

MEMORIALS OF THE WITWATERSRAND CHAMBER OF
MINES TO THE VOLKSRAAD.

Presented 3rd May, 1897.

PATENT LAW.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD:
The Humble Memorial of the Witwatersrand Chamber of Mines:

SHEWETH:—

That a Concept Patent Law has been published in the *Staatscourant*, and will be submitted to your Honourable House to be dealt with.

That a number of amendments to the existing law are contained in the Concept Law.

That your memorialists respectfully desire to point out that the following proposed amendments will be against the interests of the State and the mining industry:—

- (a) Article 4a provides that the term "new invention" shall include every invention that before the aforementioned time was not generally and with practical result in use in the branches of trade and industry to which the invention has reference. This portion of the article your memorialists wish to oppose on the ground that a new invention may be made by a person who does not desire to derive any financial advantage from his discovery, but places it freely and fully at the disposal of the whole world content with having added to the sum of knowledge and benefited mankind. This invention may, however, not be applied practically to trade and industry; and later someone may claim to have arrived independently at it and apply for a patent. The granting of such a patent would obviously deprive the world of the benefit conferred upon it by the disinterested action of the first inventor, and would allow another person to reap the fruits which have voluntarily been foregone by him.
- (b) Article 8.—The amendment to this article makes it permissive for an applicant to lodge a description in his own language, in addition to the compulsory translated description in the language of the country. The translations by sworn translators, especially in the case of specifications involving the use of technical terms and dealing with complex chemical processes, have, within the experience of your memorialists, frequently been found to be unintelligible, and have proved a great difficulty to persons having an interest in ascertaining the nature of the invention for which the granting of a patent

is requested. It is therefore desirable that the applicant should be compelled, as at present, to lodge one description in his own and one in the official language.

(c) Article 25a.—This article, which it is proposed to insert in the existing law, is, in the opinion of your memorialists, wrong in principle, and in practice will prove impracticable. For, in the first instance, it limits the duration of a lawsuit, a matter which rests with the discretion and judgment of the Court before which the case is brought; and in the second it is retrospective. In a recent important patent case the time occupied was, through the necessity of allowing the appointment of commissions to take evidence in distant parts of the world, extended far beyond the period mentioned in the above article, and it is clear that in future actions a similar procedure may have to be followed. Thus if this article were passed it would involve an encroachment on the powers and privileges of the High Court, and would probably be the means of justice being denied to litigants.

That having stated their objections to certain proposed alterations to the law, your memorialists would respectfully submit that it is desirable that the provisions of the 5th paragraph of Article 13 should be applied to applicants as well as to objectors. That is, that when an applicant is resident abroad, or possesses no fixed property within the State, an objector shall be entitled to claim that such applicant shall lodge security for the payment of costs to the satisfaction of the Commissioner, and that if such security be not lodged, the Commissioner shall refuse to consider the application. In support, your memorialists would submit that they have opposed the granting of many patents in the interest of the State and the inhabitants, and that in nearly every case they have succeeded. But, though in refusing the applications the State Attorney has given costs against the applicant, your memorialists have seldom been able to recover them from persons residing abroad and not having fixed property within the State. The course pursued by your memorialists proves that persons constantly apply for patents to which they are not entitled, and in many cases evade the payment of the costs given against them, thus imposing a heavy burden on your memorialists and others who may take steps to protect the public against the encroachments of individuals.

Your memorialists therefore pray that for the foregoing reasons your Honourable House will reject the proposed amendments :—

Article 4a.—So far as regards the second portion of the first paragraph.

Article 8.—Regarding the substitution of permissive for compulsory lodging of a description in the language of the applicant.

Article 25a.—In its entirety: and will amend Article 13 in the manner asked for in the memorial.

And your memorialists will ever pray.

GOLD THEFTS.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD.
The Humble Memorial of the Witwatersrand Chamber of Mines:

SHEWETH :—

That the mining companies of the Witwatersrand Goldfields sustain very heavy loss through thefts of amalgam and other metallic and chemical combinations of gold.

That from cases which have occasionally come before the Courts and from other information which from time to time has been laid before your memorialists, it has been clearly shown that this plundering of the mining industry is carried on in an organised and systematic manner, and that a combination exists between dishonest employees engaged in and about the works of the companies and the illicit buyers outside, who, for the most part, carry on a legitimate business, but use it mainly as a cover for their nefarious transactions.

That the mining companies have in the past, and do still, exercise all possible vigilance to prevent these thefts, but, so far, have been, and still are, unable wholly to do so, owing to the temptations placed in the way of their employees by the illicit buyers.

