



Treaty Series No. 9 (1930)

# CONVENTION

BETWEEN HIS MAJESTY'S GOVERNMENT  
IN THE UNION OF SOUTH AFRICA  
AND THE GOVERNMENT OF THE  
PORTUGUESE REPUBLIC

*regarding*

NATIVE LABOUR FROM  
MOZAMBIQUE, RAILWAY MATTERS  
AND COMMERCIAL INTERCOURSE

Pretoria, September 11, 1928

[*Ratifications exchanged at Lisbon, September 25, 1929*]

Presented by the Secretary of State for Foreign Affairs  
to Parliament by Command of His Majesty

LONDON:

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;

York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;

15, Donegall Square West, Belfast;

or through any Bookseller.

1930

Price 9d. Net

Cmd. 3495

**Convention between His Majesty's Government in the Union of South Africa and the Government of the Portuguese Republic regarding Native Labour from Mozambique, Railway Matters and Commercial Intercourse.**

*Pretoria, September 11, 1928.*

*[Ratifications exchanged at Lisbon, September 25, 1929.]*

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 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

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, Spoorwegaangeleenthede 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 '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

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 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 (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;

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 Sá  
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:—

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, Lieutenant-kolonel van die  
Ruitery, Goewerneur-  
Generaal van Mosambiek;

Senhor Carlos Sá  
Carneiro, Kolonel van  
die Sjenie, voormalige  
Direkteur van die Spoor-  
weë van Lourenço Mar-  
ques; en

Senhor José d'Almada,  
LL.D., Onder Direkteur-  
Generaal van die Minis-  
terie van die Kolonies;

Wat, na oorlegging  
van hul respektiewe  
volmagte, wat in goeie  
en behoorlike vorm be-  
vonde is, as volg ooreen-  
gekom het:—

O Bacharel José  
d'Almada, Sub-Director  
Geral do Ministerio das  
Colonias;

e o Governo da União:  
O Honourable Nico-  
laas 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

O Honourable Fredrik  
William Beyers, Con-  
selheiro do Rei, Membro  
da Assembleia Legisla-  
tiva, Membro do Con-  
selho Executivo e Mini-  
stro das Minas e das  
Industrias da União;

Os quaes depois de  
terem comunicado os  
seus respectivos poderes,  
que acharam em boa e  
devida fórma, concor-  
dam no seguinte:

Part I.—*Native Labour.*

ARTICLE 1.

The arrangements set  
out in Part I of this Con-  
vention apply to the re-  
cruitment 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 terri-  
tories of Mozambique,  
south of latitude 22  
degrees South, under

Deel I.—*Naturelle  
Arbeid.*

ARTIKEL 1.

Die reëlings vervat in  
Deel I van hierdie Kon-  
vensie is van toepassing  
op die aanwerving vir  
en op die indiensneming  
op, die Goud- en Steen-  
koolmyne van die Pro-  
vinsie Transvaal van die  
Unie (hierin verder "die  
Myne" genoem) van  
Naturelle uit die grond-  
gebied van Mosambiek,  
ten suide van die 22ste

Parte I.—*Trabalho  
Indigena.*

ARTIGO 1.

As disposições da  
Parte I desta Convenção  
regulam o recrutamento  
e o emprego nas minas  
de ouro e de carvão da  
Provincia do Transvaal  
(ao deante chamadas as  
Minas) de indigenas dos  
territorios de Moçambi-  
que sob a administração  
directa do Estado, ao sul  
do paralelo de 22 graus  
latitude sul (ao deante

direct State Administration (hereinafter termed "Portuguese Natives").

graad Suiderbreedte, onder direkte Staatsbeheer (hierin verder "Portugese Naturelle" genoem).

chamados Indigenas Portugueses).

#### ARTICLE 2.

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 53), 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.

#### ARTIEKEL 2.

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 Artiekel 53, 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.

#### ARTIGO 2.

O Governo Português autorisa o referido recrutamento e a subsequente repatriação dos indigenas portugueses, nos termos dos regulamentos em vigor á data de 16 de Maio de 1928 e das alterações neles introduzidas que não contrariem o disposto no Artigo 53, e em harmonia com as condições, facilidades e acórdos igualmente em vigor áquela data, no que depender da acção dos Governos de Moçambique e da União e no que não fôr alterado por esta Convenção.

#### ARTICLE 3.

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

#### ARTIEKEL 3.

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

#### ARTIGO 3.

O numero de indigenas portugueses empregados nas minas em 16 de Maio de 1928 será reduzido ao contingente maximo de 80,000 nos cinco anos seguintes á data desta Convenção, pela seguinte forma:

Em 31 de Dezembro de—

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

ARTICLE 4.

ARTIEKEL 4.

ARTIGO 4.

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").

Die aanwerving 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.

O recrutamento de indigenas portuguezes nos territorios de Moçambique com destino ás minas, a distribuição destes indigenas pelas minas e a sua repatriação até á fronteira portuguesa, terminados os periodos de contrato, ficarão a cargo de uma entidade, ou entidades, devidamente aprovadas pelos Governos de Moçambique e da União.

ARTICLE 5.

ARTIEKEL 5.

ARTIGO 5.

The recruitment of Portuguese Natives shall only be permitted to employees of an organization referred to in Article 4 (hereinafter termed the Recruiting Organization) to whom the Government of Mozambique has granted a recruiting licence valid for one year and renewable for yearly periods under the following conditions:—

Die aanwerving van Portugese Naturelle sal alleen toegelaat word aan persone in diens van 'n organisasie waarna verwys is in Artikel 4 (hierin verder genoem "die Werf-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:—

O recrutamento de indigenas portuguezes só poderá ser efectuado por individuos empregados de uma das entidades referidas no Artigo 4 (oa deante chamada Entidade Recrutadora), a quem o Governo de Moçambique tenha concedido uma licença para recrutar, válida por um ano e renovavel por periodos anuais, nas seguintes condições:—

- (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 appli-

- (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 appli-

- (a) Pagamento da taxa anual de £100 (cem libras esterlinas) por cada licença;
- (b) deposito da quantia de £100 (cem libras esterlinas) como caução, na Caixa do Tesouro em Lourenço Marques, á ordem da Direcção dos Serviços e Negocios Indigenas;
- (c) declaração, sem reservas e escrita pelo

cant for the licence, undertaking unreservedly to fulfil all the provisions of this Convention and of the regulations referred to in Article 2 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;

kant vir die lisensie waarby hy onvoorwaardelik onderneem om al die bepalings van hierdie Konvensie en van die regulasies, wana verwys is in Artikel 2, 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 rusverstoringe of van dergelike 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;

pretendente á licença, de que se obriga a cumprir integralmente todas as disposições desta Convenção e dos regulamentos sobre recrutamento e emigração de indígenas em vigor em Mocambique, mencionados no Artigo 2;

(d) a licença será pessoal e intransmissível, sendo expressamente proibida a substituição de pessoas para o exercício das funções a que a licença dá direito;

(e) o pedido de renovação da licença é obrigatório dentro dos quinze dias seguintes ao termo do seu prazo de validade; sob pena de perda da caução, mas aquele que não quiser continuar a exercer o seu mister, assim o declarará, fazendo entrega da licença no prazo acima estabelecido para poder levantar a respectiva caução;

(f) as licenças podem ser canceladas pelo Governo de Moçambique, por motivo de guerra ou de grave alteração da ordem pública ou ainda por qualquer outra circunstância extraordinária que exija tal procedimento;

(g) podem também ser canceladas as licenças cujos portadores infringiam grave ou persistentemente as disposições legais em vigor em Moçambique;

(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 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.

