



OFFICIAL GAZETTE

OF THE
HIGH COMMISSIONER FOR SOUTH AFRICA.

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[No. 1735.]

No. 38 of 1934.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for the licensing of restaurant, café or tea room, whether indoors or in the open, or for the sale or supply of meals or refreshments including aerated or mineral waters, bread, biscuits, cakes or pastry, sweets, confectionery, cigarettes, tobacco or cigars (not being intoxicating liquors for the sale of which a liquor licence is required) the sum of five pounds per annum and each such licence shall expire on the thirty-first day of December of the year it was granted. If taken out after the first day of July the licence duty shall be two pounds ten shillings up to the thirty-first day of December following.

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. There will be paid by every person who keeps a public restaurant, café or tea room, whether indoors or in the open, or for the sale or supply of meals or refreshments including aerated or mineral waters, bread, biscuits, cakes or pastry, sweets, confectionery, cigarettes, tobacco or cigars (not being intoxicating liquors for the sale of which a liquor licence is required) the sum of five pounds per annum and each such licence shall expire on the thirty-first day of December of the year it was granted. If taken out after the first day of July the licence duty shall be two pounds ten shillings up to the thirty-first day of December following.

2. Application for a licence shall be made to the Resident Magistrate of the district in which the premises are situate, who is empowered to grant or refuse such application, and shall not be bound to assign any reason for refusing any application.

3. The Resident Magistrate may cause to be endorsed on the licence such conditions as he shall consider to be necessary, as also the hours during which business shall be conducted. Any contravention of these conditions, or non-observance of hours of business shall be an offence and the holder of the licence shall, on conviction, be liable to a fine not exceeding ten pounds or to imprisonment not exceeding one month. The magistrate shall also be empowered, on conviction of any licence holder, to cancel the licence held by such person.

4. This Proclamation shall have force and take effect from the first day of January 1935.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Fourteenth day of September One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 39 of 1934.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for the payment of compensation to native labourers employed in the Bechuanaland Protectorate (hereinafter called "the Territory") who suffer an injury or death in the course of their employment:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation unless inconsistent with the context—

"dependants" shall in the case of the deceased native labourer, being a native of the Territory, mean such person or persons as the Resident Commissioner, after consultation with the Chief of the tribe to which the said native labourer belongs, may decide to be his next-of-kin;

"employer" shall mean any person or body of persons, corporate or unincorporate, hiring or contracting, before or after the taking effect of this Proclamation with any native labourer (as in this section defined) for the performance of any work (as in this section defined);

"mine" shall mean any working made for the purpose of prospecting for or winning minerals;

"native labourer" shall mean any aboriginal native belonging to any native tribe, or any half caste or person of mixed race living as a member of any native community, tribe, kraal, or location, who is engaged by an employer to perform work as defined herein under agreement of service or apprenticeship or otherwise whether such agreement be expressed or implied, oral or in writing, and whether payment be made by time or calculated on work done;

"work" shall mean employment of any kind whatsoever but does not include domestic service nor employment in agriculture unless such employment be in connection with any engine driven or machine worked by mechanical power.

2. (1) There shall be payable by the employer of any native labourer employed by him compensation in respect of any personal injury caused by accident arising out of or in course of his work whereby such native labourer has become totally or partially incapacitated or has met his death.

(2) Whenever such accident occurs the said employer shall pay compensation upon the following scale:—

(a) In the event of permanent partial incapacitation (which shall mean inability, owing to the injury, to resume work similar to that at which he was employed at the time of the injury, or for which he was fitted by trade or calling), a sum being not less than one pound and not more than fifteen pounds.

(b) In the event of permanent total incapacitation for work, a sum being not less than ten pounds and not more than fifty pounds.

(c) In the event of death, a sum of thirty pounds; Provided that no compensation shall be payable under this Proclamation in respect of an injury to a native labourer which was due to his own serious and wilful misconduct, which shall include drunkenness, wilful contravention of any law or statutory regulation made for the purpose of ensuring the safety of or preventing accidents to workmen, or any other act or omission which a Court of Law, having regard to all the circumstances of an accident causing injury, may declare to be serious and wilful misconduct.

(d) In the event of temporary disablement a native labourer shall receive as compensation periodical payment at the rate of sixty per cent. of his monthly earnings for a period not exceeding six months; provided that he shall not be entitled to any such payment if the period of disablement lasts for less than one week, and provided further that where such labourer receives from his employer food, quarters and medical aid, he shall not be entitled to any such payments during the first six weeks of such disablement, and in respect of any period thereafter he shall be entitled only to compensation not exceeding twenty-five per cent. of his earnings.

3. If any employer dispute that compensation is payable to a native labourer, or fail to pay any amount due under section two, or if any native labourer is dissatisfied with the amount offered by the employer in satisfaction of his claim for compensation, the matter shall be determined by the Resident Magistrate of the District sitting in his judicial capacity and having all the powers conferred on Magistrates by the Proclamation of the 10th June, 1891, or any amendment thereof.

