

EXTRAORDINARY



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All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

GOVERNMENT NOTICE

**DEPARTMENT OF THE PRIME MINISTER
AND OF EXTERNAL AFFAIRS.**

The following Government Notice is published for general information:—

* No. 1656.]

[21st November, 1934.

REVISION OF THE TERMS OF THE
CONVENTION BETWEEN THE
GOVERNMENT OF THE UNION
OF SOUTH AFRICA AND THE
GOVERNMENT OF THE PORTU-
GUESE REPUBLIC.

The Government of the Union of South Africa and the Government of the Portuguese Republic having agreed to revise the terms of the Convention made and signed at Pretoria on the eleventh day of September Nineteen hundred and Twenty-eight, under Article LIV thereof, have appointed as their Representatives to that end, that is to say:—

The Union Government:

The Honourable Patrick Duncan, K.C., C.M.G., M.P., Member of the Executive Council and Minister of Mines;

The Honourable Oswald Pirow, K.C., M.P., Member of the Executive Council and Minister of Railways and Harbours and of Defence; and

The Honourable Adrian Paulus Johannes Fourie, M.P., Member of the Executive Council and Minister of Commerce and Industries and of Labour;

The Portuguese Government:

Senhor José Ricardo Pereira Cabral, Colonel of Cavalry, Governor-General of the Colony of Mozambique;

Dr. José d'Almada, Colonial Adviser to the Ministry for Foreign Affairs;

Alle Proklamasies, Goewerments- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linker-bohoek met 'n * gemerk.

GOEWERMENSKENNISGEWING

**DEPARTEMENT VAN DIE EERSTE MINISTER
EN VAN BUITELANDSE SAKE.**

Onderstaande Goewermentskennisgewing word vir algemeen informasie gepubliseer:—

* No. 1656.]

[21 November 1934.

HERSIENING VAN DIE TERME VAN
DIE KONVENSIË TUSSEN DIE
REGERING VAN DIE UNIE VAN
SUID-AFRIKA EN DIE REGERING
VAN DIE PORTUGUESE REPU-
BLIEK.

Die Regering van die Unie van Suid-Afrika en die Regering van die Portugese Republiek van sins om die bepalings van die Konvensie, aangegaan en geteken te Pretoria op die elfde dag van September eenduisend negenhonderd ag-en-twintig, te hersien, ooreenkomstig die bepalings van Artikel LIV daarvan, het vir die doel as hul Verteenwoordigers aangestel, te wete:—

Die Regering van die Unie:

Sy Edele Patrick Duncan, K.C., C.M.G., L.V., Lid van die Uitvoerende Raad en Minister van Mynwese;

Sy Edele Oswald Pirow, K.C., L.V., Lid van die Uitvoerende Raad en Minister van Spoorweë en Hawens en van Verdediging; en

Sy Edele Adrian Paulus Johannes Fourie, L.V., Lid van die Uitvoerende Raad en Minister van Handel en Nywerheid en van Arbeid;

Die Portugese Regering:

Senhor José Ricardo Pereira Cabral, Kolonel van die Ruitery, Goewerneur-general van die Kolonie Mosambiek;

Dr. José d'Almada, Koloniale Adviseur van die Ministerie van Buitelandse Sake;

REVISÃO DAS CLAUSULAS DA CON-
VENÇÃO ENTRE O GOVERNO DA
REPÚBLICA PORTUGUESA E O
GOVERNO DA UNIÃO DA ÁFRICA
DO SUL.

O Governo da República Portuguesa e o Governo da União da África do Sul, tendo concordado em proceder á revisão das clausulas da Convenção celebrada e assinada em Pretória aos onze dias do mês de Setembro de mil novecentos e vinte e oito, nos termos do artigo LIV da mesma Convenção, nomearam seus representantes para esse efeito:

O Governo Portugues:

O Senhor José Ricardo Pereira Cabral, Coronel de Cavalaria, Governador Geral da Colónia de Moçambique;

O Doutor José de Almada, Consultor Colonial do Ministério dos Negócios Estrangeiros.

E o Governo da União:

O Honourable Patrick Duncan, K.C., C.M.G., M.P., Membro do Conselho Executivo e Ministro das Minas;

O Honourable Oswald Pirow, K.C., M.P., Membro do Conselho Executivo e Ministro dos Caminhos de Ferro e Portos e da Defeza;

O Honourable Adrian Paulus Johannes Fourie, M.P., Membro do Conselho Executivo e Ministro do Comércio, Indústria e do Trabalho.

Who, having communicated their respective powers, found in good and due form, have agreed as follows:—

A. As regards PART I (Native Labour) that for Articles II, III, X, XI, XIII, and XXVI the following be substituted, viz.:—

1. ARTICLE II.

The Portuguese Government authorises the recruiting aforesaid and the subsequent repatriation of the Portuguese Natives upon the terms and conditions and in accordance with the regulations, together with any amendments thereof consistent with Article LIII, facilities and arrangements in operation and actually observed as at the 16th day of May, 1928, in so far as such terms, conditions, regulations, facilities and arrangements (so in operation and observed) are matters under the control of either Government and in so far as they are not modified by this Convention.