That there is reason to believe that with the expansion of the mining industry thefts and illicit purchases of gold have increased in volume.

That the provisions of the Gold Law and the efforts of the detective force have proved insufficient, either for suppressing these crimes or, to any appreciable extent, for bringing the criminals to justice.

That experience has demonstrated that the ordinary detective force is not adequate for the due protection of the mining companies, but that it is necessary that special means should be provided for the detection of the thieves and receivers and for bringing them to justice.

Wherefore your memorialists humbly pray your Honourable House to make provision for the appointment of a Government Board at Johannesburg, with a force of special detectives under its direct control, working under regulations the best calculated to suppress the crimes referred to in this memorial, and so afford the industry efficient protection from the criminal classes now preying on it.

And your memorialists will ever pray.

DYNAMITE.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD:
The Humble Memorial of the Witwatersrand Chamber of Mines:

SHEWETH:—

That in the report of the Dynamite Commission appointed by your Honourable House last session, it is *inter alia* pointed out:—

1. That the agent has failed to carry out his contract with the Government to establish factories adequate for the manufacture of explosives in accordance with the requirements of the country within the time fixed, and that even within the further 2½ years which the Government have allowed him, he will still be unable to do so.

2. That irrespective of the profit on explosives made at the factory, a profit of £2 per case is made on explosives imported at the cost of the State, of which the agent takes 3s. and the Government 5s. per case.

3. That during the four years 1897 to 1900 inclusive, it is estimated that at least 430,000 cases of explosives will have to be imported, which, if imported by the State direct would benefit the Treasury to the extent of £860,000, and, if dealt with as at present would give the State only £107,500, a difference to the detriment of the State of £752,500.

4. That there is no prospect that the production of explosives will be independent of the importation of some of the raw materials.

That from the foregoing it is perfectly clear that the State monopoly has not resulted in rendering the Republic independent of the importation of raw materials, or even of manufactured explosives, and that there is no prospect, at anyrate with regard to raw materials, that it ever will do so; and that moreover while the State finds the money for the importation of explosives the agent takes most of the profit, so that the mining industry is heavily burdened in order not that the State but that the agent shall benefit.

That Nobel's offered in 1893 to supply dynamite No. 1 in Johannesburg, down to 40s. per case free of duty, and if 5s. per case duty be added, which is the amount the agent pays to the Government, the cost would still be only 45s. per case; while at present your memorialists are paying the agent 85s. per case.

That the Chamber has good grounds for stating that dynamite can to-day be delivered at the price quoted above; that your memorialists have in their possession reliable information to that effect, and are prepared to place this information at the disposal of the Government, and in other respects to give all the assistance in their power.

That the Volksraad Commission state in their report that, according to returns given them by the Government Agent, the present demand for the whole country is 200,000 cases per annum.

That the difference between the price paid to the agent and that at which dynamite can be imported being 45s. per case, and the consumption for the year 200,000 cases, the burden laid on the mines for the current year in respect of dynamite amounts to £450,000, of which the Government will receive only £50,000, being at the rate of 5s. per case.

That, under the circumstances, viz.: that the agent has not fulfilled the terms of his contract; that the State monopoly has failed, and must necessarily fail, to realise the aims for which it was established; and that the high charge for dynamite imposes a heavy burden on the mining industry, it is desirable, in the best interests of the country, that the industry shall be relieved from any longer paying excessive prices for explosives.

Wherefore your memorialists will ever pray that your Honourable House may be pleased to take such steps as will relieve the mining industry from the burden which the present high prices of dynamite impose on it.

And your memorialists will ever pray.

LIQUOR LAW.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD:

The Humble Memorial of the Witwatersrand Chamber of Mines:

SHEWETH:—

That the provision made in Law 17 of 1896, absolutely prohibiting the sale or barter of wine, strong drinks, or malt liquor to any coloured person is calculated to greatly and permanently benefit the mining industry, and to decrease accidents and crime among the natives employed at the mines.

That when the law came into force at the beginning of the year, there was a marked decrease of crime, and an almost total disappearance of drunkenness among the mine natives, and your memorialists received most encouraging reports of the

improvement in the efficiency of native labour, and of the greater quiet and orderliness prevailing along the line of the main reef.

That latterly, however, there has been a revival of drunkenness among the natives at some of the mines, particularly in the immediate neighbourhood of Johannesburg.

That this is due to the illicit sellers, who make large profits by supplying the natives with liquor in defiance of the law, and can only be remedied by the exercise of greater vigilance and activity on the part of the police.

