



OFFICIAL GAZETTE

OF THE
HIGH COMMISSIONER FOR BASUTOLAND, THE
BECHUANALAND PROTECTORATE, AND SWAZILAND

PUBLISHED BY AUTHORITY OF HIS EXCELLENCY THE HIGH COMMISSIONER.

VOL. CXXXIV.]

PRETORIA, FRIDAY, 12 JUNE 1936

[No. 1832.]

No. 36 of 1936.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable to amend further the Public Holidays (Basutoland) Proclamation, 1912 (No. 14 of 1912), hereinafter referred to as the "said Proclamation";

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

1. The Schedule to the said Proclamation shall be and is hereby repealed and the following Schedule substituted therefor:—

SCHEDULE.

PUBLIC HOLIDAYS.

New Year's Day.
Moshesh's Day (12th day of March).
Good Friday.
Easter Monday.
Ascension Day.
Victoria Day (24th day of May).
King's Birthday (23rd day of June).
The first Monday in August.
The first Monday in October.
Christmas Day.
Boxing Day (26th day of December).

2. This Proclamation may be cited for all purposes as the Public Holidays (Basutoland) Amendment Proclamation, 1936, and shall have force and take effect as from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Fourth day of June One thousand Nine hundred and Thirty-six.

CECIL FFORDE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 37 of 1936.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable to empower the High Commissioner to prescribe in Basutoland (hereinafter referred to as "the Territory") the minimum wage to be paid in certain cases by employers to persons employed by them and to provide for the establishment of Advisory Boards in connection therewith;

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

1. If it shall appear to the Resident Commissioner that the wages paid to any persons employed in any occupation in the Territory are unreasonably low he may with the approval of the High Commissioner appoint a Board consisting of no more than three persons to enquire and report to him as to the rates of wages and conditions of labour affecting persons in such occupation either—

- (a) generally throughout the Territory; or
- (b) in any district or area; or
- (c) in the case of any one or more employers.

2. (1) A Board appointed under section one shall report to the Resident Commissioner whether the rates of wages paid in the occupation referred to it for enquiry are, in its opinion, unreasonably low and if so, whether it recommends that a minimum wage should be fixed in respect of such occupation, either generally throughout the Territory or otherwise, and what amount should be so fixed.

(2) In making such report and recommendations the Board shall have regard to the nature of the occupation, the conditions of living prevailing among the persons employed therein and the probable effects on the occupation in question and on the general wellbeing of the Territory or any area thereof of the fixing of such minimum wage.

3. (1) The High Commissioner may prescribe by notice in the *Gazette* a minimum wage or scale of wages to be paid by all employers to persons employed in any such occupation within any area or district to which the minimum rate of wages applies from a date to be fixed in the notice. Every such employer shall pay wages to the person employed at not less than the minimum rate prescribed therein, clear of all deductions, and if any such employer, after the date of such notice, fails to pay the amount so prescribed clear of all deductions he shall be liable on conviction in respect of each offence to a fine not exceeding twenty pounds and to an additional fine not exceeding five pounds for each day on which each offence is continued after conviction. In the foregoing provision, the expression "deductions" includes deductions for or in respect of any matter whatsoever (other than deductions authorized by any law to be made from wages in respect of contributions to any superannuation or other provident fund).

(2) When the employer has been convicted under this section for failing to pay wages at not less than the minimum rate to any worker, then—

- (a) the Court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the Court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate;
- (b) if notice of intention so to do has been served with the summons, evidence may be given of any failure on the part of the employer to pay wages at not less than the minimum rate to that worker at any time during the two years immediately preceding the date on which the summons was served, and on proof of the failure the Court may order the employer to pay such sum as in the opinion of the Court represents the difference between the amount which, having regard to the provisions of this Proclamation ought properly to have been paid to the worker by way of wages during those years and the amount actually so paid.

