

EXTRAORDINARY



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[No. 2124.]

GOVERNMENT NOTICE.

The following Government Notice is published for general information.

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

Prime Minister's Office,
Cape Town.

No. 855. 21st June, 1933.

It is notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts which are hereby published for general information:—

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GOEWERMENTSKENNISGEWING.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

Kantoor van die Eerste Minister,
Kaapstad.

No. 855. 21 Junie 1933.

Hierby word bekendgemaak dat dit Sy Eksellensie die Amptenaar Belas met die Uitoeffening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette wat hiermee vir algemene informasie gepubliseer word:—

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No. 18, 1933.]

ACT

To amend the Agricultural Pests Act, 1911.

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

Insertion of
new section 22bis
in Act 11 of 1911.

1. The following new section is hereby inserted in the Agricultural Pests Act, 1911, after section *twenty-two* :

“Importa- 22bis. The Minister may import into the
tion of Union and distribute therein any exotic animal
exotic (whether its importation has or has not been
animals by prohibited under section *twenty-two*) if its impor-
Government. tation or distribution is in his opinion necessary
or desirable for the destruction of any noxious
plant or insect pest, or otherwise in the interests
of any branch of farming and neither he nor any
person acting under his instructions nor the State
shall be liable for any damage or loss suffered
by any person as a result of such importation or
distribution.”

Short title.

2. This Act shall be known as the Agricultural Pests Amend-
ment Act, 1933.

No. 19, 1933.]

ACT

To amend the laws relating to immigration.

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:—

Repeal of sections 73 and 74 of Law No. 25 of 1891 (Natal). 1. Sections *seventy-three* and *seventy-four* of the Indian Immigration Law, 1891 (Natal) are hereby repealed.

Repeal of Acts Nos. 37 of 1904 and 15 of 1906 (Cape of Good Hope). 2. The Chinese Exclusion Act, 1904 (Cape of Good Hope) and the Chinese Exclusion Amendment Act, 1906 (Cape of Good Hope), are hereby repealed.

Deletion of provision of Act No. 22 of 1913. 3. Paragraph (h) of section *five* of the Immigrants' Regulation Act, 1913, is hereby deleted.

Short title. 4. This Act shall be known as the Immigration (Amend-
ment) Act, 1933.

No. 18, 1933.]

WET

Tot wysiging van die „Landbou Plagen Wet, 1911.”

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

1. Die volgende nuwe artikel word hiermee in die „Landbouplagen Wet, 1911” na artikel *twee-en-twintig* ingevoeg :
 „Invoer van uitheemse dieren door Regering. *22bis.* De Minister kan uitheemse dieren (hetzij hun invoer al dan niet krachtens artikel *twee en twintig* verboden is) in de Unie invoeren en daarin verspreiden, indien hij van oordeel is dat hun invoer of verspreiding nodig of wenselijk is tot vernietiging van een schadelijke plant of van een insekteplaag of anderszins in het belang is van een of andere afdeling van het boerebedrijf, en noch hij, noch iemand anders die op zijn voorschrift handelt, noch de Staat is aansprakelijk wegens schade of verlies door iemand geleden als gevolg van bedoelde invoer of verspreiding.”
 Invoeging van nuwe artikel *22bis* in Wet 11 van 1911.
2. Hierdie Wet heet die Landbouplage-wysigingswet, 1933. Kort titel.

No. 19, 1933.]

WET

Om die wette op immigrasie te wysig.

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

1. Artikels *drie-en-sewentig* en *vier-en-sewentig* van die „Indian Immigration Law, 1891” (Natal) word hiermee herroep.
 Herroeping van artikels 73 en 74 van Wet No. 25 van 1891 (Natal).
2. Die „Chinese Exclusion Act, 1904” (Kaap die Goeie Hoop) en die „Chinese Exclusion Amendment Act, 1906” (Kaap die Goeie Hoop) word hiermee herroep.
 Herroeping van Wette Nos. 37 van 1904 en 15 van 1906 (Kaap).
3. Paragraaf (*h*) van artikel *vyf* van die „Wet tot Regeling van Immigrasie, 1913” word hiermee geskrap.
 Skraping van bepaling van Wet No. 22 van 1913.
4. Hierdie Wet heet die Immigrasie-Wysigingswet, 1933. Kort titel.

No. 20, 1933.]

PRIVATE ACT

To confer on the Municipality of Franschhoek certain rights in respect of a certain stream of water and to empower the said Municipality to construct, maintain and alter certain works and to make provision in respect of certain existing works.

Preamble.

WHEREAS the existing water supply of the Municipality of Franschhoek (hereinafter called the Municipality) is insufficient to meet the present and future requirements of the Municipality, and it is expedient that provision be made for the acquisition by the Municipality of additional supplies of water to meet such requirements:

AND, WHEREAS the Municipality of Franschhoek is the registered owner of the following lands (hereinafter called the municipal lands) to wit:—

(a) the remaining extent of certain piece of land, by virtue of a Deed of Grant dated seventeenth November, 1927 (Paarl Freeholds Volume 4, No. 7), described in the said deed as follows:

“Certain piece of land named Fransche Hoek Town Commonage situate in the Division of Paarl.”
Measuring as per remaining extent 2,122 morgen, 455 square roods and 40 square feet.

(b) the remaining extent of certain piece of land, by virtue of a Deed of Grant dated twenty-third March, 1912 (Paarl Freeholds Volume 3, No. 19), described in the said deed as follows:

“A certain piece of land situated in the Field-cornetcy of French Hoek, Division of Paarl, the said piece of land named Mont Rochelle.
Measuring as per remaining extent 7 morgen, 194 square roods, and 84 square feet.”

AND WHEREAS a certain stream of water known as the Paardekloof Stream, with a tributary thereof known as the Mont Rochelle Water (which stream together with its tributary is hereinafter called the said stream), rises on the municipal lands:

AND WHEREAS, apart from the alleged rights of the Churchwardens of the Dutch Reformed Church and the owners of lots of Mont Rochelle as hereinafter mentioned, no one has any right to the water of the said stream except only the Municipality and the owner of certain land, hereinafter called the farm Cabriere, presently owned by one Wynand Charl Hugo by virtue of Deed of Transfer No. 5801, dated sixteenth June, 1927, and described in the said deed as follows:

“1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Franschhoek in the Division of Paarl.

Measuring as per remaining extent 9 morgen, 66 square roods, 21 square feet.

2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.
Measuring as per remaining extent 4 morgen, 304 square roods, 112 square feet.

3. Certain piece of land situate as above being the Lots marked Nos. 74 and 75, a sub-division of part of the place La Cabrier.

Measuring 63 square roods, 46 square feet, 30 square inches.”

AND WHEREAS it may be contended by the Churchwardens of the Dutch Reformed Church at Franschhoek as owner of certain piece of land situate in the town of Franschhoek and by the owners of certain township lots of the place named Mont Rochelle within the Municipality of Franschhoek that they are entitled to use some of the Municipality's share of the said water:

AND WHEREAS the said stream has since time immemorial been completely diverted into a furrow by the Municipality and the said owner of the farm Cabriere and their predecessors in title:

AND WHEREAS certain plans have been deposited in connection with this Act in accordance with the Standing Orders of the House of Assembly on which is shown the situation of

No. 20, 1933.]

PRIVATE WET

Om aan die Munisipaliteit van Franschhoek sekere regte in verband met 'n sekere stroom water toe te ken en gesegde Munisipaliteit te magtig om sekere werke aan te lê, te onderhou en te verander en om voorsiening te maak ten opsigte van sekere bestaande werke.

NADEMAAL die bestaande watervoorraad van die Munisipaliteit van Franschhoek (hierna genoem die Munisipaliteit) onvoldoende is om in die teenswoordige en toekomstige behoeftes van die Munisipaliteit te voorsien en dit raadsaam is om voorsiening te maak vir die verkryging deur die Munisipaliteit van verdere watervoorrade om in daardie behoeftes te voorsien :

EN NADEMAAL die Munisipaliteit van Franschhoek die geregistreerde eienaar is van die volgende gronde (hierna genoem die munisipale gronde) te wete—

- (a) die restant van seker stuk grond, kragtens Akte van Toekenning gedateer sewentien November 1927 (Paarl Eiendomme Boekdeel 4, No. 7), in gemelde akte beskrewe as volg :

„Certain piece of land named Fransche Hoek Town Commonage situate in the Division of Paarl.”
Groot soos per restant 2,122 morges, 455 vierkant roede en 40 vierkant voete.”

- (b) die restant van seker stuk grond, kragtens Akte van Toekenning gedateer drie-en-twintig Maart 1912 (Paarl Eiendomme Boekdeel 3, No. 19), in gemelde akte beskrewe as volg :

„A certain piece of land situated in the Fieldcornetcy of French Hoek, Division of Paarl, the said piece of land named Mont Rochelle.
Groot soos per restant 7 morges, 194 vierkant roede en 84 vierkant voete.”

EN NADEMAAL 'n sekere stroom water bekend as die Paardekloofstroom, met 'n systroom daarvan bekend as die Mont Rochelle Water (welke stroom met sy systroom hierna genoem word die gemelde stroom) op die munisipale gronde ontstaan :

EN NADEMAAL, behalwe die beweerde regte van die Kerkraad van die Nederduits-Gereformeerde Kerk en die eienaars van persele van Mont Rochelle soos hieronder vermeld, niemand 'n reg op die water van die gemelde stroom het nie dan alleen die Munisipaliteit en die eienaar van seker grond, hierna genoem die plaas Cabriere, tans die eiendom van sekere Wynand Charl Hugo kragtens Transportakte No. 5801 gedateer sestien Junie 1927 en in gemelde akte beskrewe as volg :

- „1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Fransch Hoek, in the Division of Paarl.
Measuring as per remaining extent 9 morges, 66 square roods, 21 square feet.
2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.
Measuring as per remaining extent 4 morges, 304 square roods, 112 square feet.
3. Certain piece of land situate as above being the Lots marked Nos. 74 and 75, a sub-division of part of the place La Cabrier.
Measuring 63 square roods, 46 square feet, 30 square inches.”

