds. Upon conviction of a prospector of such an offence the Minister may declare forfeited any rights which might have accrued to the prospector under this Act in respect of the said discovery, or (as the case may be) any rights that may have been granted in consequence of the false declaration.

12. The mining commissioner may at any time order any prospector to carry out washing operations with such plant as he has at his disposal to his satisfaction and under his supervision or that of any person appointed thereto on his behalf in order to ascertain whether the material excavated by him contains precious stones in sufficient quantities to justify proclamation and, in the event of the prospector refusing to comply with any such order he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds. The cost of such operations shall be defrayed out of the Consolidated Revenue Fund.

13. (1) When a prospector has at any place discovered any precious stones, and when also the mining commissioner is satisfied that such discovery of precious stones is genuine, and that there are reasonable grounds for believing that they exist at the said place in payable quantities, he shall issue to the prospector a certificate in the form prescribed by regulation entitling him on proclamation—

(a) in the case of precious stones in alluvial to select on unalienated Crown land twenty claims, on alienated Crown land thirty claims and on private land in the Transvaal sixty claims and in the Cape of Good Hope, Orange Free State and Natal two hundred claims respectively;

(b) in the case of precious stones in a mine to a three-tenths undivided share in such mine if on unalienated Crown land and if on private land or Crown land held under title containing a reservation of precious stones to the Crown, to a one-fifth of the share in such mine to which the owner or surface owner is entitled under Chapter III of this Act:

HOOFSTUK II.

ONTDEKKING.

11. (1) Nieteestaande die bepalings van enige wet op die besit of vervreemding van diamante, moet elke prospekterder wat edelgesteentes ontdek het van sy ontdekking onmiddellik skriftelik kennis gee aan die mynkommissaris en binne vyftien dae daarna 'n verklaring in die vorm opgeneem in die Derde Bylae tot hierdie Wet aan die mynkommissaris instuur waarin aangegee word die gewig en die waarde van die gevonde edelgesteentes, die grootte van die bewerkte grond en die aantal persone wat by hom in diens is. Nieteestaande ander wetsbepalings moet 'n kopie van die genoemde verklaring persoonlik voorgelê word aan die hoof van die diamantspeurdiens of sy verteenwoordiger of indien meer gerieflik aan die magistraat van die distrik waarin geprospekter word en die prospekterder moet ook aan daardie amptenaar die edelgesteentes vermeld in bedoelde verklaring ter besigtiging voorlê. Die prospekterder moet te eniger tyd sulke inligtings omtrent sy prospekterwerk verstrekk as wat die mynkommissaris mag verlang.

(2) Die prospekterder moet daarna binne een week na die laaste dag van elke kalendermaand of met sulke korter tussenposes, as wat die mynkommissaris mog bepaal 'n dergelike verklaring ten opsigte van sy prospekterwerk gedurende die afgelopen maand of daardie kortere tussenposes aan die mynkommissaris instuur en 'n kopie van daardie verklaring moet, met die daarin vermelde edelgesteentes, aan die hoof van die diamantspeurdiens of aan die magistraat voorgelê word ooreenkomstig die bepalings van die voorgaande sub-artikel.

(3) As die prospekterder versuim om aan 'n bepaling van hierdie artikel te voldoen, of as hy 'n valse verklaring maak op enige punt van belang, met wete dat dit vals is, dan is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond. By veroordeling van 'n prospekterder weens so 'n misdryf mag die Minister alle regte wat kragtens hierdie Wet aan die prospekterder sou kan toegekome het ten opsigte van daardie ontdekking of (soos die geval mag wees) alle regte wat aan hom as 'n gevolg van daardie valse verklaring toegeken mag wees, verbeurd verklaar.

12. Die mynkommissaris mag te eniger tyd 'n prospekterder gelas om waswerk uit te voer met die bedryfsinrigting waarvoor hy beskik, en wel tot sy tevredenheid en onder sy toesig of onder toesig van iemand namens hom daartoe aangestel, om uit te vind of die materiaal wat deur hom uitgegrawe is 'n genoegsame hoeveelheid edelgesteentes bevat om 'n proklamerende te regverdig en in geval die prospekterder weier om aan so 'n bevel te voldoen, is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond. Die koste van sulke werksaamhede word uit die Gekonsolideerde Inkomstefonds betaal.

13. (1) As 'n prospekterder op enige plek edelgesteentes ontdek het en as ook die mynkommissaris oortuig is dat dit 'n werklike ontdekking van edelgesteentes is en dat daar redelike grond is om aan te neem dat hulle op daardie plek in betaalbare hoeveelhede voorkom, moet hy aan die prospekterder 'n sertifikaat uitreik in die by regulasie voorgeskrewe vorm, wat hom by proklamerende die reg gee—

(a) in die geval van edelgesteentes in alluwiale grond, om op onvervreemde Kroongrond twintig kleims, op vervreemde Kroongrond dertig kleims en op private grond in Transvaal sestig kleims en in die Kaap die Goeie Hoop, Oranje-Vrystaat en Natal respektiefflik tweehonderd kleims uit te soek;

(b) in die geval van edelgesteentes in 'n myn, op 'n onderverdeelde aandeel van drietiendes in daardie myn wanneer op onvervreemde Kroongrond en wanneer op private grond of op Kroongrond besit kragtens 'n tiel waar 'n voorbehoud van edelgesteentes aan die Kroon voorkom, op een-vyfde van die aandeel in daardie myn waarop die eienaar of oppervlakeienaar geregtig is ingevolge Hoofstuk III van hierdie Wet:

Prospekterder moet ontdekking van edelgesteentes mee leel.

Mynkommissaris mag gelas dat prospekterder waswerk moet uitvoer, ens.

Regte en verpligtings van ontdekker.

Provided that in the case of Crown land held under lease or licence no certificate shall be issued under this sub-section unless and until a Crown Grant has been issued in respect of such land.

For the purposes of this sub-section "land" in relation to private land shall mean any area of ground in respect of which the rights to precious stones are registered separately in any deeds registry or any area of ground registered in any deeds registry without separate registration of the rights to precious stones.

(2) The claims selected in accordance with paragraph (a) of sub-section (1) of this section shall, within a period to be specified by the mining commissioner in writing, be defined by a sketch plan framed according to regulation and pegged over the workings where the discovery was made in one block, the length whereof shall not exceed twice the breadth.

(3) On the issue of the certificate mentioned in paragraph (a) of sub-section (1) of this section or in the case of a discovery on Crown land held under lease or licence if the mining commissioner gives notice in writing to the discoverer directing the cessation of prospecting operations, all prospecting on the land where the discovery has been made shall cease, or shall cease within such distance from the place of discovery as the mining commissioner may determine and no digging shall be carried on thereon until the land has been proclaimed.

(4) Any person carrying on prospecting or digging on land on which prospecting is forbidden under sub-section (3) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(5) If any dispute arise in regard to any matter mentioned in sub-section (1) the decision of the Minister in regard thereto shall be final.

Prospector failing to select discoverer's claims within period prescribed by the mining commissioner.

14. Any prospector who fails to select and peg in one block the claims awarded to him in accordance with paragraph (a) of sub-section (1) of section *thirteen* within the period prescribed by the mining commissioner as aforesaid, or within any such further period as the mining commissioner may, before proclamation, specify in writing, shall forfeit his rights to select such claims and all rights under his certificate shall lapse and determine.

Registration of discoverer's certificates and transfer of rights thereunder

15. (1) Notwithstanding anything in the Registration of Deeds and Titles Act, 1909, of the Transvaal contained, any certificate of discovery of precious stones in alluvial, whether granted under this Act or a prior law, or any transfer thereof, in accordance with section *sixty-six* of this Act, shall together with the sketch plan of the claims pegged or held thereunder be registered at the office of the mining commissioner in lieu of the registration provided for in that Act.

(2) A discoverer may, with the consent of the Minister in writing, transfer or hypothecate his interest in a mine. Upon such transfer the transferee shall have all the rights and be liable to all the obligations of the discoverer. In the case of a discoverer's certificate of precious stones in a mine, such certificate and any transfer or hypothecation thereof shall be registered in the Transvaal as a mining title by the registrar of mining titles under the Registration of Deeds and Titles Act, 1909, and in any other province by the registrar of deeds.

Provisions with regard to discoverer's claims.

16. With regard to discoverer's claims awarded on discovery of precious stones in alluvial, whether the award was made before or after the commencement of this Act, the following provisions shall apply:—

(1) All such claims shall be free from payment of licence moneys so long as they are worked to the satisfaction of the mining commissioner and so long as they are held by the discoverer in his own name but when transferred to any other person they shall be subject to the provisions of this Act relating to licence moneys and to all other conditions applicable in regard to ordinary claims on an alluvial digging.

Met die verstande dat in die geval van Kroongrond besit kragtens huur of vergunning, geen sertifikaat ingevolge hierdie sub-artikel uitgereik mag word nie tensy en voordat 'n grondbrief wat op daardie grond betrekking het, uitgereik is.

Vir die doel van hierdie sub-artikel beteken "grond" met betrekking tot private grond enige stuk grond in verband waarmee die regte op edelgesteentes afsonderlik in enige registrasie-kantoor van aktes geregistreer is of enige stuk grond wat in enige registrasie-kantoor van aktes geregistreer is sonder afsonderlike registrasie van die regte op edelgesteentes.

(2) Die ooreenkomstig paragraaf (a) van sub-artikel (1) van hierdie artikel uitgesoekte kleims moet binne 'n deur die mynkommissaris skriftelik vasgestelde tydperk deur 'n sketskaart, volgens die regulasies vervaardig, omskrywe word en oor die uitgrawings waar die ontdekking gemaak is, afgepen word en wel in een blok, waarvan die lengte nie meer as tweemaal die breedte mag bedra nie.

(3) Met die uitreiking van die sertifikaat genoem in paragraaf (a) van sub-artikel (1) van hierdie artikel of in geval van 'n ontdekking op Kroongrond gehou onder huur of vergunning as die mynkommissaris die ontdekker skriftelik kennis gee hom gelastende om prospekteer-werksaamhede te staak moet alle prospekteer ophou op die grond waar die ontdekking gemaak is, of binne so 'n afstand van die plek van ontdekking as wat die mynkommissaris mag bepaal en daar mag nie gedelf word nie totdat die grond geproklameer is.

(4) Iemand wat prospekteer of delwe op grond waarop prospekteer kragtens sub-artikel (3) van hierdie artikel verbied is, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(5) As 'n geskil ontstaan met betrekking tot 'n aangeleentheid vermeld in sub-artikel (1) is die beslissing van die Minister met betrekking daartoe finaal.

14. 'n Prospekteerder wat versuim om binne die tydperk vasgestel deur die mynkommissaris, soas voormeld of binne so 'n verdere tydperk as wat die mynkommissaris voor die proklamering skriftelik mag bepaal, die kleims wat aan hom ooreenkomstig paragraaf (a) van sub-artikel (1) van artikel *dertien* toegeken is, uit te soek en in een blok af te pen, verbeur sy reg om sulke kleims uit te soek en alle regte ingevolge sy sertifikaat verval en eindig.

As prospekteerder versuim om ontdek kleims te soek binne tydperk gestel deur mynkommissaris.

15. (1) Nieteenstaande die bepalings van die Wet op die Registrasie van Aktes en Tietelbewyse, 1909, van Transvaal, moet 'n sertifikaat van ontdekking van edelgesteentes in alluwiale grond, hetsy kragtens hierdie Wet of 'n vorige wet toegeken, of 'n transport daarvan ooreenkomstig artikel *ses-en-sestig* van hierdie Wet tesaam met die sketskaart van die kleims wat daaronder afgepen is of besit word, geregistreer word in die kantoor van die mynkommissaris in plaas van geregistreer te word soos daardie wet voorskryf.

Registrasie van ontdekkerssertifikaat en transport daarvan.

(2) 'n Ontdekker mag met die skriftelike toestemming van die Minister sy belang in 'n myn transporteer of met verband belas. In geval van so 'n transport het die transportnemer alle regte en is hy onderhewig aan al die verpligtings van die ontdekker. In die geval van 'n ontdekkerssertifikaat van edelgesteentes in 'n myn moet die sertifikaat en 'n transport of belasting met verband daarvan in Transvaal as 'n mynreg deur die Registrateur van Mynregte ingevolge die Wet op die Registrasie van Aktes en Tietelbewyse, 1909, en in elke ander provinsie deur die Registrateur van Aktes geregistreer word.

16. Ten opsigte van ontdekkerskleims, by die ontdekking van edelgesteentes in alluwiale grond toegeken, hetsy die toekening voor of na die inwerkingtreding van hierdie Wet plaasgevind het, is die volgende bepalings van toepassing:

Bepalings ten opsigte van ontdekkerskleims.

(1) Al sulke kleims is vry van betaling van lisensiegelde solank as hulle tot tevredeheid van die mynkommissaris bewerk word, en solank as die ontdekker hulle in sy eie naam besit, maar as hulle aan iemand anders oorgedra word val hulle onder die bepalings van hierdie Wet wat op lisensiegelde betrekking het en onder alle ander voorwaardes wat van toepassing is ten opsigte van gewone kleims op 'n alluwiale delwery.

- (2) If the claims are not worked to the satisfaction of the mining commissioner, licence moneys shall become payable thereon as in the case of ordinary claims :

Provided that one month's written notice to that effect has been given by the mining commissioner to the holder of such claims or his agent, and in the case of discoverer's claims granted before the commencement of this Act such licence moneys shall be calculated at the rate of five shillings per month for every two thousand and twenty-five square feet, or portion thereof, in the block.

- (3) If the licence moneys remain unpaid at the expiry of three months after the said notice has been given by the mining commissioner, the claims shall lapse and, if on proclaimed ground, may thereupon be declared open to pegging by the mining commissioner by notice posted at his office.

17. Any person who makes any declaration of discovery of precious stones well knowing that the precious stones declared to have been found were by himself or by some other person placed or deposited in or on the place or in the soil or rock dug out or removed from the place in which the declarant was prospecting, or who makes a declaration of discovery of precious stones well knowing that they were not naturally situated in or on the place or in the soil or rock where they were declared to have been found or discovered, or who makes any such declaration well knowing that the said precious stones were not found or discovered on or near the place where they were declared to have been found or discovered, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury, and all rights acquired by him to any claims in respect of such declaration of discovery shall lapse and determine.

18. (1) Any person who wilfully places or deposits or is accessory to the wilful placing or depositing of any precious stones in any place, with intent to persuade or induce any person to make a declaration of discovery of precious stones, or for the purpose of misleading the Governor-General or any other person as to the payable nature of a place where precious stones have been or may be declared to have been found, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud, and all rights acquired by him in such place shall lapse and determine.

(2) Whenever in any charge under this section the accused person is proved to have placed or deposited or to have been accessory to the placing or depositing of any precious stones in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Governor-General or any other person, the accused shall be deemed, until he prove the contrary, to have placed or deposited such precious stones in contravention of this section.

CHAPTER III.

RIGHTS OF OWNERS AND SURFACE OWNERS OF LAND.

19. (1) Whenever precious stones have been discovered on private land or on Crown land, the surface of which has been alienated by the Crown by Crown Grant or title deed, the owner or the surface owner, as the case may be, shall be entitled to receive from the mining commissioner a certificate in the form prescribed by regulation, that he is entitled on proclamation—

- (a) in the case of precious stones discovered in alluvial to select, subject to the rights of the discoverer, as in this Act provided, on alienated Crown land fifty claims and on private land in the Transvaal two hundred and thirty-five claims and in the Cape of Good Hope, Orange Free State and Natal four hundred claims, respectively, which claims shall be free from payment of licence moneys as long as they are held by such owner or surface owner in his own name, but when transferred to any other person they shall be subject to the pro-

- (2) As die kleims nie tot tevredenheid van die mynkommissaris bewerk word nie, word lisensiegelde daarop betaalbaar soos in die geval van gewone kleims :

Met die verstande dat die mynkommissaris een maand van te vore daarvan skriftelik kennis moet gee aan die besitter van daardie kleims of sy gemagtigde, en dat in die geval van ontdekkerskleims voor die inwerkingtreding van hierdie Wet toegeken, daardie lisensiegelde bereken word teen vyf sjielings per maand vir elke tweeduisend-vyf-en-twintig vierkante voet of gedeelte daarvan, van die blok.

- (3) As die lisensiegelde na verloop van drie maande nadat die mynkommissaris bedoelde kennis gegee het, onbetaal bly, verval die kleims, en as hulle op geproklameerde grond is, mag hulle daarna deur die mynkommissaris by kennisgewing, aangeplak in sy kantoor vir afpenning beskikbaar verklaar word.

17. Iemand wat 'n verklaring van ontdekking van edelgesteentes affê met wete dat die edelgesteentes wat volgens die verklaring gevind is, deur homself of deur iemand anders gesit of neergelê is in of op die plek of in die grond of rots wat uitgegrawe of verwyder is uit die plek waar die verklaarder geprospekter het, of iemand wat 'n verklaring van ontdekking van edelgesteentes affê met wete dat hulle nie natuurlik voorgekom het nie op of in die plek, of in die grond of rots waar hulle volgens die verklaring gevind of ontdek is, of iemand wat so 'n verklaring affê, met wete dat bedoelde edelgesteentes nie gevind of ontdek is nie op of naby die plek waar hulle volgens die verklaring gevind of ontdek is, is skuldig aan 'n misdryf en by veroordeling strafbaar met die strawwe regtens op die misdaad van meened gestel en alle regte wat deur hom verkry is op kleims ten opsigte van daardie verklaring van ontdekking verval en eindig.

18. (1) Iemand wat opsetlik edelgesteentes op 'n plek sit of neerlê of behulpsaam is om hulle aldus opsetlik te sit of neer te lê, met die bedoeling om iemand oor te haal of te beweeg om 'n verklaring van ontdekking van edelgesteentes af te lê of met die bedoeling om die Goewerneur-generaal of iemand anders te mislei omtrent die betaalbare aard van 'n plek waar edelgesteentes werklik of volgens verklaring gevind is, is skuldig aan 'n misdryf en by veroordeling strafbaar met die strawwe wat regtens op die misdryf van bedrog gestel is en alle regte wat hy op daardie plek verkry het, verval en eindig.

(2) Wanneer by 'n klagte kragtens hierdie artikel bewys word, dat die beskuldigde persoon edelgesteentes gesit of neergelê het, of behulpsaam was om hulle te sit of neer te lê op 'n plek waar hulle ontdekking waarskynlik iemand sou beweeg om te verklaar dat hy hulle gevind het, of die Goewerneur-generaal of iemand anders sou kan mislei, dan word vermoed dat die beskuldigde daardie edelgesteentes in stryd met hierdie artikel daar gesit of neergelê het, totdat hy die teendeel bewys.

HOOFSTUK III.

REGTE VAN EIENAARS EN OPPERVLAKEIENAARS VAN GROND.

19. (1) Wanneer edelgesteentes ontdek is op private grond of op Kroongrond waarvan die oppervlakte deur die Kroon vervreem is deur 'n grondbrief of tielbewys, dan is die eienaar of oppervlakeienaar, na die geval mag wees, geregtig om van die mynkommissaris 'n sertifikaat in die by regulasie voorgeskrewe vorm te ontvang dat hy by die proklamering geregtig is—

- (a) in die geval van edelgesteentes ontdek in alluviale grond, om, met inagneming van die ontdekker se regte soos in hierdie Wet bepaal, op vervreemde Kroongrond vyftig kleims en op private grond in Transvaal tweehonderd-vyf-en-dertig kleims en in die Kaap die Goeie Hoop, Oranje-Vrystaat en Natal respektieflik vierhonderd kleims uit te soek, watter kleims vry is van betaling van lisensiegelde solank as daardie eienaar of oppervlakeienaar hulle in sy eie naam besit maar as hulle aan iemand anders oorgedra word, val hulle onder die bepalings van

Strawwe op valse verklaring van ontdekking van edelgesteentes.

Plaas van edelgesteentes op plekke waar nie natuurlik gevind nie om geprospekterder te beweeg om 'n verklaring te maak, is strafbaar as bedrog.

Regte van eienaars en oppervlakeienaars van grond by ontdekking.

Penalty for making false declaration of discovery of precious stones.

Placing of precious stones in places where not naturally found in order to induce prospector to make declaration, punishable as fraud.

Rights of owners and surface owners on discovery.

visions of this Act relating to licence moneys and to all other conditions applicable in regard to ordinary claims on an alluvial digging ;

- (b) in the case of precious stones in a mine, if discovered on private land, to an undivided one-half share in such mine or portion thereof which shall include the rights of the discoverer, if any, as provided by paragraph (b) of sub-section (1) of section *thirteen*, situate on his land on the proclamation of the mine ; and if discovered on Crown land to an undivided three-tenths share in such mine or portion thereof which shall include such rights of the discoverer if any.

(2) Should a mine be divided into two or more portions by the boundary line or lines of land owned by different persons, each such owner or surface owner shall be entitled to such an undivided portion of the share prescribed in sub-section (1) of the mine as is in proportion to the surface area of his land within the surveyed boundaries of the mine.

(3) If the person entitled to owner's rights under this section be also the discoverer of precious stones, he shall in the case of alluvial also be entitled to discoverer's rights under section *thirteen* but in the case of a mine he shall be entitled to the owner's rights described in this section, and to no more.

(4) The provisions of sub-sections (2), (3) and (4) of section *thirteen*, section *fourteen* and sub-section (1) of section *fifteen* shall *mutatis mutandis* apply to owners' or surface owner's claims acquired under this section, and in the case of the owner's or surface owner's share in a mine the provisions of sub-section (2) of section *fifteen* shall apply : Provided that the owner or surface owner may peg the claims to which he is entitled under this section in not more than four blocks the length of each of which shall not exceed twice the breadth.

(5) Whenever a portion of any piece of land has been proclaimed an alluvial digging under this Act and precious stones in alluvial have been discovered on any other portion of such land the Governor-General may at any time proclaim such other portion under Chapter IV : Provided that if a certificate has already been issued in respect of such land under section *thirteen* or under this section no person shall be entitled to claim any such certificate in respect of such other portion : Provided further that if the Minister is satisfied that a *bona fide* new discovery has been made on such portion he may grant further discoverers' and owners' certificates.

(6) For the purposes of this section "land" shall have the same meaning as in sub-section (1) of section *thirteen* defined.

Sub-division of private land. 20. (1) If the Minister is satisfied that any Crown or private land has at any time since the thirtieth day of June, 1926, been divided with the object or with the effect of increasing the number of the discoverers' and owners' claims he may notwithstanding the registration of such division in a deeds registry and notwithstanding any provision in any previous law or in this Act direct that such division shall not be taken into account in computing the number of discoverers' claims and owners' claims respectively which may be selected on such land and that the total number of discoverers' claims and the total number of owners' claims respectively shall not exceed the number set forth in sections *thirteen* and *nineteen* and such claims shall in that case be computed and allocated as if such land had not been so divided.

(2) The decision of the Minister as to such computation and allocation shall be final and should he deem it impracticable or impossible to make such computation or allocation the Crown shall not be liable in respect of such discoverers' and owners' claims.

(3) Whenever such division of land has been effected and discoverers' and owners' claims have been acquired under any previous law on any portion of such divided land no further

hierdie Wet wat op lisensiegelde betrekking het en onder alle ander voorwaardes wat van toepassing is ten opsigte van gewone kleims op 'n alluwiale delwery ;

- (b) in die geval van edelgesteentes in 'n myn indien op private grond ontdek, op 'n onverdeelde halw aandeel in daardie myn of gedeelte daarvan, wat insluit die regte van die ontdekker (as die bestaan) soas bepaal deur paragraaf (b) van sub-artikel (1) van artikel *dertien*, wat by die proklamering van die myn op sy grond geleë is ; en indien op Kroongrond ontdek op 'n onverdeelde drie-tiende aandeel in daardie myn of gedeelte daarvan wat die regte van die ontdekker (as die bestaan) insluit.

(2) As 'n myn in twee of meer gedeeltes verdeel word deur die grenslyn of -lyne van grond wat die eiendom is van verskillende persone, is elke sodanige eienaar of oppervlakeienaar geregtig op 'n onverdeelde gedeelte van die aandeel in die myn wat sub-artikel (1) vasstel, na verhouding van die grootte van die oppervlakte van sy grond binne die opgemete grense van die myn.

(3) As die persoon wat volgens hierdie artikel eienaarsregte het tewens die ontdekker van edelgesteentes is, dan kom aan hom in die geval van alluwiale grond ook ontdekkersregte toe kragtens artikel *dertien*, maar in die geval van 'n myn kom aan hom slegs toe die eienaarsregte wat hierdie artikel omskrywe en nie meer nie.

(4) Die bepalings van sub-artikels (2), (3) en (4) van artikel *dertien*, artikel *veertien* en sub-artikel (1) van artikel *vyftien* is *mutatis mutandis* van toepassing op eienaars- of oppervlakeienaarskleims kragtens hierdie artikel verkry, en in die geval van die aandeel van die eienaar of oppervlakeienaar in 'n myn, is die bepalings van sub-artikel (2) van artikel *vyftien* van toepassing : Met die verstande dat die eienaar of oppervlakeienaar die kleims waarop hy kragtens hierdie artikel geregtig is, mag afpen in nie meer as vier blokke waarvan elkeen se lengte nie groter as tweemaal die breedte mag wees nie.

(5) Wanneer 'n deel van 'n stuk grond kragtens hierdie Wet tot 'n alluwiale delwery verklaar is en edelgesteentes in alluwiale grond op enige ander deel van daardie stuk grond ontdek is, mag die Goewerneur-generaal te eniger tyd daardie ander deel kragtens Hoofstuk IV proklameer : Met die verstande dat as daar reeds 'n sertifikaat kragtens artikel *dertien* of kragtens hierdie artikel uitgereik is met betrekking tot daardie stuk grond, niemand geregtig is om so 'n sertifikaat te eis met betrekking tot daardie ander deel : Met die verstande voorts dat as die Minister oortuig is dat 'n *bona fide* nuwe ontdekking op daardie deel plaasgevind het, hy verdere ontdekkers- en eienaars-sertifikate mag uitreik.

(6) Vir die doeleindes van hierdie artikel sal "grond" dieselfde betekenis hê as in sub-artikel (1) van artikel *dertien*.