Provided that the power to order the payment of any wages referred to in paragraph (a) or any sum referred to in paragraph (b) above shall not be in derogation of any right of the person employed to recover such wages or such sum by any other proceedings.

(3) If the Resident Commissioner is satisfied that any person employed or desiring to be employed in any branch of a trade to which a minimum wage has been prescribed is affected by any infirmity or physical injury which renders him incapable of earning the minimum wage prescribed, the Resident Commissioner may, if he thinks fit, grant to such person, subject to such conditions, if any, as he may prescribe, a permit exempting the employment of such person from the provisions of this Proclamation, and while the permit is in force the employer shall not be liable for paying wages to such person at a rate less than the prescribed minimum, so long as the conditions prescribed by the Resident Commissioner on the grant of the permit are complied with.

(4) Where a person employed in any occupation within any area or district to which the minimum rate of wages applies is an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, on his behalf or on his account, any payment by way of premium, provided that nothing in this provision shall apply to any such payment duly made in pursuance of any instrument of apprenticeship not later than four weeks after the commencement of the employment. If any employer acts in contravention of this provision he shall be liable on conviction in respect of each offence, to a fine not exceeding twenty pounds, and the Court may by the conviction, in addition to imposing a fine, adjudge him to repay to the person or other person by whom the payment was made the sum improperly received by way of premium.

(5) Any agreement for the payment of wages in contravention of this Proclamation shall be void.

4. Any shopkeeper, dealer or trader who by way of trade makes an arrangement expressed or implied with any person in pursuance of which such person performs any work for which a minimum rate of wages has been fixed under this Proclamation, shall be deemed for the purposes of this Proclamation to be the employer of such person, and the net remuneration obtainable by such person in respect of the work, after allowing for his necessary expenditure in connection with the work, shall be deemed to be wages.

5. (1) Where an offence for which an employer is, by virtue of this Proclamation, liable to a fine, has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with or before or after the conviction of the employer, and shall be liable on conviction to the same fine as that to which the employer is liable under sub-section (1) of section three.

(2) Where an employer, who is charged with an offence against this Proclamation, proves to the satisfaction of the Court that he has used due diligence to enforce the execution of this Proclamation, and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance, he shall in the event of the conviction of that agent or other person for the offence be exempt from any punishment in respect of the offence, without prejudice, however, to the power of the Court under sub-section (2) of section three to adjudge him to pay any sum which appears to the Court to be due to the person employed on account of his wages.

(3) Where the immediate employer of any person to whom a minimum rate of wages applies, is himself in the employment of some other person, and that person is employed on the premises of that other person, that other person shall for the purposes of the provisions of this Proclamation be deemed to be the employer of the person jointly with the immediate employer.

6. It shall be the duty of every employer in respect of an occupation to which a minimum wage is applicable to keep such records of wages as are necessary to show that the provisions of this Proclamation are being complied with respecting persons in his employment, and if he fails to do so he shall be liable on conviction in respect of each offence to a fine not exceeding two pounds and also to a fine not exceeding one pound for every day during which the default continues after conviction. On any prosecution of a person for failing to pay wages at not less than the minimum rate, it shall lie on that person to prove that he has not paid wages at less than the minimum rate.

7. The Resident Commissioner may appoint such officers as he may think necessary for the purpose of investigating any complaints, and otherwise securing the proper observance of this Proclamation, and any officers so appointed shall act under the directions of the Resident Commissioner.

8. (1) Any officer appointed by the Resident Commissioner under this Proclamation shall have power for the performance of his duties—

- (a) to require the production of wages sheets or other record of wages by an employer and records of payments made to outworkers by persons giving out work, and to inspect and examine the same and copy any material part thereof;

- (b) to require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom work is given out, or from whom the work is received, as the case may be, and with respect to the payments to be made for the work;
- (c) at all reasonable times to enter any factory or workshop and any place used for giving out work to outworkers;
- (d) to inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers; and
- (e) to examine either alone or in the presence of any other person as he thinks fit with respect to any matters under this Proclamation, any person whom he finds in any factory or workshop or any place used for giving out work to outworkers, or whom he has reasonable cause to believe to be or to have been a person in any occupation to which a minimum rate under this Proclamation is applicable and to require such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined.

