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[No. 1744.]

No. 62 of 1934.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable to amend the laws in force in the Bechuanaland Protectorate (hereinafter referred to as the territory) relating to Medical Practitioners, Dentists, Chemists, Nurses and Midwives 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. In this Proclamation words of the masculine gender shall include females.

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

"Practise" shall mean and include the doing and performing, whether for gain, hire or reward of any such acts as specially belong to the calling of a medical practitioner, dentist, chemist, nurse or midwife respectively.

3. (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, chemists, nurses or midwives respectively with such other particulars as may be required.

(2) No person save as hereinafter 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 United Kingdom of Great Britain and Northern Ireland or in the Union of South Africa as a medical practitioner, dentist, chemist, nurse or midwife, 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 five.

4. 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.

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

6. 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, chemist, nurse or midwife 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 in the case of a medical practitioner, two pounds ten shillings in the case of a dentist or chemist and one pound in the case of a nurse or midwife shall be paid and collected by means of a revenue

stamp of 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, chemist, nurse or midwife therein.

7. The Resident Commissioner may, on the written advice of the Principal Medical Officer or of any person 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 the South African Medical Council or the South African Pharmacy Board as the case may be and to the General Medical Council of Great Britain.

8. (1) Notwithstanding anything contained in this Proclamation any person not holding the diplomas or certificates required by section three who has been before the date of the taking effect of this Proclamation in practice in the territory as a medical practitioner, dentist, chemist, nurse or midwife 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 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.

(2) Notwithstanding anything contained in this Proclamation, whenever the Principal Medical Officer is satisfied that the interests of the public of any particular area of the territory necessitate additional medical, dental or pharmaceutical services to those supplied by a qualified medical practitioner, dentist or chemist, the Resident Commissioner may grant leave to any person approved of by the Principal Medical Officer, other than a registered medical practitioner, dentist or chemist to practise as such for such period and under such conditions as may be determined by the Resident Commissioner, and he may at any time cancel and withdraw such leave. He shall not be obliged to give any reasons for the refusal of leave, or for the cancellation or withdrawal of leave. No such person to whom leave has been granted shall be entitled to use the description "doctor", "dentist" or "chemist" or use in any way a prefix or addition of any word implying certification or registration under this Proclamation.

(3) The Resident Commissioner may, on a written application made in the manner set forth in the preceding subsection grant leave to any person (other than a medical practitioner, registered nurse or registered midwife) to practise as a nurse or midwife for such period and subject to such conditions as may be determined by him provided that he shall have discretion to refuse to grant any such application without stating his reasons and may at any time cancel any leave so granted. Every such person to whom leave to practise has been granted shall on complying with such conditions as may be determined by the Resident Commissioner

Date.....

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 the 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 be labelled with—

- (1) the name of the article;
- (2) the word "Poison" in English and "Gif" in Afrikaans;
- (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 the purchaser; and
- (3) the ingredients and quantities of the prescription.

POISONS.

PART I.

Aconite, aconitine and its salts, and their preparations.
 Alkaloids—All poisonous alkaloids and glucosides not specifically named in this Schedule, and their salts and preparations, and all poisonous derivatives of alkaloids and glucosides.
 Arsenic and its salts and their preparations.
 Atropine and its salts and their preparations.
 Belladonna and all preparations and admixtures thereof (except belladonna plasters) containing one-tenth or more per cent. of belladonna alkaloids.
 Cannabis indica 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.
 Cyanides of potassium and sodium and all other poisonous cyanides and their preparations.
 Diethyl barbituric acid, and other alkyl, aryl or metallic derivatives thereof, whether described as veronal, propional, medinal, or by any other name; and all poisonous urethanes and ureides.
 Emetic tartar and all preparations or admixtures thereof containing one or more per cent. of emetic tartar.
 Ergot of rye and preparations of ergots.
 Lead in combination with oleic acid or other highly fatty acid, whether sold as diachylon or under any other name (except machine-spread plasters).
 Mercuric chloride (corrosive sublimate).
 Nux Vomica, Strychnine and its salts, and all preparations or admixtures containing one-fifth or more per cent. of strychnine.
 Picrotoxin.
 Prussic Acid, and all preparations or admixtures containing one-tenth or more per cent. of prussic acid.
 Savin and its oil, and all preparations or admixtures containing savin or its oil.
 Vermin and fly killers, if containing poisons the preparations of which are included 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 "Gif" in Afrikaans, and
- (3) the name and address of the person on whose behalf the sale is effected;

provided however that if they are sold on medicinal 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 the sale;
- (2) the name (and address) of purchaser;
- (3) the ingredients and quantities of the prescription.

