

N° 2239.

---

**UNION SUD-AFRICAINE  
ET PORTUGAL**

Convention réglant l'émigration des indigènes de la colonie de Mozambique dans la province du Transvaal, les questions ferroviaires et les rapports commerciaux entre l'Union Sud-Africaine et la colonie de Mozambique. Signée à Pretoria, le 11 septembre 1928.

---

**UNION OF SOUTH AFRICA  
AND PORTUGAL**

Convention regulating the Introduction of Native Labour from Mozambique into the Province of the Transvaal, Railway Matters and the Commercial Intercourse between the Union of South Africa and the Colony of Mozambique. Signed at Pretoria, September 11, 1928.

## TEXTE AFRIKANDER. - AFRIKAANS TEXT

N<sup>o</sup> 2239. — KONVENSIE<sup>1</sup> AAN-  
GEGAAN TUSSEN DIE REGE-  
RING VAN DIE UNIE VAN  
SUIDAFRIKA EN DIE REGE-  
RING VAN DIE PORTUGESE  
REPUBLIEK, VIR DIE REËLING  
VAN DIE INVOER VAN NATU-  
RELLE-ARBEIDERS UIT MO-  
SAMBIEK NA DIE PROVINSIE  
TRANSVAAL, SPOORWEGAAN-  
GELEENTHEDE EN DIE HAN-  
DELSVERKEER TUSSEN DIE  
UNIE VAN SUIDAFRIKA EN  
DIE KOLONIE MOSAMBIEK.  
GETEEKEND TE PRETORIA OP  
11 SEPTEMBER 1928.

No. 2239. — CONVENTION<sup>1</sup>  
BETWEEN THE GOVERNMENT  
OF THE UNION OF SOUTH  
AFRICA AND THE GOVERN-  
MENT OF THE PORTUGUESE  
REPUBLIC REGULATING THE  
INTRODUCTION OF NATIVE  
LABOUR FROM MOZAMBIQUE  
INTO THE PROVINCE OF THE  
TRANSVAAL, RAILWAY MAT-  
TERS, AND THE COMMERCIAL  
INTERCOURSE BETWEEN THE  
UNION OF SOUTH AFRICA AND  
THE COLONY OF MOZAMBIQUE.  
SIGNED AT PRETORIA, SEP-  
TEMBER 11, 1928.

*Textes officiels anglais, afrikander et portugais  
communiqués par le ministre des Affaires  
étrangères de l'Union Sud-Africaine. L'enre-  
gistrement de cette convention a eu lieu le  
2 janvier 1930.*

*English, Afrikaans and Portuguese official texts  
communicated by the Minister for External  
Affairs of the Union of South Africa. The  
registration of this Convention took place  
January 2, 1930.*

DIE REGERING VAN DIE UNIE VAN SUIDAFRIKA (hierna verder genoem « die Regering van die Unie ») en DIE REGERING VAN DIE PORTUGESE REPUBLIEK (hierna verder genoem « die Portugese Regering »), begerig om die invoer van Naturelle-arbeiders uit die Kolonie van Mosambiek na die Provinsie Transvaal, Spoorwegaangeleentheid en die Handelsverkeer tussen die Unie van Suidafrika (hierna verder genoem « die Unie ») en die Kolonie van Mosambiek (hierna verder genoem « Mosambiek ») te reël het besluit om vir die doel

THE GOVERNMENT OF THE UNION OF SOUTH AFRICA (hereinafter called " the Union Government ") and THE GOVERNMENT OF THE PORTUGUESE REPUBLIC (hereinafter called " the Portuguese Government "), being desirous of regulating the introduction of native labourers from the Colony of Mozambique into the Province of the Transvaal, Railway Matters, and the Commercial Intercourse between the Union of South Africa (hereinafter called " the Union ") and the Colony of Mozambique (hereinafter called " Mozambique "), have resolved to

<sup>1</sup> L'échange des ratifications a eu lieu à Lisbonne, le 25 septembre 1929.

<sup>1</sup> The exchange of ratifications took place at Lisbon, September 25, 1929.

'n Konvensie aan te gaan en het as hul Verteenwoordigers daartoe aangestel, te wete : —

DIE REGERING VAN DIE UNIE :

Die Edelagbare Nicolaas Christiaan HAVENGA, L. V., Lid van die Uitvoerende Raad en Minister van Finansies van die Unie ;

Die Edelagbare Charl Wynand MALAN, L. V., Lid van die Uitvoerende Raad en Minister van Spoorweë en Hawens van die Unie ; en

Die Edelagbare Fredrik William BEYERS, K. C., L. V., Lid van die Uitvoerende Raad en Minister van Mynwese en Nywerheid van die Unie.

DIE PORTUGESE REGERING :

Senhor José Ricardo Pereira CABRAL, Luitenant-kolonel van die Ruitery Goewerneur-Generaal van Mosambiek

Senhor Carlos de SA CARBEIRO, Kolonel van die Sjenie, voormalige Direkteur van die Spoorweë van Lourenço Marques ; en

Senhor José d'ALMADA, LL. D., Onder Direkteur-Generaal van die Ministerie van die Kolonies ;

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

DEEL I.

NATURELLE ARBEID.

*Artikel I.*

Die reëlings vervat in Deel I van hierdie Konvensie is van toepassing op die aanwring vir, en op die indiensneming op die Goud- en Steenkoolmyne van die Provinsie Transvaal van die Unie (hierin verder « die Myne » genoem) van Naturelle uit die grondgebied van Mosambiek, ten suide van die 22ste graad Suiderbreedte, onder direkte Staatsbeheer (hierin verder « Portugese Naturelle » genoem).

enter into a Convention for that purpose and have appointed as their Representatives to that end, that is to say :—

THE UNION GOVERNMENT :

The Honourable Nicolaas Christiaan HAVENGA, M. L. A., Member of the Executive Council and Minister of Finance of the Union ;

The Honourable Charl Wynand MALAN, M. L. A., Member of the Executive Council and Minister of Railways and Harbours of the Union ; and

The Honourable Fredrik William BEYERS, K. C., M. L. A., Member of the Executive Council and Minister of Mines and Industries of the Union ;

THE PORTUGUESE GOVERNMENT :

Senhor José Ricardo Pereira CABRAL, Lieutenant-Colonel of Cavalry, Governor-General of Mozambique ;

Senhor Carlos de SA CARNEIRO, Colonel of the Engineers, formerly Director of the Railways of Lourenço Marques ; and

Senhor José d'ALMADA, LL. D., Under-Director-General of the Ministry for the Colonies ;

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

PART I.

NATIVE LABOUR.

*Article I.*

The arrangements set out in Part I of this Convention apply to the recruitment for and to the employment on, the Gold and Coal Mines of the Transvaal Province of the Union (hereinafter termed "the Mines") of Natives from the territories of Mozambique, south of latitude 22 degrees South, under direct State Administration (hereinafter termed "Portuguese Native").

*Artikkel II.*

Die Portugese Regering magtig die aanwring 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 Artikkel 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.

*Artikkel III.*

Die getal van Portugese Naturelle wat op 16 Mei 1928 op die Myne werksaam was, sal verminder word tot 'n maksimum aantal van 80,000 binne die vyf jare volgende op die datum van hierdie Konvensie, as volg : —

Op die 31ste Desember —

1929 . . . . .	100,000
1930 . . . . .	95,000
1931 . . . . .	90,000
1932 . . . . .	85,000
1933 . . . . .	80,000

*Artikkel IV.*

Die aanwring van Portugese Naturelle binne die grondgebied van Mosambiek vir diens in die Myne, die toewysing van hierdie Naturelle aan die Myne en hulle repatriasie na die Portugese Grens na afloop van hulle kontrakte, sal toevertrou word aan een of meer organisasies wat behoorlik deur beide die Regering van die Unie en die Regering van die Kolonie van Mosambiek (hierin verder genoem « die Regering van Mosambiek ») goedgekeur is.

*Artikkel V.*

Die aanwring van Portugese Naturelle sal alleen toegelaat word aan persone in diens van 'n organisasie waarna verwys is in Artikkel IV (hierin verder genoem « die Werf-

*Article II.*

The Portuguese Government authorizes 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.

*Article III.*

The number of Portuguese Natives who were employed in the Mines on the 16th May, 1928, shall be reduced to a maximum complement of 80,000 within the five succeeding years from the date of this Convention, as follows :—

On the 31st December—

1929 . . . . .	100,000
1930 . . . . .	95,000
1931 . . . . .	90,000
1932 . . . . .	85,000
1933 . . . . .	80,000

*Article IV.*

The recruitment of Portuguese Natives within the territories of Mozambique for employment in the Mines, the allotment of these Natives to the Mines, and their repatriation to the Portuguese Frontier at the expiration of their periods of contract, shall be entrusted to an organization (or organizations) duly approved by both the Union Government and the Government of the Colony of Mozambique (hereinafter termed "the Government of Mozambique").

