



# OFFICIAL GAZETTE

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

PUBLISHED BY AUTHORITY OF HIS EXCELLENCY THE HIGH COMMISSIONER.

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PRETORIA, FRIDAY, 21 JULY, 1939

[No. 2000.

No. 24 of 1939.]

## PROCLAMATION

By HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient further to amend the Bechuanaland Protectorate Liquor Law Amendment Proclamation, 1921 (No. 73 of 1921), (hereinafter called "the principal law");

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

Amendment of Section 2 of Proclamation No. 73 of 1921.

1. Section *two* of the principal law is hereby amended by the addition, after the word "mokolane" in lines three and five, of the words "kabidikama or ila".

Amendment of Section 3 of Proclamation No. 73 of 1921.

2. Section *three* of the principal law is hereby amended by the addition of the following new paragraph:—

"(d) 'kabidikama' or 'ila' shall mean any fermented liquor made from mealie meal porridge, thick milk, sugar, flour and malt derived from kaffir corn, or any of these ingredients."

Short title and commencement.

3. This Proclamation may be cited as the Bechuanaland Protectorate Liquor Law Further Amendment Proclamation, 1939, 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 Seventeenth day of July, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 25 of 1939.]

## PROCLAMATION

By HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to make provision for the payment of compensation to workmen employed in Swaziland who suffer injury or death or contract disease in the course of their employment:

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

1. (1) In this Proclamation, unless the context otherwise requires, the expression "workman", subject to the provisions of section *three* and the exceptions mentioned in sub-section (2) of this section, means any person who has, either before or after the commencement of this Proclamation, entered into or works under a contract of service or apprenticeship with an employer in any employment to which this Proclamation has been applied under sub-section (2) of this section, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing.

(2) The High Commissioner may by Notice in the *Gazette* apply this Proclamation to any employment, or to any employment in any specified part of Swaziland:

Provided that this Proclamation shall not apply to—

- (a) any person employed otherwise than by way of manual labour whose wages exceed five hundred pounds a year; or
- (b) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business, not being a person employed for the purposes of any game or recreation and engaged or paid through a club; or
- (c) an outworker; or
- (d) a member of the employer's family dwelling in his house; or

(e) any class of persons whom the High Commissioner may by Notice in the *Gazette* declare not to be workmen for the purposes of this Proclamation.

(3) If in any proceedings for the recovery of compensation under this Proclamation it appears to the Court that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened was illegal, the Court may, if having regard to all the circumstances of the case it thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

(4) Except for the purposes of section *fifteen* any reference to a workman who has been injured shall, unless the context otherwise requires, where the workman is dead, include a reference to his legal personal representative, or to his dependants or any of them or the Attorney-General or such other officer as the High Commissioner may appoint to act on behalf of the dependants of the workman.

Interpreta-  
tion.

2. In this Proclamation, unless the context otherwise requires—

“compensation” means compensation as provided by this Proclamation;

“Court” means the Subordinate Court of the First Class for the district in which the injury to the workman occurred;

“dependants” means those members of the family of a workman who were wholly or in part dependent upon his wages at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grand parent of an illegitimate child, leaves such child so dependent upon his wages, or, being an illegitimate child, leaves a parent or grandparent so dependent on his wages, shall include such illegitimate child or parent or grandparent respectively:

Provided that a person shall not be deemed to be a partial dependant of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;

“district” means an area defined under the provisions of section *eleven* of Proclamation No. 4 of 1907;

“employer” includes the Resident Commissioner in his capacity as head of the Administration in the Territory and any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall, for the purposes of this Proclamation, be deemed to continue to be the employer of the workman whilst he is working for that other person; in relation to a person employed for the purposes of any game or recreation and engaged or paid through a club, the manager or members of the managing committee of the club shall, for the purposes of this Proclamation, be deemed to be the employer;

“medical practitioner” means a medical practitioner registered under the Swaziland Medical, Dental and Pharmacy Proclamation, 1929;

“member of the family” means—

(a) when used in relation to a native, the wife or reputed wife of such native and/or such person or persons as the Resident Commissioner, after consultation with the Paramount Chief of the Swazi Nation, may decide to be a member of the family;

(b) when used in relation to any person not being a native, the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“mine” means any working made for the purpose of prospecting for or winning minerals;

“native” means 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;

“out-worker” means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

“partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the incapacity, and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was capable of undertaking at that time:

Provided that every injury specified in the Second Schedule, except such injury or combination of injuries in respect of which the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to one hundred per centum or more, shall be deemed to result in permanent partial incapacity;

“serious and wilful misconduct” shall include—

(a) drunkenness;

(b) a wilful contravention of any law or statutory regulation made for the purpose of ensuring the safety of or preventing accidents to workmen;

(c) any other act or omission which a court of law, having regard to all the circumstances of an accident, may declare to be serious and wilful misconduct;

“High Court” means the Court established under the Swaziland High Court Proclamation, 1938;

"total incapacity" means such incapacity, whether of a temporary or permanent nature, as incapacitates a workman for any employment which he was capable of undertaking at the time of the accident resulting in such incapacity: Provided that permanent total incapacity shall be deemed to result from an injury or from any combination of injuries specified in the Second Schedule where the percentage or aggregate percentage of the loss of earning capacity as specified in that Schedule against such injury or injuries amounts to one hundred per centum or more;

"wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment.

Application of Proclamation to workmen employed by the Crown.

3. This Proclamation shall apply to workmen employed by or under the Crown in the same way and to the same extent as if the employer were a private person, except in the case of persons in the naval or military or air service of the Crown and persons in the civil employment of His Majesty otherwise than in His Government of the Territory: Provided that this Proclamation shall not apply in the case of a workman in, or selected for appointment to, the service of the Government of the Territory before the commencement of this Proclamation where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependants as defined in this Proclamation, under any Proclamation or Regulation providing for the grant of such pension or gratuity.

Employer's liability for compensation for death or incapacity resulting from accident.

