

District or by whoever acts for him. The cutting or partial excavation of a "safety block" shall only be carried out under expressly written licence from the Government Engineer of Mines, and under the terms and conditions which are prescribed by the same licence.

Any person infracting the rulling of this article shall pay a fine of from 600\$000 to 2,400\$000 reis.

Art. 109. In each mining concession or group of concessions, there shall be a book for registration of all persons employed in the works of the mine.

All conditions of agreement or contract made with each person shall be recorded in this register and it shall be kept up to date, the names of those no longer working in the mine being struck off.

{1. The Government Engineer of Mines or whoever is acting for him, can examine this book whenever he wishes.

{2. The failure to keep this register, or any omission found therein will be punished by a fine of from 120\$000 to 600\$000 reis.

Art. 110. In all cases of accident resulting in death or serious hurt to one or more persons, the concessionaire or manager of a mine, and in his absence his substitute, shall report the matter to the nearest authority, and to the Engineer of Mines, or whoever is acting for him, with the greatest urgency under a penalty for failure to do so of from 240\$000 to 600\$000 reis.

Art. 111. The authorities to whom the report has to be made as prescribed in the last article are:

1. The Governor of the District.
2. The heads of a Military Command or Community.
3. Military Commandants.
4. Captains of Posts.
5. Any other authority who administrates a difinite area in Portuguese possessions under the immediate orders of the Governor of a District.

{1. The authorities mentioned above will, in all cases where they consider that the desaster was not a pure accident, send a report to the judicial authority.

{2. The Engineer of Mines, or whoever is acting for him, must visit a mine in which an accident has ocurred and shall record in the report aforesaid the causes to which it was due, and the responsibility borne by the concessionaire.

The result of those investigations will form part of the evidence of a judicial inquiry, it being granted that the accident was not unavoidable and the Governor of the District shall decide if the desaster arose from any inobservance of the prescription of the present Decree.

Art. 112. After the end of the month of February in each year, concessionaires of mines, and in the case of companies with mining powers the company's representative, must send to the Governor of the District written statements showing:

- a) The locality of the mine.
- b) The nature of the mine.
- c) The name of the commercial firm of

- d) The quantity of mineral extracted in the preceding year.
- e) The power of the machines employed.
- f) The number of employees, workmen, and servants in the past year and their respective wages.
- g) The number and causes of accidents during the past year.

¶1. Any concessionaire failing to comply with this obligation will incur a penalty of from 120\$000 to 300\$000 reis.

CHAPTER VI

Suspension of operations and the loss of mining rights.

Art. 113. In mines where working has suspended, maintenance works shall be kept up. The complete abandonment of a mine involves loss of the concession, in addition to the penalties which the concessionaire may incur for any disasters arising from such abandonment, if it is abandoned without legal formalities.

Art. 114. The rights of a concession are forfeited in the following cases:

1. When the necessary certificates of inspection or release therefrom have not been obtained.

2. When the concessionaire duly notified, does not comply with the orders of the authorities or technical functionaires, with the result that risk is caused to the workmen, or to safety and to maintenance of works executed.

3. When the concessionaire does not pay such fines as are imposed or does not carry out the terms of the present Decree, or the regulations derived from them.

4. By a breach of any of the conditions on which the mineral deposit was conceded.

5. When mining taxes have not been paid for two consecutive years.

¶1. Abandonment does not, in this respect, avoid the obligation to pay taxes.

Art. 115. The decision of loss of rights in a concession is a matter for administrative litigation.

¶1. The Governor of the District is competent to institute the proper proceedings in the following terms:

1. When it becomes known that a concessionaire has committed any of the faults which entail loss of right to a concession, inquiry and search to evince the truths of the facts shall be ordered and the Engineer of Mines or whoever is acting for him commissioned to inspect the mine.

2. The Engineer charged with inspection shall in his report by all means necessary to maintain a safe condition of subterranean workings and of the surface of the mine for the public, such as staking in pits, covering or guarding openings and also marking the direction of the principal galleries with fixed signs.

3. The Governor of the District shall order notices to be published and shall communicate direct to the party interested, or his representative the loss of right to the concession, as regards which the interval of 30 days he has to show cause of any suitable defence.

4. The defence of the party interested having been received, or the period having elapsed, without cause being shown, and the verification of the facts being complete, the Governor of the District shall declare the loss of the concession, if it is due.

5. In a case where the loss of right is to be declared, the concessionaire can appeal to the Governor of the Province who shall decide, in consultation with the Engineer, within a period of 30 days.

6. The loss of rights being pronounced without appeal, or on the appeal the decision being a conformation of the loss of rights, it shall be published in the Official Gazette and the area of the concession is free.

7. Should the report of the Engineer, to which number 2 refers, states the necessity for the execution of works for safety, the concessionaire shall be ordered by the court to execute them; in the event of not executing them, or not commencing the work within 30 days, counting from the day of notice therefore they shall be carried out by the Government at the expense of the concessionaire.

Art. 116. Any concessionaire can relinquish all his claims, or part thereof by means of the permission of the Governor who has granted the concession, with observance of the following conditions:

a) The concessionaire shall direct his application to the Governor of the District, who will order the inspection of the mine by the Engineer of Mines, or whoever, is acting for him, so that he may state what works for the sake of safety or precaution may be necessary.

b) The Engineer's statement shall be communicated to the party interested, who shall arrange for the execution of the works pointed out to him, and having executed them, he should report the fact to the Governor, who will order the verification of their execution by the Engineer of Mines or whoever acts for him. In the case of the engineer reporting that they are in a thoroughly safe condition, the terms of abandonment and that the area of the abandoned mine is declared free, shall be published in the Official Gazette.

c) The responsibility of the concessionaire, who applies to abandon his mine shall cease 30 days after the visit of inspection, for the verification of the conclusion of the works for safety, even when the relinquishment or abandonment have not been published in the Official Gazette.

Art. 117. A concessionaire who abandons a mine without following the procedure laid down in this article shall be responsible for damage and injury which the suspension of his work may have caused to any person, and also the payment of fees imposed, as if the abandonment had been legally carried out.

Art. 118. All edifices belonging to a mine, which has been abandoned for more than ten years, as well as the lands which were appropriated for mining, shall revert at the end of that period to the possession of the State.

CHAPTER VII

Transfer or mining rights.

Art. 119. A prospecting licence is not transferable.

Art. 120. A title of manifest is transferable by simple endorsement on the original title, properly executed in the terms of Art. 60.

Art. 121. The transfer of a mining concession for claims of precious stones or precious metals can only be affected by a licence from the Governor of the District, and by the Governor of the Province, for other claims.

¶1. The licence to which the present article refers, in the case of a private contract, should be previously applied for (Form J) by the concessionaire, stating the person to whom it is desired to transfer the concession, the attaching documents proving, the identity of the claimant of the mine. The competent authority shall decide if it is just and the permission for transfer shall, when conceded, be published in the Official Gazette and it shall have effect moreover immediately after concession.

Art. 122. The transfer of a mining concession can only be affected in a document executed before a notary public under the terms of the laws in force, or by a deed executed in the Secretariate of the Government of the District or mining camp in the territory in which the mine is situated.

¶1. In either case the document which conceded the licence shall be transcribed in the deed, and the purchaser or purchasers being foreigners it shall be clearly expressed that they renounce national rights in all such as touches mineral industry and proprietorship and submit themselves intirely to the Portuguese laws, by a declaration (Form K).

When the concessionaire is a society, the dispositions of clause (F) of Art. 91. and 92 are to be observed.

¶2. At the Headquarters of Districts and mining centres there shall be a book in which deeds of transfers of concessions are to be registered, and no deed of transfer shall be valid unless it has been registered.

¶3. In the deed shall be mentioned:

1. The name and dwelling place of the vendor and the purchaser.
2. A description of the mining property to which the transfer refers.
3. The price agreed upon and the form of payment.
4. The receipt for registration fees.

¶4. If the competent authority recognizes that the same price is manifestly less than what the judge should be placed upon the mining property, a valuation by an expert shall be ordered.

Art. 123. The register of transfer of a mining concession shall be made at the request of the vendor or purchaser, and by means of proper deed which shall be recorded in the secretariate of the Government of the District.

The title or deed of transfer shall be published in the Official Gazette.