(2) If any person fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under this section, or if any person hinders or molests any officer in the exercise of the powers given by this section, or refuses to produce any document or give any information which any officer requires him to produce or give under the powers given by this section, that person shall be liable on conviction in respect of each offence to a fine not exceeding five pounds; and if any person makes or causes to be made, or knowingly allows to be made any wages sheet, or record of wages, or record of payments, or any list of outworkers which is false in any material particular, or produces or causes to be produced or knowingly allows to be produced any such sheet, record or list, knowing the same to be false, or furnishes any information to any such officer, knowing the same to be false, he shall be liable on conviction to a fine not exceeding twenty pounds or to imprisonment, with or without hard labour, for a period not exceeding three months.

9. Where it appears to the Resident Commissioner or to any officer appointed by him that any sum is due by an employer to a person employed by him by reason of the fact that wages have been paid to that person at less than the minimum rate applicable and that it is not possible to recover the sum so appearing to be due, or some part of that sum, by means of proceedings under section three of this Proclamation, the Resident Commissioner or that officer if he is authorized in that behalf, by special or general directions of the Resident Commissioner, may, if it appears expedient so to do by reason of the refusal or neglect of such person to take the necessary proceedings, on behalf of and in the name of such person institute civil proceedings before any Court of competent jurisdiction for recovery of the said sum, provided always that the Court before which any such civil proceedings are instituted shall have the same power to make an order for the payment of costs by the Resident Commissioner or officer as if the Resident Commissioner or officer were a party to the proceedings.

10. The High Commissioner may, by notice in the *Gazette* make, repeal or alter regulations—

- (a) prescribing the procedure to be followed by Boards appointed under section one of this Proclamation;
- (b) providing for the keeping by employers of registers of employees and records of wages paid to them;
- (c) providing penalties for the breach of such regulations; and
- (d) generally for giving effect to the provisions of this Proclamation.

11. This Proclamation may be cited as the Fixation of Wages (Basutoland) Proclamation, 1936, and shall have force and take effect from a date to be fixed by the High Commissioner by notice in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Eighth day of June One thousand Nine hundred and Thirty-six.

CECIL FFORDE.

High Commissioner.

By Command of His Excellency the
High Commissioner.

H. E. PRIESTMAN.

Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 96 of 1936.

Notice is hereby given that His Excellency the High Commissioner, in terms of sub-section (2) of section twenty-eight of the Crown Mineral Areas (Swaziland) Proclamation, No. 25 of 1912, has been pleased to fix the amount of royalty payable in respect of base metals under that section at two and one-half per cent. on the value of such metals on severance from the soil, and won on the "Crown Reserve" within

Crown Mineral Area No. 7, measuring 172.5017 morgen, leased from the 1st July, 1934, under Notarial Deed dated the 21st August, 1934, to the Swaziland Consolidated Gold Mines, Limited.

By Command of His Excellency the
High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Capetown, 6th June, 1936.

(Printed by the Government Printer, Pretoria.)

Estate late CHARLES JOSEPH MAITIN, of Majora,
District Maseru, Basutoland.

Notice is hereby given that the First Liquidation and Distribution Account in the above-mentioned Estate will lie for inspection at the Office of the Master, Maseru, and the District Commissioner, Teyateyaneng, for twenty-one days from the 13th June, 1936.

L. DU PLESSIS & CO.

Box 106, Ladybrand.

J. A. BENADIE *versus* NDIDA NDABANDABA.

In pursuance of a judgment by the Assistant Commissioner, Central District, dated at Bremersdorp, the 5th November, 1935, the following will be sold by public auction in front of the Court-house at Bremersdorp at 12 noon on the 19th day of June, 1936.