The Government of Mozambique, however, reserves the right to limit the recruitment, or to cause it to cease, in those areas where, for reasons of public or private undertakings, it should be found necessary to provide for pressing local demands for native labour, but without prejudice to the limits fixed for the quota of Portuguese Natives to be employed on the Mines and, as far as possible, in agreement with the Recruiting Organization.

2. ARTICLE III.

The number of Natives recruited in terms of this Convention whose employment on the Mines is authorized by the Portuguese Government shall not exceed 80,000, and the Union Government will allow the Mines, if they so desire, to employ a minimum of 65,000 Portuguese Natives.

In order to solve any difficulties relative to native labour that may arise in Mozambique or in the Union, the numbers mentioned in this Article may, after consultation between the two Governments, be altered—

- (a) whenever, in Mozambique, there is not sufficient native labour available for its own requirements, or whenever native labour exceeds those requirements;
- (b) whenever, in the Union, the Government may have to provide against unemployment amongst Union Natives.

3. ARTICLE X.

The following fees shall be payable to the Curator by the Mines in respect of Portuguese Natives, viz.:—

- (a) A registration fee of one shilling and sixpence per Native on original engagement, and one shilling and sixpence on re-engagement;
- (b) a monthly fee of two shillings and ninepence per Native for every month or part thereof during which the Native is employed.

4. ARTICLE XI.

If the total fees received by the Government of Mozambique in any year, commencing with the year 1935, under articles IX and X in respect of Portuguese Natives employed on the Mines amount to less than forty-four shillings and sixpence multiplied by the average number of such Natives employed by the Mines during that year, the deficiency shall be paid by the Mines to the Curator.

5. ARTICLE XIII.

After the first nine months (two hundred and thirty-four shifts worked) and during any period or periods of re-engagement, deferred pay at a flat rate revisable from time to time and representing as nearly as practicable one-half of the rate of pay shall be retained from the earnings of Portuguese Natives by the Mines on which they are employed and shall be paid to the

wat, na oorlegging van hul respektiewe volmagte, wat in goeie en behoorlike vorm bevind is, ooreengekom het as volg:—

A. Wat betref DEEL I (Naturelle Arbeid) dat Artikels II, III, X, XI, XIII en XXVI vervang word deur die volgende, te wete:—

1. ARTIKEL II.

Die Portugese Regering magtig die aanwerving voormeld en die latere repatriasie van die Portugese Naturelle ooreenkomstig die terme en voorwaardes en in ooreenstemming met die regulasies tesame met enige wysigings daarvan bestaanbaar met Artikel LIII, fasiliteite en skikkings soos in werking en werklik nagekom op die 16de dag van Mei 1928, insover as sodanige terme, voorwaardes, regulasies, fasiliteite en skikkings aldus in werking en nagekom sake is wat onder kontrole val van een van die Regerings en insover as hulle nie deur hierdie Konvensie gewysig word nie.

Die Regering van Mosambiek behou egter die reg om die aanwerving te beperk of te laat ophou in streke waar dit, uit hoofde van openbare of private werke, nodig mag bevind word om in dringende plaaslike behoefte aan naturelle arbeidskragte te voorsien, sonder om egter tekort te doen aan die vasgestelde getal Portugese Naturelle vir diens in die Myne, en, vir sover moontlik, in ooreenstemming met die Werforganisasie.

2. ARTIKEL III.

Die aantal Naturelle, aangewerf onder hierdie Konvensie, die tewerkstelling in die Myne van wie die Portugese Regering magtig, gaan 80,000 nie te bowe nie, en die Regering van die Unie sal die Myne toelaat om, indien hulle dit verlang, 'n minimum van 65,000 Portugese Naturelle in diens te hou.

Ten einde eventuele moeilikhede in verband met naturelle-arbeid, in Mosambiek of die Unie, op te los, kan die getalle in hierdie Artikel vermeld na oorleg tussen die twee Regerings gewysig word:

- (a) so dikwels as Mosambiek vir sy eie behoeftes 'n tekort aan naturelle-arbeid het, of so dikwels as naturelle-arbeid sy behoeftes oortref;
- (b) so dikwels as in die Unie, die Regering maatreëls moet neem teen werkloosheid onder Naturelle van die Unie.

3. ARTIKEL X.

Die volgende gelde sal deur die Myne aan die Kurator betaal word in verband met Portugese Naturelle, naamlik:—

- (a) 'n Registrasiefooi van een shilling en ses pennies per Naturel by oorspronklike indiensneming of herindiensneming;
- (b) 'n maandelikse fooi van twee shillings en nege pennies per Naturel vir elke maand of gedeelte daarvan, gedurende welke die Naturel in diens is.

4. ARTIKEL XI.

Ingeval dat in enige jaar, te begin met die jaar 1935, die totale gelde deur die Regering van Mosambiek ingevolge Artikels IX en X ten aansien van Portugese Naturelle werksaam in die Myne ontvang, minder bedra as vier-en-veertig shillings en ses pennies vermenigvuldig met die gemiddelde getal van sodanige Naturelle wat gedurende daardie jaar by die Myne in diens was, betaal die Myne aan die Kurator die tekort.