Art. 124. To the new concessionaire belong all the rights, duties and obligations inherent in the concession in the terms of the decree.

¶1. When a new concessionaire does not intend to follow the plan of mining formerly adopted, he shall present, within a period of six months, counting from the date of transfer the plan which he proposes to substitute therefore, and observe in this respect the conditions of Art. 75 ¶1 and 2.

Art. 125. In the case of the death of a proprietor of a mining concession, his heirs to whom he may have left the concession must establish within a maximum period of two years whether they will relinquish their rights or not.

X1. When the death of a proprietor of a mining concession has been acknowledged, and his heirs, executors, testamentaries or guardians, do not nominate a person to represent them, the Governor of the District shall nominate among the technical directors, or employees of the mine, a person who is willing to accept the charge and represent them, and who shall be made responsible to the Government for compliance with the conditions of the present Decree, until the heirs shall select their representative.

X2. In no case one of the aforesaid employees accept the charge, which they must declare in writing, a suspension of working may take place, until there is a representative appointed or until the two years fixed in the present article have elapsed.

X3. All the mining concession which forms part of an undivided heritage, or which belongs to a minor, madman or interdict shall not be considered abandoned or lost on account of failure to comply with legal formalities, except when two years have elapsed after the death or interdiction of the concessionaire; within the period a legal representative should be nominated who within the space of the aforesaid 30 days, to be comprised in those two years, shall arrange all that was in suspense, so as to preserve the said concession as part of the effects under his administration, or solicit the relinquishment of the respective rights.

Art. 126. In the case of judicial sale or any other compulsory form of alienation, the transfer value shall depend on the valuation by the Governor of the District or Province, and the register of transfer shall be made in the proper book.

X1. The valuation shall be demanded by the acquirer within a period of 90 days counting from the date of sale by auction or adjudication, attaching to the request the probate documents as well as the act of renunciation of foreign rights (Model D), when such is applicable, without which transfer of the property to no one can be effected.

X2. A mine shall be declared abandoned if, the auctioneer or adjudicator does not solicit a valuation within a period of 90 days.

Art. 127. A mining property cannot be divided into lots by the concessionaire, nor can any portion of the same ground be alienated without permission of the Governor of the Province.

X1. A concessionaire who desires to reduce or alienate all or part of his concession, must apply in the first place to the Governor of the Province who, in consultation with the Engineer of Mines or whoever is acting for him, can concede or refuse the permission requested, publishing his despatch in the Official Gazette.

X2. In cases dealing with alienation the conditions to be observed are those of Art. 121, 122, 123, 124, 125 and 126.

X3. An area which is not for precious stones or precious metals shall be reduced to a minimum of 20 hectares in which case nothing in the reduction shall effect the essential conditions of digging of a mine or mines bordering thereon.

X4. In the case of a reduction of an area being conceded, a fresh partition is to be made, the expense of the journey of the Engineer

5. Claims for precious stones and precious metals are indivisible and irreducible.

Art. 128. On contract for lease or mortgage, relating to any mineral concession, a copy prepared by a notary is to be sent to the authority who granted the concession, after being registered in the proper books, to be attached to the case relating thereto.

CHAPTER VIII

Mining Taxes

Art. 129. Mining taxes are of two kinds:

1. A fix tax, corresponding to the total area comprehended in the demarcation.

2. A proportional tax, corresponding to the gross amount of mineral extracted and brought to the surface.

1. These taxes are collected annually, and the fixed tax is due for the whole period during which the concession exists.

Art. 130. The following are exempt from any mining tax:

1. Mines of any kind opened and dug in the claims of discoverer, as long as they are not transferred by sale.

2. Mines of iron and of coal.

Art. 131. All mines are exempt from proportional tax for the first two years, commencing from the date of manifest.

Art. 132. The fixed tax is 500 reis per hectare for claims not of precious stones or precious metals, 25\$000 reis for a claim of precious metals and 25\$000 reis for a claim of precious stones, 00\$000 reis for a dradging claim.

Art. 133. The proportional tax shall be 1/2 per cent for concessions not of precious stones or precious metals, and 2 per cent for concessions of precious stones or precious metals calculated on the value of minerals extracted and brought to the mouth of the mine.

Art. 134. Non payment of mineral tax during two consecutive years incurs loss of the mining concession.

Art. 135. The mineral tax for each year shall be collected by the Engineer of Mines for the district, or whoever may be acting for him, up to the last day of the month of May of the following year, having in view the information sent in by the respective concessionaires of mines, or by their representatives, as well as such obtained by any other means.

Art. 136. After recovering the tax due by each concessionaire a statement thereof shall be published in the Government Gazette, and published at the headquarters of the district or at the mining camp within 30 days. At the expiration of this period, and after having heard the respective Engineer of Mines for the district, the Governor of the district shall decide any appeals there may be and shall publish definite lists of taxes.

Art. 137. The definite lists of taxes shall be published in the Government Gazette and by notices, at Headquarters of the district, mining camp.

The taxes must be paid up to the 31st day of August, and if not paid will be recovered by the treasury executively.

Art. 138. Ores of precious stones or of precious metals, not treated in colonial province, shall be subject to a customs export duty of 5 per cent upon gross value,

Precious stones or precious metals exported from the Colonial provinces shall be subject to a Customs duty of 1/2 per cent on gross value.

Other mining products exported shall be subject to a "statistical" tax of 1 per 1000 of its gross value.

Art. 139. Machines and other utensils solely for mining and mechanical preparation of minerals or intended to be used in metallurgical works are not subject to import duty paying only a "statistical" duty of 1 per 1000 ad valorem.

1. Explosives employed in prospecting and mining are not free of duty. Manifestors or mining proprietors, shall have the right at the end of each year to a refund of duty for such explosives as they can prove to have used during the year in their mining works.

2. Exemption of duty shall be granted by the Custom House, according to the material imported, and on surety of some competent person as to the distinction of the material, the surety being held responsible for payment of double duty, when it is proved that there has been fraud in declarations.

CHAPTER IX

Official Inspection.

Art. 140. In order that the Administration may always be aware of the method in which mines are being worked, concessionaires must send to the Governor of the District, in the month of January of each year, a statement of works executed in the previous year, and a plan and section of their works with any details which maybe required of them.

Art. 141. All mineral concessions will be visited at least once in each year, by the Engineer of Mines or by whoever may represent him, the concessionaire being bound to render him all explanations and details which may be demanded of him with regard to the works, employees, workmen and servants and their contracts.

Art. 142. The Engineer shall write a note of his visit in a special book which must be kept at the mine, initialled by the Governor of the District, in which the Engineer may intimate to the proprietor of the concession all modifications to which the working of the mine should be subject, for the purpose of better guaranteeing the safety of the works and of the miners, and better development of the ore bed, indicating, when he may think it necessary any "safety blocks" to be maintained.

1. Absence of a book for such note (Autos) and non-compliance with the directions of the Engineer will involve payment of a fine varying between 60\$000 and 600\$000 reis, and which shall be doubled in case of re-occurrence.

2. The concessionaire can appeal against the decisions of the Engineer to the Governor of the District.

Art. 143. The Engineer, or any other technical finctionary who y make the visit, will in each year advise the Governor of the sstrict of the state of the mines visited, compared with previous ars, sending copies of notes (Autos) of the visit making a report which shall be described as regards each mine.

1. The system of drainage employed.
2. The maximum horizontal extension advanced, and the maximum depth sunk.
3. The number of faces, indicating as exactly as possible, the nature of the load.
4. The approximate cubic quantity excavated, or worked, which has been extracted from the ore bed during the period that has elapsed between the two consecutive visits.
5. Faults occurring in the geognostical or mineralogical conditions of the lode, considered separately or in relation to the rocks enclosing it.
6. The cost of labour per linear metre of gallery, ditches or pits.
7. The cost of getting the ore and the system or labour adopted by day, or piece work.
8. The value, in the mine, of a cubic metre of timber of any kind employed therein, in logs, beams or planks.
9. The price of materials used, rubble or dressed masonry and the daily wages of workmen.
10. The workshops belonging to a mine, motors employed in them and power.
11. The number of tons of useful minerals which have been extracted from the mine in the previous year, and utilised for melting in the province or for exportation or for any other purpose.
12. The accidents that have occurred during the year causing hurt, serious injury, or deaths, and the assistance and subsidy given by the concessionaires to the victims of accidents, or their families not only during treatment, but also in the case of death.
13. The institutions organized for the benefit of workmen, such as schools, funds, co-operative societies.
14. The conditions, etc. of life, especially with regard to sanitation of the mining population.
15. Nature and objects of contracts especially of servants, who have to be fiscalized by Government.
16. If the works executed are, or are not, in accordance with the officially approved plan of the mine.
17. All Circumstances which may enlighten the Government regarding the manner of working the ore beds inspected, either from an industrial or other points of view.

