



OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR SOUTH AFRICA.

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PRETORIA, FRIDAY, 2ND JULY, 1920.

[No. 983.]

No. 1 (Administration) of 1920.

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas by Proclamation No. 2 (Swaziland) of 1906, it was provided that the Game Preservation Ordinance 1905 of the Transvaal should be deemed to be law within the territory of Swaziland from the 6th day of April, 1906;

And whereas by sub-section (b) of section three of the said Ordinance it is provided that it shall be lawful by Proclamation to prescribe a list of birds and animals to be protected throughout the year for a period to be specified (not exceeding three years);

Now therefore under and by virtue of the powers and authorities in me vested by sub-section (b) of section three of the said Ordinance and sub-section (2) of the Swaziland Administration Proclamation 1907 I do hereby declare proclaim and make known as follows:—

1. The birds and animals mentioned in the first column of the Schedule to this Proclamation shall for the period mentioned in the second column thereof be protected and not destroyed in the districts set opposite the names of such animals in the third column of the said Schedule.

2. This Proclamation 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 Durban this Twenty-second day of June One thousand Nine hundred and Twenty.

BUXTON,

High Commissioner.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,

Imperial Secretary.

SCHEDULE.

Animals.		Date to which Protected.	District in which Protected.
Waterbuck	...	1st May, 1923	Mbabane, Hlatikulu, and Mankaiana Districts.
Kori Bustard	...	1st May, 1923	Whole of Swaziland.
Blesbuck	...	1st May, 1923	Whole of Swaziland.
Grysbuck	Females only	1st May, 1923	Whole of Swaziland.
Vaal Rhebuck	...	1st May, 1923	Mbabane, Hlatikulu, Peak, and Mankaiana Districts.
Springbuck	...	1st May, 1923	Hlatikulu District.
Oribi	...	1st May, 1923	Mbabane, Hlatikulu, and Mankaiana Districts.
Vaal Rhebuck	...	1st May, 1923	Mbabane, Hlatikulu, and Mankaiana Districts.
Reedbuck (females only)	...	1st May, 1923	Mbabane, Hlatikulu, and Mankaiana Districts.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 57 OF 1920.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to grant to Major Rowan Cashel the honorary rank of Lieutenant-Colonel on his retirement from the British South Africa Police, with permission to wear the uniform of the Corps.

Notice No. 39 of 1920 is hereby cancelled.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,

Imperial Secretary.

High Commissioner's Office,
Capetown, 22nd June, 1920.

HIGH COMMISSIONER'S NOTICE No. 58 of 1920.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section *twenty-six* of the Swaziland Administration Proclamation, 1907, His Excellency the High Commissioner has been pleased to make the following General Regulations for the Swaziland Police, which shall have force and take effect from the date of their publication in the *Gazette*, on which date High Commissioner's Notice No. 12 of 1908 shall be cancelled.

By Command of His Excellency
the High Commissioner.

H. J. STANLEY,

Imperial Secretary.

High Commissioner's Office,
Capetown, 24th June, 1920.

SWAZILAND POLICE

GENERAL REGULATIONS.

1. The officers and men of the Swaziland Police are to make themselves minutely acquainted with these regulations.

2. The Swaziland Police is a Force raised for the maintenance of order and public security in Swaziland.

In time of war or other emergency it may be employed as a military force anywhere in South Africa at the discretion of the High Commissioner.

3. The Assistant Commissioner Commanding Police shall be responsible for the efficiency, discipline, and internal economy of the Force, and may issue orders and prescribe the use of books and registers for securing these objects.

Any contravention of the lawful orders of the Assistant Commissioner Commanding Police issued by virtue of the authority hereby conferred upon him shall be treated as a contravention of these regulations.

4. All other officers will be held responsible to the Assistant Commissioner Commanding Police for the efficiency, discipline, and internal economy of the command, unit, or other duty on which they are employed.

5. Any member of the Force who may be charged with the offence of contravening any regulations hereunder or any of the offences in the Schedule hereto may be tried by and before—

(a) the Special Court of Swaziland;

(b) the Court of the Assistant Commissioner of the district in which such offence has been committed;

(c) the Assistant Commissioner Commanding Police;

provided, however, in the latter case the offender shall be given the option of being tried before the Court of the Assistant Commissioner of the district in which the offence was committed;

and shall, upon conviction, be liable to be punished as follows:—

(i) If the conviction shall be before the Special Court of Swaziland, such Court may sentence the offender to be imprisoned with or without hard labour for a period not exceeding five years, or to pay a fine not exceeding one hundred pounds, and, in default of payment thereof, to be imprisoned with or without hard labour for any period not exceeding one year, or to both such fine and imprisonment.