20. (1) As die Minister oortuig is dat enige Kroongrond of private grond te eniger tyd sedert die dertigste dag van Junie, 1926, verdeel is met die doel of die uitwerking om die aantal ontdekkers- en eienaarskleims te vermeerder, dan mag hy niteenstaande die registrasie van daardie verdeling in 'n registrasiekantoor en niteenstaande die bepalings van 'n vorige wet of van hierdie Wet, gelas dat daardie verdeling nie in aanmerking geneem mag word nie by die berekening van die aantal ontdekkerskleims en eienaarskleims respektieflik wat op daardie grond uitgesoek mag word en dat die gesamentlike aantal ontdekkerskleims en eienaarskleims respektieflik nie meer mag bedra nie as die getal wat vermeld staan in artikels *dertien* en *negenien* en in so 'n geval moet daardie kleims bereken en toegewys word asof daardie grond nie aldus verdeel was nie.

(2) Die beslissing van die Minister omtrent daardie berekening en toewysing is finaal en mog hy so 'n berekening of toewysing onuitvoerbaar of ondoenlik ag, dan is die Kroon nie aanspreeklik nie met betrekking tot daardie ontdekkers- en eienaarskleims.

(3) Wanneer so 'n verdeling van grond teweeggebring is en ontdekkers- en eienaarskleims kragtens 'n vorige wet op enige deel van daardie verdeelde grond verkry is, mag geen verdere

Onderverdeling van private grond.

discoverers' or owners' claims shall be granted in respect of any other portion of the land so divided, and the Governor-General may proclaim such land under Chapter IV as if such division had not been effected.

21. Whenever prospecting operations have, before the commencement of this Act, taken place on land held with a reservation of precious stones to the Crown, and have resulted in a discovery of precious stones, and discoverer's rights have accrued or been granted to any person under any law, no discoverer's rights in respect of the precious stones so discovered shall be granted by virtue of the provisions of this Act, but the surface owner of such land alienated by the Crown, by Crown Grant or title deed, shall be entitled to the rights mentioned in section *nineteen* :

Provided that no such rights shall be granted unless and until such surface owner has signed the waiver provided for in section *five*, and all the provisions of that section shall *mutatis mutandis* apply to the grant of any rights under this section. On the granting of such rights all the provisions of this Act shall apply to such land.

22. The surface owner of any land on which an alluvial digging is proclaimed shall be entitled to demand and receive out of the public revenue one-half of the claim licence moneys collected in respect of such digging, and the mining commissioner shall keep the necessary books showing the amount of all moneys received and shall account for and pay over to the surface owner at the end of every month all sums due to such owner as aforesaid.

23. (1) When any land is proclaimed an alluvial digging, there shall be reserved from pegging for the free and undisturbed use of the surface owner—

- (a) any homestead on the land to be dealt with, together with so much land surrounding it as the mining commissioner may deem to be reasonable and necessary;
- (b) all buildings, cemeteries, and kraals situated outside such homestead and surrounding land;
- (c) all ground which has been under *bona fide* cultivation immediately prior to the date of the notice of the discovery;
- (d) such portions of the water to which the surface owner is entitled under section *eight* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), as he requires for domestic purposes, for watering his stock and for irrigating the ground mentioned in paragraph (c) of this sub-section and if the said surface owner be also the person entitled to owner's claims, also for working such claims.

(2) The quantity of water reserved under sub-section (1) shall, before the land is proclaimed, be determined by the mining commissioner, after consultation with the surface owner, subject to confirmation by the Minister, and in arriving at such determination there shall be taken into account the quantity of water from a public stream to which the surface owner may be entitled under the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), or any amendment thereof. Thereafter the quantity of water so determined may be used by the surface owner for the purposes aforesaid, or disposed of by him for such purposes. The remainder of the water, and the water not so used or disposed of, may be dealt with under the provisions of Chapter X. of this Act. All lessees, servitude holders, and others entitled to water shall retain the right to the water so determined in so far as, at the time of proclamation, they are using it for the purposes mentioned in sub-section (1).

(3) The mining commissioner shall give the surface owner notice in writing of intention to proclaim, and the surface owner shall forthwith submit to the mining commissioner a sketch plan showing clearly all portions of ground which he may desire to be reserved under this section. The mining commissioner, whether such a sketch plan has or has not been submitted, shall determine which portions of such ground shall be so reserved

ontdekkers- of eienaarskleims met betrekking tot enige ander deel van die aldus verdeelde grond verleen word nie, en die Goewerneur-generaal mag daardie grond kragtens Hoofstuk IV proklameer-asof daardie verdeling nie teweeggebring was nie.

21. Wanneer voor die inwerkingtreding van hierdie Wet geprospekteer is op grond wat besit word met 'n voorbehoud van edelgesteentes aan die Kroon, en dit het die ontdekking van edelgesteentes ten gevolge gehad, en ontdekkersregte aan iemand toegekomen het of kragtens enige wet toegeken is, word geen ontdekkersregte ten opsigte van die aldus ontdekte edelgesteentes kragtens die bepaling van hierdie Wet toegeken nie, maar die oppervlakeienaar van sodanige deur die Kroon deur die uitgifte van 'n grondbrief of tietelbewys vervreemde grond, het die regte vermeld in artikel *negentien* :

Met die verstande dat geen sodanige regte toegeken word nie, tensy en voordat die oppervlakeienaar die akte van afstand vermeld in artikel *vyf* geteken het en alle bepalinge van daardie artikel is *mutatis mutandis* van toepassing op die toekenning van enige regte kragtens hierdie artikel. By die toekenning van sulke regte is alle bepalinge van hierdie Wet van toepassing op daardie grond.

22. Die oppervlakeienaar van grond waarop 'n alluviale delwery geproklameer word, is geregtig om uit die Staatsinkomste die helfte van die kleimlisensiegelde wat ten opsigte van daardie delwery gein is, te vorder en te ontvang en die mynkommissaris moet die nodige boeke aanhou waarin die bedrag van alle ontvangte gelde aangetoon word en aan die oppervlakeienaar aan die end van elke maand alle gelde wat aan hom soas voormeld toekom, verantwoord en uitbetaal.

23. (1) Wanneer grond as 'n alluviale delwery geproklameer word, moet vir die vrye en ongestoorde gebruik van die oppervlakeienaar van die afpenning uitgehou word—

- (a) enige woning op die grond waarmee gehandel word en soveel omliggende grond as wat die mynkommissaris redelik en noodsaaklik beskou;
- (b) alle geboue, begraafplekke en krale wat buite daardie woning en aanliggende grond geleë is;
- (c) alle gronde wat onmiddellik voor die datum van die kennisgewing van die ontdekking *bona fide* beboude grond was;
- (d) so 'n deel van die water waarop die oppervlakeienaar geregtig is kragtens artikel *ag* van die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912), as wat hy nodig het vir huishoudelike gebruik vir suiping vir sy vee en die besproeiing van die grond vermeld in paragraaf (c) van hierdie sub-artikel en as bedoelde oppervlakeienaar tewens die persoon is wat geregtig is op eienaarskleims, ook vir die bewerking van daardie kleims.

(2) Die hoeveelheid water wat volgens sub-artikel (1) uitgehou word, moet, voordat die grond geproklameer word, deur die mynkommissaris na oorleg met die oppervlakeienaar bepaal word, met bekragtiging deur die Minister en by daardie bepaling moet in aanmerking geneem word die hoeveelheid water uit 'n openbare stroom waarop die oppervlakeienaar kragtens die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912) of 'n wysiging daarvan, geregtig mag wees. Daarna mag die aldus bepaalde hoeveelheid water deur die oppervlakeienaar vir voormelde doeleindes gebruik of vervreem word. Met die orige water en die nie aldus gebruikte of vervreemde water mag volgens die bepalinge van Hoofstuk X. van hierdie Wet gehandel word. Alle huurders, serwituithouers en andere wat op water geregtig is, behou hulle reg op die aldus bepaalde water vir sover hulle dit op die tyd van proklamering vir die in sub-artikel (1) vermelde doeleindes gebruik.

(3) Die mynkommissaris moet aan die oppervlakeienaar skriftelik kennis gee van die voorneme om te proklameer en die oppervlakeienaar moet onverwyld aan die mynkommissaris 'n sketskaart voorlê waarop duidelik alle stukke grond aangetoon is wat hy kragtens hierdie artikel wil laat uithou. Die mynkommissaris moet onverskillig of 'n sketskaart voorgelê is of nie, bepaal watter stukke grond aldus uitgehou moet word maar daarteen kan na die Minister gear-

Regte van eienaars van grond met voorbehoud van minerale aan die Kroon as ontdekking plaasgevind het voor inwerking-treding van hierdie Wet.

Eienaars se aandeel in lisensiegelde.

Uithouding ten behoeve van die oppervlakeienaar van woning, ens.

subject to a right of appeal to the Minister, and such portions shall, prior to proclamation, be beacons off by the surface owner.

Special provisions applicable to native locations.

24. When the whole or any portion of any native location, native reserve or native trust land is proclaimed an alluvial digging, the following provisions shall apply:—

- (1) The persons occupying such land shall retain the right to graze their stock thereon in so far as such right does not interfere with digging and mining operations.
- (2) All dwellings, stock kraals and such lands as were habitually under cultivation or irrigation prior to the date of the notice of intention to proclaim, shall be reserved for the use of such persons unless the Minister of Native Affairs and those persons consent to the reservation not being made.
- (3) Sufficient water shall be reserved for the domestic and irrigation purposes and for watering the stock of such persons.
- (4) If the location be Crown land, there shall be paid to the Minister of Native Affairs for the benefit of the persons deprived of the use of such land as compensation for surface damage—

(a) in the case of the proclamation of an alluvial digging one half of the claim licence moneys collected by the Government in respect of such digging; and

(b) in the case of the proclamation of a mine, two shillings and six pence per month for each claim area of two thousand and twenty-five square feet comprised in such mine or mining area proclaimed, while such mine is being worked.

Such moneys shall be duly accounted for and shall be devoted exclusively to the direct or indirect benefit of the persons deprived of the use of the land by providing other land or in such other manner as the Governor-General shall from time to time direct.

- (5) If the chief or tribe be owner of any such location, reserve or native trust land, any person who has the rights to precious stones thereon shall, in addition to any rights which he may obtain as a discoverer, be entitled to the rights in this Act conferred upon an owner:

Provided that he shall not alienate any such rights without the approval in writing of the Minister of Native Affairs.

CHAPTER IV.

PROCLAMATION OF A MINE OR ALLUVIAL DIGGING.

Testing of alleged discoveries.

25. The Minister may, at any time after a discovery of precious stones has been made, take such steps as he may deem fit for the purpose of testing or otherwise ascertaining the character, payability and extent of the place where such precious stones have been discovered, and may call upon the prospector to place his plant at the disposal of the Minister for this purpose, and furnish such information relating to the discovery as he may require. The cost of such work shall be defrayed out of the Consolidated Revenue Fund, and if the prospector fails to carry out the requirements of the Minister under this section he shall be guilty of an offence.

Proclamation of alluvial digging or mine.

26. (1) Whenever the Governor-General is satisfied that there are reasonable grounds for believing that precious stones exist in payable quantities on any Crown land or any private land (as defined in sub-section (1) of section thirteen), he may at his discretion cause the whole or so much thereof as he thinks will be found to contain precious stones, or which will be needed for purposes incidental to the mining thereof, to be beacons off and surveyed, and thereafter may at his discretion proclaim the area so surveyed a mine or an alluvial digging or portion of an existing or previously proclaimed mine or alluvial digging as the case may be.

peleer word. Die oppervlakeienaar moet daardie stukke voor die proklamering affaken.

24. Wanneer 'n hele natuurlelokasie, natuellereservaat of 'n stuk natuellertrustgrond of 'n gedeelte daarvan tot 'n alluwiale delwery geproklameer word, is die volgende bepalings van toepassing:—

Spesiale bepalings toepaslik op natuurlelokasies.

- (1) Die persone wat daardie grond beset, behou die reg om hulle vee daarop te laat wei vir sover daardie reg die delf- en mynwerksaamhede nie steur nie.
- (2) Alle wonings, veekrale en die lande wat gereeld bebou of besproei was voor die datum van die kennisgewing van die voorneme om te proklameer, moet uitgehou word vir die gebruik van daardie persone, tensy die Minister van Naturellesake en daardie persone toestem dat daardie uithouding nie plaasvind nie.
- (3) Voldoende water moet uitgehou word vir die huis-houdelike gebruik en besproeiingsdoeleindes en vir die suiping van vee van daardie persone.
- (4) As die lokasie Kroongrond is, word aan die Minister van Naturellesake vir die voordeel van die persone aan wie die gebruik van daardie grond ontnem is, as vergoeding vir oppervlak-skade betaal—

(a) in geval 'n alluwiale delwery geproklameer word, die helfte van die kleimlisensiegelde deur die Regering gein ten opsigte van daardie delwery; en

(b) in geval 'n myn geproklameer word, twee sjielings en sikspens per maand vir elke stuk kleingrond van tweeduisend-vyf-en-twintig vierkante voet wat die geproklameerde myn of mynterrein bevat, solank die myn bewerk word.

Daardie gelde moet behoorlik verantwoord en uitsluitend bestee word tot direkte of indirekte voordeel van die persone aan wie die gebruik van die grond ontnem is, deur ander grond te verskaf of op so 'n ander manier as wat die Goewerneur-generaal van tyd tot tyd gelas.

- (5) As die kaptein of stam die eienaar is van daardie lokasie, reservaat of natuurle-trustgrond, het iemand wat die regte op edelgesteentes daarop het, behalwe die regte wat hy as 'n ontdekker mag verkry, ook die regte wat in hierdie Wet aan 'n eienaar verleen word: Met die verstande dat hy geen van daardie regte mag vervreem nie sonder die skriftelike toestemming van die Minister van Naturellesake.

HOOFSTUK IV.

PROKLAMERING VAN 'N MYN OF ALLUWIALE DELWERY.

25. Die Minister mag te eniger tyd na 'n ontdekking van edelgesteentes, sulke stappe neem as wat hy wenslik ag om die aard, betaalbaarheid en omvang van die plek waar daardie edelgesteentes ontdek is te toets of andersins uit te vind en hy mag van die prospekteerder verlang dat hy met daardie doel sy bedryfsinrigting tot die beskikking van die Minister stel en sulke inligtings omtrent die ontdekking verskaf as wat hy mag verlang. Die koste van daardie werk word gedek uit die Gekonsolideerde Inkomstefonds en as die prospekteerder versuim om aan die verlangens van die Minister ingevolge hierdie artikel te voldoen, is hy skuldig aan 'n misdryf.

Toets v. beweerd ontdek

26. (1) As die Goewerneur-generaal oortuig is dat daar redelike gronde bestaan om aan te neem dat op enige Kroongrond of enige private grond soos omskrywe in sub-artikel (1) van artikel dertien edelgesteentes in betaalbare hoeveelhede voorkom, mag hy volgens goedvinde die geheel of soveel daarvan as wat volgens sy mening sal blyk edelgesteentes te bevat of wat nodig sal wees in verband met die myn daarvan, laat affaken en opmeet en hy mag daarna volgens goedvinde die aldus opgemete terrein proklameer tot 'n myn of alluwiale delwery of gedeelte van 'n bestaande of vroeër geproklameerde myn of alluwiale delwery, na die geval mag wees.

Proklameri van alluwiale delwery myne.

(2) Land as so defined, on which the owner has not prospected or allowed prospecting to take place, or which he has not otherwise consented to being proclaimed as aforesaid, shall not be proclaimed.

(3) In no circumstances shall any liability whatever attach to the Governor-General if any mine or alluvial digging, proclaimed under this Chapter, should prove to be or become unpayable.

(4) The mining commissioner shall give notice of every such proclamation to the registrar of deeds concerned, who shall register such notice against the title deeds of the land.

27. (1) For the purpose of working any mine proclaimed under this Act or any prior law, it shall be lawful for the Governor-General to cause an area believed not to contain precious stones to be surveyed, beacons off and proclaimed as a mining area. Such area shall be of sufficient extent for depositing floors, machinery and tipping sites, residential and trading sites, and all other matters connected with the proper and efficient working of the mine.

(2) The area so surveyed may from time to time by proclamation in the *Gazette* be reduced or enlarged at the discretion of the Governor-General as the necessities of the mine may require, and the Governor-General may make regulations for the proper laying out of depositing floors, machinery and tipping sites, trading sites, residential sites and other areas required in connection with the said mine, and for fencing off such areas for the proper protection of the mine and works and to prevent access or communication by unauthorized persons.

(3) No private land may be proclaimed a mining area without the written consent of the owner thereof except for the purpose of working a mine proclaimed on such land.

28. (1) There shall be deposited for public inspection at the office of the mining commissioner—

(a) in the case of a mine or mining area a diagram framed by a land surveyor and approved by the Surveyor-General showing the dimensions and boundaries thereof; and

(b) in the case of an alluvial digging a sketch plan showing approximately the dimensions and boundaries thereof.

(2) The cost of beaconing and surveying under sections *twenty-six* and *twenty-seven* shall be borne on private land or Crown land alienated under title containing a reservation of minerals to the Crown by the owner or surface owner, as the case may be, and on unalienated Crown land by the Consolidated Revenue Fund.

29. Save as is specially otherwise provided in this Act, the rights of the surface owner in respect of the surface of land included in any proclamation issued under this Chapter or a prior law shall in no way be affected.

30. The Governor-General may deproclaim any alluvial digging or mine or any part thereof, including the mining area, if it appears to the satisfaction of the Minister that precious stones are not being found thereon in payable quantities: Provided that in the proclamation deproclaiming any land the Governor-General may make such provision as may appear to him to be desirable—

(a) for the prevention or control of further prospecting and digging for precious stones on the land so deproclaimed;

(b) for the protection of any public buildings or places of worship lawfully erected on the land proclaimed;

(c) for such other reasonable purposes as may appear to him to be necessary to meet the circumstances arising from the proclamation of the land.

The registrar of deeds concerned shall be advised by the mining commissioner of any such deproclamation, and shall take cognizance of such provisions, if any, and register such deproclamation against the title deeds of the land and in the Deeds Registry in which the land is registered.

(2) Grond soas aldus omskrywe waarop die eienaar nie geprospekteer of prospekteer toegelaat het nie of ten opsigte waarvan hy nie andersins toegestem het nie dat dit as voormeld geproklameer word mag nie geproklameer word nie.

(3) Onder geen omstandighede rus enige aanspreeklikheid hoegenaamd op die Goewerneur-generaal as 'n kragtens hierdie Hoofstuk geproklameerde myn of alluwiale delwery onbetaalbaar blyk te wees of word.

(4) Die mynkommissaris moet van elke sodanige proklamering kennis gee aan die betrokke registrateur van aktes, wat daardie kennisgewing op die tieltelbewys van die grond moet registreer.

27. (1) In verband met die bewerking van 'n myn wat Mynterrein ingevolge hierdie Wet of 'n vorige wet geproklameer is, mag en stortpersele die Goewerneur-generaal 'n terrein wat vermoed word geen edelgesteentes te bevat nie, laat opmeet, afbaken en as 'n mynterrein proklameer. Daardie terrein moet groot genoeg wees vir deponerevloere, masjien- en stortterreine, woon- en besigheidspersele en alle ander sake in verband met die behoorlike en doelmatige ontginning van die myn.

(2) Die aldus opgemete terrein mag van tyd tot tyd by proklamasie in die *Staatskoerant* vergroot of verklein word volgens diskresie van die Goewerneur-generaal, na gelang die behoeftes van die myn dit nodig mag maak en die Goewerneur-generaal mag regulasies invoer aangaande die behoorlike aanleg van deponerevloere, masjien- en stortterreine, besigheidspersele, woonpersele en ander terreine vereis in verband met bedoelde myn en vir die omheining van daardie terreine tot behoorlike beskerming van die myn en werke en om die toegang of kommunikasie van ongeoorloofde persone te belet.

(3) Geen private grond mag tot mynterrein geproklameer word nie sonder skriftelike toestemming van die eienaar daarvan, behalwe om 'n myn wat op daardie grond geproklameer is, te bewerk.

28. (1) Daar moet ter insage van die publiek in die kantoor van die mynkommissaris gedeponere word—

(a) in die geval van 'n myn of mynterrein, 'n kaart, deur 'n landmeter vervaardig en deur die Landmeter-generaal goedgekeur, wat die afmetings en grense daarvan aantoon; en

(b) in die geval van 'n alluwiale delwery, 'n sketskaart wat by benadering die afmetings en grense daarvan aantoon.

(2) Die koste van afbakening en opmeting volgens artikels *ses-en-twintig* en *sewen-en-twintig* moet gedra word op private grond of Kroongrond vervreem met 'n tieltel waarin 'n voorbehoud van minerale aan die Kroon voorkom, deur die eienaar of oppervlakeienaar (na die geval mag wees) en op onvervreemde Kroongrond deur die Gekonsolideerde Inkomstefonds.

29. Behalwe vir sover hierdie Wet spesiaal anders bepaal, word hoegenaamd geen inbreuk gemaak nie op die regte van 'n oppervlakeienaar ten opsigte van die oppervlakte van grond wat ingesluit is in 'n proklamering kragtens hierdie Hoofstuk of 'n vorige wet.

30. Die Goewerneur-generaal mag 'n alluwiale delwery Deproklamering van myn of enige gedeelte daarvan, met inbegrip van die mynterrein, deproklameer as aan die Minister blyk dat geen edelgesteentes in betaalbare hoeveelhede daarop gevind word nie: Met die verstande dat die Goewerneur-generaal in die deproklamering kragtens hierdie Hoofstuk

proklamasie wat enige grond deproklameer sodanige voorsiening mag maak as wat aan hom wenslik voorkom:

(a) om verdere prospekteer en delwe na edelgesteentes op die aldus gedeproklameerde grond te belet of onder toesig te hou;

(b) om publieke geboue of plekke van erediens wat wettig op die geproklameerde grond opgerig is, te beskerm;

(c) vir sodanige ander redelike doeleindes as wat aan hom nodig voorkom onder die omstandighede, wat ontstaan uit die proklamering van die grond.

Die mynkommissaris moet so 'n deproklamering meedeel aan die betrokke Registrateur van Aktes wat van daardie voorsienings (as dit bestaan) moet kennis neem en daardie deproklamering moet registreer op die tieltelbewyse van die grond en in die registrasiekantoor van aktes waarin die grond geregistreer is.

Mynterrein en stortpersele.

Vervaardiging van kaart van myn, mynterrein of alluwiale delwery.

Regte van oppervlakeienaar.

Deproklamering van myn of enige gedeelte daarvan, met inbegrip van die mynterrein, deproklameer as aan die Minister blyk dat geen edelgesteentes in betaalbare hoeveelhede daarop gevind word nie: Met die verstande dat die Goewerneur-generaal in die deproklamering kragtens hierdie Hoofstuk

Mining area and depositing ground.

Framing of plan of survey of mine, mining area or alluvial digging.

Rights of surface owner.

Deproclamation of mine or alluvial digging.

Protection of rights on deproclamation.

31. On the deproclamation of an alluvial digging, claims existing thereon at the time of deproclamation shall not be affected:

Provided that when such claims lapse they shall not be open to pegging and shall be deemed to be deproclaimed.

CHAPTER V.

WORKING OF A MINE.

Part I.—Provisions Applicable to the Working of Mines.

Working of mine after proclamation.

32. The holder of a certificate mentioned in paragraph (b) of sub-section (1) of section *thirteen* in respect of unalienated Crown land or of a certificate mentioned in paragraph (b) of sub-section (1) of section *nineteen* of this Act may work the mine after the proclamation thereof under this Act: Provided that within nine months after the publication of such proclamation he shall notify the Minister in writing whether or not he intends to work the mine under this Chapter, and provided, further, that the owner, surface owner or the discoverer, as the case may be, shall be entitled to receive out of the profits derived from the working of the mine only such share as is prescribed by this Act for the owner, surface owner and discoverer respectively.

Mining operations to be carried on to satisfaction of Minister.

33. (1) The owner, surface owner or discoverer shall, if he elect to work the mine, provide within twelve months after the publication of the proclamation the working capital which in the opinion of the Minister will be necessary for the effective working of the mine. The realized profits derived from its working shall be divisible between the Crown and the owner, surface owner or discoverer in the proportions of their respective shares in the mine: Provided that the Crown shall not be entitled to receive any share of such profits until the owner, surface owner or discoverer shall have been repaid thereout such part of any capital expenditure incurred by him in or for the purposes of the mine as is proportionate to the Crown's share in the mine, together with interest thereon (computed from the date of expenditure) at the same rate as may have been incurred by the owner, surface owner or discoverer, in respect of the raising of such capital but not exceeding the rate of five per cent. per annum.

(2) The owner, surface owner or discoverer shall commence operations within fifteen months after the publication of the proclamation unless prevented by circumstances beyond his control or unless the Minister consents to a postponement for any other reason and he shall carry on mining operations and operations necessary for the winning and disposal of the precious stones on a scale and in a manner satisfactory to the Minister.

(3) In the event of the working capital referred to in sub-section (1) or accumulated profits reserved for this purpose proving inadequate for the effective working of the mine on a scale approved by the Minister, the owner, surface owner or discoverer shall provide such additional working capital as the Minister may require.

(4) The owner, surface owner or discoverer shall also from time to time and whenever required to do so by the Minister indicate in writing the policy and programme of development and exploitation, including the washing and extraction and disposal programme to be followed together with such other details and such information as the Minister may require.

(5) The Minister may in the case of a registered company take such steps as he may deem necessary to prevent over-capitalization of such company or the creation of vendor shares.

Crown's share of profits.

34. (1) In the case of private land or Crown land alienated with a reservation of precious stones to the Crown, if the owner or surface owner elect to work the mine the Crown shall, as from the date of proclamation, receive a one-half and a seven-tenths share respectively of the realized profit derived from the working.

(2) In the case of unalienated Crown land, if the discoverer elect to work the mine the Crown shall, as from the date of proclamation, receive seventy per cent. of the realized profit derived from such working.

31. Die deproklamering van 'n alluwiale delwery maak geen inbreuk op kleims wat daarop bestaan op die tydstip van die deproklamering: Met die verstande, dat as sulke kleims verval hulle nie weer vir afpenning beskikbaar is nie en geag word gedeproklameer te wees.

Beskerming van regte by deproklamasie.

HOOFSTUK V.

ONTGINNING VAN 'N MYN.

Deel I.—Bepalings omtrent die ontginning van Myne.