Eight head of mixed cattle.

H. C. TEMPLE,
Messenger of the Court.

Bremersdorp, 2nd June, 1936.

In the Swaziland Estate of the late JAN DANIEL LEONARD, of Tweefontein, Volksrust District, Transvaal Province.

All Creditors and persons interested, *ab intestato* or otherwise, in the above Estate, are hereby called upon within twenty-one days from 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 MARTHA MARIA LEONARD (born MOOLMAN), widow, of Tweefontein, District Volksrust, Transvaal Province, on the 14th April, 1936, by the Master of the Supreme Court of South Africa (Transvaal Provincial Division), as Executrix Testamentary of the said Estate.

A. MILLIN,
Attorney for Executrix Testamentary.

P.O. Box 24, Mbabane, Swaziland.

NOTICE.

Notice is hereby given that the undermentioned will hear an application by A. R. Middleton, of De Top, Hlatikulu District, for a licence as a butcher at the Hlatikulu Court-house at 10 a.m. on Tuesday, the 7th July, 1936. Any objections must be lodged with me and with the applicant by 10 a.m., 3rd July, 1936.

S. B. WILLIAMS,
District Commissioner.

Hlatikulu, 1st June, 1936.

NOTICE.

Notice is hereby given that the undermentioned will hear an application by Mtukubola Lukele, of Elugolweni, Native Area 31, District Hlatikulu, for a licence as a butcher at the Hlatikulu Court-house at 10 a.m. on Tuesday, the 7th July, 1936. Any objections must be lodged with me and with the applicant by 10 a.m. on 3rd July, 1936.

S. B. WILLIAMS,
District Commissioner.

Hlatikulu, 1st June, 1936.

NOTICE OF INTENTION TO SURRENDER.

Notice is hereby given that application will be made to the Special Court of Swaziland at Mbabane, Swaziland, on Tuesday, the 4th day of August, 1936, at 10 o'clock in the forenoon, or so soon thereafter as Counsel can be heard, for the surrender of the Estate of PATRICK HEALY, of Polwane, in the Northern District of Swaziland, and that his Schedules will lie for inspection at the Offices of the Master of the Special Court of Swaziland at Mbabane aforesaid for a period of fourteen (14) days from the 12th June, 1936.

A. MILLIN,
Attorney for Applicant.

Mbabane, Swaziland.

12-19-26

In the Swaziland Estate of the late THOMAS KEIR MURRAY, of Pietermaritzburg, Natal Province.

All Creditors and Persons interested, *ab intestato* or otherwise, in the above Estate, are hereby called upon, within twenty-one days from 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 FRANK KEIR MURRAY, of Edendale, Pretoria, Transvaal Province, and GERALD EDWARD GREENE, of Mudon, Natal Province, on the 21st April, 1936, by the Master of the Supreme Court of South Africa (Natal Provincial Division), as Executors Testamentary of the said Estate.

A. MILLIN,
Attorney for Executors Testamentary.

P.O. Box 24, Mbabane, Swaziland.

NOTICE.

Notice is hereby given that the undermentioned will hear an application by Helemu Mdhluli, Chief Mfanyana's Native Area 31, District Hlatikulu, for a licence as a dealer or speculator in live stock or produce at the Hlatikulu Court-house at 10 a.m. on Tuesday, the 7th July, 1936. Any objections must be lodged with me and with the applicant by 10 a.m., the 3rd July, 1936.

S. B. WILLIAMS,
District Commissioner.

Hlatikulu, 1st June, 1936.

NOTICE.

Notice is hereby given that the undersigned will hear an application by Saul Kunene, Chief Ntshingila's Native Area No. 30, District Hlatikulu, for a licence as a dealer or speculator in live stock or produce at the Hlatikulu Court-house, at 10 a.m. on Tuesday, the 7th July, 1936. Any objections must be lodged with me in writing by 10 a.m., the 3rd July, 1936.