4. In the case of death the compensation shall be paid to the Resident Magistrate of the District, who shall thereupon take steps to ascertain whether there are dependants of the deceased or not. If there are no dependants the compensation shall be returned to the employer. If there are dependants the compensation shall, in the case of the deceased being a native of the Territory, be paid by such Resident Magistrate to any such dependants; or, if the deceased was a native of any other State or Territory, then the compensation shall be paid by the Resident Magistrate to the Administration of such State or Territory, to be paid to any such dependant; provided that the form in which payment shall be made in each case shall be in the discretion of the said Resident Magistrate or Administration.

5. No sum payable to any dependant shall be liable to attachment for any debt due by the deceased native labourer, nor shall the amount of any compensation recovered or recoverable on behalf of the dependant form part of the deceased labourer's estate for the purpose of any law for the time being relating to the administration of or the duty on the estates of deceased persons.

6. (a) Where it shall appear from a certificate granted by a Government Medical Officer that a native is suffering from a disease mentioned in the Schedule to this Proclamation causing disablement or that the death of a native was caused by any such disease, and that such disease was due to the nature of the native's employment as set out in the Schedule at any time within the twelve months previous to the date of such disablement or death, the native, or if he be deceased, his dependants, shall be entitled to claim compensation under this Proclamation as if such disablement or death had been caused by an accident, and the provisions of this Proclamation shall, subject to the provisions of this section, *mutatis mutandis* apply, unless at the time of entering into the employment the native wilfully and falsely represented to the employer in reply to a specific question that he had not previously suffered from the disease, provided that where the native was not, at the date of the disablement or death, employed in the occupation to the nature of which the disease is due, the earnings of the native shall be calculated on the basis of his earnings when he was last employed in such occupation.

(b) Compensation shall be payable by the employer who last employed the native during the period of twelve months referred to in this section unless that employer proves that the disease was not contracted while the native was in such employment.

(c) The native or his dependants, if so required, shall furnish to the employer from whom compensation is claimed, such information as he or they may possess, as to the names and addresses of all other employers who, during the said twelve months, employed the native in the occupation to the nature of which the disease is due.

(d) If the employer alleges that the disease was in fact contracted whilst the native was in the employment of some other employer and not whilst in his employment, he may join such other employer as a party to any application for compensation, and if the allegation is proved, that other employer shall be the employer from whom the compensation is to be recoverable.

(e) If the disease is of such a nature as to be contracted by a gradual process, any other employers who during the said twelve months employed the native in the occupation to the nature of which the disease is due shall be liable to make to the employer from whom compensation is recoverable such contributions as in default of agreement may be determined by the Resident Magistrate on application.

(f) The date of the certificate referred to in this section or of the death of the native, as the case may be, shall be treated for the purposes of this Proclamation as the date of the happening of the accident.

(g) Notice in writing shall be given to the employer who last employed the native during the said twelve months in the occupation to the nature of which the disease is due, setting out all particulars of the case, as soon as reasonably possible.

(h) If a native who becomes disabled by or dies of any disease mentioned in the Schedule was within the period of twelve months immediately preceding the disablement or death employed in any occupation mentioned in such Schedule opposite such disease, it shall be presumed unless or until the contrary is proved, that the disease was contracted in the course of such employment.

(i) Nothing in this section contained shall be construed as preventing compensation being recovered from any employer who employed the native during the twelve months referred to if the employer who last employed the native during the period proves that the disease was not contracted while the native was in his employment, in which case the provisions of sub-section (d) hereof shall apply.

(j) The Resident Commissioner may carry out an investigation as to whether any disease should be included in the Schedule as an Industrial Disease, and the High Commissioner may by notice in the *Gazette* amend the Schedule either by the addition of any disease or the deletion of any disease or otherwise.

7. Nothing in this Proclamation shall be taken to debar any native labourer from claiming compensation under his rights at common law, but no action for compensation shall be maintained unless such action shall have been commenced within six months from the date of the injury, or in the case of death resulting therefrom within six months from the date of such death. If the employer shall in either case have admitted his liability to pay compensation, then such action shall be commenced within six months from the date of such admission.

8. This Proclamation shall be cited as the "Native Labourers Compensation (Bechuanaland Protectorate) Proclamation 1934", and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Nineteenth day of September One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency
the High Commissioner.

SHIRLEY EALES,
Administrative Secretary.

SCHEDULE.

Description of Disease.	Description of Work.
Silicosis	In mining carried on underground.
Tuberculosis	Ditto.
Ankylostomiasis (hookworm)	Ditto.
Cyanide rash	The handling of cyanide or any work involving the use of cyanide.
Lead poisoning or its sequelae	The handling of lead or its preparations or compounds or any work involving the use of lead or its preparations or compounds.
Mercury poisoning or its sequelae	Any work involving the use of mercury or its preparations or compounds.

(Printed by the Government Printer, Pretoria.)

No. 40 of 1934.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient that provision should be made for the regulation of works and machinery connected with prospecting and mining operations in the Bechuanaland Protectorate (hereinafter referred to as "the Territory");

Now therefore, under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known as follows:—

1. The regulations set out in the attached Schedule shall apply to the Tati District as defined in Proclamation No. 2 of 1911 (including the native reserve within that district assigned by that Proclamation) and to such other areas in the Territory as the High Commissioner may specify from time to time by notice in the *Gazette*.