32. Die houër van 'n sertifikaat genoem in paragraaf (b) van sub-artikel (1) van artikel *dertien* ten opsigte van onvervreemde Kroongrond of van 'n sertifikaat genoem in paragraaf (b) van sub-artikel (1) van artikel *negentien* van hierdie Wet mag die myn ontgin na die proklamering daarvan kragtens hierdie Wet: Met die verstande dat hy binne nege maande na die publikasie van daardie proklamering die Minister skriftelik moet meedeel of hy al dan nie voornemens is om die myn kragtens hierdie Hoofstuk te ontgin en met die verstande verder dat die eienaar, oppervlakeienaar of ontdekker, na die geval mag wees, geregtig is om uit die winste van die ontginning van die myn alleen 'n sodanige aandeel te ontvang, as wat hierdie Wet vir die eienaar, oppervlakeienaar en ontdekker respektieflik vasstel.

Ontginning van myn na proklamering.

33. (1) Die eienaar, oppervlakeienaar of ontdekker moet, as hy verkies om die myn te ontgin, binne twaalf maande na die publikasie van die proklamering die benodigde werkkapitaal verskaf wat volgens oordeel van die Minister nodig sal wees vir die doelmatige ontginning van die myn. Die gemaakte winste verkry uit die ontginning is verdeelbaar tussen die Kroon en die eienaar, oppervlakeienaar of ontdekker na verhouding van elkeen se aandeel in die myn: Met die verstande dat die Kroon nie geregtig is om 'n aandeel van sulke winste te ontvang nie totdat aan die eienaar, oppervlakeienaar of ontdekker daaruit terugbetaal is 'n deel van enige kapitaal wat hy aan of vir die doeleindes van die myn bestee het, na eweredigheid van die Kroon se aandeel in die myn, met rente daarop (berekend van die dag van uitbetaling) teen dieselfde koers as wat hy in verband met die opneming van daardie kapitaal mag verskuldig geword het, maar nie meer as vyf persent per jaar nie.

Ontginning van myn moet Minister tevrede stel.

(2) Die eienaar, oppervlakeienaar of ontdekker moet binne vyftien maande na die publikasie van die proklamering met die ontginning begin tensy hy daarin verhinder word deur omstandighede waaroor hy geen mag het nie of tensy die Minister om 'n ander rede met 'n uitstel instem en hy moet mynwerkzaamhede en werksaamhede wat nodig is om die edelgesteentes te verkry en van die hand te sit, verrig op 'n skaal en op 'n manier wat die Minister tevrede stel.

(3) In geval die werkkapitaal bedoel in sub-artikel (1) of die winste wat vir daardie doel opsy gesit is onvoldoende blyk vir die doelmatige ontginning van die myn op 'n skaal wat die goedkeuring van die Minister wegdra, moet die eienaar, oppervlakeienaar, of ontdekker sodanige verdere werkkapitaal verskaf as wat die Minister mag verlang.

(4) Die eienaar, oppervlakeienaar of ontdekker moet ook aan die Minister van tyd tot tyd en wanneer hy dit verlang, skriftelik meedeel die planne en die program van ontwikkeling en ontginning, met inbegrip van die voorgenome program van was, uithaal en vervreemding met sulke verdere besonderhede en inligtings as wat die Minister mag verlang.

(5) In die geval van 'n geregistreerde maatskappy mag die Minister die maatreëls neem wat hy nodig ag om te grote kapitalisering van daardie maatskappy of die totstandbring van verkopersaandeel te voorkom.

34. (1) In die geval van private grond of Kroongrond vervreem met 'n voorbehoud van edelgesteentes aan die Kroon, ontvang die Kroon, as die eienaar of oppervlakeienaar verkies om die myn te ontgin, vanaf die dag van proklamering die helfte en 'n sewe-tiendes aandeel respektieflik van die gemaakte wins verkry uit die ontginning.

Aandeel van die Kroon in winste.

(2) In die geval van onvervreemde Kroongrond ontvang die Kroon, as die ontdekker verkies om die myn te ontgin, vanaf die dag van proklamering sewentig persent van die gemaakte wins verkry uit die ontginning.

Losses to be set off against profits.

35. (1) A realized loss suffered in any accounting year shall be carried forward and set off against the realized profit of any succeeding year.

(2) If the owner, surface owner or discoverer has transferred his rights to a company, any distribution amongst the directors of such company by way of directors' fees or otherwise shall be subject to the approval of the Minister.

When owner's right to work may be determined by Minister.

36. (1) If the owner, surface owner or discoverer—

- (a) fail within the prescribed period to notify the Minister in writing whether or not he intends to work the mine; or
- (b) fail to find the necessary capital for the working of the mine; or
- (c) discontinue or fail at any time to work the mine to the satisfaction of the Minister, or fail to realize the produce thereof to the satisfaction of the Minister; or
- (d) fail to carry out any instruction or requirement of the Minister in regard to any matter mentioned in section *thirty-three*,

any right which the owner, surface owner or discoverer may have to work the mine or any debris heaps, or depositing floors connected therewith under this Act may be determined by the Minister after three months' notice in writing addressed to him calling upon him to make good the default alleged, if within that period he fails to remedy the default alleged and the Governor-General may at his discretion, by notice in the *Gazette*, call for tenders for the working of the mine or any debris heaps or depositing floors under a contract: Provided that any share of the profits payable thereunder shall be divisible between the Crown and the owner, surface owner or discoverer in proportion to their respective shares under sections *thirteen*, *nineteen* and *thirty-four*, and provided further that the Minister shall not exercise the powers of this section for the reasons mentioned in paragraph (c) if in the opinion of the Minister the owner, surface owner or discoverer has been prevented from working owing to the influx or scarcity of water, serious accident, unavoidable delay in completion of or repairs to the plant or shafts, scarcity of labour, or disputes with workmen.

(2) Should the owner, surface owner or discoverer refuse or elect not to work the mine the provisions of this section shall apply.

Owner may not remove or destroy plant or machinery or workings.

37. (1) If rights be determined in accordance with section *thirty-six*, the person who as owner, surface owner or discoverer possessed those rights shall not remove or destroy any plant, machinery, or equipment from the mine, or any material used for supporting the sides or walls of the mine or underground workings, but shall leave the same in good condition and repair.

(2) Any person who subsequently becomes a lessee of the mine under the said section shall be entitled to hire or purchase the interest in the said plant, machinery, equipment and material of the said owner, surface owner or discoverer at a valuation which shall, in default of agreement, be determined by arbitration.

(3) If there be no such subsequent lessee, or if any subsequent lease is cancelled or determined the person whose rights as owner, surface owner or discoverer have been determined, may at the expiration of a period of twelve months from the determination of those rights or from the determination of any lease, sell or remove the plant, machinery and equipment, but not any material used or in the opinion of the Government Mining Engineer necessary for supporting the sides or walls of the mine or the underground workings thereof.

Lease of Crown's interest in small proclaimed mines.

38. In the case where a small mine is proclaimed not exceeding one hundred and thirty-five thousand square feet in extent, it shall be lawful for the Governor-General if he shall deem it expedient to lease the Crown's interest in the mine to the mineholder on such special terms as may be agreed upon and the provisions of this Act with reference to the working of a mine and the division of profits shall, subject to such special terms, apply in such case.

35. (1) 'n Vasgestelde verlies, gely in die loop van enige finansiële jaar, word oorgedra en afgetrek van die gemaakte wins van 'n volgende jaar.

(2) As die eienaar, oppervlakeienaar of ontdekker sy regte aan 'n maatskappy oorgedra het, is 'n verdeling onder die direkteure van daardie maatskappy by wyse van direkteursfooie of andersins, onderhewig aan die goedkeuring van die Minister.

36. (1) As die eienaar, oppervlakeienaar of ontdekker:—

- (a) versuim om binne die vasgestelde tydperk die Minister skriftelik in kennis te stel of hy al dan nie voornemens is om die myn te ontgin; of
- (b) nie die kapitaal verskaf nie wat vir die ontginning van die myn nodig is; of
- (c) op enige tyd ophou of versuim om die myn tot tevredenheid van die Minister te ontgin of die voortbrengsel daarvan tot tevredenheid van die Minister te gelde te maak; of
- (d) versuim om gevolg te gee aan 'n bevel of verlange van die Minister met betrekking tot iets wat in artikkel *drie-en-dertig* vermeld word,

mag enige reg wat die eienaar, oppervlakeienaar of ontdekker kragtens hierdie Wet besit om die myn of enige daarmee in verband staande puinhope of deponievloere te ontgin, drie maande nadat hy skriftelik aangemaak is om die beweerde versuim te herstel, indien hy binne daardie tydperk in gebreke bly om die beweerde versuim te verhelp, deur die Minister beëindig word, en die Goewerneur-generaal mag in sy diskresie by kennisgewing in die *Staatskoerant* tenders vra vir die ontginning van die myn of enige puinhope of deponievloere volgens 'n kontrak: Met die verstande dat 'n aandeel in die wins betaalbaar volgens daardie kontrak verdeel moet word tussen die Kroon en die eienaar, oppervlakeienaar of ontdekker, na verhouding van elkeen se aandeel volgens artikels *dertien*, *negentien* en *vier-en-dertig* en met die verstande verder dat die Minister die bevoegdheid van hierdie artikkel nie mag uitoefen nie om die redes genoem in paragraaf (c) as die eienaar, oppervlakeienaar of ontdekker volgens oordeel van die Minister in die ontginning verhinder is tengevolge van die instroming of skaarste van water, ernstige ongeval, onvermydelike vertraging van voltooiing of herstel van bedryfsinrigting of skagte, skaarste van arbeid of geskille met arbeiders.

(2) In geval die eienaar, oppervlakeienaar of ontdekker weier of daarvan afsien om die myn te ontgin, is die bepaling van hierdie artikkel van toepassing.

37. (1) As ooreenkomstig artikkel *ses-en-dertig* regte beëindig word, mag die persoon wat as eienaar, oppervlakeienaar of ontdekker daardie regte besit het, nie enige bedryfsinrigting, masjienerie of uitrusting of materiaal, gebruik om die sykkante of mure van die myn of ondergrondse werke te stut, verwyder of vernietig nie, maar hy moet hulle in 'n goeie toestand en staat van herstel agterlaat.

(2) Iemand wat daarna 'n huurder van die myn word ingevolge genoemde artikkel, is geregtig om die regte wat bedoelde eienaar, oppervlakeienaar of ontdekker op daardie bedryfsinrigting, masjienerie, uitrusting en materiaal het, te huur of te koop teen 'n waardering, wat by gebreke van ooreenkoms, deur arbitrasie bepaal moet word.

(3) As daar geen sodanige latere huurder is nie of as 'n volgende huur ingetrek of beëindig word mag die persoon wie se regte as eienaar, oppervlakeienaar of ontdekker beëindig is, na verloop van 'n tydperk van twaalf maande vanaf die beëindiging van daardie regte of vanaf die beëindiging van 'n huur, die bedryfsinrigting, masjienerie en uitrusting verkoop of verwyder, maar nie die materiaal wat gebruik is of volgens oordeel van die Staats-Myningenieur nodig is om die sykkante of mure van die myn of ondergrondse werke te stut nie.

38. In geval 'n klein myn wat hoogstens honderd-vyf-en-dertig-duisend vierkante voet beslaan, geproklameer word, is die Goewerneur-generaal, as hy dit dienstig ag, bevoeg om die Kroon se regte op die myn aan die mynhouer te verhuur op sulke besondere voorwaardes as wat ooreengekom mag word en die bepaling van hierdie Wet met betrekking tot die ontginning van 'n myn en die verdeling van die wins is, behoudens daardie besondere voorwaardes, in so 'n geval van toepassing.

Verliese word afgetrek van winste.

Wanneer eienaarsreg van ontginning deur Minister beëindig mag word.

Eienaar mag nie bedryfsinrigting of masjienerie of werke verwyder of vernietig nie.

Verhuur van Kroon se regte op klein geproklameerde myn.

Part II.—Administrative provisions applicable to the Working of new and existing Mines.

39. (1) The mineholder shall keep all such books, accounts, plans and records as may be deemed by the Minister to be necessary for conveying a full account and record of his operations, and all such books, accounts, plans and records shall at all reasonable times be open to the inspection of the Minister or any person authorized by him. All returns and reports required by the Minister shall be promptly furnished by the mineholder.

(2) Any mineholder who shall contravene any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred pounds.

40. The Minister may appoint officers to inspect from time to time the mine and works and all places in which the precious stones are extracted, sorted or classified, the books, including minute books, accounts, plans, contracts and records, and other documents, and to report to him whether the working of the mine and the extraction and disposal of the precious stones are satisfactory.

41. (1) All accounts shall be made up annually to such date as may be agreed upon between the Minister and the mineholder, and the Minister shall appoint an officer to examine into, assess and collect any amounts due to the Crown, who shall for this purpose have full and free access to and the use of all books, including minute books, accounts, contracts, records and other documents relating to the working of the mine and to the disposal of the precious stones and shall be supplied by the mineholder with all information or particulars which he may from time to time require in order to enable him to make his examination and assessment.

(2) Such officer shall in addition to other reports make an annual report to the Minister, and such report may be published in the *Gazette*.

42. The mineholder shall render annually to the officer mentioned in the preceding section, in such form as may be required by him, an account showing how the realized profit is arrived at and such other particulars as may be necessary for the purposes of this Act. Such account shall be rendered and signed by the mineholder.

43. (1) The said account shall be rendered within three months after the date up to which the annual accounts are made or within such further time as the Minister may allow. At the same time that the accounts are rendered, the share of the realized profit shown therein to be due to the Crown shall be paid.

(2) Any share of profits payable which is not paid within the prescribed period shall bear interest at the rate of seven per cent. per annum reckoned from the termination of that period. Any person whose duty it is to render the accounts aforesaid who fails to render the same within the prescribed period, shall be liable to a penalty of five pounds for every day on which he is in default and such penalty shall be assessable and recoverable with the share of profits due to the Crown: Provided that the Minister may, if satisfied that the delay was unavoidable and that there are sufficient reasons for remission, remit the whole penalty or any part thereof.

44. (1) The duly appointed assessing officer shall assess the liability of the mineholder and shall notify him of any further sum due by him on such assessment or refund any amount which may be shown by that assessment to have been overpaid.

(2) If the amount of any assessment be in dispute, the mineholder may within one month after the notice of the assessment and on payment of the amount assessed call on the assessing officer to have the amount of liability determined by arbitration.

(3) If the liability, as determined by arbitration, be less than the assessment made, the difference of share of profits shall be refunded, and if the liability as determined by arbitration exceed the assessment made, the excess share of profits shall be due and payable.

Deel II.—Administratiewe bepalings toepaslik op die ontginning van nuwe en bestaande myne.

39. (1) Die mynhouer moet sulke boeke, rekenings, kaarte en aantekenings hou as wat die Minister nodig ag om 'n volledige verantwoording en verslag te gee van sy werksaamhede en al sulke boeke, rekenings, kaarte en aantekenings moet op alle redelike tye beskikbaar wees ter insage van die Minister of sy gemagtigde. Alle opgawes en verslae wat die Minister verlang, moet sonder verwyf deur die mynhouer verstrekk word.

(2) 'n Mynhouer wat die bepalings van hierdie artikel oortree, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyfhonderd pond.

40. Die Minister mag amptenare aanstel om van tyd tot tyd die myn en werke en alle plekke waar die edelgesteentes uitgehaal, gesorteer of geklassifiseer word, te besigtig en die boeke, met inbegrip van die notuleboeke, rekenings, kaarte, kontrakte, en aantekenings en ander dokumente na te gaan en aan hom te rapporteer of die myn bevredigend ontgin en die edelgesteentes bevredigend uitgehaal en van die hand gesit word.

41. (1) Alle rekenings moet jaarliks opgemaak word tot op 'n datum wat die Minister en die mynhouer by ooreenkoms bepaal en die Minister moet 'n amptenaar aanstel om na te gaan watter bedrae aan die Kroon verskuldig is, dit te skat en te in. Vir daardie doel het daardie amptenaar volle en vrye toegang tot en die gebruik van alle boeke, waaronder notuleboeke, rekenings, kontrakte, aantekenings en ander dokumente wat op die ontginning van die myn en die vervreemding van die edelgesteentes betrekking het, en die mynhouer moet hom alle inligtings of besonderhede verskaf wat hy van tyd tot tyd nodig het om sy ondersoek en skatting te maak.

(2) Daardie amptenaar moet, behalwe ander rapporte, 'n jaarrapport aan die Minister uitbring wat in die *Staatskoerant* gepubliseer mag word.

42. Die mynhouer moet jaarliks by die amptenaar wat in die vorige artikel vermeld word in so 'n vorm as wat hy verlang, 'n rekening indien waarin aangetoon word hoe die gemaakte wins verkry is en sulke ander besonderhede as wat nodig mag wees vir die doeleindes van hierdie Wet. Daardie rekening moet deur die mynhouer ingedien en geteken word.

43. (1) Bedoelde rekening moet ingedien word binne drie maande na die datum tot waarop die jaarlikse rekenings opgemaak is, of binne so 'n verder tydperk as wat die Minister mag toestaan. Tegelyk met die indiening van die rekening moet die aandeel in die gemaakte wins wat daarin aangetoon word as aan die Kroon verskuldig, betaal word.

(2) Enige verskuldigde aandeel in die wins wat nie binne die vasgestelde tydperk betaal is nie, dra rente teen die koers van sewe persent per jaar, bereken vanaf die end van daardie tydperk. Iemand wie se plig dit is om voormelde rekenings in te dien en wat versuim om hulle binne die vasgestelde tydperk in te dien, vervall in 'n boete van vyf pond vir elke dag wat die versuim voortduur en daardie boete word bereken en is invorderbaar met die aandeel in die wins verskuldig aan die Kroon: Met die verstande dat die Minister, as hy oortuig is dat die vertraging onvermydelik was en dat daar voldoende redes vir kwytstelling bestaan, die gehele boete of enige gedeelte daarvan mag kwytstel.

44. (1) Die behoorlik aangestelde skattingsamptenaar moet skat wat die mynhouer verskuldig is en hom kennis gee van enige verder som wat hy volgens daardie skatting verskuldig is, of hy moet 'n bedrag wat volgens daardie skatting blyk onverskuldig aan hom betaal te geword het, terugbetaal.

(2) As die bedrag van 'n skatting betwis word, mag die mynhouer binne een maand na die kennisgewing van die skatting en na betaling van die geskatte bedrag die skattingsamptenaar aansê om die verskuldigde bedrag deur arbitrasie te laat vasstel.

(3) As die verskuldigde bedrag, soas deur arbitrasie vasgestel, minder as die skatting bedra, word die verskil van die aandeel in die wins terugbetaal en as die verskuldigde bedrag, soas deur arbitrasie vasgestel, meer as die skatting bedra, is die meerdere aandeel in die wins verskuldig en betaalbaar.

Mynenienaar hou nodige boeke, rekenings, ens.

Minister mag beamptes aanstel om myne en werke te besigtig.

Ondersoek van rekenings en aanslag en inning van Regerings-aandeel in winste.

Jaarliks moet opgawe van gemaakte wins ingedien word.

Kroon se aandeel in wins moet betaal word as rekening ingedien word.

Verrekening deur skattingsamptenaar.

mine owner shall keep all necessary books, accounts, etc.

Minister may appoint officers to inspect mine and works.

Examination of accounts and assessment and collection of Crown's share of profits.

Account showing how realized profit is arrived at and such other particulars as may be necessary for the purposes of this Act.

Crown's share of profit to be paid when account rendered.

Adjustment by assessing officer.

Provided that at any time prior to the cancellation of the digger's certificate, or in the event of an appeal having been noted within seven days from the date of the decision of the appellate body the claim holder may sell or dispose of his right in respect of the claim to any holder of a digger's certificate.

The decision of the majority present at the inquiry shall be the decision on the appeal under this section, and such decision shall be final and conclusive.

59. (1) A digger's certificate may be refused or cancelled by a diggers' committee or other prescribed authority if it is satisfied that the applicant for or holder of such certificate—

- (a) is or has been engaged in illicit trade in diamonds;
- (b) has contravened any law relating to the possession or disposal of diamonds;
- (c) is or has been engaged in illicit liquor trade;
- (d) associates with undesirable or suspected persons;
- (e) visited a native labour location or compound on any alluvial digging without the authority of the mining commissioner or diggers' committee;
- (f) has been convicted of any criminal offence and sentenced to any term of imprisonment without the option of a fine or to a fine exceeding thirty pounds;
- (g) has failed or is unable to comply with the mining or diggers' committee's regulations;
- (h) is unable personally to keep the registers required by law;
- (i) has done or omitted anything to the prejudice of good order and morality of the diamond digging industry,

or for any other reason which in the opinion of the committee or other authority unfits the applicant for or the holder of a digger's certificate to carry on the occupation of digging or prospecting for precious stones.

(2) A list of persons whose applications for diggers' certificates have been refused or whose certificates have been cancelled, shall be transmitted by the diggers' committee to the mining commissioner at the end of each month, and it shall be the duty of the mining commissioner to transmit forthwith to the mining commissioner at every other alluvial digging and to the chief of the diamond detective department the name of every person whose application for a digger's certificate has been refused or whose digger's certificate has been cancelled and every mining commissioner shall notify the diggers' committees under his jurisdiction.

(3) No digger's certificate shall, except with the approval of the Minister, be issued by any diggers' committee to any person who has been refused a digger's certificate or whose digger's certificate has been cancelled by any other diggers' committee.

60. (1) Every person working or resident on an alluvial digging who is not under this Act obliged to hold a digger's certificate shall obtain a certificate of character in a form and manner prescribed by regulation and no such person who is not in possession of such a certificate shall be employed or reside on any alluvial digging. Any person who contravenes the provisions of this section shall be guilty of an offence.

(2) The diggers' committee may whenever it has reasonable grounds for believing that the holder of such a certificate is an undesirable person and not a fit and proper person to work or reside on an alluvial digging cancel such certificate in a manner provided by regulation. Any person who employs any other person whose certificate of character has been so cancelled, to perform any work upon an alluvial digging shall be guilty of an offence.

(3) Any person who is refused a certificate of character or whose certificate of character is cancelled under this section shall have a right of appeal to the appellate body constituted under sub-section (3) of section fifty-seven and the provisions of that sub-section and of sub-section (4) of that section shall *mutatis mutandis* apply to appeals under this section.

61. (1) Every claimholder in an alluvial digging shall, while working his claim, be entitled to use and occupy without extra payment a piece of land within the digging for the purpose of a residence for himself and his family on an area selected and

Met die verstande dat te eniger tyd voor die intrekking van die delwersertifikaat of in geval 'n appèl aangeteken is binne sewe dae van die liggaam van appèl se beslissing die kleimhouer sy reg ten opsigte van die kleim aan 'n houer van 'n delwersertifikaat mag verkoop of van die hand sit.

Die beslissing van die meerderheid aanwesig by 'n ondersoek is die beslissing in die appèl ingevolge hierdie artikel en daardie beslissing is finaal en afdoende.

59. (1) 'n Delwersertifikaat mag deur 'n delwerskomitee of 'n ander voorgeskrewe outoriteit geweier of ingetrek word as hy oortuig is dat die aanvrager om of houer van so 'n sertifikaat—

- (a) onwettige handel in diamante dryf of gedryf het;
- (b) 'n wet, wat betrekking het op besit of vervreemding van diamante, oortree het;
- (c) onwettige drankhandel dryf of gedryf het;
- (d) met ongewenste of verdagte persone omgaan;
- (e) 'n natuurlelokasie of kompond op enige alluwiale delwery besoek het sonder magtiging van die myn-kommissaris of delwerskomitee;
- (f) weens enige misdad veroordeel is tot 'n tydperk van gevangenisstraf sonder keus van boete of tot 'n boete van meer dan dertig pond;
- (g) versuim het of nie in staat is om te voldoen aan die myn- of delwerskomitee-regulasies;
- (h) nie persoonlik in staat is om die wetlik voorgeskrewe registers te hou;
- (i) iets gedaan of versuim het tot nadeel van die goeie orde en sedelikheid van die diamantdelwersnywerheid;

of om enige ander rede wat volgens oordeel van die komitee of ander outoriteit die aanvrager om of houer van 'n delwersertifikaat ongeskik maak, om die beroep van delwer of prospekterder na edelgesteentes uit te oefen.

(2) 'n Lys van persone wie se aanvrae om delwersertifikate geweier is, of wie se sertifikate ingetrek is, moet aan die end van elke maand deur die delwerskomitee aan die mynkommissaris ingestuur word en die mynkommissaris is verplig om dadelik aan die mynkommissaris op elke ander alluwiale delwery en aan die hoof van die diamantspeurdiens die naam van elke persoon wie se aanvraag om 'n delwersertifikaat geweier is of wie se delwersertifikaat ingetrek is, deur te stuur en elke mynkommissaris moet daarvan kennis gee aan die delwerskomitees in sy gebied.

(3) Sonder goedkeuring van die Minister mag 'n delwerskomitee geen delwersertifikaat uitreik aan iemand aan wie 'n ander delwerskomitee 'n delwersertifikaat geweier of onttrek het.

60. (1) Elkeen wat op 'n alluwiale delwery werk of woon en wat nie ingevolge hierdie Wet verplig is om 'n delwersertifikaat te hou, moet 'n sertifikaat van sedelike gedrag verkry in 'n vorm en op 'n wyse wat by regulasies vasgestel is en so iemand wat nie in besit van so 'n sertifikaat is nie mag nie in 'n alluwiale delwery in diens geneem word nie of daar woon. Iemand wat die bepalings van hierdie artikel oortree is aan 'n misdryf skuldig.

(2) As die delwerskomitee gegronde rede het om te glo dat die houer van so 'n sertifikaat 'n ongewenste persoon en nie geskik is om op 'n alluwiale delwery te werk of te woon, dan mag hy daardie sertifikaat volgens voorskrif van die regulasies intrek. Iemand wat iemand anders, wie se sertifikaat van sedelike gedrag aldus ingetrek is, in diens neem om op 'n alluwiale delwery te werk, is aan 'n misdryf skuldig.

(3) Iemand aan wie 'n sertifikaat van sedelike gedrag geweier is of wie se sertifikaat van sedelike gedrag ingevolge hierdie artikel ingetrek is, het die reg om te appeleer na die liggaam van appèl ingestel ingevolge sub-artikel (3) van artikel *sewen-en-vyftig* en die bepalings van daardie sub-artikel en van sub-artikel (4) van daardie artikel is *mutatis mutandis* van toepassing op appèls ingevolge hierdie artikel.