*Article V.*

The recruitment of Portuguese Natives shall only be permitted to employees of an organization referred to in Article IV (hereinafter termed the Recruiting Organization) to whom the

organisasie \*) aan wie die Regering van Mosambiek 'n werflisensie toegestaan het geldig vir een jaar en vernubaar vir tydperke van een jaar op die volgende voorwaardes: —

a) Teen betaling van 'n jaarlikse belasting van £100 (eenhonderd pond sterling) vir elke lisensie;

b) na storting van die bedrag van £100 (eenhonderd pond sterling) by die Tesourie (Caixa do Tesouro) te Lourenço Marques aan die order van die Departement van Naturellesake, as 'n waarborg;

c) op 'n skriftelike verklaring van die applikant vir die lisensie waarby hy onvoorwaardelik onderneem om al die bepalings van hierdie Konvensie en van die regulasies, waarna verwys is in Artikel II, betreffende die werwing en emigrasie van Naturelle van krag in Mosambiek, na te kom;

d) dat die lisensie persoonlik is en nie oordraagbaar nie, en dat dit belet is dat een persoon 'n ander sal vervang in die verrigting van die werksaamhede waartoe die houer onder die lisensie geregtig is;

e) dat die vernuwing van die lisensie binne vyftien dae na die verstryking van sy geldigheidsduur aangevra word op straf van verbeuring van die gedeponeerde waarborg; maar die houer van 'n lisensie wat geen vernuwing daarvan verlang nie moet daarvan kennis gee en sy lisensie oorhandig binne die voormelde tydperk van vyftien dae teneinde hom in staat te stel om die betreffende gedeponeerde waarborg terug te trek;

f) dat die Regering van Mosambiek hom die reg voorbehou om die werflisensie in te trek in geval van oorlog of ernstige publieke rusverstorings of van dergelyke buitengewone omstandighede wat dit noodsaaklik mag maak;

g) dat lisensies ook mag ingetrek word as die houers ernstig en voortdurend die wette van krag in Mosambiek verontagsaam;

h) dat geen skadevergoeding betaalbaar is nie vir die intrekking van lisensies onder sub-artiekels f) en g). In die geval voorsien in sub-artikel g) verloor die houers van die lisensie ook die reg op teruggawe van die gedeponeerde waarborg;

i) dat die Regering van Mosambiek hom die reg voorbehou om die uitreiking of

Government of Mozambique has granted a recruiting licence valid for one year and renewable for yearly periods under the following conditions:

(a) On payment of an annual tax of £100 (one hundred pounds sterling) for each licence;

(b) On deposit of the amount of £100 (one hundred pounds sterling) with the Treasury (Caixa do Tesouro) at Lourenço Marques to the order of the Department of Native Affairs as a guarantee;

(c) Upon a written declaration by the applicant for the licence, undertaking unreservedly to fulfil all the provisions of this Convention and of the regulations referred to in Article II relating to native recruiting and emigration in force in Mozambique;

(d) That the licence be personal and non-transferable and that it be prohibited to substitute one person for another in the performance of the functions to which the licence entitles its holder;

(e) That any renewal of a licence be applied for within fifteen days after the expiration of its period of validity, under penalty of forfeiture of the deposit of guarantee; but the holder of a licence who does not desire a renewal thereof shall make a declaration to that effect, and shall hand over the licence within the said period of fifteen days in order to enable him to withdraw the relative deposit of guarantee;

(f) That the Government of Mozambique reserves the right to cancel the recruiting licences in case of war or of serious public disturbances or of any such extraordinary circumstances as may make it imperative;

(g) That licences may also be cancelled if the holders seriously and persistently fail to comply with the laws in force in Mozambique;

(h) That no indemnity shall be due for the cancellation of licences under sub-sections (f) and (g). In the case provided for in sub-section (g) the holders of the licences shall also lose the right of withdrawing the deposit of guarantee;

(i) That the Government of Mozambique reserves the right to refuse the issue

vernuwing van lisensies te weier, wanneer die applikant nie as 'n behoorlike en bevoegd persoon beskou word nie of ongeskik vir die natuurlike beleid en natuurlike administrasie van die Kolonie geag word.

*Artikkel VI.*

Die Regering van Mosambiek behou hom die reg voor om aanwerving vir, of toewysing van Portugese Naturelle aan, 'n myn te belet, as by 'n gesamentlike ondersoek van verteenwoordigers van die Regerings van die Unie en vain Mosambiek bevind word dat die bestuur van daardie myn, of sy verantwoordelike personeel, in enige wesentlike opsig of na herhaalde waarskuwinge, versuim het om te voldoen aan die verpligtinge deur hierdie Konvensie opgelê. Die gesegde verteenwoordigers sal 'n regter as skeidsregter benoem wat in die eerste geval wat mag ontstaan uit die Unie sal benoem word en in die tweede geval uit Mosambiek en daarna in dieselfde volgorde. Ingeval dat die gesegde verteenwoordigers nie daarin slaag om betreffende die sake wat ondersoek word tot 'n eenparige beslissing te kom nie, sal die bevinding van die gesegde skeidsregter oor hierdie sake afdoende wees.

*Artikkel VII.*

Rekrute wat deur die mediese amptenaar van die Regering van Mosambiek, of deur die Werf-organisasie op Ressano Garcia, of deur mediese amptenare van die Werf-organisasie in die Unie afgewys word as ongeskik vir werk op die Myne, moest op koste van die Werf-organisasie oor die roete, langs welke hulle gekom het, huis toe gestuur word.

*Artikkel VIII.*

In ooreenstemming met die bepalinge van die werf-regulasies van Mosambiek, waarna verwys is in Atrikel II, sal die Regering van Mosambiek aan Portugese Naturelle nie toelaat om op die Myne te gaan werk nie, tensy hulle in die besit is van 'n identifikasiekaart onder daardie regulasies uitgereik.

Geen Portugese Naturel, wat voorheen op die Myne gewerk het, sal weer vir mynwerk in diens geneem word nie, tensy hy bewys-

or renewal of licences when the applicant is considered neither fit nor proper or unsuitable to the Native Policy and the Native Administration of the Colony.

*Article VI.*

The Government of Mozambique reserves the right to prohibit recruiting for, or allotment to, any Mines of Portuguese Natives, if, upon a joint investigation by representatives of the Union and Mozambique Governments, the Management of that Mine or its responsible staff are found to have failed to comply in some substantial respect, or persistently after warning, with the obligations imposed by this Convention. The said representatives shall appoint as an umpire a Judge, who in the first case that arises shall be appointed from the Union and in the second case from Mozambique, and thereafter in like rotation. In the event of the said representatives failing to come to a unanimous decision on matters under investigation, the findings of the said umpire on these matters shall be final.

*Article VII.*

Recruits rejected as unfit for work on the Mines by the medical officer of the Government of Mozambique or of the Recruiting Organization at Ressano Garcia, or by medical officers of the Recruiting Organization in the Union shall be returned to their homes at the expense of the Recruiting Organization by the route by which they came.

*Article VIII.*

In accordance with the provisions of the recruiting regulations of Mozambique referred to in Article II, the Government of Mozambique will not permit Portuguese Natives to proceed to work on the Mines unless they are in possession of an identification card issued under those regulations.

No Portuguese Native previously employed on the Mines shall again be engaged for mining employment unless he can produce evidence

gronde van welke aard ook kan aanvoer aanduidende dat hy vir tenminste ses agtereenvolgende maande in Mosambiek was sedert die voltooiing van sy voorafgaande kontrak of herindiensneming ooreenkomstig die bepalings van Artikel XII. Die Naturel wat die bogenoemde bewys nie kan lewer nie, sal nie in diens geneem word nie, as die Mosambiekse Outoriteite, op grond van die beskikbare informasie, oortuig is dat hy nie gedurende die gesegde tydperk in die Kolonie was nie.

*Artikel IX.*

'n Geldige en lopende Portugese paspoort sal uitgereik word ten aansien van elke Portugese Naturel wat onder hierdie Konvensie op die Myne in diens geneem word.

'n Paspootfooi van 10s. (tien sjielings) sal betaal word deur die Naturel ten aansien van sy oorspronklike indiense neming, en die paspoort sal geldig wees vir 'n tydperk van twaalf maande. 'n Foor van 5s. (vyf sjielings) sal deur die Naturel betaal word by vernuwning van die paspoort, en geen vernuwning sal vir langer as ses maande geldig wees nie.

Ingeval dat 'n naturel sy paspoort verloor, sal die Kurator van Portugese Naturelle (hierin verder genoem « die Kurator ») hom voorsien van 'n duplikaat, waarvoor die Naturel 'n foor van 5s. (vyf sjielings) sal betaal.

*Artikel X.*

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

*a)* 'n Registrasiefooi van 1s. (een sjieling) per Naturel by oorspronklike indiense neming, en 1s. (een sjieling) by herindiense neming.

*b)* 'n Maandelikse foor van 2s. (twee sjielings) per Naturel vir elke maand, of gedeelte daarvan, gedurende welke die Naturel in diens is.

*Artikel XI.*

Ingeval dat die totale foote ontvang deur die Regering van Mosambiek in enige jaar, beginnende met die jaar 1929, onder Artie-

to indicate that he has been at least six consecutive months in Mozambique since the completion of his antecedent contract or reengagement in conformity with Article XII. The Native who cannot produce the evidence above referred to shall not be engaged if the Mozambique Authorities are satisfied on the information available that he has not been in the Colony for the said period.

*Article IX.*

A valid and current Portuguese passport shall be issued in respect of every Portuguese Native to be employed on the Mines under this Convention.

A passport fee of 10s. (ten shillings) shall be payable by the Native in respect of his original engagement, and the passport shall be valid for a period of twelve months. A fee of 5s. (five shillings) shall be payable by the Native on renewal of the passport, and no renewal shall exceed a period of six months.

In case the Native loses his passport, the Curator of Portuguese Natives (hereinafter termed "the Curator") shall supply him with a duplicate, for which a fee of 5s. (five shillings) shall be payable by the Native.

*Article X.*

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

*(a)* A registration fee of 1s. (one shilling) per Native on original engagement, and 1s. (one shilling) on re-engagement ;

*(b)* A monthly fee of 2s. (two shillings) per Native for every month or part thereof during which the Native is employed.

*Article XI.*

If the total fees received by the Government of Mozambique in any year commencing with the year 1929 under Articles IX and

kels IX en X ten aansien van Portugese Naturelle in die Myne werksaam minder beloop as 35s. (vyf-en-dertig sjielings) vermenigvuldig met die gemiddelde getal van sodanige Naturelle wat gedurende daardie jaar by die Myne in diens was sal die tekort deur die Myne aan die Kurator betaal word.