2. The High Commissioner may amend, repeal or add to any of the regulations in the attached Schedule, and may prescribe penalties for the breach of any of such amended or additional regulations.

3. This Proclamation may be cited as the Regulation of Works and Machinery (Bechuanaland Protectorate) Proclamation, 1934, and shall have force and take effect from the first day of October, 1934.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Nineteenth day of September One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
Administrative Secretary.

SCHEDULE.

REGULATIONS.

1. In the interpretation of these regulations the terms hereinafter defined shall, unless the context otherwise requires, have the following meanings:—

“Agent” means the accredited representative of the owner, and shall include a manager, residing in the Bechuanaland Protectorate.

“Inspector” means an Inspector of Mines or Machinery appointed by the High Commissioner by notice in the *Gazette*.

“Machinery” means every kind of mechanical appliance or portion thereof employed in or about any works used for the extraction or treatment of metals, minerals, or precious stones.

“Manager” means the person having the immediate charge and direction of all operations in connection with any mine or works, and any deputy appointed in lieu of such manager.

“Mine” shall be taken to mean all places where operations in connection with the extraction of metals, minerals, and precious stones from the ground and their treatment by mechanical or other process are carried on, but shall not include surface prospecting by trenches less than ten feet in depth.

“Mining” shall be taken to mean the intentional extraction of metals, minerals, and precious stones, including all work necessary for the purpose, irrespective of whether such extraction is effected by underground mining works, open cuttings, boring, or otherwise.

“Owner” means the owner of a mine as herein defined and shall include a lessee, licensee, or tributor of a mine.

INSPECTORS AND THEIR DUTIES.

2. An Inspector shall have power to do all or any of the following things:—

- (1) To make examination and inquiry to ascertain whether the provisions of these regulations are being complied with;
- (2) to enter, inspect, and examine any mine and every part thereof, at all times by day or night, but so far as not unnecessarily to impede or obstruct the working of the mine;
- (3) to examine into and make inquiries respecting the state and condition of any mine or part thereof, and of all matters or things connected therewith in so far as such relate to the safety or well-being of persons employed therein;
- (4) to obtain written statements from witnesses, and to appear at inquiries held respecting mine accidents, and at inquests, and to call and examine witnesses and to cross-examine witnesses;
- (5) to exercise such other powers as are necessary for carrying the provisions of these regulations into effect.

3. All the powers, rights, and duties of an Inspector may be exercised by a Mining Commissioner appointed under the provisions of the Bechuanaland Protectorate Mines and Minerals Proclamation, No. 33 of 1932, or Magistrate, and notice of any fact required by these regulations to be given to an Inspector may be given to a Magistrate or such Mining Commissioner.

4. Every owner, agent or manager of a mine who refuses to furnish to the Inspector the means necessary for making an entry, inspection, examination or inquiry under the provisions of these regulations, in relation to such mine, shall be liable to a fine not exceeding £10, and in default of payment of any fine inflicted, to imprisonment, with or without hard labour, for a period not exceeding one month.

5. In any case where an Inspector finds any mine or part thereof, or any machinery, plant, matter, thing or practice in or connected therewith to be dangerous or defective, so as, in his opinion, to threaten or tend to the bodily injury of any person, and the case is not elsewhere sufficiently provided for by these regulations, the following special provisions shall apply:—

- (1) The Inspector shall by requisition in writing addressed to the owner, agent or manager, at the mine, specify the nature of such danger or defect, together with his reason for holding that the same exists, and require the matter complained of to be remedied within a specified time;

(2) on receipt of such requisition, the owner, agent or manager shall comply therewith, or, if he intends to object thereto, as provided by the following sub-section, he shall cease to use the said mine, or part thereof, machine, plant, matter, thing or practice, as to which such requisition shall have been given, and shall forthwith withdraw all men from the danger indicated by the Inspector until such time as the matter shall have been determined by arbitration, and in case of default shall be guilty of an offence against the provisions of these regulations; provided that if, in the opinion of the Inspector, there be no immediate danger, he shall allow work to proceed during such period, under such restrictions and upon such conditions as he may consider necessary, and shall specify in writing, to ensure the safety of the workmen;

(3) if the owner, agent or manager objects to comply with such requisition, he may, within seven days after the delivery thereof as aforesaid, send his objections in writing stating the grounds of his objections to the Inspector, who shall send a copy thereof to the Resident Commissioner and thereupon the matter shall be referred to the decision of a single arbitrator, to be mutually agreed upon; but if the owner, agent or manager and the Inspector are unable to agree as to the person to be appointed then the matter shall be decided by arbitration conducted and carried on under the law in force for the time being governing arbitrations in the Province of the Cape of Good Hope;

(4) if the owner, agent or manager fails to comply with the requisition, or in the event of objection and arbitration, with the award made on arbitration and such failure continues for fourteen days after the expiration of the time for objection or the date of award, as the case may be, he will be guilty of an offence against the provisions of these regulations and will be liable to immediate prosecution.

MANAGERS: THEIR APPOINTMENT AND DUTIES.

6. (1) Every mine shall be under the control and supervision of a manager.

(2) The manager may be the owner or agent of the mine, or some person appointed by such owner or agent.