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

(i) dat die Regering van Mosambiek hom die reg vorbehou om die uitreiking of vernuwing van lisensies te weier, wanneer die applikant nie as 'n behoorlike en bevoegd persoon beskou word nie of ongeskik vir die naturelle beleid en naturelle administrasie van die Kolonie geag word.

(h) pelo cancelamento das licenças nos casos previstos nas alíneas (f) e (g) não será devida indemnisação alguma. No caso da alínea (g), os infractores perdem também o direito ao levantamento da caução em depósito;

(i) o Governo de Moçambique têm o direito de não conceder licenças ou de não renovar as já concedidas, quando julgue que os individuos que as requererem ou desejarem renovar não oferecem suficiente idoneidade ou são inconvenientes á politica e administração indigenas da Colonia.

#### ARTICLE 6.

The Government of Mozambique reserves the right to prohibit recruiting for, or allotment to, any Mine 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

#### ARTIEKEL 6.

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 Regeerings van die Unie en van 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 opgelé. 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 volg-

#### ARTIGO 6.

O Governo de Moçambique reserva-se o direito de proibir o recrutamento ou a distribuição de indigenas portugueses para qualquer mina se, em resultado de uma investigação conjunta, feita por representantes dos Governos de Moçambique e da União, se provar que a administração dessa mina, ou o seu pessoal responsável, desrespeitou gravemente, ou persistentemente depois de avisada, as obrigações impostas por esta Convenção. Os representantes dos dois Governos nomearão um Juiz como arbitro de desempate, o qual será da União no primeiro caso que ocorrer e de Moçambique no segundo, seguindo-se a nomeação alternadamente, por esta ordem,

come to a unanimous decision on matters under investigation, the findings of the said umpire on these matters shall be final.

#### ARTICLE 7.

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 8.

In accordance with the provisions of the recruiting regulations of Mozambique referred to in Article 2, 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 to indicate that he has been at least six consecutive months in Mozambique since the completion of his antecedent contract

orde. 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.

#### ARTIEKEL 7.

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 Werforganisasie in die Unie afgewys word as ongeskik vir werk op die Myne, moet op koste van die Werf-organisasie oor die roete, langs welke hulle gekom het, huiستoe gestuur word.

#### ARTIEKEL 8.

In ooreenstemming met die bepalings van die werf-regulasies van Mosambiek, waarna verwys is in Artikel 2, 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 bewysgronde van welke aard ook kan aanvoer aanduidende dat hy vir tenminste ses agtereenvolgende maande in Mosambiek was

nos outros casos que forem ocorrendo. Se os ditos representantes não chegarem a uma decisão unanime sobre o assunto da investigação, o arbitro de desempate decidirá em ultima instancia.

#### ARTIGO 7.

Os indigenas rejeitados por inaptos para o serviço das minas, por um medico do quadro de Saude de Moçambique ou pelo medico da entidade recrutadora em Ressano Garcia ou ainda pelos medicos da mesma entidade na União, serão reconduzidos ás suas terras pela mesma via por onde tenham vindo e á custa da entidade recrutadora.

#### ARTIGO 8.

Nos termos das disposições dos regulamentos referidos no Artigo 2, o Governo de Moçambique não autorizará a ida de indigenas portugueses para ás minas sem que estejam de posse de uma caderneta de identidade fornecida nos termos desses regulamentos.

Nemhum indigena português que anteriormente tenha estado empregado nas minas poderá ser novamente contratado para nelas ser empregado sem que apresente quaisquer provas que mostrem ter estado em Moçambique pelo menos seis mezes



or re-engagement in conformity with Article 12. 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.

sedert die voltooiing van sy voorafgaande kontrak of herindiensneming ooreenkomstig die bepalinge van Artikel 12. 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 infor-masie, oortuig is dat hy nie gedurende die gesegde tydperk in die Kolonie was nie.

consecutivos depois de terminados o contrato ou recontrato referidos no Artigo 12. Não será contratado o indigena que não puder fazer aquela demonstraçã, se as autoridades de Moçambique, pelas informações que tiverem, se convencerem de que ele não esteve na Colonia durante o periodo acima fixado.

ARTICLE 9.

ARTIEKEL 9.

ARTIGO 9.

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

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

A cada indigena portu-guês que vá ser empregado nas minas, nos termos d'esta Con-venção, será fornecido um passaporte portu-guês.

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.

'n Paspoortfooi van 10s. (tien sjielings) sal betaal word deur die Naturel ten aansien van sy oorspronklike indiens-neming, en die paspoort sal geldig wees vir 'n tydperk van twaalf maande. 'n Fooi van 5s. (vyf sjielings) sal deur die Naturel betaal word by vernuwing van die paspoort, en geen vernu-wing sal vir langer as ses maande geldig wees nie.

Este passaporte será válido pelo periodo de doze mezes e por ele pagará o indigena o emolumento de 10s. (dez shillings) por ocasião do seu contrato; pela reno-vação do passaporte, válida pelo periodo de seis mezes, pagará o indigena o emolumento de 5s. (cinco shillings).

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.

Ingeval dat 'n naturel sy paspoort verloor, sal die Kurator van Portu-gese Naturelle (hierin verder genoem "die Kurator") hom voorsien van 'n duplikaat, waar-voor die Naturel 'n fooi van 5s. (vyf sjielings) sal betaal.

No caso do indigena perder o seu passaporte, o Curador dos Indigenas Portugueses (ao deante chamado o Curador) for-necer-lhe-ha um dupli-cado pelo qual o indi-gena pagará o emolu-mento de 5s. (cinco shillings).

## ARTICLE 10.

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 11.

If the total fees received by the Government of Mozambique in any year commencing with the year 1929 under Articles 9 and 10 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 12.

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

## ARTIEKEL 10.

Die volgende fooie 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 indiënsneming, en 1s. (een sjieling) by herindiënsneming.

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

## ARTIEKEL 11.

Ingeval dat die totale fooie ontvang deur die Regering van Mosambiek in enige jaar, beginnende met die jaar 1929, onder Artiekels 9 en 10 ten aansien van Portugese Naturelle in die Myne werksaam minder beloop as 35s. (vyfendertig 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.

## ARTIEKEL 12.

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 tyd-

## ARTIGO 10.

As minas pagarã ao Curador, pelo emprego de indigenas portugueses, as seguintes taxas:

(a) 1s. (um shilling) pelo registro de cada contrato ou recontrato, por cada indigena;

(b) 2s. (dois shillings) por indigena e por mez ou parte, durante o tempo que o indigena estiver empregado.

## ARTIGO 11.

Se, em cada ano, a começar nã de 1929, o total das taxas e emolumentos recebidos pelo Governo de Moçambique, nos termos dos Artigos 9 e 10 e em relação aos indigenas portugueses empregados nas minas, nã atingir uma importancia igual ao producto de 35s. (trinta e cinco shillings) pelo numero medio de indigenas empregados nas minas durante esse ano, a diferença serã paga pelas minas ao Curador.

## ARTIGO 12.

Os contratos dos indigenas portugueses serã por um periodo nã superior a doze mezes (313 dias uteis), mas os indigenas poderã recontratar—se ou renovar os seus contratos por um periodo, òu periodos, nã excedendo a seis mezes

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.

perk of tydperke van nie meer as ses maande nie (eenhonderd en ses-en-veertig skofte gewerk). Die maksimum tydperk van diens sal in geen geval meer wees as agtien maande nie.