#### Artikel XII.

Die kontrakte van Portugese Naturelle sal nie vir 'n langer tydperk as twaalf maande loop nie (driehonderd en dertien skofte gewerk), maar sodanige Naturelle mag hulle self weer verhuur of hulle kontrakte verleng vir 'n verder tydperk of tydperke van nie meer as ses maande nie (eenhonderd en ses-en-vyftig skofte gewerk). Die maksimum tydperk van diens sal in geen geval meer wees as agtien maande nie.

#### Artikel XIII.

Na die eerste nege maande (234 skofte gewerk) en gedurende die tydperk of tydperke van her-indiensneming, sal die bedrag van 1s. (een sjieling) per skof gewerk (die helfte van die geskatte gemiddelde loontarief) van die verdienste van Portugese Naturelle deur die Myne, waarop hulle werksaam is, ingehou en aan die Naturelle in Mosambiek betaal word by hulle terugkoms.

#### Artikel XIV.

Die bedrae ingehou ooreenkomstig die bepalings van Artikel XIII sal as volg aan die Portugese Naturelle betaal word : —

a) Die Myne sal, deur bemiddeling van die Werf-organisasie, teen die vyftiende dag van elke maand aan die order van die Kurator, in 'n bank in Johannesburg wat deur die Regering van Mosambiek aangewys sal word, die Bedrae stort wat gedurende die vorige maand van die lone van Portugese Naturelle afgetrek is ;

b) die Werf-organisasie moet teen die laaste dag van elke maand by die Kurator 'n lys indien aantoonende die bedrae wat gedurende die vorige maand van die lone van Portugese Naturelle afgetrek was, en

X in respect of Portuguese Natives employed in the Mines amount to less than 35s. (thirty-five shillings) 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.

#### Article XII.

The contracts of Portuguese Natives shall not extend for a longer period than twelve months (three hundred and thirteen shifts worked) but such Natives may re-engage themselves or extend their contracts for a further period or periods up to an additional six months (one hundred and fifty-six shifts worked). The maximum period of service shall not in any case exceed eighteen months.

#### Article XIII.

After the first nine months (two hundred and thirty-four shifts worked) and during any period or periods of re-engagement the sum of 1s. (one shilling) per shift worked (being one-half of the estimated average contract rates 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 Natives in Mozambique on their return thereto.

#### Article XIV.

The sums retained in accordance with Article XIII shall be paid to the Portuguese Natives as follows :—

(a) The Mines, through the Recruiting Organization shall deposit to the order of the Curator by the fifteenth day of each month, in Johannesburg, with a Bank nominated by the Government of Mozambique, the amounts deducted during the previous month from the wages of Portuguese Natives ;

(b) The Recruiting Organization shall lodge with the Curator by the last day of each month a schedule showing the amounts deducted during the previous month from the wages of Portuguese Natives, and shall



sal ook die Kurator voorsien van die nodige informasie om hom in staat te stel om formasie om hom in staat te stel om die Mosambiek-outeite in kennis te stel van die bedrag wat aan elke Naturel by sy terugkeer na Mosambiek sal moet betaal word ;

c) die Werf-organisasie moet die ingehoue loon aan die betrokke Naturelle op Ressano Garcia, of op enige ander plek waaroor van tyd tot tyd onderling ooreengekom mag word tussen die Regering van Mosambiek en die Werf-organisasie, betaal. Al sulke be talings moet aan die Naturelle gedaan word deur 'n verteenwoordigende amptenaar van die Werf-organisasie, en geskied in die kantoor van die Fiskaal van Emigrasie op Ressano Garcia, of on sodanige ander Goewermentskantoor op enige ander plek by onderlinge ooreenkoms bepaal, waar aangewese behuising vir hierdie doel ter beskikking van die Organisasie gestel sal word ;

d) die Regering van Mosambiek sal weekliks vooruit aan die Werf-organisasie op Ressano Garcia, of op enige ander plek by onderlinge ooreenkoms bepaal die bedrae oorhandig wat die Werf-organisasie nodig het om die betalings waarna in Klousule c) hierbo verwys is, aan die Naturelle te doen ;

e) Die Werf-organisasie en die Myne sal alle nodige fasiliteite aan die Kurator gee teneinde hom in staat te stel om hom te oortuig dat aan die vereistes van hierdie Artikel voldoen word.

#### *Artikel XV.*

Alle bates in die boedels van oorlede Portugese Naturelle, sowel as alle gelde as kompensasie verskuldig ten aansien van sodanige Naturelle, moet aan die Kurator oorhandig word en waar die erfgename of bevoordeeldes nie opgespoor kan word nie, moet sodanige gelde deur die Regering van Mosambiek uitsluitlik tot welsyn van sy Naturellebevolking aangewend word. Dieselfde prosedure word gevolg ten opsigte van alle onopgeëiste ingehoue loon en alle ander onopgeëiste gelde wat deur die Myne aan die Portugese Naturelle verskuldig is.

Alle interes op sodanige gelde en op die bedrae ooreenkomstig Artikel XIV gedepo-

also supply the Curator with the necessary information to enable him to advise the Mozambique Authorities of the amount to be paid to each Native on his return to Mozambique ;

(c) The Recruiting Organization shall pay the deferred pay to the Natives concerned, at Ressano Garcia or at any other place which may from time to time be mutually agreed upon between the Government of Mozambique and the Recruiting Organization. All such payments shall be made to the Natives by a representative official of the Recruiting Organization, and shall be effected in the Office of the Fiscal of Emigration at Ressano Garcia, or in such other Government Office at some other place as may be mutually agreed upon, specific accomodation being allocated to the Recruiting Organization for that purpose ;

(d) The Government of Mozambique shall hand over weekly in advance to the Recruiting Organization at Ressano Garcia or at any other place that may be mutually agreed upon, the amounts required by the Recruiting Organization to make the payments to the Natives referred to in Clause (c) above ;

(e) The Recruiting Organization and the Mines shall place at the disposal of the Curator all necessary facilities to enable him to satisfy himself that the requirements of this Article are being carried out.

#### *Article XV.*

All assets in the estates of deceased Portuguese Natives, together with any compensation moneys due in respect of such Natives, shall be handed to the Curator, and where the heirs or beneficiaries cannot be traced, shall be applied exclusively to the welfare of the Native population of Mozambique by its Government. The like procedure shall apply in respect of any unclaimed deferred pay and any other unclaimed moneys due by the Mines to Portuguese Natives.

Any interest that may accrue upon such moneys, and also upon the amounts deposited

neer, moet eweneens uitsluitlik tot welsyn van die Naturellebevolking van die Kolonie aangewend word.

*Artikel XVI.*

Portugese Naturelle in diens van die Myne—hetsy hulle die Unie ingekom het met 'n paspoort, hetsy hulle een van die Kurator gekry het, waardeur hul posisie gewettig is—sal by beëindiging van hul dienstyd op die Myne beskou word as verbode immigrante in die Unie, en in hierdie opsig sal die bepalings van die Wette van die Unie reërende die immigrasie toegepas word, en alle Portugese Naturelle as sodanig geïdentifiseer, wat nie in die besit is van 'n geldige en lopende Portugese paspoort sowel as van sodanige vergunning van die Unie owerheid as vereis mag word, sal ook as verbode immigrante aangemerkt word. Met die verstande egter dat, teneinde voorsiening te maak vir spesiale gevalle en ook om te verseker dat die repatriasie van Naturelle wat voor die van krag word van hierdie Konvensie in diens geneem is, nie die aantal vereis deur Artikel III sal te bowe gaan nie, sal die Kurator geregtig wees om met toestemming van die Departement van Naturellesake van die Unie in besondere gevalle die toepassing van die voorskrifte van hierdie Artikel uit te stel.

*Artikel XVII.*

Onderhewig aan skikkings tussen die Rege-  
rings van die Unie en van Mosambiek, sal die Regering van Mosambiek bevoeg wees om die emigrasie te magtig van Naturelle wat verlang om werk te soek op die Myne sonder die tussenkoms van die Werf-organisasie. Alle sodanige Naturelle sal, by indiensneming deur die Myne, val onder die kwota wat neergelê is in Artikle III en onderhewig wees aan al die ander bepalings van hierdie Konvensie.

*Artikel XVIII.*

Alle gelde wat afgetrek moet word van die lone van Portugese Naturelle ten opsigte van voorskotte aan hulle deur die Myne gedaan op gesag van die Regering van Mosambiek onder hierdie Konvensie voor hul indienstreding sal ingehou word van die lone betaalbaar gedu-

under Article XIV, shall similarly be applied exclusively to the welfare of the Native population of the Colony.

*Article XVI.*

Portuguese Natives in the employment of the Mines, whether they entered the Union with a passport or whether they obtained one from the Curator legalizing their position shall upon the termination of their services on the Mines be regarded as prohibited immigrants in the Union, and in this respect the provisions of the Immigrants Regulation Laws of the Union shall be applied, and any Portuguese Native, identified as such, who is not in possession of a valid and current Portuguese passport in addition to such permission of the Union Authorities as may be required shall also be regarded as a prohibited immigrant. Provided, however, that in order to meet special cases and also to ensure that the repatriation of Natives engaged before the commencement of this Convention shall not exceed the volume necessitated by Article III, it shall be competent for the Curator with the agreement of the Union Department of Native Affairs to postpone the requirements of this Article in specified cases.

*Article XVII.*

Subject to arrangement between the Union and Mozambique Governments, it shall be competent for the Government of Mozambique to authorize the emigration of Natives who may desire to seek employment upon the Mines without the intervention of the Recruiting Organization. Any such Natives upon employment by the Mines shall fall within the quota laid down in Article III and shall be subject to all the other provisions of this Convention.

