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# OFFICIAL GAZETTE

OF THE  
HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

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PRETORIA FRIDAY, 13TH MAY, 1921.

[No. 1030.]

\* No. 17 of 1921.]

## PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is desirable to amend the laws in force in Basutoland (herein after referred to as the territory) relating to Medical Practitioners, Dentists and Chemists and to the sale of drugs, medicines and poisons;

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

1. No person shall practice in the territory as a medical practitioner, dentist or chemist unless he is registered as such in accordance with the provisions of this Proclamation.

2. (1) A register shall be kept by the Government Secretary in which shall be entered the names and qualifications of all persons qualified to practise as medical practitioners, dentists or chemists respectively with such other particulars as may be required.

(2) No person save as is herein after excepted shall be entered on the register unless

(a) he is in possession of such diplomas or certificates as may from time to time be prescribed as enabling a person to be registered in the Transvaal Province of the Union of South Africa as a medical practitioner, dentist or chemist as the case may be, and

(b) his application for registration has been approved by the Resident Commissioner or by the High Commissioner on appeal under section four.

3. Any person desiring to be registered shall make application in writing to the Principal Medical Officer and shall provide such proof as may be required that he possesses the qualifications prescribed by this Proclamation and shall make a sworn declaration in the form set out in Schedule A of this Proclamation.

4. The Resident Commissioner may refuse his approval to any application for registration without stating his reasons, but any person whose application the Resident Commissioner has refused to approve may appeal to the High Commissioner against such refusal.

5. Every applicant who is qualified as prescribed in this Proclamation and whose application is approved by the Resident Commissioner or by the High Commissioner (on appeal from a refusal by the Resident Commissioner), shall be entered in the register as a medical practitioner, dentist or chemist as the case may be and shall receive a certificate of registration in the form set out in Schedule B in respect of which a fee of five pounds shall be paid and collected by means of a revenue stamp to that value affixed to such certificate, provided however that such fee shall not be chargeable in the case of any applicant who at the date of the taking effect of this Proclamation is holding a Government appointment in the territory or is practising as a medical practitioner, dentist or chemist therein.

6. The Resident Commissioner may, on the written advice of the Principal Medical Officer or of any persons lawfully acting in that capacity, who shall state fully in writing his reasons for such advice, recommend to the High Commissioner the removal of any name from the register, and the High Commissioner may order the removal of such name accordingly. Every such removal from the register and the reasons therefor shall be notified by the Principal Medical Officer to the Registrar of every Medical Council in the Union of South Africa and to the General Medical Council of Great Britain.

7. Notwithstanding anything contained in this Proclamation any person not holding the diplomas or certificates required by section two of this Proclamation who has been before the date of the taking effect of this Proclamation in practice in the territory as a medical practitioner, dentist or chemist or in all such capacities or in any two of them without being at the same time engaged in any other calling or employment may make written application to the Principal Medical Officer of the territory for the leave of the Resident Commissioner to continue such practice stating the grounds on which his application is based and may if such leave be granted by the Resident Commissioner continue such practice for such period and subject to such conditions as may be determined by the Resident Commissioner provided that

the Resident Commissioner shall have discretion to refuse to grant any such application without stating his reasons for such refusal and may at any time cancel any leave so granted.

8. The provisions of sections one to seven inclusive of this Proclamation shall not apply to aboriginal native doctors practising medicine according to their custom.

9. Notwithstanding anything contained in this Proclamation European missionaries certified as such by the Assistant Commissioner of the district in which they reside shall be permitted without being registered as provided in this Proclamation to prescribe drugs and afford medical and surgical aid; provided that they supply such drugs and render such assistance without any fee or reward exceeding one shilling for each attendance and the like amount for each issue of medicine.

10. (1) Notwithstanding anything contained in this Proclamation any person not registered as a chemist, carrying on the business of merchant or trader within the territory, may, subject to the provisions of this section, sell such crude drugs and proprietary medicines as are included in the list endorsed on his General Trading Licence in accordance with sub-section (3) of this section.

(2) No permission under sub-section (1) shall be granted to any holder of a hawker's licence.

(3) Every merchant or trader desiring to sell crude drugs or proprietary medicines under the provisions of sub-section (1) shall prior to the grant or renewal of his annual licence or upon application made for endorsement as herein provided subsequent to such grant or renewal furnish to the Assistant Commissioner of the district in which he carries on or proposes to carry on his business a list of the drugs and proprietary medicines which he desires to sell, and the Assistant Commissioner may, subject to such instructions as he may receive from the Resident Commissioner, approve or amend such list, and endorse such list as approved or amended on the applicants' licence, and may thereafter from time to time subject to the like instructions make any additions to the list so endorsed on further application by the licensee.