7. (1) The appointment of every manager shall be notified in writing, by the person appointing him, to the Inspector within fourteen days of the coming into force of these regulations, and every fresh appointment shall be notified within fourteen days of such appointment.

(2) A manager may, during his own temporary absence, appoint in writing some suitable person to be manager during such absence, and upon such appointment all duties and liabilities of the manager shall, during such absence, devolve upon the person so appointed.

8. If any mine is worked for more than fourteen days, except under the control and supervision of a manager, the owner or agent of such mine shall be liable to a penalty not exceeding £10, and to a further penalty not exceeding £5 for each day during which such mine is so worked.

9. When mining operations in a mine are abandoned, discontinued or recommenced, notice of the fact shall within one month be given by the owner, agent or manager, to the Inspector.

10. (1) The manager of every mine shall enforce the observance of all the provisions of these regulations in the mine under his charge, and of all the rules and regulations applicable thereto.

(2) The manager shall be empowered to make rules, not inconsistent with the provisions of these regulations, for the maintenance of order and discipline. Such rules shall be submitted to the Resident Commissioner, and, if approved, be enforced in the same manner as provided in these regulations. Any breach of such rules shall entail all the penalties attending a breach of the provisions of these regulations.

(3) The manager shall, as soon as practicable, report in writing to the Inspector the occurrence in the mine of every breach, or apparent breach of the provisions of these regulations, whether the same has been committed by an employee of the mine, an independent contractor, or any other person, and failure to make such a report shall be an offence.

(4) The owner, agent or manager of a mine in which any breach aforesaid has occurred shall be deemed to be guilty of an offence unless he proves to the satisfaction of the Court that all reasonable means of enforcing the provisions of this Schedule and of preventing such breach were taken.

11. In every mine of which there is a registered manager it shall be a condition of the agreement between him and every contractor employed in the mine that the said manager shall have supervision and control of all the work carried out by the said contractor, and in respect of such work shall be deemed the manager appointed by such contractor, unless the said contractor, with the consent in writing of the Inspector and of the owner, agent or manager from which the contract is taken, shall himself appoint and register a manager to have charge of the said work.

ACCIDENTS.

12. (1) Whenever an accident occurs on a mine or any works subject to the provisions of these regulations, which results in the death of, or serious personal injury to, one or more persons, the manager shall immediately, by the quickest means available, give notice thereof in writing, and also by telegraph or telephone, where practicable, to the Resident Commissioner, and, in the case of death, to the Magistrate, stating full particulars regarding such accident, provided that, if death results after the accident has been reported, a supplementary report of the death shall be furnished as soon as practicable.

(2) By serious personal injury is meant such an injury as may result in the injured person being incapacitated from work for at least fourteen days.

(3) Any manager who omits to give such notice shall, unless such notice was given by the owner or agent, be deemed guilty of an offence against these regulations.

13. It shall be the duty of persons employed in a mine or works to report to the manager any accident which may come to their knowledge, as soon as possible after the occurrence thereof, and any person who fails to do so shall be guilty of an offence against the provisions of these regulations.

14. In every mine or works where cyanide is used there shall be kept in a conspicuous place, convenient to every building or works at which such is used, a sufficient supply of a satisfactory and efficient antidote for cyanide poisoning approved by the Inspector. Such antidote shall be kept in a covered but unlocked box, which shall be placed in a conspicuous position and labelled "Cyanide Antidote" and explicit directions for the use of such antidote shall be affixed inside the lid of the box.

15. Where more than thirty persons are ordinarily employed underground, ambulances, or stretchers, and surgical requisites shall be kept at the mine ready for immediate use in case of accidents.

UNDERGROUND WORKINGS.

16. (1) An adequate amount of fresh air shall be made to circulate through and into winzes, shafts, levels, underground stables, and all working places of such mines and the travelling ways to and from such places, in such quantity as will maintain the same in a fit state for working and passing therein.

(2) Adequate provision shall be made in every mine for cleanliness and sanitation.

(3) The top and all entrances between top and bottom of every shaft and surface excavation shall be properly and securely fenced or covered, but this provision shall not be taken to forbid the temporary removal of a fence for the purpose of repairs or other operations, if proper precautions are used.

(4) Where the natural strata are not safe, every ladder working or pumping shaft shall be securely timbered, lined or otherwise made secure.

(5) Every drive, winze, rise or stope, and every excavation of every kind, whether at surface or underground, in connection with the working of a mine, shall be securely protected and made safe for persons employed therein.

(6) No miner in charge shall allow any person to work on or beneath ground which appears to him to be dangerous and which any person has attempted to take down or remove unless such ground is adequately supported by timbering or otherwise, and if not so supported he shall personally warn or cause to be warned all persons working in the vicinity thereof against working or being beneath such ground and report the dangerous condition to any official entering the place in which such ground is situated.

(7) If any labourer or other person working under the supervision of a miner complain that his working place is dangerous, the miner shall not cause or permit him or any other person to remain or work in the place complained of until he has made the place safe, or had it examined by another competent person and has obtained his concurrence as to the safety of the place.