S. B. WILLIAMS,
District Commissioner.

8th June, 1936.

SALE OF BUSINESS.

Notice is hereby given, in terms of section *thirty-three* of Proclamation No. 26 of 1927 (Basutoland), that ALEXANDER MITCHELL, a trader, of Basutoland, intends selling and transferring his Trading Stations "Makuai", "Mount Morosi" and "Malibe", District Quthing, Basutoland, together with his stock-in-trade and other movable assets, to FRASERS, LIMITED, merchants, of Wepener and Basutoland.

Such sale and transfer to be finally confirmed within one month of the date of publication of this notice.

ALEXANDER MITCHELL,
Mount Morosi, District Quthing.

5-12

SWAZILAND.

THE TRADE MARKS OFFICE.

APPLICATION FOR THE REGISTRATION OF A
TRADE MARK.

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—2nd Schedule of the Trade Marks Rules, 1902.

J. R. ARMSTRONG,
Registrar of Trade Marks.

Mbabane, 2nd June, 1936.

No. 8 of 1936, in classes 13 and 18, in respect of all goods in both classes, in the name of South African General Electric Company, Limited, of GE Building, 14-16 Simmonds Street, Johannesburg, who claim to be the proprietors thereof.

No. 8 of 1936.



12-19-26

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GOVERNMENT GAZETTE

OF THE
Union of South Africa.

(Published on Fridays.)

SUBSCRIPTION RATES.

The subscription rates to the *Union Gazette* (including *Official Gazette of the High Commissioner, Gazettes Extraordinary, and Supplements, with Quarterly Index*) are as follows:—

£1 for six months (post free).
£2 for twelve months (post free).
Price per single copy, 6d.

Subscriptions are payable in advance to the Government Printer, Pretoria, and may commence from the 1st of any month, but cannot be accepted for a shorter period than six months.

ADVERTISEMENTS.

Rates of advertising are as follows:—

5s. per inch single column; repeats 3s.
10s. per inch double column; repeats 6s.
15s. per inch treble column; repeats 9s.

In order to arrive at the approximate space which an advertisement will occupy, advertisers should count the words in the body of the advertisement, and reckon—

For single column, 6 words to the line;
For double column, 14 words to the line;
For treble column, 21 words to the line;
and 8 lines to the inch.

In each case an additional half-inch at top and bottom should be allowed for heading and signature respectively.
Fractions of an inch to be reckoned an inch.

Notices to Creditors and Debtors in the Estates of Deceased Persons and Notices by Executors concerning Liquidation Accounts lying for inspection are published in schedule form at 8s. per Estate.

A fixed charge of 12s. per Estate is made for publishing notices in the schedule forms prescribed in the Regulations made under the Insolvency Act, 1916.

In the case of forms 3 and 4, advertisers should count the words in the advertisement and reckon: 12s. for the first 36 words (or portion thereof) and 2s. for every additional 12 words (or portion thereof).

Notices of acceptance of complete specifications in respect of Applications for letters Patent are inserted in three consecutive issues for 10s.

Applications for Naturalization are inserted for 13s. (which includes a copy of the *Gazette*).

Only Legal Advertisements are accepted for publication in the *Gazette*, and are subject to the approval of the Government Printer, who can refuse to accept or decline further publication of any advertisement.

The Government Printer reserves to himself the right to edit "copy".

No responsibility can be accepted for losses arising from omissions or typographical errors.

Manuscript of advertisements should be written on one side of the paper only, and **all proper names plainly inscribed**; in the event of any name being incorrectly printed as a result of indistinct writing, the advertisement can be republished only on payment of the cost of another insertion.

No Advertisement can be inserted unless it is Prepaid.