EN NADEMAAL dit beweer mag word deur die Kerkraad van die Nederduits-Gereformeerde Kerk te Franschhoek as eienaar van seker stuk grond geleë in die dorp Franschhoek en deur die eienaars van sekere dorpspersele van die plek genoem Mont Rochelle binne die Munisipaliteit van Franschhoek dat hulle geregtig is om deel van die Munisipaliteit se deel van gemelde water te gebruik :

EN NADEMAAL die Munisipaliteit en die gesegde eienaar van die plaas Cabriere en hul voorgangers in regte sedert onheuglike tye die hele gemelde stroom in 'n sloot afkeer :

EN NADEMAAL sekere planne in verband met hierdie Wet ooreenkomstig die Reglement van Orde van die Volksraad gedeponeer is waarop die ligging van die munisipale gronde,

the municipal lands, the farm Cabriere, and the said stream together with the existing pipe line and other works connected with the stream :

AND WHEREAS the water of the said stream has by long user been divided between the Municipality and the owner of the farm Cabriere in turns of four and three days respectively out of every seven :

AND WHEREAS the said stream formerly came down in an open furrow across—

(a) the municipal lands,

(b) the following erven, to wit:—

1. " Certain piece of land, situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 14, 21 and 28 of the township lots of the place named Mont Rochelle.
Measuring 125 square roods ";

held by Deed of Transfer No. 11327 dated nineteenth December, 1922, in favour of Izak Frederik Bernhardt de Villiers.

2. " Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 26 and 27 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods, and 48 square feet ";
held by Deed of Transfer No. 4693 dated nineteenth June, 1912, in favour of Ignatius Jacobus le Roux.

3. " Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being the Lots Nos. 33 and 34 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet ";
held by Deed of Transfer No. 4695 dated nineteenth June, 1912, in favour of Gertruida Wouterina Kriel.

(c) certain other lands which for a period exceeding thirty years has been controlled openly, continuously and adversely by the Municipality as pasturage for the benefit of erfholders of the Municipality, but which is still registered as follows :

" By Deed of Transfer No. 259, dated seventeenth October, 1860, in favour of Jacobus Petrus Kriel, Junior, and Johannes Stephanus Houman, Junior, and described as :

" Certain piece of freehold and quitrent land, situate at Franschhoek in the division of the Paarl, being part of the farm ' La Cotte ',

Measuring 29 morgen, 436 square roods of freehold, and 9 morgen and 284 square roods of perpetual quitrent land."

AND WHEREAS it is expedient to convey the water of the said stream across the municipal lands and the erven and other lands aforementioned in pipes, and whereas the Municipality has already laid certain piping for that purpose and turned the water therein :

AND WHEREAS it is desirable to confer on the Municipality the right to construct, maintain and alter such works on the municipal lands and the erven and other lands aforementioned as it may deem advisable from time to time for the diversion, conservation, increase, conveyance, purification and protection of the said stream, as well as for the application of the water thereof towards any municipal and other tertiary purposes :

AND WHEREAS it is desirable to provide that the exercise of such right shall be subject to the provisions of Ordinance No. 10 of 1912 of the Province of the Cape of Good Hope or any amendment thereof :

AND WHEREAS it is desirable to provide that any person who has rights in respect of the erven or other lands aforementioned shall, if the said works infringe such rights, be entitled to compensation payable by the Municipality in an amount to be calculated in the manner indicated in sections *two hundred and twenty-four* and *three hundred and twenty-four* of Ordinance No. 10 of 1912 of the Province of the Cape of Good Hope or any amendment thereof :

AND WHEREAS it is desirable to provide that the presently existing pipe line and other works on the municipal lands and the erven and other lands aforementioned connected with the

die plaas Cabriere, en dié gemelde stroom met die bestaande pyplyn en ander werke aan die stroom verbonde aangetoon word :

EN NADEMAAL die water van die gemelde stroom by lang gebruik tussen die Munisipaliteit en die eienaar van die plaas Cabriere verdeel is in beurte van vier en drie dae respektiewelik uit elke sewe :

EN NADEMAAL die gemelde stroom eertyds afgekom het in 'n ope sloot oor :—

(a) die munisipale gronde,

(b) die volgende erwe, te wete :—

1. „Certain piece of land, situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 14, 21 and 28 of the township lots of the place named Mont Rochelle.

Measuring 125 square roods” ;

gehou deur Akte van Transport No. 11327 gedateer neëntien Desember 1922 ten gunste van Izak Frederik Bernhardi de Villiers.

2. „Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 26 and 27 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet” ;

gehou deur Akte van Transport No. 4693 gedateer neëntien Junie 1912 ten gunste van Ignatius Jacobus le Roux.

3. „Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being the Lots Nos. 33 and 34 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet” ;

gehou deur Akte van Transport No. 4695 gedateer neëntien Junie 1912, ten gunste van Gertruida Wouterina Kriel.

- (c) sekere ander gronde wat vir 'n tydperk van meer as dertig jaar deur die Munisipaliteit openlik, voortdurend en strydiglik beheer is as weigronde ten voordele van erfhouers van die Munisipaliteit, maar wat nog geregistreer is as volg :

„Volgens Akte van Transport No. 259 gedateer sewentien Oktober 1860 ten gunste van Jacobus Petrus Kriel, Junior, en Johannes Stephanus Houman, Junior, en beskrewen as volg :

„Certain piece of freehold and quitrent land, situate at Franschehoek in the division of the Paarl, being part of the farm, 'La Cotte',

Measuring 29 morgen, 436 square roods of freehold, and 9 morgen and 284 square roods of perpetual quitrent land.”

EN NADEMAAL dit raadsaam is om die water van die gemelde stroom oor die munisipale gronde en die erwe en ander gronde voormeld af te bring in pype, en nademaal die Munisipaliteit vir dié doel reeds sekere pype aangelê en die water daarin gekeer het :

EN NADEMAAL dit wenslik is om aan die Munisipaliteit die mag te verleen om op die munisipale gronde en die erwe en ander gronde voormeld sodanige werke aan te lê, te onderhou en te verander as dit van tyd tot tyd raadsaam mag ag vir die afkering, bewaring, vermeerdering, leiding, suiwering en beskerming van gemelde stroom, asook vir die aanwending van die water daarvan vir enige munisipale en ander tersiêre doeleindes :

EN NADEMAAL dit wenslik is om te bepaal dat die uitoefening van sodanige mag onderhewig sal wees aan die bepalings van Ordonnansie No. 10 van 1912 van die Provinsie Kaap die Goeie Hoop of enige wysiging daarvan :

EN NADEMAAL dit wenslik is om te bepaal dat 'n persoon wat regte het ten opsigte van die erwe of ander gronde voormeld in geval die gesegde werke op sodanige regte inbreuk maak, geregtig sal wees op skadevergoeding betaalbaar deur die Munisipaliteit tot 'n bedrag te word bepaal op die wyse aangedui in artikels *tweehonderd-vier-en-twintig* en *driehonderd-vier-en-twintig* van Ordonnansie No. 10 van 1912 van die Provinsie Kaap die Goeie Hoop of enige wysiging daarvan :

EN NADEMAAL dit wenslik is om te bepaal dat die tans bestaande pyplyn en ander werke op die munisipale gronde en die erwe en ander gronde voormeld verbonde aan die gemelde

said stream should be regarded as constructed by virtue of this Act, and that the provisions of this Act shall *mutatis mutandis* apply thereto :

AND WHEREAS the continuance of the aforesaid turns may cause difficulties in respect of the construction and use of the existing and intended works :

AND WHEREAS the Municipality and the said Wynand Charl Hugo have entered into an agreement a translation of which is set forth in the Schedule to this Act :

AND WHEREAS it is desirable to empower and oblige the Municipality to give effect to the said agreement :

AND WHEREAS it is desirable to provide that the Municipality shall have the full control of the said stream and that the Municipality, subject to the said agreement and to the reservation hereinafter set out in favour of the Churchwardens of the Dutch Reformed Church and the owners of lots of Mont Rochelle, shall be entitled to all the water of the said stream.

AND WHEREAS it is desirable to provide that the Municipality may use the water to which it is entitled out of the said stream for any purpose inside or outside the Municipality and may sell the same or otherwise dispose thereof for any purpose to inhabitants of the said municipality or to any other persons whatsoever :

AND WHEREAS it is desirable that any rights of the Churchwardens of the Dutch Reformed Church at Franschoek as owner of certain piece of land situate in the town of Franschoek and of the owners of the aforesaid township lots of the place named Mont Rochelle within the Municipality of Franschoek, and their successors in title, to use a portion of the Municipality's share of the aforementioned water be preserved and in no way prejudiced :

AND WHEREAS it is desirable to provide that all costs by or on behalf of the Municipality in connection with the preparation introduction and promotion of this Act and prior drafts thereof, including the costs payable in terms of the agreement with Wynand Charl Hugo set forth in the Schedule, may be paid out of the funds of the Municipality, and to empower the Municipality to raise loans required for such payment on such terms as may be approved by the Administrator of the Province of the Cape of Good Hope :

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

Definitions.

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

“the Municipality” means the Municipality of Franschoek ;

“the municipal lands” means certain lands of which the Municipality is the registered owner, to wit—

(a) the remaining extent of certain piece of land, by virtue of a Deed of Grant dated seventeenth November, 1927 (Paarl Freeholds Volume 4, No. 7), described in the said deed as follows :

“Certain piece of land named Fransche Hoek Town Commonage situate in the Division of Paarl,”

Measuring as per remaining extent 2,122 morgen, 455 square roods and 40 square feet.

(b) the remaining extent of certain piece of land, by virtue of a Deed of Grant dated twenty-third March, 1912 (Paarl Freeholds Volume 3, No. 19), described in the said deed as follows :

“A certain piece of land situated in the field-cornetcy of French Hoek, Division of Paarl, the said piece of land named Mont Rochelle.”

Measuring as per remaining extent 7 morgen, 194 square roods and 84 square feet.

“the erven” means :

1. “Certain piece of land, situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 14, 21 and 28 of the Township Lots of the place named Mont Rochelle.
Measuring 125 square roods.”

held by Deed of Transfer No. 11327 dated nineteenth December, 1922, in favour of Izak Frederik Bernhardt de Villiers.