*Article XVIII.*

All deductions from the wages of Portuguese Natives in respect of advances made to them by the Mines under the authority of the Government of Mozambique under this Convention before the commencement of their employment shall be made from the wages payable during the

rende die eerste nege maande van hul dienstryd op die Myne. Die fooie wat kragtens hierdie Konvensie deur die Naturelle aan die Regering van Mosambiek verskuldig is, sal ook van die lone, behalwe van daardie gedeelte wat as uitgestelde betaling ingehou is, afgetrek en aan die Kurator oorhandig word.

*Artikel XIX.*

Vir sover as sodanige sake onder die beheer van die Regering van die Unie of van Mosambiek is, mag die vervoerkoste van die Naturelle van die Myne na hul wonings nie die ooreenkomstige vervoerkoste van hul wonings na die Myne te bowe gaan nie.

*Artikel XX.*

Geen Portugese Naturel, wat in die besit is van 'n Portugese paspoort, uitgereik in ooreenstemming met hierdie Konvensie, sal verplig wees om die Hutbelasting gelê op die Naturelle van die Unie, te betaal nie.

*Artikel XXI.*

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugese Naturelle wat nie in die besit van 'n geldige Portugese paspoort is nie, en geen sodanige Naturelle sal deur die Amptenare van die Regering van die Unie geregistreer word nie anders as op vertoon van 'n skriftelike magtiging deur die Kurator.

*Artikel XXII.*

Geen pas sal deur die Regering van die Unie uitgereik word aan Portugese Naturelle in sy gebiede woonagtig, teneinde hulle in staat te stel om na enige land behalwe Mosambiek te reis, tensy hulle 'n skriftelike magtiging van die Kurator toon, en alle reis-passe wat die Portugese Naturelle in staat stel om die Unie te verlaat, moet deur die Kurator geviseer word. Geen passe mag aan Portugese Naturelle uitgereik word teneinde hulle in staat te stel om van die een Provinsie van die Unie na 'n ander te reis sonder magtiging van die Kurator.

first nine months of their employment on the Mines.

The fees due by the Natives to the Government of Mozambique under this Convention shall also be deducted by the Mines from the wages, other than the portion retained as deferred pay, and shall be handed to the Curator.

*Article XIX.*

In so far as such matters are under the control of the Union or Mozambique Governments, the fares from the Mines to the Natives' homes shall not exceed the corresponding fares from their homes to the Mines.

*Article XX.*

No Portuguese Native holding a Portuguese passport issued in accordance with this Convention shall be liable to pay the Hut Tax applicable to the Natives of the Union.

*Article XXI.*

No pass shall be issued by the Union Government to Portuguese Natives who are not in possession of a valid Portuguese Passport, and no such Natives shall be registered by the Officials of the Union Government except on production of a written authority from the Curator.

*Article XXII.*

No pass shall be issued by the Union Government to Portuguese Natives resident within its territories enabling them to travel to any country except Mozambique unless they produce a written authority from the Curator, and all travelling passes enabling the Portuguese Natives to leave the Union shall be viséed by the Curator. No passes shall be granted to Portuguese Natives enabling them to travel from one Province of the Union to another without the authority of the Curator.

*Artikel XXIII.*

Gelde as kompensasie aan Portugese Naturelle verskuldig ten aansien van ongevalle of siekte opgedaan op die Myne, moet in die teenwoordigheid van die Kurator aan die Naturelle uitbetaal word ooreenkomstig die prosedure vas te stel deur die Direkteur van Naturelle-arbeid van die Unie en die Kurator.

*Artikel XXIV.*

Die bepalings van die Mynteringwette Konsolidasie Wet, 1925, van die Unie, en alle wysigings daarvan, met betrekking tot die toekenning van voordele aan Naturelle woonagtig buite die Unie, en met betrekking tot die ondersoek van Naturelle vir daardie doel deur mediese amptenare woonagtig buite die Unie, sal ook van toepassing wees op Portugese Naturelle by hul terugkeer na Mosambiek.

*Artikel XXV.*

Slegs in seer besondere gevalle sal die Amptenare van die Regering van Mosambiek paspoorte aan Portugese Naturelle-vroue uitreik, teneinde hulle in staat te stel om die Unie te besoek, waaruit hulle, indien hulle sonder 'n geldige paspoort gevind word, onmiddellik gerepatrieer sal word.

*Artikel XXVI.*

Alle gelde, betaalbaar ooreenkomstig hierdie Konvensie, hetsy belastinge, fooie, lone of enige ander gelde, moet in goud betaal en vereffen word.

*Artikel XXVII.*

'n Portugese Amptenaar, wie se naam aan die Regering van die Unie meegedeel moet word, sal op Johannesburg die pligte onderneem van Kurator vir alle Portugese Naturelle woonagtig in die Unie en belas wees met die funksies van Konsul ten opsigte van sulke Naturelle en van alle ander Naturelle uit Portugese Kolonies. Bowedien word die vol-

*Article XXIII.*

Compensation moneys due to Portuguese Natives in respect of accidents, or sickness, contracted on the Mines shall be paid to the Native in the presence of the Curator in accordance with a procedure to be arranged between the Union Director of Native Labour and the Curator.

*Article XXIV.*

The provisions of the Miners' Phthisis Acts Consolidation Act, 1925, of the Union, and any amendment thereof in regard to the award of benefits to Natives resident outside the Union and in regard to the examination of Natives for that purpose by medical officers resident outside the Union shall apply also to Portuguese Natives on their return to Mozambique.

*Article XXV.*

Only in very special cases shall the Officials of the Government of Mozambique issue passports to Portuguese Native women enabling them to visit the Union whence, if they are found without a valid passport, they shall be immediately repatriated.

*Article XXVI.*

All moneys payable under this Convention whether taxes, fees, wages or any other moneys shall be paid and settled in gold.

*Article XXVII.*

A Portuguese Official, whose name shall be communicated to the Union Government shall undertake at Johannesburg the duties of Curator for all Portuguese Natives resident in the Union and shall be charged with the functions of a Consular Officer with respect to such Natives and all other Natives from Portuguese Colonies. In addition the following powers and

gende bevoegdthede en pligte aan hom verleen en opgelê ten aansien van Portugese Naturelle :—

*a)* Om die outoriteite van die Unie te nader met die doel om tot 'n verstand houding te kom in alle sake be treffende Portugese Naturell. in die Unie ;

*b)* om alle gelde en belastings in te vorder, wat betaalbaar is aan die Kurator kragtens hierdie Konvensie ten opsigte van Portugese Naturelle werksaam in die Unie ;

*c)* om paspoorte uit te reik of te weier aan Portugese Naturelle wat in die Unie gekom het sonder 'n paspoort van die Portugese Outoriteite en om gevolg te gee aan die voorbehoud in Artikel XVI in oorleg met die Departement van Naturelle Sake van die Unie ;

*d)* om onderworpe aan die bepalings van hierdie Konvensie die vernuwning van paspoorte aan Portugese Naturelle toe te staan of te weier ;

*e)* om met alle middele tot sy beskikking die registrasie op sy Kantoor van alle Portugese Naturelle in die Unie te bevorder ;

*f)* om 'n agentskap te organiseer vir die in bewaringgewing en oormak van gelde behorende aan Portugese Naturelle ;

*g)* om na te gaan hoe die Portugese Naturelle aan die verskillende Myne toegewys is en van laasgenoemde maandelikse state te verkry waarin die beweging van Naturelle, hul lone en aantal werkdade aangetoon word ;

*h)* om, desverlangd, die ondersoeke by te woon wat die owerheid van die Unie mag instel in verband met ernstige geskille of werkstaking, waarby Portugese Naturelle betrokke is ;

*i)* om die belange en welvaart van Portugese Naturelle te behartig, die Regering van die Unie asook die Myne te nader, wanneer nodig die werkplekke en behuising van die Naturelle te besoek, aan wie altyd geleentheid gegee word om aan die Kurator hul eise of ander sake voor te lê ;

*j)* om in ooreenstemming met die owerheid van die Unie reëlings te tref vir die repatriasie van Portugese Naturelle, wie se repatriasie deur die Regering van Mosambiek verlang word, en vir die opskorting of intrekking van hul kontrakte ;

duties shall attach to him in respect of Portuguese Natives :—

*(a)* To approach the Union Authorities with a view to arriving at an understanding in all matters relating to Portuguese Natives in the Union ;

*(b)* To collect all fees and taxes payable to the Curator under this Convention in respect of Portuguese Natives employed in the Union ;

*(c)* To issue or refuse passports to Portuguese Natives who may have entered the Union without a passport issued by the Portuguese Authorities and to give effect to the proviso in Article XVI in consultation with the Union Department of Native Affairs ;

*(d)* Subject to the terms of this Convention to grant or refuse the renewal of passports to Portuguese Natives ;

*(e)* To promote by all means at his command the registration at his Office of all Portuguese Natives in the Union ;

*(f)* To organize a Deposit and Transfer Agency for moneys belonging to Portuguese Natives ;

*(g)* To ascertain the allotment of Portuguese Natives to the different Mines and to obtain from the latter monthly returns showing the movement of the Natives, their wages and number of working days ;

*(h)* To attend, if so requested, at any enquiry that the Union Authorities may institute respecting grave disputes or strikes in which Portuguese Natives are involved ;

*(i)* To look after the interest and welfare of the Portuguese Natives, approaching the Union Government and the Mines, when necessary, to visit the localities of employment and residence of the Natives to whom facilities shall always be given for submitting to the Curator their claims or other matters ;

*(j)* In agreement with the Authorities of the Union to arrange the repatriation of Portuguese Natives whose repatriation is desired by the Government of Mozambique, and the suspension or cancellation of their contracts ;

*k*) Om in ooreenstemming met die werkgewers aan Portugese Naturelle verlof toe te staan of te weier om Mosambiek te besoek tydens die duur van hul kontrakte ;

*l*) om amptenare onder sy toesig aan te stel teneinde die bepalings van hierdie Konvensie in die Unie uit te voer, waarook Portugese Naturelle aangetref mag word, indien die Kurator die bepalings nie, deur die werkplekke persoonlik te besoek, kan uitvoer nie ;

*m*) om aan sy ondergeskiktes sulke bevoegdhede as hy nodig mag ag vir die uitvoering van sy pligte, op te dra ;

mits aan die Regering van die Unie van die oordrag van enige bevoegdhede van die Kurator onder paragrawe *l*) en *m*) van hierdie Artikel kennis gegee word.