4. (1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as herein-after mentioned, be liable to pay compensation in accordance with the provisions of this Proclamation:

Provided that—

- (a) the employer shall not be liable under this Proclamation in respect of any injury which does not incapacitate the workman for a period of at least seven days from earning full wages at the work at which he was employed;
- (b) if it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent incapacity, be disallowed;
- (c) no compensation shall be paid if it is proved in respect of disablement or death that the accident would not have occurred or that the disablement or death would not have resulted but for a pre-existing diseased condition of the workman, known to the workman, but unknown to the employer: Provided that on the application of the workman or his representative, the Court may

in its discretion award such compensation as it deems equitable if in its opinion the accident materially increased the extent of the disablement or materially accelerated the death: Provided further that a workman shall be presumed to have known of his diseased condition, unless the contrary is proved.

(2) For the purposes of this Proclamation an accident resulting in the death or serious and permanent incapacity of a workman shall be deemed to arise out of and in the course of his employment, notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purposes of and in connection with his employer's trade or business.

5. (1) Where death results from the injury the amount of compensation shall be a sum equal to thirty months' wages or six hundred pounds, whichever is less: Amount of compensation in fatal cases.

Provided that—

- (a) where in respect of the same accident compensation has been paid under the provisions of section *six*, section *seven*, or section *eight*, there shall be deducted from the sum payable under this section any sums so paid as compensation not exceeding in the aggregate eighteen months' wages;
- (b) if a deceased workman does not leave any dependants wholly dependent on his earnings, but leaves any dependants in part so dependent, the amount of compensation shall be such sum, not exceeding in any case the amount payable under this sub-section, as may be determined by the Court to be reasonable and proportionate to the injury to the said dependants.

(2) In addition to any sum payable under the provisions of sub-section (1) of this section there shall be payable by the employer the reasonable expenses of the burial of the deceased workman; Provided that the amount payable under this sub-section shall not exceed fifteen pounds.

6. Where permanent total incapacity results from the injury the amount of compensation shall be a sum equal to thirty-six months' wages or seven hundred and fifty pounds whichever is less. Amount of compensation in the case of permanent total incapacity.

7. (1) Where permanent partial incapacity results from the injury the amount of compensation shall be— Amount of compensation in the case of permanent partial incapacity.

- (a) in the case of an injury specified in the Second Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and
- (b) in the case of an injury not specified in the Second Schedule, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury.



(2) Where more injuries than one are caused by the same accident, the amount of compensation payable under the provisions of this section shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries.

Compensation in the case of temporary incapacity.

8. (1) Where temporary incapacity whether total or partial results from the injury, the compensation shall be the periodical payments hereinafter mentioned, payable at such intervals as may be agreed upon or as the Court may order, or a lump sum calculated accordingly having regard to the probable duration, and probable changes in the degree, of the incapacity. Such periodical payments shall be, or shall be at the rate proportionate to, a monthly payment of half the difference between the monthly wages which the workman was earning at the time of the accident and the monthly wages which he is earning or is capable of earning in some suitable employment or business after the accident:

Provided that—

- (a) no periodical payment under the provisions of this section shall be at a higher rate than twelve pounds a month;
- (b) no compensation shall be payable in respect of the first seven days of incapacity;
- (c) neither the aggregate of the periodical payments nor the lump sum payable under this sub-section shall exceed the lump sum which would be payable in respect of the same degree of incapacity under the provisions of section *six* or section *seven*, as the case may be, if the incapacity were permanent.

(2) In fixing the amount of the periodical payment the Court shall have regard to any payment, allowance or benefit which the workman may receive from the employer during the incapacity.

(3) On the ceasing of the incapacity before the date on which any periodical payment falls due, there shall be payable in respect of that period a sum proportionate to the duration of the incapacity in that period.

(4) Where a workman in receipt of periodical payments under the provisions of this section intends to leave the district in which he was employed, for the purpose of residing outside that district, he shall give notice of such intention to the employer who may agree with the workman for the redemption of such periodical payments by a lump sum, or for the continuance of such periodical payments. If the employer and workman are unable to agree, either party may apply to the Court which shall have jurisdiction to order such redemption and to determine the amount to be paid or to order the continuance of the periodical payments: Provided that any lump sum so ordered to be paid together with the periodical payments already made to the workman shall not exceed the lump sum which would be payable in respect of the same degree of incapacity under the provisions of section *six* or section *seven*, as the case may be, if the incapacity were permanent.

(5) If a workman in receipt of periodical payments under the provisions of this section leaves the district in which he was employed, for the purpose of residing outside that district, without giving notice as provided in sub-section (4) of this section, or having given

such notice leaves the district as aforesaid without having come to an agreement with his employer for the redemption or continuance of such periodical payments, or without having made an application to the Court under the provisions of sub-section (4) of this section, he shall not be entitled to any benefits under this Proclamation during or in respect of the period of his absence from the district. If the period of such absence shall exceed six months, the workman shall cease to be entitled to any benefits under this Proclamation.

9. (1) For the purposes of this Proclamation the monthly wages of a workman shall be computed in such manner as is best calculated to give the rate per month at which the workman was being remunerated during the previous twelve months if he has been so long employed by the same employer, but if not, then for any less period during which he has been in the employment of the same employer: Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average monthly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district.

Method of calculating wages.

(2) For the purposes of the preceding sub-section, employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work any other avoidable cause.

(3) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his monthly wages shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident.

(4) Upon request of the workman to the employer liable to pay compensation, that employer shall furnish in writing a list of the wages which have been earned by that workman upon which the amount of the monthly wages may be calculated for the purposes of this section.

10. (1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Proclamation.

Persons entitled to compensation.

(2) Where there are both total and partial dependants nothing in this Proclamation shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(3) Where a dependant dies before a claim in respect of death is made under this Proclamation, or, if a claim has been made, before an order for the payment of compensation has been made, the legal personal representative of the dependant shall have

no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

Distribution of compensation.