2. “Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 26 and 27 of the township lots of the place named Mont Rochelle.

stroom geag sal word as aangelê kragtens hierdie Wet, en dat die bepalings van hierdie Wet *mutatis mutandis* daarop van toepassing sal wees :

EN NADEMAAL die voortbestaan van die voormelde beurte die aanleg en gebruik van die bestaande en beoogde werke mag bemoeilik :

EN NADEMAAL die Munisipaliteit en die gesegde Wynand Charl Hugo 'n ooreenkoms aangegaan het soas uiteengesit in die Bylae tot hierdie Wet :

EN NADEMAAL dit wenslik is om die Munisipaliteit te magtig en te verplig om sodanige ooreenkoms uit te voer :

EN NADEMAAL dit wenslik is om te bepaal dat die Munisipaliteit die volle beheer oor die gemelde stroom sal hê en dat die Munisipaliteit, onderworpe aan die gemelde ooreenkoms en aan die voorbehoud hieronder omskrewe ten gunste van die Kerkraad van die Nederduits-Gereformeerde Kerk en die eienaars van persele van Mont Rochelle, geregtig sal wees op al die water van die gemelde stroom :

EN NADEMAAL dit wenslik is om te bepaal dat die Munisipaliteit die water waarop dit uit die gemelde stroom geregtig is vir enige doel binne of buite die Munisipaliteit mag gebruik en vir enige doel aan inwoners van die Munisipaliteit of aan enige ander persone wie ook mag verkoop of andersins van die hand sit :

EN NADEMAAL dit wenslik is dat enige regte wat die Kerkraad van die Nederduits-Gereformeerde Kerk te Franschhoek as eienaar van seker stuk grond geleë in die dorp Franschhoek en die eienaars van die gemelde dorpspersele van die plek genoem Mont Rochelle binne die Munisipaliteit van Franschhoek en hulle opvolgers in regte, mag hê om 'n gedeelte van die Munisipaliteit se deel van die voormelde water te gebruik, voorbehoud en nie geskend sal word nie :

EN NADEMAAL dit wenslik is om te bepaal dat alle koste aangegaan deur of ten behoeve van die Munisipaliteit in verband met die voorbereiding, indiening en bevordering van hierdie Wet en vroeëre konsepte daarvan, insluitende die koste betaalbaar onder die ooreenkoms met Wynand Charl Hugo uiteengesit in die Bylae, uit die fondse van die Munisipaliteit mag betaal word, en om die Munisipaliteit te magtig om lenings benodig vir sodanige betaling aan te gaan op sulke voorwaardes as die Administrateur van die Provinsie die Kaap die Goeie Hoop mag goedkeur :

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

1. In hierdie Wet, tensy die samehang anders vereis, beteken— Woordbepaling.

„die Munisipaliteit”, die Munisipaliteit van Franschhoek ;

„die munisipale gronde”, seker gronde waarvan die Munisipaliteit die geregistreerde eienaar is, te wete—

(a) die restant van seker stuk grond, kragtens Akte van Toekenning gedateer sewentien November 1927 (Paarl Eiendomme Boekdeel 4, No. 7), in gemelde akte beskrewe as volg :

„Certain piece of land named Fransche Hoek Town Commonage situate in the Division of Paarl.”

Groot soos per restant 2,122 morge, 455 vierkant roede en 40 vierkant voete ;

(b) die restant van seker stuk grond, kragtens Akte van Toekenning gedateer drie-en-twintig Maart 1912 (Paarl Eiendomme Boekdeel 3, No. 19), in gemelde akte beskrewe as volg :

„A certain piece of land situated in the Field-cornetcy of French Hoek, Division of Paarl, the said piece of land named Mont Rochelle.”

Groot soos per restant 7 morge, 194 vierkant roede en 84 vierkant voete ;

„die erwe”,

1. „Certain piece of land, situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 14, 21 and 28 of the township lots of the place named Mont Rochelle. Measuring 125 square roods” ;

gehou deur Akte van Transport No. 11327 gedateer neëntien Desember 1922 ten gunste van Izak Frederik Bernhardt de Villiers.

2. „Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 26 and 27 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet"; held by Deed of Transfer No. 4693 dated nineteenth June, 1912, in favour of Ignatius Jacobus le Roux.

3. "Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being the Lots Nos. 33 and 34 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet."; held by Deed of Transfer No. 4695 dated nineteenth June, 1912, in favour of Gertruida Wouterina Kriel;

"the other lands" means the piece of land which for a period exceeding thirty years has been controlled openly, continuously and adversely by the Municipality as pasturage for the benefit of erfholders of the Municipality, but which is still registered as follows:

"By Deed of Transfer No. 259 dated seventeenth October, 1860, in favour of Jacobus Petrus Kriel, Junior, and Johannes Stephanus Houman, Junior, and described as:

"Certain piece of freehold and quitrent land, situate at Franschehoek in the division of the Paarl, being part of the farm 'La Cotte'.

Measuring 29 morgen, 436 square roods of freehold, and 9 morgen and 284 square roods of perpetual quitrent land."

the said stream" means a certain stream of water known as the Paardekloof Stream, together with a tributary thereof known as the Mont Rochelle Water, both of which rise on the municipal lands and are shown on the plans deposited in accordance with the Standing Orders of the House of Assembly;

"the farm Cabriere" means the land of which one, Wynand Charl Hugo, is presently the registered owner by virtue of Deed of Transfer No. 5801 dated sixteenth June, 1927, which land is shown on the plans deposited in accordance with the Standing Orders of the House of Assembly, and is described in the said deed as follows:—

"1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Fransch Hoek in the Division of Paarl.

Measuring as per remaining extent 9 morgen, 66 square roods, 21 square feet.

2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.

Measuring as per remaining extent 4 morgen, 304 square roods, 112 square feet.

3. Certain piece of land situate as above being the Lots marked Nos. 74 and 75, a sub-division of part of the place La Cabrier.

Measuring 63 square roods, 46 square feet, 30 square inches."

Powers of the Municipality.

2. The Municipality is hereby empowered to construct maintain and alter all such works on the municipal lands, the erven and the other lands as it may deem advisable from time to time for the diversion, conservation, increase, conveyance, purification and protection of the said stream, as well as for the application of the water thereof towards any municipal and other tertiary purposes.

Application of certain laws.

3. The exercise of the aforesaid right by the Municipality shall be subject to the provisions of Ordinance No. 10 of 1912 of the Province of the Cape of Good Hope or any amendment thereof.

Compensation.

4. Any person who has rights in respect of the erven or the other lands shall, if the works constructed by virtue of section two of this Act infringe such rights, be entitled to compensation payable by the Municipality in an amount to be calculated in the manner indicated in sections *two hundred and twenty-four* and *three hundred and twenty-four* of Ordinance No. 10 of 1912 of the Cape of Good Hope or any amendment thereof.

Existing works.

5. The pipe line and other works laid and constructed prior to the commencement of this Act by the Municipality on the municipal lands, the erven and the other lands shall be deemed to have been laid and constructed by virtue of this Act, and the provisions of this Act shall *mutatis mutandis* apply thereto.

Measuring 83 square roods and 48 square feet"; gehou deur Akte van Transport No. 4693 gedateer neëntien Junie 1912 ten gunste van Ignatius Jacobus le Roux.

3. „Certain piece of land situate near the village of Fransch Hoek, in the Paarl Division, being Lots Nos. 33 and 34 of the township lots of the place named Mont Rochelle.

Measuring 83 square roods and 48 square feet"; gehou deur Akte van Transport No. 4695 gedateer neëntien Junie 1912, ten gunste van Gertruida Wouterina Kriel.

„die ander gronde", die stuk grond wat vir 'n tydperk van meer as dertig jaar deur die Munisipaliteit openlik, voortdurend en strydiglik beheer is as weigronde ten voordele van erfhouers van die Munisipaliteit, maar wat nog geregistreer is as volg:

„Volgens Akte van Transport No. 259 gedateer sewentien Oktober 1860 ten gunste van Jacobus Petrus Kriel, Junior, en Johannes Stephanus Houman, Junior, en beskrywe as volg:

„Certain piece of freehold and quitrent land, situate at Franschhoek in the division of the Paarl, being part of the farm 'La Cotte'.

Measuring 29 morgen 436 square roods of freehold, and 9 morgen and 284 square roods of perpetual quitrent land".

„die gemelde stroom", 'n sekere stroom water bekend as die Paardekloofstroom, met 'n systroom daarvan bekend as die Mont Rochelle Water, wat beide op die munisipale gronde ontstaan en aangetoon word op die planne gedeponeer ooreenkomstig die Reglement van Orde van die Volksraad;

„die plaas Cabriere", die grond waarvan sekere Wynand Charl Hugo tans die geregistreerde eienaar is kragtens Transportakte No. 5801 gedateer sestien Junie 1927, welke grond aangetoon word op die planne gedeponeer ooreenkomstig die Reglement van Orde van die Volksraad, en in gemelde transportakte beskryf word as volg:

„1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Fransch Hoek, in the Division of Paarl.

Measuring as per remaining extent 9 morgen, 66 square roods, 21 square feet.

2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.

Measuring as per remaining extent 4 morgen, 304 square roods, 112 square feet.

3. Certain piece of land situate as above being the Lots marked Nos. 74 and 75, a sub-division of part of the place La Cabrier.

Measuring 63 square roods, 46 square feet, 30 square inches".

2. Die Munisipaliteit word gemagtig om op die munisipale gronde, die erwe en die ander gronde, sodanige werke aan te lê, te onderhou en te verander as dit van tyd tot tyd raadsaam mag ag vir die afkering, bewaring, vermeerdering, leiding, suiwering, en beskerming van die gemelde stroom, asook vir die aanwending van die water daarvan vir enige munisipale en ander tersiêre doeleindes.

Bevoegdhede van die Munisipaliteit.

3. Die uitoefening van die voormelde bevoegdhede deur die Munisipaliteit is onderhewig aan die bepalings van Ordonnansie No. 10 van 1912 van die Provinsie die Kaap die Goeie Hoop of enige wysiging daarvan.

Toepassing van sekere wette.

4. 'n Persoon wat regte het ten opsigte van die erwe of die ander gronde is, in geval die werke aangelê kragtens artikel twee van hierdie Wet op sodanige regte inbreuk maak, geregtig op skadevergoeding betaalbaar deur die Munisipaliteit tot 'n bedrag te word bepaal op die wyse aangedui in artikels tweehonderd-vier-en-twintig en driehonderd-vier-en-twintig van Ordonnansie No. 10 van 1912 van die Provinsie Kaap die Goeie Hoop of enige wysiging daarvan.