CHAPTER X

Penalties and Special Jurisdiction

Applicable to Mining

A. - Penalties

Art. 144. The penalties applicable to persons employed in working mines, may be in addition to those incurred in virtue of the dispositions of general regulations, the following:

- 1st. Loss of mining rights.
- 2nd. Fines.
- 3rd. Arrest and confiscation.

Art. 145. Loss of mining rights is inflicted in cases and in the form established in Articles 19, 23, 27, 28, 29, 34, 47, 50, 70, 73, 74, 76, 77, 78, 98, 99, 102, 113, 114, 118, 122, 125, 126 and 134.

Punishment by a fine shall be applicable in cases provided in Articles 23, 24, 25, 26, 28, 43, 44, 47, 50, 63, 75, 78, 81, 82, 83, 85, 86, 98, 99, 107, 108, 109, 110, 112, and 142.

Penalty of arrest or confiscation is applied in the cases referred to in Art. 19 and 118.

X1. When the infractor has not sufficient and unencumbered property to pay the fine imposed on him, it shall be substituted by imprisonment at the rate of 1\$000 reis to 6\$000 reis per day.

X2. No penalty of imprisonment applicable in virtue of the dispositions of the present Decree shall in any case, be for more than two years.

X3. Fines up to 100\$000 reis can be imposed in the cases prescribed by these regulations by the authorities mentioned in 1, 2 and 3, Art. 32 and also by the Engineer of Mines.

X4. Fine above 100\$000 reis can only be imposed by the Government of the District, with the participation of one of the authorities referred to in the last para.

X5. An Authority, imposing a fine, or imprisonment shall graduate it, between the limits fixed in the Art. the terms of which has been violated according to the importance of the offence, immediate consequences derived from it, and the aggravating or extenuating circumstances accompanying it.

X6. In cases of recurrence, penalties shall always be enhanced, fines being raised to the double of the maximum fixed in the present Decree.

Art. 146. As soon as the amount of the fine is fixed by the competent authority, he shall order the party concerned to make the payment within a period of fifteen days, from the date of receipt of the order.

X1. The payment may be made to the proper employee entrusted with the order, who shall give in exchange a full receipt.

X2. Fines not paid at the expiration of 30 days after the respective intimation, shall be recovered in an executive manner.

X3. This may be carried out independently of any other formality, as soon as the 15 days' indication in X1 have expired.

X4. When it is not possible to obtain the payment of any fine, either by intimation or by executive measure, the Governor of the District shall fix the number of days of imprisonment, which must be substituted for the penalty of fine, a warrant of imprisonment shall be passed immediately against the offender without further formalities.

Art. 147. Against the infliction of penalties imposed under Art. 5 X3 appeal may be made to the Governor of the District and as regards those under X4 to the Governor of the Province, but in each case without suspensive effect.

X1. The non-payment of fines may, when the Governor General so orders, cause suspension of mining rights.

Art. 148. It is the duty of the Engineer of Mines and his subordinates as agents of Government in all that regards to mining works, to communicate to the Governor of the District any infractions committed

¶1. It is the duty of the Governor of the District to fix the amount of fine within a space of 8 days, following the receipt of advice referred to in Art. 145 ¶4 ordering the same to be recovered at once.

Art. 149. The Governor of the District shall apply the fine independently of the participation referred to in Art. 145, ¶4, when by any means he has knowledge of any offence committed against the dispositions of the present Decree, in consultation with the Engineer or his substitute when possible.

Art. 150. In cases omitted in the present Decree, the Governor of the Province and the Governor of the District, can apply those penalties, which under the general laws may be within their powers.

B.-Special Jurisdiction

Art. 151. Against decisions of the authorities upon mining matters, appeal can be made as established in the present Decree, and in addition such appeals shall only be permitted as are authorized by the general law.

Art. 152. Any doubts or questions upon matters either in relation to titles or rights, or with regard to properties, works, contracts, or agreements shall be decided in the manner established by the present Decree.

¶1. Cases not provided for shall go for decision to the ordinary Courts except if the litigants declare officially and in writing, that they wish to obtain a decision by arbitration, or when no Government delegate is a party to the matter to a Court of Arbitration presided over by the Governor of the District, who, in this case, shall determine the number of arbitrators, not exceeding two, which each of the parties can nominate.

Art. 153. It is the duty of the Governors of the Districts or of Commissioners of Mines in the area of their jurisdiction, to interpose not only in the questions of contentions indicated in the present Decree with regard to mining matters, but directly in all cases in which health and public security may be affected by mining works.

Art. 154. Valuation relative to losses, compensations, rents, etc., shall be decided in ordinary Courts except when the litigants by arrangement with the Governor of the District, declare in writing that they desire a decision by a Court of Arbitration. In such case they shall proceed as laid down in Art. 152, ¶1.

Art. 155. The ordinary Courts shall take the cognizance of all questions relating to mines which occur between parties up on properties, partitions, debits, or other matters, except in the case of an arbitration Court being established in terms of Art. 152.

But Judicial Courts shall always take cognizance of common offences committed on mining establishments and their dependencies, as well as of the responsibilities of the concessionaires of mines or any accidents which may occur in the area of their concession arising from mining works.

Art. 156. The Common Courts cannot in any case suspend the proceeding of a case of mining concession, nor order the suspension of working a mine, workshop, mechanical or metallurgical except in the case of bankruptcy. In litigations by debits against mineral or metallurgical establishments, an arrest cannot be made so as to interrupt or suspend the works of any metallur-

(1. In a case of bankruptcy or failure, the administrators of a bankrupt's affairs shall take the responsibilities and duties inherent in the concessionaire, as long as the proceedings are pending, it is also the duty of the said administrators to inform the Governor of the District, the date on which charge of the mine has been taken.

Art. 157. The contracts for letting out the works, effected by concessionaire or lessee of mines and prospector, as well as all other contracts for mining works, or accessories for working of mines either for a fixed or undermined period including agreements of daily work, whatever may be the nationality or race of workmen or labourers, shall be under the special fiscalization of Government.

(1. In mining works, the care of the employees shall rest with the authorities to whom this work is entrusted by general regulations, when the Governor of the Province does not consider it convenient to nominate special guardians, this safeguard shall be adopted for places at which mining attains great development.

(2. The servants shall thus remain under the supervision of the authorities and the Governor of the Province shall lay down necessary disciplinary regulations for the good regimes of works, preservation of order and public safety and shall also create such subsistence fund or other beneficent institution thought proper.

CHAPTER XI

Regulations applicable to territories of Companies with Sovereign Mining Rights

Art. 158. The present Decree shall not have effect within the territories of Chartered Companies, in such case the laws in force, and special regulations formed or organized by those Companies and approved by the Government of Portugal shall apply.

Art. 159. In the territories of Companies with exclusive rights for mineral exploitation, the dispositions of the present Decree, are applicable, in so far as they are not contrary to, the concessions powers and privileges which have been conferred on them by the Government of Portugal.

(1. Companies to which the preceding Article refers have the right to insert in the "title" of concession of claims granted to others, payment of rent, participation of profits, or any conditions they consider convenient, and which do not involve an alteration of taxes legally fixed for the mining of minerals, nor of the dispositions of this Decree.

Art. 160. The following officials are authorized by the present law to issue ordinary licences for prospection in the area of concession of Companies with mining rights, as well as those referred to in Art. 38 with the same obligations.

1. Representatives of these Companies, in Africa nominated by them for this purpose.

2. Their Director of Mines if the Companies have an organized department of mines in terms of Art. 162.

(1. In both cases the power of issuing licences will only become effective when the nomination of the respective functionaries has been confirmed by the Governor of the Province or by a representative of Government attached to the Company, when specially authorised to do so.