(156 dias uteis). O periodo maximo de serviço não excederá, em caso algum, dezoito mezes.

ARTICLE 13.

ARTIEKEL 13.

ARTIGO 13.

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.

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.

Depois dos primeiro nove mezes (234 dias uteis) do contrato e durante qualquer periodo ou periodos do recontrato, a quantia de 1s. (um shilling) por dia util de trabalho (metade da media dos salarios fixados no contrato) será deduzida dos salarios dos indigenas portugueses, pelas minas em que estiverem empregados, para lhes ser paga em Moçambique por ocasião do seu regresso.

ARTICLE 14.

ARTIEKEL 14.

ARTIGO 14.

The sums retained in accordance with Article 13 shall be paid to the Portuguese Natives as follows:—

Die bedrae ingehou ooreenkomstig die bepalingen van Artiekel 13 sal as volg aan die Portugese Naturelle betaal word:—

As quantias retidas nos termos do Artigo 13 serão pagas aos indigenas, observando-se as seguintes disposições:

(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;

(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;

(a) As minas, por intermedio da entidade recrutadora, depositarão até ao dia quinze de cada mez, á ordem do Curador num banco em Johannesburgo designado pelo Governo de Moçambique, as quantias deduzidas dos salarios dos indigenas portugueses durante o mez anterior;

(b) the Recruiting Organization shall lodge with the Curator by the last day of each month a

(b) die Werf-organisasie moet teen die laaste dag van elke maand by die Kurator 'n lys indien

(b) a entidade recrutadora entregará ao Curador, até ao ultimo dia de cada mez, uma relação

schedule showing the amounts deducted during the previous month from the wages of Portuguese Natives, and shall 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 accommodation 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;

aantonende die bedrae wat gedurende die vorige maand van die lone van Portugese Naturelle afgetrek was, en sal ook die Kurator voorsien van die nodige informasie om hom in staat te stel om die Mosambiek-outoriteite 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 betalings moet aan die Naturelle gedaan word deur 'n verteenwoordigende amptenaar vandie Werf-organisasie, en geskied in die kantoor van die Fiskaal van Emigrasie op Ressano Garcia, of in 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 wekeliks 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;

das quantias deduzidas dos salarios dos indigenas portugueses durante o mez anterior, e fornecer-lhe-ha todas as informações necessarias para que ele possa comunicar ás autoridades de Moçambique as quantias a pagar aos indigenas no seu regresso a Moçambique;

(c) as quantias retidas serão pagas pela entidade recrutadora aos indigenas interessados, em Ressano Garcia (ou em qualquer outro local fixado por acôrdo entre o Governo de Moçambique e aquela entidade). Todos estes pagamentos serão feitos na Fiscalisação da Emigração em Ressano Garcia, ou na repartição publica de outra localidade que tenha sido escolhida, por um empregado representando a entidade recrutadora, sendo-lhe para esse efeito destinada instalação apropriada;

(d) o Governo de Moçambique entregará todas as semillas, adeantadamente, em Ressano Garcia ou em qualquer outro local designado de comun acôrdo, as quantias necessarias para a entidade recrutadora fazer aos indigenas os pagamentos referidos na alinea (c);

(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.

(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 Artiekel voldoen word.

(e) a entidade recrutadora e as minas darão ao Curador todas as facilidades para que ele possa fiscalisar o cumprimento das disposições deste artigo.

ARTICLE 15.

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.

ARTIEKEL 15.

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 procedure word gevolg ten opsigte van alle onopgeëiste ingehoue loon en alle ander onopgeëiste gelde wat deur Myne aan die Portugese Naturelle verskuldig is.

ARTIGO 15.

Os espolios dos indigenas portugueses falecidos e bem assim as compensações devidas em relação a esses indigenas serão entregues ao Curador e, quando os herdeiros ou beneficiarios não forem encontrados, serão exclusivamente aplicados pelo Governo de Moçambique em beneficio da população indigena de Moçambique. Igual procedimento será adoptado em relação a qualquer quantia retida e não reclamada pelos indigenas ou a quaesquer outros dinheiros devidos pelas minas aos indigenas portugueses que não tenham sido reclamados.

Any interest that may accrue upon such moneys, and also upon the amounts deposited under Article 14, shall similarly be applied exclusively to the welfare of the Native population of the Colony.

Alle interes op sodanige gelde en op die bedrae ooreenkomstig Artiekel 14 gedeponeer, moet eweneens uitsluitlik tot welsyn van die Naturellebevolking van die Kolonie aangewend word.

Os juros vencidos por esses dinheiros e pelas quantias depositadas nos termos do Artigo 14 serão igualmente applicados em exclusivo beneficio da população indigena de Moçambique.

ARTICLE 16.

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

ARTIEKEL 16.

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 po-

ARTIGO 16:

Os indigenas portugueses que deixem de regressar a Moçambique ao terminarem os contratos de serviço nas minas, quer tenham entrado na União com

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 3, 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 17.

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

siesie 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 bepaling van die Wette van die Unie reëlende 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, tensinde 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 3 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 17.

Onderhewig aan skikkings tussen die Regerings 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 Werforganisasie. Alle sodanige Naturelle sal, by

passaporte quer tenham obtido esse passaporte do Curador, legalizando assim a sua situação, serão considerados imigrantes clandestinos (prohibited immigrants) na União, sendo-lhes aplicadas as disposições do regulamentos dos imigrantes da União; e qualquer indígena português, identificado como tal, que não esteja na posse de um passaporte português válido ou revalido, conjuntamente como a autorização das autoridades da União que possa ser necessaria, será igualmente considerado imigrante clandestino (prohibited immigrant).

No entanto, em casos especiais e para assegurar que a repatriação dos indígenas contratados antes desta Convenção entrar em vigor não exceda o numero necessario para efectuar a redução do contingente fixado pelo Artigo 3, o Curador poderá, de acôrdo com a Repartição dos Negocios Indigenas da União, adiar, em casos especificados, a aplicação das disposições deste artigo.

#### ARTIGO 17.

Mediante acôrdo entre os Governos de Moçambique e da União, poderá o Governo de Moçambique conceder passaportes especiais aos indígenas que desejem emigrar para serem empregados nas minas, independentemente da intervenção de uma entidade recrutadora, sendo o numero desses indígenas, depois

Natives upon employment by the Mines shall fall within the quota laid down in Article 3 and shall be subject to all the other provisions of this Convention.

## ARTICLE 18.

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 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 19.

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 20.

No Portuguese Native holding a Portuguese passport issued in

indiensneming deur die Myne, val onder die kwota wat neergelê is in Artiekel 3 en onderhewig wees aan al die ander bepalinge van hierdie Konvensie.

## ARTIEKEL 18.

Alle gelde wat afgetrel 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 gedurende die eerste nege maande van hul dienstyd 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.

## ARTIEKEL 19.

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.

## ARTIEKEL 20.

Geen Portugese Naturel, wat in die besit is van 'n Portugese pas-

de empregados nas minas, incluido no contingente fixado no Artigo. 3 e sendo-lhes applicaveis todas as demais disposições desta Convenção.

## ARTIGO 18.

Todas as deduções nos salarios dos indigenas portugêses para pagamento de adiantamentos que as minas lhes tenham feito com autorização do Governo de Moçambique, antes do começo do periodo de trabalho, serão efectuadas nos salarios dos primeiros nove mezes do seu emprego nas minas.

Os emolumentos devidos pelos indigenas ao Governo de Moçambique, segundo esta Convenção, serão deduzidos pelas minas da parte dos salarios não retida e serão entregues pelas mesmas minas ao Curador.