#### Artikel XXVIII.

Die Regering van die Unie sal aan die Kurator by die uitoefening van sy pligte onder hierdie Konvensie alle nodige hulp verleen.

#### Artikel XXIX.

Niks in hierdie Konvensie vervat sal afbreuk doen aan enige regte verkry, of verpligtinge aangegaan, deur Naturelle werklik in diens van die Myne, of deur hul werkgewers uit kragte van ooreenkomste wat bestaan voor die inwerkingtreeding van hierdie Konvensie, onderworpe aan die bepalings van die eerste paragraaf van Artikel VI van die Konvensie van 1 April 1909.

#### Artikel XXX.

By die verstryking van hierdie Konvensie sal die bepalings daarvan van toepassing bly op Portugese Naturelle wat dan in diens is, en die Kurator sal y werksaamhede hangende die repatriasie van sodanige Naturelle voortsit. In hierdie geval bly die bepalings vervat in Artikel XXVIII van toepassing.

*k*) In agreement with the employers to grant or refuse leave to Portuguese Natives to visit Mozambique during the term of their contracts ;

*l*) To appoint any of the officials under his control to carry out the provisions of this Convention within the Union wherever Portuguese Natives may be found in case the Curator is unable to carry them out personally by visiting the places of employment ;

*m*) To delegate such powers to his subordinates as he thinks fit for the carrying out of his duties provided that the Union Government be advised of the delegation of any powers of the Curator under paragraphs *l*) and *m*) of this Article.

#### Article XXVIII.

The Union Government shall afford the Curator all necessary assistance in the performance of his duties under this Convention.

#### Article XXIX.

Nothing in this Convention shall detract from any rights acquired or liabilities incurred by Natives actually in employment upon the Mines or by their employers in terms of arrangements existing prior to the coming into force of this Convention, subject to the provisions of the first paragraph of Article VI of the Convention of 1st April, 1909.

#### Article XXX.

On the expiration of this Convention, its terms shall apply in respect of Portuguese Natives then employed, and the Curator shall continue his functions pending the repatriation of such Natives.

In such event the provisions of Article XXVIII shall continue to apply.

## DEEL II.

## HAWE EN SPOORWEË.

*Artikkel XXXI.*

Die Regering van die Unie en die Regering van Mosambiek sal die nodige maa-reëls en stappe neem om uitvoering te gee aan die bepalings van hierdie Konvensie insake die invoer- en uitvoerverkeer van die Unie oor die hawe van Lourenço Marques.

*Artikkel XXXII.*

Onderworpe aan die bepalings van Artikel XXXIII onderneem die Regering van die Unie om aan die hawe en spoorweë van Lourenço Marques (hierna verder genoem Porto e C. F. L. M.) van vyftig tot vyf-en-vyftig persent van die totale hoeveelheid oorsese handelsgoedereverkeer naar die « konkurensiestreek » te verseker :

*a)* Vir die doel van die berekening van die persentasie vermeld in hierdie Artikel word die goedere van oorsee 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.

*Artikkel XXXIII.*

As die hoeveelheid oorsese handelsgoedereverkeer, wat deur die hawe van Lourenço Marques na die « konkurensiestreek » gaan, gedurende die tydperk wat hierdie Konvensie in werking is, minder as vyftig persent of meer as vyf-en-vyftig persent van die totale hoeveelheid van sodanige verkeer na daardie streek oor al die hawens bedra, het een van beide Spoorwegadministrasies die reg om te vorder dat stappe gedoen word om gevolg te gee aan die

## PART II.

## PORT AND RAILWAYS.

*Article XXXI.*

The Union Government and the Government of Mozambique shall adopt the necessary means and methods to give effect to the provisions of this Convention regarding the import and export traffic of the Union conveyed through the Port of Lourenço Marques.

*Article XXXII.*

Subject to the provisions of Article XXXIII, the Union Government undertakes to secure to the Port and Railways of Lourenço Marques (hereinafter called Porto e C. F. L. M.) from fifty to fifty-five 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 stations 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.

*Article XXXIII.*

If, during the period this Convention is in force, the tonnage of commercial sea-borne goods traffic passing through the Port of Lourenço Marques to the " competitive area " falls below fifty per cent. or exceeds fifty-five per cent. of the total tonnage of such traffic to that area *via* all ports, either Railway Administration shall have the right to claim that steps be taken to give effect to the provisions of Article XXXII, in which event the two

bepalings van Artikel XXXII en in sodanige geval moet die twee Administrasies by onderlinge ooreenkoms sodanige stappe bepaal. Enige vermindering in die persentasie van sodanige verkeer deur die hawe van Lourenço Marques, veroorsaak deur 'n omstandigheid waaroor die Regering van die Unie geen mag het nie, word uitgesluit van bogemelde bepaling.

Tensy anders ooreengokom, vind alle herreëlings, wat kragtens die terme van hierdie Artikel by ooreenkoms gemaak word, elke ses maande plaas, en word die persentasie van hoeveelheid bereken oor tydperke van ses maande eindigende op die dertigste Junie en die een-en-dertigste Desember van elke jaar.

*Artikel XXXIV.*

As spoorwegtariewe vir die verkeer van Lourenço Marques na stasies in die Unie gewysig moet word, word sodanige wysiging deur die Suid-Afrikaanse Spoorweg- en Haweadministrasie (hierna verder genoem die S. A. S. en H.) na raadpleging met die Administrasie van Porto e C. F. L. M. aangebring.

Die Administrasie van die S. A. S. en H. moet, alvorens enige verandering aan te bring in die tariewe van enige hawe na sodanige stasies, die kwessie oorweeg of die verandering die hoeveelheid verkeer oor die hawe van Lourenço Marques nadelig sal beïnvloed.

Die bepalinge van hierdie Artikel is eweneens van toepassing op tariewe geldende vir die verkeer na nuwe lyne wat binne die Unie na die inwerkingtreding van hierdie Konvensie vir eksploitasie geopen word.

*Artikel XXXV.*

Onderworpe aan onderlinge ooreenkoms tussen die twee Spoorwegadministrasies, word die tariewe vir die produkte van die grond of van die nywerheid van Mosambiek en van die Unie wat vervoer word van die een land na die ander vir plaaslike verbruik, bereken op 'n deurgaande grondslag teen die vasgestelde S. A. S.-tariewe, wat van tyd tot tyd voorgeskryf word vir die vervoer van soortgelyke goedere oor die S. A. S. vir verbruik binne die Unie.

Administrations shall mutually agree as to such steps. From the aforesaid provision shall be excepted the case of any diminution in the percentage of such traffic through the Port of Lourenço Marques occasioned by any circumstance not within the control of the Union Government.

Except by mutual consent, any adjustment agreed upon in terms of this Article shall take place every six months, and the percentage of tonnage shall be calculated over periods of six months, ending on the thirtieth of June and the thirty-first of December of each year.

*Article XXXIV.*

If railway rates on traffic from Lourenço Marques to stations in the Union are to be altered, such alteration shall be arranged by the South African Railways and Harbours Administration (hereinafter called the S. A. R. and H.) after consultation with the Porto e C. F. L. M. Administration.

The S. A. R. and H. Administration shall, before effecting any alteration in the rates from any port to such stations, give consideration to the question as to whether the alteration may be detrimental to the volume of traffic passing through the Port of Lourenço Marques.

The provisions of the present Article are likewise applicable in the case of rates on traffic to new lines opened for working within the Union after this Convention comes into force.

*Article XXXV.*

Subject to mutual agreement between the two Railway Administrations, the rates for any of the products of the soil or of the industry of Mozambique and of the Union, conveyed from one country to the other for local consumption shall be calculated on a throughout basis at the S. A. R. scheduled rates prescribed from time to time for the carriage of goods of the same description over the S. A. R. for consumption within the Union.



*Artikkel XXXVI.*

Tensy anders tussen die twee Spoorweg-administrasies ooreengekom, mag die spoorwegtariewe voorgeskryf deur hulle vir die vervoer van goedere van S. A. S.-stasies, of oor die S. A. S., na Lourenço Marques, bestem vir uitvoer oorsee buite Suid-Afrika of Suidwes-Afrika, in geen geval die spoorwegtariewe van tyd tot tyd voorgeskryf vir die uitvoer van soortgelyke goedere, vervoer oor dieselfde afstande binne die Unie na enige Uniehawe te bowe gaan nie.

*Artikkel XXXVII.*

Die verdeling van inkomste uit spoorwegtariewe vir die vervoer van goedere van S. A. S.-stasies na C. F. L. M.-stasies, en omgekeerd, word by onderlinge ooreenkoms tussen die twee Spoorwegadministrasies gereël, en by afwesigheid van 'n onderlinge ooreenkoms in ander sin, word verminderings of vermeerderings in die inkomste, veroorsaak deur veranderings in die spoorwegtariewe, verdeel tussen die twee Spoorwegadministrasies in verhouding tot die verdeling wat bestaan het voor sodanige verandering.