That notwithstanding this revival of drunkenness at some of the mines, the prohibition of the sale of liquor to natives has proved of real and substantial benefit to the mining industry as a whole.

That Article 16 is equally necessary for the protection of the mining industry, and for the prevention of drunkenness among the natives.

Wherefore your memorialists pray your Honourable House to uphold Article 5, of Law 17, of 1896, prohibiting the sale or barter of strong liquor to natives, and Article 16 of the same Law, which prohibits the granting of liquor licences within mining areas, and to afford such relief with regard to the illicit trade in liquor as your Honourable House may deem fit, and for this purpose to provide for a Government Board at Johannesburg, with a special force of detectives under its control, working under regulations the best calculated to attain the end desired.

And your memorialists will ever pray.

DISPOSAL OF TAILINGS AND SLIMES.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE
VOLKSRAAD :

The Humble Memorial of the Witwatersrand Chamber of Mines :

SHEWETH :—

That your Honourable House postponed the operation of Article 10 of the Mining Regulations for one year.

That your memorialists would now respectfully point out that the adoption of this article would cause great inconvenience and loss to mining companies, and would interfere with the operations of the mining industry.

That for purposes of convenience or trade, a portion of the township of Johannesburg, and the villages along the line of main reef, have been built in close proximity to the mining companies, and that such difficulty as has arisen is attributable, not to the mining companies, but to those persons who have built in the immediate vicinity of the mines.

That the mining companies are, however, desirous of preventing, if possible, or, at least, minimising the inconvenience with which Article 10 aforesaid is intended to deal.

Wherefore your memorialists pray your Honourable House to again postpone the operation of this article until the matter has been fully considered, and means found, if possible, for overcoming the difficulty without unduly hampering mining work.

And your memorialists will ever pray.

PASS LAW.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD :

The Humble Memorial of the Witwatersrand Chamber of Mines :

SHEWETH :—

That great difficulties have been experienced in connection with the working of the Pass Law, Law 31, 1896, and considerable trouble, inconvenience, and loss of money have been caused to the mining companies thereby.

That the regulations contained in this law were passed with the twofold object :—(1) Of establishing thorough Governmental control over the natives employed in the mining districts. (2) Of protecting the companies as far as possible against their native labourers deserting.

That neither of these objects can be said to have been attained ; and, in especial, desertions constantly occur without employers being able to obtain redress, to the very serious loss of the mining companies which pay large sums to have natives brought to these fields.

That this is chiefly to be attributed to the inefficient administration of the law.

That while an ample revenue for all administrative and other purposes in connection with this law is provided by a Pass Tax of two shillings per month, levied on each native employed in a proclaimed district, the staff of officials entrusted with the carrying out of the law is inadequate, and, moreover, there is no special police force for the service of the department for tracing and following up deserters.

That the facilities afforded for the taking out of passes and badges are insufficient, and the arrangements for dealing with cases under the Pass Regulations cause unnecessary loss of time and money to the mining companies.

That as a consequence of these shortcomings, while the companies are harassed and their work is impeded by such measures as the inspection of passes and badges, and by their officials having to attend Courts held at a considerable distance from the mines, they do not receive the protection and assistance contemplated by the regulations, but endure the inconvenience without deriving the benefit expected from the new law.

Wherefore your memorialists pray :—

1. That the three districts of the Witwatersrand may be placed under the control of a chief administrator acting under a Government Board, of which he shall be a member, and working under regulations the best calculated to secure the proper carrying out of the law, and who shall have authority over the Pass officials in charge of the different districts and receive periodical reports from them, so that there may be effective supervision and united action.
2. That the staff of the Pass Department may be increased sufficiently to enable it to successfully cope with the work devolving on it.
3. That a special body of police may be appointed to assist the Pass Department in carrying out and enforcing the regulations.
4. That sub-offices for the issue of passes and badges may be established along the mines.
5. That special judicial commissioners may be appointed at convenient places to deal with offenders under the Pass Law ; so that the great loss of time and money involved in the officials and the native employees of the companies having to attend a Court at a great distance from the mines, and in which delays are frequent owing to pressure of other work, may be avoided.

6. That a new article may be inserted in the law providing that natives arrested, after having left a proclaimed field, for not having a travelling pass, shall be taken back to the district from which they came, so that they may be punished by the authorities of that district, and, if shown to have deserted from a company or other employer, after having undergone the punishment, be returned to such company or other employer to complete their term of contract.

And your memorialists will ever pray.