## ARTIGO 19.

As despesas de transporte dos indigenas para as suas terras, no que dependa dos Governos de Moçambique e da União, não excederão a das suas terras para as minas.

## ARTIGO 20.

Nenhum indigena português munido de um passaporte português,

accordance with this Convention shall be liable to pay the Hut Tax applicable to the Natives of the Union.

## ARTICLE 21.

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 22.

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.

## ARTICLE 23.

Compensation moneys due to Portuguese Natives in respect of acci-

poort, uitgereik in ooreenstemming met hierdie Konvensie, sal verplig wees om die Hutbelasting gelê op die Naturelle van die Unie, te betaal nie.

## ARTIEKEL 21.

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.

## ARTIEKEL 22.

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 reispasse 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.

## ARTIEKEL 23.

Gelde as kompensasie aan Portugese Naturelle verskuldig ten aansien

concedido em conformidade com esta Convenção, estará sujeito ao pagamento do imposto de palhota estabelecido para os indigenas da União.

## ARTIGO 21.

Nenhum passe será concedido pelo Governo da União aos indigenas portugueses que não estejam munidos de um passaporte português válido, nem nenhum daqueles indigenas poderá ser registado pelas autoridades do Governo da União sem autorização escrita do Curador.

## ARTIGO 22.

O Governo da União não concederá passes aos indigenas portugueses residentes nos seus territorios que lhes permitam sair da União para outro territorio que não seja o de Moçambique, a não ser com autorização escrita do Curador, carecendo do visto do Curador todos os passes para os indigenas portugueses saírem da União.

Sem autorização do Curador não serão igualmente concedidos passes para os indigenas portugueses se deslocarem de provincia para provincia da União.

## ARTIGO 23.

As compensações devidas aos indigenas portugueses por motivo de



dents or sickness contracted on the Mines shall be paid to the Natives 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 24.

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 25.

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 26.

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

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.

ARTIEKEL 24.

Die bepalinge 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.

ARTIEKEL 25.

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 repatrieer sal word.

ARTIEKEL 26.

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

acidentes ocorridos ou de doenças contraídas nas minas, serão pagas a esses indígenas na presença do Curador e de harmonia com as condições que forem estipuladas entre este e o Director do Trabalho Indígena da União.

ARTIGO 24.

As disposições da lei da União sobre a Tísica dos Mineiros (Miners' Phthisis Acts Consolidated Act, 1925) e todas as suas alterações, pelo que respeita á concessão de compensações aos indígenas residentes fóra da União e aos exames dos indígenas, para esse fim, por médicos residentes fóra da União, serão aplicadas também aos indígenas portugueses regressados a Moçambique.

ARTIGO 25.

Só em casos muito especiais concederão as autoridades de Moçambique passaportes a mulheres indígenas portuguesas para irem em visita á União, sendo imediatamente repatriadas as que ali forem encontradas sem passaporte valido.

ARTIGO 26.

Todas as quantias em dinheiro devidas nos termos desta Convenção, sejam taxas, emolumentos, salarios ou outras, serão pagas e liquidadas em ouro.

## ARTICLE 27.

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 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 16 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;

## ARTIKEL 27.

'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 volgende bevoegdhede 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 verstandhouding te kom in alle sake betreffende Portugese Naturelle in die Unie;

(b) om alle gelde en belastinge 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 16 in oorleg met die Departement van Naturelle Sake van die Unie;

(d) om onderworpe aan die bepalinge van hierdie Konvensie die vernuwing van paspoorte aan Portugese Naturelle toe te staan of te weier;

## ARTIGO 27.

Um funcionario português, com residencia em Johannesburg, cujo nome será comunicado ao Governo da União, exercerá as funções de Curador de todos os indigenas portugueses residentes na União, tendo toda a competencia dos funcionarios consulares com respeito a esses indigenas e a todos os outros das Colonias Portuguesas.

Alem destes poderes competem-lhe mais as seguintes atribuições e deveres em relação aos indigenas portugueses:—

(a) Entender-se com as autoridades da União sobre todos os assuntos que se liguem com os indigenas portugueses ali residentes;

(b) cobrar todos os emolumentos e taxas que devam ser pagas ao Curador, em virtude desta Convenção e em relação aos indigenas portugueses empregados na União;

(c) conceder ou recusar passaportes aos indigenas portugueses que tenham entrado na União sem passaporte emitido pelas autoridades portuguesas, e aplicar, de acôrdo com a Repartição dos Negocios Indigenas da União, as disposições da parte final do Artigo 16;

(d) conceder ou recusar, nos termos desta Convenção, a renovação de passaportes aos indigenas portugueses;

(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;

(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 bewaringewing en oormmaak 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 werkdae aange-  
toon word;

(h) om, desverlangd, die ondersoek by te woon wat die owerheid van die Unie mag instel in verband met ernstige geskille of werkstakings, 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;

(e) Promover, por todos os meios ao seu alcance, o registo na sua repartição de todos os indigenas portugueses residentes na União;

(f) organizar uma agencia de depositos e de transferencia de dinheiros pertencentes aos indigenas portugueses;

(g) Conhecer da distribuição dos indigenas portugueses pelas diferentes minas, obtendo destas e remessa mensal de mapas demonstrativos do movimento de indigenas, seus salarios e dias de trabalho;

(h) assistir ás investigações determinadas pelas autoridades da União por motivo de graves desordens ou gréves em que estejam envolvidos indigenas portugueses, quando para isso seja solicitado;

(i) zelar junto das autoridades da União e das minas pelos interesses e bem estar dos indigenas portugueses e visitar os locais de trabalho e de alojamento, sendo sempre facultado o acesso dos indigenas até junto do Curador afim de lhe poderem apresentar as suas reclamações ou submeter quaisquer assuntos;

(j) fazer repatriar os indigenas portugueses requisitados pelo Governo de Moçambique, suspendendo ou cancelando os respectivos contratos de acôrdo com as autoridades da União;

(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 28.

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

#### ARTICLE 29.

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

(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 bepalinge van hierdie Konvensie in die Unie uit te voer, waarook Portugese Naturelle aangetref mag word, indien die Kurator die bepalinge 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 Artiskel kennis gegee word.

#### ARTIEKEL 28.

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

#### ARTIEKEL 29.

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 ooreenkomatê wat

(k) conceder ou recusar, de acôrdo com os patrões, licenças aos indigenas portugueses para irem em visita a Moçambique durante a vigencia dos seus contratos;

(l) nomear entre os funcionarios seus subordinados os que entender necessarios para executar as disposições desta Convenção em qualquer parte dos territorios da União onde existam indigenas portugueses, quando não possa executa-las visitando pessoalmente os locais de trabalho;

(m) delegar nos funcionarios sob as suas ordens a parte das suas atribuições que julgar necessarias ao bom desempenho dos serviços, comunicando ao Governo da União as delegações de atribuições e nomeações que fizer nos termos desta alinea e da anterior.

#### ARTIGO 28.

O Governo da União prestará ao Curador todo o auxilio necessario para o cumprimento das atribuições que lhe são conferidas por esta Convenção.

#### ARTIGO 29.

Nada do que fica estipulado nesta Convenção afectará os direitos ou obrigações quer dos indigenas portugueses actualmente empregados nas minas, quer das minas que os empregam, e que resultem de con-

prior to the coming into force of this Convention, subject to the provisions of the first paragraph of Article 6 of the Convention of 1st April, 1909.

bestaan voor die inwerkingtreding van hierdie Konvensie, onderworpe aan die bepalings van die eerste paragraaf van Artikel 6 van die Konvensie van 1 April 1909.

tratos celebrados anteriormente á entrada em vigor desta Convenção, sujeita, porem, a doutrina deste artigo ao cumprimento das disposições da primeira parte da Clausula VI da Convenção de 1 de Abril de 1909.