5. ARTIKEL XIII.

Na die eerste nege maande (234 skofte) en gedurende enige tydperk of tydperke van herindiensneming, word loon bereken op 'n gemiddelde basis, wat van tyd to tyd hersien kan word, en so na as moontlik die helfte van die loonskaal bedra uit die verdienstes van Portugese Naturelle deur die Myne, waarop hulle werksaam is, agtergehou en

os quais, depois de terem comunicado os seus respectivos poderes, que acharam em boa e devida forma, concordaram no seguinte:

A)—Relativamente á PARTE I (Trabalho Indígena), que os artigos II, III, X, XI, XIII e XXVI sejam substituídos como segue:

ARTIGO II.

O Governo Português autoriza o referido recrutamento e a subsequente repatriação dos indígenas portugueses, nos termos dos regulamentos em vigor á data de 16 de Maio de 1928 e das alterações nêles introduzidas que não contrariem o disposto no artigo LIII, e em harmonia com as condições, facilidades e acordos igualmente em vigor áquela data, no que depender dos Governos de Moçambique e da União e no que não fór alterado por esta Convenção.

Fica, porém, reservado ao Governo de Moçambique o direito de limitar ou fazer cessar o recrutamento nas zonas onde, por motivo de trabalhos públicos ou particulares, seja necessário atender a instantes necessidades locais de mão de obra indígena, mas sem prejuízo dos limites fixados para o contingente de indígenas portugueses a empregar nas Minas e, tanto quanto possível, de acôrdo com a entidade recrutadora.

ARTIGO III.

O número de indígenas recrutados nos termos desta Convenção que o Governo Português autoriza que sejam empregados nas Minas não será superior a 80.000; e o Governo da União autoriza que as Minas, se assim o desejarem, empreguem um mínimo de 65.000 indígenas portugueses.

Para que possam ser resolvidas quaisquer dificuldades sobre trabalho indígena que surjam em Moçambique ou na União, os números fixados neste artigo podem ser alterados, mediante consulta entre os dois Governos:

- a)—Quando em Moçambique não haja suficientes disponibilidades de mão de obra indígena para as suas próprias necessidades ou quando as haja em excesso;
- b)—Quando na União seja necessário ao Governo providenciar sobre desemprego entre os indígenas da União.

ARTIGO X.

As Minas pagarão ao Curador, pelo emprêgo de indígenas portugueses, as seguintes taxas:

- a)—Um xelim e seis dinheiros pelo registo de cada contrato ou recontrato, por cada indígena;
- b)—Dois xelins e nove dinheiros por indígena e por mês ou parte, durante o tempo que o indígena estiver empregado.

ARTIGO XI.

Se, em cada ano, a começar no de 1935, o total das taxas e emolumentos recebidos pelo Governo de Moçambique, nos termos dos artigos IX e X e em relação aos indígenas portugueses empregados nas Minas, não atingir uma importância igual ao produto de quarenta e quatro xelins e seis dinheiros pelo número médio de indígenas empregados nas Minas durante esse ano, a diferença será paga pelas Minas ao Curador.

ARTIGO XIII.

Depois dos primeiros nove meses (duzentos e trinta e quatro dias úteis) do contrato e durante qualquer período ou períodos de recontrato, será deduzida dos salários dos indígenas portugueses, pelas Minas em que estiverem empregados, uma quantia certa, tão aproximada quanto fór possível, de metade desses salários e verificável de tempos a tempos, que será paga

Natives in Mozambique on their return thereto.

6. ARTICLE XXVI.

All moneys payable under this Convention whether taxes, fees, wages or any other moneys shall be paid and settled in legal currency of the Union.

B. As regards PART II (Port and Railways) that Articles XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII and XLIII be deleted, and that for Articles XXXII, XLI, and XLIV the following be substituted, viz.:

1. ARTICLE XXXII.

The Union Government undertakes to secure to the Port of Lourenço Marques not less than forty-seven and a half per cent. of the total tonnage of commercial sea-borne goods traffic imported into the "competitive area":

- (a) For the purpose of computing the percentage referred to in this Article, sea-borne goods traffic for the civil, military and railway authorities shall be excluded;
- (b) the "competitive area" shall mean the area bounded by lines drawn between the goods traffic depots serving Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp and Pretoria, as indicated in the map annexed to this Convention, or any other area which may be agreed upon by the two Railway Administrations.

2. ARTICLE XLI.

All matters affecting Railways and Harbours not provided for in the Convention shall form the subject of a working Agreement, binding upon both Governments, between the two Railway Administrations represented by the General Manager of the South African Railways and Harbours of the one part and by the Director dos Serviços dos Portos e Caminhos de Ferro de Moçambique of the other part. Any alteration to the said agreement shall require the consent of the Minister of Railways and Harbours of the Union and of the Governor-General of Mozambique as the respective heads of the two Railway Administrations.

3. ARTICLE XLIV.

For the purpose of this Convention the Administration of the South African Railways and Harbours and the Administration of the Portos e Caminhos de Ferro de Moçambique shall mean any authority in whom the management and control of the railways and harbours in the Union and in Mozambique, respectively, are for the time being vested.

C. As regards PART III (Customs and Commercial Intercourse) that Articles XLVI and XLVII and the Schedules annexed to the Convention be deleted, and that for Article LII the following be substituted, viz.:

ARTICLE LII.