Die verdeling van 'n tarief geskied op die grondslag van gemiddelde persentasies, waartoe ooreengekom word, of op die van vasgestelde verhoudings. Beide Administrasies het die reg om te eis dat die verdelingsgrondslag van 'n tarief hersien moet word by tussenpose van minstens twaalf maande.

Wanneer goedere oorgebring is van een klas na 'n ander, word die tarief gevorder vir die vervoer van sodanige goedere verdeel op dieselfde grondslag as die verdeling van die tarief, onder welke dit oorgebring is.

*Artikkel XXXVIII.*

Met betrekking tot invoer- en uitvoerverkeer van die Unie deur die hawe van Lourenço Marques, word die regte en heffings in die hawe van Lourenço Marques, vir sover dit uitvoerbaar is, gehê in die selfde vorm as die regte en heffings wat van tyd tot tyd van krag is in die hawens van die Unie, met die verstande dat, tensy dit anders onderling ooreengekom is, die regte en heffings soortgelyke heffings by Unie-hawens nie mag oorskry nie.

*Article XXXVI.*

Unless otherwise mutually agreed upon between the two Railway Administrations, the railway rates prescribed by them on traffic from S. A. R. stations, or *via* the S. A. R., to Lourenço Marques for export oversea beyond South or South-West Africa, shall in no case exceed the railway rates prescribed from time to time for similar traffic carried like distances within the Union to any Union port for export.

*Article XXXVII.*

The division of receipts derived from railway rates charged for the carriage of goods traffic from S. A. R. stations to C. F. L. M. stations, and *vice versa*, shall form the subject of mutual agreement between the two Railway Administrations; and, unless otherwise mutually agreed upon, reductions or increases in the receipts occasioned by alterations in the railway rates shall be shared by the two Administrations in proportion to the division existing before any such alteration.

The division of any rate shall be on the basis of agreed average percentages or by means of fixed proportions. Either Administration shall have the right to claim that the basis of division of any rate shall be reviewed at intervals of not less than twelve months.

When goods have been transferred from one class to another, the rate charged for the carriage of such goods shall be divided on the same basis as the division of the rate to which they have been transferred.

*Article XXXVIII.*

With regard to import and export traffic of the Union passing through the Port of Lourenço Marques, the Dues and Charges at the Port of Lourenço Marques shall, as far as practicable, be levied in the same form as the Dues and Charges operating from time to time at the Harbours of the Union, provided that, unless otherwise mutually agreed upon, the dues and charges shall not exceed similar charges at Union ports.

*Artikel XXXIX.*

In onderhandelings met 'n stoomvaartmaatskappy onderneem die Regering van die Unie om, indien en wanneer die Regering van Mosambiek dit vra, stappe te doen om die posiesie van Lourenço Marques in sy verhouding tot die Unie as 'n hawe van invoer en uitvoer vir daardie gedeelte van die Unie, wat deur hom bedien word, te bespreek.

*Artikel XL.*

'n Raad van Advies word deur die Regering van Mosambiek in die lewe geroep, die werksaamhede waarvan sal wees om oorweging te verleen aan, en advies te gee in verband met, die beste middels om die uitvoer van goedere van daardie gedeelte van die Unie, wat natuurlikerwyse bedien word deur die hawe van Lourenço Marques, te bevorder.

Die Regering van die Unie word deur die Regering van Mosambiek gevra om on die Raad van Advies te benoem drie lede, wat die nywerheid, handel en landbou van die Unie, of sodanige ander belange as die Regering van die Unie van tyd tot tyd mag bepaal, verteenwoordig.

Afskrifte van die notule van die werksaamhede van die Raad en alle verslae opgestel deur die Raad moet in Engels of Afrikaans aan die Regering van die Unie verstrekk word binne veertien dae na elke vergadering van die Raad of na die indiening van 'n verslag deur die Raad by die Regering van Mosambiek.

*Artikel XLI.*

Aangaande alle ander sake rakende die twee Spoorwegadministrasies, waarvoor geen voorsiening in hierdie Konvensie gemaak is nie, sal die Direkteur van die Porto e C. F. L. M. en die Hoofbestuurder van die S. A. S. en H. geredelik mekaar raadpleeg, en alle sodanige sake word van tyd tot tyd by ooreenkoms tussen die twee Spoorweg-administrasies gerêel.

*Artikel XLII.*

As die Bestuur van die gebied, bekend as Swasieland, oorgedra word aan die Unie in

*Article XXXIX.*

The Union Government undertakes, if and when requested by the Government of Mozambique, in any negotiations with any Shipping Company, to take steps to discuss the position of Lourenço Marques in its relation to the Union as a harbour dealing with import and export traffic of that portion of the Union served by that port.

*Article XL.*

An Advisory Board shall be established by the Government of Mozambique, the functions of which shall be to consider and advise as to the best means of furthering the export of traffic from that portion of the Union naturally served by the Port of Lourenço Marques.

The Union Government shall be invited by the Government of Mozambique to nominate *three* members on the Advisory Board representative of the industry, commerce, and agriculture of the Union or of such other interests as the Union Government may from time to time determine.

Copies of the Minutes of the proceedings of the Board and all reports prepared by the Board shall be furnished to the Union Government, in the English or Afrikaans language, within fourteen days of any meetings of the Board or the submission of any report by the Board to the Government of Mozambique.

*Article XLI.*

With regard to all other matters affecting the two Railway Administrations, not provided for in this Convention, the Director of the Porto e C. F. L. M. and the General Manager of the S. A. R. and H. shall consult freely, and all such matters shall form the subject of agreement from time to time between the two Railway Administrations.

*Article XLII.*

The Union Government undertakes, should the Government of the territory known as

ooreenstemming met Artikel 151 van die Suid-afrika Wet, 1909, onderneem die Regering van die Unie om die Spoorweg- en Haweraad van die Unie te versoek om oorweging te verleen aan, en verslag uit te bring oor, die vraag van spoorwegfasiliteite in die gebied van Swasieland, insluitende die verskaffing van spoorwegverbinding met die bestaande spoorweglyn van Lourenço Marques in die rigting van Swasieland.

*Artikel XLIII.*

Vir die doel van besuiniging en doeltreffendheid, word die lokomotiewe, treine en die treinpersoneel, wat daarvoor beheer het, nie noodwendig beperk tot die lyne van die Administrasie, waaraan hulle behoort nie, maar kan hulle vir sover die twee Spoorweg-administrasies hieromtrent onderling ooreenkom, ook gebruik word oor die spoorweglyne van die ander Administrasie.

*Artikel XLIV.*

Vir die doel van hierdie Konvensie beteken die Administrasie van die S. A. S. en H. en die Administrasie van die Porto e C. F. L. M. elke gesag aan wie die beheer van, en toesig oor die spoorweë en hawens in die Unie en in Mosambiek onderskeidelik asdan opgedra is.

DEEL III.

DOEANE- EN HANDELSOMGANG.

*Artikel XLV.*

Die Regering van die Unie en die Portugese Regering, wat Mosambiek aangaan, verleen aan mekaar oor en weer die behandeling van die mees begunstigde nasie, soos hieronder vermeld :—

Die produkte van die grond of van die nywerhede van die Unie, by invoer in Mosambiek, en omgekeerd die produkte van die grond of van die nywerhede van Mosambiek, by invoer in die Unie, sal nie onderhewig wees aan ander of hoër regte of heffings as die wat gehef

Swaziland be transferred to the Union in accordance with Section 151 of the South Africa Act, 1909, to request the Railways and Harbours Board of the Union to consider and report upon the question of railway facilities in the territory of Swaziland, including the provision of railway connection with the existing railway line from Lourenço Marques in the direction of Swaziland.

*Article XLIII.*

For the purpose of economy and efficiency, the engines, trains, and running staffs in charge thereof, shall not necessarily be restricted to the lines of the Administration to which they belong, but may, so far as the two Railway Administrations mutually agree, be utilized over the railway lines of the other Administration.

*Article XLIV.*

For the purposes of this Convention, the Administration of the S. A. R. and H. and the Administration of the Porto e C. F. L. M. 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.

PART III.

CUSTOMS AND COMMERCIAL INTERCOURSE

*Article XLV.*

The Union Government and the Portuguese Government, so far as concerns Mozambique, shall grant to each other reciprocally the treatment of the most favoured nation, as hereinafter stated :—

The products of the soil or of the industries of the Union shall, on importation into Mozambique, and *vice versa* the products of the soil or of the industries of Mozambique shall, on importation into the Union, not be subject to other or higher duties or charges than those which are

word of mag word op dergelike produkte van enige ander land ; met die verstande dat—

*a)* produkte van die Unie nie op die doeanevoorregte, wat deur Mosambiek vergun word, of hierna vergun mag word, aan die produkte van Portugal, Madeira, die Asore en die Portugese kolonies sal geregtig wees nie ;

*b)* produkte van Mosambiek nie geregtig sal wees nie op sodanige mienuim invoerregte of kortings as onder die wetgewing van die Unie vergun word, of hierna vergun mag word, ten aansien van produkte van Groot Britanje en Noord-Ierland en van die Britse Vrygeweste, Kolonies of Besittings daarvandaan vir verbruik in die Unie ingevoer ;

*c)* produkte van Mosambiek nie geregtig sal wees nie op die voorregte wat verleen word aan die produkte van Suid- en Noord-Rhodesië en van die gebiede van Basoetoland, Swasieland en die van die Betsjocanaland-Protectoraat, ingevolge die doeane-ooreenkomste, wat nou bestaan, of dergelike ooreenkomste wat hierna aangegaan mag word tussen die Regerings van die Unie en van die genoemde lande en grondgebiede ;

*d)* Die heffing van dumpingregte hetsy deur die Regering van die Unie, hetsy deur die Regering van Mosambiek in belang van 'n nywerheid binne die Unie of Mosambiek respektiewelik opgerig, nie as onbestaanbaar met die bepaling van hierdie konvensie behou sal word nie.