ARTICLE 30.

ARTIEKEL 30.

ARTIGO 30.

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.

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 sy werksaamhede hangende die repatriasie van sodanige Naturelle voortsit. In hierdie geval bly die bepalings vervat in Artikel 28 van toepassing.

Expirado o prazo desta Convenção, as suas disposições aplicar-se-hão aos indigenas portugueses que então estiverem empregados nas minas e o Curador continuará no exercicio das suas funções até á repatriação desses indigenas, mantendo-se em vigor as disposições do Artigo 28.

In such event the provisions of Article 28 shall continue to apply.

Part II.—Port and Railways.

Deel II.—Hawe en Spoorweë.

Parte II.—Porto e Caminhos de Ferro.

ARTICLE 31.

ARTIEKEL 31.

ARTIGO 31.

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.

Die Regering van die Unie en die Regering van Mosambiek sal die nodige maatreëls 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.

O Governo de Moçambique e o Governo da União adoptarão as medidas necessarias para efectivar as disposições d'esta Convenção que se referem ao trafego de importação e exportação da União pelo porto de Lourenço Marques.

ARTICLE 32.

ARTIEKEL 32.

ARTIGO 32.

Subject to the provisions of Article 33, the Union Government undertakes to secure to the Port and Railways of Lourenço Marques (hereinafter called Porto e C.F.L.M.) from fifty

Onderworpe aan die bepalings van Artikel 33 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

O Governo da União assegura, nos termos das disposições do Artigo 33, que cincoenta e cinco por cento da tonelagem total das mercadorias importadas por via maritima, com des-

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 33.

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 32, in which event the two Administrations shall

vyftig tot vyf-en-vyftig persent van die totale hoeveelheid oorsese handelsgoedere verkeer naar die konkurensiestreek" te verseker:

(a) vir die doel van 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.

#### ARTIEKEL 33.

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

tino à Zona de Competencia, passará pelo Porto e Caminhos de Ferro de Lourenço Marques (adeante denominados Porto e C.F.L.M.):—

(a) Para efeitos do calculo 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 Competencia entende-se a zona limitada pelas linhas traçadas entre as estações de mercadorias de Pretoria, Springs, Vereeniging, Klerksdorp, Welverdiend, Krugersdorp e Pretoria, conforme o mapa anexo a esta Convenção, ou qualquer outra zona determinada por acôrdo entre as duas administrações ferroviárias.

#### ARTIGO 33.

Se, durante a vigencia d'esta Convenção, a tonelagem das mercadorias importadas por via marítima pelo porto de Lourenço Marques para a zona de competencia for inferior a cincoenta por cento ou superior a cincoenta e cinco por cento da tonelagem total do mesmo tráfego importado para aquela zona de competencia por via de todos os portos, qualquer das Administrações ferroviárias terá o direito de reclamar que sejam adoptadas medidas para

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 34.

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

bepalings van Artikel 32 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 bogenelde bepaling.

Tensy anders ooreengekom, vind alle herreelings, 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 en-en-dertigste Desember van elke jaar.

## ARTIEKEL 34.

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 Hawe-administrasie (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

cumprimento das disposições do Artigo 32, devendo então as duas Administrações tomar de mutuo acôrdo as providencias necessarias.

Fica exceptuado, porem, o caso de qualquer diminuição na percentagem da tonelagem do dito trafego pelo porto de Lourenço Marques ser motivada por circunstancias fóra da acção do Governo da União.

A não ser que por outra forma seja resolvido por mutuo acôrdo, os reajustamentos a fazer, nos termos d'este artigo, terão lugar de seis em seis mêses, devendo a percentagem da tonelagem ser calculada por periodos de seis mêses, que terminam em 30 de Junho e 31 de Dezembro.

## ARTIGO 34.

Se as tarifas ferroviarias applicadas ao trafego de Lourenço Marques para as estações da União tiverem de ser alteradas, as alterações serão feitas pela Administração dos South African Railways and Harbours (adeante denominada S.A.R. and H.) mediante previa consulta á Administração de Porto e C.F.L.M. A Administração dos S.A.R. and H., antes de effectuar qualquer alteração nas tarifas de qualquer porto para as referidas estações, tomará em consideração a prejuizo que possa advir d'essa alteração para o volume

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.

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 eksplorasie geopen word.

do tráfego importado pelo porto de Lourenço Marques.

Estas disposições são analogamente applicaveis ás tarifas a fixar para novas linhas abertas á exploração na União depois d'esta Convenção entrar em vigor.

#### ARTICLE 35.

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.

#### ARTIEKEL 35.

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.

#### ARTIGO 35.

A não ser que por outra forma seja resolvido entre as duas Administrações, as tarifas a aplicar aos produtos do solo ou da industria de Moçambique e da União, transportados de um paiz para o outro para consumo local, serão calculadas em todo o percurso pelas tarifas constantes das tabelas que forem sendo estabelecidas pelos S.A.R. and H. para o transporte de mercadorias da mesma natureza nos S.A.R. para consumo dentro da União.

#### ARTICLE 36.

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 overseas 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

#### ARTIEKEL 36.

Tensy anders tussen die twee Spoorwegadministrasies 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 goe-

#### ARTIGO 36.

A não ser que por outro modo seja resolvido por acôrdo entre as duas Administrações ferro-viarias, as tarifas por elas fixadas para o tráfego des estações dos S.A.R. ou via S.A.R., com destino a Lourenço Marques para exportação por via marítima, que não seja para a Africa do Sul ou para o Sudoeste Africano, não serão em caso algum superiores ás tarifas que forem sendo



Union to any Union port for export.

dere, vervoer oor die selfde afstande binne die Unie na enige Uniehawe te bowe gaan nie.

fixadas para trafego similar transportado a eguaes distancias dentro da União com destino a ser exportado por qualquer dos seus portos.

## ARTICLE 37.

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-versâ*, 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.

## ARTIEKEL 37.

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 Spoorwegad ministrasies gereël, en by afwesigheid van 'n onderlinge ooreenkoms in ander sin, word verminderings of vermeerderings in die inkomste, veroorsaak deur veranderinge in die spoorwegtariewe, verdeel tussen die twee Spoorwegad ministrasies 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 die selfde grondslag as die verdeling van die tarief, onder welke dit oorgebring is.

## ARTIGO 37.

A partilha das receitas produzidas pelas tarifas ferro-viarias applicadas ao transporte de mercadorias das estações dos S.A.R. para as dos C.F.L.M., e vice-versa, constituirá objecto de acôrdo mutuo entre as duas Administrações, ficando entendido, salvo outra resolução, que as diminuições ou aumentos nas receitas motivados por alterações nas tarifas ferro-viarias serão divididos pelas duas Administrações na mesma proporção em que se fazia a partilha antes de taes alterações.

A divisão de qualquer tarifa será feita na base de percentagens medias a fixar por acôrdo ou na base de partilhas fixas. Qualquer des Administrações terá o direito de reclamar que seja revista a base da divisão de qualquer tarifa em periodos não inferiores a doze mezes.

Quando houver transferencia de mercadorias de uma classe da tarifas para outra, a tarifa applicavel ao transporte de taes mercadorias será partilhada na base de divisão da tarifa para a qual tenham sido transferidas

## ARTICLE 38.

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.

