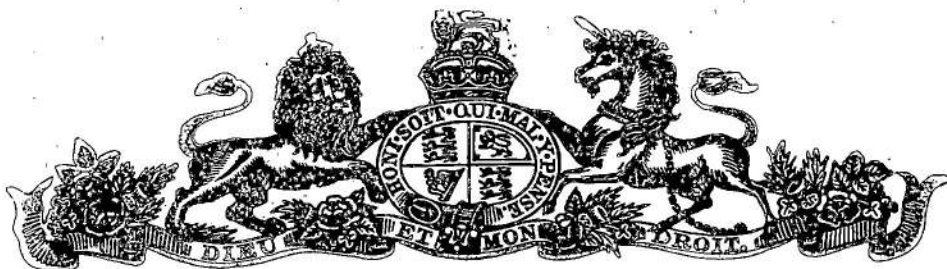


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# OFFICIAL GAZETTE

OF THE  
HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

VOL. LXXIV.]

PRETORIA, FRIDAY, 1ST APRIL, 1921.

[No. 1024.]

No. 12 of 1921.]

## PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to make provision for the maintenance and discipline of the Police Force in Basutoland;

And whereas it is also expedient to provide for the attendance of witnesses at trials of members of the said Police Force and to make other provisions in relation to the said Force;

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, unless inconsistent with the context—  
“the Force” shall mean the Police Force established under this Proclamation;

“Commandant” shall mean the Commandant of the Force appointed under this Proclamation or any officer appointed to act temporarily in his place;

“officer” shall mean a commissioned officer of the Force;

“member of the Force” shall mean any officer, warrant officer, non-commissioned officer, trooper or constable serving in the Force;

“regulations” shall mean the regulations made under section four of this Proclamation.

2. There shall be established and maintained within Basutoland a force of police to be known as the “Basutoland Mounted Police” of such strength and so constituted and organized as the High Commissioner may from time to time direct. The High Commissioner shall also direct as he may think fit the employment and distribution of the Force. Members of the Force shall have all the powers and duties which are conferred and imposed upon police constables by any law in force in Basutoland.

3. The High Commissioner may from time to time appoint and remove the Commandant and inspectors and sub-inspectors of Police as he may think necessary; such officers shall exercise such powers jurisdiction and duties as shall be conferred and imposed upon them from time to time by law or defined in their commissions.

4. The High Commissioner may from time to time make alter and repeal regulations relative to the enlistment discipline discharge training arms accoutrements clothing and equipment of the Force and relative to all such matters as are necessary for promoting its discipline and efficiency and may by such regulations provide for the trial of members of the Force by any of the Courts of Basutoland or by officers or boards of officers for offences thereunder and may specify the punishments whether of fine imprisonment with or without hard labour or degradation or dismissal from the Force or any two or more of such punishments which may be imposed by such Courts or by such officers or boards of officers for any such offence.

5. All members of the existing Basutoland Police Force who shall within such period as the High Commissioner may appoint consent in writing to serve under the provisions of this Proclamation and the regulations shall be deemed to have been enrolled thereunder and shall be subject to all the provisions thereof and all members of the existing Basutoland Police Force who shall not so consent shall remain subject to the terms of their engagement as defined before the taking effect of this Proclamation.

6. The Commandant or any officer of the Force may for the purpose of the trial by him or by a board of officers of which he is a member of any member of the Force under the regulations summon any person to attend as a witness at such trial, and may at such trial take the evidence on oath of any witness.

7. Any person so summoned as a witness at such trial who fails to attend at the time and place mentioned in the summons or any witness who refuses to answer any question that may be lawfully put to him at such trial shall be liable on conviction before a Court of Assistant Commissioner to such penalty as he would have been liable to if he had failed upon lawful summons to attend any trial at the Court of Assistant Commissioner of the district in which such trial was held, or, being a witness at a trial before a Court of Assistant Commissioner, had refused to answer any question lawfully put to him thereat; and if at any trial referred to in this Proclamation any witness on oath make any false statement material to the issue knowing the same to be false, he shall be guilty of and liable upon conviction to the penalties for the crime of perjury.

8. Necessary witnesses, other than members of the Force or of the Basutoland Administration, called for either the prosecution or the defence shall be paid such fees or given such food rations as may from time to time be allowed to witnesses appearing before Courts of Assistant Commissioners. Witnesses called for the defence in manner otherwise than by summons whose evidence was not in the opinion of the officer presiding at the trial material shall not be paid such fees or given such food rations.

9. Any person, not being a member of the Force, who—

(a) by words, conduct or demeanour, pretends that he is a member of the Force; or

(b) agrees with, or induces, or attempts to induce, any member of the Force to omit to carry out his duty, or to do any act in conflict with his duty; or

(c) supplies any member of the Force, while on duty, with intoxicating liquor; or

(d) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to any member of the Force or any regulation may be evaded,

shall, in addition to any other punishment to which he may be liable, be liable on conviction before a Court of Assistant Commissioner to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months.