#### *Artikel XLVI.*

Die produkte van die grond of van die nywerhede van die Unie, in die aangehegte Bylae « B » uiteengesit, sal in Mosambiek toegelaat word sonder betaling van enige invoerregte, en wederkeriglik sal die produkte van die grond of van die nywerhede van Mosambiek, in die aangehegte Bylae « A » uiteengesit, in die Unie toegelaat word sonder betaling van enige invoerregte.

#### *Artikel XLVII.*

*a)* In geval 'n aksyns of ander binnelandse reg in die Unie gehêf word van soortgelyke produkte van die Unie as die in Bylae « A »

or may be levied on the like products of any other country ; provided that —

*(a)* Products of the Union shall not be entitled to the customs privileges which are or may hereafter be accorded by Mozambique to the products of Portugal, Madeira, the Azores, and the Portuguese colonies ;

*(b)* Products of Mozambique shall not be entitled to such minimum rates or rebates as under the legislation of the Union are or may hereafter be granted in respect of products of Great Britain and Northern Ireland and the British Dominions, Colonies, or Possessions when imported therefrom for consumption within the Union ;

*(c)* Products of Mozambique shall not be entitled to the privileges accorded to the products of Southern and Northern Rhodesia and of the territories of Basutoland, Swaziland, and the Bechuanaland Protectorate, by virtue of the customs agreements now existing or agreements of a like nature hereafter concluded between the Governments of the Union and of the said countries and territories ;

*(d)* The levying of dumping duties by either the Union Government or the Mozambique Government, in the interest of an industry established within the Union or Mozambique respectively, shall not be deemed to be incompatible with the provisions of this Convention.

#### *Article XLVI.*

The products of the soil or of the industries of the Union, as set forth in Schedule B annexed, shall be admitted into Mozambique without payment of any import duties, and reciprocally the products of the soil or of the industries of Mozambique, as set forth in Schedule A annexed, shall be admitted into the Union without payment of any import duties.

#### *Article XLVII.*

*(a)* In the event of any excise or other internal duty being imposed in the Union on any products of the Union similar to those

vermeld, of, in Mosambiek, van soortgelyke produkte van Mosambiek as die in Bylae « B » vermeld, sal 'n ooreenstemmende reg of ekstra-belasting by invoer gehef word van soortgelyke produkte van Mosambiek of van die Unie respektiewelik.

*b)* By invoer in Mosambiek sal die produkte van die Unie in Bylae « B » vermeld-en by invoer in die Unie sal die produkte van Mosambiek in Bylae « A » vermeld, onderhewig wees aan die laagste munisipale of ander binnelandse belastings wat in Mosambiek en in die Unie, respektiewelik, gehef word of sal word.

#### Artikkel XLVIII.

Alle produkte van die grond of van die nywerhede van die Unie sal by deurvoer deur Mosambiek, en alle produkte van die grond of van die vywerhede van Mosambiek, by deurvoer deur die Unie vrygestel wees van deurvoer-, uitvoer- of heruitvoerbelaasting in Mosambiek en in die Unie, respektiewelik, maar ronderhewig bly aan hawegelde, en, in die geval van Mosambiek aan die belasting bekend as die handelsbydrae, aan vuurtoringgelde en seëlregte, met die volgende voorbehoude :—

*a)* Die deurvoer deur, of heruitvoer van, Mosambiek van alle minerale, met insluiting van bunkersteenkool, wat die produkte van die Unie is, sal vry van invoer- of enige ander belastings in Mosambiek wees ;

*b)* Die deurvoer deur, of heruitvoer van, Mosambiek van goue munt na, of van, die grondgebied van die Unie sal vry van invoer- of enige ander belastings in Mosambiek wees.

#### Artikkel XLIX.

*a)* Goedere van enige oorsprong of nasionaliteit wat in deurvoer is deur, of weeruitgevoer word van, die distrik Lourenço Marques en bestem is vir die Unie, sal vry wees van alle deurvoer- en heruitvoer-belaasting in Lourenço Marques, behalwe van die handelsbydrae, vuurtoringgelde en seëlregte.

*b)* Goedere van enige oorsprong of nasionaliteit wat in deurvoer deur die Unie is, of weer uitgevoer word, en vir Mosambiek bestem is, sal vry wees van alle deurvoer en heruitvoerbelaasting in die Unie.

specified in Schedule A, or in Mozambique on any products of Mozambique similar to those specified in Schedule B, a corresponding duty or surtax shall, on importation, be levied on the like products of Mozambique or of the Union respectively.

*(b)* The products of the Union specified in Schedule B, when imported into Mozambique and the products of Mozambique specified in Schedule A when imported into the Union, shall be liable to the lowest municipal or other internal taxes levied or to be levied in Mozambique and the Union respectively.

#### Article XLVIII.

All products of the soil or of the industries of the Union passing in transit through Mozambique, and all products of the soil or of the industries of Mozambique passing in transit through the Union, shall be exempt from transit, export, or re-export duties in Mozambique and the Union respectively, but shall remain liable to port charges, and in the case of Mozambique to the tax known as the commercial contribution, to lighthouse dues and stamp duties, subject to the following reservations :—

*(a)* The transit through or re-exportation from Mozambique of minerals of all kinds, including coal for bunkers, being the products of the Union, shall be free of customs duties or any other taxes whatsoever in Mozambique ;

*(b)* The transit through or re-exportation from Mozambique of gold coin to or from the territory of the Union shall be free of customs duties and any other taxes whatsoever in Mozambique.

#### Article XLIX.

*(a)* Goods of any origin or nationality passing in transit through or re-exported from the district of Lourenço Marques and destined for the Union, shall be free of all transit and re-export duties in Lourenço Marques, except the commercial contribution, lighthouse dues, and stamp duties.

*(b)* Goods of any origin or nationality passing in transit through or re-exported from the Union and destined for Mozambique shall be free of all transit and re-export duties in the Union.

## Artikkel L.

Goedere van enige oorsprong of nasionaliteit wat oor land van die Unie in die distrik Lourenço Marques aankom vir verskeping van Lourenço Marques sal vry wees van alle deurvoer- en heruitvoerbelastings, behalwe vuurtoringgelde en seëlregte.

## Artikkel LI.

1. Goedere uit doeanepakhuse en uit entrepotpakhuse binne die distrik Lourenço Marques sal in die Unie toegelaat word na betaling van die belastings wat in die Unie van krag is op die datum van inkom; en *ad valorem* regte sal bereken word op die waarde van die goedere in die land vanwaar hulle na Lourenço Marques uitgevoer is op die tyd van uitvoer.

2. Sodanige goedere sal in Lourenço Marques vrygestel wees van die betaling van enige deurvoer- of heruitvoerbelastings, behalwe hawegelde, die handelsbydrae en seëlregte.

3. Invoerders van sodanige goedere in die Unie sal voldoende getuienis moet lewer om die doeanes van die Unie omtrent die waarde daarvan tevrede te stel, en ook enige informasie, wat nodig mag wees vir die beskerming van die inkomste van die Unie verskaf.

## Artikkel LII.

Die Regerings van die Unie en Mosambiek onderneem om die onderlinge handelsverkeer nie deur die oplegging van verbodsbepalings of besondere beperkings op die invoer in, of uitvoer van, hulle respektiewe grondgebiede te belemmer nie. Uitsonderings kan gemaak word—

1. ter wille van die publieke veiligheid of volksgesondheid en op morele en mensliwende gronde ;

2. terwille van die beskerming van diere en plante teen siekte, insekte en skadelike parasiete of vir hulle bewaring teen ontarding of uitsterwing ;

3. ten aansien van wapens, ammunisie en krygsmateriaal, en, onder buitengewone omstandighede, ander militêre voorrade ;

## Article L.

Goods of any origin or nationality arriving in the district of Lourenço Marques from the Union by land for shipment from Mourenço Marques, shall be free of all transit and re-export duties, except lighthouse dues and stamp duties.

## Article LI.

1. Goods *ex* customs warehouses and *ex* bonded warehouses within the district of Lourenço Marques shall be admitted into the Union upon payment of the duties in force in the Union at the time of entry thereto, *ad valorem* duties to be assessed on the value of the goods in the country whence exported to Lourenço Marques at the time of exportation.

2. Such goods shall be exempt in Lourenço Marques from the payment of any transit or re-export duties, except port charges, the commercial contribution and stamp duties.

3. Importers of such goods into the Union will be required to produce sufficient evidence to satisfy the Union customs as to their value and also to furnish any other information which may be required for the protection of the revenue of the Union.

## Article LII.

The Governments of the Union and Mozambique undertake not to impede the mutual trade by the imposition of any prohibitions or special restrictions upon imports into or exports from their respective territories, but exceptions may be made—

1. In consideration of the public safety, or public health, and on moral or humanitarian grounds ;

2. In consideration of the protection of animals and plants against disease, insects and harmful parasites, or for their preservation from degeneration or extinction ;

3. In respect of arms, ammunition and implements of war, and, under exceptional circumstances, other military supplies ;

4. ten aansien van die uitvoer van nasionale skatte van artistieke, historiese of oudheidkundige waarde ;

5. ten aansien van goedere wat voorwerpe van 'n Staatsmonopolie is of mag word ;

6. ten aansien van goedere in 'n gevangenis of strafgevangenis gemaak ;

7. deur die toepassing op ingevoerde produkte van die verbode of beperkings wat opgelê word, of mag word, ten aansien van die produksie, verkoop, vervoer of verbruik van soortgelyke plaaslike produkte ;

8. deur die uitvoer van hulle produkte aan sekere voorwaardes te onderwerp met die doel om die gehalte te verseker en om die goeie naam van daardie produkte te behou, en ter selfder tyd 'n produkte waarborg aan die buitelandse kopers te verskaf ;

met die voorbehoud dat sodanige verbode beperkings ter selfder tyd en op dieselfde manier en in dieselfde mate toegepas sal word op a of de lande waar soortgelyke gronde bestaan vir die toepassing van sodanige maatreëls, en met die verdere voorbehoud dat hulle nie 'n vermomde beperking op die onderlinge handel uitmaak nie.