(ii) If the conviction shall be before the Court of Assistant Commissioner of a district, such court may sentence the offender to pay a fine not exceeding twenty pounds, and, in default thereof, to be imprisoned with or without hard labour for any period not exceeding six months; or to be imprisoned as aforesaid without the infliction of any fine; or to both such fine and imprisonment.

(iii) If the conviction shall be before the Assistant Commissioner Commanding Police such officer may sentence the offender as mentioned in the last preceding sub-section.

6. Notwithstanding anything in Regulation No. 5 contained, if any non-commissioned officer, trooper, or constable shall offend against any such regulation as aforesaid, it shall be lawful for any commissioned officer of the said Force, if the offender is a non-commissioned officer, to punish him by reprimand, and, if the offender is a trooper or constable, to stop from the pay of such offender any sum not exceeding five pounds, or to sentence him to imprisonment with or without hard labour for any period not exceeding fourteen days, or he may take proceedings for the purpose of such offender being tried under Regulation No. 5; provided always that such offender shall, if he so request, have a right to have such proceedings taken by the Court of Assistant Commissioner of the district in which the offence was committed or by the Assistant Commissioner Commanding Police instead of being tried by such officer; and, provided also, that any commissioned officer, other than the Assistant Commissioner Commanding Police, who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in, and full particulars of, the case to the Assistant Commissioner Commanding Police, who shall confirm, reduce, or cancel such punishment.

The Assistant Commissioner Commanding Police may, in addition, order the reduction of a non-commissioned officer to a lower or the lowest rank, subject to the provisions of Regulation No. 36 (d).

7. In case the offence shall be too serious to be dealt with summarily as in Regulation No. 6, the full particulars of the case shall be forthwith reported to the Assistant Commissioner Commanding Police, who shall take steps to cause the offender to be brought before the proper court; provided that nothing herein contained shall prevent the said Assistant Commissioner Commanding Police from withdrawing the charge against any offender before taking such steps should there, in his opinion, be just cause therefor.

8. In the trial of any offence under the powers conferred by Regulation No. 5 (c) of these regulations, the Assistant Commissioner Commanding Police shall in every respect conform as far as possible to the rules of procedure, including the rules of evidence, obtaining in Courts of Assistant Commissioner.

9. The Assistant Commissioner Commanding Police shall in the exercise of jurisdiction under Regulation No. 5 (c), and any commissioned officer shall, in the exercise of jurisdiction under Regulation No. 6, be deemed to be an Inferior Court for the purpose of these regulations.

10. An appeal shall lie from any judgment or sentence imposed by an Inferior Court under these regulations to the Special Court of Swaziland.

Proceedings under these regulations shall be subject to the provisions of section twelve of Proclamation No. 4 of 1907, as amended in regard to the review of such proceedings by the Special Court of Swaziland.

11. At all trials held under these regulations the accused shall be entitled to be represented and assisted by his legal adviser at his own expense.

A member of the Force senior to the accused may be detailed to act as prosecutor.

12. Nothing in these regulations contained shall prevent any offender from being prosecuted otherwise than under the provisions of these regulations in all cases in which he would by law, without these regulations, be liable to such prosecution; but no member of the said Force acquitted or convicted of any crime or offence under the provisions of these regulations shall be liable again to be tried for any crime or offence arising from the same set of facts and circumstances.

Nothing in this regulation contained shall prevent a member of the said Force who has been acquitted or convicted of an offence from being dismissed from the said Force or reduced in rank therein.

13. Any member of the Force (European or native) below the rank of commissioned officer may be dismissed at any time for any cause whatever by the Resident Commissioner.

14. If any non-commissioned officer or man shall absent himself without leave he shall, in addition to any other punishment, forfeit his pay for every day or part of a day on which he was so absent.

15. It is to be observed as an invariable rule, that, in the absence of a superior, his authority and responsibility devolve upon the next in rank, unless otherwise specially directed. A due regard for discipline, therefore, renders it indispensable that every party, however small, proceeding upon any duty, should have a responsible head; and it is to be understood that when there is no non-commissioned officer to take charge of the party or patrol, any officer or non-commissioned officer will be at liberty to name a trooper or constable for the purpose, who shall be accountable for the proper performance of the duty and be obeyed accordingly. In default of any such special appointment, the senior trooper or constable is to take upon himself the command and be held responsible for the discharge of the required duty.