(8) In every working in a mine approaching a place likely to contain a dangerous accumulation of water or gas, boreholes shall be kept in advance of the face, and at such an angle from the working as may be necessary to ensure safety; and no drive, gallery or other excavation shall be made within a dangerous distance of such accumulation of water or gas until the ground has been so tested. No rise shall be allowed to approach any portion of a winze in which there is a dangerous accumulation of water, unless a sufficient number of boreholes shall have been kept in advance or other precautionary measures taken to obviate danger therefrom.

(9) If required by the Inspector to ensure the safety or good health of the workmen employed, additional rises, chambers, drives or other workings shall be constructed.

(10) Waste timber in underground workings shall not be piled up and permitted to decay, but shall be removed as soon as practicable.

(11) When any shaft is being sunk below levels therefrom which are being worked, it shall be protected below such level by a securely constructed penthouse; and when considered necessary by the Inspector, further penthouses shall be constructed in such or any shaft, and penthouses shall forthwith be constructed in any shaft after he has given instruction to that effect.

(12) On the inside of the boundary lines of every mine, safety pillars must be left standing, the width of which in coal mines shall not be less than fifty feet, and in metaliferous mines not less than twenty feet.

On the joint application of owners of adjoining mines the Inspector shall give permission to either party to weaken, cut through or work from the respective pillars between such mines. In the absence of such application, the Inspector has the power to give written permission for the partial working, weakening or cutting through of such pillars.

EXPLOSIVES AND BLASTING.

17. (1) Charges may be untamped sufficiently to permit of immediate refiring.

(2) No hole which has contained explosives may be deepened, and all misfires and sockets must be efficiently plugged with wooden plugs where possible.

A sufficient supply of wooden plugs for the purpose of complying with the provisions of this section shall be available and kept on hand at every working face.

(3) (a) In any mine other than a fiery mine, no person shall drill or cause or permit to be drilled any hole in any drive, crosscut, winze, rise or other similar confined place where there is a misfired hole until such misfired hole has been again blasted.

(b) No person shall drill or cause or permit to be drilled any hole within six feet of a misfired hole in a stope.

(c) No person shall drill or cause or permit to be drilled any hole adjacent to a socket unless such hole is placed more than six inches from such socket and given such a direction that it cannot come nearer to such socket or the line of direction thereof than six inches. The direction of any such socket shall be ascertained by washing out with water whenever this is possible.

(4) No unauthorized person shall remove or attempt to remove the wooden plug with which a misfired hole or socket of a hole has been plugged.

(5) The date of manufacture shall be stamped on all packets of explosives imported for consumption in the Bechuanaland Protectorate.

(6) The date of manufacture and the burning rate per minute shall be stated on every packet of fuse imported for consumption in the Bechuanaland Protectorate.

(7) Explosives shall be stored in a main magazine or a distributing magazine.

(8) A main magazine shall be a building on surface or sub-surface, not less than one hundred yards from any building, works, public road, bridge, aqueduct or railway.

(9) No distributing magazine or box containing explosives shall be situated or placed near a main drive, shaft, station or travelling way, but shall be situated or placed in an unused chamber or crosscut apart from any such drive, shaft, station or travelling way. These magazines or boxes shall be kept securely locked at all times except when explosives are being placed therein or taken therefrom. No person shall be allowed to be in the immediate vicinity of a place where explosives are kept or charges prepared, except those who are necessary for handling and using them.

(10) The quantity of explosives allowed in a distributing magazine shall not exceed the supply required for two working days underground.

(11) No larger quantity of explosives shall be taken into a working face than what would be required for use during one shift in such face.

(12) Detonators shall in all cases be stored apart from other explosives. Not more than one week's supply of detonators shall be kept underground in any level at one time, and shall be kept in a separate drive or chamber, and only taken out in such quantities as required for immediate use. Detonators shall not, on any pretence whatsoever, be placed in any travelling road, pass, or working face.

(13) Every main magazine shall be in charge of a European, who shall be responsible for the safe storage of explosives contained therein; and the distribution of all explosives from any distributing magazine shall be under the supervision of an authorized person, who may be a miner at work in such level.

(14) In the event of the discontinuance of work in any mine, all explosives stored underground shall be removed.

(15) Charges shall be made up in distributing magazines only.

(16) No smoking shall be allowed when handling explosives, nor at any time within any magazine.

(17) In charging holes for blasting, only wooden tools shall be used in tamping or ramming.

(18) No person shall extract or attempt to extract explosives from a hole that has once been charged.

(19) A charge which has missed fire shall not be approached, until half an hour has elapsed from the time of lighting the fuse. This rule shall not apply to charges fired by an electric current, provided the conducting wires are first disconnected.

(20) No hole shall be bored in the butt or the remaining portion of a hole in which a charge of explosives has been previously exploded.

(21) No hole which has been fired shall be recharged until it has been thoroughly cooled or washed out with water.

(22) (a) The blasting of the various stopes and other working places shall be arranged where possible in such a way that the number of shots exploded, except in the case of electric firing, shall be counted by at least two persons, one of whom shall be the miner in charge of blasting operations, the miner in charge being held responsible for the proper firing and handling of the explosives, and when relieved from duty shall forthwith report the position of any charged holes or misfires to the miner relieving him or to the shift boss and mine manager.