¶2. The administrative council of Companies with mining rights can grant up to 5 special mining licences to one person at the same time, and can moreover specially delegate their representative in Africa to exercise these powers.

Art. 161. When the land for which a concession is applied for is possession of a Company with mining rights the following shall be observed.

a) The "process" shall be organized by the Company and shall be remitted to the Governor of the District or of the Province, as the case may be and by whom the concession has to be granted, according to the nature of the deposit.

b) Together with the "process", the Company shall send a note of any conditions which it wishes to impose under the terms of Art. 26, and the declaration of the applicant stating that he agrees to these conditions.

¶1. When the manifestor does not accept the conditions imposed the Company cannot modify them, in order to grant the concession of the manifested deposit to another party without first offering the concession, with modified conditions, to the first manifestor.

¶2. When this is not accepted there shall be included in the conditions of the title of concession to the new applicant, a payment of a premium to the first manifestor which shall be fixed under the terms of Art. 94, ¶1.

¶3. When the "process" has been sent to the Governor by a Company with mining rights in territories of its concession the title of mining concession shall be remitted to the Company to be handed to the person concerned.

¶4. When the prescriptions of Art. 102. 103 and 104 are applied to the mineral deposits situated in the territories of Companies with mining rights the declarations referred to should be made at the Head Office of the Company in Africa, or in their department of Mines if such exists.

¶5. The declarations referred to in Art. 112 should be sent on the same date as they are written to the Governor of the District by representatives of Companies with mining rights when the mineral deposits to which they refer are in their territories.

¶6. In territories of Companies with mining rights the documents referred to in Art. 140 shall be sent to the Department of Mines if such exists.

Art. 162. Companies with mining rights may have a special Department for mines.

The organization of this Department shall be submitted for the approval of the Metropolitan Government. The Department may be abolished at any time if the Company does not find it convenient to maintain it, such decision must be communicated to Government six months prior to the date on which its functions are to cease.

¶1. The right to withdraw the authorization by which this Department performs its functions is reserved by the Metropolitan Government.

Art. 163. When a Company has organized a Department of mines with the approval of Government, the director and staff of this Department are empowered to perform the duties delegated to the Government

¶1. The Department of mines shall register manifests according to Art. 50.

¶2. Grant certificates of inspection of works according to Art. 99 and sub-sections, as also the permission to dispense with such according to Art. 99, ¶1.

¶3. Applications for concessions shall be made to the proper authority through the Department of Mines, which shall prepare the "process" of concession according to Art. 91 and 161, adding thereto any special conditions which this act authorises to be imposed.

Art. 164. In territories of Companies with mining rights, only superintendents of the Department of Mines, and in absence of these, representatives of the Company in Africa specially appointed can issue special licences.

Art. 165. Manifests taken out in territory in possession of a Company are not valid, if they have not been submitted to the representative or Department of Mines of the Company.

Art. 166. Transfers, lessees or mortgage of mining concessions must be notified to the Department of Mines of a Company with mining rights, when such exists, submitting an authentic copy of the respective deeds, which will be recorded.

This notification shall be the duty of the acquirer, lessee or mortgagee.

Art. 167. When there is a Department of mines, it is incumbent on the superintendent to institute the powers for determination of loss of rights to concession, under the terms of Art. 115, ¶1 and sub-section 1, 2 and 3, after which the "process" thus instituted shall be sent to the District Government, for due purposes.

Art. 168. In Companies with mining rights who have a Department of mines the permission to concentrate which Art. 106 refers to shall be granted by the Director or Superintendent of Mines.

Art. 169. In territories of Companies with mining rights who have a Department of mines, application for abandonment to which Art. 116 refers shall be made to the Superintendent or Director of Mines to whom also note (a) of this applies and who after institution of the "process" and with his report shall send the same to the Governor of the District for due purposes.

Art. 170. The powers delegated in Art. 108 and 109, shall in lands of Companies with mining rights be exercised by their representative in Africa or, the Superintendent of the Department of Mines when such exists.

Art. 171. In Companies with mining rights and which have a Department of Mines shall form part of the revenues of such Companies:

1. Licences.
2. Manifests and extended manifests.
3. Recognition and demarcation.
4. Certificate of Inspection.
5. Registration of any other nature.

Art. 172. In the territory of a Company with mining rights the

CHAPTER XII

Temporary Clauses

Art. 173. Those having at this present undertaken prospection, manifests, and concessions for mines may apply to come under the regulations of this act.

(1. Governors of Provinces self governing districts will forward these requests to the Metropolitan Government with their report.

Art. 174. All contrary legislation is hereby repealed.

The Minister and Secretary of State for Marine and Colonial Affairs will take cognizance hereof and cause these presents to be carried out.

The Court, 20th September 1906.
Ayres de Ornellas de Vasconcellos.

KING

A P P E N D I X

Forms of licences, applications etc.,

FORM A

(Art. 37)

Ordinary Mining Licence no.....

In favour of.....Portuguese Subject.

Issued the.....19...

Expires on.....19...

Paid reis.....

Received:

The licence corresponding to this foil.

Prospecting notices nos.....

Signature Prospector

Ordinary Mining Licence no.....

Licence issued in favour of Portuguese Subject.....day..... month.....19....

Expires on.....

Paid reis.....

Prospecting notices received Nos.

.....

Signature of Official

Do prospector

FORM B
(Art. 37)

Ordinary Mining Licence no.....

In favour of.....subject

Issued.....19...

Expires.....19...

Received:

The licence corresponding to this foil

Ordinary Mining Licence no...

Issued in favour of.....subject

Day.....19..

Expires.....19..

Paid reis.....

Prospecting notices received Nos.
... ..

Prospectig notices n.^{OS}.....
Discovery notices n.^{OS}.....
(Signature if Prospector).....

Manifests of mineral deposit cannot be made without relinquishing foreign rights in writing.
Signature of official
Do Prospector.....

FORM C
(Art. 37)

Special Mining Licence no.....
In favour of.....subject
Issued.....19...
Expires.....19...
Received:
The licence corresponding to this foil and prospecting notices n.^{OS}.....

Special Mining Licence no.....
Issued in favour of.....subject.....19...
Expires.....19...
Paid reis.....
Prospecting notices n.^{OS}..... received

And discovery notices n.^{OS}.....
(Signature of Governor General or of the District)
(Signature of prospector)
(Signature of persons testifying to the character of the prospector, or references to documents or evidence justifying the issue of the licence)

Discovery notices n.^{OS}..... received
(Signature of official)
(Signature of prospector)
Registered....of.....of..... claims.
(Date and signature of official registering the same).
Registered on.....of.....of..... claims
(Date and signature of the official registering the same).

FORM D

(Art. 42, X1, e) Art. 91)

Relinquishment of foreign rights

Name.....
Age.....
Rank.....
Birth-place.....
Profession.....
Residence.....

I declare hereby that I do relinquish all and every right which I may possess on account of my nationality, in all such as relates to prospecting, manifest, or concession, digging or any other mining or metallurgical operation, commercial or industrial connected with the exploitation of any mineral deposits existing in Portuguese Colonial possessions, and that I do completely relinquish my national privilege, and do submit myself to all decisions of Portuguese authorities or courts in terms of the law of....of....of one or more conditions therein stipulated or which may come to be instituted under Portuguese mining legislation.

enjoyed by Portuguese subjects, in the matter mining property and I submit myself to all penalties which may be imposed in terms of the laws in force without right to indemnification of any kind whatever the case may be. Further I undertake to support the constituted authority whenever my aid is officially demanded.

Date.....

Signature.....(upon a stamp of 100 reis)

Signature of two witnesses (.....)

(Place for seal or signature
of the authority)

FORM E

(Art. 42, X3)

Forms to be handed over with the
prospecting licence

Name.....

Age.....

Rank.....

Birth-place.....

Profession.....

Residence.....

Declares that has discovered by means of (a).....at (b).....a mine of.....and that desires to be issued the respective title of manifest in order to insure the rights of the manifestor.

The place of the works is at.....and it was certified by..... before the witnesses (c).....

The starting point or the centre of demarcation to be selected is atand it is desired that this manifest should include (d) mineral claims, because the mineral deposit is situated at a distance of (e).....metres from....., and it ought therefore to be considered in terms of X3 of Art. 7 of the Decree of 20th September 1906, as (f).....mineral deposit.