(1) The Government of the Union and the Government of the Portuguese Republic, so far as concerns Mozambique, undertake not to impede the mutual trade between the Union and Mozambique, by the imposition of any prohibitions or special restrictions upon imports into or exports from the respective territories, but exceptions may be made—

- (a) in consideration of the public safety, or public health, and on moral or humanitarian grounds;
- (b) in consideration of the protection of animals and plants against disease, insects and harmful parasites, or for their preservation from degeneration or extinction;
- (c) in respect of arms, ammunition and implements of war, and, under exceptional circumstances, other military supplies;
- (d) in respect of the export of national treasures of artistic, historic or archaeological value;
- (e) in respect of goods which are or may be objects of a State monopoly;

aan die Naturelle by hul terugkeer in Mosambiek betaal.

6. ARTIKEL XXVI.

Alle gelde, betaalbaar ingevolge hierdie Konvensie, hetsy belastinge, fooie, lone, of enige ander gelde, word in die gangbare betaalmiddel van die Unie betaal en vereffen.

B. Wat betref DEEL II (Hawe en Spoorweë) dat Artikels XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII en XLIII geskrap word, en dat Artikels XXXII, XLI en XLIV deur die volgende vervang word, te wete:—

1. ARTIKEL XXXII.

Die Regering van die Unie onderneem om aan die Hawe van Lourenço Marques te verseker nie minder as sewen-veertig en half persent van die totale tonnemaat oorsese handelsgoedereverkeer na die „Konkurensiestreek“:

- (a) by die berekening van die persentasie vermeld in hierdie Artikel word die goedere van oorsese ingevoer vir die siviele, militêre en spoorwegowerhede uitgesluit;
- (b) die „konkurensiestreek“ beteken die streek wat begrens is deur lyne getrek tussen die stasies vir goedereverkeer wat Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp en Pretoria bedien soos aangedui in die kaart aan hierdie Konvensie geheg, of 'n ander streek waartoe ooreengekom mag word deur die twee Spoorwegadministrasies.

2. ARTIKEL XLI.

Alle Spoorweë- en Hawensaangeleenthede, waarin die Konvensie nie voorsien nie, vorm die onderwerp van 'n werkende ooreenkoms, wat beide Regerings bind, tussen die twee Spoorwegadministrasies wat aan die kant van die Suid-Afrikaanse Spoorweë en Hawens verteenwoordig word deur die Algemene Bestuurder en aan die ander kant deur die Direkteur van die Hawens en Spoorwegdienste van Mosambiek. Elke wysiging van bogemelde ooreenkoms vereis die toestemming van die Minister van Spoorweë en Hawens van die Unie en van die Goewerneur-generaal van Mosambiek as die onderskeie hoofde van die twee Spoorwegadministrasies.

3. ARTIKEL XLIV.

In hierdie Konvensie beteken die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens en die Administrasie van Hawens en Spoorweë van Mosambiek elke gesag aan wie die beheer van, en toesig oor, die spoorweë en hawens in die Unie en in Mosambiek onderskeidelik asdan opgedra is.

C. Wat betref DEEL III (Doeane en Handelsverkeer) dat Artikels XLVI en XLVII en die Bylae van die Konvensie geskrap word, en dat Artikel LII vervang word deur die volgende, te wete:—

ARTIKEL LII.

(1) Die Regering van die Unie en die Regering van die Portugese Republiek, wat Mosambiek betref, onderneem om die onderlinge handelsverkeer tussen die Unie en Mosambiek nie deur die oplegging van verbode of besondere beperkings op die invoer in, of uitvoer van die respektiewe grondgebiede te belemmer nie. Uitsonderings kan gemaak word—

- (a) in die belang van publieke veiligheid of volksgesondheid en op morele of mensliwende gronde;
- (b) om diere en plante teen siekte, insekte en skadelike parasiete te beskerm, of om hul ontgaarding of uitsterwing te verhoed;
- (c) ten aansien van wapens, ammunisie en krygsmateriaal, en, onder buitengewone omstandighede, ander militêre voorrade;
- (d) ten aansien van die uitvoer van nasionale skatte van artistieke, historiese of oudheidkundige waarde;
- (e) ten aansien van goedere wat voorwerpe van 'n Staatsmonopolie is of mag word;

em Moçambique por ocasião do regresso dos indigenas.

ARTIGO XXVI.

Tôdas as quantias em dinheiro devidas nos termos desta Convenção, sejam taxas, emolumentos, salários ou outras, serão pagas e liquidadas em moeda corrente na União.

B)—Relativamente á PARTE II (Portos e Caminhos de Ferro), que sejam eliminados os artigos XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII e XLIII e que os artigos XXXII, XLI e XLIV sejam substituídos como segue:

ARTIGO XXXII.

O Governo da União assegura ao Pôrto de Lourenço Marques não menos de quarenta e sete e meio por cento da tonelagem comercial total das mercadorias importadas por via marítima com destino á "zona de competência".

- a)—Para efeitos do cálculo da percentagem referida neste artigo, será excluído o tráfego das mercadorias importadas por via marítima com destino ás autoridades civis, militares e ferroviárias;
- b)—Por "zona de competência" entende-se a zona limitada pelas linhas traçadas entre as estações de mercadorias de Pretória, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp e Pretória, conforme o mapa anexo a esta Convenção, ou qualquer outra zona determinada por acôrdo entre as duas Administrações Ferroviárias.

ARTIGO XLI.