(4) The Resident Commissioner may on the advice of the Principal Medical Officer or of any person lawfully acting in that capacity and notwithstanding any permission granted under this Proclamation prohibit by notice in the *Gazette* the sale of any drug or proprietary medicine.

(5) A permission to sell drugs and proprietary medicines granted under this Proclamation may at any time be withdrawn by notice in writing given to the holder thereof or delivered at the place at which he is licensed to carry on business.

11. (1) The several articles named and described in Parts I and II of Schedule C and any other articles which may be added to either part of that Schedule by the High Commissioner by notice in the *Gazette* shall be deemed to be poisons for the purposes of this Proclamation and shall not be sold save as is herein after provided except on the written order of a registered medical practitioner or of any person who has duly obtained leave from the Resident Commissioner under section seven of this Proclamation to practise as a medical practitioner and then only in accordance with the conditions relating to Parts I and II respectively of the said Schedule as set out therein.

(2) Notwithstanding anything contained in sub-section (1) a registered chemist or a person authorized to sell drugs under section ten may unless specifically prohibited by the Resident Commissioner sell poisons for any industrial or agricultural purposes or for the destruction of vermin or insect pests or for the treatment of disease in animals or plants subject to the conditions applicable thereto as set out in the said Schedule.

(3) Any person selling any poison under the provisions of sub-section (2) shall obtain from the purchaser a statement in writing of the purpose for which he desires to use such poison and shall satisfy himself so far as may be that the purchaser bona fide intends to use it for that purpose.

(4) Every person who is authorized to sell poison under this Proclamation shall keep a prescription book and a poison book in which shall be recorded the particulars required under Schedule C to be entered in such books respectively. The poison book shall be open for inspection at any time by the Assistant Commissioner of the district or by any person authorized by him in writing to inspect the same.

\* Republished as amended.

(5) Any person required under this section to keep a prescription book and a poison book for recording the sale of poisons who shall fail to keep such books or to make the prescribed entries therein or to produce them for inspection on lawful demand shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.

(6) The High Commissioner may by notice in the *Gazette* from time to time add other articles either to Part I or Part II of Schedule C and transfer articles mentioned in Part I thereof to Part II and vice versa.

12. Any person who shall practise as a medical practitioner, dentist or chemist or who shall sell or dispose of poisons, drugs or proprietary medicines otherwise than as provided in this Proclamation shall be guilty of an offence and shall be liable on conviction for the first offence to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months and for a second or subsequent offence to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one year.

13. Notwithstanding anything contained in the Liquor Proclamation 1910 no registered medical practitioner, dentist or chemist and no person who has duly obtained leave from the Resident Commissioner under section seven of this Proclamation to practise as a medical practitioner dentist or chemist shall be debarred by the said Liquor Proclamation from selling exposing for sale purchasing giving receiving or supplying in Basutoland for purely medicinal purposes or for the purpose of sale for such purposes any bona fide medicine containing intoxicating liquor as defined in the said Proclamation, and no merchant or trader duly authorized under section ten of this Proclamation to sell any drug or proprietary medicine shall be debarred by the said Proclamation from selling exposing for sale purchasing or supplying such drug or medicine for purely medicinal purposes or for the purpose of sale for such purposes by reason that the same contains any intoxicating liquor as so defined.

14. The laws mentioned in Schedule D shall be and are hereby repealed without prejudice to anything lawfully done thereunder.

15. This Proclamation may be cited as the Basutoland Medical Dental and Pharmacy Proclamation 1921 and shall have force and take effect from the first day of June, 1921.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of April, One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,  
High Commissioner.

By Command of His Royal Highness the  
High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

#### SCHEDULE A.

I, the undersigned (full Christian and surname and full address)

.....  
hereby make oath and declare that I am the person mentioned in the accompanying.....submitted by me in support of my application to be registered as a medical practitioner (or dentist or chemist) in the territory of Basutoland; that the said.....granted to me and.....my own lawful property; and that I have never been debarred from practice in any country by reason of misdemeanour or professional misconduct.

.....(signature)  
Sworn before me this .....day of.....192...  
.....(signature)

#### SCHEDULE B.

Basutoland,

Government Secretary's Office.

Stamp.

No.....

#### Registration Certificate.

Name..... Qualification.....  
Registered as.....