11. (1) Compensation payable where the death of a workman has resulted from an injury shall be paid to the Court, and the Court may order any sum so paid in to be apportioned among the dependants of the deceased workman or any of them in such proportion as the Court thinks fit, or, in the discretion of the Court, to be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Court thinks fit.

Where, on application being made in accordance with rules made under this Proclamation, it appears to the Court that, on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order made under this sub-section ought to be varied, the Court may make such order for the variation of the former order as in the circumstances of the case the Court may think just.

(2) Any sum payable under the provisions of sub-section (2) of section *five* shall be paid to the Court, and when so paid shall be paid by the Court to the legal personal representative of the workman or, if he has no such representative, to the person to whom the expenses of burial are due.

(3) Compensation payable under the provisions of section *six* or section *seven* and lump sums payable under the provisions of section *eight* shall be paid to the Court, and any sum so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit in such manner as the Court thinks fit.

(4) Nothing in sub-section (1) or sub-section (3) of this section shall prevent an employer from making any payment to a workman pending the settlement or determination of the claim, and the Court may order that the whole or any part of such payment shall be deducted from the amount of compensation payable to him under the provisions of those sub-sections.

(5) Any other compensation payable under this Proclamation may be paid to the workman or to the Court, and when paid to the Court shall be paid by the Court to the person entitled thereto.

(6) The receipt of the Clerk of the Court shall be sufficient discharge in respect of any amount paid to the Court under the provisions of this Proclamation.

(7) Any order or directions of the Court under this section shall be final.

Requirements as to notice of accident and claim for compensation.

12. (1) Proceedings for the recovery under this Proclamation of compensation for an injury shall not be maintainable unless notice of the accident has been given by or on behalf of the workman as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury or, in the case of death, within six months from the time of death:

Provided that—

(a) the want of, or any defect or inaccuracy in, such notice shall not be a bar to the maintenance of such proceedings if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect, or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the Territory, or other reasonable cause;

(b) the failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the Territory, or other reasonable cause.

(2) Notice in respect of an injury under this Proclamation may be given either in writing or orally to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice if in writing may be given by delivering the same at, or sending it by post in a registered letter addressed to, the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or, if there be more than one office, any one of the offices, of such body.

13. (1) Whenever the death of a workman occurs, from any cause whatever, his employer shall, as soon as practicable after the occurrence of the death, give notice thereof to the District Commissioner of the district in which the workman was employed. Such notice shall state the circumstances of the death of the workman.

Employer to report the death of a workman.

(2) On the receipt of a notice under sub-section (1) of this section the District Commissioner may make such enquiries as he may think fit, and, if it appears to him that a claim for compensation may lie under this Proclamation in respect of the death of the workman he shall take steps—

(a) to ascertain whether there are any dependants of the deceased workman and if so the degree of their dependency, and

(b) to inform such dependants, if any, of the reported cause and circumstances of the death of the workman, and to ascertain whether such dependants intend to make a claim for compensation, or wish a claim to be made on their behalf.

(3) Any employer who fails to comply with the provisions of sub-section (1) of this section without reasonable cause shall be guilty of an offence and, on conviction thereof, shall be liable to a fine not exceeding one hundred pounds.



(4) Nothing contained in this section shall prevent any person from making a claim for compensation under this Proclamation.

Medical  
examina-  
tion and  
treatment.

14. (1) Where a workman has given notice of an accident he shall, if the employer, before the expiry of seven days from the time at which service of the notice has been effected, offers to have him examined free of charge by a medical practitioner named by the employer, submit himself for such examination, and any workman who is in receipt of a periodical payment under section *eight* of this Proclamation shall, if so required, submit himself for such examination from time to time.

(2) The workman shall, when required, attend upon that medical practitioner at the time and place notified to the workman by the employer or that medical practitioner, provided such time and place is reasonable.

(3) In the event of the workman being, in the opinion of any medical practitioner, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer, and the medical practitioner so named shall fix a reasonable time and place for a personal examination of the workman and shall send him notice accordingly.

(4) If the workman refuses or wilfully neglects to submit himself to such examination, or in any way wilfully obstructs or unnecessarily delays such examination, his right to compensation shall be suspended until such examination has taken place.

(5) If the workman, before the expiry of the period within which he is liable under sub-section (1) of this section to be required to submit himself for medical examination, voluntarily leaves, without having been so examined, the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(6) The workman shall be entitled to have his own medical practitioner present at such examination, but at his own expense.

(7) Where the workman is not attended by a medical practitioner he shall, if so required by the employer, submit himself for treatment by a medical practitioner without expense to the workman.

(8) If the workman has refused to submit himself for treatment by a medical practitioner when so required under the provisions of sub-section (7) of this section, or having submitted himself for such treatment has disregarded the instructions of such medical practitioner, then if it is thereafter proved that such refusal or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had submitted himself for treatment by, and duly carried out the instructions of, such medical practitioner, and compensation, if any, shall be payable accordingly.

(9) Where under this section a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

(10) Where a claim for compensation is made in respect of the death of a workman, then if the workman had refused or wilfully neglected to submit himself to examination by a medical practitioner when so required under the provisions of this section, or had wilfully obstructed or unnecessarily delayed such examination, or had refused to submit himself for treatment by a medical practitioner when so required under the provisions of this section or having submitted himself for such treatment had disregarded the instructions of such medical practitioner, and if it is thereafter proved that such refusal, neglect, obstruction, delay or disregard was unreasonable in the circumstances of the case and that the death of the workman was caused thereby, the death shall not be deemed to have resulted from the injury and no compensation shall be payable.

15. (1) The employer and workman may, after the injury in respect of which the claim to compensation has arisen, agree in writing as to the compensation to be paid by the employer:

Settlement  
of compen-  
sation by  
agreement.

Provided that—

(a) the compensation agreed upon shall not be less than the amount payable under section *six*, section *seven* or section *eight*, as the case may be;

(b) where the workman is unable to read and understand writing in the language in which the agreement is expressed, the agreement shall not be binding against him unless it is endorsed by a certificate of a District Commissioner to the effect that he read over and explained to the workman the terms thereof and that the workman appeared fully to understand and approve of the agreement.