61. (1) Elke kleimhouer op 'n alluwiale delwery is, solank as hy sy kleim bewerk, geregtig om sonder ekstra betaling 'n stuk grond binne die delwery as woonplek vir homself en sy familie te gebruik en te beset op 'n stuk wat die mynkom-

Weiering of intrekking van delwersertifikate.

Uitgifte en intrekking van sertifikaat van sedelike gedrag.

Grond vir woning van kleimhouer en sy familie.

reserved for that purpose by the mining commissioner, and where the digging is situated within the jurisdiction of a local authority after consultation with that local authority. When so selected the piece of land shall be reserved from pegging so long as it is occupied for the purpose for which it was reserved.

(2) Any person who resides on an alluvial digging in contravention of the provisions of this Act and fails when directed by the mining commissioner to depart therefrom shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

62. No person whose application for a digger's certificate has been refused or whose digger's certificate has been cancelled in accordance with the provisions of this Chapter, shall be employed by any holder of a prospecting permit, claim licence or certificate of discoverer's or owner's claims to work on the prospecting area or claims of such holder. Any person employing such first-mentioned person with knowledge that he is subject to any disability under this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

63. (1) Any person who works a claim or prospects in partnership with any person not being the holder of a digger's certificate, or who pays out to any labourer not holding a digger's certificate a percentage of the proceeds of the claim or prospect or the profits therefrom in lieu of or as part of his wages, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and his digger's certificate may be cancelled by the court convicting him or thereafter by the mining commissioner: Provided that nothing in this section shall prevent the payment of a bonus in addition to wages as a reward for precious stones handed up by an employee.

(2) No person shall prospect or work on a claim except under the control and direct charge of the prospector or the claim holder or of some person appointed by him who is the holder of a digger's certificate except as may be otherwise provided by regulation. Any person who prospects or works and any prospector or claimholder who permits any person to prospect or work in contravention of this section shall be guilty of an offence.

(3) Any person not being the holder of a digger's certificate who holds or works a claim in partnership with a licensed claim-holder, shall likewise be guilty of an offence and liable on conviction to the penalty in this section mentioned.

64. It shall not be lawful for any person who has been convicted in the Union or in any territory adjacent to the Union, of an offence against any law for the prevention of illicit dealing in or illicit possession of precious stones, or any person whose diggers' certificate or certificate of character or diamond dealer's licence has been cancelled by the proper authority, to reside, work upon or visit any alluvial digging, mine or land under prospect for a period of fifteen years after such conviction or cancellation without the written permission of the mining commissioner, which shall only be granted after consultation with the chief of the diamond detective department.

Any person who acts in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds in respect of every day during which the contravention continues.

65. No person shall upon an alluvial digging cut, take or use any tree, bush or wood which is not impeding his digging operations on his claim, and any tree, bush or wood standing on any alluvial digging shall remain the property of the surface owner.

66. The holder of any claim (including the discoverer and the owner) may, on application to the mining commissioner or his deputy, transfer his claim to any other holder of a digger's certificate. The transfer shall be registered, notwithstanding anything in any other law contained, by the mining commissioner, or his deputy, on payment, by means of stamps, of a fee of five shillings for every transfer, but no other stamp duty or any transfer duty shall be payable in respect thereof, anything to the contrary notwithstanding in any law relating to stamp duty or transfer duty. Any transfer of claims held under a discoverer's certificate or certificate of owner's claims issued under this Act or a prior law shall be suitably endorsed thereon and a discoverer's or owner's transfer certificate,

missaris vir die doel uitgesoek en gereserveer het en as die delwery geleë is binne die gebied van 'n plaaslike bestuur moet daardie plaaslike bestuur daarby geraadpleeg word. Wanneer die stuk grond aldus uitgesoek is word dit van afpenning uitgehou solank as dit beset is vir die doel waarvoor dit uitgehou is.

(2) Iemand wat in stryd met die bepalings van hierdie Wet op 'n alluwiale delwery woon en in gebreke bly om op las van die mynkommissaris daarvan te vertrek, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

62. Niemand wie se aanvraag om 'n delwersertifikaat geweier is, of wie se delwersertifikaat ooreenkomstig die bepalings van hierdie Hoofstuk ingetrek is mag deur 'n houer van 'n prospekteerpermit, kleimlisensie of sertifikaat van eienaars- of ontdekkerskleims in diens geneem word om op die prospekteerterrein of die kleims van daardie houer te werk. Iemand wat so 'n ander persoon aldus in diens neem met wete dat hy aan 'n beletsel ingevolge hierdie artikel onderhewig is, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

63. (1) Iemand wat 'n kleim bewerk of prospekteer in vennootskap met iemand wat nie die houer van 'n delwersertifikaat is nie, of wat aan 'n arbeider wat nie die houer van 'n delwersertifikaat is nie 'n persentasie van die opbrings van die kleim of prospekteer of van die winste daaruit gemaak in plaas van of as gedeelte van sy loon betaal, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond en sy delwersertifikaat mag ingetrek word deur die hof wat hom veroordeel of daarna deur die mynkommissaris: Met die verstande dat hierdie artikel nie belet dat buiten die loon, 'n bonus betaal word as 'n beloning vir edelgesteentes deur 'n bediende ingehandig.

(2) Niemand mag op 'n kleim prospekteer of werk behalwe onder die toesig en direkte leiding van die prospekteerder of die kleimhouer of van iemand wat deur hom aangestel is en wat die houer van 'n delwersertifikaat is, behalwe vir sover die regulasies anders mog bepaal. Iemand wat prospekteer of werk en 'n prospekteerder of kleimhouer wat iemand toelaat om te prospekteer of te werk in stryd met hierdie artikel is aan 'n misdryf skuldig.

(3) Iemand wat, sonder dat hy die houer van 'n delwersertifikaat is 'n kleim besit of bewerk in vennootskap met 'n gelisensieerde kleimhouer, die is eweneens skuldig aan 'n misdryf en by veroordeling strafbaar met die straf genoem in hierdie artikel.

64. Iemand wat in die Unie of in 'n grondgebied wat aan die Unie grens, weens 'n oortreding van enige wet tot voorkoming van onwettige handel in of onwettige besit van edelgesteentes veroordeel is, of iemand wie se delwersertifikaat of sertifikaat van sedelike gedrag of diamanthandelaarslisensie deur die bevoegde gesag ingetrek is mag gedurende 'n tydperk van vyftien jaar na daardie veroordeling of intrekking sonder die skriftelike verlof van die mynkommissaris wat alleen na beradslaging van die hoof van die diamantspeurdiens verleen mag word, nie op 'n alluwiale delwery, myn of prospekteergrond woon, werk of dit besoek nie. Elkeen wat in stryd met hierdie artikel handel, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond vir elke dag wat die oortreding voortduur.

65. Niemand mag op 'n alluwiale delwery enige boom, bos of hout wat die delfwerksaamhede op sy kleim nie hinder nie, kap, wegneem of gebruik, en al die home, bosse of hout wat op 'n alluwiale delwery staan, bly die eiendom van die oppervlakeienaar.

66. Die houer van enige kleim (insluitende die ontdekker en die eienaar), mag op aansoek by die mynkommissaris of sy verteenwoordiger, sy kleim aan enige ander houer van 'n delwersertifikaat transporteer. Die transport moet, niesteenstaande die bepalings van enige ander wet, deur die mynkommissaris of sy verteenwoordiger teen betaling van 'n fooi van vyf sjielings in seëls vir elke transport, geregistreer word, maar niesteenstaande teenoorgestelde bepalings in enige wet op seëlsregte of hereregte is geen ander seëlsregte en geen hereregte ten opsigte daarvan verskuldig nie. Van 'n transport van kleims, gehou kragtens 'n ontdekkersertifikaat of sertifikaat van eienaarskleims kragtens hierdie Wet of 'n vorige wet uitgereik, moet daarop 'n passende aantekening gemaak

Person whose digger's certificate has been cancelled not to be employed on digging or prospecting work.

Prohibition of working in partnership with certain persons.

Prohibition against residence on diggings of persons convicted of certain offences.

Cutting of timber on an alluvial digging.

Transfer of claim.

Iemand se delwersertifikaat ingetrek word nie geneem op wery- of prospekteerwerk nie

Verbod o in vennootskap te w met seke persone.

Verbod v verblyf o 'n delwer van persc wat weer sekere m drywe v oordeel is

Kap van hout op alluwiale delwery.

Transport van kleim

as the case may be, in the form prescribed by regulation shall be issued to the transferee in respect of any such right. In the case of the transfer of claims held under a claim licence, such licence shall be suitably endorsed and a fresh claim licence issued to the transferee.

67. No holder of a digger's certificate shall be entitled to acquire by transfer more than twelve claims: Provided that in the case of claims situate in a river bed the mining commissioner may grant to any such holder permission in writing so to acquire a greater number of such claims: Provided further that any natural person may take transfer of an owner's or discoverer's certificate and may acquire all the claims held thereunder.

68. (1) Subject to the provisions of sub-sections (2) and (3) of section *sixteen*, wherever any claimholder is not working his claims to the satisfaction of the mining commissioner, the mining commissioner may give such holder or his agent written notice to work his claims properly within one month after the date mentioned in the notice, and if the claimholder fail within the said period to comply with the terms of the notice to the satisfaction of the mining commissioner, the licence moneys payable on all the claims held by the said claimholder shall be doubled from the date of expiry of the notice until the terms thereof have been complied with.

(2) If the claimholder fail to pay the licence moneys prescribed by sub-section (1) the claims shall be dealt with under sub-section (3) of section *fifty-two*: Provided that nothing in this section contained shall apply to owners' claims selected under the provisions of section *nineteen*.

69. (1) If any question or dispute arise in regard to any right of way or any other matter connected with the working of claims or the boundaries or ownership of any claim or the position of any pegs or beacons or the areas, if any, reserved for any of the purposes mentioned in section *ninety-six*, the same shall be referred to the claim inspector or mining constable, with a right of appeal to the mining commissioner, who may summon two diggers to form with him a board to hear and decide the appeal. The decision of the mining commissioner or the board (as the case may be) shall be final.

(2) For the purpose of deciding any such question or dispute, the claim inspector, mining constable or mining commissioner may summon witnesses, and examine them on oath, and may call for the production of documents, and may do all things which he may deem necessary in order to arrive at a proper decision. Any person so summoned shall be entitled to receive out of the Consolidated Revenue Fund all reasonable expenses necessarily incurred by him in attending as a witness.

(3) If any person so summoned as a witness fail to appear at the time and place required by the summons, or to produce any document so required, or refuse to be sworn or to make a solemn affirmation or to answer all such questions as may lawfully be put to him, he shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds.

(4) The mining commissioner or board constituted as aforesaid, in giving a decision, may order the payment of the costs and reasonable expenses of witnesses by one or more of the parties to the dispute.

(5) If any person fail to carry out or comply with the requirements of a decision given under this section, he shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

70. (1) In the event of any claim being or becoming submerged by any river, water course, or pan, near to which or on the bed of which the claim is situate, and in the event of the claim, by reason of the submersion, being or becoming practically unworkable, the registered holder thereof shall be relieved from the payment of the licence moneys prescribed by this Act in respect of the claim for the month or any portion of the month exceeding fifteen days during which the claim is unworkable.

(2) Instead of renewing his licence, the mining commissioner shall issue to him a certificate of protection for

word en 'n ontdekker- of eienaar-transportsertifikaat (na die geval mag wees) in die vorm wat die regulasies voorskrywe, moet aan die transportnemer ten opsigte van elke sodanige reg uitgereik word. In die geval van die transport van kleims kragtens 'n kleimlisensie gehou, moet op daardie lisensie 'n passende aantekening gemaak en 'n nuwe kleimlisensie aan die transportnemer uitgereik word.

67. Geen houer van 'n delwersertifikaat is geregtig om deur oordrag meer as twaalf kleims te verkry nie: Met die verstande dat by kleims in 'n rivierbedding geleë, die mynkommissaris aan so 'n houer skriftelik permissie mag verleen om 'n groter aantal sodanige kleims te verkry: Met die verstande verder dat 'n mens transport mag neem van 'n eienaars- of ontdekker-sertifikaat en al die kleims mag verkry wat kragtens daardie sertifikaat gehou word.

68. (1) Behoudens die bepalings van sub-artiekels (2) en (3) van artikel *sesien* mag die mynkommissaris, as 'n kleimhouer sy kleims nie tot tevredenheid van die mynkommissaris bewerk nie, daardie houer of sy gemagtigde skriftelik aansê om sy kleims binne een maand na die dag wat in die aansegging vermeld word, behoorlik te bewerk en as die kleimhouer in gebreke bly om binne die genoemde tydperk tot tevredenheid van die mynkommissaris aan die aansegging te voldoen, word die lisensiegelde verskuldig op al die kleims wat daardie kleimhouer hou, verdubbel vanaf die dag waarop die tydperk vermeld in die aansegging verstryk, totdat daaraan voldoen is.

(2) As die kleimhouer in gebreke bly om die lisensiegelde wat sub-artikel (1) voorskrywe, te betaal, moet die kleims ooreenkomstig sub-artikel (3) van artikel *twee-en-vyftig* behandel word: Met die verstande dat die bepalings van hierdie artikel nie van toepassing is nie op eienaarskleims, uitgesoek ingevolge die bepalings van artikel *neëntien*.

69. (1) As 'n kwessie of geskil ontstaan omtrent 'n reg van weg of enige ander aangeleentheid in verband met die bewerking van kleims of die grense of die eiendom van 'n kleim of die posisie van penne of bakens of die terreine wat uitgehou mog wees vir een van die doeleindes genoem in artikel *ses-en-negentig* moet dit verwys word na die kleiminspekteur of mynkonstabel met 'n reg van appèl na die mynkommissaris, wat twee delwers mag oproep om met hom 'n raad te vorm om die appèl te hoor en te beslis. Die beslissing van die mynkommissaris of die raad (na die geval mog wees) is finaal.

(2) Ter beslissing van so 'n kwessie of geskil mag die kleiminspekteur, mynkommissaris of mynkommissaris getuie dagvaar en hulle onder eed verhoor en die oorlegging van dokumente vereis en alles doen wat hy nodig oordeel om tot 'n behoorlike beslissing te kom. Iemand wat aldus gedagvaar word, is geregtig op vergoeding uit die Gekonsolideerde Inkomstefonds van alle redelike onkoste wat hy noodsaaklik gemaak het deur as getuie te verskyn.

(3) As iemand wat aldus as 'n getuie gedagvaar is, versuim om te verskyn op die tyd en plek genoem in die dagvaarding of om 'n aldus vereiste dokument oor te lê of as hy weier om die eed of 'n plegtige bevestiging af te lê of om alle vrae wat wettig aan hom gestel mag word, te beantwoord, is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyf pond.

(4) Die mynkommissaris of raad saamgestel soas voormeld, mag by sy beslissing gelas dat een of meer van die partye in die geskil die koste van die appèl en redelike uitgawes van die getuie moet betaal.

(5) As iemand versuim om aan die vereistes van 'n beslissing kragtens hierdie artikel te voldoen, is hy skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

70. (1) In die geval dat 'n kleim oorstroom is of word deur 'n rivier, waterloop of pan in die nabyheid of op die bedding waarvan die kleim geleë is, en in die geval dat die kleim as 'n gevolg van die oorstrooming feitlik onbewerkbaar is of word, word die geregistreerde houer daarvan vrygestel van die betaling van die lisensiegelde wat hierdie Wet voorskrywe ten opsigte van die kleim vir die maand, of enige gedeelte van die maand van meer as vyftien dae, gedurende welke die kleim onbewerkbaar is.

(2) In plaas van sy lisensie te hernuwe, moet die mynkommissaris aan hom 'n beskermingsertifikaat uitreik vir die

Aantal kleims wat deur transport verkry mag word.

Straf op nie-bewerking van kleims.

Beslissing van geskille deur mynkommissaris.

Beskerming van kleimhouer in geval van oorstrooming van kleims.

number of claims which may be transferred.

liability for working claims.

decision of claim inspector or mining commissioner.

protection claimholder in case of submergence.

the next ensuing calendar month, and from month to month thereafter, and every such certificate shall protect him in the holding of his claim so long as it continues to be submerged.

(3) Nothing in section *fifty* contained shall be construed as preventing a claimholder holding claims under a certificate of protection granted under this section from pegging and working further claims upon another portion of the digging not exceeding six upon taking out claim licences for the same and paying licence moneys under this Act for the period of the certificate of protection aforesaid.

Notice of sinking shaft more than fifteen feet.

71. Any claimholder may give notice to a mining commissioner that he intends to sink a shaft on any of his claims to a depth of more than fifteen feet, and he shall, immediately upon giving notice, be entitled to mark out an area of ground which is open to pegging not exceeding one hundred yards in radius, marked by a centre peg and adjoining the claims aforesaid, and thereafter so long as he continues to sink the shaft to the satisfaction of the mining commissioner no other person shall have the right to peg or to dig or search for precious stones on the area so marked out.

Report of findings below fifteen feet.

72. (1) If any claim holder find any precious stones on the area so marked out at a depth of more than fifteen feet from the surface he shall, within a period of seven days after the first finding, report the fact in writing to the mining commissioner, and any such person who fails so to report shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and shall forfeit all rights to every claim of which he is the holder.

(2) So soon as any person proves to the satisfaction of the mining commissioner that he has found any precious stones on his claim or the area marked out by him at a depth of more than fifteen feet, he may apply to the Minister for permission to peg out an area of ten claims and to take out licences therefor upon payment of the licence moneys provided by this Act, and in the event of such permission being granted by the Minister he may peg out the claims aforesaid, and if such permission is not acted upon within a period of ten days after it was granted he shall be deemed to have abandoned such claims.

Limitation of interest of corporate bodies or associations in claims.

73. (1) Subject to the provisions of section *seventy-four* no corporate body or association of two or more persons shall be capable of holding a claim licence or digger's certificate, or any right or interest in or in connection with any claim, and any such licence or certificate and any such right or interest shall be void, and no person shall directly or indirectly hold any such licence or certificate or right or interest for the benefit or on behalf of or in trust for any corporate body or association of persons and any such holding shall be void.

(2) Any person contravening the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds for every day upon which such contravention continues, and any precious stones won in the course of operations carried out by any person under any such licence or certificate obtained or held contrary to the provisions of sub-section (1), or won by or for any corporate body or association of persons in contravention of those provisions, or by virtue of any right or interest in or in connection with any claim as aforesaid shall be forfeited to the Crown, and any such certificate so obtained or held shall *ipso facto* become null and void and shall be cancelled by the diggers' committee concerned. In the case of a corporate body the chairman, secretary and any director, and in the case of an association of person any member thereof shall be held liable for any contravention of sub-section (1) or for any act constituting such contravention purporting to be done by such corporate body or association of persons.

(3) Notwithstanding anything contained in sub-sections (1) and (2) or in section *sixty-six*, any corporate body or association of persons may hold a right or interest in or in connection with any claims—

(a) which were held by such body or association prior to the first day of July, 1926;

eersvolgende kalendermaand en daarna van maand tot maand en elke sodanige sertifikaat beskerm hom in die besit van sy kleim solank as wat dit oorstroom bly.

(3) Die bepalings van artikel *vyftig* belet nie dat 'n kleimhouer, wat kleims hou kragtens 'n beskermingsertifikaat wat ingevolge hierdie artikel aan hom verleen is, verdere kleims op enige ander gedeelte van die delwery, maar nie meer as ses nie, afpen en bewerk, as hy volgens hierdie Wet daarvoor kleimlisensies uitneem en lisensiegeld betaal gedurende die geldigheid van voormelde beskermingsertifikaat.

71. 'n Kleimhouer mag aan 'n mynkommissaris kennis gee dat hy voornemens is om 'n skag op een van sy kleims te graawe tot 'n diepte van meer as vyftien voet en dadelik nadat hy aldus kennis gegee het, is hy geregtig om 'n stuk grond waarop dit vrystaan om af te pen, af te merk, maar nie groter nie as 'n kring met 'n straal van honderd jaarts, gemerk met 'n middelpen, en wat aan die voormelde kleims grens, en daarna het niemand anders die reg om, solank as hy voortgaan om die skag tot tevredenheid van die mynkommissaris te graawe, op die aldus afgemerkte stuk grond af te pen of na edelgesteentes te delf of te soek.

Kennis-gewing v graawe van skag van meer as vyftien v

72. (1) As 'n kleimhouer edelgesteentes vind op die aldus afgemerkte grond op 'n diepte van meer as vyftien voet benede die oppervlakte moet hy binne 'n tydperk van sewe dae na die eerste vonds die feit aan die mynkommissaris skriftelik mededeel en so iemand wat versuim om dit mee te deel is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyftig pond en hy verbeur al sy regte op alle kleims waarvan hy die houer is.

Rapport vonds dieper as vyftien v

(2) Sodra iemand tot tevredenheid van die mynkommissaris bewys dat hy op sy kleim of op die grond wat hy afgemerk het, op 'n groter diepte as vyftien voet edelgesteentes gevind het, mag hy die Minister versoek om verlof om 'n stuk grond van tien kleims af te pen en om daarvoor lisensies uit te neem teen betaling van die lisensiegelde wat hierdie Wet bepaal en in geval die Minister daardie verlof verleen mag hy voormelde kleims afpen en as hy van daardie verlof geen gebruik maak nie binne 'n tydperk van tien dae nadat dit verleen is word veronderstel dat hy daardie kleims opgee het.

73. (1) Behoudens die bepalings van artikel *vier-en-sewentig* kan geen reëspersoon of 'n vereniging van twee of meer persone 'n kleimlisensie of delwersertifikaat hou of enige reg of belang in of in verband met 'n kleim besit nie en 'n sodanige lisensie of sertifikaat en enige sodanige reg of belang is nietig, en niemand mag direk of indirek so 'n lisensie of sertifikaat of reg of belang ten bate of ten behoeve van of in trust vir 'n reëspersoon of vereniging van persone hou of besit nie en enige sodanige besit is nietig.

Beperkin van belang van reëspersoon en verenigings in kleims.

(2) Iemand wat die bepalings van sub-artikel (1) oortree is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tien pond vir elke dag waarop daardie oortreding duur en enige edelgesteentes wat gewen is by werksaamhede deur iemand verrig kragtens so 'n lisensie of sertifikaat in stryd met die bepalings van sub-artikel (1) verkry of gehou, of wat in stryd met daardie bepalings deur of vir 'n reëspersoon of vereniging van persone of wat kragtens enige reg of belang in of in verband met voormelde kleim gewen is, word aan die Kroon verbeur, en 'n aldus verkrege of gehoue sertifikaat word *ipso facto* ongeldig en moet deur die betrokke delwerskomitee ingetrek word. In die geval van 'n reëspersoon is die voorsitter, sekretaris en enige direkteur en in die geval van 'n vereniging van persone is enige lid daarvan aanspreeklik vir enige oortreding van sub-artikel (1) of vir enige handeling wat daardie oortreding uitmaak luidende deur daardie reëspersoon of vereniging verrig te wees.

(3) Nieteenstaande die bepalings van sub-artikels (1) en (2) of van artikel *ses-en-sestig*, mag 'n reëspersoon of vereniging van persone 'n reg of belang in of in verband met kleims hê—

(a) wat daardie reëspersoon of vereniging voor die eerste dag van Julie 1926 besit het; of

- (b) which are held by such corporate body or association under a certificate issued to it as discoverer or owner in terms of section *thirteen* or *nineteen* or under a certificate issued under a prior law if such certificate was not issued in respect of land which in the opinion of the Minister pursuant to section *twenty* was divided with the object and effect of increasing the number of discoverers' and owners' claims; or
- (c) which being discoverers' or owners' claims granted under section *thirteen* or *nineteen* or under any prior law are situate in an area in which the Minister is of opinion that digging by individual diggers is not feasible, in which case the provisions of sub-section (4) of section *seventy-four* shall, where necessary *mutatis mutandis* apply:

Provided that in every case under paragraph (c) the permission of the Minister in writing has been first obtained. Such permission may state the time for which and the special conditions, if any, upon which it is granted.

(4) If any holders of claims have since the thirtieth day of June 1926 formed a partnership or desire to form a partnership to carry out in connection with such claims operations which cannot be conveniently carried out by individual diggers, the Minister may, under such conditions as he may think fit, by certificate under his hand exempt such holders from the provisions of sub-sections (1) and (2).

(5) The Minister may delegate his powers to grant permission and exemption under sub-sections (3) and (4) respectively to any official in the Department of Mines and Industries for such periods and under such conditions as he may deem expedient.

(6) No claims rendered void or illegal by the operation of this section shall in consequence of such operation be open to pegging but the Governor-General may *mutatis mutandis* deal therewith wholly or partially in any manner he may deem fit under the provisions of sections *forty-nine*, *fifty-one*, *seventy-four* and *seventy-five* or any one or more of these sections.

74. (1) Notwithstanding anything in this Act or in any other law contained, the Governor-General may, after the discoverer and owner have selected the claims to which they are entitled, deal with any land proclaimed an alluvial digging under this Act or a prior law in any of the following ways—

- (a) he may lease the right to win precious stones from such area or any part thereof to the discoverer or to any other person holding a digger's certificate or to any company on such terms as he may deem fit and subject to any regulations framed under this Act and on such royalty or share of profits as he may decide in addition to claim licence moneys as provided in this Act;
- (b) subject to the payment of claim licence moneys as provided in this Act he may in accordance with regulation sell the right to win precious stones from the whole or any part of such area to the discoverer, or to any other person holding a digger's certificate, or to any company at a price fixed by him, or by public auction, or he may dispose of the same in such manner and under such conditions as he may think fit.

(2) The surface owner shall be entitled to one-half of the licence moneys in respect of any land disposed of by lease or sale effected under this section.

(3) Any area the subject of any lease or sale under this section shall *mutatis mutandis* be subject in all respects to the provisions of this Act relating to alluvial diggings.

