

BASUTOLAND, BECHUANALAND
PROTECTORATE, SWAZILAND.

HIGH COMMISSIONER'S NOTICE
No. 242 OF 1939.

CONTRABAND OF WAR.

With reference to High Commissioner's Notice No. 241 of 1939, the undermentioned notification is published for general information.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 22nd December, 1939.

NOTIFICATION.

The Ministry of Economic Warfare desire to give notice that all goods covered by the contraband list which are shipped on or after the 20th November, 1939, to neutral countries in Europe consigned to order or to forwarding agents without specifying the name of the buyer will be liable to seizure by the Contraband Committee.

This does not of course affect the existing arrangements under which bills of lading made out "to order" to a bank or accepting house and bearing the inscription "notify buyer Messrs....." will be regarded as equivalent to a bill made out to a named consignee. It will be appreciated that this arrangement is based on the assumption that the person to be notified would not be a forwarding agent.

BECHUANALAND PROTECTORATE.

NOTICE.

It is hereby notified for general information that from and after the date of publication hereof Government drills may be hired under the terms and conditions set forth in the sub-joined regulations.

Dated at Mafeking, this 7th day of February, 1939.

A. D. FORSYTH THOMPSON,⁴
for Resident Commissioner.

Resident Commissioner's Office,
Mafeking.

REGULATIONS FOR HIRE OF GOVERNMENT WATER
DRILLS.

1. Approved applications to bore for water for agricultural purposes shall have precedence over other applications for boring.

Payment of Charges.

2. Payment for the hire of a drill shall be made either—
- (a) by cash in advance; or, in special cases approved by the Resident Commissioner, by cash on demand;
 - (b) by cash instalments over a period of (5) five years on security approved by the Resident Commissioner;
 - (c) any amount becoming due or payable under these regulations shall be deemed to be a debt due to Government and shall be payable to the District Commissioner of the District.

Payment of Charges by Cash in Advance.

3. If an applicant is required to pay cash in advance for the hire of a drill he shall deposit with the District Commissioner the sum of seventy-five pounds (£75) before the drill may proceed to the site at which boring is to take place, and thereafter such further deposits as may be required by the Government, provided that if, when drilling operations are completed, it is found that an amount in excess of the charges fixed under the regulations has been deposited, such excess shall be refunded, and that if the total amount deposited is not sufficient to meet such charges the balance shall be payable in cash on demand.

Payment of Charges by Cash on Demand.

4. (a) Where the applicant is required to pay cash on demand he may be required to furnish sureties or other security approved by the Resident Commissioner for the estimated cost of the proposed operations.

(b) If an applicant is required to pay by cash on demand he shall deposit with the District Commissioner the sum of £25 before the drill may proceed to the site at which boring is to take place.

(c) The total boring and other charges in excess of the amount deposited under sub-paragraph (b) of this paragraph shall become due and payable on presentation of the account of the prescribed fees at the completion of the work.

Payment of Charges by Instalments.

5. (a) If an applicant whose application may be approved desires to pay for the hire of a drill by cash instalments, covering a period of (5) five years, he shall provide two approved sureties or other security approved by the Resident Commissioner for the due payments of such instalments to the District Commissioner of the District in which the boring is being carried out, or any other duly authorised officer of the Government.

(b) An initial instalment of £15 in respect of each borehole shall be deposited with the District Commissioner or with any other duly authorised officer of the Government before the drill proceeds to the site at which boring is to take place.

(c) Instalments in repayment of the balance of the boring charges shall be equal amounts comprising both capital and interest at 4 per cent. per annum, payable half yearly and the first instalment shall become due and payable six months from the date of completion of boring operations in respect of each borehole provided that in the event of any instalment being in arrear the Resident Commissioner shall have the power to require payment of the total capital and interest outstanding after giving one month's notice in writing of such requirement.

Submission of Applications.

6. (a) Every application for the hire of a drill shall be made on the attached form marked "A" to the District Commissioner of the district in which the property on which boring is desired is situated. Forms can be obtained from the District Commissioner.

(b) On the receipt of an application on form "A" the District Commissioner shall make such inquiries as are necessary to ascertain if the application is in order and, when satisfied, shall forward the application to the Resident Commissioner with his recommendation or otherwise on form marked "B".

Acceptance of Application.

7. The acceptance or otherwise of an application shall be subject to the discretion of the Resident Commissioner, who may cause such inquiry to be made as he may consider necessary.

Notification of Acceptance of Application and Liability to Cancellation thereof.