Todos os assuntos referentes a portos e caminhos de ferro não previstos nesta Convenção serão objecto de um acôrdo de trabalho entre as duas Administrações Ferroviárias, respectivamente representadas pelo Director dos Serviços de Portos e Caminhos de Ferro de Moçambique e pelo General Manager of the South African Railways and Harbours. A este acôrdo de trabalho ficam obrigados os dois Governos. Quaisquer alterações ao dito acôrdo necessitam da aprovação do Governador Geral de Moçambique e do Ministro dos Caminhos de Ferro e Portos da União como chefes das respectivas Administrações Ferroviárias.

ARTIGO XLIV.

Para os efeitos desta Convenção entender-se-á por Administração dos Portos e Caminhos de Ferro de Moçambique e por Administração dos South African Railways and Harbours qualquer autoridade a quem a Direcção e superintendência dos Caminhos de Ferro e Portos de Moçambique ou da União sejam ou venham a ser respectivamente cometidas.

C)—Relativamente á PARTE III (Alfandegas e Intercâmbio Comercial), que sejam eliminados os artigos XLVI e XLVII e as tabelas anexas e que o artigo LII seja substituído como segue:

ARTIGO LII.

(1)—O Governo da República Portuguesa, em relação a Moçambique, e o Governo da União obrigam-se a não pôr impedimentos ao intercâmbio comercial entre Moçambique e a União pela imposição de proibições ou restrições especiais á importação ou exportação dos respectivos territórios, com excepção do que respeita a:

- a)—Segurança pública e Saúde pública e motivos de ordem moral e humanitária;
- b)—Protecção de animais e plantas contra doenças, insectos e parasitas nocivos, ou para evitar a sua degenerescência ou extinção;
- c)—Armas, munições e material de guerra e, em circunstâncias excepcionais, outros artigos militares;
- d)—Exportação de tesouros nacionais de valor artístico, histórico ou arqueológico;
- e)—Mercadorias monopolizadas pelo Estado;

- (f) in respect of prison—or penitentiary—made goods;
- (g) in extending to imported products the prohibitions or restrictions which are or may be imposed in respect of the production, sale, transport or consumption of similar local products;
- (h) in subjecting the exportation of their products to certain conditions with a view to ensuring the quality and preserving the reputation of those products, and at the same time offering a guarantee to the foreign purchaser;

provided that such prohibitions or restrictions are applied at the same time and in the same manner and to the same extent to other countries in regard to which like grounds for applying such measures exist, and provided further that they do not constitute a disguised restriction on the mutual trade.

(2) In the event of circumstances arising which may render it necessary to impose upon imports any prohibitions or restrictions not covered by Section (1) of this Article the Union Government and the Portuguese Government undertake that they will not without prior notice impose any prohibitions or restrictions which will place the products of Mozambique or of the Union in any less favourable position than the products of any other country excepting the countries specified in sub-sections (a), (b) and (c) respectively of Article XLV.

D. As regards PART IV (Miscellaneous) that for Article LVI the following be substituted, viz.:—

ARTICLE LVI.

Any dispute that may arise relative to the interpretation or the carrying out of the Convention, and that cannot be settled by direct negotiations between the Union Government and the Portuguese Government shall be submitted to arbitration and to this end the Union Government will appoint as Arbiter the Chief Justice of the Supreme Court of South Africa and the Portuguese Government the Judge President of the Court of Appeal of Mozambique. If the Judges aforesaid are unable to reach a joint decision they shall together elect an umpire. If no appointment can be mutually agreed upon by them, the President of the High Court of International Justice at The Hague shall be requested to make the necessary appointment. The procedure shall be *ex aequo et bono* and in accordance with the terms of submission to be agreed upon in respect of each particular case. This Article shall not apply to Article XXXII of the Convention except where the question in dispute is whether or not the port of Lourenço Marques is in fact receiving forty-seven and a half per cent. of the traffic as provided for in the said Article.

This Agreement shall be ratified by the two Governments and the exchange of ratifications shall take place at Pretoria without undue delay; the Articles that have been revised shall however come into operation from the date of the signature hereof, and the Articles that have been deleted shall become inoperative from the same date, all other Articles of the Convention continuing in force as before.

In witness whereof the Representatives of the respective Governments have signed the present Agreement on the revision of the terms of the Convention.

Done at Lourenço Marques in triplicate in English, Afrikaans and Portuguese texts on the Seventeenth day of November, 1934.

JOSE RICARDO PEREIRA CABRAL.

JOSE D'ALMADA.

PATRICK DUNCAN.

O. PIROW.

A. P. J. FOURIE.

- (f) ten aansien van goedere in gevangenis- of strafinrigtings gemaak;
- (g) ten einde op ingevoerde goedere die verbode of beperkings wat bestaan of opgelê mag word ten aansien van die produksie, verkoop, vervoer of verbruik van soortgelyke plaaslike produkte toe te pas;
- (h) ten einde, deur die oplegging van voorwaardes op die uitvoer van sekere produkte, die kwaliteit en goeie naam daarvan te verseker, en terselfdertyd 'n waarborg aan die buitelandse kopers te verskaf;

met die verstande dat bogenoemde verbode of beperkings opgelê word op dieselfde tyd, en op dieselfde wyse en in dieselfde mate aan ander lande ten aansien waarvan soortgelyke gronde bestaan vir die toepassing van sulke maatreëls, en met die verdere voorbehoud dat hulle nie 'n vermoede beperking van die wedersydse handelsverkeer uitmaak nie.