16. Every member of the Force is to receive the lawful commands of his superior with deference and respect, and to execute them with alacrity, and every superior in turn is to give his orders in temperate language, showing due regard for the feelings of those under his command, and, inasmuch as it would be manifestly subversive of discipline were any member of the Force to be allowed to comment, either favourably or otherwise, upon the orders or official conduct of his superior, such a practice is prohibited.

17. Respect to superiors being essential to good discipline, all members of the Force are to salute all those entitled to this mark of respect.

18. Too much deference and respect cannot be paid to the Resident Commissioner, Government Secretary, and Assistant Commissioners. Members of the Force will pay to these the same attention as to officers.

19. Members of the Force shall not convey any complaint or grievance to persons not connected with the Force. Their remedy shall be by appeal to their superiors, who shall forward any representations with a report to the Assistant Commissioner Commanding Police, who will deal with the matter or pass it to the proper authorities.

20. If any member of the Force shall be discovered to be so unmindful of good order as to publish or cause to be published, or by his indiscretion or want of due care lead to the publication, in any newspaper, placard, or other public print, of any letter, order,

statement, or return, or any extract, paragraph, or matter whatsoever, which he or any member of the Force may have received from the Government or from the Assistant Commissioner Commanding Police, or other superior, or from any other quarter, without express authority to that effect, he shall be deemed guilty of a breach of orders, and be dealt with accordingly.

21. It is equally prohibited to any member of the Force to address or be concerned in addressing to the Government or to the Assistant Commissioner Commanding Police any anonymous complaints, or any animadversions upon individuals belonging to the Force.

22. Any man who has just cause for complaint against any member of the Force is to make a written statement thereof, and send it to the officer or non-commissioned officer in charge of his district, who will forward it to the Assistant Commissioner Commanding Police, with such observations or explanations as he may think necessary.

23. Members of the Force are universally to understand that, in preferring charges against their superiors, they will expose themselves to severe penalties if their complaints should prove, upon investigation, to be groundless, or vexatious, or to have sprung from a spirit of recrimination, or from vindictive or personal or any other motive than a simple desire for the good of the service.

24. If any member of the Force shall directly or indirectly, whether for his own use or for the use of another, accept or borrow money or property from any other member of the Force junior in rank or grade, whether the latter be under his command or not, or obtain his signature upon a bill, or otherwise make him the channel of borrowing money from any bank, etc., or individual, or induce him to become security for a loan or debt, the superior in rank shall be liable to dismissal.

25. Members of the Force are strictly prohibited from lending money to a superior for his own use, or for the use of another, joining him in a bill transaction, or becoming security for him in any way.

26. No member of the Force should contract debts which he is unable or unwilling to discharge, and thereby fetter himself in the fearless and impartial discharge of his obligations as a peace officer. The Assistant Commissioner Commanding Police may call on any member of the Force for a statement of his liabilities in order to satisfy himself that they are not such as to interfere with the performance of his official duties, and such debts as he directs to be paid shall be paid forthwith.

Any member of the Force found to be heavily involved in debt will be liable to dismissal from the Force.

27. While reasonable allowance will be made for the mistakes that may occasionally be committed by members of the Force, it is to be remarked, at the same time, that as their efficiency may be impaired as well by habitual inattention, or general incompetency, or want of cordial co-operation with each other, the Resident Commissioner will be obliged to consider the removal from the service of every officer or man who shall manifest a quarrelsome disposition, or want of courage, talent, or zeal, although he may not be guilty of any violation of specific regulations.

28. Any member of the Force will equally endanger his situation by seeking retirement from the service, or leave of absence, etc., on a groundless or exaggerated plea of ill-health.

29. All damage to or loss of arms, equipment, saddlery, etc., must be paid for by the officer, non-commissioned officer, or man concerned, except where such damage or loss can be attributed to fair wear and tear or the exigencies of the service, in which case an inquiry is to be held by the Assistant Commissioner Commanding Police, or his deputy, who will report to the Resident Commissioner for his decision.

30. Every member of the Force is expected to be perfectly acquainted with the drill instructions, which will be the same as laid down for Mounted Riflemen in the Defence Forces of the Union of South Africa.