8. When an application has been accepted the applicant will receive from the District Commissioner a signed copy of the Agreement (Form "C"). No such Agreement shall be understood to render the Government liable to undertake boring for the applicant, and the Resident Commissioner may by registered post cancel the Agreement. In case these regulations or any charges made thereunder are altered before boring is commenced on an applicant's property under the Agreement, the applicant will be informed of the revision and he may withdraw his application or renew it under the revised regulations or charges.

Notice of Availability of Drill.

9. (a) At least 48 hours' notice in writing shall be given to the drill foreman by the applicant on whose property the drill is being used that he desires to dispense with the use of the drill. The drill foreman shall thereupon give at least 24 hours' notice to the next applicant that the drill is available, and in such notice shall be set forth the date and place from which he shall take over the drill. If on the expiry of such notice the next applicant shall not have taken over the drill, the Agreement may be cancelled in the manner provided in paragraph 8 of these regulations, and such applicant shall, if required, pay in respect of any delay caused the full charges for wages as prescribed by the applicable section (22 or 22A) of these regulations.

(b) The taking over of the drill shall preclude the applicant from any denial of liability for its hire.

(c) The cancellation by an applicant of his Agreement after notice of the availability of a drill has been received by him shall not absolve him from liability to pay full charges for any delay caused by such cancellation.

Classes of Government Drills.

10. The class of drill provided under these regulations shall be at the discretion of the Resident Commissioner, but the applicant shall receive due notice of the type of machine that will be available for the work.

The Drill Foreman.

11. (a) The Government shall provide a foreman who shall have the entire direct charge of the drill and boring operations.

(b) Should the applicant have any complaint to make regarding the foreman or his work, he shall reduce it to writing and shall forward it within 24 hours of the occurrence to the District Commissioner, who shall inquire into the matter. No such complaint made after the lapse of 24 hours will be entertained. No payment for his services shall be made direct to the foreman by the applicant.

(c) The drill foreman shall not be required against his advice to deepen any hole that has previously been drilled or any existing well.

(d) The drill foreman shall on the completion or abandonment of any hole fill in a form in duplicate showing the strata penetrated, the water supply obtained, if tested, and the casing left in the hole, and all details of items payable by applicant under paragraphs 14 and the applicable section (22 or 22A) of these regulations. The applicant shall counter-sign this form before the drill leaves his property and shall be furnished with a copy thereof.

Labour.

12. The Government shall provide the skilled labour required for working the drill, but shall not provide labour for carriage of water and fuel, or additional labour required for unloading, erecting, dismantling and loading up the plant.

Transport.

13. (a) The applicant who is given the first use of the drill in any district shall provide transport for the drill, its appliances, the drill staff, and baggage from the nearest railway station possessing facilities for offloading the drill, or such other place as may be decided by the Government, to his farm, and shall use all expedition in this respect.

(b) A succeeding applicant shall similarly provide transport other than rail transport from the previous farm to his own farm, and the last applicant shall provide transport back to the nearest railway station possessing facilities for loading the drill or such other place as may be decided by the Government.

(c) The applicant shall provide transport between his farm and the railway station or such other place as may be decided by the Government for the expeditious conveyance of machinery and stores required to conduct boring operations.

(d) The applicant shall provide the foreman with means of communication to and from the nearest District Commissioner's office and post and telegraph office at least once a week.

Casing.

14. (a) The applicant will pay for casing left in a borehole on his property at issue cost.

(b) The quantity of casing required to line any borehole effectively shall be at the sole discretion of the Government.

Working Hours.

15. Nine hours shall be considered to constitute a normal working day, and five hours on Saturdays. No work need be undertaken on Sundays, in which case no charge would be made.

Supplies by Applicant.

16. (a) Labour.—The applicant shall supply at his own cost such labour, additional to the drill staff, as may be required for the unloading, erecting, dismantling, and loading of the drill, appliances, and equipment.

(b) Water and Fuel.—The applicant shall supply and transport at his own cost sufficient water of good quality for the efficient working of the drill, and sufficient water and wood fuel, for the use of the drill staff.

(c) Provisions for Drill Staff.—The applicant shall transport provisions required by the drill staff at his own cost, at least once a month, from the nearest railway station or from a store as may be required.

(d) The applicant shall generally give such other assistance as the foreman may require to perform his work efficiently.

Cessation of Operations.

17. Boring operations may be stopped—

(a) when a fair and reasonable supply of water has been obtained in a borehole;

(b) at the request of the applicant;

(c) at the discretion of the Government when there is a likelihood of the drill or appliances being damaged; or when in the opinion of the Government satisfactory results from further boring are improbable; or if the estimated cost of boring exceeds the value of the security provided by the applicant;

(d) at the discretion of the Government when a depth of 400 feet has been reached.