(2) Where compensation has been agreed the Court may, on application by any party within three months after the date of the agreement, cancel it and make such order (including an order as to any sum already paid under the agreement) as in the circumstances the Court may think just, if it is proved—

(a) that the sum paid or to be paid was or is not in accordance with the provisions of sub-section (1) of this section or was or is otherwise grossly inadequate or excessive;

(b) that the agreement was entered into in ignorance of, or under a mistake as to, the true nature of the injury; or

(c) that the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means as would, in law, be sufficient ground for avoiding it.

(3) Any agreement under sub-section (1) of this section may on application to the Court be made a judgment of the Court.

16. (1) If an employer on whom notice of the accident has been served under section *twelve* does not within four weeks after the receipt of the notice agree in writing with the workman as to the amount of compensation to be paid, the workman may, in the prescribed form and manner, make an application for enforcing his claim to compensation to the Court having jurisdiction in the district in which the accident giving rise to the claim occurred.

Determin-  
ation of  
claims.

(2) All claims for compensation under this Proclamation and any matter arising out of proceedings thereunder shall be determined by the Court whatever may be the amount involved, and the Court may, for that purpose, call upon any Government Medical Officer or any independent medical practitioner to assist the Court.

(3) Every party to an application may appear—

- (a) in person; or
- (b) by an attorney; or
- (c) by an advocate; or
- (d) by a member of his family; or
- (e) by a person in the permanent and exclusive employment of such party; or
- (f) in the case of a workman, by an officer of a trade union of which such workman is a member; or
- (g) in the case of a company, by any director, secretary, or other officer thereof, and in the case of a corporate body which is not a company by an officer thereof; or
- (h) by leave of the District Commissioner, by any other person.

No person, other than an advocate or attorney shall be entitled for so appearing to recover any fee or reward except necessary out-of-pocket disbursements and expenses.

Review.

17. (1) Any periodical payment payable under this Proclamation, either under agreement between the parties or under an order of the Court, may be reviewed by the Court on the application either of the employer or of the workman:

Provided that, where the application for review is based on a change in the condition of the workman, any such application shall be supported by a certificate of a medical practitioner if the services of a medical practitioner are available.

(2) Any periodical payment may, on review under this section, subject to the provisions of this Proclamation, be continued, increased, decreased, converted to a lump sum, or ended. If the accident is found to have resulted in permanent incapacity, the periodical payment shall be converted to the lump sum to which the workman is entitled under the provisions of section *six* or section *seven*, as the case may be, less any amount which he has already received by way of periodical payments.

Limitation of power of employer to end or decrease periodical payments.

18. Subject to the provisions of sub-section (5) of section *eight* an employer shall not be entitled, otherwise than in pursuance of an agreement or an order of the Court, to end or decrease a periodical payment except in the following cases:—

- (a) Where a workman resumes work at the rate of wages which he was earning before the accident; or
- (b) where a workman in receipt of a periodical payment in respect of total incapacity has actually returned to work; or
- (c) where the wages of a workman in receipt of periodical payment in respect of partial incapacity have actually been increased; or
- (d) where a workman dies.

Jurisdiction of the Court.

19. (1) Save as is provided in this Proclamation the Court shall, upon or in connection with any question to be investigated or determined thereunder, have all the powers and jurisdiction exercisable by a Subordinate

Court of the First Class in terms of the Swaziland Subordinate Courts Proclamation, 1938, in or in connection with civil actions in such Court, and the law, rules and practice relating to such civil actions and to the enforcement of judgments and orders of the Court shall *mutatis mutandis* apply.

(2) Where in any proceedings under this Proclamation on a claim for compensation in respect of the death of a workman, the Court is satisfied that other or sufficient evidence as to the dependency on the deceased workman of a person claiming to be a dependant, residing outside the district in which the proceedings are being taken, or as to the degree of such dependency, cannot be procured, or cannot be procured without undue hardship to the claimant or other party to the proceedings, a statement as to the dependency and as to the degree of dependency of the claimant signed by the District Commissioner of the district in which the claimant resides, whether within Swaziland or within any other Territory, shall be *prima facie* proof of the facts stated therein. The signature of the District Commissioner shall be admitted without proof unless the Court shall have reason to doubt the genuineness thereof.

(3) If in such proceedings any evidence is adduced which in the opinion of the Court traverses the facts set out in such a statement, or if for any other reason the Court thinks fit, the Court may request a Court having jurisdiction in the district in which a person claiming to be a dependant resides, to investigate the fact of the dependency and the degree of the dependency of such person. The record of any such investigation, including the finding of the Court thereon, shall be receivable as evidence in the proceedings, and a certificate signed by a District Commissioner or an officer of the Court which has conducted the investigation shall be sufficient proof of such record and such signature shall be admitted without proof, unless the Court shall see reason to doubt the genuineness thereof.

(4) Where a request is received by a Court from a Court in another district, whether within Swaziland or within any other Territory, for an investigation of any matter arising out of proceedings for compensation instituted in such other Court under this Proclamation, or, if the other Court is in another Territory, under a law relating to workmen's compensation, the Court shall have jurisdiction to conduct such investigation, and shall transmit to such other Court the record of such investigation, including its findings thereon, duly certified by the District Commissioner or by an officer of the Court.

(5) For the purpose of this section the expression "Territory" shall include any British Dominion or Colony or British Protectorate in Africa or any Territory in Africa in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

20. The Court may, if it thinks fit, submit any question of law for the decision of the Judge of the High Court whose decision shall be final.

Power of the Court to submit questions of law to High Court.

21. (1) Subject to the provisions of this section and of sections *eleven* and *twenty* an appeal shall lie to the High Court from any order of the Court.

Appeals to High Court.



(2) Unless some substantial question of law is involved in the appeal, no appeal shall lie, except with the leave of the Court or of the High Court if the amount in dispute in the appeal is less than twenty-five pounds.