The bearer of this manifest is Mr.....

Date.....

Signature of the discoverer.....(upon
a stamp of 100 reis)

This manifest was received together with the fees at.....hours of.....the day.....of.....of.....

The respective title was handed at.....hours of the.....day... of.....of.....

(Place for seal or signature
of the authority)

N. B. - The starting point should be described in such a way that there should be no doubt or confusion regarding the selected place, for which it should be defined as much as possible by means of routes, distances to noticeable points or singular ones, configuration of soil, hills, etc. in the neighbourhood

The manifestor should indicate the form how he wishes these demarcations to be made, which provisionally must have been fixed, designating by letters the vertexes of the rectangles or squares, in the terms of Art. 81, and declaring the names, residence and birth-place of witnesses present to this act.

When the manifest is repeated in the terms of Art. 50, ¶1, the declaration asked for in this article should not be omitted and if the manifestor is a licenced discoverer, he should not avoid making the declaration required by ¶3 of the same article.

When the manifest is made in order to apply for a previous concession, great attention be given to the prescribed matter in ¶1 of Art. 78.

- (a) To indicate if the mine was found by means of discovery, surface inspection or by examination of works previously made etc.,
- (b) To indicate in the best possible way the locality by mentioning the province, district, circunscription, division, military division.
- (c) To indicate the names, birth-place and residence of the witness.
- (d) and (e) Numbers in letters.
- (F) To indicate if the mineral deposit is new or old, in terms of ¶3 of Art. 7.

FORM F
(Art. 45, ¶ B)

Prospecting notice no.....
Handed over to.....at....
of.....of.....

Prospecting notice no.....
F.....holder of licence.....(a)
n.º...valid up to.....of...of...(b)
reserves for his prospecting work
the area of which this notice marks
the centre and covered by a circumference with.....metres of radius.

Declares that did not put up with his licence n.º...except this prospecting notice.

(Date)
(Signature)

- (a) Kind of licence.
- (b) Date.

FORM G
(Art. 50)

Notice of discovery

F.....holder of licence n.º.....declares that he has discovered a mineral deposit of.....whose starting point is (describe as far as possible the exact starting point so that there should be no doubt in its determination). The provisional demarcation (was or is not) done by means of (marks or poles) fixed (give the exact position of the marks as far as possible) its biggest dimension being directed in (magnetic direction)

Moreover, I declare that with my licence n.I have only afixed this notice of discovery.

(Date)

(Signature of discoverer)

(Signatures of witnesses if any)

FORM H

(Art. 19, sec. g) and Art. 90)

Manifest

F.....(name, age, rank, birth-place, profession and residence declares that entered herewith by means of (indicate if it is by prospecting works, by simple inspection of the land, by the works previously made, or by any circumstances that led to the discovery of mine) a mineral deposit of.....(mention the useful mineral substance at.....(indicate clearly and precisely as possible the place where the mineral deposit is situated and the prospecting works if there be any).

The starting point selected is....(describe exactly the point selected and determine its position in such a way that there should be no doubt or confusion, locating it as much as possible by routes distances to striking points, configuration of the land, buildings etc., which may be found in the proximity).

In terms of the law...., and in order to assure the rights there stipulated, the present manifest is done, the manifestor demanding he should be given the necessary title and that be reserved to himclaims (indicate in letters the number of claims that belongs to him according to the nature of the useful mineral substance, and the deposit should or should not be considered new, justifying this in terms of sub-section b) of the title 1 of the said decree).

Furthermore the manifestor declares that he wishes that the reserved claims covering a total area ofbe situated.....(indicate the form in which you wish the demarcations to be made), and which provisionally were demarcated (indicating how the vertexes of the rectangles have been fixed and the letters by which they are designated in terms of Art. 81) before the witness F....and F..... (indicate the name, birth-place and residence of the persons that have been the witnesses of this act.)

Date.....

Signature.....(upon a stamp of 100 reis).

Received at.....hours of.....the day.....of.....of.....and handed over a sum of.....

De report being done, the title of manifest is handed over at... hours of.....

(Place for the seal or signature of the authority)

FORM I

(Art. 54)

insured his rights to the exploration of a mineral deposit of..... which in respective manifest is said to have been found in.....(mention here all the details of manifest regarding the place, works, starting point, provisional demarcation and any other indications likely to facilitate the identification of the manifest with the mineral deposit).

The reserved claims will be allotted if there be no justified counterclaim based upon previously acquired rights or other legal impediment or exception mentioned in law, and if the manifestor has fulfilled the dispositions of the decree in force of.....

The present title-deed can be endorsed legally and thus its ri can be transferred to any Portuguese citizen in the full enjoyment his civil rights or even to any foreigner, warning him however tha he shall not be able to secure any mining concession without previ ously relinquishing his national rights in the terms of the mining law.

The manifest to which the present title refers and the details regarding it, have been received at....hours of....of.....the day of....of....(in letters) by me F.....(name and status) who has writ ten it and sign after the signature of F....and F....(when they a present).

Date.....

Signature.....

FORM J

(Art. 121)

F.....concessionaire of the mining property of.....situated i the districtof....in the province of....desiring to sell it it (a). ...subject(b)....for the amount of....in cash and(c).....request your Excellency to grant the permission in question.

I declare that I do not receive any amount other than the one mentioned above.

(Date).....

(Signature).....

(a) Name of the buyer.

(b) Nationality.

(c) Declaration of any other form of payment.

FORM K

(Art. 122, X, 1)

F(a).....subject (b).....desiring to buy a mining property ofsituated in the district of.....in the province of....decla res that for the same mining property pays the amount of (c).....an (d).....and does not hand over to the seller any other price in any form it may be.

I relinquish my national rights in so far as it concern to the mining industry, having signed for this purpose the respective de- claration of the relinquishment of foreigner's rights (in case the

- (a) Name.
- (b) Nationality.
- (c) Amount in cash.
- (d) Declaration of any other form of payment.

SUBSEQUENT LEGISLATION

- Decree, of 8th September 1908
- Ministerial Decree, of 24th April 1912
- Decree n.º 81, of 21st August 1913.
- Decree n.º 720, of 3rd August 1914
- Decree n.º 3.338, of 6th September 1917
- Decree n.º 23.704, of 26th March 1934
- Decree n.º 23.938, of 31st May 1934
- Decree n.º 32.251, of 9th September 1942
- Decree n.º 33.722, of 19th June 1944
- Resolution of the Government, of 28th October 1949
- Ministerial Decree n.º 13.337, of 23rd October 1950
- Legislative Diploma n.º 1.470, of 23rd April 1953
- Decree n.º 39.203, of 11th May 1953
- Legislative Diploma n.º 1.493, of 30th July 1953

Decree of 8th September 1908

N. 317 - Being certain that the manganese ore existing in this province belongs to the metals and metalliferous minerals included in Art. 2 of the regulations concerning prospecting and working of mines in the overseas provinces, approved by Decree of 20th September 1906, and that therefore in the property of these deposits belongs to the State.

There being a large number of claims which after the prospecting by the respective manifestors, are abandoned and declared a free land in terms of Art. 87 of the law.

There being in many of these abandoned claims, great quantity of minerals extracted during the prospecting works belonging to the State and it is not fair that they be used by anyone who subsequently comes to manifest the same mineral deposit;

Hearing the Section of Mines;

It has been found necessary to determine the following:

1. When the area of manifest is declared as free land, it should be visited by the engineer of mines or whoever acting for him who

2. That this ore be sold in a public auction in the place where the claims has been abandoned, after its announcement in the Official Gazette and by means of edits afixed at Marmagoa and in the district of the locality where the claim is situated, the product of the sale reverting to the national treasury.

3. That in case an abandoned claim is again manifested and if the sale of the ore existing is not effected as prescribed in the preceding para, the new manifestor can if he wishes acquire the possession of this ore by paying the amount stipulated by the engineer of mines or whoever is acting for him, in conformity with the market price, thus avoiding the sale by public auction.

4. The new manifestor can dispose immediately and independently carry out the fulfilment of Art. 75.

Let the authorities and others who come in know of it, carry out.

Governor General's Palace at Nova Goa, 8th September 1908.