Skadevergoeding.

5. Die pyplyn en ander werke wat deur die Munisipaliteit op die munisipale gronde, die erwe en die ander gronde voor die inwerkingtreding van hierdie Wet aangelê is, word geag as aangelê kragtens hierdie Wet, en die bepalings van hierdie Wet is *mutatis mutandis* daarop van toepassing.

Bestaande werke.

Agreement with
Wynand Charl
Hugo.

Water rights
of the
Municipality.

Use of the water.

Payment
of costs.

Short title.

6. The Municipality shall be empowered and obliged to give effect to the agreement with Wynand Charl Hugo a translation of which is set forth in the Schedule to this Act.

7. The Municipality shall have the full control of the said stream and shall, subject to the said agreement and to the reservation hereinafter set forth in favour of the Churchwardens of the Dutch Reformed Church and the owners of lots of Mont Rochelle, be entitled to all the water of the said stream.

8. The Municipality may use the water to which it is entitled out of the said stream for any purpose inside or outside the municipality and may sell the same or otherwise dispose thereof for any purpose to inhabitants of the municipality or to any other persons whatsoever: Provided that the exercise of this right shall be without prejudice to such rights as the Churchwardens of the Dutch Reformed Church at Franschhoek as owner of certain piece of land situate in the town of Franschhoek and the owners of the aforesaid township lots of the place named Mont Rochelle within the Municipality of Franschhoek and their successors in title may have to the use of the Municipality's share of the aforementioned water.

9. All costs incurred by or on behalf of the Municipality in connection with the preparation, introduction and promotion of this Act and prior drafts thereof, including the costs payable in terms of the agreement with Wynand Charl Hugo set forth in the Schedule may be paid out of the funds of the Municipality, and the Municipality shall be empowered to raise loans required for such payment on such terms as may be approved of by the Administrator of the Province of the Cape of Good Hope.

10. This Act may be cited as the Franschhoek Water (Private) Act, 1933.

Schedule.

Translation of an Agreement entered into between the MUNICIPALITY OF FRANSCHHOEK on the one side and WYNAND CHARL HUGO on the other.

WHEREAS the said Hugo is by Deed of Transfer No. 5801, dated 16th June, 1927, the owner of certain land described in the said Deed as follows:

"1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Franschhoek in the Division of Paarl.

Measuring as per remaining extent 9 morgen, 66 square roods, 21 square feet.

2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.

Measuring as per remaining extent 4 morgen, 304 square roods, 112 square feet."

AND WHEREAS the said Hugo as owner of the said land has certain, rights in respect of the water of a certain stream known as the Paardekloof stream, together with a tributary thereof known as the Mont Rochelle Water, which said stream together with its tributary is hereinafter called the said stream:

AND WHEREAS the said Municipality is desirous of acquiring such rights of the said Hugo in respect of the said stream:

AND WHEREAS the parties have mutually agreed upon the terms upon which the said Municipality shall acquire such rights:

AND WHEREAS it is desirous that such terms be reduced to writing:

NOW THEREFORE this indenture witnesseth:

1. That the said Hugo hereby cedes all his rights and interest in the said stream to the said Municipality.

2. That the said Municipality shall deliver to the said Hugo on Monday Tuesday and Wednesday of each week from 1st October to 15th December in each year 186,666 gallons of water per day and from 16 December to 31st May of the following year in each year 128,333 gallons of water per day.

3. That the said Municipality shall further at any time or times in which it shall lead or supply water for irrigation during the months of June, July, August and September in any year deliver to the said Hugo 128,333 gallons of water per day on such Mondays, Tuesdays and Wednesdays as the said Hugo may require.

4. That the said Municipality shall deliver such water to the said Hugo in pipes at the point on his boundary where the water of the said stream at present reaches his farm in an even continuous flow between 6 o'clock in the forenoon and 6 o'clock in the afternoon on each of the said three days.

5. That the said Municipality shall make suitable provision at the point at which it delivers the water to the said Hugo, to ensure that the said Hugo receives the quantity which the agreement stipulates.

6. That as certain other water to which the said Hugo is entitled out of what is known as the "Eiendomswater", was taken into consideration in the determination of the quantity of water which the said Municipality

6. Die Munisipaliteit word gemagtig en verplig om die ooreenkoms met Wynand Charl Hugo uiteengesit in die Bylae tot hierdie Wet uit te voer.

Ooreenkoms
met Wynand
Charl Hugo.

7. Die Munisipaliteit sal die volle beheer oor die gemelde stroom hê en sal, onderworpe aan die gesegde ooreenkoms en aan die voorbehoud hieronder omskrewe ten gunste van die Kerkraad van die Nederduits-Gereformeerde Kerk en die eienaars van persele van Mont Rochelle, geregtig wees op al die water van die gemelde stroom.

Waterregte
van die
Munisipaliteit.

8. Die Munisipaliteit mag die water waarop dit uit die gemelde stroom geregtig is vir enige doel binne of buite die Munisipaliteit gebruik en vir enige doel aan inwoners van die Munisipaliteit of aan enige ander persone wie ook verkoop of andersins van die hand sit: Met die verstande dat die uitoefening van hierdie reg sal geskied sonder skending van sodanige regte wat die Kerkraad van die Nederduits-Gereformeerde Kerk te Franschhoek as eienaar van seker stuk grond geleë in die dorp Franschhoek en die eienaars van die voormelde dorpspersele van die plek genoem Mont Rochelle binne die Munisipaliteit van Franschhoek en hulle opvolgers in regte mag hê om die Munisipaliteit se deel van die gemelde water te gebruik.

Gebruik van die
water.

9. Alle koste aangegaan deur of ten behoeve van die Munisipaliteit in verband met die voorbereiding, indiening en bevordering van hierdie Wet en vroeëre konsepte daarvan, insluitende die koste betaalbaar onder die ooreenkoms met Wynand Charl Hugo uiteengesit in die Bylae, mag uit die fondse van die Munisipaliteit betaal word, en die Munisipaliteit word gemagtig om lenings benodig vir sodanige betaling aan te gaan op sulke voorwaardes as die Administrateur van die Provinsie die Kaap die Goeie Hoop mag goedkeur.

Betaling van
koste.

10. Hierdie Wet kan aangehaal word as die Franschhoek Water (Private) Wet, 1933.

Kort titel.

Bylae.

Ooreenkoms aangegaan tussen die MUNISIPALITEIT VAN FRANSCHHOEK aan die een kant en WYNAND CHARL HUGO aan die ander.

NADEMAAL gesegde Hugo kragtens Transportakte No. 5801 gedateer 16 Junie 1927 die eienaar is van sekere grond in gemelde Akte beskrewe as volg:

- „1. The remaining extent of certain piece of freehold land or farm called Cabriere situate in the Municipality of Franschhoek, in the Division of Paarl.
Measuring as per remaining extent 9 morgen, 66 square roods, 21 square feet.
2. The remaining extent of certain piece of freehold land adjoining the said farm Cabriere situate as above.
Measuring as per remaining extent 4 morgen, 304 square roods, 112 square feet.”

EN NADEMAAL gesegde Hugo as eienaar van gesegde grond sekere regte het ten opsigte van die water van 'n sekere stroom bekend as die Paardekloofstroom, met 'n systroom daarvan bekend as die Mont Rochelle Water, welke stroom met sy systroom hierna genoem word die gemelde stroom:

EN NADEMAAL gesegde Munisipaliteit begerig is om sodanige regte van gesegde Hugo ten opsigte van die gemelde stroom te verkry:

EN NADEMAAL die partye onderling ooreengekom het oor die voorwaardes waarop gesegde Munisipaliteit sodanige regte sal verkry:

EN NADEMAAL dit wenslik is om sodanige voorwaardes in geskrifte te stel:

DERHALWE getuig hierdie dokument:—

1. Dat gesegde Hugo hierby al sy regte en belange in die gemelde stroom aan gesegde Munisipaliteit oormak.

2. Dat gesegde Munisipaliteit aan gesegde Hugo op Maandag, Dinsdag en Woensdag in elke week sal lewer van 1 Oktober tot 15 Desember in elke jaar 186,666 gelling water per dag en van 16 Desember tot 31 Mei van die volgende jaar in elke jaar 128,333 gelling water per dag.

3. Dat voorts te enige tyd of tye wanneer gesegde Munisipaliteit water lei of verskaf vir besproeiing in die maande Junie, Julie, Augustus en September in enige jaar, die Munisipaliteit aan gesegde Hugo 128,333 gelling water per dag sal lewer op sodanige Maandae, Dinsdae en Woensdae as gesegde Hugo mag vereis.

4. Dat gesegde Munisipaliteit sodanige water aan gesegde Hugo in pype sal lewer op die punt aan sy skeiding waar die water van die gemelde stroom tans sy plaas bereik in een gelyke voortdurende stroom tussen sesuur voormiddag en sesuur namiddag op elk van die drie gemelde dae.

5. Dat gesegde Munisipaliteit op die punt waar dit die water aan gesegde Hugo lewer geskikte voorsiening sal maak om te verseker dat hy die hoeveelheid ontvang wat die ooreenkoms bepaal.

6. Dat aangesien sekere ander water waarop gesegde Hugo geregtig is uit wat bekend is as die „Eiendomswater” in aanmerking geneem is by die vasstelling van die hoeveelheid water wat gesegde Munisipaliteit

shall deliver to him and it is therefore necessary that the said Hugo should receive his full share of the said "Eiendomswater", the Municipality hereby grants to him the right at any time if he so desires to convey his share of the "Eiendomswater" over any street or other Municipal property to his said land in pipes in substitution of the furrow by which it is at present conveyed, together with a right of reasonable access to Municipal property for the purpose of laying, maintaining and repairing such pipes.

7. The said Municipality shall reimburse to the said Hugo the sum of six hundred pounds being the costs which he has incurred in connection with negotiations, agreements and the Private Bill in regard to the said stream.

8. That the words "the said Hugo" wherever they occur in this Agreement, includes his successors in title to the said land.

Thus done and signed at Cape Town, on this the 23rd day of February, 1933.