(2) Ingeval omstandighede ontstaan wat dit nodig maak om verbode of beperkings op die invoer te lê, wat nie deur paragraaf (1) van hierdie Artikel gedek is nie, onderneem die Unieregering en die Portugese Regering om nie sonder voorafgaande advies enige verbode of beperkings op te lê nie, waardeur die produkte van Mosambiek of van die Unie in 'n minder gunstige posisie as die van enige ander land geplaas word, behalwe die lande vermeld in sub-paragrafe (a), (b) en (c), onderskeidelik, van Artikel XLV.

D. Wat betref DEEL IV (Gemengde Bepalings) dat Artikel LVI vervang word deur die volgende, te wete:—

ARTIKEL LVI.

Elke geskil wat mag rys in verband met die uitleg of die toepassing van die Konvensie en wat nie besleg kan word deur direkte onderhandelings tussen die Regering van die Unie en die Portugese Regering nie sal onderwerp word aan arbitrasie en vir hierdie doel sal die Regering van die Unie as Arbiter aanstel die Hoofregter van die Hooggeregshof van Suid-Afrika en die Portugese Regering die Regter-President van die Hof van Appel van Mosambiek. Indien die Regters vermeld nie in staat is om tot 'n gemeenskaplike beslissing te geraak nie, sal hulle gesamentlik 'n Skeidsregter kies. Indien hulle ten aansien van so'n aanstelling geen ooreenstemming kan bereik nie, sal die President van die Hoë Hof van Internasionale Regspraak in Den Haag gevra word om die nodige aanstelling te maak. Die prosedure sal wees *ex aequo et bono* en in ooreenstemming met die terme van submitisie, waaromtrent die Partye in elke besondere geval moet ooreenkom. Hierdie Artikel is nie op Artikel XXXII van die Konvensie van toepassing nie behalwe waar die vraag in geskil is of die Hare van Lourenço Marques, al dan nie, in werklikheid sewe-en-veertig en half persent van die verkeer geniet wat in gemelde Artikel voorgeskryf word.

Hierdie Ooreenkoms moet deur die twee Regerings bekragtig word en die uitwisseling van bekragtiging geskied op Pretoria sonder onnodige ophoud; die Artikels wat hersien is, tree egter in werking van die datum van ondertekening hiervan, en die Artikels wat geskrap is, word van dieselfde datum af nie van krag nie, terwyl alle ander Artikels van die Konvensie so as van tevore in werking bly.

Ter oorkonde waarvan die Verteenwoordigers van die onderskeie Regerings hierdie Ooreenkoms tot wysiging van die terme van die Konvensie geteken het.

Gedaan te Lourenço Marques, in drievoud in Afrikaanse, Engelse en Portugese tekste, op die Sewentiende dag van November 1934.

JOSE RICARDO PEREIRA CABRAL.

JOSE D'ALMADA.

PATRICK DUNCAN.

O. PIROW.

A. P. J. FOURIE.

- f) Mercadorias fabricadas nas prisões ou penitenciárias;

- g) Tornar extensivas á importação as proibições ou restrições que existam ou venham a ser impostas sobre a produção, venda, transporte ou consumo de produtos locais similares;

- h) Imposição de condições respeitantes á exportação de certos produtos para garantir a sua qualidade e a defesa do seu bom nome, e, ao mesmo tempo, para salvaguardar os interesses dos compradores no estrangeiro.

As medidas proibitivas ou restrictivas do comércio acima mencionadas só poderão adoptar-se quando forem aplicadas ao mesmo tempo, da mesma maneira e na mesma amplitude a outros países onde prevaleçam motivos análogos que as justifiquem e, em caso algum, poderão constituir uma restrição disfarçada do intercâmbio entre Moçambique e a União.

(2) Se sobrevierem circunstâncias que possam tornar necessária a imposição de quaisquer proibições ou restrições á importação, não previstas na parte (1) deste artigo, o Governo Português e o Governo da União obrigam-se a não impôr sem aviso prévio quaisquer restrições ou proibições que coloquem os produtos da União ou de Moçambique em situação menos favorável do que os de qualquer outro país, com excepção dos mencionados nas alíneas a) b) e c) do artigo XLV.

D) Relativamente á PARTE IV (Disposições Diversas), que o artigo LVI seja substituído como segue:

ARTIGO LVI.

Tódas as divergências que se suscitarem relativamente á interpretação ou á execução desta Convenção, e que não possam ser resolvidas por negociações directas entre o Governo Português e o Governo da União, serão submetidas a arbitragem, nomeando o Governo Português para esse efeito seu árbitro o Juiz Presidente do Tribunal da Relação de Moçambique e o Governo da União o Juiz Presidente do Supremo Tribunal da África do Sul. Se estes dois juizes não chegarem a acôrdo, escolherão um árbitro de desempate, e, se não houver entendimento sobre esta escolha, o Presidente do Tribunal Permanente de Justiça Internacional da Haia será solicitado para fazer a necessária nomeação. O julgamento far-se-á *ex aequo et bono* e nos termos do compromisso arbitral que se há-de celebrar para cada caso. Este artigo não é aplicável ao artigo XXXII da Convenção excepto se a divergência fôr sobre o facto do porto de Lourenço Marques estar recebendo ou não quarenta e sete e meio por cento do tráfego conforme o disposto no referido artigo.