The Governor General,
Jose M. de S. Horta e Costa

Ministerial Decree of 24th April 1912

Taking into consideration that there have arisen doubts concerning the transfer of the licences for mineral prospecting in areas reserved, conceded in terms of Art. 19 and its sub-sections of the Decree of 20th September 1906, regarding the prospecting and working of mines in the colonies, the Government of the Portuguese Republic declares through the Overseas Minister that no such licence can be transferred to foreigners without the authorization of the Government of the Republic.

Palace of the Republic Government, 24th April 1912.

The Overseas Minister, Joaquim Basilio Cerveira e Sousa de Albuquerque e Castro.

(D.G.n. 100 of 29-4-1912)
(B.O.n. 41 of 21-5-1912)

Decree n. 81 of 21st August 1913

By Art. 19 of the Decree of 20th September 1906, regulating the prospecting and working of mines in overseas territories, powers were conferred upon the Government to grant licences to conduct prospecting works in plots which are reserved to the concessionaires during a certain period according to the area conceded, but always within a period of two to five years, and after a deposit of 20.000\$ to 100.000\$. In the various sub-divisions of that article and in the correlative dispositions of the same diploma were inserted some provisions with a view to safeguard the legitimate interests of the State in this matter, but some minute details were left off, which the practice has proved to be of importance.

Thus no legislation in force has declared the portion of land which reasonably should be reserved for the prospecting of any pretender or enterpriser; the time limit has not been fixed for the

enforcement of the guarantee demanded from the future prospector, and when he should start his work; nor precautions have been taken to avoid or repress the requests for reservations for mere speculation and to rehabilitate the authorities to supervise the work of the prospectors when the public order so demand.

The prosperity and development of the wealth of our colonies demand undoubtedly the acceptance and encouragement of all good enterprises; but it would be absolutely contradictory for example to allow to keep closed for a period of five years, to the mineral enterprise of others, large regions reserved by him, only because he has pending a request for licence or because he deposited in the coffers of the State an amount which may even bring interest to him.

In order to obviate such inconveniences and to fill in these omissions it is sufficient to introduce some few regulations. So using the powers that the n. 3 of Art. 14 of the Political Constitution of the Portuguese Republic confers upon me and by the proposal of Minister of Colonies I order the following:

Art. 1. The portion of the territory which the Art. 19 of the Decree having the strength of law, of 20th September 1906, permits to reserve for mineral prospecting, can in no case cover at a stretch and to the same concessionaire, an entire province or regions whose extension is above 200 miles.

Art. 2. The deposit which the subdivision d) of the same article refers to can be made in cash or title-deeds of public debts as per rate of that day and it should be effected within three months from the approval of the licence request. When this condition is not fulfilled, the decision of assent will be cancelled and thus forfeit to the State the deposit referred to in the subdivision a) of the said article.

Art. 3. The prospecting work authorized by the licence referred in Art. 19 of the cited Decree, should start within a year from the date of the concession.

¶ 1. The transgression of this article is punished by a fine equal to 0,1 of the deposit.

Art. 4. The concessionaire or his representative shall establish in agreement with the Governor of each district with land included in the concession, a general plan of prospecting which intends to carry out there, before starting the works.

Art. 5. The concessionaire or his representative should send within six months to the Governor of the district where the prospecting work is being made, the itinerary of the prospectors party and all the details useful to the geographical knowledge of the region traversed.

Art. 6. The non-observance of these two preceding articles will lead to the application of ¶ 1 of the Art. 3.

Art. 7. Protests will not be accepted based on hindrances to free transit from the part of the indigenas (aboriginals) or on lack of protection from the part of the authorities.

Art. 8. The concessionaire is bound to employ yearly in the prospecting work or prospecting work and digging, beginning from the second year of his licence, an amount not less than the quota of the deposit related to the number of years for which the licence was conceded, under pain of losing the remaining amount, after the deductions from the same deposit, in favour of the State.

1. The contents of this article does not invalidate those referred in sub-division m) of Art. 19 of the Decree dated 20 September 1906.

Art. 9. All the contrary legislation is revoked.

The Minister for Colonies will take cognizance hereof and carry out.

Promulgated in the Palace of Republic's Government and published on 21st August 1913.- Manuel de Arriaga - Artur R. de Almeida.

(D.G.n.º 195 of 21-8-1913) (B.O.n.º 76 of 23-9-1913)

Decree n. 720 of 3rd August 1914

Considering that the Decree having the force of law dated 20th September 1906 which regulates the prospecting and working of mines in the colonies, does not deal with the prospecting and exploitation of precious stones existing in alluvial areas and there being a need to establish special rules which may permit the utilization of these mines;

Considering that the mines in alluvial areas are of small profits and as therefore the general dispositions of the Decree relating to the mines of precious stones perfectly located, cannot be applied to them, because the small area of claims would stop completely its utilization, by the heavy amount of fixed tax applicable to the great number of claims necessary for the exploitation.

Being, therefore, necessary and convenient to modify the referred dispositions, both concerning the area of claims referred in Art.6 of the cited Decree and the proportional tax referred to in Art.133 in such a way that the precious stones existing in the alluvial places be permitted to be exploited in dredging claims with an area of 2.500 hectares, and also with a view to safeguard the legitimate interests of the State, which could have been handicaped with the application of the cited tax, owing to the difficulty of supervising an exploitation in an area so extensive and to know its gross income for the incidence of the tax;

Having referred to the Colonial Committee of Mines, the Colonial Council and the Council of Ministers;

Using the powers conferred on the Government by the Art.87 of the Political Constitution of the Portuguese Republic and by the proposal of the Minister for Colonies;

I order the following:

Art 1. To the prospecting and exploitation of precious stones existing in alluvial places, are applicable the dispositions of the Decree having the force of law dated 20th September 1906 to the prospecting and working of mines in the colonies, with the modifications introduced in the present Decree.

Art. 2. The prospecting of precious stones in alluvial places can be done by one who has a special mining licence.

Art. 3. The mining licence which the preceding article refers to gives the right to cover by the fixation of a prospecting notice, a portion of the course of river in which the prospecting is desired, in an extension of 50 kilometres counted in the general direction of the water course and which will have as centre the point where the prospecting notice is fixed.

Art. 4. Prospecting is prohibited at a distance inferior to 25 kilometres from the place where a prospector is working,

Art. 5. The area of each claim of precious stones in alluvial places shall not be more than 2.500 hectares and shall be limited to the climb and the ebb by two lines perpendicular to the thalweg of the rivers and not more 500 metres in extension, being 250 metres each side of the thalweg and by other two lines parallel to the same thalweg.

Art. 6. The prospector can manifest only one claim of precious stones in alluvial areas during the period of validity of his licence.

Art. 7. The fixed tax for the concessions of claims to which this Decree refers will be of 100\$ per each claim and the proportional tax shall be substituted by 5% of its participation towards the State fund over the capital to be employed in exploitation.

¶1. In case a concessionaire is a society, a company or any other collective entity, the percentage of 5% which this article refers to, shall fall upon all kinds of shares that they give out and shall be represented by released title-deeds, which shall be handed over to the Government with the respective right of representation in the general assemblies by the maximum number of votes permitted by the Commercial Code.

¶2. If the concessionaire be an individual, the participation of the State shall be based on the amount of capital which at the time of concession may be found necessary for the purpose of exploitation with the previous understanding between the Government or its delegates and the concessionaire.

Art. 8. The Government is authorized to promulgate the necessary measures to regulate the contents of the present Decree.

Palace of the Government of Republic. Published on 3rd August 1914. - Manuel de Arriaga - Alfredo Augusto Lisboa de Lima.

(D.G.n.* 132, of 3-8-1914. 1 serie)
(B.O.n.* 73 of 18-9-1914)

Decree n.º 3.338 of 6th September 1917

The article 5 of the Decree having the force of law n. 720 of 3rd August 1914 determining that the extension of the lines delimiting to the climb and the ebb the area of the claims of precious stones in alluvial areas should not be more than 500 metres, being on each side of the thalweg 250.

Considering that this disposition is not in accord with the contents of the statement which precedes the mentioned Decree and with the evident aims with which it was promulgated because it does not permit that the alluvial lands above the extension of 500 metres be fully utilized.