(3) No appeal shall lie in any case in which the parties have agreed to abide by the decision of the Court, or in which the order of the Court gives effect to an agreement come to by the parties.

(4) No appeal shall lie after the expiration of thirty days from the date of the order of the Court.

Liability in case of workmen employed by contractors.

22. (1) Where any person (in this section referred to as the principal), in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Proclamation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Proclamation, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Proclamation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

Remedies both against employer and stranger.

23. Where the injury in respect of which compensation is payable under this Proclamation was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) the workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Proclamation for such compensation, but shall not be entitled to recover both damages and compensation; and

(2) if the workman has recovered compensation under this Proclamation, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the provisions of section *twenty-two* of this Proclamation relating to liability in case of workmen employed by contractors, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by civil suit.

24. (1) Where the injury was caused by the personal negligence or wilful act of the employer or of some other person for whose act or default the employer is responsible, nothing in this Proclamation shall prevent proceedings to recover damages being instituted against the employer in a Civil Court independently of this Proclamation: Provided that—

Proceedings independently of the Proclamation.

(a) a judgment in such proceedings whether for or against the employer shall be a bar to proceedings at the suit of any person by whom, or on whose behalf, such proceedings were taken, in respect of the same injury under this Proclamation;

(b) a judgment in proceedings under this Proclamation whether for or against the employer shall be a bar to proceedings at the suit of any person by whom, or on whose behalf, such proceedings were taken, in respect of the same injury independently of this Proclamation;

(c) an agreement come to between the employer and the workman under the provisions of sub-section (1) of section *fifteen* shall be a bar to proceedings by the workman in respect of the same injury independently of this Proclamation.

(2) If in proceedings independently of this Proclamation or on appeal, it is determined that the employer is not liable under such proceedings, the Court in which such proceedings are taken or the appellate tribunal may proceed to determine whether compensation under this Proclamation is liable to be paid to the plaintiff and may assess the amount of compensation so payable, but may deduct from such compensation any extra costs which in the opinion of the Court or appellate tribunal have been incurred by the employer by reason of the proceedings having been taken independently of this Proclamation.

25. (1) The amount of any compensation due to any workman or his dependants by an employer—

Provision as to case of insolvency of employer.

(a) at the date of sequestration or assignment of such employer's estate under the law relating to insolvency; or

(b) at the date of the commencement of the winding up under the law relating to companies, if the employer is a company which is being wound up,

shall, notwithstanding anything to the contrary in any other law contained, have priority over all debts whatsoever, other than debts secured by mortgage, tacit hypothec, pledge, or right of retention, and the costs, referred to in section *one hundred and thirteen* of Transvaal Law No. 13 of 1895, as in force in Swaziland, and, in the case of a winding up of a company, all expenditure properly incurred in the winding up, including the remuneration of the liquidator.

(2) When the compensation is in the form of a pension or periodical payment the amount thereof shall, for the purposes of this section, be taken to be the capitalised value of such pension or payment as determined by the Court.

(3) Where any employer has entered into a contract with any insurer in respect of any liability under this Proclamation to any workman, then, in the event of the employer becoming insolvent or assigning his estate or making a composition or arrangement with his



creditors, or, if the employer be a company, in the event of the winding up thereof having been commenced, the rights of the employer against the insurer in respect of that liability shall, notwithstanding anything contained in the law relating to insolvency or assignment or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurer shall have the same rights and remedies and be subject to the same liabilities as if the insurer were the employer; but the insurer's liability to the workman shall not be greater than it would have been to the employer.

(4) If the liability of the insurer to the workman be less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency or assignment or winding up.

(5) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

(6) If the workman dies from the injury caused by the accident the rights of, and the liability to, the workman under this section shall be transferred to and vest in the deceased workman's representative.

Contracting out.

26. Any contract or agreement, whether made before or after the commencement of this Proclamation, whereby a workman relinquishes any right of compensation from an employer for injury arising out of and in the course of his employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Proclamation.

Compensation not to be assigned, charged or attached.

27. Compensation payable under this Proclamation shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against such compensation.

Compensation in respect of scheduled industrial diseases.

28. Where it shall appear from a certificate granted by a medical practitioner that a workman is suffering from a disease mentioned in the First Schedule to this Proclamation (hereinafter referred to as a scheduled disease) causing incapacity, or where the death of a workman was caused by any such disease, and the disease is due to the nature of any work to which the Proclamation applies and in which the workman was employed at any time within twelve months previous to the date of such certificate or of his death, as the case may be, the workman or his dependants shall be entitled to claim compensation under this Proclamation as if the contracting of such disease were a personal injury caused by accident arising out of and in the course of his work within the meaning of this Proclamation, and the provisions of this Proclamation shall *mutatis mutandis* apply, unless at the time of entering into the employment the workman wilfully and falsely represented to the employer in reply to a specific question that he did not previously suffer from the disease.

Extent to which employer liable to pay compensation under section 28.

29. (1) The compensation shall be recoverable from the employer who last employed the workman during the twelve months referred to in the last preceding section in the work to the nature of which the disease was due, unless that employer shall be able to establish that the disease was not contracted while the workman was in his employment.

(2) The workman 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 workman in the work to the nature of which the disease was due.

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

(4) 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 workman in the work to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contribution as, in default of agreement, may be determined by the Court.

(5) The provisions of sub-section (1) (c) of section four of this Proclamation with regard to the pre-existing diseased condition of the workman shall not apply to a scheduled disease under this Proclamation.

30. (1) The date of the certificate referred to in section *twenty-eight* or of the death of the workman, as the case may be, shall be treated for the purposes of scheduled diseases as the date of the happening of the accident.

Fixing date from which time is to run, indicating person to whom notice to be given, and defining wages.

(2) Notice as provided by section *twelve* shall be given to the employer who last employed the workman during the said twelve months in the work to the nature of which the disease is due.