Responsibility for Success.

18. The Government does not guarantee any successful result from boring operations. The undertaking shall, therefore, be entirely at the risk of the applicant, but every reasonable assistance towards the selection of sites for boring and a successful issue of the work will be readily given.

Limit of Number of Boreholes.

19. The number of boreholes drilled on any one property under one application shall be at the discretion of the Government provided that the total boring costs do not exceed the value of the security furnished.

Special Conditions.

20. (a) When necessitated by the nature of the ground to be bored in, or by difficulty in getting to the site, or when additional work is required to be done to an existing borehole, or under any other exceptional circumstances, the

Government may impose special conditions in addition to the ordinary terms of payment applicable under which boring shall be carried out, but the work shall not be undertaken or continued unless the applicant shall have notified in writing his acceptance of such conditions.

(b) The Government reserves the right to impose special conditions of hire and terms of payment in the case of boring operations being undertaken for companies, syndicates, or other bodies, or in prospecting for minerals.

Cores.

21. All cores obtained in drilling shall be the property of the Government. The applicant, however, may examine them and may, if he desires, have pieces for analytical purposes.

Charges for Hire of a Drill.

22 and 22A. The charges to be paid for the hire of a drill, excepting as provided for in section 20 of these Regulations, shall be either of the alternative scales as set forth in section 22 or 22A, at the option of the applicant. The option shall be exercised by the applicant when the original application is made and not later.

- | 22. | 22A. |
|---|--|
| (a) Wages of drill foreman and his native assistants at £2 per day or part of a day from the time when the machine is available until the time when it leaves the applicant's property. | (a) From the time the drill is available for the applicant until it is erected ready for work the sum of £2 per diem. |
| (b) For each foot or part thereof drilled, 5s. | (b) For each day on which operations are conducted after the drill has been erected, the sum of £3. 10s. |
| (c) For each foot or part thereof of casing left in hole, about 10s. | (c) For each day not exceeding two days of nine hours each while the yield of water from a borehole is being tested, including the erection and dismantling of the pump, the sum of £2. |
| (d) For each gallon of oil fuel used in boring, 1s. | (d) For each day in excess of two days of nine hours each on which pumping tests are conducted, the sum of £3. 10s. |
| (e) For each gallon or part thereof of lubricating oil used in boring, 6s. 3d. | (e) For each day on which pumping tests, independent of boring operations, are conducted, the sum of £3. 10s. |
| Or such other charges in the above several respects as may from time to time be fixed by the Resident Commissioner. | (e) For each foot or part thereof of casing left in hole, about 10s. |
| (f) The cost of repairing any breakage or damage for which the applicant or his agent is responsible. | (f) For each day on which operations are delayed owing to the fault of the applicant or his failure to supply essential services, the sum of £3. 10s. or £2 at the discretion of the Government. |

- (g) The Government may in respect of a hole drilled and abandoned which cannot be used because the hole is proved to the satisfaction of the Government to be crooked, reduce or waive all charges made in respect of such hole.
- (g) For each day while the drill and appliances are being dismantled, the sum of £2.
- (h) For each day in excess of one-half day occupied in transporting the drill and appliances from one boring site to another on the same farm or property, the sum of £2.
Or such other charges in the above several respects as may from time to time be fixed by the Resident Commissioner.
- (i) The cost of repairing any breakage or damage for which the applicant or his agent is responsible.
- (j) The Government may in respect of a hole drilled and abandoned which cannot be used because the hole is proved to the satisfaction of the Government to be crooked, reduce or waive all charges made in respect of such hole.

The Government may reduce or in very exceptional circumstances waive charges in respect of days or portions of days during which a drill may be stopped or fail to make satisfactory progress on account of bad weather; or of a breakdown or technical difficulties not due to the applicant which causes a stoppage of more than 24 hours; or of the illness of the drill foreman; or in respect of work done and abandoned by the Government in any circumstances not specially provided for in these Regulations, e.g., owing to the proved fault of the drill foreman or his staff.

Rebates.

23. (a) When the measured yield of water from a borehole is 50 gallons, or less, per hour, or when the quality of the water makes the hole useless, no charge for such borehole will be raised. No casing shall remain in such borehole, except at full cost of the applicant.

(b) For the purpose of deciding rebates, the measured yield and the quality of water from the borehole shall be those approved by the Director of Public Works, who shall have the right to test water supplies in such manner as he shall determine; and whose decision shall be accepted as final.