(4) In the case of any lease or sale under this section to any company, the chairman or secretary of such company shall, notwithstanding anything in this Act contained, be entitled

- (b) wat daardie regpersoon of vereniging besit kragtens 'n sertifikaat aan hom uitgereik as ontdekker of eienaar volgens artikel *dertien* of *negentien* of kragtens 'n sertifikaat uitgereik ingevolge 'n vorige wet, as daardie sertifikaat nie uitgereik is nie met betrekking tot grond wat volgens oordeel van die Minister ingevolge artikel *twintig* verdeel is met die doel en uitwerking dat die getal eenaars- en ontdekkerskleims vermeerder is; of
- (c) wat kragtens artikel *dertien* of *negentien* of kragtens 'n vorige wet verleende ontdekkers- of eenaarskleims is en in 'n gebied geleë is waar, volgens oordeel van die Minister, delwe deur enkele delwers nie doenlik is nie. As dit die geval is sal die bepalings van sub-artikel (4) van artikel *vier-en-sewentig* waar nodig, *mutatis mutandis* van toepassing wees:

Met die verstande dat in elke geval wat onder paragraaf (c) val, die Minister se skriftelike permissie vooraf verkry is. Bedoelde permissie mag bepaal vir watter tydperk en onder watter spesiale voorwaardes (as die gestel is) dit verleen is.

(4) As besitters van kleims sedert die dertigste dag van Junie 1926 'n vennootskap gevorm het of 'n vennootskap wil vorm om in verband met daardie kleims werksaamhede te verrig wat nie gerieflik deur enkele delwers verrig kan word nie, dan mag die Minister onder sodanige voorwaardes as wat hy wenslik ag, daardie besitters deur 'n sertifikaat wat sy handtekening dra van die bepalings van sub-artikels (1) en (2) vrystel.

(5) Die Minister mag sy bevoegdhede om respektieflik kragtens sub-artikels (3) en (4) permissie en vrystelling te verleen opdra aan enige amptenaar in die Departement van Mynwese en Nywerheid en wel gedurende so 'n tydperk en onder sodanige voorwaardes as wat hy dienstig ag.

(6) Geen kleims wat deur die werking van hierdie artikel ongeldig of onwettig gemaak is, is ten gevolge van sodanige werking beskikbaar om afgepen te word, maar die Goewerneur-generaal mag *mutatis mutandis* kragtens die bepalings van artikels *negen-en-veertig*, *een-en-veertig*, *vier-en-sewentig* en *vyf-en-sewentig* of enig een of meer van hierdie artikels, daarmee geheel of gedeeltelik handel op 'n wyse soos hy goedvind.

74. (1) Nieteenstaande ander bepalings in hierdie of enige ander wet, mag die Goewerneur-generaal nadat die ontdekker en eienaar die kleims waartoe hulle geregtig is, uitgesoek het, met enige grond wat kragtens hierdie of 'n vorige wet tot 'n alluwiële delwery verklaar is, op een van die volgende maniere handel:

- (a) hy mag die reg om edelgesteentes uit daardie terrein of enige deel daarvan te wen verhuur aan die ontdekker of aan iemand anders in besit van 'n delwersertifikaat of aan 'n maatskappy, onder sodanige voorwaardes as wat hy wenslik ag en met inagneming van die regulasies wat ingevolge hierdie Wet uitgevaardig mag wees, en wel teen betaling van so 'n reg of van so 'n aandeel in die winste as wat hy mog bepaal, buiten en behalwe die kleimlisensiegelde waarvoor hierdie Wet voorsiening maak;
- (b) teen betaling van die kleimlisensiegelde soos in hierdie Wet bepaal mag hy ooreenkomstig die regulasies die reg om uit daardie terrein of 'n deel daarvan edelgesteentes te wen verkoop aan die ontdekker of aan iemand anders in besit van 'n delwersertifikaat of aan 'n maatskappy teen 'n prys wat hy vasgestel het, of by publieke veiling, of hy mag daarvoor beskik op 'n manier en onder voorwaardes wat hy wenslik ag.

(2) Die oppervlakeienaar is geregtig op die helfte van die lisensiegelde vir grond wat kragtens hierdie artikel verhuur of verkoop is.

(3) Die bepalings van hierdie Wet met betrekking tot alluwiële delwerye is *mutatis mutandis* in elke opsig van toepassing op elke terrein wat die onderwerp van so 'n verhuring of verkoop kragtens hierdie artikel uitmaak.

(4) In geval van 'n verhuring of verkoop kragtens hierdie artikel aan 'n maatskappy, is die voorsitter of sekretaris van die maatskappy, nieteenstaande ander bepalings in hierdie Wet,

Alternatiewe beskikking oor alluwiële terrein.

Alternative method of disposing of alluvial areas.

to obtain a digger's certificate and claim licence and shall obtain such certificate prior to the commencement of any working under such lease or sale.

(5) The Governor-General shall before exercising any of the powers under this section obtain a report from the Mining Leases Board established under section one of the Transvaal Mining Leases and Mineral Law Amendment Act, 1918 (Act No. 30 of 1918).

(6) The Governor-General may after the discoverer has selected the claims to which he is entitled under section thirteen or any prior law, deal with any unalienated Crown land in any of the ways set forth in paragraphs (a) and (b) of sub-section (1) and in that case sub-sections (4) and (5) shall apply.

State alluvial diggings.

75. The Governor-General may, after the discoverer has selected the claims to which he is entitled under section thirteen or any prior law, subject to the rights of the discoverer and owner, by proclamation in the *Gazette*, declare any proclaimable or proclaimed land or any unalienated Crown land to be a State mine or alluvial digging, and may deal therewith in any manner which may be prescribed by regulation.

Restricted alluvial diggings.

76. (1) Notwithstanding anything in this Act contained, the Governor-General may, by proclamation in the *Gazette*, declare any alluvial digging to be a restricted alluvial digging.

(2) In any restricted alluvial digging declared as such under sub-section (1), no claim holder shall employ at any one time for the working of his claim or claims more than such number of persons, not exceeding twenty, as may be prescribed for that digging by regulation from time to time, and any person contravening the provisions of this sub-section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) The Governor-General may at any time by proclamation in the *Gazette* abolish a State mine or alluvial digging or remove the restriction on any alluvial digging.

CHAPTER VII

PROCLAMATION OF MINE AT ALLUVIAL DIGGING.

When part of an alluvial digging discovered to be a mine.

77. (1) When any portion of an alluvial digging is discovered to be or to contain a mine, all the provisions of section eleven as to giving notice of the discovery and the furnishing of the declaration and information and the penalising of any failure to comply with any requirement in this respect shall *mutatis mutandis* apply.

(2) Any claimholder making a discovery of a mine on an alluvial digging on unalienated Crown land which, in the opinion of the Minister, contains precious stones in payable quantities shall be entitled to the reward provided for a discoverer of a mine on Crown land under this Act, and if the discovery has been made simultaneously by more than one person, each such person shall be entitled to an equal share in such reward. In the case of any dispute under this section the decision of the Minister shall be final. In the case of a discovery of such a mine on private land or on Crown land, the title to which contains a reservation of precious stones to the Crown, the owner or surface owner, as the case may be, shall be entitled to the share of the owner (or surface owner) under this Act: Provided that there shall be paid to the claimholder, unless it be otherwise agreed between him and the owner (or surface owner), ten per cent. of the owner's share of the profits from the working of the mine.

(3) The Governor-General may proclaim a mine discovered on an alluvial digging, or which is found to extend on to an alluvial digging, and thereupon the provisions of this Act relating to mines shall apply as if the said mine were not part of an alluvial digging:

Provided that a reasonable time, to be determined by the mining commissioner, shall be allowed to enable any holder

geregtig om 'n delwersertifikaat en kleimlisensie te verkry en hy moet so 'n sertifikaat verkry voordat hy met werksaamhede ingevolge daardie huur of verkoop begin.

(5) Voordat die Goewerneur-generaal bevoegdhede kragtens hierdie artikel uitoefen moet hy 'n verslag verkry van die Mynverhuringraad ingestel kragtens artikel een van die Transvaal Mynverhuring- en Minerale Wet Wijzigingswet, 1918 (Wet No. 30 van 1918).

(6) Die Goewerneur-generaal mag, nadat die ontdekker die kleims waarop hy uit kragte van artikel dertien, of 'n vorige wet geregtig is, uitgekies het met enige onvervreemde Kroongrond handel op enige van die maniere vermeld in paragrawe (a) en (b) van sub-artikel (1) en in daardie geval is sub-artikels (4) en (5) van toepassing.

75. Die Goewerneur-generaal mag, nadat die ontdekker die kleims waarop hy uit kragte van artikel dertien, of 'n vorige wet geregtig is, uitgekies het met inagneming van die regte van die ontdekker en eienaar by proklamasie in die *Staatskoerant* enige proklameerbare of geproklameerde grond of enige onvervreemde Kroongrond tot 'n staatsmyn of 'n alluwiale staatsdelwery verklaar en mag daarmee handel soos in regulasies bepaal mag word.

Alluwiale staatsdelwerye.

76. (1) Nieteenstaande ander bepalings in hierdie Wet, mag die Goewerneur-generaal by proklamasie in die *Staatskoerant* enige alluwiale delwery tot 'n beperkte alluwiale delwery verklaar.

Beperkte alluwiale delwerye.

(2) In 'n beperkte alluwiale delwery, kragtens sub-artikel (1) as sodanig verklaar, mag geen kleimhouer meer persone tegelyk in sy diens hê om sy kleim of kleims te bewerk, as die getal, twintig nie te bogaande, wat vir daardie delwery van tyd tot tyd deur regulasies vasgestel mog wees, en iemand wat die bepalings van hierdie sub-artikel oortree is aan 'n misdryf skuldig en by veroordeling strafbaar met in boete van hoogstens honderd pond.

(3) Die Goewerneur-generaal mag te eniger tyd deur 'n proklamasie in die *Staatskoerant* 'n staatsmyn of alluwiale staatsdelwery afskaf of die beperking op 'n alluwiale delwery ophef.

HOOFSTUK VII.

PROKLAMERING VAN MYN OP ALLUWIALE DELWERY.

77. (1) As ontdek word dat 'n gedeelte van 'n alluwiale delwery 'n myn is of bevat, is al die bepalings van artikel elf met betrekking tot kennisgewing van die ontdekking en indiening van die verklaring en verskaffing van inligtings en die bestraffing van enige versuim om aan enige vereiste in hierdie opsig te voldoen, *mutatis mutandis*, van toepassing.

As ontdek word dat gedeelte van 'n alluwiale delwery 'n myn is.

(2) 'n Kleimhouer wat 'n myn op 'n alluwiale delwery op onvervreemde Kroongrond ontdek, wat na die oordeel van die Minister edelgesteentes in betaalbare hoeveelhede bevat, is geregtig op die beloning wat hierdie Wet aan 'n ontdekker van 'n myn op Kroongrond toeken en as die myn gelyktydig deur meer as een persoon ontdek is, is elke sodanige persoon geregtig op 'n gelyke aandeel in die beloning. In geval van geskil ingevolge hierdie artikel is die beslissing van die Minister finaal. In geval so 'n myn ontdek word op private grond of op Kroongrond, waarvan die tiitel 'n voorbehoud van edelgesteentes aan die Kroon bevat, is die eienaar of oppervlakeienaar, na die geval mag wees, geregtig op die aandeel van die eienaar (of oppervlakeienaar) volgens hierdie Wet: Met die verstande dat aan die kleimhouer, tensy anders tussen hom en die eienaar (of oppervlakeienaar) ooreengekom is, tien persent van die eienaar se aandeel in die wins van die ontginning van die myn betaal moet word.

(3) Die Goewerneur-generaal mag 'n myn wat op 'n alluwiale delwery ontdek is of waarvan blyk dat hy hom op 'n alluwiale delwery uitstrek, proklameer en daarop is die bepalings van hierdie Wet met betrekking tot myne van toepassing asof daardie myn geen deel van 'n alluwiale delwery was nie:

Met die verstande dat 'n redelike, deur die mynkommissaris te bepale tyd aan die houër van 'n kleim wat in die aldus as 'n

of a claim within the area so proclaimed a mine, to work out any alluvial deposits in his claim

(4) In the case of a mine being discovered close to an alluvial digging in such a position that a portion of the alluvial digging is required for a mining area or residential area, such portion of the alluvial digging may be proclaimed a mining area under this Act, subject to the provisions of the preceding sub-section.

CHAPTER VIII.

ALLUVIAL DIAMOND BOARD AND DIGGERS' COMMITTEES.

Alluvial Diamond Board.

78. (1) After the commencement of this Act the Minister may establish a board to be called the Alluvial Diamond Board, which in this Chapter is referred to as "the board."

(2) The board shall consist of a chairman and eight members. One member shall represent private alluvial diamond interests on farms in the Province of the Cape of Good Hope in the title to which there is no reservation to the Crown of precious stones, and one member shall represent diamond buying and exporting interests. The other members of the board shall represent the diggers.

(3) The chairman shall be a Government official nominated by the board and approved by the Minister.

(4) The members of the board representing the diggers shall be assigned by the Governor-General to the provinces, in such manner as he may deem fit, and shall thereafter be elected by the diggers. The Governor-General may by regulation prescribe the mode of election of such representatives and the grouping of alluvial diggings into electoral wards for the purpose of the nomination and election of such representatives.

(5) The members of the board representing private alluvial diamond interests and buying and exporting interests shall be elected by the members of the board representing the diggers.

(6) The chairman and members of the board shall hold office for a period of three years, provided that of the diggers' representatives two shall retire annually by rotation on the thirty-first day of March. The members to retire at the end of the first year shall be those who polled the least number of votes in their respective provinces, and the members to retire at the end of the second year shall be those who polled the next least number of votes.

(7) In the event of a vacancy occurring on the board for any of the reasons mentioned in sub-section (9) the election to fill such vacancy shall be held as soon as possible thereafter, and the person so elected shall retain office for the unexpired period of the term of office of the member he succeeds. Every annual election to fill the vacancies caused by retiring members shall be held in the month of April, or as soon as possible thereafter. The rules and regulations for such election shall be prescribed by the Minister after consultation with the board:

Provided that every member of the board shall retain office until his successor has been duly elected, and shall exercise the same duties and powers as theretofore.

(8) Only holders of diggers' certificates shall be entitled to vote who can satisfy the mining commissioner or his deputy that they have been continuously engaged in digging for a period of three months immediately preceding the date of election, and the decision of the mining commissioner or his deputy shall be final.

(9) A seat on the board shall become vacant if a member—

- (a) dies;
- (b) resigns;
- (c) is unwilling or unable to act;
- (d) is absent for three consecutive meetings of the board without leave;
- (e) becomes insolvent, assigns his estate, or is convicted of any criminal offence and sentenced to any term of imprisonment without the option of a fine or to a fine exceeding thirty pounds;

myn geproklameerde terrein geleë is, toegestaan moet word om hom in staat te stel om 'n alluwiale laag op sy kleim uit te werk.

(4) In geval 'n myn wat vlak by 'n alluwiale delwery ontdek word, sodanig geleë is dat 'n gedeelte van die alluwiale delwery nodig is vir 'n mynterrein of woonterrein, mag daardie gedeelte van die alluwiale delwery kragtens hierdie Wet as 'n mynterrein geproklameer word met inagneming van die bepalings van die voorgaande sub-artikel.

HOOFSTUK VIII.

ALLUWIALE DIAMANTERAAD EN DELWERSKOMITEES.

Alluwiale Diamanteraad.

78. (1) Na die inwerkingtreding van hierdie Wet mag die Minister 'n raad, die alluwiale diamanteraad genoem te word, instel wat in hierdie Hoofstuk die "raad" genoem word.

(2) Die raad bestaan uit 'n voorsitter en ag lede. Een lid verteenwoordig private alluwiale diamantbelange op plase in die Provinsie Kaap die Goeie Hoop, in die tittel waarvan daar geen voorbehoud van edelgesteentes aan die Kroon voorkom nie en een lid verteenwoordig die belange van kopers en uitvoerders van diamante. Die ander lede van die raad verteenwoordig die delwers.

(3) Die voorsitter is 'n staatsamptenaar deur die raad voorgedra en deur die Minister goedgekeur.

(4) Die lede van die raad wat die delwers verteenwoordig, word deur die Goewerneur-generaal op so 'n manier as wat hy wenslik ag aan die provinsies toegewys en word daarna deur die delwers gekies. Die Goewerneur-generaal mag die wyse van verkiesing van daardie verteenwoordigers en die groepering van alluwiale delwerye in kieswyke vir die nominasie en verkiesing van daardie verteenwoordigers deur regulasies voorskryf.

(5) Die lede van die raad wat private alluwiale diamantbelange en belange van kopers en uitvoerders van diamante verteenwoordig, word deur die lede van die raad, wat die delwers verteenwoordig, gekies.

(6) Die voorsitter en lede van die raad beklee hulle amp gedurende 'n tydperk van drie jaar: Met die verstande dat van die delwers-verteenvoerders twee jaarliks om die beurt op die een-en-dertigste Maart aftree. Die lede wat aan die end van die eerste jaar moet aftree is dié wat in hulle respektiewe provinsies die minste aantal stemme verkry het en die lede wat aan die end van die tweede jaar moet aftree is dié wat daarna die minste aantal stemme verkry het.

(7) In geval deur een of ander van die redes genoem in sub-artikel (9) op die raad 'n vakature ontstaan, moet die verkiesing om daardie vakature op te vul so spoedig moontlik daarna gehou word en die aldus verkose persoon beklee sy amp gedurende die onverstreke ampsduur van die lid wat hy opvolg. Elke jaarlikse verkiesing om vakatures op te vul wat ontstaan deur aftreding van lede, word in die maand April gehou of so spoedig moontlik daarna. Die reëls en regulasies vir so 'n verkiesing word deur die Minister vasgestel na oorleg met die raad: Met die verstande dat elke lid van die raad sy amp bly beklee totdat sy opvolger gekies is en dat hy dieselfde pligte en bevoegdhede as tevore waarnaem.

(8) Slegs houers van delwerssertifikate wat die mynkommissaris of sy gemagtigde kan oortuig dat hulle gedurende 'n tydperk van drie maande onmiddellik voor die datum van die verkiesing sonder onderbreking aan die delwe was, is stemgeregtig en die beslissing van die mynkommissaris of sy gemagtigde is afdoende.

(9) 'n Setel op die raad word vakant as 'n lid—

- (a) sterf;
- (b) bedank;
- (c) ongewillig of nie in staat is om op te tree;
- (d) sonder verlof weg bly van drie opeenvolgende vergaderings van die raad;
- (e) insolvent word, sy boedel afstaan, of weens enige misdad veroordeel word tot 'n tydperk van gevangenisstraf sonder keus van boete of tot 'n boete van meer as dertig pond;

Instelling en samestelling van alluwiale diamanteraad.

(f) being a member representing the diggers, ceases to carry on the business of a digger or enters upon or follows any trade, business, occupation, calling or office other than that of a digger.

(10) No remuneration shall be payable to any member of the board but members shall be entitled to receive out of the Consolidated Revenue Fund all reasonable out-of-pocket expenses incurred in connection with and while engaged on the work of the board.

(11) The board shall, subject to confirmation by the Minister, appoint a secretary and such other persons as may be necessary for carrying out effectively its functions.

(12) The board may sue or be sued in the name of the chairman.

79. The functions of the board shall be—

(a) to supervise and co-ordinate the work of the diggers' committees;

(b) to advise the Government in regard to all matters affecting the administration of alluvial diggings, and to enquire into such matters affecting the diggings as may from time to time be referred to it by the Minister.

80. Any mining commissioner or other official of the Mines Department deputed by the Minister shall have the right to attend any meeting of the board and with the consent of the chairman may take part in the discussions, but he shall not be entitled to vote.

81. (1) The board shall have power, subject to the approval of the Minister, to make rules and regulations not in conflict with this Act for the better carrying out of the work of the board.

(2) The Minister may by notice in the *Gazette* abolish or dissolve any board established under this Chapter.

Diggers' Committees.

82. (1) The Governor-General may make regulations, not inconsistent with this Act, for the constitution of diggers' committees for alluvial diggings or districts as he may deem fit, and the mode of election of such committees, and may define from time to time by such regulations the duties, powers and functions of such committees, and make rules for the guidance of any such committees. The duties, powers and functions assigned to one diggers' committee may differ from those assigned to another such committee, and the regulations or rules aforesaid may also differ in different cases.

(2) The Minister may direct that one diggers' committee shall be elected for one or more alluvial diggings as he may deem advisable, and that any newly proclaimed digging may be placed under the jurisdiction of any existing diggers' committee.

(3) Every diggers' committee in existence at the commencement of this Act and constituted under any prior law shall continue to exist after such commencement, and carry out the duties, powers and functions carried out by it immediately prior to such commencement until regulations made under this section have been brought into operation in respect of it or until it has been abolished or dissolved under section *eighty-five* of this Act.

(4) A diggers' committee may sue or be sued in the name of the chairman of the committee.

83. Every claimholder within the alluvial digging or district placed under the jurisdiction of a diggers' committee constituted as aforesaid shall be eligible to be a member of the diggers' committee for that alluvial digging or district, and shall have a vote in the election of members of that committee.

84. If after his election any member of a diggers' committee—

- (a) dies;
- (b) resigns;
- (c) is unwilling or unable to act;
- (d) is absent for three consecutive meetings of the committee without leave;
- (e) is convicted of any criminal offence and sentenced to any term of imprisonment without the option of a fine or to a fine exceeding thirty pounds;

(f) as hy 'n lid is wat die delwers verteenwoordig, ophou om die bedryf van 'n delwer uit te oefen of enige ander ambag, besigheid, beroep, bedryf of amp as die van delwer gaan volg of uitoefen.

(10) 'n Lid van die raad word nie besoldig nie, maar die lede is geregtig op vergoeding, uit die Gekonsolideerde Inkomstefonds, van alle redelike onkoste wat hulle gemaak het in verband met en solank as hulle besig is met die werk van die raad.

(11) Die raad moet, behoudens bevestiging deur die Minister, 'n sekretaris en sulke ander persone aanstel as wat nodig mag wees om sy werksaamhede doeltreffend te verrig.

(12) Die raad kan as eiser of verweerder in regte optree in die naam van sy voorsitter.

79. Dit behoort tot die werkkring van die raad—

(a) om die werk van delwerskomitees onder toesig te hou en te koördineer;

(b) om die Regering van advies te dien met betrekking tot alle sake wat die beheer van alluwiale delwerye betref en om ondersoek in te stel na sodanige sake wat die delwerye betref as wat die Minister van tyd tot tyd na hom mog verwys.

80. Enige mynkommissaris of ander amptenaar in die Departement van Mynwese wat die Minister daartoe aanwys, het die reg om enige vergadering van die raad by te woon en mag met die toestemming van die voorsitter aan die besprekings deelneem, maar hy is nie stemgeregtig nie.

81. (1) Die raad is bevoeg om, met goedkeuring van die Minister, reëls en regulasies vas te stel wat nie in stryd met hierdie Wet mag wees nie vir die betere uitvoering van die werk van die raad.

(2) Die Minister mag by kennisgewing in die *Staatskoerant* 'n ingevolge hierdie hoofstuk ingestelde raad afskaf of ontbind.

Delwerskomitees.

82. (1) Die Goewerneur-generaal mag regulasies instel wat nie in stryd met hierdie Wet mag wees nie, vir die instelling van delwerskomitees vir alluwiale delwerye of distrikte, soas hy wenslik ag en die wyse van verkiesing van sulke komitees, en mag van tyd tot tyd deur sulke regulasies die pligte, bevoegdhede en werkkring van sulke komitees en reëls tot leidraad van sulke komitees vasstel. Die pligte, bevoegdhede en werkkring aan die een delwerskomitee toegewys mag verskil van die wat aan 'n ander komitee toegewys word en voormelde regulasies of reëls mag ook in verskillende gevalle verskil.

(2) Die Minister mag gelas dat een delwerskomitee verkies moet word vir een of meer alluwiale delwerye, soas hy raadsaam ag, en dat 'n nuwe geproklameerde delwery geplaas mag word onder die beheer van 'n bestaande delwerskomitee.

(3) Elke delwerskomitee wat by die inwerkingtreding van hierdie Wet bestaan en samegestel is kragtens 'n vorige wet, bly na daardie inwerkingtreding voortbestaan en moet die bevoegdhede en werksaamhede waarneem wat hy onmiddellik voor daardie inwerkingtreding waargeneem het totdat regulasies kragtens hierdie artikel uitgevaardig ten opsigte van homself in werking gestel word of totdat hy opgehef of ontbind is kragtens artikel *vyf-en-tagtig* van hierdie Wet.

(4) 'n Delwerskomitee mag in regte as eiser of verweerder optree in die naam van die voorsitter van die komitee.

83. Elke kleimhouer in die alluwiale delwery of distrik in die gebied van 'n delwerskomitee wat as voormeld samegestel is, is verkiesbaar as lid van die delwerskomitee vir daardie alluwiale delwery of distrik en het 'n stem in die verkiesing van lede van daardie komitee.

84. As 'n lid van 'n delwerskomitee na sy verkiesing—

- (a) sterf;
- (b) bedank;
- (c) onwillig of nie in staat is nie om op te tree;
- (d) sonder verlof wegbly van drie opeenvolgende vergaderings van die komitee;
- (e) weens enige misdaad veroordeel word tot 'n tydperk van gevangenisstraf sonder keus van boete of tot 'n boete van meer as dertig pond;

Powers and functions of board.

Attendance of Government official at board meeting.

Regulations as to procedure and dissolution of board.

Constitution and functions of diggers' committees.

Election qualifications of members of diggers' committee.

Disqualification of members of diggers' committee.

Bevoegd-hede en werkkring van raad.

Aanwesig-hede van Staats-amptenare op vergaderings van die raad. Regulasies betreffende procedure e ontbinding van raad.

Samestelling en werkkring van delwerskomitees.

Verkiesings vereistes vir lede van delwerskomitees.

Onbevoegdheid van lede van delwerskomitees.

- (f) ceases to be a claim holder within the area for which the committee is constituted; or
- (g) enters upon or follows any trade, business, occupation, calling or office other than that of a digger,

his seat shall *ipso facto* become vacant.

85. The Governor-General may declare that any diggers' committee constituted under this Act or a prior law shall be abolished or dissolved, and such committee shall cease to exist as from the date of the publication in the *Gazette* of the Governor-General's declaration.

86. All rights, property and assets which were, immediately prior to the commencement of this Act, under the control of or at the disposal of the diggers' committees existing at such commencement shall as from such commencement become the property of the Government and any land held by such committees shall be registered in the name of the Government. Any funds in the hands of any diggers' committee at the date of its abolition or dissolution shall be paid in to the Consolidated Revenue Fund.