(b) After any blasting on any face where compressed air is available the face shall be blown out to the satisfaction of the miner in charge. The air valve shall be placed, in the case of a winze, at the collar, and, in the case of shaft sinking, on the station immediately above the face being worked. On all mines reasonable precautions shall be taken after blasting to ensure the safety of the oncoming shift, and the miner in charge shall not allow any workman to enter the working places until he shall have satisfied himself that work can be performed in safety, provided that the miner in charge may, with the approval of the manager, appoint some person in authority as his deputy, in which case any deputy so appointed shall in the absence of the miner in charge, assume all the duties and liabilities imposed by these regulations upon the miner in charge.

(23) No person shall be allowed to charge or fire explosives unless he shall be experienced in blasting, or be under the direct supervision of the miner in charge. No unauthorized person shall be permitted to handle or otherwise deal with explosives.

(24) No charge of an explosive shall be fired unless and until proper warning has been given in all adjacent workings whereby any person might approach within danger of the explosion.

(25) No person engaged in mining operations shall use a lighting torch which evolves nitrous fumes in burning.

TRAVELLING LADDERWAYS.

18. (1) In every pit or shaft exceeding one hundred feet in depth which is used for the ascent and descent of persons and in which no machinery is used for lowering and raising persons other than a whim, whip or windlass, a proper ladder or footway shall be provided.

(2) Where one portion of a vertical shaft is used for the ascent and descent of persons by ladders, or a cage or skip, and another portion of the same shaft is used for raising material, the former portion shall be securely fenced off from the latter.

(3) In every shaft in which machinery is used for raising persons a proper ladderway shall also be provided, unless some other safe means exists for exit of persons from all parts of the mine.

(4) In ladderways exceeding sixty feet in depth and having an inclination of more than seventy degrees from the horizontal resting places (platforms) shall be provided at distances not more than thirty feet apart. The ladders shall be so placed as to cover the manholes of the resting places.

(5) No ladder shall be erected at an inclination of more than eighty degrees from the horizontal.

(6) No ladderway shall be fixed in an overhanging position in a travelling way.

(7) Every ladder used in a mine shall be—

- (a) of strong construction;
- (b) securely fastened to the timbering or wall of the shaft, winze or stope;
- (c) maintained in good repair.

(8) Under special circumstances, exemption may be granted with the written consent of the Inspector and under conditions laid down by him, from any of the provisions of this section.

WINDING OR HOISTING.

19. (1) All methods of signalling in mines to indicate that persons or materials are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on frame boards, one of which shall be placed at each station in the shaft, another on the top of the shaft, and another in the engine room.

(2) No verbal communication shall be made up or down any shaft exceeding one hundred feet in depth where cages or skips are used.

(3) Every machine worked by steam, water or mechanical power, and used for lowering or raising persons, shall be fitted with an adequate brake, and some efficient means of indicating the position of cage or skip in the shaft shall be utilized where more than one level exists.

(4) No explosives, iron, timber, tools, rails, sprags or other such materials, except when repairing the shaft shall be placed on the same cage, carriage, receptacle or platform in which persons are being lowered to or raised from their work. Provided always that this section shall not apply to any person who shall be specially authorized by the manager or mine overseer to travel with such explosives, iron, timber, tools, rails, sprags or other such materials, nor to any person in charge of sinking operations.

(5) The connection between rope and cage, skip, kibble or other means of conveyance must be of such a nature that no accidental disconnection can take place.

(6) A sufficient cover overhead shall be provided on every cage used for lowering or raising persons in every working shaft.

(7) Notice of the maximum number of persons permitted to ride at one time on a cage or skip shall be posted up and kept so posted in legible characters at the top of the shaft.

(8) Prior to any steel rope being used for hauling in a shaft, a certificate shall be obtained from the supplier of the breaking strain thereof, and no rope shall be used that will not carry at least six times the working load.

(9) Steel ropes used for winding shall be reshod at least every six months, and the oiling of such ropes shall be carried out at least once a month.

(10) Every winch worked by steam or compressed air which is used underground for hauling purposes shall be provided with a proper pressure gauge to indicate to the person in charge the amount of pressure available for working it. In no case shall the steam, air, or other motive power used underground be cut off unless and until the person in charge of the generating plant on the surface has given due notice to the drivers of the underground machinery.

(11) In every vertical shaft in which persons are raised or lowered by machinery, other than machinery operated by hand labour, guides shall be provided to within not more than fifty feet from the bottom of the shaft.

CODE OF SIGNALS.

20. The following code of signals shall be used in all shafts exceeding one hundred feet in depth:—

Ring:—

- 1 Raise when engine at rest.
- 1 Stop when engine in motion.
- 2 Lower.
- 3 Men about to ascend or descend.
- 3 In reply from the engine-driver, meaning that men may enter cage or other conveyance.
- 5-1 Blasting signal. On ringing 5, the engine-driver should raise the bucket ten feet and then lower; on ringing the following one, hoist rapidly.
- 7 Accident signal.

Power is given to managers to introduce such additional signals as local conditions demand.

Signals for Men Working in Shaft.

- 2-2 Lower bucket slowly.
- 3-3 Hoist bucket slowly.

When men are working in shaft the engine-driver must disregard all signals except shaft signals.

21. No person shall give, or cause to be given, any wrong signals, or ride upon any cage or skip at a time when signals have informed the engine-driver that no person is so riding.