(3) The wages of the workman shall be his average weekly earnings, in the work to the nature of which the disease was due with the employer from whom compensation is recoverable, at the date of the certificate or at the date of his death (if there is no previous period of incapacity immediately preceding his death), and, if the workman is not then so employed, the wages shall be the average weekly earnings of the workman when he was last so employed with the employer from whom compensation is recoverable.

31. If the workman at or immediately before the date of the certificate or of his death, as the case may be, was employed in any work mentioned in the First Schedule to this Proclamation, and the disease contracted is the disease set opposite the description of the work in that Schedule, the disease, unless the certifying medical practitioner certifies that in his opinion it was not due to the nature of the work, shall be deemed to have been due to the nature of that work, unless the employer from whom compensation is claimed proves the contrary.

Determination of cause of disease.

32. Nothing in this Proclamation contained shall be construed as preventing compensation being recovered from any employer who employed the workman during the twelve months referred to in section *twenty-eight*, if the employer who last employed the workman during that period is able to establish that

Saving right of workman to proceed against previous employer.

the disease was not contracted while the workman was in his employment, in which case the provisions of section *twenty-nine* shall apply.

Right o  
workman to  
compensa-  
tion for  
injury  
caused by  
accident  
not  
affected.

33. Nothing in this Proclamation contained shall affect the rights of a workman to recover compensation under this Proclamation in respect of a disease, other than a scheduled disease, if the disease is the result of an accident to such workman.

Deduction  
from  
amount of  
compensa-  
tion of sum  
represent-  
ing  
employer's  
contribu-  
tions to  
benefit  
societies.

34. If in any proceedings under this Proclamation for the recovery of compensation by or on behalf of a workman or his dependants it shall appear—

- (a) that the injured or deceased workman is or was a member of a benefit society, sick fund organisation or club (hereinafter described as "the society"); and
- (b) that there has been or is to be paid by the society to the workman or his dependants an allowance or gratuity in respect of any illness, absence from work, incapacitation for work, or death; and
- (c) that the employer or principal is a contributor to those funds of the society out of which such allowance or gratuity has been or is to be paid,

there shall be deducted from any amount which the employer or principal would have been adjudged liable under this Proclamation to pay to the workman or his dependants a sum which represents the share of the employer's or principal's contribution towards the sum paid or to be paid to the workman or his dependants from the society in the circumstances aforesaid.

Power to  
make rules.

35. The High Commissioner may make rules, and in regard to matters of a nature usually regulated by rules of court, the Judge of the High Court may make rules of court—

- (a) prescribing the procedure and forms in respect of matters to be done under this Proclamation;
- (b) for matters which are specifically mentioned in this Proclamation as being matters which may be prescribed; and
- (c) generally for carrying out the objects and provisions of this Proclamation.

Investiga-  
tion into  
occupa-  
tional  
diseases.

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

Rules as to  
transfer of  
funds.

37. (1) Where an arrangement has been made whereby sums awarded under the law relating to workmen's compensation in Swaziland to beneficiaries resident or becoming resident in the United Kingdom or in any part of His Majesty's dominions, and sums awarded under the law relating to workmen's compensation in the United Kingdom or in such other part of His Majesty's dominions to beneficiaries resident or becoming resident in Swaziland, may, at the request of the authority by which the award is made, be transferred to and administered by a

competent authority in the United Kingdom or in such other part of His Majesty's dominions or in Swaziland, as the case may be, the High Commissioner may make rules—

- (a) for the transfer, in such manner as may be provided by the arrangement, to the United Kingdom or that part of His Majesty's dominions with which the arrangement is made of any money in the disposition of the Court, applicable for the benefit of any person resident in or about to reside in the United Kingdom or such other part of His Majesty's dominions;
- (b) for the receipt and administration by an officer appointed by the High Commissioner for this purpose of any money which under any such arrangement has been transmitted from the United Kingdom or the part of His Majesty's dominions with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in Swaziland.

(2) For the purposes of this section "His Majesty's dominions" includes British protectorates and protected states and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

38. This Proclamation may be cited as the *Swaziland Workmen's Compensation Proclamation, 1939*, and shall have force and take effect from the date of its publication in the *Gazette*.

Short title  
and com-  
mencement.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Eighteenth day of July, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

FIRST SCHEDULE.

Description of Disease.	Description of Work.
Ankylostomiasis (hookworm).. Cyanide rash.....	In mining carried on underground. 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.

SECOND SCHEDULE.

Injury.	Percentage of Incapacity.
Loss of two limbs.....	100
Loss of both hands or of all fingers and thumbs.....	
Total loss of sight.....	
Total paralysis.....	
Injuries resulting in being permanently bedridden.....	
Any other injury causing permanent total disablement.	60
Loss of arm at shoulder.....	
Loss of arm between elbow and shoulder.....	
Loss of arm at elbow.....	
Loss of arm between wrist and elbow.....	
Loss of hand at wrist.....	
Loss of four fingers and thumb of one hand.....	
Loss of four fingers.....	
Loss of thumb—both phalanges.....	
Loss of thumb—one phalanx.....	



<i>Injury.</i>	<i>Percentage of Incapacity.</i>
Loss of index finger—	
Three phalanges.....	10
Two phalanges.....	8
One phalanx.....	4
Loss of middle finger—	
Three phalanges.....	6
Two phalanges.....	4
One phalanx.....	2
Loss of ring finger—	
Three phalanges.....	5
Two phalanges.....	4
One phalanx.....	2
Loss of little finger—	
Three phalanges.....	4
Two phalanges.....	3
One phalanx.....	1
Loss of metacarpals—	
First or second (additional).....	3
Third, fourth or fifth (additional).....	2
Loss of leg—	
At hip.....	70
Between knee and hip.....	40 to 70
Below knee.....	30 to 42½
Loss of toes—	
All.....	15
Great—	
Both phalanges.....	5
One phalanx.....	2
Other than great, if more than one toe lost, each.....	1
Loss of eye—	
Eye out.....	30
Sight of.....	30
Lens of.....	20
Sight of, except perception of light.....	22½
Loss of hearing—	
Both ears.....	50
One ear.....	7

Total permanent loss of the use of a member shall be treated as a loss of such member. In the case of a right-handed workman an injury to the left arm or hand, and in the case of a left-handed workman to the right arm or hand, shall be rated at ninety per centum of the above percentages.