PART II.

Acetanilide (antifebrin).
 Almonds, essential oil of, unless deprived of prussic acid.
 Antimonial wine.
 Barium, salts of, except barium sulphate.
 Cannabis indica, all liquid preparations or admixtures of.
 Cantharides, tincture of, and all vesicating liquid preparations or admixtures containing cantharidin.
 Carboic acid (phenol), cresylic acid (cresol) and all preparations containing three or more per cent. of any one, or a mixture of these substances or of their derivatives

(This includes "lysol" and similar preparations under whatever name they may be described or sold).

Chloride of zinc.

Chlorodyne.

Digitalis.

Exalgin.

Mercuric chloride (corrosive sublimate), all preparations of.

Mercuric iodide.

Mercuric sulpho-cyanide.

Nux Vomica, preparations or admixtures of, containing less than one-fifth per cent. of strychnine.

Oxalic acid and its soluble salts.

Phenazone (antipyrene).

Poppies, all preparations of, excepting red poppy petals and syrup of red poppy (Papaver rhoeas).

Precipitate red, and all oxides of mercury.

Precipitate, white.

Strophanthus.

Sulphonal and its homologues, whether described as "trional" "tetronal" or by any other name.

Vermin killers (see Part I), compounds containing poisons prepared for the destruction of vermin, if not included in Part I fall under Part II of this Schedule.

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 specifically excluded from Part II by the terms of this Schedule.

SCHEDULE D.

(1) Ordinance No. 82 of 1830 of the Colony of the Cape of Good Hope as in force in the Bechuanaland Protectorate.

(2) Proclamation No. 30 of 1927 regulating the registration of Medical Practitioners in the Bechuanaland Protectorate.

(Printed by the Government Printer, Pretoria.)

No. 63 of 1934.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable to amend the Swaziland Administration Proclamation 1907 in so far as it relates to appeals from Native Courts in Swaziland;

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. Section *seventeen* of the Swaziland Administration Proclamation No. 4 of 1907, hereinafter referred to as "the principal law", is hereby amended by the deletion of the proviso and the substitution thereof of the following proviso:—

"Provided that an appeal shall lie to the Special Court from any final judgment or order of the Paramount Chief in any matter in which he may have exercised jurisdiction under this section whether at first instance or on appeal from the judgment of a native chief to the Paramount Chief."

2. Section *seventeen* as so amended shall become section *seventeen* sub-section *one*, and there shall be added the following two sub-sections *two* and *three*:—

"(2) All interpleader actions arising out of any execution of a judgment of the Special Court on appeal from a judgment or order of the Paramount Chief shall be tried in the first instance by the Court of Assistant Commissioner within whose jurisdiction the property in dispute was taken in attachment, subject to an appeal to the Special Court.

"(3) Notwithstanding anything contained in any other law no legal practitioner shall appeal or act for any party

(a) before the Special Court in any appeal from a judgment or order of the Paramount Chief, nor in proceedings for the execution of any judgment or order of the Special Court on appeal from a judgment or order of the Paramount Chief, save with the leave of the President of the Special Court when that Court is in Session, or of the Resident Commissioner or Deputy Resident Commissioner in their capacity as members of the Special Court, when the Court is not in Session; or

(b) before the Court of any Assistant Commissioner in any interpleader action arising out of any execution of any judgment of the Special Court save with the special leave of the Assistant Commissioner; provided that in case one of the parties in any such interpleader action is not subject to the jurisdiction of the Paramount Chief, such interpleader action shall be tried by such Assistant Commissioner in exactly the same manner in all respects including the representation of the parties by legal practitioners as if such interpleader action had arisen out of the execution of a judgment given in his Court."

3. This Proclamation shall be read as one with the principal law 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 Twentieth day of November One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 167 of 1934.