31. Medical attendance will be free to all members of the Swaziland Police.

32. A stoppage of pay equal to the number of days in hospital will be made from the pay of men admitted to hospital on the certificate of a duly qualified practitioner that disease is due to alcoholism. On their discharge from hospital or treatment, the Assistant Commissioner Commanding Police will recommend as early as possible that they be dismissed from the Force as unsuitable.

33. Non-commissioned officers and men suffering from venereal disease must report themselves sick without delay. All recruits are to be specially warned of this regulation. Non-commissioned officers and men who, in the opinion of the medical officer, failed to report themselves without delay, will be dealt with for disobedience of orders.

34. No member of the Swaziland Police is allowed, in any way, to dispose of any article of uniform to any person who is not an enrolled member of the Force.

35. The rates of pay to members of the police will be such as may from time to time be decided upon by the Resident Commissioner with the approval of the High Commissioner.

CONDITIONS OF SERVICE (EUROPEANS).

36. (a) The terms of engagement will be for two years, with subsequent re-engagement from year to year.

(b) Uniform will be provided free or an allowance in lieu of same of £15 in the first year of service, and £10 per annum in subsequent years will be granted.

Quarters, equipment, and horses will be provided free.

European police will provide their own rations and cooking utensils.

Forage allowance will be granted at rates varying from time to time according to the price of forage.

(c) Leave of absence will be granted in terms of the Leave Regulations of the Swaziland Administration.

(d) All promotions and reductions in rank of European members of the Force must be submitted to the Resident Commissioner for approval.

(e) European members of the Force, other than commissioned officers, must obtain the permission of the Assistant Commissioner Commanding Police before marrying. Men on the married establishment will be granted marriage allowance at the rate of 1s. 6d. per diem, provided their wives are permanently resident in Swaziland.

(f) When a man is on leave on half pay or without pay any re-engagement pay will be paid in similar proportion; marriage allowance (if any) will be paid in full, whether the leave be on full pay or half pay, but will not be paid if the leave be without pay.

(g) A warrant officer, non-commissioned officer, or trooper may purchase his discharge at any time, provided the Resident Commissioner approves, at the following rates:—

During the first year of service, £10.

During the second or subsequent year of service, £5, provided that the Resident Commissioner shall have the right to grant a free discharge at any time when specially recommended by the Assistant Commissioner Commanding Police.

CONDITIONS OF SERVICE (NATIVES).

37. (a) Enlistment will be for twelve months, with the option of subsequent re-engagement from year to year for a similar period, if approved by the Assistant Commissioner Commanding Police.

(b) Native police will provide their own rations.

They will receive a free issue of equipment and clothing, which remains the property of His Majesty and must be returned to store when worn out or on discharge of the man to whom issued.

(c) A native constable may purchase his discharge during his first year of service with the consent of the Assistant Commissioner Commanding Police upon the payment of 5s. for every unexpired month of service.

(d) A re-engaged native constable can obtain his discharge with the consent of the Assistant Commissioner Commanding Police upon payment of 5s., or, by giving one month's notice, without any payment.

(e) Leave of absence may be granted by the Assistant Commissioner Commanding Police, subject to the approval of the Resident Commissioner, for six weeks on half pay on the completion of twelve months' continuous service, cumulative to three months on completion of two years, with an additional period of equal duration without pay.

Occasional leave not exceeding fourteen days per annum may also be granted by the Assistant Commissioner Commanding Police on full pay; occasional leave will not be cumulative.

All leave pay will be paid on return to duty. Native police obtaining leave must be supplied with leave certificates and must not take any article of their uniform with them.

SCHEDULE OF OFFENCES.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.

2. Being present at any mutiny or sedition and not using his utmost endeavour to suppress the same.

3. Conspiring with any other person to cause mutiny or sedition.

4. Knowing of any mutiny or sedition and failing to give without delay information to a superior officer.

5. Striking or offering violence or using threatening or insubordinate language to a superior officer in the Force.

6. Disobedience to any order lawfully given and conveyed to him.

7. During the period for which he shall have engaged to serve in the said Force deserting from the same or refusing to serve therein, or advising or persuading any other member of the said Force to desert the same, or knowingly receiving or entertaining any deserter and not immediately on discovery giving information to his superior officer or taking other means to cause such deserter to be apprehended.