MINING UNDER BEWAARPLAATSEN, ETC.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD :

The Humble Memorial of the Witwatersrand Chamber of Mines :

SHEWETH :—

That last year the Honourable First Volksraad resolved to maintain the prohibitive provisions of Article 121 of the Gold Law of 1893, till such time as the First Volksraad and the Government are satisfied of the necessity of removing the prohibition, and that in such case, subject to certain conditions, the undermining rights shall be sold by public auction to the highest bidder.

That your memorialists are of opinion that they have sustained injury by this decision ; for in the annexure to the Gold Law of 1891, concerning brickmakers, &c., the principle is laid down that the holder of a bewaarplaats or dwelling-site licence shall, in the event of the presence of gold or silver or one of the precious metals or stones being suspected or discovered on the ground covered by such licence, enjoy the preference to obtain, in addition to the ordinary licence, a licence to prospect or dig on such ground ; and so far back as 1892 the mining companies of the Witwatersrand, in conformity with the provisions of the then-existing law, made formal application for the mining rights under bewaarplaatsen, water rights, &c.

That the Honourable Second Volksraad in its amendments to the Gold Law, provided that the holder or possessor, under the Gold Law, of *bona fide* stands on which buildings are erected, machine stands, and water rights, shall be preferred before all others in the grant of the undermining rights in respect of such building stands, machine stands, and water rights.

That the mining companies which have developed the reefs of the Witwatersrand, and thereby demonstrated the value of the ground lying below the localities mentioned, are of opinion they have been deprived of their equitable rights, and also of the legal rights conferred under the annexure to the Gold Law of 1891, above referred to ; whereby areas which, through them or their agency, might be profitably worked are kept unproductive.

Wherefore your memorialists pray your Honourable House to recommend that the prohibitive provision shall not be enforced in accordance with the amendment of last year, but that the articles referring to undermining rights as published in Law 19 of 1895, shall be restored with the addition in Article 124 of the word "bewaarplaatsen," after the words "machine stands."

And your memorialists will ever pray.

ACQUISITION OF THE RAILWAYS BY THE STATE.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD :

The Humble Memorial of the Witwatersrand Chamber of Mines :

SHEWETH :—

That the Netherlands South African Railway Company charges exorbitant rates for the carriage of goods—rates far in excess of those charged in the Free State and the neighbouring colonies, where there is State ownership of railways, and where, too, greater travelling facilities are offered to the public in connection with special events, such as agricultural shows, etc.

That while the Cape Colony and the Colony of Natal make on their working system about £1,500 per mile, the Netherlands South African Railway makes £3,291 per mile.

That these heavy charges hinder the development of industries and commerce within the Republic and impose a grievous burden on the whole country.

That under the present system no material change can be expected, for the Netherlands Railway Company is a purely commercial enterprise, and a body of shareholders possessed of powers such as those conferred by the Railway Concession will not be content with a fair return upon their investment, but will naturally seek to obtain the maximum possible profit, irrespective of the mischief to the general weal caused by such a policy.

That under these conditions it is desirable in the best interests of the State and its inhabitants that the railway system should be owned and worked by the State, so that it may be made to conduce to the furtherance of the progress and prosperity of the country, and afford cheap means of travelling for the people.

That provision has been made for the expropriation of the railways by the State.

That one of the terms of expropriation, so far as known to your memorialists, being a sum equal to twenty times the average dividends declared during the three years preceding expropriation, it is evident, owing to the increased profits which will be earned from year to year, that the longer the delay in acquiring the railways, the greater will be the amount to be paid to the Netherlands South African Railway Company.

Wherefore your memorialists respectfully pray your Honourable House to take such measures as you may deem advisable for the immediate acquisition by the State of the railways owned by the Netherlands South African Railway Company.

And your memorialists will ever pray.

ROADS TO THE MINES.

TO THE HONOURABLE THE CHAIRMAN AND MEMBERS OF THE HONOURABLE VOLKSRAAD :

The Humble Memorial of the Witwatersrand Chamber of Mines :

SHEWETH :—

That great inconvenience and loss are caused to the mining companies by the bad state of the roads leading to the mines.

That the traffic to the mines is considerable.

That it is desirable that every possible facility should be afforded for the conduct of such traffic.

That *kurveyors* and other persons who undertake the delivery of goods to the mines are liable to sustain bodily injury and to have their draught animals hurt and their wagons damaged through accidents which, from the dangerous condition of the roads, can at times hardly be avoided.

Wherefore your memorialists pray that your Honourable House may provide for the construction of a new road to the mines, or afford such other relief as you may deem fit.

And your memorialists will ever pray.