As Witnesses :

- | | |
|--------------------------------|-------------------------------|
| 1. (Sgd.) J. DE LA R. DU TOIT. | (Sgd.) A. J. LAMBRECHTS, |
| 2. (Sgd.) V. VAN DER BYL. | Mayor. |
| | (Sgd.) M. A. SMUTS, |
| | Town Clerk. |
| | on behalf of the Municipality |
| | of Franschhoek. |

As Witnesses :

- | | |
|--------------------------------|--------------------|
| 1. (Sgd.) J. DE LA R. DU TOIT. | (Sgd.) W. C. HUGO. |
| 2. (Sgd.) V. VAN DER BYL. | |

I, do hereby certify that the above agreement has been signed by the Mayor and the Town Clerk under and in accordance with a resolution of the Council of the said Municipality passed on 22nd February, 1933.

(Sgd.) M. A. SMUTS,
Town Clerk.

aan hom sal lewer en dit derhalwe nodig is dat gesegde Hugo sy volle deel van die gemelde „Eiendomswater” sal ontvang, gee die Munisipaliteit hom hierby die reg om te enige tyd as hy sulks verkies sy deel van die „Eiendomswater” oor enige straat of ander Munisipale eiendom na sy gesegde grond te vervoer in pype ter vervanging van die sloot waarin dit nou loop, asook ’n reg van redelike toegang tot Munisipale eiendom ten einde sodanige pype te lê, in orde te hou en te repareer.

7. Gesegde Munisipaliteit sal aan gesegde Hugo die som van seshonderd pond, synde die koste wat hy beloop het ten opsigte van onderhandelings, ooreenkomste en die private wetsontwerp in verband met die gemelde stroom, vergoed.

8. Dat die woorde „gesegde Hugo” orals waar dit in hierdie ooreenkoms voorkom sy opvolgers in regte tot die gemelde grond insluit.

Aldus gedaan en geteken te Kaapstad op hierdie 23ste dag van Februarie 1933.

As getuies :

1. (Get.) J. DE LA R. DU TOIT.
2. (Get.) V. VAN DER BYL.

(Get.) A. J. LAMBRECHTS,
Burgemeester.

(Get.) M. A. SMUTS,
Stadsklerk,
namens die Munisipaliteit van Franschhoek.

As getuies :

1. (Get.) J. DE LA R. DU TOIT.
2. (Get.) V. VAN DER BYL.

(Get.) W. C. HUGO.

Ek sertifiseer hierby dat die voorgaande ooreenkoms deur die Burgemeester en die Stadsklerk van die Munisipaliteit van Franschhoek onderteken is kragtens en in ooreenstemming met ’n besluit van die Raad van die gesegde Munisipaliteit gepasseer op 22 Februarie 1933.

(Get.) M. A. SMUTS,
Stadsklerk.

No. 21, 1933.]

PRIVATE ACT**To amend the Rand Water Board Statutes
1903-1932.**

Preamble.

WHEREAS the Rand Water Board, hereinafter referred to as the Board, has been constituted under the Rand Water Board Statutes 1903-1932, hereinafter referred to as the Statutes, for the purpose, *inter alia*, of supplying water within the limits of supply prescribed by the Statutes, and is empowered to raise money by the issue of stock and otherwise for the purposes therein defined :

AND WHEREAS by section *twenty-seven* of the Rand Water Board Supplementary Water Supply (Private) Act, 1914, which is incorporated in the Statutes and is hereinafter referred to as the Act of 1914, it is provided that the fixed charges as defined in section *twenty-six* of the said Act as amended by section *one* of the Rand Water Board Statutes 1903-1920 Amendment (Private) Act, 1921, in respect of moneys raised by the Board, shall in every year be paid by the Railway Administration, the local authorities and the holders of mining title respectively in certain fixed proportions therein prescribed :

AND WHEREAS by section *two* of the Rand Water Board Statutes 1903-1931 Amendment (Private) Act, 1932, which is incorporated in the Statutes and is hereinafter referred to as the Act of 1932, it is provided that the provisions of the Act of 1914 relating to the definition, payment and recovery of the fixed charges as therein defined and the bringing to account thereof shall, save as is otherwise in the Act of 1932 provided apply only to the existing loans as defined in that Act :

AND WHEREAS it is further provided by section *five* of the Act of 1932 that the fixed charges in respect of the loan referred to in that Act as the new loan, shall in every half-year be paid by the Railway Administration, the local authorities and the holders of mining title in proportion to the quantity of water delivered by the Board to the Railway Administration and to each of such local authority and holder of mining title respectively in such half-year :

AND WHEREAS the Board in the exercise of the powers conferred upon it under the Statutes has resolved to carry out certain works for the purpose of further increasing up to the limits authorized by the Act of 1914, the quantity of water drawn by it from the Vaal River, and to carry out certain alterations and additions to the Board's existing undertaking, (all of which works, alterations and additions are hereinafter collectively referred to as the additional water supply (1933) scheme) and is authorized, subject to the provisions of the Statutes, to raise moneys for defraying the cost of such scheme, which moneys are hereinafter collectively referred to as the 1933 scheme loan :

AND WHEREAS it is desirable that the fixed charges in respect of the 1933 scheme loan shall be allocated as between the Railway Administration, the local authorities and the holders of mining title in proportion to the quantities of water delivered by the Board to the Railway Administration and to each such local authority and holder of mining title respectively, subject in each year to a minimum contribution by the holders of mining title collectively of thirty per cent. of the fixed charges for such year :

AND WHEREAS it is desirable to provide for the determination by the Board of the method by which the fixed charges in respect of any moneys raised by the Board other than the existing loans and the new loan as defined in the Act of 1932 and the 1933 scheme loan (which moneys are hereinafter referred to as additional loans) shall be allocated as between the Railway Administration, the local authorities and the holders of mining title respectively :

AND WHEREAS it is necessary to provide for the apportionment, recovery and bringing to account of the fixed charges in respect of the 1933 scheme loan and the additional loans :

AND WHEREAS it is desirable to provide that the Board shall continue to charge the additional special rate referred to in section *seven* of the Act of 1932 so long as any moneys raised under any loan other than the existing loans as defined in that Act remain outstanding, and that the revenue derived from such additional special rate shall be allocated in such proportions as the Board may deem fit as between the new loan, the 1933 scheme loan and any additional loans for the purpose of determining the fix charges in respect of such loans :

No. 21, 1933.]

PRIVATE WET**Tot wysiging van die Rand Waterraad Statute 1903-1932.**

NADEMAAL die Rand Waterraad, hierna die Raad genoem, ^{Aanbei.} ingestel is kragtens die Rand Waterraad Statute 1903-1932, hierna die Statute genoem, vir die doel, *inter alia*, om water te verskaf binne die verskaffingsterrein deur die Statute voorgeskryf, en gemagtig is om geld op te neem deur die uitgifte van skuldbriewe en andersins vir die doeleindes daarin omskryf:

EN NADEMAAL deur artikel *sewen-en-twintig* van die Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914, wat in die Statute ingelyf is en hierna die Wet van 1914 genoem word, bepaal word dat die vaste koste soos omskryf in artikel *ses-en-twintig* van gemelde Wet, soos gewysig deur artikel *een* van die Rand Waterraad Statuten 1903-1920 Wijzigings (Private) Wet, 1921, ten opsigte van gelde deur die Raad opgeneem, in elke jaar betaal moet word deur die Spoorwegadministrasie, die plaaslike outoriteite en die houters van mynbriewe onderskeidelik volgens sekere vasgestelde verhoudings daarin voorgeskryf:

EN NADEMAAL deur artikel *twee* van die Rand Waterraad Statute 1903-1931 Wysigings (Private) Wet, 1932, wat in die Statute ingelyf is en hierna die Wet van 1932 genoem word, bepaal word dat die bepalings van die Wet van 1914 betreffende die omskrywing, betaling en invordering van die vaste koste soos daarin omskryf en die in rekening bring daarvan, behalwe waar die Wet van 1932 anders bepaal, alleen op die bestaande lenings soos in daardie Wet omskryf van toepassing is:

EN NADEMAAL deur artikel *vyf* van die Wet van 1932 verder bepaal word dat die vaste koste ten opsigte van die lening, in daardie Wet die nuwe lening genoem, in elke halfjaar betaal moet word deur die Spoorwegadministrasie, die plaaslike outoriteite en die houters van mynbriewe in verhouding tot die hoeveelheid water deur die Raad in daardie halfjaar aan die Spoorwegadministrasie en aan elkeen van sodanige plaaslike outoriteit en houer van mynbrief onderskeidelik gelewer:

EN NADEMAAL die Raad by die uitoefening van die bevoegdhede hom kragtens die Statute verleen besluit het om sekere werke aan te lê met die doel om binne die perke deur die Wet van 1914 gemagtig die hoeveelheid water deur hom uit die Vaalrivier verkry verder te vermeerder, en sekere veranderings en uitbreidings van die Raad se bestaande onderneming uit te voer (watter werke, veranderings en uitbreidings almal gesamentlik hierna die verdere waterverskaffing (1933) skema genoem word) en gemagtig is om, behoudens die bepalings van die Statute, gelde op te neem om die koste van sodanige skema te bestry, watter gelde hierna gesamentlik die 1933 skema lening genoem word:

EN NADEMAAL dit wenslik is dat die vaste koste ten opsigte van die 1933 skema lening verdeel word tussen die Spoorwegadministrasie, die plaaslike outoriteite en die houters van mynbriewe in verhouding tot die hoeveelhede water deur die Raad aan die Spoorwegadministrasie en aan elke sodanige plaaslike outoriteit en houer van mynbrief onderskeidelik gelewer, onderworpe in elke jaar aan 'n minimum-bydrae deur die houters van mynbriewe gesamentlik van dertig persent van die vaste koste vir daardie jaar:

EN NADEMAAL dit wenslik is om voorsiening te maak vir die vasstelling deur die Raad van die metode waarvolgens die vaste koste ten opsigte van enige gelde opgeneem deur die Raad nie synde die bestaande lenings en die nuwe lening soos omskryf in die Wet van 1932 en die 1933 skema lening (watter gelde hierna verdere lenings genoem word) verdeel word tussen die Spoorwegadministrasie, die plaaslike outoriteite en die houters van mynbriewe onderskeidelik:

EN NADEMAAL dit nodig is om voorsiening te maak vir die verdeling, invordering en in rekening bring van die vaste koste ten opsigte van die 1933 skema lening en die verdere lenings:

EN NADEMAAL dit wenslik is om voorsiening te maak dat die Raad die addisionele besondere belasting vermeld in artikel *sewe* van die Wet van 1932 sal bly bereken solank as enige gelde opgeneem ingevolge enige ander lening dan die bestaande lenings soos in daardie Wet omskryf uitstaande bly, en dat die inkomste uit daardie addisionele besondere belasting in sulke verhoudings as die Raad goeddink verdeel word tussen die nuwe lening, die 1933 skema lening en die verdere lenings ten einde die vaste koste ten opsigte van sulke lenings vas te stel:

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

Definitions.