87. (1) The Governor-General may for all or any alluvial diggings or part or parts of an alluvial digging or of alluvial diggings appoint a board, to be called the administrative board, consisting of three members, one of whom shall be designated as chairman, to hold office for such period and under such conditions as the Governor-General may prescribe.

(2) The Minister shall, in consultation with such board, appoint a secretary to such board who shall, if possible, be an officer in the public service and who shall, if feasible, combine his duties as such secretary with his duties as such officer.

(3) Notwithstanding anything contained in this Act, such board shall in respect of the alluvial digging or part of an alluvial digging for which it is appointed have the powers and functions of a diggers committee and if any such committee is in existence and has jurisdiction within such digging or part of a digging when such board is appointed, the board shall supersede such committee therein; and such board shall further carry out such other duties in connection with such digging or part of a digging as the Governor-General may from time to time prescribe by regulation.

(4) The members of such a board and its secretary, if he is not an officer in the public service, shall receive such remuneration from the Consolidated Revenue Fund as the Governor-General may determine, and such expenses necessarily incurred by or on behalf of any such board in connection with the exercise of its functions, as may be approved by the Minister shall likewise be defrayed from the Consolidated Revenue Fund.

(5) Notwithstanding the conditions of appointment of any such board, the Governor-General may at any time abolish, dissolve or re-appoint such board or may limit or extend its area of jurisdiction.

CHAPTER IX.

DIAMOND DEALERS.

88. (1) As from the commencement of this Act, the Transvaal Alluvial Diamond Dealers' Association or the Cape Province Diamond Dealers' Association—

- (a) shall be consulted by the chief of the diamond detective department of the province concerned in regard to all applications for diamond dealers' licences, either as dealer, broker or factor; and
- (b) may enquire into and report to the chief of the diamond detective department in regard to allegations of improper conduct on the part of any diamond dealer, whether a dealer, broker or factor, and recommend that such dealer's licence shall be cancelled.

(2) No such licence shall be issued unless the applicant produces proof to the satisfaction of the issuing officer that he has been resident in the Union for a sufficient period to enable the issuing officer to make the necessary enquiries and to satisfy himself whether the applicant is a fit and proper person to hold such a licence.

- (f) ophou om 'n kleimhouer te wees binne die gebied waarvoor die komitee ingestel is; of
- (g) enige ander ambag, besigheid, bedryf, beroep of amp gaan volg of uitoefen as die van 'n delwer,

word sy setel *ipso facto* vakant.

85. Die Goewerneur-generaal mag verklaar dat 'n delwers-komitee, ingestel kragtens hierdie Wet of 'n vorige wet, opgehef of ontbind word en so 'n komitee hou op om te bestaan vanaf die dag waarop die verklaring van die Goewerneur-generaal in die *Staatskoerant* gepubliseer word.

86. Alle regte, eiendom en bate waarvoor die delwers-komitees, wat by die inwerkingtreding van hierdie Wet bestaan, onmiddellik voor daardie inwerkingtreding die beheer of beskikking het, word vanaf daardie inwerkingtreding die eiendom van die Regering en enige grond wat daardie komitees besit, moet op naam van die Regering geregistreer word. Enige gelde wat 'n delwerskomitee op die dag van sy opheffing of ontbinding in hande het, moet in die Gekonsolideerde Inkomstefonds gestort word.

87. (1) Die Goewerneur-generaal mag van tyd tot tyd vir alle of enige alluwiale delwerye of vir 'n deel of dele van 'n alluwiale delwerye of van alluwiale delwerye 'n raad aanstel, genoem die Administratiewe Raad, bestaande uit drie lede, van wie een as voorsitter aangewys moet word, wat solank en onder sodanige voorwaardes hulle amp beklee as wat die Goewerneur-generaal mag bepaal.

(2) Die Minister moet, in oorleg met bedoelde raad vir daardie raad 'n sekretaris aanstel wat, indien moontlik, 'n amptenaar in die staatsdiens moet wees en wat, indien doenlik, sy werksaamhede as sodanige sekretaris met sy werksaamhede as sodanige amptenaar moet verenig.

(3) Nieteenstaande ander bepalings in hierdie Wet het so 'n raad met betrekking tot die alluwiale delwerye of deel van 'n alluwiale delwerye waarvoor hy aangestel is, die bevoegdheid en werkkring van 'n delwerskomitee en as so 'n komitee bestaan en bevoeg is in bedoelde delwerye of deel van 'n delwerye wanneer daardie raad benoem word, vervang die raad daardie komitee daarin; en bedoelde raad moet verder alle werksaamhede in verband met daardie delwerye of deel van 'n delwerye verrig wat die Goewerneur-generaal van tyd tot tyd deur regulasies mog voorskryf.

(4) Die lede van so 'n raad en sy sekretaris, as hy nie 'n amptenaar in die staatsdiens is nie, ontvang uit die Gekonsolideerde Inkomstefonds die besoldiging wat die Goewerneur-generaal mag vasstel, en sodanige deur of namens so 'n raad in verband met die verrigting van sy werksaamhede noodsaaklik gemaakte uitgawe, as wat die Minister mog goedkeur, word eweneens uit die Gekonsolideerde Inkomstefonds bestry.

(5) Nieteenstaande die voorwaardes van benoeming van so 'n raad, mag die Goewerneur-generaal hom te eniger tyd afskaf, ontbind of herbenoem, of mag sy gebied beperk of uitbrei.

HOOFSTUK IX.

DIAMANTHANDELAARS.

88. (1) Vanaf die inwerkingtreding van hierdie Wet—

- (a) moet die hoof van die diamantspeurdiens van die betrokke provinsie die Transvaalse Diamanthandelaars-Vereniging of die Kaapse Diamanthandelaars-Vereniging raadpleeg omtrent alle aansoeke om diamanthandelaars-lisensies, hetsy as handelaar, makelaar of faktor; en
- (b) mag bedoelde verenigings 'n ondersoek instel na aanleiding van beweerde onbetaamlike gedrag van 'n diamanthandelaar, hetsy hy 'n handelaar, makelaar of faktor is en daaromtrent verslag doen aan die hoof van die diamantspeurdiens en intrekking van daardie handelaar se lisensie aanbeveel.

(2) So 'n lisensie mag nie uitgereik word nie tensy die aanvrager die uitreikende amptenaar met bewyse oortuig dat hy lank genoeg in die Unie gewoon het om die uitreikende amptenaar in staat te stel om die nodige inligtings in te win en om hom te oortuig of die aanvrager 'n geskikte persoon is om so 'n lisensie te hou.

Ontbinding of opheffing van delwers-komitee.

Bate van die delwers-komitee gaan oor op die Regering.

Administratiewe raad.

Werksaamhede van diamanthandelaars-verenigings en vereistes vir diamanthandelaars-lisensies.

Dissolution or abolition of diggers' committee.

Assets of diggers committees to vest in Government.

Administrative Board.

Functions of diamond dealers associations and requirements for diamond dealers licences.

(3) After the commencement of this Act, no diamond dealer's, diamond broker's or diamond factor's licence shall be issued unless the chief of the diamond detective department has been consulted.

(4) No person who is the holder of such a licence as is mentioned in this section, nor the wife of such person, shall hold any interest direct or indirect in any claim on an alluvial digging. Any person acting in contravention of this sub-section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds.

(5) Notwithstanding anything in this Act or any other law contained, any person who has been refused a diamond dealer's, diamond broker's or diamond factor's licence by the issuing officer may appeal to the Minister, whose decision shall be final.

Cancellation of diamond dealers licences.

89. The chief of the diamond detective department may, in addition to any powers conferred upon him by any other law, give notice in writing to any diamond dealer, diamond broker or diamond factor that for reasons stated in such notice his licence will be cancelled unless within a period of thirty days as from the serving of such notice such dealer, broker or factor satisfies the chief of the diamond detective department that the reasons given for the cancellation of the licence are unfounded or insufficient, and in the event of such dealer, broker or factor failing to satisfy the chief of the diamond detective department that such reasons are unfounded or insufficient, the chief of the diamond detective department may at the expiration of the said period of thirty days cancel such licence forthwith. The provisions of sub-section (5) of section *eighty-eight* shall apply in the event of the cancellation of any licence under this section.

Place of dealing in precious stones.

90. Notwithstanding anything in this or any other law contained, the mining commissioner may confine all dealing in precious stones on any alluvial digging to such area, site or stands as he may decide.

CHAPTER X.

WATER RIGHTS.

Taking of water for digging purposes.

91. (1) Water required for the purposes of any alluvial digging shall only be taken in accordance with the provisions of this Act and subject to the provisions of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), or any amendment thereof.

(2) Every registered claimholder shall have access to any vlei or abandoned claims within the digging for the purpose of taking water not reserved under sub-section (1) of section *twenty-three* for his own digging operations and for domestic purposes, but not for sale or disposal to others.

Mining commissioner may grant water-rights.

92. (1) The mining commissioner, after consultation with the surface owner, and subject to the provisions of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), or any amendment thereof, may grant temporary water-rights on an alluvial digging for the purpose of supplying water to claimholders and residents on any digging. Such temporary water-right shall entitle the holder to take water up to such amount and under such terms and conditions as may be fixed by the mining commissioner, and to supply water to claimholders, water carriers or residents on the digging at such rates as the mining commissioner may determine.

(2) The surface owner of the land on which any alluvial digging is situate shall have the first right to obtain such a temporary water-right from the mining commissioner. If he obtain such a temporary water-right no other temporary water-right shall be granted. If the mining commissioner is satisfied that the water supply is insufficient or unsatisfactory, or that the holder of the water right is charging a rate in excess of that fixed by him, he shall give not less than fourteen days and not more than one month's notice in writing to the holder to remedy any defect, and if such defect be not remedied within the said period the mining commissioner may grant temporary water-rights to any other persons on the digging, and may cancel the water-right under section *ninety-four*.

(3) The mining commissioner shall have the right in consultation with the surface owner to grant temporary permits to use water until such time as a temporary water-right or water

(3) Na die inwerkingtreding van hierdie Wet mag geen diamanthandelaars-, diamantmakelaars- of diamantfaktors-lisensie uitgereik word nie tensy die hoof van die diamantspeurdiens geraadpleeg is.

(4) Geen persoon, wat in besit is van so 'n lisensie as wat in hierdie artikel genoem word, nóg die eggenote van so 'n persoon, mag enige belang, direk of indirek, in 'n kleim op 'n alluwiale delwery hou. Iemand wat hierdie sub-artikel oortree is aan 'n misdryf skuldig en strafbaar by veroordeling met 'n boete van hoogstens tweehonderd pond.

(5) Nieteenstaande die bepalings van hierdie of enige ander wet, mag iemand aan wie die uitreikende amptenaar 'n diamanthandelaars-, diamantmakelaars- of diamantfaktors-lisensie geweier het, hom beroep op die Minister, wie se beslissing finaal is.

89. Benewens die bevoegdheede deur enige ander wet aan hom verleen, mag die hoof van die diamantspeurdiens aan 'n diamanthandelaar, diamantmakelaar of diamantfaktor skriftelik kennis gee dat sy lisensie weens die in die kennisgewing vermelde redes ingetrek sal word tensy daardie handelaar, makelaar of faktor binne dertig dae nadat bedoelde kennisgewing gedien is, die hoof van die diamantspeurdiens oortuig dat die redes wat vir die intrekking opgegee is, ongegrond of onvoldoende is, en ingeval daardie handelaar, makelaar of faktor in gebreke bly om die hoof van die diamantspeurdiens te oortuig dat daardie redes ongegrond of onvoldoende is, mag die hoof van die diamantspeurdiens na verloop van daardie tydperk van dertig dae daardie lisensie onverwyld intrek. Die bepalings van sub-artikel (5) van artikel *ag-en-tagtig* is van toepassing in geval 'n lisensie kragtens hierdie artikel ingetrek word.

Intrekking van diamant-handelaars lisensies.

90. Nieteenstaande die bepalings van hierdie of van enige ander wet mag die mynkommissaris alle handel in edelgesteentes op 'n alluwiale delwery beperk tot 'n sodanige gedeelte of terrein of tot sodanige standplase as wat hy mag bepaal.

Plek van handel in edelgesteentes.

HOOFSTUK X.

WATERREGTE.

91. (1) Water benodig vir 'n alluwiale delwery mag slegs ooreenkomstig die bepalings van hierdie Wet en met inagneming van die bepalings van die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912) of 'n wysiging daarvan geneem word.

(2) Elke geregistreerde kleimhouer het toegang tot enige vlei of verlate kleims binne die delwery om water, wat nie kragtens sub-artikel (1) van artikel *drie-en-twintig* uitgehou is nie, te neem vir sy eie delwerswerksaamhede en vir huishoudelike doeleindes, maar nie om dit aan andere te verkoop of van die hand te sit.

Neem van water in verband n delwe.

92. (1) Die mynkommissaris mag, na oorleg met die oppervlakeienaar, en met inagneming van die bepalings van die Besproeiings- en Waterbewaringswet 1912 (Wet No. 8 van 1912) of 'n wysiging daarvan, tydelike waterregte op 'n alluwiale delwery verleen om kleimhouers en bewoners van 'n delwery van water te voorsien. So 'n tydelike waterreg gee die besitter die reg om soveel en onder sulke voorwaardes water te neem as wat die mynkommissaris mag bepaal en om water aan kleimhouers, waterdraers of bewoners van die delwery te verskaf teen die pryse wat die mynkommissaris mag vasstel.

Mynkommissaris n waterregte verleen.

(2) Die oppervlakeienaar van grond waarop 'n alluwiale delwery geleë is, het die eerste reg om so 'n waterreg van die mynkommissaris te verkry. As hy so 'n tydelike waterreg verkry, word geen ander tydelike waterreg verleen nie. As die mynkommissaris oortuig is dat die watervoorsiening onvoldoende of onbevredigend is of dat die besitter van die waterreg meer bereken as die deur hom vasgestelde prys, moet hy aan die besitter skriftelik kennis gee om binne nie minder as veertien dae en nie meer as een maand enige gebrek te herstel en as die gebrek nie binne daardie tydperk herstel word nie, mag die mynkommissaris tydelike waterregte verleen aan ander persone op die delwery en die waterreg kragtens artikel *vier-en-negentig* intrek.

(3) Die mynkommissaris het die reg om in oorleg met die oppervlakeienaar tydelike permitte te verleen om water te gebruik tot dat 'n tydelike waterreg of waterregte kragtens hierdie

rights have been granted under this section, and an adequate water supply provided to the diggers. In case of any dispute in regard to any decision by a mining commissioner under this section an appeal shall lie to the Minister whose decision shall be final.

93. The Minister may, after consultation with the surface owner, and subject to the provisions of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), or any amendment thereof, sink boreholes or wells on any alluvial digging, and erect appliances necessary for the supply of water to the diggers thereon, and may authorize the mining commissioner to grant any such borehole or well as a water-right on terms and conditions to be determined by him, or to maintain control of the same and to supply water to claim holders, water carriers and residents on the digging at such rates as the Minister may determine.

94. If the mining commissioner be of opinion that the terms or conditions of any water-right are not being fulfilled, he may serve a written notice on the holder thereof, calling upon him within a period of not less than fourteen days and not more than one month to fulfil such terms or conditions, and if the holder fail to comply with such notice the mining commissioner may cancel the water-right.

95. In the event of an alluvial digging being deproclaimed any water-rights thereon granted under this Act shall cease and determine.

CHAPTER XI.

STANDS AND SURFACE RIGHTS.

96. (1) At any time after the issue of a notice of intention to proclaim an alluvial digging, the mining commissioner shall have the right to select and reserve from pegging on the land proclaimed under this Act or a prior law or to be proclaimed, without payment, sites of such size as may be necessary for public buildings, schools, places of worship, hospitals, police barracks, Government offices, native locations or compounds, residential, trading, recreation or sanitary purposes, burial grounds, or for any purpose whatever connected with the digging:

Provided that no such site shall be so situate as to interfere with the proper and efficient working of any claims, or with any cultivated lands, buildings, kraals and permanent improvements of the owner:

Provided, further, that when such sites are no longer required for the purposes for which they were reserved they shall be declared open to pegging or available for allotment for digging purposes.

(2) Every such reservation shall be beacons on the ground, and notice of the same shall be posted at the office of the mining commissioner.

(3) Any land which a mining commissioner has reserved from pegging at any time prior to the commencement of this Act under the authority or supposed authority of any regulation (whether valid or invalid) purporting to have been made under a prior law shall be deemed to have been lawfully so reserved and any claim pegged on such land after such reservation shall be deemed to have been pegged in contravention of sub-section (3) of section six of the Precious Stones (Alluvial) Amendment Act, 1919 (Act No. 15 of 1919).

(4) If any dispute arises as to the necessity, extent, effect or alteration of any reservation made under sub-section (1) or (3) the decision of the Minister shall be final and conclusive.

97. The Minister, whenever he considers that the trading facilities on any alluvial digging are insufficient to meet the needs of the persons at work or residing thereon, or that insufficient trade competition exists on such digging, may call upon the owner or surface owner to establish further trading facilities, and if such owner or surface owner fails to do so within a period specified by the Minister (not being less than thirty days) the Minister may set aside on such digging such trading stands as he deems sufficient, and dispose of the right to trade thereon to other persons on such terms as he may deem fair and reasonable.

artikel verleen en die delwers genoegsaam van water voorsien is. In geval 'n beslissing van 'n mynkommissaris ingevolge hierdie artikel betwis word, mag geappeleer word na die Minister, wie se beslissing finaal is.

93. Die Minister mag na oorleg met die oppervlakeienaar en met inagneming van die bepalinge van die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912), of 'n wysiging daarvan op 'n alluwiale delwery boorgate of putte grawe en die nodige toestelle oprig vir die verskaffing van water aan die delwers daarop en hy mag die mynkommissaris magtig om so 'n boorgat of put as 'n waterreg te verleen onder voorwaardes wat hy moet bepaal, of om dit onder sy beheer te behou en water te verskaf aan kleimhouers, waterdraers en bewoners op die delwery teen die pryse wat die Minister mag vasstel.

94. As die mynkommissaris van oordeel is dat die voorwaardes van 'n waterreg nie nagekom word nie, mag hy die besitter daarvan skriftelik aansê om binne 'n tydperk van nie minder as veertien dae en nie meer as een maand aan daardie voorwaardes te voldoen en as die besitter versuim om aan daardie aansegging te voldoen, mag die mynkommissaris die waterreg intrek.

95. In geval 'n alluwiale delwery gedeproklameer word, hou waterregte daarop, ingevolge hierdie Wet verleen, op en verval.

HOOFSTUK XI.

STANDPLASE EN OPPERVLAKREGTE.

96. (1) Die mynkommissaris het die reg om te eniger tyd na uitvaardiging van 'n kennisgewing van voorneme om 'n alluwiale delwery te proklameer op die kragtens hierdie Wet of 'n vorige wet geproklameerde of te proklamere grond sonder betaling persele van 'n sodanige grootte as wat nodig mag wees vir publieke geboue, skole, plekke vir godsdiensoefening, hospitale, poliesiekasernes, Regeringskantore, natuurleokasies of komponds, wonings-, handels-, ontspannings- of sanitêre doeleindes, begraafterreke of vir enige ander doel in verband met die delwery, uit te soek en van afpenning uit te hou:

Met die verstande, dat so 'n perseel nie so geleë mag wees nie dat dit die behoorlike en doeltreffende bewerking van kleims hinder of inbreuk maak op beboude lande, geboue, krale en permanente verbeterings van dié eienaar:

Met die verstande verder dat as daardie persele nie meer nodig is vir die doeleindes waarvoor hulle uitgehou is nie, verklaar moet word dat hulle vir afpenning of vir toewysing vir delwerydoeleindes beskikbaar is.

(2) Elke sodanige uitgehoue plek moet op die grond afgebaken word en 'n kennisgewing van die uithouding in die kantoor van die mynkommissaris aangeplak word.

(3) Alle grond wat 'n mynkommissaris te eniger tyd voor die inwerkingtrekking van hierdie Wet op gesag of vermeende gesag van 'n regulasie (hetsy geldig of ongeldig) wat voorgee uitgevaardig te wees kragtens 'n vorige wet, van afpenning uitgehou het, word geag wettig aldus uitgehou te wees en 'n kleim wat na daardie uithouding op sodanige grond afgepen is word geag in stryd met sub-artikel (3) van artikel ses van die Edelgesteentee (Alluwiale) Wijzigingswet 1919 (Wet No. 15 van 1919), afgepen te wees.

(4) As 'n geskil ontstaan omtrent die noodsaaklikheid, omvang, uitwerking of verandering van 'n uithouding kragtens sub-artikel (1) of (3), is die beslissing van die Minister finaal en afdoende.

97. Wanneer die Minister van mening is dat die handelsgeleenthede op 'n alluwiale delwery onvoldoende is vir die behoeftes van die mense wat daarop werk of woon of dat op daardie delwery nie voldoende handelskonkurrensie bestaan nie, dan mag hy van die eienaar of oppervlakeienaar eis dat hy verdere handelsgeleenthede verskaf en as daardie eienaar of oppervlakeienaar in gebreke bly om dit te doen binne die deur die Minister gestelde termyn (wat nie korter as dertig dae mag wees nie) dan mag die Minister op daardie delwery sodanige handelstandplase uithou as wat hy voldoende ag en die reg om daarop handel te dryf aan ander persone afstaan onder sodanige voorwaardes as wat hy reg en billik ag.

Minister mag boorgate of putte grawe.

Intrekking van waterreg weens onbehoorlike gebruik.

Waterregte hou by deproklamering op.

Keus deur mynkommissaris van persele vir publieke doeleindes.

Voorkoming van handelsmonopolies.

Minister may sink boreholes or wells.

Minister may cancel water-right for improper use.

Water-rights cease on deproclamation.

Selection of sites by mining commissioner for public purposes.

Prevention of trading monopolies.

Trade restrictions on digging.

98. (1) No person shall carry on any trade, business or calling whatsoever other than that of prospector or digger on an alluvial digging, mine or land under prospect, unless he holds a certificate of character issued under section sixty.

(2) No person shall carry on any trade or business on any alluvial digging except upon a site reserved and beacons off by the mining commissioner for trading purposes.

Cancellation of licences to trade.

99. If the holder of a licence to trade on an alluvial digging be convicted of any offence against a provision of a law which governs trading in precious stones or intoxicating liquor, or if his certificate of character is cancelled his licence shall become invalid and shall not be renewed, and in the case of a conviction of any offence under this Act, notwithstanding anything contained in this Act or any other law, the renewal of such licence may be refused:

Provided that such person may remove or sell or dispose of any building erected by him, or stock, to any person within one month after the date from which his licence has become invalid.

Machine sites.

100. (1) Any claim holder shall be entitled to obtain, on application to the mining commissioner, such machine or tailings sites or other surface rights upon the alluvial digging as may be necessary in the opinion of the mining commissioner for the proper working of the claim or claims held by the applicant, provided that there is suitable unpegged ground available on the digging.

(2) Such machine or tailings sites or surface rights shall be granted and held on such conditions as may be prescribed by regulation.

(3) When in the opinion of the mining commissioner any such machine or tailings site or surface right is improperly used or has for a period of three months ceased to be used for the purpose for which it was granted he may, on giving written notice to the holder, declare the machine or tailings site or surface right cancelled, and the same shall thereupon lapse and application therefor may be made by any other person.

Application for right of way by claimholder.

101. (1) The mining commissioner, in consultation with the surface owner, may, if he sees fit, grant a right of way for a road, path, watercourse, pipe line, ropeway, tramway or other haulage on, over or through any portion of an alluvial digging, whether held as claims by any other person or not, and any person refusing to allow the exercise of any such right shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

(2) If any such right of way, in the opinion of the mining commissioner, be improperly used or has ceased to be used, for the purpose for which it was granted the mining commissioner may cancel the grant.

CHAPTER XII.

GENERAL AND MISCELLANEOUS.

Suspected persons may be searched.

102. (1) The mining commissioner or a magistrate or justice of the peace may authorize any police officer or any officer of the Mines Department to search any person who is on reasonable grounds suspected of contravening or having contravened a provision of any law relating to the disposal or possession of precious stones, whether the contravention suspected was or is being committed within or outside any alluvial digging.

(2) It shall be lawful for every mineholder or claimholder to cause any person, whether employed by him or not within any mine, mining area, claim or prospecting area, or residential area, and in any compound or building erected thereupon, to be searched, subject to any regulations as to the manner and place and the person by whom the search may be conducted.

Miscellaneous penalties.

103. (1) Any person who prospects, digs or mines upon, or pegs a prospecting area or a claim—

(a) without the authority prescribed by this Act or any prior law; or

(b) in any place where pegging, prospecting, or digging is forbidden under this Act; or

98. (1) Niemand mag enige ambag, besigheid of beroep van watter aard ook behalwe as prospekteerder of delwer op 'n alluwiale delwery, myn- of prospekteergrond uitoefen, tensy hy in besit is van 'n sertifikaat van sedelike gedrag uitgereik ingevolge artikel *sestig*.

(2) Niemand mag op 'n alluwiale delwery 'n ambag of besigheid uitoefen, behalwe op 'n terrein wat deur die myn-kommissaris vir handelsdoeleindes uitgehou en afgebaken is.

99. As die houer van 'n lisensie om handel te dryf op 'n alluwiale delwery veroordeel word weens 'n oortreding van 'n bepaling van 'n wet wat die handel in edelgesteentes of sterke drank reël, of as sy sertifikaat van sedelike gedrag ingetrek word, dan word sy lisensie ongeldig en mag nie vernuwe word nie en in geval van 'n veroordeling weens enige oortreding van hierdie Wet mag die vernuwing van so 'n lisensie, nieteenstaande die bepalings van hierdie of enige ander wet geweier word:

Met die verstande dat so iemand enige gebou wat deur hom opperig is of handelsvoorraad binne een maand na die dag van wanneer af sy lisensie ongeldig geword het mag verwyder of aan iemand anders verkoop of van die hand sit.

100. (1) 'n Kleimhouer is geregtig om op aanvraag by die mynkommissaris sulke masjienepersele, tailings-terreine of ander oppervlakregte op die alluwiale delwery te verkry as wat volgens oordeel van die mynkommissaris nodig mag wees vir die behoorlike bewerking van die kleim of kleims wat die aanvrager hou, mits daar geskikte onafgepende grond op die delwery beskikbaar is.