Este acôrdo será ratificado pelos dois Governos e a troca de ratificações terá lugar em Pretória no mais curto prazo possível; mas os artigos que foram substituídos entrarão em vigor a partir da data da assinatura deste acôrdo e os artigos eliminados deixam de vigorar a partir da mesma data e todos os outros artigos da Convenção continuarão em vigor como anteriormente.

Em fé do que os representantes dos dois Governos assinaram o presente acôrdo de revisão das clausulas da Convenção.

Feito em Lourenço Marques, em triplicado e em português, inglês e afrikaans, aos dezassete dias do mês de Novembro de mil novecentos e trinta e quatro.

JOSE RICARDO PEREIRA CABRAL.

JOSE D'ALMADA.

PATRICK DUNCAN.

O. PIROW.

A. P. J. FOURIE.

PAGE 373.NO.1667. Amendment of Mines & Works Regulations.
PAGE 411.NO. Offer of Conversion to Holders of £6,995,900
Union of South Africa 5% 10 Year Loan, 1935.
PAGE XV. Van Dyk Proprietary Mines Limited.
(In liquidation).
Kromdraai Mining Syndicate (Prop) Limited (in
voluntary liquidation).

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18

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DEPARTMENT OF NATIVE AFFAIRS:		DEPARTEMENT VAN NATURELLESAKE:	
* 1679. Dates of Session of Native Appeal Court (Natal and Transvaal)	374	* 1679. Datums van Sitting van Naturelle-Appèlhof (Natal en Transvaal)	374
* 1680. Dates of Session of Native Divorce Court (Natal and Transvaal)	374	* 1680. Datums van Sitting van Naturelle-Egskeidingshof (Natal en Transvaal)	374
DEPARTMENT OF RAILWAYS AND HARBOURS:		DEPARTEMENT VAN SPOORWEE EN HAWENS:	
* 1688. Local Road Transportation Boards: Nominations	374	* 1688. Plaaslike Padvervoerrade: Nominasies	374
DEPARTMENT OF DEFENCE:		DEPARTEMENT VAN VERDEDIGING:	
* 1657. Military Training and Exercise: Stellenbosch ...	375	* 1657. Militêre Oefening: Stellenbosch	375
* 1686. Appointment of Director of Civil Aviation ...	375	* 1686. Aanstelling van Direkteur van Burgerlike Lugvaart	375
* 1687. Appointment of Director of Medical Services ...	375	* 1687. Aanstelling van Direkteur van die Geneeskundige Diens	375

No.	Government Notices (continued).	PAGE
DEPARTMENT OF AGRICULTURE AND FORESTRY:		
* 1658.	Importation of Hog Casings	375
* 1661.	Compulsory Dipping: Cattle	376
* 1662.	Branding of Cattle	376
* 1666.	Demarcation of Sub-reserve, Klipkraal No. 460, Pilgrims Rest	376
* 1671.	Proposed Demarcation of Sub-reserve, Barrington, Knysna	376
DEPARTMENT OF LABOUR:		
* 1663.	Factories Act, 1918	377
* 1674.	Apprenticeship in the Furniture Industry, Natal	377
DEPARTMENT OF LANDS:		
1585.	Proposed Sale of Lots at Lambert's Bay	378
* 1665.	Appointment of Member to Local Land Board	378
DEPARTMENT OF INTERIOR:		
* 1668.	Electoral Division of Uitenhage: Election	378
* 1669.	Electoral Division of Uitenhage: Election Statistics	379
DEPARTMENT OF PUBLIC HEALTH:		
* 1672.	Rand Water Board: Appointment of Members	379
UNION DEPARTMENT OF EDUCATION:		
* 1670.	Cape Technical College: Appointment of Members of Council	379
* 1673.	Pietermaritzburg Technical College: Appointment of Council Members	379
* 1682.	Pretoria Technical College: Appointment of Members of Council	379
* 1683.	Witwatersrand Technical College: Amendment of Scheme of Government	379
* 1689.	Certification of Good Shepherd Home, Johannesburg	380
DEPARTMENT OF COMMERCE AND INDUSTRIES:		
* 1675.	Certificates of Origin	380
General Notices.		
CO-OPERATIVE AGRICULTURAL SOCIETIES:		
* 636.	Membership List of Co-operative Agricultural Societies	381
DEPARTMENT OF LANDS:		
600.	Surveyor's Diagrams, B 80/34, Transvaal	390
624.	Surveyor's Diagrams, Transvaal, B 81/34	391
625.	Surveyor's Diagrams, Transvaal, B 87/34	391
626.	Surveyor's Diagrams, Transvaal, B 85/34 and B 86/34	391
* 640.	Surveyor's Diagrams of Crown Lands, 3874/1934, etc.	392
MISCELLANEOUS:		
* 633.	Venterspostloop Irrigation Board Election	392
* 634.	Willemnsrivier Irrigation Board Election	392
* 635.	Mortimer Irrigation Board Election	392
* 637.	Oberholzer Irrigation Board Election	392
* 638.	Buffelspoort Irrigation Board Election	392
* 639.	Notice to Mariners: Stomp Neus Point	393
* 641.	Prins River Irrigation Board Election	393
* 642.	Prins River Irrigation Board Election	393
* 643.	Prins River Irrigation Board Election	393
* 644.	Health Bulletin No. 46	393
* 645.	Epidemic Contagious Diseases	394
Tenders		
Bursaries—Fuel Research Institute		405
Hybrid Bill—Vyfhoek Management Board		405
Vacancy for Staff Nurse		407
Vacancies for Hyde and Skin Inspectors		407
Vacant District and Additional District Surgeoncies		407
Vacant District and Additional District Surgeoncies		408
PUBLIC SERVICE COMMISSION:		
Vacancy for Second Grade Computer		408
Vacancy for Assistant Medical Inspector of Schools		409
Vacancy for Medical Inspector for Maternal and Infant Welfare		409
Vacancy for a First Grade Draughtsman (Mechanical)		409
Vacancy for a Mycologist		410
Bank Statement		410