1. In this Act unless inconsistent with the context—

“Act of 1914” and “Act of 1932” mean respectively the Rand Water Board Supplementary Water Supply (Private) Act 1914, as amended from time to time, and the Rand Water Board Statutes 1903-1931 Amendment (Private) Act 1932;

“Additional water supply 1933 scheme” means the scheme which the Board has resolved to carry out and which comprises the works necessary to increase up to the limits authorized by the Act of 1914 the quantity of water drawn by it from the Vaal River and certain alterations and additions to the Board's existing undertaking;

“Board” means the Rand Water Board;

“Existing loans” and “new loan” have the meaning respectively assigned to these terms in the Act of 1932; “the 1933 scheme loan” means the moneys to be raised by the Board for the purpose of the additional water supply (1933) scheme referred to in this Act; “Additional loans” means any moneys which may be raised by the Board other than the existing loans, new loan and 1933 scheme loan and the amounts outstanding from time to time in respect of each;

“Local authority” means a local authority being a constituent authority of the Board;

“Railway Administration” and “holder of mining title” have the meanings respectively assigned to these terms in the Act of 1914;

“Statutes” means the Rand Water Board Statutes 1903-1932;

“Year” means a period of twelve months calculated from the first day of April in any year.

Amendment of definition of “fixed charges” in section 1 of Act No. 8 of 1932, and providing for the definition of “fixed charges” in respect of certain loans.

2. (1) The definition of “Fixed charges” in section one of the Act of 1932 is hereby amended by the deletion of paragraph (b) thereof and the substitution therefor of the following new paragraph:—

“(b) such portion of the revenue derived from the additional special rate charged under section seven as the Board may allocate to the new loan; and”

(2) “Fixed charges” in respect of the 1933 scheme loan and any additional loans shall *mutatis mutandis* have the meaning assigned to that term in section one of the Act of 1932 as amended by sub-section (1) of this section.

Fixed charges in respect of the 1933 scheme loan.

3. The fixed charges in respect of the 1933 scheme loan shall be apportioned, recovered and brought to account by the Board in the manner specified in the Act of 1932 in respect of the new loan: Provided that if it shall appear at the end of the second half of any year during the currency of the 1933 scheme loan that the share of the fixed charges which has been allocated to the holders of mining title in respect of the first half of such year, *plus* the share allocated to them in respect of the second half of such year, would taken together amount to less than thirty per cent. of the total fixed charges for such year, then the share of the fixed charges payable by the holders of mining title for the second half of such year shall be increased to such amount as will, with the amount allocated to them for the first half of such year, be equal to thirty per cent. of such fixed charges for the whole year; and the amount whereby the share of the holders of mining title has been so increased shall be deducted from the shares to be contributed by the Railway Administration and the local authorities in respect of the second half of such year in proportion to the quantities of water delivered to them respectively in such half year.

Fixed charges in respect of additional loans.

4. The fixed charges in respect of any of the additional loans shall be apportioned, recovered and brought to account by the Board either—

- (a) in the manner specified in the Statutes in respect of existing loans; or
- (b) in the manner specified in the Act of 1932 in respect of the new loan; or
- (c) partly as prescribed in paragraph (a) and partly as prescribed in paragraph (b) in such proportions as the Board may direct:

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

1. In hierdie Wet, tensy uit die samehang anders blyk, het onderstaande uitdrukkings die volgende betekenis:—

Woordomskrywing.

„Wet van 1914” en „Wet van 1932” beteken onderskeidelik die Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914, soos van tyd tot tyd gewysig, en die Rand Waterraad Statute 1903-1931 Wysigings (Private) Wet, 1932;

„verdere waterverskaffing 1933 skema” beteken die skema wat die Raad besluit het om uit te voer en wat die werke omvat vereis vir die vermeerdering, binne die perke deur die Wet van 1914 gemagtig, van die hoeveelheid water deur hom uit die Vaalrivier verkry en sekere veranderings en uitbreidings van die Raad se bestaande onderneming;

„Raad” beteken die Rand Waterraad;

„bestaande lenings” en „nuwe lening” het die betekenis onderskeidelik aan hierdie woorde in die Wet van 1932 toegeken; „die 1933 skema lening” beteken die gelde deur die Raad opgeneem te word ten behoeve van die verdere waterverskaffing (1933) skema bedoeld in hierdie Wet; „verdere lenings” beteken enige gelde wat deur die Raad opgeneem mag word, nie synde die bestaande lenings, nuwe lening en 1933 skema lening en die bedrae van tyd tot tyd ten opsigte van elkeen daarvan uitstaande;

„plaaslike outoriteit” beteken ’n plaaslike outoriteit wat ’n konstituerende outoriteit van die Raad is;

„Spoorwegadministrasie” en „houer van mynbrief” het die betekenis onderskeidelik aan hierdie woorde in die Wet van 1914 toegeken;

„Statute” beteken die Rand Waterraad Statute, 1903-1932;

„jaar” beteken ’n tydperk van twaalf maande bereken vanaf die eerste dag van April in enige jaar.

2. (1) Die omskrywing van „vaste koste” in artikel een van die Wet van 1932 word hiermee gewysig deur paragraaf (b) daarvan te skrap en deur die volgende nuwe paragraaf te vervang:—

Wysiging van omskrywing van „vaste koste” in artikel 1 van Wet No. 8 van 1932, en voorsiening vir die omskrywing van „vaste koste” ten opsigte van sekere lenings.

„(b) sodanige gedeelte van die inkomste verkry van die addisionele besondere belasting bereken kragtens artikel sewe as die Raad aan die nuwe lening mog toewys; en”

(2) „Vaste koste” ten opsigte van die 1933 skema lening en enige verdere lenings het *mutatis mutandis* die betekenis aan daardie woorde toegeken in artikel een van die Wet van 1932 soos gewysig deur sub-artikel (1) van hierdie artikel.

3. Die vaste koste ten opsigte van die 1933 skema lening word deur die Raad verdeel, ingevorder en in rekening gebring op die wyse uiteengesit in die Wet van 1932 ten opsigte van die nuwe lening: Met die verstande dat wanneer by die end van die tweede helfte van enige jaar tydens die duur van die 1933 skema lening blyk dat die aandeel van die vaste koste wat aan die houters van mynbriewe toegewys is ten opsigte van die eerste helfte van daardie jaar, *plus* die aandeel aan hulle toegewys ten opsigte van die tweede helfte van daardie jaar, tesame geneem minder dan dertig persent van die totale vaste koste vir daardie jaar sou bedra, die aandeel van die vaste koste deur die houters van mynbriewe betaalbaar vir die tweede helfte van daardie jaar vermeerder word tot so ’n bedrag as wat, gevoeg by die bedrag aan hulle vir die eerste helfte van daardie jaar toegewys, gelyk is aan dertig persent van sodanige vaste koste vir die gehele jaar; en die bedrag waarmee die aandeel van die houters van mynbriewe aldus vermeerder is word afgetrek van die aandele bygedra te word deur die Spoorwegadministrasie en die plaaslike outoriteite ten opsigte van die tweede helfte van daardie jaar in verhouding tot die hoeveel-hede water onderskeidelik aan hulle in daardie halfjaar gelewer.

Vaste koste ten opsigte van die 1933 skema lening.

4. Die vaste koste ten opsigte van enige van die verdere lenings word deur die Raad verdeel, ingevorder en in rekening gebring hetsy—

Vaste koste ten opsigte van verdere lenings.

(a) op die wyse uiteengesit in die Statute ten opsigte van bestaande lenings; of

(b) op die wyse uiteengesit in die Wet van 1932 ten opsigte van die nuwe lening; of

(c) gedeeltelik soos voorgeskryf in paragraaf (a) en gedeeltelik soos voorgeskryf in paragraaf (b) in sodanige verhoudings as die Raad mag gelas:

Provided that the determination of the Board in regard to the manner of apportioning, recovering and bringing to account the fixed charges in respect of any additional loan shall be made as part of the resolution of the Board referred to in paragraph (b) of section *thirty* of Ordinance No. 48 of 1904 (Transvaal), and shall be a condition of issue within the meaning of that paragraph.

Additional special rate and allocation of revenue therefrom.

5. (1) Notwithstanding anything contained in section *seven* of the Act of 1932, the Board shall continue to charge an additional special rate under that section so long as any moneys raised under any loan other than the existing loans remain outstanding.

(2) The Board shall allocate in such proportions as it may deem fit, the revenue derived from such additional special rate as between the new loan, the 1933 scheme loan and any additional loan for the purpose of determining the deductions to be made in accordance with the provisions of paragraph (b) of the definition of fixed charges.

Statement under section 30 of Act No. 18 of 1914.

6. So long as any moneys raised in respect of the 1933 scheme loan and any additional loans remain outstanding, the Government Mining Engineer shall transmit to the Board the statement referred to in paragraph (a) of section *thirty* of the Act of 1914, notwithstanding that such statement may no longer be required for the purpose of the Mining contribution levied under that Act.

Short title.

7. This Act may be cited as the Rand Water Board Statutes 1903-1932 Amendment (Private) Act, 1933, and shall be read as one with the Statutes, which together with this Act may be cited comprehensively as the Rand Water Board Statutes 1903-1933.

Met die verstande dat die vasstelling van die Raad betreffende die wyse van verdeling, invordering en in rekening bring van die vaste koste ten opsigte van enige verdere lening geskied as deel van die besluit van die Raad vermeld in paragraaf (b) van artikel *dertig* van Ordonnansie No. 48 van 1904 (Transvaal), en 'n voorwaarde van uitgifte is ooreenkomstig die bedoeling van daardie paragraaf.