There being an advantage in permitting the complete utilization of alluvial lands and being therefore necessary and convenient the modification of the referred disposition;

Having heard the Commission of the Mines of Colonies and the Council of Ministers;

Using the authorization conceded by Art. 87 of the Political Constitution of Portuguese Republic and under the proposal of the Minister for Colonies;

I order that the Art.5 of the Decree with the force of law n. 720 of 3rd August 1914 be substituted by the following: "The area of each claim of precious stones in alluvial areas shall not be superior to 2.500 hectares, and shall be limited by the climb and the ebb by two direct lines perpendicular to the thalweg of rivers and the extension of which should not be inferior to 500 metres, being 250 metres on each side of the thalweg and by other two lines parallel to the same thalweg".

Let the Minister for Colonies take cognizance and order it to be carried out. Palace of the Republic Government, 6th September 1917.
- Bernardino Machado - Ernesto Jardim de Vilhena.

(D.G.1 serie n.º 159, of 6-9-1917.)

(B.O.n.º 90 of 9-11-1917)

Decree n.º 23.704 of 26th March 1934

Recognizing the need to change some of the dispositions of the Decree having the force of law dated 20th September 1906, concerning prospecting and working of mines in Portuguese colonies by actualizing the amounts fixed in the subdivision d) of the Art.19, regarding the demonetization of the Portuguese currency and by establishing some sanctions unaccounted in the same decree;

Hearing the Supreme Council of Public Works and Mines and the Supreme Council of the Colonies;

Using the powers conferred by the Art.10 of the Organic Charter of the Portuguese Colonial Empire the Minister for Colonies orders and I promulgate the following:

Art. 1. The concessionaires of the monopolies of mineral prospecting ought to show the Governor of the respective district in the months of January and July of each year, a detail statement of the work done during the previous six months, the blue-print and the sketch regarding to these works together with the necessary details which may be demanded.

¶1. The default shall be punished with a fine from 1.500\$ to 15,000\$ and the concession may even be withdrawn in case of repetition, soon after the second punishment, without further notice.

Art. 2. The licence for prospecting which refers to the subdivision d) of the Art. 19 of the Decree having the force of law dated 20th September 1906, shall not be granted unless the amount of security is deposited in the Public Treasury, previously fixed by the Government ranging from 350.000\$ to 500.000\$ in proportion to the reserved area.

Art. 3. The subdivision d) of the Art.19 and the Art. 140 of the Decree having the force of law dated 20th September 1906 are revoked herewith.

Let it be published and followed as stated therein.

To be published in Official Gazettes of all the colonies.

Palace of the Republic Government, 26th April 1934. - ANTONIO OSCAR DE FRAGOSO CARMONA - Antonio de Oliveira Salazar - Antonio Raul da Mata Gomes Pereira - Manuel Rodrigues Junior. - Luiz Alberto de Oliveira - Anibal de Mesquita Guimaraes - Jose Caeiro da Mata - Duarte Pacheco - Armindo Rodrigues Monteiro - Alexandre ...

de Sousa.

(D.G. 1st serie n.º 70 of 26-3-1934)
(B.O. n.º 35 of 1-5-1934)

Decree n. 23.938 of 31st May 1934

Using the powers conferred by para 2 of Art. 10 of the Organic Charter of the Portuguese Colonial Empire, on ground of urgency, the Minister for Colonies decrees and I promulgate the following:

Art. 1. The Art. 3 of the Decree n. 23.704 of 26th March 1934 should be read as follows:

The subdivision) of the Art. 19 of the Decree having the force of law, dated 20th September 1906 is revoked.

To be published and followed as mentioned therein.

Palace of the Government of Republic, 31st May 1934.—ANTONIO OSCAR DE FRAGOSO CARMONA—Antonio de Oliveira Salazar—Armando Rodrigues Monteiro.

(D.G. 1st serie n.º 126 of 31-5-1934)
(B.O. n.º 51 of 26-6-1934)

Decree n. 32.251 of 9th September 1942

Recognizing that it is necessary to actualize the amounts fixed in the decrees of 20th September 1906, 3rd November 1905 and 17th September 1901 which regulate respectively the prospecting and working of mines, digging of quarries and the utilization of minero-medicinal waters of the Portuguese colonies;

Considering that only in the colony of Mocambique that the necessary arrangements have been made by the Decree n. 75 of the High Commissioner of Republic of 9th July 1921 and that the actualization established in the Decree n.º 23.704, of 26th March 1934, referred only to the amounts indicated in the subdivision d) of Art. 19 of the said Decree of 20th September 1906;

Using the powers conferred by part 2nd of n.º 2 of Art. 109 of the Constitution, the Government decree and I promulgate to be enforced as law the following:

Art. 1. All amounts of whatever nature, to be received by the Government or to be deposited by the interested parties according to the regulations of prospecting and working of mines, digging of quarries and the utilization of minero-medicinal waters, approved by the decrees of 20th September 1906, 3rd November 1905 and 17th September 1901, shall be paid by ten times of the amounts fixed in the said regulations.

¶1. The contents of this article are applicable to the income to receive in conformity with the decrees of 9th December 1909, n.º 81 of 21st August 1913 and n.º 720 of 3rd August 1914.

Art. 2. The contents of the Art. 2 of the Decree n.º 23.704 of 26th March 1934 are revoked herewith.

Let it be published and followed as stated therein.

To be published in the Official Gazette of all the colonies.

Palace of the Government of Republic, 9th September 1942.--
 ANTONIO OSCAR DE FRAGOSO CARMONA - Antonio de Oliveira Salazar -
 Mario Pais de Souza - Adriano Pais da Silva Vaz Serra - Joao Pinto
 da Costa Leite - Manuel Ortins de Bettencourt - Duarte Pacheco -
 Francisco Jose Caeiro - Mario de Figueiredo - Rafael da Silva Neves
 Duque.

(D.G. 1 serie, n. 211, of 9-9-42)

(B.O. 1 serie, n. 1 of 7-1-43)

Decree n.º 33.722, of 19th June 1944

Taking into account what the Government of Angola interposed
 with a view to define the regime according to which the prospecting
 and working of mines of quartz should be conducted;

Considering that this and other non-metallic minerals which fre-
 quently occurred in the colonies can be of use for industrial pur-
 pose and as it is not possible to encourage property its exploitation
 in harmony with the rules of the working of quarries in the overseas
 provinces, approved by the Decree dated 3rd November 1905.

Having in view the Art. 28 of the Colonial Act and using the po-
 wers conferred by n.º 3 of the Art. 109 of the Constitution and in
 terms of 12 of the Art. 10 of the Imperial Organic Charter, the Go-
 vernment on grounds of urgency, orders and I promulgate the following:

Art. 1. The minerals and non-metallic minerals in their early
 existence in the alluvial deposits, when susceptible to industrial
 use, mainly for metallurgic purposes are for all purposes subject to
 established regime regarding the minerals mentioned in Art. 2 of the
 Decree dated 20th September 1906 which regulates the prospecting and
 working of mines in overseas provinces.

Let it be published in Official Gazette of all the Colonies.

Palace of the Republic Government, 19th June 1944. - ANTONIO
 OSCAR DE FRAGOSO CARMONA - Antonio de Oliveira Salazar - Francisco
 Jose Vieira Machado.

Public Works Department

(Surveying Department)

Mines and industries

In the terms of n.º 11 of the Art. 98 of the Mining Law - Decree
 dated 20th September 1906 - all the individuals and societies which
 have in this State a government authorized industry of exploitation
 of mines, are hereby informed, to send to this Department, without
 fail, till the 5th of each month commencing from the coming June, a
 statement mentioning the quantity and the quality of the ore extra-
 cted during the previous month, in their mines; each mine should
 have an individual statement, which should be compulsorily sent on
 pain of law even in case there be no extraction of ore.

Goa, 10th May 1949 - For the Director Engineer, Bernardino C.
 da Costa.