(2) Daardie masjienepersele, tailings-terreine of oppervlakregte word verleen en besit op sulke voorwaardes as wat die regulasies mag bepaal.

(3) As na die oordeel van die mynkommissaris so 'n masjieneperseel, tailings-terrein of oppervlakregte onbehoorlik gebruik word of gedurende 'n tydperk van drie maande nie meer gebruik is nie vir die doel waarvoor dit verleen is, mag hy na skriftelike kennisgewing aan die besitter, die masjieneperseel, tailings-terrein of oppervlakregte ingetrek verklaar en daarop verval dit en mag iemand anders dit aanvra.

101. (1) Die mynkommissaris mag in oorleg met die oppervlakenaar as hy dit wenslik ag die reg verleen van 'n pad, weg, waterloop, pylleiding, kabelweg, tremweg of ander vervoer op, oor of deur enige gedeelte van 'n alluwiale delwery, hetsy dit al dan nie deur iemand anders as 'n kleim besit word, en iemand wat die uitoefening van so 'n reg weier, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens tien pond.

(2) As so'n reg volgens oordeel van die mynkommissaris onbehoorlik gebruik word of nie meer gebruik word nie vir die doel waarvoor dit verleen is, mag die mynkommissaris die verlening intrek.

HOOFSTUK XII.

ALGEMENE EN GEMENGDE BEPALINGS.

102. (1) Die mynkommissaris of 'n magistraat of vrederegter mag enige polisiebeampte of enige beampte van die Departement van Mynwese magtig om iemand te visenteer, wat om gegronde redes verdink word van 'n oortreding van 'n bepaling van enige wet op die vervreemding of besit van edelgesteentes, hetsy die vermoede oortreding binne of buite 'n alluwiale delwery begaan is of word.

(2) Elke mynhouer of kleimhouer is bevoeg om enigeen, hetsy hy al dan nie in sy diens is, op 'n myn, mynterrein, kleim of prospekteerterrein of woonterrein en in enige daarop opperigte kompond of gebou te laat visenteer, met inagneming van die regulasies omtrent die wyse en plek en die persoon deur wie daardie visentering uitgevoer mag word.

103. (1) Iemand wat op 'n prospekteerterrein of 'n kleim prospekteer, delf of myn of 'n prospekteerterrein of kleim afpen—

(a) sonder die magtiging wat hierdie Wet of 'n vorige wet voorskrywe; of

(b) op 'n plek waar afpen, prospekteer of delf ingevolge hierdie Wet verbied is; of

Bedryfsbeperking o delwery.

Sekere veroordelings laat handelslisensie verval.

Masjienepersele.

Aanvraag deur kleimhouer om reg van weg.

Verdagte persone mag visenteer word.

Gemengde strafpalinge.

(c) in any place reserved by the mining commissioner under this Act or lawfully held by any other person; or

(d) in any place in which he is not entitled to prospect, dig, mine, or peg,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(2) Any person who alters, removes, or wilfully damages any peg or beacon placed or erected by any other person under this Act or any regulation or under any prior law or regulation or trespasses after being warned on any ground lawfully pegged or held by any other person under this Act or a prior law, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(3) Any person who, when required by or under this Act or the regulations to give any notice or disclose any fact to a mining commissioner or other officer, makes default in complying with the requirements, shall be guilty of an offence and liable on conviction, if no other penalty is expressly provided, to a fine not exceeding one hundred pounds.

(4) Any person who, when called upon by a mining commissioner or claim inspector or police officer or mining constable to assist him in keeping order or in arresting or detaining any person in any alluvial digging, or in the immediate neighbourhood thereof, fails so to assist, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(5) Any person who occupies or resides or trades upon, or in any way uses land proclaimed under this Act without being in possession of the requisite permission or authority, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(6) Any person who takes or uses any water from any place on an alluvial digging which he is not entitled to take or use under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(7) Any person who contravenes any provision of this Act, or fails to comply with any such provision, shall, when no penalty is expressly provided for the offence, contravention or non-compliance, be liable on conviction to a fine not exceeding fifty pounds.

Powers of entry on private land.

104. (1) The Government mining engineer, every mining commissioner, claim inspector, inspector of mines, mining constable or any officer of the Mines Department, duly authorized in writing by any of the aforementioned officers or by the Minister, may enter upon private or alienated Crown land for the purpose of carrying out any powers or duties conferred or imposed upon him by this Act or by any other law.

(2) The Director of the Geological Survey and any person employed by him or acting under his written instructions and any surveyor who is engaged in surveying the ground for the purposes of this Act or any regulation may enter upon private or alienated Crown land after giving due notice to all persons entitled to the use and occupation of the surface thereof.

(3) Any person entering on private or alienated Crown land under this section shall be entitled to take with him thereon all animals, vehicles, appliances, instruments and materials necessary for the purpose of carrying out his powers and duties and shall further be entitled to the use of such water, wood and grazing as may be necessary for himself and the persons and animals with him.

(4) Any person who prevents any such entry on private or alienated Crown land as authorized by this section or wilfully obstructs or hinders any person so authorized in the exercise of his powers and performance of his duties under this Act shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

When municipality to be consulted.

105. Whenever a proclaimed alluvial digging or a portion thereof falls within the area of jurisdiction of a municipal council, the mining commissioner in carrying out his powers and duties under this Act shall consult such council.

(c) op 'n plek wat die mynkommissaris ingevolge hierdie Wet uitgehou het of wat in die wettige besit van iemand anders is; of

(d) op 'n plek waar hy nie geregtig is om te prospekter, te myn, te delf, of af te pen nie,

is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(2) Iemand wat 'n pen of baken, deur iemand anders kragtens hierdie Wet of 'n regulasie of kragtens 'n vorige wet of regulasie geplaas of opgerig, verander, verwyder of opsetlik beskadig of wat na 'n waarskuwing grond, wat iemand anders kragtens hierdie Wet of 'n vorige wet wettig afgepen het of besit, onwettig betree, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(3) Iemand, van wie deur of kragtens hierdie Wet of die regulasies 'n kennisgewing of die openbaring van 'n feit aan 'n mynkommissaris of ander amptenaar vereis word, wat in gebreke bly om aan daardie vereiste te voldoen, die is skuldig aan 'n misdryf en by veroordeling strafbaar as geen ander straf besonderlik vasgestel is nie, met 'n boete van hoogstens honderd pond.

(4) Iemand wat in gebreke bly om 'n mynkommissaris, kleiminspekteur, polisiebeampte of mynkonstabel op sy versoek te help om op of in die onmiddellike nabyheid van 'n delwery die orde te handhaaf of iemand te arresteer of aan te hou, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(5) Iemand wat grond, wat kragtens hierdie Wet geproklameer is, sonder die vereiste verlof of magtiging beset, bewoon, daarop handel dryf of openige manier gebruik, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(6) Iemand wat water van enige plek op 'n alluwiale delwery neem of gebruik, wat hy volgens hierdie Wet nie geregtig is om te neem of te gebruik nie, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens honderd pond.

(7) Iemand wat enige bepaling van hierdie Wet oortree of versuim om aan so 'n bepaling te voldoen die is, as geen straf uitdruklik op die oortreding of versuim gestel is nie, by veroordeling strafbaar met 'n boete van hoogstens vyftig pond.

104. (1) Die staatsmyningenieur, elke mynkommissaris, kleiminspekteur, myninspekteur, mynkonstabel of, met skriftelike magtiging van een van vermeldde amptenare of van die Minister, enige amptenaar in die Departement van Mynwese, mag private grond of vervreemde Kroongrond betree om enige bevoegdheid uit te oefen of plig te vervul wat hierdie of enige ander wet aan hom verleen of opdra.

Bevoegd-hede om private grond te betree.

(2) Die direkteur van die geologiese opmeting en iemand wat in sy diens is of kragtens sy skriftelike opdrag handel en enige landmeter wat besig is met die opmeting van die grond vir die doeleindes van hierdie Wet of 'n regulasie, mag private grond of vervreemde Kroongrond betree na behoorlike kennisgewing aan alle persone wat geregtig is om die oppervlakte daarvan te gebruik en te beset.

(3) Iemand wat kragtens hierdie artikel private of vervreemde Kroongrond betree, is geregtig om daarop alle diere, voertuie, toestelle, instrumente, en materiaal benodig vir die uitoefening van sy bevoegdhede of verrigting van sy pligte saam te neem, en is verder geregtig om soveel water, hout en weiding te gebruik as wat nodig mag wees vir homself en vir die persone en diere wat by hom is.

(4) Iemand wat 'n deur hierdie artikel gemagtigde betreding van private of vervreemde Kroongrond belet of 'n aldus gemagtigde persoon in die uitoefening van sy bevoegdhede of verrigting van sy pligte ingevolge hierdie wet opsetlik belemmer of hinder, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond.

105. Wanneer 'n geproklameerde alluwiale delwery of 'n gedeelte daarvan binne die gebied van 'n munisipale raad val, moet die mynkommissaris by die uitoefening van sy bevoegdhede en verrigting van sy pligte ingevolge hierdie Wet daardie raad raadpleeg.

Wanneer munisipaliteit geraadpleeg moet word.

Right of way to digging.

106. Any surface owner of land shall grant such right or rights of way on his land to any alluvial digging as may be required by the Minister.

Supervision of prospecting and alluvial diggings and duties of mining commissioner.

107. The supervision of all prospecting and of alluvial digging shall be exercised by the mining commissioner and subject to his direction by such officials as the Minister may appoint and in carrying out such supervision and any powers or duties or in exercising any jurisdiction or discretion conferred or imposed upon him by this Act, the mining commissioner shall act in accordance with such instructions either specific or general as may from time to time be given to him by the Minister.

Regulations.

108. (1) The Governor-General may make regulations, not inconsistent with this Act, in regard to all or any of the following matters:—

- (a) The pegging of claims and prospecting areas, the pegs to be used in the pegging thereof and the data to be written on such pegs, and the control of pegging;
- (b) the operations which may be carried out in prospecting as distinguished from digging or mining;
- (c) the structure of the beacons defining alluvial diggings, reserves and water rights and the manner in which such beacons shall be erected;
- (d) the proper distribution, and prevention of waste of water on alluvial diggings among persons prospecting or digging for precious stones, and for preventing the disturbing or fouling of the water of rivers, streams, watercourses, or water-furrows, or of any wells, springs, boreholes, or pans or other water supply;
- (e) the conditions attaching to the grant of machine or other sites;
- (f) the proper working, control and administration of the alluvial diggings, including sanitation and the fees to be charged to diggers and others in connection therewith, the appointment of sanitary inspectors, the establishment or subsidising of hospitals or district nursing facilities and all matters necessary for the safeguarding of public health including where necessary the prohibition of residence on the diggings except in residential areas reserved for that purpose;
- (g) the control of tramlines, pipe and power lines, roads and rights of way, the disposal of debris and tailings, the parking of vehicles and other matters connected with traffic on and management of diggings;
- (h) the control of public buildings, show grounds and places of entertainment;
- (i) the regulation of the conveyance and supply of intoxicating liquor on alluvial diggings, notwithstanding anything in any other law contained;
- (j) the prevention of conditions of employment on the diggings which in his opinion are conducive to illicit or dishonest trade in precious stones and the control of trading and hawking thereon;
- (k) the manner of pegging of river claims;
- (l) the control and construction of breakwaters in any stream, watercourse, or river, and the proper working and use of such breakwaters, and the payment of the *pro rata* share of the cost of construction and maintenance thereof;
- (m) the issue of permits to water carriers for the delivery of water on an alluvial digging, and the fees to be paid for such permits and to fix the tariff of charges to be paid to water-carriers for the delivery of such water, or by persons taking delivery at any pump, stand-pipe or other place, and other matters connected therewith;

106. 'n Oppervlakeienaar van grond moet sodanige regte van weg op sy grond na 'n alluwiale delwery verleen as wat die Minister mag vereis. Reg van weg na delwery.

107. Die mynkommissaris en onder sy bestuur sodanige amptenare as wat die Minister mag aanstel, oefen toesig uit op alle prospekterdery en alluwiale delwery en by die uitoefening van daardie toesig en van enige bevoegdheid, diskresie of regsmag, of by die verrigting van enige plig wat hierdie Wet aan hom verleen of opdra, handel die mynkommissaris volgens sodanige uitdruklike of algemene opdrag as wat die Minister van tyd tot tyd aan hom mag gee. Toesig op prospekter en alluwiale delwerye en pligte van mynkommissaris.

108. (1) Die Goewerneur-generaal mag regulasies invoer wat nie in stryd met hierdie Wet mag wees nie, betreffende alle of sommige van die volgende sake— Regulasies.

- (a) die afpen van kleims en prospekterterreine, die penne wat daarby gebruik moet word en die gegewens wat op sulke penne geskrywe moet word en die reëling van afpenning;
- (b) die werksaamhede wat verrig mag word by prospekter in teenstelling met delf of myn;
- (c) die bou van die bakens wat die alluwiale delwerye, uitgehoue grond en waterregte afbaken en die manier waarop sulke bakens opgerig moet word;
- (d) die behoorlike verdeling en voorkoming van verspilling van water op alluwiale delwerye onder die mense wat daar prospekter of delf na edelgesteentes en tot voorkoming van die verstoring of bevuiling van die water van riviere, strome, waterlope of watervore of van putte, fonteine, boorgate of panne of ander watervoorraad;
- (e) die voorwaardes verbonde aan die verlening van masjiene- of ander persele;
- (f) die behoorlike bewerking, bestuur en beheer van alluwiale delwerye met inbegrip van die sanitêre diens, en die fooie wat teen delwers en andere in verband daarmee in rekening gebring moet word, die aanstelling van sanitêre inspekteurs, die oprigting of subsidieer van hospitale of van 'n distriksverplegingsdiens en alle sake nodig vir die beveiliging van die volksgesondheid, wat insluit, indien nodig, 'n verbod om elders op die delwery te woon dan op woonterreine wat vir daardie doel uitgehou is;
- (g) die toesig op tremlyne, pyplyne en krag-geleidings, paale en deurgangsregte, die behandeling van puin en tailings, die versameling van voertuie en ander sake in verband met die verkeer op delwerye en met hulle beheer;
- (h) die toesig op publieke geboue, tentoonstellings-terreine en plekke van vermaak;
- (i) reëling van die vervoer en verstrekking van sterke drank op alluwiale delwerye nieteenstaande die bepalinge van enige ander wet;
- (j) die voorkoming van diensvoorwaardes op die delwerye wat na sy oordeel aanleiding sou kan gee tot onwettige of oneerlike handel in edelgesteentes en die toesig op handel en smoushandel daarop;
- (k) hoe rivierkleims afgepen moet word;
- (l) die toesig op en aanleg van waterkering in 'n stroom, waterloop of rivier en die behoorlike werking en gebruik van sulke waterkerings en die betaling van 'n eweredige aandeel in die koste van aanleg en onderhoud daarvan;
- (m) die uitreiking van permitte aan waterdraers vir die lewering van water op 'n alluwiale delwery en die fooie wat vir sulke permitte betaal moet word en die vasstelling van die pryse wat betaal moet word aan waterdraers vir lewerings van sodanige water, of deur persone wat aflewering aanneem by 'n pomp, standpyp of ander plek en ander sake in verband daarmee;

- (n) the issue of permits for and the control of grazing on alluvial diggings on unalienated Crown land, and the fees to be charged therefor;
- (o) the registration and renewal of digger's certificates, and the issue in case of loss of duplicate certificates, licences or permits and the fees to be paid therefor;
- (p) the forms to be used under or for the purposes of this Act,

and as to all matters in respect of which it is specially provided in this Act that they may be dealt with or prescribed by regulation, and generally for the better carrying out of the objects and purposes of this Act.

(2) Different regulations may be made for different mining districts, diggings or other areas of the Union.

(3) Any person convicted of a contravention of or failure to comply with any of the regulations shall be liable to the penalty expressly provided therein for such contravention or failure, or if there be no penalty expressly provided, to a fine not exceeding one hundred pounds.

(4) Every regulation made under any law repealed by this Act and in force immediately prior to the commencement thereof shall, notwithstanding the repeal of such law, and until rescinded by the Governor-General, remain in force in that part of the Union in which it was then in force, so far as it is not inconsistent with this Act.

109. A magistrate's court shall have special jurisdiction to try any offence against this Act or the regulations and to impose the maximum penalty prescribed for any such offence, anything to the contrary notwithstanding in any law relating to magistrates' courts.

110. Any notice or other document required by this Act or any regulation to be served upon any person shall be deemed to be effectually served if delivered personally to such person, or left at or sent by registered post to his last known postal address or usual place of abode or business.

111. (1) Every person who is required by this Act to hold any kind of licence, certificate or other document shall produce such licence, certificate or document on the request of the mining commissioner, claim inspector, or mining constable, or to any member of the police force or to any member of a diggers' committee.

(2) Any person failing to comply with the requirements of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds.

112. Whenever it is necessary in the public interest or for public purposes to expropriate wholly or in part rights, granted under this Act or under any prior law, the Governor-General shall have the right to do so, on payment of compensation to be determined, in the absence of mutual agreement, by arbitration in accordance with section *forty-eight*.

113. (1) The Governor-General may for the purposes of this Act divide any portion of the Union into mining districts or may attach any such portion to an existing mining district or may alter the boundary of any mining district.

(2) The Minister may, for any mining district, appoint a mining commissioner or may require any officer in the public service, in addition to his other duties, to exercise the functions which, under this Act or any other law, are to be exercised by a mining commissioner. The Minister may appoint claim inspectors and mining constables to assist any mining commissioner or officer aforesaid.

114. (1) The Governor-General may, on the recommendation of the Public Service Commission, from time to time frame regulations specifying the officers and employees or classes of officers and employees of the public service as defined in section *one* of the Public Service and Pensions Act, 1923, and

(n) die uitreiking van permitte vir weiding en die toesig op weiding op alluwiale delwerye op onvervreemde Kroongrond en die fooie wat daarvoor bereken word;

(o) die registrasie en vernuwing van delwersertifikate en die uitreiking, in géval van verlies, van duplikate van sertifikate, lisensies of permitte en die fooie wat daarvoor betaal moet word;

(p) die vorms wat gebruik moet word kragtens of vir die doeleindes van hierdie Wet;

en betreffende alle sake waaromtrent hierdie Wet besonderlik bepaal dat hulle by regulasie gereël of voorgeskrywe mag word en oor die algemeen tot betere verwesenliking van die doeleindes en oogmerke van hierdie Wet.

(2) Verskillende regulasies mag uitgevaardig word vir verskillende myndistrikte, delwerye of ander streke van die Unie.

(3) Iemand wat veroordeel is weens 'n oortreding of nienakoming van 'n regulasie is strafbaar met die straf wat uitdruklik daarin gestel word op daardie oortreding of nienakoming, of as geen straf uitdruklik gestel is nie, met 'n boete van hoogstens honderd pond.

(4) Elke regulasie uitgevaardig kragtens 'n wet wat deur hierdie Wet herroep word en van krag onmiddellik voor die inwerkingtreding daarvan, bly, niteenstaande die herroeping van daardie wet en totdat dit deur die Goewerneur-generaal ingetrek word, vir sover dit nie in stryd met hierdie Wet is nie, van krag in daardie gedeelte van die Unie waarin dit toe van krag was.

109. Niteenstaande teenoorgestelde bepalings in enige wet op magistraatshowe, het 'n magistraatshof 'n spesiale bevoegdheid om enige oortreding van hierdie Wet of die regulasies te bereg en die maksimum-straf wat op so 'n oortreding gestel is, op te lê.

110. Enige kennisgewing of ander dokument wat ingevolge hierdie Wet of 'n regulasie op iemand gedien moet word, die word geag inderdaad op hom gedien te geword het as dit aan hom persoonlik oorhandig is of afgegee is by, of in 'n geregistreerde brief gestuur is na, sy laaste bekende posadres of gewone verblyf- of besigheidsplek.

111. (1) Elkeen wat ingevolge hierdie Wet enige soort van lisensie, of sertifikaat of ander dokument moet besit, moet daardie lisensie, sertifikaat of dokument vertoon op versoek van die mynkommissaris, kleiminspekteur of mynkonstabel of aan 'n lid van die poliesiemag of aan 'n lid van 'n delwerskomitee.

(2) Iemand wat versuim om aan die vereistes van hierdie artikel te voldoen, is skuldig aan 'n misdryf en by veroordeling strafbaar met 'n boete van hoogstens vyf pond.

112. Wanneer dit in die publieke belang of vir publieke doeleindes nodig is om regte, ingevolge hierdie Wet of 'n vorige wet verleen, geheel of gedeeltelik te onteien, het die Goewerneur-generaal die reg om dit te doen teen betaling van skadevergoeding wat by gebreke van wedersydse ooreenstemming deur arbitrasie ingevoige artikel *ag-en-veertig* bepaal moet word.

113. (1) Die Goewerneur-generaal mag vir die doeleindes van hierdie Wet enige deel van die Unie in myndistrikte verdeel, of so 'n deel aan 'n bestaande myndistrik toevoeg, of die grens van 'n myndistrik verander.

(2) Die Minister mag vir enige myndistrik 'n mynkommissaris aanstel of aan enige amptenaar in die Staatsdiens opdra om benewens sy ander amppligte die werksaamhede te verrig wat kragtens hierdie Wet of enige ander wet deur 'n mynkommissaris verrig moet word. Die Minister mag kleiminspekteurs en mynkonstabels aanstel om 'n mynkommissaris of voormelde amptenaar behulpsaam te wees.

114. (1) Op aanbeveling van die Staatsdienskommissie mag die Goewerneur-generaal van tyd tot tyd regulasies maak bepalende watter amptenare en employees of klasse van amptenare en employees van die staatsdiens soos omskryf in artikel *een* van die Staatsdienst en Pensioen Wet, 1923 (Wet No. 27

Magistraatshof het spesiale bevoegdheid.

Diening van kennisgewings en ander dokumente.

Vertoning van lisensies op aanvraag.

Onteieningsbevoegdheid.

Myndistrikte en mynkommissaris.

Verbod teen sekere persone om kleims of belang in myne te hê.

of such other Government or semi-Government bodies or institutions as the Public Service Commission may recommend, who, owing to the nature or place of their duties or employment, shall not, or whose wives shall not, directly or indirectly, hold a claim or any share therein on any alluvial digging or any interest or share in a mine, or directly or indirectly take part in or have any interest in any lottery for the issue of such claims, or hire or be interested directly or indirectly in the working of any claim or hold any share in any company or association of two or more persons having any such interest.

(2) Any person acting in contravention of any regulation framed under sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds, in addition to any penalty or disciplinary action to which such person may be liable under any Act or regulation governing the conditions of his employment. Such person, if in the public service, shall be guilty of misconduct within the meaning of section *twenty* of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923).

Limitation
of output.

115. (1) Notwithstanding anything contained in this Act or in any other law, the Governor-General may from time to time determine by proclamation in the *Gazette* or by regulation, the maximum quantity in value of any precious stones which may, during any period defined in such proclamation or regulation, be recovered from alluvial or disposed of after being so recovered—

- (a) by any individual producer in the Union; or
- (b) by any individual producer in any particular area within the Union; or
- (c) by all producers in the aggregate in the Union; or
- (d) by all producers in the aggregate in any particular area within the Union.

Different maximum quantities in value of precious stones may be so determined under paragraph (b) or (d) in respect of different areas in the Union.

(2) Whenever any maximum quantity in value determined under any of the provisions of sub-section (1) has, during the period so defined, been exceeded or is, in the opinion of the Minister, likely to be exceeded, the Governor-General may by proclamation in the *Gazette* do all or any of the following things—

- (a) declare that no new digger's certificate shall be issued to any person either throughout the Union or in any area defined in such proclamation;
- (b) declare that no claim licence shall be issued to any person who is not in possession of a claim licence issued to him more than three months prior to the date upon which he applied for such first-mentioned licence;
- (c) declare that no further land in the Union or in any area within the Union defined in such proclamation shall be proclaimed as an alluvial digging;
- (d) prohibit any prospecting whatsoever whether on Crown land or on private land, either throughout the Union or in any area defined in such proclamation.

(3) The Governor-General may from time to time by proclamation in the *Gazette* fix the minimum price for any alluvial digging or place at which any precious stones or any class of precious stones may be sold.

(4) Every such proclamation shall state the period during which such declaration or prohibition shall be in operation.

(5) Any person acting in contravention of any determination made under sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding twice the value of the precious stones recovered or disposed of by him in excess of such determination.

(6) Any person contravening any proclamation relating to any matter referred to in paragraph (a) or (b) of sub-section (2) or contravening any proclamation issued under sub-section (3)

van 1923), en van sodanige ander Regerings- of *semi*-Regerings liggame of inrigtings as die Staatsdienskommissie mog aanbeveel, weens die aard of plek van hul pligte of werk, of wie se eggenote, nie direk of indirek 'n kleim of aandeel daarin, op 'n alluwiale delwery of 'n belang of aandeel in 'n myn mag hou nie, of direk of indirek geen deel mag neem aan of 'n belang mag hê in 'n lotery vir die uitgifte van sodanige kleims of geen kleim mag huur of direk of indirek geen belang in die ontginning daarvan mag hê, of geen aandeel hou in 'n maatskappy of vennootskap van twee of meer persone wat sodanige belang het.

(2) Iemand wat in stryd met die regulasies, gemaak uit kragte van sub-artikel (1) handel is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweehonderd pond, afgesien van enige straf of disziplinêre maatreëls waaraan daardie persoon onderhewig mog wees kragtens 'n wet of regulasie wat sy diensvoorwaardes beheers. As so iemand in die staatsdiens is, dan is hy skuldig aan wangedrag volgens die betekenis van artikel *twintig* van die Staatsdienst en Pensioen Wet, 1923 (Wet No. 27 van 1923).

115. (1) Nieteenstaande ander bepalings in hierdie of in enige ander Wet, mag die Goewerneur-Generaal van tyd tot tyd by proklamasie in die *Staatskoerant* of in regulasies die maksimum-waardehoeveelheid van enige edelgesteentes bepaal wat gedurende 'n tydperk, in daardie proklamasie of regulasie vasgestel, verkry mag word uit alluwiale grond of van die hand gesit mag word nadat hulle aldus verkry is—

- (a) deur enige afsonderlike voortbringer in die Unie; of
- (b) deur enige afsonderlike voortbringer in 'n bepaalde deel van die Unie; of
- (c) deur alle voortbringers gesamentlik in die Unie; of
- (d) deur alle voortbringers gesamentlik in 'n bepaalde deel van die Unie.