5. (1) Nieteenstaande die bepalinge van artikel *sewe* van die Wet van 1932 bly die Raad 'n addisionele besondere belasting kragtens daardie artikel bereken solank as enige gelde opgeneem onder enige ander lening as die bestaande lenings uitstaande bly.

Addisionele
besondere belasting
en verdeling van
inkomste daarvan.

(2) Die Raad verdeel in sulke verhoudings as hy goedgevind die inkomste verkry van daardie addisionele besondere belasting tussen die nuwe lening, die 1933 skema lening en enige verdere lening ten einde die bedrae vas te stel wat ooreenkomstig die bepalinge van paragraaf (b) van die omskrywing van vaste koste afgetrek moet word.

6. Solank as enige gelde opgeneem ten opsigte van die 1933 skema lening en enige verdere lenings uitstaande bly, stuur die Staatsmyningenieur aan die Raad die staat bedoeld in paragraaf (a) van artikel *dertig* van die Wet van 1914, ook al mog daardie staat nie langer vereis wees nie met die oog op mynbydrae kragtens daardie Wet gehef.

Staat ingevolge
artikel 30 van Wet
No. 18 van 1914.

7. Hierdie Wet kan aangehaal word as die Rand Waterraad Kort titel. Statute 1903-1932 Wysigings (Private) Wet, 1933, en maak deel uit van die Statute, wat met hierdie Wet gesamentlik aangehaal kan word as die Rand Waterraad Statute 1903-1933.

No. 22, 1933.]

ACT

To give effect to an agreement entered into between the Government of the Union of South Africa and the Government of Southern Rhodesia for the prevention of the levying of death duties under the laws of the two territories in respect of the same assets.

WHEREAS an agreement has been entered into between the Government of the Union of South Africa and the Government of Southern Rhodesia with a view to the prevention of the levying under the laws of the two territories of death duties in respect of the same assets, and it is desirable that effect be given to the said agreement, in so far as the laws of the Union of South Africa are concerned ;

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

Interpretation of section 3 of Act No. 29 of 1922, as amended by sections 1 and 2 of Act No. 31 of 1925, in its application to assets subject to death duties under the laws of both the Union and Southern Rhodesia.

1. (1) The provisions of paragraph (c) of sub-section (2) of section *three* of the Death Duties Act, 1922 (Act No. 29 of 1922), as amended (hereinafter referred to as the principal Act), shall not apply to any movable property physically situated in Southern Rhodesia.

(2) The value of a debt secured upon immovable property by bonds registered in both the Union and Southern Rhodesia shall, for the purposes of the principal Act, be such amount as bears to the total debt so secured the same ratio as the value of the property or properties situate in the Union and mortgaged in security of such debt bears to the aggregate value of the properties situate in both such territories and mortgaged in security of such debt ; and the value of the properties for the purpose of determining the proportion of the debt to be chargeable with duties under the principal Act as modified by this Act shall be the value of such properties at the date of the death of the deceased person, calculated in a common standard of currency.

(3) No debt recoverable or right of action enforceable in the courts of the Union, other than a debt secured upon immovable property by a bond registered in the Union, shall be chargeable with duties under the principal Act, if such debt or right of action could also be recovered or enforced in the courts of Southern Rhodesia and the person entitled to recover such debt or enforce such right of action was at the date of his death ordinarily resident in Southern Rhodesia.

(4) A policy of insurance upon the life of any person which may be sued upon either in the courts of the Union or the courts of Southern Rhodesia, at the option of the person entitled to sue upon it, shall not, for the purposes of the principal Act, be deemed to be portion of the estate of the person upon whose life that policy was effected, if at the date of his death he was ordinarily resident in Southern Rhodesia.

(5) (a) The provisions of paragraph (h) of sub-section (2) of section *three* of the principal Act notwithstanding, any "stocks or shares in any company" as defined by section *forty* of that Act, shall not, for the purposes of the principal Act, be deemed to be portion of the estate of a person who at the date of his death was ordinarily resident in the Union, if any transfer whereby any change of ownership in such stocks or shares is recorded is required to be registered in Southern Rhodesia.

(b) In the application of this sub-section, and of paragraph (g) of sub-section (2) of section *three* of the principal Act, a registered transfer of stocks or shares in any company shall be deemed to be registered in the territory in which the main register of the company is kept, all branch registers, wheresoever kept, being deemed to be kept at the place where the main register is by law required to be kept.

(6) The provisions of this section shall be applicable to the assessment under the principal Act of both estate duty and succession duty.

Short title and commencement.

2. This Act shall be known as the Union and Southern Rhodesia Death Duties Act, 1933, and shall come into operation in respect of the estate of every person who dies on or after a date to be fixed by the Governor-general by proclamation in the *Gazette*, which proclamation shall be issued by him upon proof being produced to his satisfaction that like legislation passed by the Parliament of Southern Rhodesia has received the assent of His Majesty the King.

No. 22, 1933.]

WET

Om uitvoering te gee aan 'n ooreenkoms aangegaan deur die Regering van die Unie met die Regering van Suid-Rhodesië tot vermyding van die heffing kragtens die wette van die twee gebiede van sterfregte ten opsigte van dieselfde bate.

NADEMAAL 'n ooreenkoms aangegaan is deur die Regering van die Unie van Suid-Afrika met die Regering van Suid-Rhodesië met die doel om die heffing kragtens die wette van die twee gebiede van sterfregte ten opsigte van dieselfde bate te vermy, en dit wenslik is om, wat die wette van die Unie van Suid-Afrika betref, aan daardie ooreenkoms uitvoering te gee;

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

1. (1) Die bepalings van paragraaf (c) van sub-artikel (2) van artikel *drie* van die „Sterfrechten Wet, 1922” (Wet No. 29 van 1922), soas gewysig, wat hieronder die Hoofwet genoem word, is nie van toepassing nie op roerende goed wat liggaamlik aanwesig is in Suid-Rhodesië.

(2) Die waarde van 'n inskuld wat verseker is deur in die Unie en ook in Suid-Rhodesië geregistreerde verbande op onroerende eiendom is, by toepassing van die Hoofwet, 'n bedrag wat dieselfde verhouding het tot die totaalbedrag van die aldus versekerde inskuld as die waarde van die eiendom of eiendomme wat in die Unie geleë is en ter versekering van daardie inskuld verbind is het tot die gesamentlike waarde van die eiendomme geleë in albei die gebiede en verbind ter versekering van daardie inskuld; en, by die vasstelling van die proporsie van die inskuld waarop kragtens die bepalings van die Hoofwet soas deur hierdie Wet gewysig belastinge hefbaar is, word as die waarde van die eiendomme aangeneem die waarde daarvan ten tyde van die dood van die oorledene, by die berekening waarvan dieselfde betaalmiddel gebesig word.

(3) Geen belastinge is kragtens die bepalings van die Hoofwet hefbaar op 'n inskuld wat verhaalbaar is, of op 'n aanspraak wat deur aksie gehandhaaf kan word, in die geregshoue van die Unie, behalwe 'n inskuld wat verseker is op onroerende eiendom deur 'n in die Unie geregistreerde verband, as daardie inskuld of aanspraak ook verhaalbaar is of gehandhaaf kan word in die geregshoue van Suid-Rhodesië en die persoon geregtig op verhaling van die inskuld of handhawing van die aanspraak ten tyde van sy dood metterwoon gevestig was in Suid-Rhodesië.

(4) 'n Assuransiepolis gesluit op die lewe van enige persoon, waarop, na verkiesing van die persoon wat geregtig is om daarop te dagvaar, gedagvaar kan word of in die geregshoue van die Unie of in die geregshoue van Suid-Rhodesië, word nie by toepassing van die Hoofwet geag 'n deel van die boedel uit te maak nie van die persoon op wie se lewe daardie polis gesluit was, as hy ten tyde van sy dood metterwoon gevestig was in Suid-Rhodesië.

(5) (a) Ondanks die bepalings van paragraaf (h) van sub-artikel (2) van artikel *drie* van die Hoofwet, word, by toepassing van die Hoofwet, die „stocks of aandelen in een maatschappij”, soas omskrewe in artikel *veertig* van die Hoofwet, nie geag 'n deel van die boedel uit te maak nie van 'n persoon wat ten tyde van sy dood metterwoon gevestig was in die Unie, as enige oordrag, waarby 'n verandering van eienaar van sodanige „stocks of aandelen” aangeteken word, in Suid-Rhodesië geregistreer moet word.

(b) By die toepassing van hierdie sub-artikel en van paragraaf (g) van sub-artikel (2) van artikel *drie* van die Hoofwet, word elke geregistreerde oordrag van „stocks of aandelen” in 'n maatskappy geag geregistreer te wees in daardie gebied waar die hoofregister van die maatskappy gehou word, en alle takregisters, waar ook al hulle gehou word, word geag gehou te wees op die plek waar volgens wet die hoofregister gehou moet word.

(6) Die bepalings van hierdie artikel word toegepas by die aanslaan ooreenkomstig die Hoofwet van boedelbelasting en ook van suksessiebelasting.

2. Hierdie Wet heet die Wet op Sterfregte van die Unie en Suid-Rhodesië, 1933, en tree in werking ten aansien van die boedel van ieder persoon wat sterf op of na 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel, en die Goewerneur-generaal vaardig sodanige proklamasie uit by lewering van bewys tot sy bevrediging dat wetgewing van dieselfde strekking gepasseer deur die Parlement

Verklaring van artikel 3 van Wet No. 29 van 1922, soas gewysig deur artikels 1 en 2 van Wet No. 31 van 1925, by toepassing daarvan met betrekking tot bate wat volgens die wette van die Unie en ook van Suid-Rhodesië onderhewig is aan sterfregte.

Kort titel en inwerkingtreding.

No. 23, 1933.]

ACT

To amend the law relating to co-operative agricultural societies and companies.

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

Amendment of
section 14 of Act
No. 28 of 1922.