It is hereby notified for general information that His Excellency the High Commissioner has, by virtue of section twenty of the Swaziland Administration Proclamation, 1907, been pleased to make the additional Rules of Court hereto appended, which shall be the rules regulating from the date hereof the practice and procedure of the Special Court of Swaziland in appeals against any judgment or order of the Paramount Chief of Swaziland.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

High Commissioner's Office,
Pretoria, 23rd November, 1934.

RULES FOR THE SPECIAL COURT OF SWAZILAND IN CASES OF APPEAL AGAINST ANY JUDGMENT OR ORDER OF THE PARAMOUNT CHIEF.

1. Any party desiring to appeal against any judgment or order of the Paramount Chief shall notify the Paramount Chief or his representative either orally or in writing within thirty days after the date of such judgment or order of his intention to appeal, and shall within the same time also notify the Assistant Commissioner of the district in which he resides either orally or in writing of his intention so to appeal; provided that upon good cause being shown the Court may extend the time for giving notice of an appeal to such period as it may think fit.

2. The Assistant Commissioner who has been notified of such intention to appeal shall record in writing the grounds upon which the appellant desires to appeal and shall forthwith forward a copy thereof to the Registrar of the Court.

3. The Court may require the Paramount Chief to give reasons in writing or otherwise for his decision.

4. The Registrar of the Court, upon receipt of the record of the grounds of appeal, shall, as soon as he is in a position to do so, notify the Paramount Chief and the Assistant Commissioner or Assistant Commissioners of the district or districts within which the parties reside of the time, date and place of the session of the Court at which the hearing of the appeal has been set down, and together with such notification to the Paramount Chief shall forward a copy of the record of the appellant's grounds of appeal.

5. Each Assistant Commissioner receiving such notification from the Registrar shall, by means of a messenger or messengers to be appointed by such Assistant Commissioner, cause the party or parties residing in his district to be informed of the time, date and place fixed for the session of the Court at which the case has been set down, and shall also by the same means inform each such party that he is called upon to attend such session with his witnesses if he have any.

6. Every messenger who has been sent by an Assistant Commissioner to notify a party in terms of rule five hereof shall make a return either orally or in writing to the Assistant Commissioner as to what he has done, and such Assistant Commissioner shall record such return and send such record to the Registrar of the Court by the first opportunity.

7. In any case in which a party after due notification has failed to appear at the time and place fixed for the hearing of the appeal it shall be lawful for the Court to hear and determine the appeal in his absence, to strike the case from the roll, or to make such other order as may seem just.

8. The Court shall hear and determine appeals as if they were cases of first instance in such Court, except that, save under exceptional circumstances, no witnesses who did not give evidence at the hearing of the case in the Paramount Chief's Court shall be heard: provided that expert witnesses on native law and custom may be heard whether they did or did not give evidence in the Paramount Chief's Court.

9. Upon the delivery of the judgment or order of the Court in any such appeal case, the Registrar shall notify the Paramount Chief and the Assistant Commissioner or Assistant Commissioners within whose district or districts the parties reside of the terms of such judgment or order.

10. Whenever it shall be necessary to execute any order or judgment of the Court upon an appeal from a judgment or order of the Paramount Chief, the successful party may take out the necessary writ or process of the said Court, and such writ or other process shall be executed by a messenger appointed by the Assistant Commissioner of the district in which it is necessary for the said judgment or order to be carried out; provided that if the judgment or order can only be satisfied by the sale of property, the attachment and sale of any such property shall be effected by the messenger of the Assistant Commissioner's Court as if the judgment or order had been given by such Assistant Commissioner's Court.

11. Upon his giving notice of an appeal from a judgment or order of the Paramount Chief, the appellant shall deposit the amount of two pounds with the Assistant Commissioner to whom he gives notice of his intention to appeal, and should the Court find the appeal to be unfounded or vexatious, it may order the forfeiture of this deposit. In the absence of any order of forfeiture, the deposit shall be repaid to the depositor when the appeal has been determined.

12. The Process of the Court for the attendance of any person to give evidence therein shall be as is provided in the Courts of Assistant Commissioner.