## ARTICLE 39.

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 40.

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.

## ARTIEKEL 38.

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, gehef in dieselfde 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 Uniehawens nie mag oorskry nie.

## ARTIEKEL 39.

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 posisie 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.

## ARTIEKEL 40.

'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 natuurlikwyse bedien word deur die hawe van Lourenço Marques, te bevorder.

## ARTIGO 38.

Os impostos e encargos do Porto de Lourenço Marques no trafego de importação e exportação da União terão, quanto possível, a mesma forma de incidencia que os impostos e encargos que vigorarem nos portos da União, ficando entendido que, a não ser que por outra forma seja mutuamente resolvido, o quantitativo desses impostos não excederá o dos impostos e encargos similares dos portos da União.

## ARTIGO 39.

O Governo da União, quando solicitado pelo Governo de Moçambique, obriga-se a discutir, em quaisquer negociações com Companhias de Navegação, a situação de Lourenço Marques relativamente á União como porto de importação e exportação do trafego da parte da União que ele serve.

## ARTIGO 40.

O Governo de Moçambique instituirá um Conselho Consultivo cuja função será estudar e recomendar os melhores meios para desenvolver a exportação dos produtos oriundos da parte da União naturalmente servida pelo porto de 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 meeting of the Board or the submission of any report by the Board to the Government of Mozambique.

ARTICLE 41.

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 42.

The Union Government undertakes, should the Government of the territory known as Swaziland be transferred

[20899]

Die Regering van die Unie word deur die Regering van Mosambiek gevra om op 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 verstrek 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.

ARTIEKEL 41.

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.L.F.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 Spoorwegadministrasies gereël.

ARTIEKEL 42.

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

O Governo da União será convidado pelo Governo de Moçambique a indicar três membros para o Conselho Consultivo como representantes da industria, comercio e agricultura da União ou de outros ramos de actividade que o Governo da União julgue conveniente fazer representar para completo exito do seu objectivo. Das actas das reuniões do Conselho e dos seus relatorios serão enviadas ao Governo da União copias em inglês ou afrikaans, dentro do praso de 14 dias a contar das datas das sessões ou da apresentação dos relatorios ao Governo de Moçambique.

ARTIGO 41.

Em relação a todos os assuntos que afectem as duas Administrações ferro-viarias que não estejam previstos n'esta Convenção, o Director do Porto e C.F.L.M. e o General Manager dos S.A.R. & H. consultar-se-hão livremente, e todos estes assuntos farão objecto de acórdos entre as duas Administrações.

ARTIGO 42.

O Governo da União obriga-se, caso o Governo do territorio conhecido pelo nome de Swazilandia seja trans-

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.

Artiëkel 151 van die Suidafrika 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 ver-skaffing van spoorweg-verbinding met die be-staande spoorweglyn van Lourenço Marques in die rigting van Swasieland.

ferido para a União, nos termos do Artigo 151 do South African Act, 1909, a solicitar do Railways & Harbours Board of the Union que estude e relate o assunto de facilidades ferro-viarias no territorio da Swazilandia, incluindo uma ligação ferro-viaria com a actual linha que de Lourenço Marques se dirige àquelle territorio.

#### ARTICLE 43.

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.

#### ARTIEKEL 43.

Vir die doel van besu-niging en doeltreffendheid, word die lokomotiewe, treine en die treinpersoneel, wat daarvoor beheer het, nie noodwendig beperk tot die lyn van die Administrasie, waaraan hulle behoort nie, maar kan hulle vir sover die twee Spoorwegadministrasies hieromtrent onderling ooreenkom, ook gebruik word oor die spoorweglyn van die ander Administrasie.

#### ARTIGO 43.

Para efeitos de economia e eficiencia, a circulação de locomotivas, comboios e respectivo pessoal não será necessariamente restricta ás linhas da Administração a que pertencem, podendo tanto quanto as duas Administrações mutuamente concordem, ser extensiva ás linhas da outra administração.

#### ARTICLE 44.

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.

#### ARTIEKEL 44.

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.

#### ARTIGO 44.

Para os efeitos d'esta Convenção entender-se-ha por Administração do Porto e C.F.L.M. e por Administração dos S.A.R. & H. qualquer autoridade a quem a direcção e superintendencia dos caminhos de ferro e portos de Moçambique e da União sejam respectivamente e em qualquer tempo cometidas.

Part III.—*Customs and Commercial Intercourse.*

ARTICLE 45.

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 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;

Deel III.—*Doean- en Handelsomgang.*

ARTIEKEL 45.

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 gehew 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 minimum invoerregte of kortings as onder die wetgewing van die Unie vergun word, of hierna vergun mag word, ten aansien van produkte van Groot Brittanje en Noord-Ierland en van die Britse Vrygeweste, Kolonies of Besittings daarvandaan vir verbruik in die Unie ingevoer;

Parte III.—*Alfandegas e Intercambio Comercial.*

ARTIGO 45.

O Governo Português, em relação a Moçambique, e o Governo da União concedem-se reciprocamente o tratamento da nação mais favorecida, nas seguintes condições:—

Os productos do solo ou das industrias de Moçambique importados na União e, reciprocamente, os productos do solo ou das industrias da União importados em Moçambique, não ficam sujeitos a outros ou a mais elevados direitos ou encargos do que os que incidirem sobre productos similares de qualquer outro paiz, salvas as seguintes excepções:—

(a) Os productos da União importados em Moçambique não gosam do tratamento especial que seja concedido por Moçambique aos productos de Portugal, da Madeira, dos Açores e das Colonias Portuguezas;

(b) Os productos de Moçambique não beneficiam das pautas minimas nem dos bonus (rebates) que a União conceda á importação para consumo de productos da Gran-Bretanha e da Irlanda do Norte, das Colonias e Possessões ou dos Dominios Britannicos;

(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.

(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 Basutoeland, Swasieland en die van die Betsjoeanaland-Protectoraat, ingevolge die doeanee-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.

(c) Os productos de Moçambique não beneficiam do tratamento especial que seja concedida pela União aos productos da Rhodesia do Sul e da Rhodesia do Norte, nem aos da Basutolandia, da Swazilandia e do Protectorado da Bechuanalandia, por virtude dos acórdos aduaneiros existentes ou que de futuro venham a fazer-se entre a União e os mesmos paizes e territorios;

(d) Não é incompatível com as disposições desta Convenção o lançamento de sobretaxas aduaneiras (dumping duties), tanto por parte de Moçambique como da União, com o fim de proteger as industrias estabelecidas nos respectivos territorios.

#### ARTICLE 46.

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.

#### ARTIKEL 46.

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.

#### ARTIGO 46.

Os productos do solo ou das industrias de Moçambique constantes da Tabela A são isentas de quaesquer direitos de importação na União e, reciprocamente, os productos do solo ou das industrias da União constantes da Tabela B são isentas de quaesquer direitos de importação em Moçambique.

ARTICLE 47.

ARTIEKEL 47.

ARTIGO 47.

(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 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.

(a) In geval 'n aksyns of ander binnelandse reg in die Unie gehef word van soortgelyke produkte van die Unie as die in Bylae "A" vermeld, of, in Mosambiek, van soortgelyke produkte van Mosambiek as die in Bylae "B" vermeld, sal 'n ooreenstemmende reg of ekstrabelasting 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 belasting wat in Mosambiek en in die Unie, respektiewelik, gehef word of sal word.