10. This Proclamation may be cited as the Basutoland Police Proclamation 1921 and shall have force and take effect from the date of its publication in the Gazette.

GOD SAVE THE KING.

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

ARTHUR FREDERICK,  
High Commissioner.

By Command of His Royal Highness  
the High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

## HIGH COMMISSIONER'S NOTICE No. 22 of 1921.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section four of the Basutoland Police Proclamation, 1921, His Royal Highness the High Commissioner has been pleased to make the following general regulations for the Basutoland Mounted Police.

By Command of His Royal Highness  
the High Commissioner.

H. J. STANLEY,  
Imperial Secretary.

High Commissioner's Office,  
Capetown, 22nd March, 1921.

## BASUTOLAND MOUNTED POLICE.

### GENERAL REGULATIONS.

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

2. The Basutoland Mounted Police is a Force raised for the maintenance of order and public security in Basutoland. In time of war or other emergency the Force may be employed as a military force at the discretion of the High Commissioner.

3. The Commandant 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 Commandant 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 Commandant for the efficiency, discipline, and internal economy of the unit of which they are in command, and for the proper performance of any duty on which they are employed.

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

- (a) the Resident Commissioner's Court of Basutoland,
- (b) the Court of Assistant Commissioner of the district in which such offence has been committed,
- (c) a board consisting of two officers of the Basutoland Mounted Police,

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

- (1) If the conviction shall be before the Resident Commissioner's Court of Basutoland 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 such imprisonment;
- (2) 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 such imprisonment;
- (3) if the conviction shall be before a Board of Officers, such Board may sentence the offender as mentioned in the last preceding sub-section provided the verdict is unanimous.

Any of the above-mentioned three Courts may, in addition, order the reduction of a non-commissioned officer or first class private to a lower or the lowest rank.

6. Notwithstanding anything in Regulation No. 5 contained, if any non-commissioned officer, trooper, or constable shall offend against any regulation it shall be lawful for any officer, 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 any officer may take proceedings for the purpose of having such offender tried under Regulation No. 5, provided always that such offender shall, if he so request, have a right to be tried by the Court of Assistant Commissioner of the district in which the offence was committed instead of being tried by such officer, and provided also that any officer who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in the case and full particulars thereof to the Commandant, who shall confirm, reduce, or cancel such punishment.

The Commandant may, in addition, order the reduction of a non-commissioned officer or first class private to a lower or the lowest rank.

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 Commandant, who shall take steps to cause the offender to be brought before the proper court, provided that nothing herein contained shall prevent the Commandant 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 Board of Officers 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. An appeal shall lie from any judgment given or sentence imposed by an officer under Regulation No. 6 to the Court of Assistant Commissioner of the district in which the offence was committed, and from that Court to the Resident Commissioner's Court of Basutoland. All proceedings under Regulation No. 5, other than proceedings before the Resident Commissioner's Court, shall be forthwith transmitted to the Resident Commissioner for review.

10. 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 Force acquitted or convicted of any crime or offence under the provisions of these regulations shall be liable to be again 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 Force who has been acquitted or convicted of an offence from being dismissed from the Force or reduced in rank therein.

11. Any native member of the Force may be dismissed at any time for any cause whatever by the Commandant, and any European member of the force below commissioned rank may be dismissed at any time for any cause whatever by the Resident Commissioner.

12. 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 is so absent.

13. 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 or patrol, 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 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.

14. 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.

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

16. 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 immediate superiors, who shall forward any representations with a report to the Commandant, who will deal with the matter or pass it to the proper authorities.

17. If any of the members 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 other member of the Force may have received from the Government, or from the Commandant, 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.

18. It is equally prohibited to any member of the Force to address or be concerned in addressing to the Government or to the Commandant, any anonymous complaints or any animadversions upon individuals belonging to the Force.

19. 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 unit, who will forward it to the Commandant with such observations or explanations as he may think necessary.

20. 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.

21. 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 Commandant 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.

22. 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 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, warrant officer, non-commissioned 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.

23. Any member of the Force will equally endanger his position by seeking retirement from the service or leave of absence or exemption from duty on a groundless or exaggerated plea of ill-health.

24. 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 officer commanding the police detachment of the officer, non-commissioned officer, or man concerned, or his deputy, who will submit a report through the usual official channel for the decision of the Resident Commissioner.

25. Every member of the Force is expected to be perfectly acquainted with the drill instructions, which will be the same as those laid down in infantry training up to and including platoon drill, with the addition of instructions for mounted escorts and guards of honour, which will be the same as those laid down for mounted riflemen in the Defence Forces of the Union of South Africa.

26. Medical attendance will be free to all members of the Force.

27. A stoppage of pay equal to the number of days in hospital will be made from the pay of any man admitted to the hospital on the certificate of a duly qualified practitioner that disease is due to alcoholism. On his discharge from hospital or treatment, the officer commanding the police detachment to which he belongs will recommend as early as possible that he be dismissed from the Force.