4. In respect of the export of national treasures of artistic, historic or archaeological value ;

5. In respect of goods which are or may be objects of a State monopoly ;

6. In respect of prison- or penitentiary-made goods ;

7. 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 ;

8. 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.

#### DEEL IV.

##### GEMENGDE BEPALINGS.

##### *Artikel LIII.*

Met betrekking tot die bepalings van hierdie Konvensie onderneem die Unie Regering en die Portugese Regering—

*a)* om alle maatreëls te neem en alle wette te passeer wat nodig mag wees vir die getroue nalewing van die Artikels hierin vervat ;

*b)* geen maatreëls te neem en geen wette te passeer wat die uitwerking daarvan mag vernietig of verminder nie.

##### *Artikel LIV.*

Hierdie Konvensie sal van krag wees vir 'n tydperk van 10 jaar van die datum van onder-

#### PART IV.

##### MISCELLANEOUS.

##### *Article LIII.*

With respect to the provisions of this Convention the Union Government and the Portuguese Government undertake :

*(a)* To adopt all measures and to enact all laws that may be necessary for the exact fulfilment of the Articles herein contained ;

*(b)* Not to adopt measures and not to enact laws annulling or diminishing its effects.

##### *Article LIV.*

This Convention shall be in force for a period of 10 years from the date of the signing

tekening en sal daarna van grag bly tot na die afloop van 12 maande van die datum af waarop een van die Regerings dit opgesê het; met die verstande dat dit 5 jaar na datum van ondertekening elke Regering vry sal staan om 'n hersiening van die terme daarvan te eis, waarna, by gebreke van wedersydse ooreenkoms, die Konvensie sal verval ses maande na datum van ontvangs van kennisgewing van beëindiging.

*Artikel LV.*

Jare en maande waarna verwys word in die bepalings van hierdie Konvensie sal altyd kalenderjare en maande beteken, tensy iets anders uitdruklik bepaal is.

*Artikel LVI.*

Elke geskil wat mag rys in verband met die uitleg of die toepassing van hierdie 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 Arbitrer 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 submissie, waaromtrent die Partye in elke besondere geval moet ooreenkom.

*Artikel LVII.*

Nieteenstaande iets vervat in Artikel LIV met betrekking tot die inwerkingtreding van hierdie Konvensie van die datum van tekening af, sal die bepalings van Artikels XLV en LI alleen in werking tree na uitwisseling van ratifikasies, welke uitwisseling van ratifikasies plaas sal hê sonder onnodige vertraging op Lissabon.

Ter oorkonde waarvan die Verteenwoordigers van die respektiewe Regerings die

thereof and shall thereafter remain in force until the expiration of 12 months from the date on which either of the Governments shall have denounced it; provided that five years after the date of the signing thereof it shall be open to either Government to call for a revision of its terms, whereupon in default of mutual agreement, the Convention shall lapse six months after the date of receipt of notice of termination.

*Article LV.*

Years and months referred to in the provisions of this Convention shall always be calendar years and months, save in so far as they may be otherwise specified.

*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 Arbitrer 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.

*Article LVII.*

Notwithstanding anything contained in Article LIV as to the coming into force of this Convention from the date of the signing thereof the provisions of Articles XLV and LI shall only come into operation after the exchange of ratifications, such exchange of ratifications to take place at Lisbon without undue delay.

In witness whereof the Representatives of the respective Governments have signed the



teenswoordige Konvensie geteken en hulle seëls daaraan geheg het.

Gedaan op Pretoria in triplikaat in Afrikaanse, Engelse en Portugese tekste op die Elfde dag van September 1928.

N. C. HAVENGA.  
C. W. MALAN.  
F. W. BEYERS.  
José Ricardo PEREIRA CABRAL.  
Carlos DE SÁ CARNEIRO.  
José D'ALMADA.

## BYLAE A.

Bone, gedroog.  
Byewas.  
Kokosnote.  
Gedroogde kokosnoot.  
Vis, vars en bevries.  
Vrugte, vars.  
Huide en velle, onbewerk.  
Kafferkoring, in die korrel.  
Wortelboombas en ekstrak.  
Maniokwortel, meel en styfisel.  
  
Giers, in die korrel.  
Oliekoek en oliemeel, vir voer van vee.  
Olies, van plante (behalwe van katoensaad).  
Oliesaad (behalwe grondboontjies).  
Uie, nie ingeleg nie.  
Aardappels.  
Rys.  
Sisalvesel.  
Tapioka.  
Timmerhout, gesaag, met insluiting van mynstutte en spoorwegdwarslêers.  
Houtskool.

## BYLAE B.

Diere vir aanteeldoelindes. Alle soorte.  
Diere, lewende, naamlik perde, muile, skape en bokke.  
Asbes.  
Gars, in die korrel.  
Botter, vars.  
Kaas.  
Steenkool.  
Springstowwe.  
Misstowwe.  
Vis, vars of bevries.

present Convention and have affixed thereto their seals.

Done at Pretoria in triplicate in English, Afrikaans and Portuguese texts on the eleventh day of September, 1928.

N. C. HAVENGA.  
C. W. MALAN.  
F. W. BEYERS.  
José Ricardo PEREIRA CABRAL.  
Carlos DE SÁ CARNEIRO.  
José D'ALMADA.

## SCHEDULE A.

Beans, dried.  
Beeswax.  
Coconuts.  
Copra.  
Fish, fresh or frozen.  
Fruits, fresh.  
Hides and skins, raw.  
Kaffir corn, in the grain.  
Mangrove bark and extract.  
Manioc in the root manioc, flour and manioc starch.  
Millet, in the grain.  
Oilcake and oilmeal, for stock food.  
Oils, vegetable (except from cotton-seed).  
Oilseeds (except ground-nuts).  
Onions, not preserved.  
Potatoes.  
Rice.  
Sisal fibre.  
Tapioca.  
Timber, rough-sawn, including mine props and railway sleepers.  
Vegetable charcoal.

## SCHEDULE B.

Animals for breeding purposes—all kinds.  
Animals, living, viz.: horses, mules, sheep and goats.  
Asbestos.  
Barley, in the grain.  
Butter, fresh.  
Cheese.  
Coal.  
Explosives.  
Fertilizers.  
Fish, fresh or frozen.

Vrugte, vars.	Fruits, fresh.
Voer en lusern.	Fodder and lucerne.
Hoenders en eende, lewend.	Fowls and ducks, living.
Huide en velle, onbewerk.	Hides and skins, raw.
Hawer, in die korrel of gebreek en hawer-meel.	Oats, in the grain or crushed, and oatmeal.
Uie, nie ingeleg nie.	Onions, not preserved.
Plante en bome vir aanplanting.	Plants, and trees for planting.
Aardappels.	Potatoes.
Saad vir saaidoeleindes.	Seeds for sowing.
Swawelsuur.	Sulphuric acid.
Groente, vars.	Vegetables, fresh.

---

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

N<sup>o</sup> 2239. — CONVENÇÃO ENTRE O GOVERNO DA REPUBLICA PORTUGUESA E O GOVERNO DA UNIÃO DA AFRICA DO SUL PARA REGULAREM A EMIGRAÇÃO DE INDIGENAS DA COLONIA DE MOÇAMBIQUE PARA A PROVINCIA DO TRANSVAAL, ASSIM COMO ASSUNTOS DE CAMINHOS DE FERRO E DE INTERCAMBIO COMERCIAL ENTRE A COLONIA DE MOÇAMBIQUE E A UNIÃO DA AFRICA DO SUL. ASSINADO EM PRETORIA, EM 11 DE SETEMBRO DE 1928.

---

O GOVERNO DA REPUBLICA PORTUGUESA (ao deante chamado Governo Português) e o GOVERNO DA UNIÃO DA AFRICA DO SUL (ao deante chamado Governo da União) animados do desejo de regular a emigração de indigenas da Colonia de Moçambique para a Provincia do Transvaal, assim como assuntos de caminhos de ferro e de intercambio comercial entre a Colonia de Moçambique (ao deante chamada Moçambique) e a União da Africa do Sul (ao deante chamada União) resolveram celebrar uma convenção para os ditos fins e nomearam seus Representantes para esse efeito a saber :

O GOVERNO PORTUGUÊS :

- O Senhor José Ricardo Pereira CABRAL, Tenente Coronel de Cavalaria, Governador Geral de Moçambique ;
- O Senhor Carlos DE SÁ CARNEIRO, Coronel de Engenharia, antigo director dos Caminhos de Ferro de Lourenço Marques ;
- O Bacharel José D'ALMADA, Sub-Director Geral do Ministerio das Colonias ;

E o GOVERNO DA UNIÃO :

- O Honourable Nicolaas Christiaan HAVENGA, Membro da Assembleia Legislativa, Membro do Conselho Executivo e Ministro das Finanças da União ;
- O Honourable Charl Wynand MALAN, Membro da Assembleia Legislativa, Membro do Conselho Executivo e Ministro dos Caminhos de Ferro e Portos da União ; e