All cheques, bank drafts, postal orders, or money orders must be made payable to the Government Printer, Pretoria, and crossed "South African Reserve Bank". *Cheques will only be accepted when initiated by the Bank.*

J. J. KRUGER,
Government Printer.

STAATS- KOERANT

VAN DIE

Unie van Suid-Afrika.

(Verskyn elke Vrydag.)

INTEKENGELD.

Die intekengeld vir die *Unie-Staatskoerant* (insluitende die *Offisiële Koerant van die Hoë Kommissaris, Buitengewone Staatskoerante en Supplemente, met Kwartaal-indeks*) is as volg:—

£1 per ses maande (posvry).
£2 per twaalf maande (posvry).
Prys per los eksemplaar, 6d.

Intekengelde moet vooruitbetaal word aan die Staatsdrukker, Pretoria, and mag begin vanaf die 1ste van enige maand, maar kan nie aangeneem word vir 'n korter tydperk as ses maande nie.

ADVERTENSIES.

Die advertensietarief is as volg:—

5s. per duim, enkele kolom; herhaling 3s.
10s. per duim, dubbele kolom; herhalings 6s.
15s. per duim, driedubbele kolom; herhalings 9s.

Om die ruimte wat 'n advertensie sal beslaan, by benadering te bereken, moet adverteerders die woorde in die advertensie tel en reken—

Vir enkele kolom, 6 woorde per reël;
Vir dubbele kolom, 14 woorde per reël;
Vir driedubbele kolom, 21 woorde per reël;
en 8 reëls per duim.

In elke geval moet 'n ekstra half-duim aan die bo- en onderkant bereken word vir die titel en ondertekening respektiewelik. **Gedeeltes van 'n duim moet as een volle duim gereken word.**

Kennisgewings aan Krediteure en Debiteure in die Boedels van Oorlede Persone en Kennisgewings van Eksekuteurs betreffende Likwidasierekenings wat ter insae lê, word gepubliseer in skedulevorm teen 8s. per Boedel.

'n Vaste bedrag van 12s. per Boedel word bereken vir die publikasie in skedulevorm van kennisgewings voorgeskrewe deur die Regulasies opgestel volgens die Insolvensiewet, 1916.

In die geval van vorms 3 en 4, moet adverteerders die woorde in die advertensies tel en reken: 12s. vir die eerste 36 woorde (of gedeelte daarvan) en 2s. vir elke addisionele 12 woorde (of gedeelte daarvan).

Kennisgewings van aanneming van volledige spesifikasies met betrekking tot aansoeke om Oktrooibriewe word vir 10s in drie agtereenvolgende uitgawes geplaas.

Aansoeke om Naturalisasie word vir 13s. geplaas, watter bedrag 'n eksemplaar van die *Staatskoerant* insluit.

Alleen wetlike advertensies word vir publikasie in die *Staatskoerant* aangeneem en is onderworpe aan die goedkeuring van die Staatsdrukker, wat kan weier om advertensies aan te neem of verder te publiseer.

Die Staatsdrukker behou hom die reg voor om kopie te redigeer.

Geen verantwoordelikheid kan aanvaar word vir verliese wat deur uitlatinge of tipografiese of ander foute ontstaan nie.

Die manuskrip van advertensies moet alleen op een sy van die papier geskrywe word, **en alle eiename moet duidelik geskrywe word**; ingeval enige naam verkeerd gedruk word ten gevolge van onduidelike skrif, kan die advertensie alleen weer gepubliseer word teen betaling van die koste van 'n tweede plasing.

Geen advertensie kan geplaas word nie tensy dit vooruitbetaal is.

Alle tjeks, bankwissels, posorders of poswissels moet uitgemaak word op naam van die Staatsdrukker, Pretoria, en gekruis wees „Suid-Afrikaanse Reserwebank”. **Alleen tjeks wat deur die Bank geparafeer is, sal aangeneem word.**

J. J. KRUGER,
Staatsdrukker.