(a) No caso de na União ser lançado algum imposto de consumo ou outro de caracter interno sobre productos da União similares aos especificados na Tabela A, ou em Moçambique, sobre productos de Moçambique similares aos especificados na Tabela B, será lançado um imposto correspondente ou sobre-taxa, na importação dos productos, respectivamente, de Moçambique ou da União.

(b) Os productos de Moçambique especificados na Tabela A, importados na União, e os productos da União, especificados na Tabela B, importados em Moçambique, ficam sujeitos ás taxas minimas municipais ou outras internas que sejam cobradas na União ou em Moçambique, respectivamente.

ARTICLE 48.

ARTIEKEL 48.

ARTIGO 48.

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 light-

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 nywerhede van Mosambiek, by deurvoer deur die Unie, vrygestel wees van deurvoer-, uitvoer- of heruitvoerbelasting in Mosambiek en in die Unie, respektiewelik. maar onderhewig bly aan hawegelde, en, in die geval van Mosambiek aan die belasting bekend as die handelsbydrae, aan vuurtoringgelde en

Os productos do solo ou das industrias de Moçambique, em transito pela União, e os productos do solo ou das industrias da União, em transito por Moçambique, são isentos de direitos de transito, de exportação e de re-exportação na União e em Moçambique, respectivamente, mas ficam sujeitos aos encargos do porto e, além d'estes, em Moçambique, á contribuição comercial, ao imposto de farolagem e de selo, ficando contudo isentos de quaesquer

house 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 49.

(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.

#### ARTICLE 50.

Goods of any origin or nationality arriving in the district of Lourenço

seëlregte, met die volgende voorbehoude:—

(a) Die deurvoer deur, of heruitvoer van, Mosambiek van alle minerale, met insluiting van bunkersteen-kool, wat die produkte van die Unie is, sal vry van invoer- of enige ander belasting 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 belasting in Mosambiek wees.

#### ARTIEKEL 49.

(a) Goedere van enige oorsprong of nasionaliteit wat in deurvoer is deur, of weer uitgevoer word van, die distrik Lourenço Marques en bestem is vir die Unie, sal vry wees van alle deurvoer- en heruitvoerbelasting 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 heruitvoerbelasting in die Unie.

#### ARTIEKEL 50.

Goedere van enige oorsprong of nasionaliteit wat oor land van die

direitos aduaneiros ou taxas de qualquer natureza:—

(a) O transitio ou re-exportação por Moçambique de minérios de todas as qualidades, originários da União, incluindo carvão para consumo dos navios;

(b) O transitio ou re-exportação por Moçambique de ouro amodado procedente da União ou a ella destinado.

#### ARTIGO 49.

(a) As mercadorias de qualquer origem ou nacionalidade, em transitio ou re-exportação pelo distrito de Lourenço Marques, com destino á União, são isentas de quaesquer direitos de transitio ou de re-exportação em Lourenço Marques; mas ficam sujeitas á contribuição comercial e aos impostos de farolagem e de selo.

(b) As mercadorias de qualquer origem ou nacionalidade, em transitio ou re-exportação pela União, com destino a Moçambique são isentas na União de quaesquer direitos de transitio ou de re-exportação.

#### ARTIGO 50.

As mercadorias de qualquer origem ou nacionalidade que



Marques from the Union by land for shipment from Lourenço Marques, shall be free of all transit and re-export duties, except lighthouse dues and stamp duties.

Unie in die distrik Lourenço Marques aankom vir verskeping van Lourenço Marques sal vry wees van alle deurvoer-en heruitvoerbelastinge, behalwe vuurtoringgelde en seëlregte.

vierem da União, por via terrestre, para o distrito de Lourenço Marques, a fim de serem embarcadas em Lourenço Marques, são isentas de quaesquer direitos de transito e de re-exportação, mas ficam sujeitas aos impostos de farolagem e de selo.

## ARTICLE 51.

## ARTIEKEL 51.

## ARTIGO 51.

(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.

(1) Goedere uit doe-anepakhuise en uit entrepotpakhuise binne die distrik Lourenço Marques sal in die Unie toegelaat word na betaling van die belastinge 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 wes van die betaling van enige deurvoer- of heruitvoerbelastinge, behalwe hawegelde, die handelsbydrae en seëlregte.

(3) Invoeders van sodanige goedere in die Unie sal voldoende getuienis moet lewer om die doeane 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.

(1) As mercadorias que sairem dos armazens da Alfandega ou dos armazens Alfandegados do distrito de Lourenço Marques para entrarem na União, ficam sujeitas aos direitos de importação que ali estiverem em vigor, á data da sua entrada, sendo os direitos *ad valorem* calculados sobre o valor das mercadorias no paiz exportador na data em que foram exportadas para Lourenço Marques.

(2) As mercadorias acima referidas são isentas em Lourenço Marques de quaesquer direitos de transito ou de re-exportação, ficando, contudo, sujeitas ao pagamento dos impostos e encargos do porto, da contribuição comercial e do selo.

(3) Os importadores destas mercadorias na União tem que apresentar prova bastante acerca do seu valor que satisfaça as Alfandegas da União, devendo prestar tambem todas as informações que lhes forem exigidas para salvaguarda das receitas da União.

## ARTICLE 52.

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) 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;

## ARTIEKEL 52.

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 mensliewende gronde;

(2) ter wille van die beskerming van diere en plante teen siekte, insekte en skadelike parasiete, of vir hulle bewaring teen ontaarding of uitsterwing;

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

(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;

## ARTIGO 52.

Os Governos de Moçambique e da União obrigam-se a não pôr impedimentos ao intercambio comercial dos dois paizes pela imposição de proibições ou restrições especiais á importação ou exportação dos respectivos territorios, com excepção do que respeita a:

(1) Segurança publica e Saude Publica; e motivos de ordem moral e humanitaria;

(2) protecção de animais e plantas contra doenças, insectos e parasitas nocivos, ou para evitar a sua degenerescencia ou extinção;

(3) armas, munições e material de guerra e, em circunstancias, excepcionais, outros artigos militares;

(4) exportação de thesouros nacionais de valor artistico, historico ou arqueologico;

(5) mercadorias monopolisadas pelo Estado;

(6) mercadorias fabricadas nas prisões ou penitenciarias;

(7) importação de mercadorias cuja produção, venda, transporte ou consumo no paiz importador seja proibida ou limitada;

(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 ;

(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 waarborg aan die buitelandse kopers te verskaf;

(8) imposição de condições respeitantes á exportação de certos productos para garantir a sua qualidade, a conservação, bom nome e, ao mesmo tempo, para salvaguarda dos interesses dos compradores no estrangeiro.

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.

met die voorbehoud dat sodanige verbode of beperkings ter selfder tyd en in dieselfde manier en in dieselfde mate toegepas sal word op ander 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.

(a) As medidas prohibitivas ou restrictivas de comercio acima mencionadas, só poderão adoptar-se quando forem applicadas ao mesmo tempo, da mesma maneira e na mesma amplitude a outros paizes onde prevaleçam motivos analogos que as justifiquem e, em caso algum, poderão constituir uma restrição disfarçada do intercambio entre Moçambique e a União.

Part IV.—  
*Miscellaneous.*

Deel IV.—*Gemengde Bepalings.*

Parte IV.—*Disposições Diversas.*

ARTICLE 53.

ARTIEKEL 53.

ARTIGO 53.

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

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

Em relação ás disposições desta Convenção, o Governo Português e o da União obrigam-se :

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

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

(a) A adoptar todas as disposições e a promulgar todas as medidas legais necessarias para o seu exacto cumprimento ;

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

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

(b) a não adoptar disposições nem a promulgar medidas legais que anulem ou diminuam os seus efeitos.