1. Section *fourteen* of the Co-operative Societies Act, 1922 (Act No. 28 of 1922), is hereby amended by the addition at the end of paragraph (a) of the following words:

“ Provided further that, notwithstanding anything to the contrary in any law contained, no person who becomes a member of the society after the commencement of the Co-operative Societies (Further Amendment) Act, 1933, shall be liable for the repayment of any loan raised by the society prior to the date at which he became a member which has been used in whole or in part for making advances to the members of the society or supplying farming requisites to its members or defraying the cost of handling, treating or disposing of the products of its members, unless he has received from the society an advance out of the proceeds of the loan or has been supplied by the society with farming requisites purchased or otherwise acquired out of the proceeds of the loan or unless the cost to the society of handling, treating or disposing of any of his products has been defrayed out of the proceeds of the loan.”

Ownership in and
pledge of certain
farming requisites
and agricultural
produce.

2. (1) Notwithstanding anything to the contrary contained in any law, as long as a member of a co-operative agricultural society or of a co-operative agricultural company is indebted to the society or company in respect of seeds, fertilisers or bags supplied by the society or company to the member—

- (a) ownership in the seeds, fertilisers or bags so supplied shall remain vested in the society or company as fully and effectually as if they had been retained in the possession of the society or company;
- (b) all produce, whether gathered or not, produced with the seeds or fertilisers, or for which the bags were supplied, shall be deemed to be pledged in favour of the society or company for the amount of such indebtedness as fully and effectually as if such produce had been gathered and pledged by delivery to the society or company and were retained in its possession;
- (c) the seeds, fertilisers or bags so supplied, and the produce, whether gathered or not, produced with the seeds or fertilisers or for which the bags were supplied, shall not be seized in execution of the judgment of any court of law at the instance of any creditor other than such society or company:

Provided that the provisions of this sub-section shall not apply to any produce lawfully disposed of in accordance with sub-section (2) or to any bags containing such produce and disposed of with such produce.

(2) So long as any amount is owing by the member to the society or company in respect of the supply of seeds, fertilisers or bags, no produce produced with such seeds or fertilisers, or for which such bags were supplied, shall be disposed of by the member otherwise than through the agency of the society or company, except under the authority of a permit signed by an officer of the society or company; and no person shall acquire any such produce otherwise than through the agency

No. 23, 1933.]

WET

Tot wysiging van die regsbepalings op koöperatiewe landbouverenigings en -maatskappye.

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

1. Artikel *veertien* van die „Wet op Koöperatiewe Verenigingen, 1922” (Wet No. 28 van 1922), word hiermee gewysig deur toevoeging aan die end van paragraaf (a) van die volgende woorde:

Wysiging van artikel 14 van Wet No. 28 van 1922.

„Met dien verstande voorts dat, ondanks andersluidende bepalingen van enige wet, niemand die na de inwerking-treding van de „Wet tot Verdere Wysiging van die Wet op Koöperatiewe Verenigings, 1933” lid van de vereniging geworden is, aansprakelik is voor de terugbetaling van een lening door de vereniging aangegaan vóór de datum waarop hij lid geworden is, die ten dele of ten volle gebruikt geworden is voor het maken van voorschotten aan zijn leden, of het leveren van boerderijbenodigdheden aan zijn leden, of tot bestrijding van de kosten van het hanteren, bewerken of van de hand zetten van de produkten van zijn leden, tenzij hij van de vereniging een voorschot uit de opbrengst van de lening ontvangen heeft, of tenzij de vereniging aan hem boerderijbenodigdheden geleverd heeft die door middel van de opbrengst van de lening aangekocht of op andere wijze verkregen zijn, of tenzij de kosten door de vereniging gemaakt in het hanteren, bewerken of van de hand zetten van enige van zijn produkten uit de opbrengst van de lening bestreden geworden zijn”.

2. (1) Nieteenstaande enige andersluidende bepaling in enige wet, solange as 'n lid van 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy aan die vereniging of maatskappy verskuldig is ten opsigte van saad, misstowwe of sakke deur die vereniging of maatskappy aan die lid verskaf—

Eiendomsreg in en verpanding van sekere boerderijbenodigdhede en landbouprodukte.

(a) bly die eiendomsreg in die saad, misstowwe of sakke aldus verskaf by die vereniging of maatskappy berus so volkome en werkdadiglik asof hulle in die besit van die vereniging of maatskappy gebly het;

(b) word alle produkte, hetsy ingesamel of nie, wat met die saad of misstowwe geproduseer is, of waarvoor die sakke verskaf was, geag verpand te wees aan die vereniging of maatskappy vir die bedrag van daardie skuld so volkome en werkdadiglik asof bedoelde produkte ingesamel gewees het en by oorhandiging aan die vereniging of maatskappy verpand gewees het en die vereniging of maatskappy hulle in sy besit gehou het;

(c) word die saad, misstowwe of sakke aldus verskaf, en die produkte, hetsy ingesamel of nie, wat met die saad of misstowwe geproduseer is, of waarvoor die sakke verskaf was, nie op versoek van 'n skuldeiser, behalwe die vereniging of maatskappy, ter uitvoering van 'n vonnis van 'n geregshof in beslag geneem nie:

Met dien verstande dat die bepalings van hierdie sub-artikel geen betrekking het nie op produkte wat wettiglik van die hand gesit is ooreenkomstig sub-artikel (2) of op sakke wat sulke produkte bevat en tesame met sulke produkte van die hand gesit is.

(2) Solank as enige bedrag deur die lid aan die vereniging of maatskappy ten opsigte van die verskaffing van saad, misstowwe of sakke verskuldig is, word geen produkte wat met die saad of misstowwe geproduseer is, of waarvoor die sakke verskaf was, deur die lid van die hand gesit nie, op 'n ander wyse dan deur bemiddeling van die vereniging of maatskappy, tensy by magte van 'n permit onderteken deur 'n amptenaar van die vereniging of maatskappy; en niemand mag enige sodanige produkte op 'n ander wyse dan deur

of the society or the company, except under the authority of a permit signed by an officer of the society or company, if he knows or has reasonable grounds to suspect that it is produce produced with seeds or fertilisers so supplied, or for which bags were so supplied, and that any amount is owing by the member to the society or company in respect of such seeds, fertilisers or bags:

Provided that nothing in this sub-section contained shall prohibit the consumption by the member, his household and his servants of that portion of such produce which is reasonably necessary for their sustenance.

(3) Whenever a co-operative agricultural society or co-operative agricultural company has supplied seeds or fertilisers or bags to a member on credit, it shall have power at any time, while any amount is owing by the member to the society or company in respect of the supply of such seeds, fertilisers or bags—

- (a) to require such member to indicate the lands he intends sowing or has sown with such seeds, or fertilising or has fertilised with such fertilisers;
- (b) to inspect such lands and the crops standing thereon or reaped therefrom by any of its officers or other duly appointed representatives;
- (c) to require that the member produce proof of the manner in which the crops, produced with the seed and fertilisers so supplied or for which the bags were required, have been disposed of by him.

(4) Any person who—

- (a) contravenes any of the provisions of sub-section (2); or
- (b) fails to comply with any requirement or order of a society or company lawfully made upon him under sub-section (3); or
- (c) in response to any such requirement or order furnishes to the society or company or any of its officers or other representatives any information which to his knowledge is false or which he has reasonable grounds for believing or suspecting to be false; or
- (d) obstructs any officer or other representative of the society or company in carrying out any inspection under paragraph (b) of sub-section (3),

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

Short title.

3. This Act shall be known as the Co-operative Societies (Further Amendment) Act, 1933, and shall be read as one with the Co-operative Societies Act, 1922 (Act No. 28 of 1922).

bemiddeling van die vereniging of maatskappy verkry nie, tensy by magte van 'n permit onderteken deur 'n amptenaar van die vereniging of maatskappy, as hy weet of redelike gronde het om te vermoed dat hulle produkte is wat geproduseer is met saad of misstowwe aldus verskaf, of waarvoor sakke aldus verskaf was, en dat 'n bedrag deur die lid aan die vereniging of maatskappy ten opsigte van bedoelde saad, misstowwe of sakke verskuldig is:

Met dien verstande dat die bepalings van hierdie sub-artikel die verbruiking deur 'n lid, sy huisgesin en sy bediendes van so 'n gedeelte van daardie produkte wat redelik nodig is vir hulle onderhoud nie belet nie.

(3) Indien 'n koöperatiewe landbouvereniging of koöperatiewe landboumaatskappy saad of misstowwe of sakke aan 'n lid op krediet verskaf het, besit die vereniging of maatskappy die reg om te eniger tyd, terwyl enige bedrag deur die lid aan die vereniging of maatskappy ten opsigte van die verskaffing van bedoelde saad, misstowwe of sakke verskuldig is—

- (a) te eis dat daardie lid die gronde, wat hy voornemens is om met die saad te saai of met die misstowwe te bemes, of wat hy met die saad gesaai het of met die misstowwe bemes het, sal aandui;
- (b) sulke gronde en die gewasse wat daarop staan of wat reeds daarvan ingesamel is te laat inspekteer deur 'n amptenaar van die vereniging of maatskappy of ander behoorlik aangestelde verteenwoordiger;
- (c) te eis dat die lid bewys lewer van die wyse waarop die produkte wat met die saad of misstowwe geproduseer is, of waarvoor die sakke verskaf was, deur hom van die hand gesit is.

(4) Enigeen wat—

- (a) enige bepaling van sub-artikel (2) oortree; of
- (b) versuim om te voldoen aan enige eis of bevel wat 'n vereniging of maatskappy wettiglik aan hom kragtens sub-artikel (3) gerig het; of
- (c) na aanleiding van so 'n eis of bevel aan die vereniging of maatskappy of aan 'n amptenaar of ander verteenwoordiger van die vereniging of maatskappy gegewens verskaf wat hy weet wat vals is of ten opsigte waarvan hy redelike gronde het om te glo of te vermoed dat hulle vals is; of
- (d) 'n amptenaar of ander verteenwoordiger van die vereniging of maatskappy by die uitvoering van 'n inspeksie kragtens paragraaf (b) van sub-artikel (3) belemmer,

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

3. Hierdie Wet heet die Wet tot Verdere Wysiging van die Kort titel. Wet op Koöperatiewe Verenigings, 1933 en maak met die „Wet op Koöperatiewe Verenigingen, 1922” (Wet No. 28 van 1922), een geheel uit.