(B.O. 3rd serie, n. 21 of 26-5-1949)

Public Works Department

By the powers that are conferred on me by the subdivisions f) and g) (amendment n.º 17 of the Ministerial Decree n.º 9.355 of 26th October 1939) enhanced by the Ministerial Decree n.º 9.359 of the 28th of the same month and year, I determine that in future be observed the following regarding the exportation of the minerals:

a) The request for sell or exportation of the ore shall be addressed to the Governor General, with duly recognized signature. The request should state the name and residence of the seller or exporter, the status under which he wishes to export i.e. if he is a concessionaire, lease holder or buyer, the denomination and the location of the mine, the name of its owner, quality and quantity of the mineral with indications regarding their nature, the country where it is being exported, or the name of the buyer, the year in which the mineral was extracted to be exported or sold, together with the statement regarding the form of its financial arrangement.

b) The Public Works Department through which the request for authorization from the Governor General is to be sent, shall inform about the request stating if there are advantages or not in authorising the export or sale and it shall pronounce upon the amount of the proportional tax to which it should be subjected.

c) In the exportation of the mineral ore, the exporters are bound to observe the rules of the entry of the exchange, as per instructions of Customs Office.

d) After the request for exportation being sanctioned and after being paid by the interested party the proportional tax, it shall be officially communicated to the Customs Central Department by the Public Works Department.

Residence of the Governor General, at Goa, 28th October 1949.-
Governor General, Fernando de Quintanilha e Mendonca Dias.

(B.O. 2nd serie, n.º 47 of 24-11-1949)

Ministerial Decree n. 13.337 of 23rd October 1950

The Government of Portuguese Republic orders through the Overseas Minister in terms of Art. 18 of the Decree of 20th September 1906 which regulates the prospecting and working of the mines in colonies and in harmony with the contents of n.º 22 of Art. 11 of Organic Charter of the Portuguese Colonial Empire:

1. That the prospecting of radio-active minerals like uranium and thorium in all the Portuguese Colonial Empire should be prohibited.

2. That the departments of mines of all colonies should take the necessary steps towards the execution of the contents of the previous clause and in case an attempt is made to deceive the precepts of this Decree all the manifests of other substances are likely to be annulled.

To be published in the Official Gazette of all the colonies.

Overseas Ministry, 23rd October 1950 - The Overseas Minister,
Manuel Maria Sarmiento Rodrigues.

(D.G. 1st serie n.º 214, of 23-10-50)

Public Works Department
Mines and Industries

In accordance with the decree of His Excelency the Acting Governor General, all those wishing to carry on in this State the commercial activity of sale, purchase or exportation of minerals, are hereby informed to send to this Department (Mines and Industries), the copies of the documents in their public form, from which it may be proved that they are authorized by the Governor General, through the Civil Administration Department, to exercise the same activity and of having paid the industrial tax concerning this trade, in terms of the Government Decree dated 17th instant, without which their pretensions concerning the request for sale, purchase or exportations of minerals shall have no effect.

Public Works Department at Goa, 27th August 1951.-The Engineer acting for the Director, B.C. da Costa.

(B.O. II serie, n.o. 35, of 30-8-51)

Legislative Diploma n.º1.470, of 23rd April 1953

It being necessary to take measures concerning to destiny to be given to the deposits under the terms of subdivision b) of the article 91 of the Decree of 20th September 1906, in cases where the concessionaires withdraw from the respective concession, and apply for the return of the same deposits;

Considering that the requests for concession of mines bring always considerable labour to the departments where they are given attention to;

Considering that such requests, as it has been generally seen in practice, are made because it has not been possible to mention in the respective manifests, with precision, the limits and boundaries, and that therefore could not obtain the concessions;

Considering that such practice is harmful to the interests of the State and that it is necessary to avoid.

Using the faculties conferred by the Art. 151 of the Constitution, according to the vote of the Governor's Council, the Governor General of the State of India determines the following:

Art. 1. When the interested parties apply for the withdrawal of a concession and for the return of the deposit made in terms of the subdivision b) of the Art. 91 of the Decree of 20th September 1906, the return can be authorized when the concessionaire pays a tax corresponding to 75% of the amount deposited which shall revert to the coffers of the State.

To be published and observed as stated therein.

Residence of the Governor General, at Goa, 23rd April 1953.-
The Governor General, Paulo Bernard Guedes.

Decree n. 39.203, of 11th May 1953

Considering that the precepts regarding the contracts of lease of mining concessions of overseas provinces, contained in the Decree in force of 20th September 1906, do not safeguard sufficiently the progress of mining industry and may therefore be the cause of upsets

Considering that the subjection of these contracts to a governmental supervision and adequate discipline have already been approved in the Metropolis by the Decree n. 18.713 of 11th June 1930, and published in 1st August of the same year;

Taking into account the special conditions of various provinces and hearing the Overseas Council which pronounced favourably;

Using the faculties conferred by n. 3 of the Art. 150 of the Constitution, the Overseas Minister decrees and I promulgate the following:

Art. 1. The contracts of lease which have as an object some mining concession in the Overseas can only be made by a record made before a notary with the previous authorization of the competent authority for making concessions of the type mentioned in the contract.

Art. 2. The authorization is to be solicited jointly by the concessionaire and by the lessee, in a petition accompanied by the project of the contract to be made and the needed documents to prove the idoneity of the lessee.

Art. 3. The idoneity of the lessee shall be judged from what is applicable, in conformity with the requirements established for the acquirers of the mines by the transmission of the respective concessions.

Art. 4. The contract can only be made in the face of the certificate of authorization from the competent authority, and wherein the whole text of the project of the contract is stated.

Art. 5. The despatch of authorization, when be of ministerial competence, shall be published in the "Diario do Governo" and in other cases, in Official Gazette of the respective province.

Palace of the Government of Republic, 11th May 1953. - FRANCISCO HIGINIO CRAVEIEO LOPES - Antonio de Oliveira Salazar - Manuel Maria Sarmiento Rodrigues.

To be published in Official Gazettes of all the overseas provinces. - M.M. Sarmiento Rodrigues.

(D.G. 1 serie, n.º97, of 31-5-1953)

Legislative Diploma n. 1.498, of 30th July 1953

Considering that the mineral concessions constitute de facto administrative rights subject to special juridical system and supervision of the State;

Considering that it is necessary to guarantee the supervision of the State in all the aspects of mineral exploitation in a way so as to avoid acts which may injure the respective economic development;

Using the faculty conferred by Art. 151 of the Constitution, according to the vote of the Government's Council, the Governor General of the State of India determines the following:

Art. 1. No juridical deal upon mineral concession can be effected without the previous authorization of the Governor General, after hearing the Permanent Section of the Government's Council.

Art. 2. In the appreciation of the request of authorization for the juridical deal it shall be taken into consideration the idoneity of the parties and the respective conditions and guarantees.

Art. 3. The authorization should be requested to the Governor General through the mining department by a petition made by the concessionaire and by the person or entity with whom the juridical deal is to be effected, showing the following:

1st The plan of the juridical deal to be effected.

2nd A document regarding the financial standing of the person or entity with whom the juridical deal is to be effected, when the nature of the deal demands it;

3rd Documents which the same person or entity worth while presenting to show the development which he proposes to give to the exploitation of the concession and the advantages to the national economy which the performance of the juridical deal can bring.

Art. 4. The request for authorization shall be informed by the Mining Department and the Governor General shall decide by his despatch (despacho), after hearing the Permanent Section of the Governor's Council.

Art. 5. Only after the despatch conceding the authorization that the juridical deal can be effected by a record made before a notary, the copy of which should be shown to the Mining Department within 15 days from the date of the contract, so that it may be confirmed by the Governor General after an information from the said Department.

{1. The despatch of the authorization shall be published in the Official Gazette but the contract of the juridical deal can only be made on the presentation of the certificate mentioning the referred despatch and the complete text of the project of the juridical deal.

{2. The confirmation of the juridical deal cannot be refused by the Governor General when it has fulfilled completely the despatch of the authorization.

Art. 6. After any dispute concerning the concession of mines being admitted in a court, the respective officer (escrivao) shall inform the mining Department, within 8 days on pain of breach of discipline. After the sentence, the respective officer shall inform likewise.

Art. 7. The Mining Department shall register the communications referred to in preceding article and shall supervise the complete observance of the Mining Law approved by the Decree of 20th September 1906 and any other legislation in force.

Art. 8. The juridical deals effected in contravention of this diploma are null and void and the functionaires that were partisan to it shall be legally responsible.

Art. 9. What is established in this diploma does not repeal the contents in the Mining Law approved by the Decree of 20th September 1906 and the Decree n.º 39.203 of 11th May 1953.

To be published and observed as stated therein.

Residence of the Governor General, at Goa, 30th July 1953.-
The Governor General, Paulo Benard Guedes.