Date..... Government Secretary.

#### SCHEDULE C.

##### POISONS.

##### Part I.

Conditions applicable to poisons included in Part I.

These poisons shall not be sold unless the purchaser is known or is introduced by some person known to the seller, and in the case of every sale an entry shall be made in poison book of—

- (1) the date of sale;
- (2) the name and address of the purchaser;
- (3) the name and quantity of the article sold, and the purposes for which it is wanted by the purchaser; such entry shall be attested by the signature of the purchaser and of the person introducing him.

These poisons shall further in every case of sale be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and Sesuto;

(3) the name and address of the person on whose behalf the sale is effected: Provided, however, that when they are sold on a medical prescription for internal use, they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall be made in the prescription book of—

- (1) the date of sale;
- (2) the name (and address) of purchaser; and
- (3) the ingredients and quantities of the prescription.

Arsenic and its salts and their preparations.

Aconite, aconitine and its salts, and their preparations.

Alkaloids: All poisonous vegetable alkaloids and glucosides not specifically named in this schedule and their salts, and all poisonous derivatives of vegetable alkaloids.

Atropine and its salts and their preparations.

Belladonna and all preparations or admixtures (except belladonna plasters) containing 0.1 per cent. or more of belladonna alkaloids.

Cannabis Indica (or Indian Hemp or Gunjah or the African Dagga or the Cape Wild Dagga) and all solid preparations thereof (except Cannabis Indica plasters).

Cantharides and its poisonous derivatives and all other cantharidin yielding insects.

Chloral hydrate and its preparations.

Chloroform.

Coca, cocaine and its salts and derivatives, and any preparation or admixture containing 0.1 or more per cent. of coca alkaloids.

Cyanides of potassium and sodium and all other poisonous cyanides and their preparations.

Emetic tartar, and all preparations or admixtures containing 1 or more per cent. of Emetic Tartar.

Ergot of Rye and preparations of Ergots.

Mercuric Chloride (Corrosive Sublimate).

Nux Vomica, Strychnine and its salts, and all preparations or admixtures containing 0.2 or more per cent. of strychnine.

Picrotoxin.

Prussic Acid and all preparations or admixtures containing 0.1 or more per cent. of prussic acid.

Savin and Fly Killers, if preparations of poisons the preparations of which are in Part I of this schedule.

#### Part II.

Conditions applicable to Poisons included in Part II.

These poisons shall in every case of sale be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and Sesuto; and
- (3) the name and address of the person on whose behalf the sale is effected;

provided, however, that if they are sold on medical prescription for internal use they need not be labelled with the word "Poison" nor with the name of the article, but an entry shall, in that case, be made in the prescription book of

- (1) the date of sale;
- (2) the name (and address) of purchaser;
- (3) the ingredients and quantities of the prescription.

Acetanilide (Antifebrin).

Almonds, Essential Oil of, unless deprived of Prussic Acid.

Antimonial Wine.

Cannabis Indica, all liquid preparations or admixtures of.

Cantharides, tincture of and all vesicating liquid preparations or admixtures containing cantharidin.

Carbolic Acid, and liquid preparations of carbolic acid and its homologues containing more than 3 per cent. of phenols.

Chloroform, all preparations or admixtures of containing more than 20 per cent. of Chloroform.

Digitalis (and all preparations or admixtures of).

Exalgin.

Mercuric Chloride (Corrosive Sublimate), all preparations of.

Mercuric Iodide.

Nux Vomica, preparations or admixtures of, containing less than 0.2 per cent. of Strychnine.

Oxalic Acid and its soluble salts.

Phenazone (Antipyrine).

Precipitate, Red, and all Oxides of Mercury.

Strophanthus (and all preparations or admixtures of).

Sulphonal and its homologues, whether described as Trional, Tetronal, or by any other trade name, mark, or designation.

Diethyl-Barbituric Acid and other alkyl, aryl, or metallic derivatives of Barbituric Acid, whether described as Barbitone, Veronal, Proponal, Medinal or by any other trade name, mark, or designation; and all poisonous Urethanes and Ureides.

Vermin Killers (see Part I). Compounds containing poisons prepared for the destruction of vermin, if not subject to the provisions of Part I, are deemed to be included in Part II. All preparations or admixtures which are not included in Part I of this Schedule and contain a poison within the meaning of this Proclamation except preparations or admixtures, the exclusion of which from this schedule is indicated by the words therein relating to carbolic acid, chloroform and coca.