13. No judgment or order of the Special Court upon an appeal from the Paramount Chief shall carry costs: provided that the unsuccessful party may be ordered to pay—

- the costs of execution in all cases where it may become necessary to sell property, and
- the costs of summoning witnesses and the expenses of any necessary witnesses so summoned at the rates provided in Courts of Assistant Commissioner.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 168 of 1934.

It is hereby notified for general information that, in terms of section seven of the Basutoland Marriage Proclamation, 1911, His Excellency the High Commissioner has been pleased to appoint the undermentioned Ministers of the Roman Catholic Church to be Marriage Officers under the said Proclamation for the solemnization of marriages within Basutoland.

Reverend Father Jacques Gilbert, O.M.I.
Reverend Father Gerard Jalbert, O.M.I.
Reverend Father Paul Morin, O.M.I.
Reverend Father Charles Garant, O.M.I.
Reverend Father Arthur Brault, O.M.I.

By Command of His Excellency the
High Commissioner.

E. COHEN,
for Administrative Secretary.

High Commissioner's Office,
Pretoria, 23rd November, 1934.

HIGH COMMISSIONER'S NOTICE No. 169 of 1934.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to make the following acting appointments in the Basutoland Service, with effect from the 22nd November, 1934:—

James Hugh Sims, Esquire, to act as Resident Commissioner of Basutoland.
Hugh Ashton, Esquire, to act as Deputy Resident Commissioner and Government Secretary.
Geoffrey Thomas Stanley-Clarke, Sub-Inspector, Basutoland Mounted Police, to act as Assistant Commissioner for the District of Maseru.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

High Commissioner's Office,
Pretoria, 22nd November, 1934.

HIGH COMMISSIONER'S NOTICE No. 170 of 1934.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint James Hugh Sims, Esquire, to be Acting Commandant of the Basutoland Mounted Police while acting as Resident Commissioner of Basutoland.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

High Commissioner's Office,
Pretoria, 22nd November, 1934.

HIGH COMMISSIONER'S NOTICE No. 171 of 1934.

With reference to High Commissioner's Notice No. 56 of 1934, it is hereby notified for general information that, under the provisions of the Basutoland Trading Proclamation, 1928, His Excellency the High Commissioner has been pleased to appoint Hugh Ashton, Esquire, Acting Government Secretary, to be a member and to be chairman of the Licensing Board constituted under section *three* thereof in the place of James Hugh Sims, Esquire.

By Command of His Excellency
the High Commissioner.

E. COHEN,
for Administrative Secretary.

High Commissioner's Office,
Pretoria, 22nd November, 1934.

BASUTOLAND.

In the Insolvent Estate of the late WALTER HOGG McCALLUM, of Old Mohales Hoek, Basutoland (No. 16/34).

I hereby give notice, in terms of section 93 of Proclamation No. 26 of 1927, that I have applied to the Master of Court, Maseru, for an extension of six months from the date hereof within which to frame and lay before him the Final Liquidation and Distribution Account on the grounds that the assets of the above-mentioned Estate have not yet been disposed of.

J. BURNETT,
Sole Trustee.

Mohales Hoek, 16th November, 1934.

SWAZILAND.

EDICT No. 668.

The Next-of-kin and Creditors of Mary Bailey, of the Central District, Swaziland, who died on the 24th day of October, 1934, are required to take notice that a meeting of the next-of-kin and creditors of the deceased and all others whom these presents may concern will be held before the Master of the Special Court of Swaziland, at his office, Mbabane, on Friday, the 14th day of December, 1934, at eleven o'clock in the forenoon precisely, and all such persons as aforesaid, are hereby required to attend at the place and time aforesaid then and there to see Letters of Administration granted to such person or persons as shall then be appointed by the said Master to be Executor or Executors Dative to the Estate of such deceased person as aforesaid.

D. FITZ-PATRICK,
Assistant Master of the Special Court of Swaziland.
Master's Office,
Mbabane, Swaziland, 20th November, 1934.

POUND SALE.

The undermentioned animal will be sold by public auction on 19th December, 1934, in front of the Court-house, Mbabane, unless previously claimed.

1 Grey stallion, 5 years.

A. PHELAN,
Poundmaster.