(Printed by the Government Printer, Pretoria.)

No. 26 of 1939.]

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable to make provision out of the public revenue or other funds of the Bechuanaland Protectorate for the services of the year ending on the thirty-first day of March, 1940.

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

Public  
revenue  
charged  
with  
£239,887.

1. The public revenue or other funds of the Bechuanaland Protectorate are hereby charged towards the service of the year ending on the thirty-first day of March, 1940, with a sum of £239,887 (two hundred and thirty-nine thousand eight hundred and eighty-seven pounds).

Purposes  
for which  
moneys  
to be  
applied.

2. The moneys granted by this Proclamation shall be applied to the purposes and services set forth in the Schedule annexed hereto and more particularly specified in the Estimates of the Expenditure of the Protectorate for the year ending on the thirty-first day of March, 1940, submitted to and approved by the Secretary of State for Dominion Affairs.

Moneys not  
to be used  
for other  
purposes.

3. The moneys granted by the Proclamation shall not be issued or applied to any use, intent or purpose other than the particular services to which the said amounts have been granted respectively by this Proclamation.

4. This Proclamation may be cited as the Bechuanaland Protectorate Appropriation (1939-40) Proclamation, 1939, and shall have force and take effect from the first day of April, 1939.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Eighteenth day of July, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

### SCHEDULE.

<i>Vote No.</i>	<i>Head of Service.</i>	<i>Amount.</i>
		£
1.	Resident Commissioner.....	14,391
2.	District Administration.....	18,168
3.	Police.....	33,093
4.	Posts and Telegraphs.....	6,244
5.	Administration of Justice.....	6,590
6.	Public Works Department.....	12,671
7.	Public Works Recurrent.....	10,700
8.	Medical.....	31,190
9.	Education.....	16,586
10.	Veterinary.....	26,756
11.	Agriculture.....	9,530
12.	Allowances, etc., to Native Chiefs.....	818
13.	Pensions.....	13,553
14.	Miscellaneous.....	7,668
15.	Air Service.....	400
16.	Contributions to Native Treasuries.....	17,829
17.	Refunds of Duty, etc.....	—

TOTAL ORDINARY EXPENDITURE..... £226,187

EXTRAORDINARY EXPENDITURE..... £13,700

TOTAL EXPENDITURE..... £239,887

(Printed by the Government Printer, Pretoria.)

### BASUTOLAND.

### HIGH COMMISSIONER'S NOTICE No. 118 of 1939.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint Kenneth Henry Dyke, Esquire, M.B., Ch.B. (Glasgow), to act as Principal Medical Officer in Basutoland with effect from the 1st August, 1939, during the absence on leave of Hamilton William Dyke, Esquire, C.B.E., M.B., Ch.B. (Glasgow), Principal Medical Officer.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

High Commissioner's Office,  
Pretoria, 13th July, 1939.

### BECHUANALAND PROTECTORATE.

### HIGH COMMISSIONER'S NOTICE No. 119 of 1939.

It is hereby notified for general information, that under and by virtue of the powers conferred upon him by section two of the Bechuanaland Protectorate Liquor Law, Native Reserves Proclamation, 1932 (No. 11 of 1932), as amended, His Excellency the High Commissioner has been pleased to declare kapidikama, or ila, a fermented liquor made from mealie meal

porridge, thick milk, sugar, flour and malt derived from kaffir corn, or any of these ingredients, to be an intoxicating liquor for the purpose of that section.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

High Commissioner's Office,  
Pretoria, 21st July, 1939.

(Printed by the Government Printer, Pretoria.)

## SWAZILAND.

### HIGH COMMISSIONER'S NOTICE No. 120 OF 1939.

It is hereby notified for general information that, under the powers in him vested by sub-section (2) of section one of the Swaziland Workmen's Compensation Proclamation, 1939 (No. 25 of 1939), His Excellency the High Commissioner has been pleased to apply the aforesaid Proclamation to the following employment throughout Swaziland:—

Employment at or about a " Mine " as defined by the said Proclamation.

By Command of His Excellency  
the High Commissioner.

H. LESTER SMITH,  
Acting Administrative Secretary.

High Commissioner's Office,  
Pretoria, 21st July, 1939.

(Printed by the Government Printer, Pretoria.)

## BECHUANALAND PROTECTORATE.

### RESIDENT COMMISSIONER'S NOTICE.

#### MOTOR ROAD.—LOBATSI-TRANSVAAL BORDER.

It is hereby notified for general information that, under and by virtue of the powers conferred upon me by section fourteen, sub-section (3), of Proclamation No. 10 of 1929, as amended by Proclamation No. 20 of 1937, I do declare the hereinafter described public road to be a " motor road ", viz.:—

" From opposite the Roman Catholic Mission where the motor road leaves the wagon road, in a direct line due east to the border gate at the Transvaal-Bechuanaland Protectorate border."

This notice to take effect from the date of its publication in the *Gazette*.

A. D. FORSYTH THOMPSON,  
for Resident Commissioner.

Mafeking, 10th July, 1939.

## BECHUANALAND PROTECTORATE.

### RESIDENT COMMISSIONER'S NOTICE.

#### DEPROCLAIMING OF CERTAIN ROADS.

Inasmuch as a new public road from the southern boundary of the Bechuanaland Protectorate near Ramathlabama, to Hildavale Siding, was proclaimed under Resident Commissioner's Notice, dated the 18th March, 1938, I do hereby give notice under and by virtue of the powers conferred upon me by section four of the Public Roads Proclamation, 1907 (No. 48 of 1907) that all other roads on the route taken by the aforesaid new road proclaimed by notice dated 18th March, 1938, including the motor roads proclaimed by notices dated the 18th January, 1933, 20th March, 1933, and 14th June, 1933, shall cease to be public roads.