## ARTICLE 54.

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

## ARTIEKEL 54.

Hierdie Konvensie sal van krag wees vir 'n tydperk van 10 jaar van die datum van ondertekening en sal daarna van krag 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.

## ARTIGO 54.

Esta Convenção vigorará por um período de dez anos, a contar da data da sua assinatura, mas continuará em vigor, depois desse período, até expirar o prazo de um ano, contado da data em que qualquer dos Governos a denunciar; mas, cinco anos a contar da assinatura, poderá qualquer dos Governos pedir a revisão das suas cláusulas, e, não havendo acôrdo sobre a revisão, a Convenção expirará no prazo de seis meses a contar da data da notificação para esse efeito.

## ARTICLE 55.

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.

## ARTIEKEL 55.

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

## ARTIGO 55.

Os anos e meses referidos nas disposições desta Convenção serão sempre contados pelo calendário a menos que por outra forma seja especificado.

## ARTICLE 56.

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 Arbitrator the Chief Justice of the Supreme Court of South Africa and the Portuguese Government

## ARTIEKEL 56.

Elke geskil wat magrys 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 Arbitrator aanstel die Hoofregter van die Hooggeregshof van Suid-Afrika en die

## ARTIGO 56.

Todas as divergencias 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 arbitro o Juiz Presidente do Tribunal da Relação de Moçambique e o Governo da União o

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.

Portugese Regering die Regter-President van die Hof van Appèl 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 Internationale 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.

Juiz Presidente do Supremo Tribunal da Africa do Sul. Se estes dois Juizes não chegarem a acôrdo, escolherão um arbitro de desempate, e, se não houver entendimento sobre esta escolha, o Presidente do Tribunal Permanente de Justiça Internacional da Haja será solicitado para fazer a necessaria nomeação. O julgamento farse-há *ex aequo et bono* e nos termos do compromisso arbitral que se ha de celebrar para cada caso.

ARTICLE 57.

Notwithstanding anything contained in Article 54 as to the coming into force of this Convention from the date of the signing thereof, the provisions of Articles 45 and 51 shall only come into operation after the exchange of ratifications, such exchange of ratifications to take place at Lisbon without undue delay.

ARTIEKEL 57.

Nieteenstaande iets vervat in Artikel 54 met betrekking tot die inwerkingtreding van hierdie Konvensie van die datum van tekening af, sal die bepalings van Artikels 45 en 51 alleen in werking tree na uitwisseling van ratifikasies, welke uitwisseling van ratifikasies plaas sal hê sonder onnodige vertraging op Lissabon.

ARTIGO 57.

O disposto no Artigo 54, no que se refere á entrada em vigor desta Convenção a contar da data da sua assinatura, não é applicavel aos Artigos 45 e 51, que só entrarão em vigor depois da troca das ratificações, que deve ter lugar em Lisboa no mais curto prazo possivel,

In witness whereof the representatives of the respective Governments have signed the present Convention and have affixed thereto their seals.

Ter oorkonde waarvan die Verteenwoordigers van die respektiewe Regerings die teenswoordige Konvensie geteken en hulle seëls daaraan geheg het.

Em fé do que os representantes dos dois governos firmam a presente Convenção, á qual apuzeram os respectivos selos.

Done at Pretoria in triplicate in English, Afrikaans and Portu-

Gedaan op Pretoria in triplikaat in Afrikaanse, Engelse en Portugese

Feita em Pretoria, em triplicado e em Português, Afrikaans e Inglês,

guese texts on the  
Eleventh day of Septem-  
ber, 1928.

N. C. HAVENGA.

C. W. MALAN.

F. W. BEYERS.

JOSÉ RICARDO PEREIRA  
CABRAL.

CARLOS DE SÁ  
CARNEIRO.

JOSÉ D'ALMADA.

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.

aos onze dias do mês de  
Setembro de mil nove-  
centos e vinte e oito.

JOSÉ RICARDO PEREIRA  
CABRAL.

CARLOS DE SÁ CARNEIRO.

JOSÉ D'ALMADA.

N. C. HAVENGA.

C. W. MALAN.

F. W. BEYERS.

#### 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 ex-  
tract.  
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, in-  
cluding mine props  
and railway sleepers.  
  
Vegetable charcoal.

#### BYLAE A.

Bone, gedroog.  
Byewas.  
Kokosnote.  
Gedroogde kokosnoot.  
Vis, vars en bevries.  
Vrugte, vars.  
Huide en velle, onbe-  
werk.  
Kafferkring, in die  
korrel.  
Wortelboombas en  
ekstrak.  
Maniokwortel, meel en  
styfisel.  
  
Giers, in die korrel.  
Oliekoek en oliemeel, vir  
voer van vee.  
Olies, van plante (be-  
halwe van katoen-  
saad).  
Oliesaad (behalwe  
grondboontjies).  
Uie, nie ingeleg nie.  
Aardappels.  
Rys.  
Sisalvesel.  
Tapioka.  
Timmerhout, gesaag,  
met insluiting van  
mynstutte en spoor-  
wegdwarsléers.  
Houtskool.

#### TABELA A.

Arroz.  
Bagaços oleaginosos em  
bolos ou moldos para  
alimentação do gado.  
Batatas.  
Carvão vegetal.  
Casca de mangal e ex-  
tractos.  
Cebolas, excepto em  
conserva.  
Cêra.  
Côcos,  
Copra.  
Feijão seco.  
Fibras de sizal.  
Frutas verdes.  
Madeira em bruto, e a  
simplesmente serrada,  
Madeira em estacas  
para minas e travessas  
para caminhos de  
ferro.  
Mandioca em bruto,  
farinha de mandioca e  
goma de mandioca.  
Mapira, em grão.  
Mexoeira, em grão.  
Oleos vegetais, excepto-  
os de algodão.  
Peixe fresco ou conge-  
lado.  
Peles e couros em bruto.  
Sementes oleaginosas,  
excepto amendoim.  
Tapioca.

SCHEDULE B.

BYLAE B.

TABELA 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.  
 Fruits, fresh.  
 Fodder and lucerne.  
 Fowls and ducks, living.  
 Hides and skins, raw.  
 Oats, in the grain or crushed, and oatmeal.  
 Onions, not preserved.  
 Plants, and trees for planting.  
 Potatoes.  
 Seeds for sowing.  
 Sulphuric acid.  
 Vegetables, fresh.

Diere vir aanteeldoeleindes. 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.  
 Vrugte, vars.  
 Voer en lusern.  
 Hoenders en eende, lewend.  
 Huide en velle, onbewerk.  
 Hawer, in die korrel of gebreek en hawermeel.  
 Uie, nie ingeleg nie.  
 Plante en bome vir aanplanting.  
 Aardappels.  
 Sad vir saaidoeleindes.  
 Swawelsuur.  
 Groente, vars.

Animais vivos para procreação, de qualquer especie.  
 Animais vivos: cavalari, muar, lanigero e caprino.  
 Acido sulfurico.  
 Adubos.  
 Asbestos.  
 Aveia em grão, triturada ou em farinha.  
 Batatas.  
 Carvão de pedra.  
 Cebôlas, excepto em conserva.  
 Cevada, em grão.  
 Explosivos.  
 Forragens e lusernas.  
 Frutas verdes.  
 Galinhas e patos, vivos.  
 Legumes verdes.  
 Manteiga fresca.  
 Peixe fresco e congelado.  
 Peles e couros em bruto.  
 Plantas e arvores para plantar.  
 Queijo.  
 Sementes para cultura.