Coco Leaves (the leaves of Erythroxylon Coca).

Cocaine, including all preparations, salts, derivatives, or admixtures prepared therefrom or therewith, and containing more than 0.1 per cent. of cocaine.

Dagga, Wild Dagga, Red Dagga, or Klip Dagga, including the whole or any portion of the plant (Leonotis Leonurus) or (Leonotis Ovata).

Indian Hemp, including the whole or any portion of the plant Cannabis Indica or Cannabis Sativa.

#### SCHEDULE D.

Ordinance No. 82 of 1830 of the Colony of the Cape of Good Hope as in force in Basutoland.

The Basutoland Liquor Amendment Proclamation, 1910 (No. 24 of 1910).

No. 25 of 1921.]

**PROCLAMATION**

By His Royal Highness the High Commissioner.

Whereas it is expedient to amend the Basutoland Income Tax Proclamation, 1920 (herein after 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 said Proclamation shall be and is hereby amended by the insertion in Chapter Three Part One thereof after section twenty-eight of the following additional section as section 28A.

"28A. Every person carrying on any trade, or business, in the territory shall keep a proper record of his transactions in the English language, and for the purposes of this section a proper record shall include books containing all such entries relating to and exhibiting the nature of his transactions as (regard being had to the occupation of the person concerned and the scale on which his trade or business is carried on) might reasonably be expected or required to be kept. Every person who fails to keep a proper record of his transactions as required by this section shall be guilty of an offence shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one year."

2. This Proclamation shall be read as one with the said Proclamation and may be cited for all purposes as the Basutoland Income Tax Amendment Proclamation 1921 and shall have force and take effect as from the date of publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Thirtieth day of April One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,  
High Commissioner.

By Command of His Royal Highness the  
High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 26 of 1921.]

**PROCLAMATION**

By His Royal Highness the High Commissioner.

Whereas it is expedient to amend the Schedule to Proclamation No. 16 of 1907 (herein after referred to as "the said Proclamation") so as to provide more adequately for the stamping of documents used in certain civil cases in the Court of the Resident Commissioner in Basutoland;

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 amended by the addition at the end of the section headed (b) Resident Commissioner's Court of the following words, that is to say:—

"Upon any document not included in this section but included in the preceding section under the heading 'Assistant Commissioner's Courts' the duty or fees prescribed in respect of such document under such heading."

2. This Proclamation shall be read as one with the said Proclamation 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 Capetown this Thirtieth day of April One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,  
High Commissioner.

By Command of His Royal Highness the  
High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

In the Insolvent Estate of T. N. MAHOMED, trader, of Hleoeng and Letsoelas, District Leribe, Basutoland.

A Special Meeting of Creditors will be held at the Office of the Assistant Commissioner, Leribe, on Tuesday, 7th June, 1921, at 10 a.m., for the further Proof of Claims.

C. F. HENEY,  
Trustee.

Maseru, 4th May, 1921.

In the Estate of the late Mrs. JULIANA JOHANNA BISSET, of Teyateyaneng, Basutoland (married out of community).

The First and Final Liquidation and Distribution Account will lie for inspection at the Office of the Master of Court, Maseru, and at the Office of the Assistant Commissioner, Teyateyaneng, for a period of three weeks, calculated as from 6th May, 1921.

H. W. BISSET,  
Executor Dative.

Teyateyaneng.

**SALE IN EXECUTION.****S. WALTERS versus JOHN JACKSON.**

In execution of a judgment of the Court of the Assistant Commissioner, Hlatikulu, Swaziland, dated 20th April, 1921, the following will be sold by public auction at the farm Cavendish, Dwalen, at 11 a.m., Wednesday, the 1st June, 1921, viz.:—

- 1 bay gelding, saddle, and bridle;
- 2 door frames;
- 4 casements and frames;
- $\frac{1}{2}$  acre tobacco;

Terms: Cash to the highest bidder.

F. PIPE,  
Messenger of the Court, Hlatikulu.

Hlatikulu, 9th May, 1921.

**SALE IN EXECUTION.****J. P. H. FOURIE versus F. A. DEKKER.**

In execution of a judgment of the Court of the Assistant Commissioner, Hlatikulu, Swaziland, dated the 20th day of April, 1921, the following will be sold by public auction at the farm of Defendant, Ferriara Station, at 12 noon, Wednesday, the 1st June, 1921, viz.:—

One patch of tobacco, partly reaped, and part in drying shed.

F. PIPE,  
Messenger of the Court, Hlatikulu.