This notice shall take effect from the date of its second publication in the *Gazette*.

A. D. FORSYTH THOMPSON,  
for Resident Commissioner.

Mafeking, 10th July, 1939.

Notice is hereby given that an application by SIMON SIMELANE of Hlatikulu for a speculator's licence in live-stock, etc., will be heard at the Hlatikulu Court-house at 10 a.m. on Tuesday, 15th August, 1939.

Any objections must be lodged, in writing, at the Office of the undersigned, as well as with the applicant, by noon on 10th August, 1939.

S. B. WILLIAMS,  
District Commissioner.

Hlatikulu, 14th July, 1939.

### NOTICE.

In the Estate of the late WILLIAM HENRY WILKINSON,  
No. E.340, of Mafeteng, Basutoland.

Notice is hereby given that the First and Final Basutoland Liquidation and Distribution Account in the above-mentioned Estate will lie for inspection, by all persons interested, at the Office of the Master of the High Court, Maseru, and at the Office of the District Commissioner, Mafeteng, Basutoland, for a period of 21 days from date of publication hereof.

OCHSE & VAN RENSBURG,  
Attorneys for Executors Testamentary.  
P.O. Box 7, Wepener.

## SWAZILAND.

### PATENT OFFICE.

Notice is hereby given that complete specifications in respect of the undermentioned application for Letters Patent have been accepted.

The specifications are now open to public inspection at the Patent Office.

Any person may, at any time within two months from the date of the third advertisement of this acceptance, give notice in writing of objection to the grant of the Patent on any one or more of the grounds stated in section fourteen of " The Patents Proclamation, 1902 " (No. 22 of 1902) of the Transvaal, as in force in Swaziland.

W. W. USHER,  
Commissioner of Patents, Swaziland.

Patent Office,  
Mbabane, Swaziland, 6th July, 1939.

Application for Letters Patent No. 2 of 1939, for an invention entitled " Improved process for the extraction of the valuable contents from antimonial, arsenical and other complex ores " in the name of Peter Francis Loring, a British subject of 280, Scheiding Street, Pretoria, Transvaal, Union of South Africa, who claims to be the inventor.

Complete specification accepted.  
14th June, 1939.

14-21-28

## 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, Second Schedule to the Trade Marks Rules, published under Transvaal Government Notice No. 180 of 1902, as of force in Swaziland.

W. W. USHER,  
Registrar of Trade Marks, Swaziland.  
Mbabane, Swaziland, 27th June, 1939.

In Class 47 in respect of oils, greases and waxes of all kinds and similar products for lubricating, illuminating, heating and fuel purposes; also petrol, gasoline and other products for generating motive force or power; and other substances composed either wholly or in part of the products of petroleum in so far as such goods are included in this class, in the name of Vacuum Oil Company of South Africa Limited, of Boston House, Strand Street, Cape Town, trading as Oil Merchants, who claim to be the proprietors thereof.

No. 5 of 1939.

**STANDESOL**

7-14-21.



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# Staatskoerant

VAN DIE

UNIE VAN SUID-AFRIKA

(Verskyn elke Vrydag.)

## ADVERTENSJETARIEWE.

**WETLIKE KENNISGEWINGS, Verlore Aktes, Sertifikate, Polisse, ens., Kennisgewings van Geregskodes, en in verband met Handelsmerke, Orders van die Hof, Boedel-oorgawes, Tenders en Verkopings, Maatskappye, ens.**

Die advertensietarief is as volg:—

- 5s. per duim, enkele kolom; herhalings, 3s.
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- 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.

### KENNISGEWING IN SAKE UITGESTORWE BOEDEL.

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.

### KENNISGEWINGS IN SAKE DIE INSOLVENSIEWET.

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

### KENNISGEWINGS IN SAKE PATENTE.

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### KENNISGEWINGS IN SAKE NATURALISASIE.

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

### SLUITINGSUUR.

Adverteerders dien daarop te let dat die sluitingsuur vir die aanneming van kopie vir die *Unie-Staatskoerant* 4 uur n.m. op Woensdag van elke week voor verskyning is. Wanneer openbare feesdae verskyning raak, sal daar 'n spesiale kennisgewing in die *Staatskoerant* geplaas word wat eventuele veranderings van die sluitingsuur aankondig.

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

Die manuskrip van advertensies moet slegs op een kant van die papier geskrywe word en nie op die begeleidende brief nie. Alle eiename moet duidelik geskrywe word; ingeval enige naam verkeerd gedruk word tengevolge van onduidelike skrif, kan die advertensie alleen na betaling van die koste van 'n tweede plasing weer gepubliseer word.

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.

### INTEKENGELD.

Die intekengeld vir die *Unie-Staatskoerant* (insluitende die *Offisiële Koerant* van die Hoë Kommissaris, *Buitengewone Staatskoerante* en *Byvoegsels*, 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, en kan ingaan van die 1ste van enige maand, maar kan nie vir 'n korter tydperk as ses maande aangeneem word nie.

W. A. UECKERMANN,  
Waarnemende Staatsdrukker.

# Government Gazette

OF THE

UNION OF SOUTH AFRICA

(Published on Fridays.)

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**LEGAL NOTICES, Lost Deeds, Certificates, Policies, etc., Messengers' Notices, Trade Marks, Orders of Court, Surrenders, Tenders and Sales, Company Notices, etc.**

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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—

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- 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.

### DECEASED ESTATE NOTICES.

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### PATENT NOTICES.

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

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

### CLOSING HOUR.

Advertisers should observe that the closing hour for the acceptance of "copy" for the *Union Gazette* is 4 p.m. on Wednesday of each week preceding publication. When Public Holidays affect publication, a special notice will appear in the *Gazette* notifying any change in the closing hour.

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.

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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 not as part of the covering letter. All proper names must be 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.

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### 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:—

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- £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.

W. A. UECKERMANN,  
Acting Government Printer.