Verskillende maksimum-waardehoeveelhede van edelgesteentes mag aldus kragtens paragraaf (b) of (d) met betrekking tot verskillende dele van die Unie vasgestel word.

(2) Wanneer 'n maksimum-waardehoeveelheid kragtens een van die bepalings van sub-artikel (1) bepaal, gedurende die aldus vasgestelde tydperk oorskry is of volgens oordeel van die Minister waarskynlik oorskry sal word, dan mag die Goewerneur-generaal by proklamasie in die *Staatskoerant* al die volgende dinge of enigen van hulle doen—

- (a) verklaar dat geen nuwe delwersertifikaat aan iemand uitgereik mag word nie, hetsy in die hele Unie of in 'n gebied wat in daardie proklamasie omskrywe word;
- (b) verklaar dat geen kleimlisensie uitgereik mag word nie aan iemand wat nie in besit is nie van 'n kleimlisensie wat aan hom uitgereik geword is meer as drie maande voor die dag waarop hy eersbedoelde lisensie aangevra het;
- (c) verklaar dat geen verdere grond in die Unie of in enige in daardie proklamasie omskrywe deel van die Unie tot 'n alluwiale delwery geproklameer sal word nie;
- (d) alle prospekterwerkzaamhede hoegenaamd verbied hetsy op Kroongrond of op private grond, hetsy in die hele Unie of in 'n gebied wat in daardie proklamasie omskrywe word.

(3) Die Goewerneur-generaal mag van tyd tot tyd by proklamasie in die *Staatskoerant* vir enige alluwiale delwery of plek die mienimum-prys vasstel waarvoor edelgesteentes of enige klas van edelgesteentes verkoop mag word.

(4) Elke sodanige proklamasie moet die tydperk bepaal gedurende welke daardie verklaring of verbod van krag sal wees.

(5) Iemand wat in stryd handel met 'n bepaling kragtens sub-artikel (1), is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens tweemaal die waarde van die edelgesteentes wat hy bo die bepaalde bedrag verkry of van die hand gesit het.

(6) Iemand wat 'n proklamasie oortree wat betrekking het op iets vermeld in paragraaf (a) of (b) van sub-artikel (2) of wat 'n kragtens sub-artikel (3) uitgevaardigde proklamasie

Bepanking
van
opbrings.

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and any diggers' certificate or claim licence issued in contravention of such proclamation shall be void.

(7) Any person contravening any proclamation prohibiting prospecting issued under paragraph (d) of sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds for every day upon which he has carried out prospecting operations in contravention of such proclamation and all precious stones recovered in the course of such operations shall be forfeited to the Crown.

(8) The Governor-General may further, notwithstanding the provisions of section *twenty* of the Diamond Control Act, 1925 (Act No. 39 of 1925), by proclamation in the *Gazette* apply all or any of the provisions of that Act to alluvial diamonds and

(a) to all producers of such diamonds throughout the Union; or

(b) to all producers of such diamonds in any area defined in such proclamation.

(9) The Governor-General may at any time amend or withdraw any proclamation issued under this section.

(10) The Minister may from time to time convene conferences of such producers of precious stones whether from mines or alluvial diggings as he may deem fit in order to facilitate the carrying out of this section and to consult them concerning the control of output maximum quantities and prices.

oortree is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond en elke delwersertifikaat of kleimlisensie wat in stryd met daardie proklamasie uitgereik geword is, is nietig.

(7) Iemand wat 'n proklamasie oortree wat prospekterwerkzaamhede verbied en wat kragtens paragraaf (d) van sub-artikel (2) uitgevaardig is, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond vir elke dag waarop hy in stryd met daardie proklamasie prospekterwerkzaamhede verrig het en alle edelgesteentes wat by daardie werkzaamhede verkry is, word aan die Kroon verbeur.

(8) Die Goewerneur-generaal mag voorts, nieteenstaande die bepalings van artikel *twintig* van die Wet op die Kontrôle van Diamanten, 1925 (Wet No. 39 van 1925), by proklamasie in die *Staatskoerant* al die bepalings van daardie Wet of enigeen daarvan toepas op alluwiale diamante en—

(a) op alle produsente van sulke diamante in die hele Unie; of

(b) op alle produsente van sulke diamante in enige gebied wat daardie proklamasie omskrywe.

(9) Die Goewerneur-generaal mag te eniger tyd 'n kragtens hierdie artikel uitgevaardigde proklamasie wysig of intrek.

(10) Die Minister mag van tyd tot tyd sulke konferensies belê van sodanige voortbringers van edelgesteentes verkry uit myne of uit alluwiale delwerye as wat hy wenslik ag, ten einde die uitvoering van hierdie artikel te vergemaklik, en hulle te raadpleeg aangaande die kontrole van die voortbrings, grootste hoeveelhede en pryse.

116. Tensy dit in stryd is met die samehang, word in hierdie Wet en die regulasies verstaan onder— Woord-bepaling

Interpretation of terms. 116. In this Act and any of the regulations, unless inconsistent with the context—

“accounting year”, in relation to the working of a mine by the owner, surface owner or discoverer, means any period covered by his annual accounts;

“alluvial digging” means any area proclaimed as such under this Act or a prior law, provided the area has not been lawfully deproclaimed or proclaimed a mine;

“capital expenditure”, in respect of any mine, means any moneys actually expended in connection with the working of the mine prior to proclamation less the revenue derived therefrom together with such further expenditure as may from time to time be sanctioned by the Minister under this Act;

“claim” means the area of ground on an alluvial digging which, in accordance with this Act or a prior law, has been lawfully pegged or allotted as a claim and in respect of which there exists a lawful right to dig for precious stones and shall for the purposes of this Act not exceed forty-five feet in length and forty-five feet in breadth;

“claimholder” means the holder of a claim licence who at the same time holds in accordance with this Act or prior law any claim or any portion of a claim; or the registered holder of discoverer's or owner's claims granted under this Act or a prior law;

“claim licence” includes a claim licence issued or renewed under any law repealed by and current at the commencement of this Act;

“Crown land” means all land in respect of which the Crown is the holder of the rights to precious stones;

“dig” means intentionally to win precious stones from the soil, rock or ground in which the same occur, and shall include all excavating necessary for the purpose, whether by underground or open working, boring, or otherwise, as well as all operations incidental thereto;

“discoverer” means a person who holds a discoverer's certificate which has been issued under Chapter II, or under any law repealed by this Act, and which is current at the commencement of this Act;

“finansiële jaar” in verband met die ontginning van 'n myn deur die eienaar, oppervlakeienaar of ontdekker, 'n tydperk waarvoor sy jaarlikse rekenings loop;

“alluwiale delwery” enige as sodanig kragtens hierdie Wet of 'n vorige wet geproklameerde terrein, mits die terrein nie wettig gedepronkameer of as 'n myn geproklameer is nie;

“kapitaal-uitgawes,” ten opsigte van 'n myn, alle gelde werklik uitgegee in verband met die ontginning van die myn voor die proklamering, verminder met die ontvangste daaruit verkry, tesame met die verdere uitgawes wat die Minister van tyd tot tyd kragtens hierdie Wet mog veroorloof;

“kleim,” die stuk grond op 'n alluwiale delwery, wat ooreenkomstig hierdie Wet of 'n vorige wet wettig as 'n kleim afgepen of toegeken is en ten opsigte waarvan 'n wettige reg bestaan om na edelgesteentes te delwe en is vir die doeleindes van hierdie Wet nie groter as vyf-en-veertig voet lank en vyf-en-veertig voet breed;

“kleimhouer,” die houer van 'n kleimlisensie wat tegelykertyd ooreenkomstig hierdie Wet of 'n vorige wet 'n kleim of 'n gedeelte van 'n kleim besit; of die geregistreerde houer van ontdekkers- of eienaarskleims ingevolge hierdie Wet of 'n vorige wet toegeken;

“kleimlisensie,” ook 'n kleimlisensie uitgereik of vernuwe ingevolge enige deur hierdie Wet herroepete wet, wat by die inwerkingtreding van hierdie Wet geldig is.

“Kroongrond,” alle grond ten opsigte waarvan die Kroon die reg op edelgesteentes besit;

“delf,” met opset edelgesteentes uit te haal uit aarde, rots of grond waarin hulle voorkom en ook alle uitgrawings wat daarvoor nodig is, hetsy deur ondergrondse of ope werke, boor of andersins, asook alle werkzaamhede in verband daarmee;

“ontdekker,” iemand wat in besit is van 'n ontdekkersertifikaat, uitgereik ingevolge Hoofstuk II of involge 'n wet wat deur hierdie Wet herroep word, en wat by die inwerkingtreding van hierdie Wet geldig is;

“expenditure” means in respect of any accounting year expenditure on the production and disposal of precious stones, on general administration and management and on development of the mine and maintenance of equipment, and includes an allowance for the redemption over the life of the mine of such part of the capital expenditure incurred by the owner, surface owner or discoverer as is proportionate to his share of the mine together with expenditure incurred by him from time to time subsequent to proclamation on shaft sinking and equipment after taking account of any rebates, recouplements, or returns from expenditure;

“foot” means Cape foot;

“life of the mine” means the period during which mining operations may be expected to continue and shall be determined from time to time as may be expedient by the Government Mining Engineer.”

“mine” whenever used as a verb has the same meaning as “dig” and when used as a substantivé means an area of ground bearing precious stones, which is continuous in its formation and is contained within a pipe or similar geological formation, together with any directly connected overflow or extension of the same;

“mining commissioner,” “claim inspector” or “mining constable” means any person appointed as such under this Act or a prior law, or under any law relating to precious and base metals, or any amendment thereof, or a person lawfully acting in that capacity and, when used in reference to any mining district, shall mean the person appointed or lawfully acting as mining commissioner, claim inspector or mining constable, for that district;

“mining district” means a district which has been constituted under any law relating to mining for precious and base metals or which may be constituted under this Act or any amendment thereof;

“mineholder” means the person working a mine under this Act or a prior law;

“Minister” means the Minister of Mines and Industries or any other Minister of State acting on his behalf;

“owner” means, in relation to private land, the person registered in a deeds registry as the holder of the precious stones rights on such land, or the person who is registered in such registry as the owner of land where there is no reservation in or entry against his title deeds so registered whereby any other person holds the precious stones rights on such land;

“precious stones” means diamonds, rubies, sapphires, and any other substances which the Governor-General may declare by proclamation in the *Gazette* to be precious stones for the purposes of this Act;

“prior law” means any law relating to precious stones in force at the commencement of this Act;

“private land” means any area of land which is not Crown land;

“prospecting” means and includes all work which in the opinion of the mining commissioner is necessary for or incidental to the search for precious stones or which is required for the purpose of deciding whether precious stones exist in sufficient quantities to justify the mining commissioner in granting a certificate of discovery under Chapter II., and shall include trial-washing to such extent as may be permitted or determined by the mining commissioner;

“prospecting permit” means a permit to prospect, issued under Chapter I.;

“pro prospector” means—

- (a) any person lawfully prospecting under a prospecting permit; or
- (b) any owner of private land who has given notice of his intention to prospect on his own land in

“koste,” ten opsigte van ’n finansiële jaar, die koste om edelgesteentes voort te bring en van die hand te sit, van algemene administrasie en beheer, en van ontwikkeling van die myn en van onderhoud van uitrusting en ook wat in rekening gebring word vir afflossing, oor die duur van die myn, van ’n deel van die kapitaal-uitgawes van die eienaar, oppervlakte-eienaar of ontdekker na eweredigheid van sy aandeel in die myn, benewens sy uitgawes van tyd tot tyd, na proklamering vir grawe van skagte en uitrusting, na aftrek van kortings, verhaal of terugbetalings van koste;

“voet,” ’n Kaapse voet;

“duur van die myn,” die tydperk gedurende welke myn-werksaamhede volgens verwagting sal voortduur en dit word van tyd tot tyd, wanneer dienstig, deur die Staatsmyningenieur bepaal;

“myn,” wanneer as ’n werkwoord gebruik, dieselfde as “delf” en wanneer as ’n selfstandige naamwoord gebruik ’n stuk grond wat edelgesteentes bevat, waarvan die formasie deurlopend is en in ’n pyp of dergelike geologiese formasie bevat is, en ook enige direk daarmee verbonde uitvloeiing of uitbreiding daarvan;

“mynkommissaris,” “kleiminspekteur” of “mynkonstabel,” iemand wat as sodanig ingevolge hierdie of ’n vorige wet of enige wet op edele en onedele metale of ’n wysiging daarvan aangestel is of wat wettig in daardie hoedanigheid optree en in verband met ’n myndistrik, die persoon wat aangestel is of wettig optree as mynkommissaris, kleiminspekteur of mynkonstabel vir daardie distrik;

“myndistrik,” ’n distrik wat ingevolge ’n wet op myn van edele en onedele metale ingestel is of wat kragtens hierdie Wet of ’n wysiging daarvan ingestel mog wees;

“mynhouer,” die persoon wat ingevolge hierdie Wet of ’n vorige wet ’n myn ontgin;

“Minister,” die Minister van Mynwese en Nywerheid of enige ander Staatsminister wat namens hom optree;

“eienaar,” in verband met private grond, die persoon wat in ’n registrasiekantoor van aktes geregistreer is as die geregtigde op die edelgesteentes op daardie grond, of die persoon wat in so ’n kantoor geregistreer is as die eienaar van grond ten opsigte waarvan in die aldus geregistreerde tittelbewyse geen voorbehoud of aantekening voorkom ingevolge waarvan iemand anders geregtig is op die edelgesteentes op daardie grond;

“edelgesteentes,” diamante, robyne, saffiere en alle ander delfstowwe wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vir die doeleindes van hierdie Wet tot edelgesteentes mog verklaar;

“vorige wet,” enige wet op edelgesteentes wat by die inwerkingtreding van hierdie Wet van krag is;

“private grond,” enige stuk grond wat geen Kroongrond is nie;

“prospekteer,” ook alle werksaamhede wat volgens oordeel van die mynkommissaris nodig is vir of in verband staan met die soek na edelgesteentes of wat nodig is om te kan vasstel of edelgesteentes in voldoende hoeveelhede aanwesig is om die uitreiking van ’n sertifikaat van ontdekking ingevolge Hoofstuk II deur die mynkommissaris te regverdig, asook ’n proef-was op so ’n skaal as wat die mynkommissaris mog toestaan of bepaal;

“prospekteerpermit,” ’n permit om te prospekteer, uitgereik kragtens Hoofstuk I.;

“prospekteerder”—

(a) iemand wat wettig kragtens ’n prospekteerpermit prospekteer; of

(b) ’n eienaar van private grond wat kennis gegee het van sy voorneme om op sy eie grond ooreenkomstig Hoofstuk I. te prospekteer, of ’n

accordance with Chapter I., or any surface owner who prospected under that Chapter;

“revenue” means, in respect of any accounting year, moneys received from all sources connected with mining: Provided that any moneys accruing to the mine holder in respect of assets, unconnected with mining, created out of the mineholder’s share of realized profits shall be excluded;

“realized profit” means in respect of any accounting year the excess of revenue over expenditure incurred by the mineholder during that year;

“reservation of precious stones to the Crown” means reservation of any precious stones whether express or implied or right of mining or prospecting therefor but does not include the reservation of an undivided share thereof;

“regulation” means a regulation made or in force under this Act;

“surface owner” means, in relation to any land, the person who is registered in a deeds registry as the owner of the land, whether or not he holds the rights to precious stones thereon;

“this Act” includes the regulations.

Short title and commencement of Act.

117. This Act may be cited as the Precious Stones Act, 1927, and shall commence and come into operation on a date to be fixed by the Governor-General by proclamation in the Gazette.

oppervlakeienaar wat kragtens daardie Hoofstuk prospektee;

“ontvangste,” ten opsigte van enige finansiële jaar, gelde ontvang uit alle bronne in verband met myne, met uitsluiting egter van alle gelde wat aan die mynhouer toekom uit bate, wat in geen verband staan met ’n mynonderneming en verkry is uit die mynhouer se aandeel in die gemaakte winste;

“gemaakte wins,” ten opsigte van enige finansiële jaar, die oorskot van die ontvangste na aftrek van die koste wat die mynhouer gedurende daardie jaar gemaak het;

“voorbehoud van edelgesteentes aan die Kroon,” die voorbehoud van enige edelgesteentes, hetsy uitdruklik of stilswygend, of die reg om dit te myn of daarna te prospektee maar nie die voorbehoud van ’n onverdeelde aandeel daarin nie;

“regulasie,” ’n regulasie uitgevaardig of van krag ingevolge hierdie Wet;

“oppervlakeienaar,” ten opsigte van grond, die persoon wat in ’n registrasiekantoor van aktes as die eienaar van die grond geregistreer is, hetsy hy regte op die edelgesteentes daarop het of nie;

“hierdie Wet,” ook die regulasies.

117. Hierdie Wet mag aangehaal word as die Wet op Kort tittel Edelgesteentes, 1927, en tree in werking op ’n dag wat die Goewerneur-generaal by proklamasie in die Staatskoerant sal vasstel. en in werking-treding van Wet.

First Schedule.

LAWS REPEALED.

Province.	No. and year of law.	Title or subject of law.	Extent of repeal.
Cape of Good Hope.	Act No. 11 of 1899.	The Precious Stones Act, 1899.	So much as is unrepealed.
“	Act No. 27 of 1907.	The Precious Stones Act Amendment Act, 1907.	So much as is unrepealed.
Natal.	Act No. 43 of 1899.	The Natal Mines Act, 1899.	In so far as it relates to precious stones.
Transvaal.	Ordinance No. 66 of 1903.	The Precious Stones Ordinance, 1903.	So much as is unrepealed.
“	Act No. 31 of 1908.	The Precious Stones Amendment Act, 1908.	The whole.
Orange Free State.	Ordinance No. 4 of 1904.	The Mining of Precious Stones Ordinance, 1904.	So much as is unrepealed.
“	Ordinance No. 16 of 1906.	The Mining of Precious Stones Amending Ordinance, 1906.	The whole.
“	Ordinance No. 30 of 1907.	The Mining of Precious Stones Amendment Ordinance, 1907.	The whole.
“	Act No. 9 of 1908.	Discoverer’s Claims (Licences) Act, 1908.	All provisions relating to precious stones.
Union.	Act No. 15 of 1919.	Precious Stones (Alluvial) Amendment Act.	The whole.

Eerste Bylae.

HERROEPTE WETTE.

Provincie.	Nommer en Jaar van Wet.	Titel of Onderwerp van Wet.	Omvang van Herroeping.
Kaap die Goeie Hoop	Wet No. 11 van 1899.	Die Wet op Edelgesteentes, 1899.	Wat nog nie herroep is nie.
“	Wet No. 27 van 1907.	Wet tot Wysiging van die Wet op Edelgesteentes, 1907.	Wat nog nie herroep is nie.
Natal	Wet No. 43 van 1899.	Die Natalse Myn-Wet, 1899.	Vir sover dit betrekking het op edelgesteentes.
Transvaal	Ordonnansie No. 66 van 1903.	Die Ordonnansie op Edelgesteentes, 1903.	Wat nog nie herroep is nie.
“	Wet No. 31 van 1908.	Die Wysigingswet op Edelgesteentes, 1908.	Geheel.
Oranje Vrystaat	Ordonnansie No. 4 van 1904.	Die Ordonnansie op Myn van Edelgesteentes, 1904.	Wat nog nie herroep is nie.
“	Ordonnansie No. 16 van 1906.	Die Wysigingsordonnansie op Myn van Edelgesteentes, 1906.	Geheel.
“	Ordonnansie No. 30 van 1907.	Die Wysigingsordonnansie op Myn van Edelgesteentes, 1907.	Geheel.
“	Wet No. 9 van 1908.	Ontdekkerskleims (Lisensies) Wet, 1908.	Alle bepalinge aangaande edelgesteentes.
Unie	Wet No. 15 van 1919.	Edelgesteentes (Alluviale) Wijzigingswet, 1919.	Geheel.

Second Schedule.

WAIVER IN TERMS OF SECTION *five* OF THE PRECIOUS STONES ACT, 1927

I (1).....
of (2).....
(3).....of the land or farm.....
in the District of.....
Province of.....
in consideration of the issue to me or my nominee of a prospecting permit, do hereby waive for myself and my successors in title, in terms of section *five* of the Precious Stones Act, 1927, every right, whether present or future, to claim compensation from the Government for any loss, damage or encroachment which I or they may at any time sustain by reason of prospecting or mining for and the exploitation of precious stones on and under the land or farm mentioned hereinbefore, or of any act incidental to such prospecting, mining or exploitation, or by reason of the resumption or proclamation of the said land or farm or any part thereof by the Government for mining purposes.

.....
Owner, Licensee or Lessee.

Place

Date

Witnesses: 1.....

2.....

(1) Insert name in full.

(2) Insert address.

(3) State whether lessee, licensee or owner

Third Schedule.

FORM OF NOTICE AND DECLARATION OF DISCOVERY IN TERMS OF SECTION *eleven* OF THE PRECIOUS STONES ACT, 1927.

I,....., of.....
....., do solemnly and sincerely declare that the precious stones hereinafter specified were found by me in the course of prospecting under Prospecting Permit No..... on the.....day of.....on the farm....., district..... owned by.....

Specification of Diamonds mentioned in the foregoing declaration.

Extent of ground worked.	No. of Persons employed.	No. of Stones found.	Weight of Stones found.	Total value of parcel found.

Signed

Dated at....., on the.....day of.....

Declared before me at.....

Declared in the presence of us

the.....day of.....

.....
Commissioner of Oaths.

.....
Witnesses

Twede Bylae.

AFSTAND VOLGENS VOORSKRIF VAN ARTIEKEL *vyf* VAN DIE WET OP EDELGESTEENTES, 1927.

Op grond van die uitreiking aan my of aan iemand deur my genoem van 'n prospekterpermit doen ek (1)..... van (2)..... (3)..... van die grond of plaas..... in die distrik..... provinsie..... vir myself en my regsopvolgers ingevolge artikel *vyf* van die Wet op Edelgesteentes, 1927, afstand van alle teenswoordige en toekomstige regte om van die Regering skadevergoeding te eis weens verlies, skade, of inbreuk wat ek of hulle te eniger tyd mog ly as 'n gevolg van die prospekter of myn en ontginning van edelgesteentes op of onder die voormelde grond of plaas of as 'n gevolg van enige handeling in verband met daardie prospekter, myn of ontginning, of as 'n gevolg van die terugname of proklamering van genoemde grond of plaas of enige gedeelte daarvan deur die Regering vir myndoeleindes.

.....
Eienaar, Vergunninghouer of Huurder.

Plek

Datum

Getuie 1.....

2.....

(1) Vul volledige naam in.

(2) Vul adres in.

(3) Vermeld of huurder, vergunninghouer of eienaar.

Derde Bylae.

VORM VAN KENNISGEWING EN VERKLARING VAN ONTDEKKING VOLGENS ARTIEKEL *elf* VAN DIE WET OP EDELGESTEENTES, 1927.

Ek..... van.....
..... verklaar plegtig en na waarheid dat ek die hieronder vermelde edelgesteentes op die..... gevind het op die plaas..... distrik..... die eiendom van..... toe ek geprospekter het kragtens prospekterpermit No.....

BESKRYWING VAN EDELGESTEENTES VERMELD IN DIE BOSTAANDE VERKLARING.

Grootte van bewerkte grond.	Aantal in diens gestelde persone.	Aantal gevonde stene.	Gewig van gevonde stene.	Totale waarde van alle gevonde stene.

Geteken.....

Gedateer op (in)..... op die..... dag van.....

Verklaar voor my..... op (in).....

Verklaar in teenwoordigheid van ons

op die..... dag van.....

.....
Getuie.

.....
Kommissaris van Ede,

PROCLAMATION

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

No. 303, 1927.]

WHEREAS under the provisions of the Precious Stones Act, 1927 (Act No. 44 of 1927) it is provided that the said Act shall commence and come into operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*;

NOW THEREFORE under and by virtue of the powers vested in me by section *one-hundred-and-seventeen* of the Act aforesaid, I do hereby declare, proclaim and make known that the Precious Stones Act 1927 (Act No. 44 of 1927) shall commence and come into operation in the Union of South Africa on the 16th day of November, 1927.

GOD SAVE THE KING.

Given under my hand and the Great Seal of the Union of South Africa at Cape Town this twelfth day of November, One thousand Nine hundred and Twenty-seven.

ATHLONE,
Governor-General.

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

F. Wm. BEYERS.

PROKLAMASIE

VAN GENERAAL-MAJOR SY EKSELLENSIE DIE HOOGDELAGBARE DIE GRAAF VAN ATHLONE, GROOTKRUISRIDDER VAN DIE MEES EDELAGBARE BATHORDE, GROOTKRUISRIDDER VAN DIE MEES ONDESKIEIE ORDE VAN ST. MICHAEL EN ST. GEORGE, GROOTKRUISRIDDER VAN DIE KONINKLIKE VICTORIA ORDE, GESEL VAN DIE ONDESKIEIE DIENSORDE, PERSOONLIKE AIDE-DE-CAMP VAN SY MAJESTEIT DIE KONING, HOË KOMMISSARIS VIR SUID-AFRIKA EN GOEWERNEUR-GENERAAL EN OPPERBEVELHEBBER IN EEN OOR DIE UNIE VAN SUID-AFRIKA.

No. 303, 1927.]

NADemaal onder die bepalings van die Edelgesteentes Wet 1927 (Wet No. 44 van 1927) dit bepaal is dat die gesegde Wet sal begin en in werking kom op 'n datum wat deur die Goewerneur-Generaal sal vasgestel word deur proklamasie in die *Staatskoerant*;

So is dit dat, kragtens die mag my verleen deur Artikel *honderd-en-sewentien* van die voormelde Wet, ek mits dese verklaar, proklameer en bekend maak dat die Edelgesteentes Wet 1927 (Wet No. 44 van 1927) sal begin en in die Unie van Suid-Afrika in werking kom op die 16de dag van November, 1927.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad op hierdie twaalfde dag van November, Eenduisend Negenhonderd Sewen-en-twintig.

ATHLONE.
Goewerneur-Generaal.

Op las van sy Eksellensie die Goewerneur-generaal-in-Rade.

F. Wm. BEYERS.