(c) The provisions of paragraph (a) of this regulation shall only apply to borehole sites approved by the Director of Public Works.

(d) In the event of the applicant desiring to continue boring operations after such operations have been stopped in terms of regulation 17, and if the Government permit such continuance of boring operations, paragraph (a) of this regulation shall not apply to such borehole.

Disputes.

24. In case of disputes arising out of the interpretation of any of the above clauses, the decision of the Resident Commissioner shall be accepted as final.

Application of Regulations.

25. These regulations shall take effect from the date of their publication in the *Gazette*, and shall not apply to any borehole which has been or is being drilled at such date.

FORM "A".

APPLICATION FOR THE HIRE OF GOVERNMENT
DRILLING MACHINE.

Postal Address.....

Date.....19....

To the District Commissioner,

I beg to apply for the use and hire of a Government drilling machine.

I enclose herewith articles of agreement (Form C), in duplicate, duly completed on my behalf.

Signature of Applicant.

FORM "B".

BECHUANALAND PROTECTORATE.

DEPARTMENT OF PUBLIC WORKS.

RECOMMENDATION FOR APPROVAL TO APPLICATION
FOR A GOVERNMENT WATER-DRILL.

No.....

Date.....

To the Engineer,
Department of Public Works.

I have the honour to forward herewith an application in Form "A" for the hire of a Government Water-drill to bore for Mr. owner/lessee of Farm District.

2. I have ascertained by inquiry that the applicant is financially sound and capable of paying for the hire of the drill and of providing transport for it; and that he will assist the foreman in charge in all his reasonable requirements. I am also satisfied that the sureties provided by him are financially sound and in a position to pay any boring debt incurred in the event of applicant failing to do so.

3. I therefore recommend that this application be granted on the terms laid down in the Regulations.

District Commissioner.

District.

NOTE.—When a District Commissioner cannot state that he is satisfied regarding the financial standing of an applicant and sureties, he is requested to give reasons for being unable to recommend.

APPROVED.

Resident Commissioner.

Date.....

FORM "C".

BECHUANALAND PROTECTORATE.

DEPARTMENT OF PUBLIC WORKS.

AGREEMENT FOR THE HIRE FROM GOVERNMENT OF
A WATER-DRILL.

Postal Address.....

Date.....19.....

1. Having applied for the hire of a Government drill, I hereby undertake to comply with the terms and conditions set forth in the printed rules and regulations governing the hire and working of Government drills, a copy of which has been supplied to me and with which I acknowledge myself to be fully acquainted.

2. I agree to pay in terms of section..... of the regulations for the hire of the drill.

(NOTE.—Insert No. of Section 3, 4, or 5 as the case may be.)

3. I agree to accept the rate of charges as detailed in section 22A/22 of the Regulations.

(NOTE.—The section which is not to apply should be deleted.)

4. I agree to re-pay the full boring charges plus interest at 4 per cent, per annum as set forth in paragraph 5 of the Regulations, and I further agree that in the case of default of payment of any instalment on the due date as aforesaid the remaining instalments or instalment shall become forthwith due and payable.

Signature.....

As Witness (1).....

(2).....

SURETY CLAUSE.

I/We the undersigned—

.....
.....
.....
hereby interpose and bind ourselves/myself as suret..... in solidum and co-principal debtor..... for the due and punctual payment of the capital amount, all instalments and interest due and to become due and payable under and in accordance with the terms of the above-written agreement entered into by

I/We renounce and waive to that end all benefit of the *exceptions ordinis seu excussionis et divisionis*.

Witness :

1..... Date.....

Postal Address

Witness :

2..... Date.....

Postal Address

PARTICULARS OF PROPERTY OWNED.

Applicant

Sureties (1)

(2)

Accepted....., Resident Commissioner.

(1)....., Witness.

(2)....., Witness.

BECHUANALAND PROTECTORATE.

NOTICE.

It is hereby notified for general information that under the provisions of section *one* of Proclamation No. 40 of 1913, as amended by Proclamation No. 35 of 1916, I do hereby order that all shops situated in the Gaberones Block and on the farms Crocodile Pools, Traquair and Forest Hill shall close—

- (a) at 1 p.m. for the rest of the day on Wednesday;
- (b) on all business days except Wednesdays at 6 p.m.;
- (c) altogether on public holidays as established by or appointed under Proclamation No. 70 of 1938; and that no such shop shall be open before 7 a.m. on any weekday.

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

Dated at Mafeking, this eighth day of February, 1939.

A. D. FORSYTH THOMPSON,
for Resident Commissioner.

Cancelled by R. C. Notice

2nd 10th 40

Gazette 2072.