MACHINERY.

22. Moving machinery, belts, and electrical plant or apparatus should be so safeguarded that there is no undue risk to persons whose duties necessitate their being close to or working at such machinery, belts, electrical plant or apparatus.

23. (1) No person in charge of or in close proximity to moving machinery shall wear loose outer clothing.

(2) The persons in immediate charge of moving machinery or supervising other persons working in the neighbourhood of moving machinery shall not allow any person engaged in close proximity to such machinery to wear loose outer clothing.

24. Buildings containing moving machinery or electrical apparatus which would endanger life or limb on contact shall have notices posted prohibiting the entry of unauthorized persons.

25. Dangerous places such as elevated platforms, pits, trap-holes, *et cetera*, shall be protected in a manner to safeguard such persons as may be authorized to work on such platforms, pits, trap-holes, *et cetera*, or to be in the vicinity thereof.

26. The manager, or some duly qualified person appointed by him, shall once in each week carefully examine the machinery and ropes used in the working of the mine, and shall record in a record book his opinion as to their condition and safety.

A separate book shall be kept to record the particulars of examination of winding ropes, with the following particulars:—

- Name, *et cetera*, of manufacture.
- Date of purchase and certificate.
- Description and make of rope.
- Date on which rope was put on.
- Date of oiling, cleaning, and examination.
- Date of shortening and re-capping.
- Breaking strain per certificate.
- Safe working load.
- Ordinary working load.
- Condition of rope at date.

This record book shall be kept by a competent person, appointed to conduct periodical examination of rope.

PROTECTION OF SURFACE.

27. (1) Water used in the treatment of gold or other ore, which contains chemical solutions, poisonous or injurious to man or beast, must be effectually fenced off to prevent access thereto by persons or animals. Notices must be put up in suitable places to warn persons against making use of such water. In no case may water containing such injurious solutions be permitted to escape.

(2) All vessels used for the treatment, with acid, of zinc slimes from the cyanide process shall be fitted with mechanical agitators, and all such vessels shall be placed in such a position that any fumes arising therefrom shall be led into the open air for dissipation into the atmosphere, so that neither the operator nor any other person is endangered from inhalation of such fumes.

MISCELLANEOUS.

28. Every person employed in or about a mine shall, before commencing and while at work, use ordinary and reasonable precaution to ascertain that the tubs, chains, tackle, windlass ropes or other appliances he uses and the places in which he works are safe; he shall not himself, nor shall he cause or permit any other person, to use anything or work in a place that is unsafe; and every such person who witnesses in or about the mine anything likely to produce danger of any kind shall forthwith report the same to the person in immediate authority over him, and it shall be the duty of such last-mentioned person forthwith to report the same to the manager.

29. No person in a state of intoxication or in any other condition which may render or be likely to render him incapable of taking care of himself or of persons under his charge shall be allowed to enter a mine, or to be in the proximity of any working place on the surface or near to any machinery in motion. Any person who may have entered a mine or works or be found at any working place above or below ground in a state of intoxication shall be immediately removed by the manager or some person duly authorized by him, and shall be deemed to be guilty of an offence against the provisions of these regulations.

30. No native coming from that part of tropical Africa which is north of the Zambesi River, who is engaged on work in connection with mining in the Bechuanaland Protectorate shall be employed on underground work for a period of one calendar month from the date of his arrival for such work unless the responsible manager of the mine shall have satisfied himself that such native had been previously employed on mining work in the Bechuanaland Protectorate.

31. The Resident Commissioner, if satisfied that such action is necessary for the preservation of the health of native labourers, may by notice communicated to a mine manager in writing—

- (1) limit the number of hours of continuous employment of such labourers on a mine or any section thereof;
- (2) limit the number of such labourers employed on any one shift;
- (3) limit the number of shifts or rounds of blasting in twenty-four hours;
- (4) withdraw all labourers or any class thereof from any mine or section thereof;
- (5) impose conditions as to the employment of any class of labourers.

32. A printed copy of the general rules for the time being in force in every mine shall be posted in the office (if any), and on a board in some conspicuous place at the mouth of the main shaft, and the same shall be maintained in a legible condition. Any person who pulls down, injures, or defaces such printed copy of the rules shall, for every such offence, be liable to a penalty not exceeding forty shillings.

PENALTY.

33. Any person contravening any provisions of these regulations or of the rules referred to in Regulation 10 (2) shall be liable upon conviction to a fine not exceeding £20, or in default of payment of any fine inflicted, to imprisonment with or without hard labour for a period not exceeding three months, and upon a second conviction to double such penalty and punishment.

GENERAL.

34. The High Commissioner may from time to time exempt from the operation of these regulations or any provisions thereof any mine for such period and on such conditions as he may think fit.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 135 of 1934.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint Sub-Inspector Jack Masterman, Bechuanaland Protectorate Police, to act temporarily as an Assistant Resident Magistrate for the Ngwato District of the Bechuanaland Protectorate, with effect from 11th September, 1934.

By Command of His Excellency
the High Commissioner.

SHIRLEY EALES,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 19th September, 1934.

NOTICE.

In the Estate of the late FREDERICK WILFRID WALTERS.