(Continued on inside back cover.)

No.	Goewermentskennisgewings (vervolg).	BLADSY
DEPARTEMENT VAN LANDBOU EN BOSBOU:		
* 1658.	Invoer van Varkderms	375
* 1661.	Verpligte Dip: Beeste	376
* 1662.	Brandmerk van Beeste	376
* 1666.	Demarkasie van Sub-reserwe, Klipkraal No. 460, Pelgrimsrust	376
* 1671.	Voorgestelde Demarkasie van Sub-reserwe, Barrington, Knysna	376
DEPARTEMENT VAN ARBEID:		
* 1663.	Fabriekswet, 1918	377
* 1674.	Vakleerlingskap in die Meubelnywerheid, Natal	377
DEPARTEMENT VAN LANDE:		
1585.	Voorgestelde Verkoop van Persele by Lambertsbaai	378
* 1665.	Aanstelling van Lid vir Plaaslike Landraad	378
DEPARTEMENT VAN BINNELANDSE SAKE:		
* 1668.	Kiesafdeling Uitenhage: Verkiesing	378
* 1669.	Kiesafdeling Uitenhage: Verkiesing Statistiek	379
DEPARTEMENT VAN VOLKSGESONDHEID:		
* 1672.	Benoeming tot Lede van die Rand-Watteraad	379
UNIE-DEPARTEMENT VAN ONDERWYS:		
* 1670.	Kaapse Tegniese Kollege: Aanstelling van Raadslede	379
* 1673.	Pietermaritzburgse Tegniese Kollege: Aanstelling van Raadslede	379
* 1682.	Pretoriase Tegniese Kollege: Aanstelling van Raadslede	379
* 1683.	Witwatersrandse Tegniese Kollege: Wysiging van Skema van Bestuur	379
* 1689.	Sertifisering van „Good Shepherd Home”, Johannesburg	380
DEPARTEMENT VAN HANDEL EN NYWERHEID:		
* 1675.	Sertifikate van Herkoms	380
Algemene Kennisgewings.		
KOÖPERATIEWE LANDBOUVERENIGINGS:		
* 636.	Lidmaatskap Lys van Koöperatiewe Landbouverenigings	381
DEPARTEMENT VAN LANDE:		
600.	Landmeterskaart, B 80/34, Transvaal	390
624.	Landmeterskaart, Transvaal, B 81/34	391
625.	Landmeterskaart, Transvaal, B 87/34	391
626.	Landmeterskaarte, Transvaal, B 85/34 en B 86/34	391
* 640.	Landmeterskaarte van Kroongrond, 3874/1934, ens.	392
DIVERSE:		
* 633.	Venterspostloop-besproeiingsraad, Verkiesing	392
* 634.	Willemnsrivier-besproeiingsraad, Verkiesing	392
* 635.	Mortimer-besproeiingsraad, Verkiesing	392
* 637.	Oberholzer-besproeiingsraad, Verkiesing	392
* 638.	Buffelspoort-besproeiingsraad, Verkiesing	392
* 639.	Kennisgewing aan Seeliede: Stompneuspunt	393
* 641.	Prins River-besproeiingsraad, Verkiesing	393
* 642.	Prins Rivier-besproeiingsraad, Verkiesing	393
* 643.	Prins Rivier-besproeiingsraad, Verkiesing	393
* 644.	Gesondheidsbulletin No. 46	393
* 645.	Epidemiese Aansteekeklie Siektes	394
Tenders		
Studiebeurse: Brandstof Navorsingsinstituut		405
Tweeslagtige Wetsontwerp—Vyfhoek-Bestuursraad		405
Vakature vir Stafverpleegster		407
Vakature vir Inspekteur van Huide en Velle		407
Vakante Poste van Distriks- en Addisionele Distriksgeneeshere		407
Vakante Poste van Distriks- en Addisionele Distriksgeneeshere		408
STAATSDIENSKOMMISSIE:		
Vakature vir Tweedegraad Rekenaar		408
Vakature vir 'n Assistent Mediese Inspekteur van Skole		409
Vakature vir 'n Mediese Inspekteur vir Moeder- en Kinder-Welsyn		409
Vakature vir 'n Werktuigkundige Tekenaar, Graad I		409
Vakature vir 'n Swamkundige		410
Bankstaat		410

(Vir vervolg sien tweede laaste bladsy.)