8. Misbehaving before the enemy, or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person so to do.

9. Discharging any firearms, making any signal, or by other means whatsoever intentionally occasioning false alarm in action, camp, or quarters.

10. Casting away his arms in the presence of an enemy.

11. Being asleep on duty, or absenting himself from duty before being regularly relieved.

12. Without proper authority releasing any prisoner or suffering him to escape.

13. Disclosing verbally or in writing any information which it was his duty not to disclose.

14. Drunkenness.

15. Malingering, feigning, or producing disease or infirmity or wilfully maiming or injuring himself or any other member of the Force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person with intent thereby to render himself, or such other member unfit for service.

16. Taking any bribe or gratuity whatever.

17. Selling, pledging, or otherwise disposing of any horse, saddle, bridle, gun, clothing, ammunition, or other article, or equipment which by the regulations of the said Force for the time being he shall be required to keep and possess.

18. Neglecting to take proper and reasonable care of horses, arms, equipment, and any other Government property entrusted to him.

19. Neglecting to carry out properly any duty imposed upon him as a peace officer by any law in force in Swaziland.

20. Absenting himself without leave.

21. Making a false statement on attestation.

22. Using unnecessary violence to or upon any prisoner or person liable to detention in custody.

23. Abusive or tyrannical conduct towards an inferior in rank.

24. Making a false return, statement, or accusation, or being privy thereto, or making any alteration, or erasure in or omission from any official document with intent to deceive, or making any false entry in any official book or diary, or omitting to make an entry therein as to the performance of any duty or matter which ought to be so entered.

25. Placing himself under any obligation to a licensed dealer in liquor.

26. Carrying on any trade or business in Swaziland, either directly or indirectly, or allowing his wife to do so.

27. Conduct to the prejudice of good order and discipline.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 59 OF 1920.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint the Reverend Joseph Henana Mahlamvu, of the Wesleyan Methodist Church, to be a Marriage Officer for Coloured Persons in and for the Territory of Swaziland, in terms of Law No. 3 of 1897 of the Transvaal as in force in the said territory.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 28th June, 1920.

HIGH COMMISSIONER'S NOTICE No. 60 OF 1920.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to make the following temporary appointments in the Basutoland Service during the absence of Llewellyn Griffith, Esquire:—

Inspector Thomas Brereton Kennan, M.C., to act as Assistant Commissioner for the District of Berea.

Stock Inspector Frederick Drummond Warren, to act as Sub-Inspector in the Basutoland Mounted Police.

By Command of His Excellency the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 28th June, 1920.

SWAZILAND.

In the Estate of the late THOMAS DE COURENAY OSWIN, of Bremmersdorp, Swaziland.

Creditors and Debtors of the above Estate are hereby requested to lodge their claims with and pay their debts to the undersigned within thirty days from the date of publication hereof.

A. MILLIN,
Attorney for Executrix.

P.O. Box 22, Mbabane, Swaziland.

SWAZILAND.

In the Estate of the late ADOLF HEINRICH CHRISTIAN HINTZE and surviving spouse, CORNELIA MARIA HINTZE (born VAN JAARAVELD), No. 267, of Hlatikulu District, Swaziland.

Notice is hereby given that all persons having claims against the above Estate must lodge same with the undersigned within thirty days from the date of publication hereof.

W. I. DEAS,
Solicitor for Executrix Testamentary.

P.O. Box 29, Piet Retief.

In the Estate of the late NATHANIEL JAMES NEWTON, bachelor, of Likoloyane, District Leribe, Basutoland.

Notice is hereby given that the First and Final Liquidation and Distribution Account in the above Estate will lie for inspection of Creditors at the Office of the Master of Court, Maseru, Basutoland, and a duplicate thereof at the Office of the Assistant Commissioner, Leribe, Basutoland, for a period of twenty-one days reckoned from the 2nd July, 1920.

DAN J. DE VILLIERS & CO.,
Attorneys for Executor Dative.

Eicksburg, 26th April, 1920.

NOTICE.

SALE IN EXECUTION.

L. M. SACHS versus BASI VILAKAZEM.

In execution of a judgment of the Court of Assistant Commissioner, Mankaiiana, Swaziland, dated 4th June, 1920, the following stock will be sold by auction in front of the Court-house, Mankaiiana, at 11 a.m., on the 8th day of July, 1920, viz:—
5 Head mixed cattle.

A. J. SWEETMAN,
Messenger of the Court.

Mankaiiana, 17th June, 1920.