Creditors and Debtors in the above Estate are hereby required to file their claims with and pay their debts to the undersigned within thirty (30) days of the date of publication hereof.

Dated at Maseru, Basutoland, this eleventh day of September, 1934.

A. W. WALTERS,
Maseru, Basutoland. Executor Testamentary.

SWAZILAND.

PUBLIC NOTICE TO FURNISH RETURNS UNDER THE SWAZILAND INCOME TAX PROCLAMATION, 1921 (AS AMENDED), FOR THE YEAR ENDED 30th JUNE, 1934.

Notice is hereby given that all persons liable to taxation personally or in any representative capacity, under the provisions of the Swaziland Income Tax Proclamation, 1921 (as amended), or the Swaziland Income Tax (Supertax) Proclamation, 1930, as amended, are required to furnish within thirty days after the publication of this notice, returns for the assessment of the tax. Returns are also required within thirty days of the publication of this notice from any other person, whether a taxpayer or not, to whom paragraph (a), (b), (c), (d), or (e) of this notice applies.

Returns are required from—

- (a) every married or widowed or divorced person maintaining a child of his or her own or step-child under the age of twenty-one years whose income for the year ended 30th June, 1934 exceeded £400;
- (b) every person [other than a company or such a person as is described in paragraph (a)] whose income for the year ended 30th June, 1934 exceeded £400;
- (c) every person who is the representative of any person described above;
- (d) the public officer of every company which carried on business in the territory during the year ended 30th June, 1934;
- (e) every person to whom a form of return shall be issued even though the income of such a person may not have amounted to £400.

FORMS.

The forms prescribed under the Proclamation can be obtained at the office of the Collector of Income Tax, Mbabane.

FORWARDING OF RETURNS.

Every return is required to be forwarded by post, or to be delivered at the office of the Collector of Income Tax, Mbabane.

NOTE.—Any envelope marked with the words "Income Tax—On His Majesty's Service" will be carried post free.

PENALTIES.

Any person required to render a return, who fails to do so within the period of thirty days from the date of his notice, is liable to a penalty not exceeding £100, or in default of payment thereof, to imprisonment with or without hard labour for a period not exceeding one year, and, further, to a fine not exceeding £10 for each day during which default continues after conviction, and to an assessment of double the ordinary rate.

Any person who knowingly and wilfully makes any false statement in any return or evades, or attempts to evade, assessment or taxation, is liable to a penalty not exceeding £100, or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding one year, and, in addition, is liable to be assessed and charged twice the amount of the tax which he has sought to evade.

NOTE.—No person is exempted from penalty by reason merely of the fact that he may not have been called upon individually to make a return.

J. R. ARMSTRONG,

Collector of Income Tax.

Treasury.

Mbabane, Swaziland, 7th September, 1934.

NOTICE.

In the Estate of the late ANDRIES BATHOLOMEUS ENGELBRECHT, of Kasane, Bechuanaland Protectorate.

Creditors and Debtors in the above Estate are hereby required to file their claims with and pay their debts to the undersigned within thirty (30) days of the date of publication hereof.

Dated at Kasane, this 2nd day of September, 1934.

K. P. V. WOOLLEY,
Kasane, Bechuanaland Protectorate, via Livingstone, Northern Rhodesia. Executor Dative.

SWAZILAND.

In the Estate of the late ADRIAAN SMUTS, Sen., of
Adrianople, District Ermelo, Transvaal.

All Creditors and persons interested, *ab intestato* or otherwise, in the above Estate are hereby called upon within twenty-one days of the date of publication of this notice, to lodge in writing with the Master of the Special Court of Swaziland at Mbabane, Swaziland, the particulars of their claims against the said Estate, and their objections, if any, to the signing and sealing by him of the Letters of Administration, granted to Adriaan Smuts, jun., of Adrianople, P.O. Overvaal, District Ermelo, Transvaal, on the 30th August, 1934, by the Master of the Supreme Court of South Africa (Transvaal Provincial Division), as Executor Testamentary in the above Estate.

ALEX. SMUTS,

Agent for Executor Testamentary.

Box 5, Ermelo, Transvaal.

Intestate Estate late CHARLES MARTIN HEUNIS, of
Francistown, Bechuanaland Protectorate.

Creditors and Debtors in the above Estate are hereby required to file their claims with and pay their debts to the undersigned within forty-five (45) days of publication hereof.
Dated at Francistown, the 15th day of September, 1934.

J. BOTTERILL,

Executor Dative.

SWAZILAND.

THE TRADE MARKS OFFICE.

APPLICATION FOR REGISTRATION OF TRADE
MARKS.

Any person who has grounds of objection to the following Mark may, within one month after the last publication of this Notice, lodge notice of opposition in the Form B, Second Schedule of the Trade Marks Rules, 1902.

J. R. ARMSTRONG,

Registrar of Trade Marks.

Mbabane, 8th September, 1934.

No. 3/1934 in Class 3, in respect of chemical substances prepared for use in medicine and pharmacy, in the name of Chemopharm Limited, a British Company of 58 Victoria Street, London, S.W.1, England, trading as manufacturers, who claim to be the proprietors thereof.

Filed 8th September, 1934.

No. 3/1934.

TEBETREN

14-21-28