28. Non-commissioned officers and men suffering from venereal disease will 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, fail to report themselves without delay will be dealt with for disobedience of orders.

29. No member of the Force is allowed in any way to dispose of any article of uniform to any person who is not a member of the Force.

30. *Conditions of Service* (Europeans other than officers)—

- (a) The terms of engagement will be for two years, with subsequent re-engagement from year to year.
- (b) The rates of pay will be such as may from time to time be decided by the Resident Commissioner, with the approval of the High Commissioner.
- (c) Uniform will be provided free.
- (d) Quarters and equipment will be provided free. European police will provide their own rations and cooking utensils.
- (e) Leave of absence will be granted in terms of the leave regulations of the Basutoland Administration.
- (f) All promotions and reductions in rank of European members of the Force must be submitted to the Resident Commissioner for approval.
- (g) European members of the Force must obtain the permission of the Resident Commissioner before marrying.
- (h) A warrant officer, non-commissioned officer, or constable 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 years of service, £25, provided that the Resident Commissioner shall have the right to grant a free discharge at any time when specially recommended.



31. *Conditions of Service (Natives)*—

- (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 Commandant.
- (b) The rates of pay will be such as may from time to time be decided upon by the Resident Commissioner with the approval of the High Commissioner. Native police will supply their own horses and rations, but may receive a food allowance at a rate to be decided upon by the Resident Commissioner with the approval of the High Commissioner when on duty outside their district or when on any special duty at the discretion of the Assistant Commissioner of the district or other duly authorized officer.

Horses will be rationed by the Government during such period and at such a scale as may be laid down from time to time by the Resident Commissioner.

Native police 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 member of the Force may purchase his discharge with the consent of the Commandant upon the payment of 5s. for every unexpired month of service.
- (d) A native member of the Force desirous of re-engaging shall give at least one month's notice of his desire to do so.
- (e) Leave of absence may be granted subject to the approval of the Commandant for four weeks on full pay on the completion of twelve months' continuous service. Occasional leave not exceeding fourteen days per annum may also be granted on full pay by the officer commanding a police detachment. 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 equipment with them.
- (f) Native members of the Force must be passed prior to enlistment by a medical officer approved by the Basutoland Administration as physically and mentally sound and fit for police service.
- (g) Native members of the Force must be between the ages of eighteen and thirty-five years on enlistment.

32. Any expression to which a meaning is assigned by the Basutoland Police Proclamation, 1921, shall, unless the context otherwise requires, have the same meaning in these regulations.

## 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 Force deserting from the same, or refusing to serve therein, or advising or persuading any other member of the Force to desert from 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 to do so.
9. Discharging any fire-arms, making any signal, or by other means whatsoever intentionally occasioning a 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 saddle, bridle, gun, clothing, ammunition, or other article or equipment which, by the regulations of the 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 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 Basutoland.
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. Carrying on any trade or business in Basutoland either directly or indirectly, or allowing his wife to do so.

26. Selling or exchanging a troop horse without first obtaining the permission of an officer.

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

(Printed by the Government Printer, Pretoria.)

## LOST CESSIONS.

Notice is hereby given that the Liquidator of the Henderson and Forbes Gold Mining Company, Limited, intends to apply for certified copies in lieu of the lost originals of the following Cessions:—

- (1) Cession dated 9th May, 1889, passed before the Notary Henry Rose Innes, whereby Frederick William Forbes, as Attorney and Agent of Alfred Fairlie Henderson, ceded to the Henderson and Forbes Gold Mining Company, Limited, the one-half share of the said Alfred Fairlie Henderson in a Mining Concession granted to Alfred Fairlie Henderson and James Forbes over certain ground in Swaziland, which Concession is now numbered 25M.
- (2) Cession dated 13th May, 1889, passed before the Notary Henry Rose Innes, whereby David Forbes, in his capacity as Attorney and Agent of James Forbes, ceded to the Henderson and Forbes Gold Mining Company, Limited, the one-half share of the said James Forbes in the Concession above described.

And all persons having objection to the issue of such copies are hereby required to lodge the same in writing with the Registrar of Deeds for Swaziland at Pretoria within three months from the first publication of this notice.

Dated at Mbabane, Swaziland, this 11th day of March, 1921.

W. B. LOVEMORE,  
Attorney for the Liquidator, Henderson and  
Forbes Gold Mining Company, Limited.

Mbabane.

[18-25-1-8]

## NOTICE.

LOST DEED OF CESSION No. 55/1899, PORTION OF  
SWAZILAND CONCESSION No. 177L.

Notice is hereby given that we intend applying for a certified copy of lost Deed of Cession No. 55/1899 of certain piece of ground of Concession No. 177L, situate in the District of Mbabane, South Mankaiana, Swaziland, in extent more or less 3000 morgen, more particularly known as belonging to "Under the Head" (onder Kapitein) Umzelankatie, and which piece of land has been indicated by beacons duly erected, which piece of land was ceded by Heinrich Friedrich Meyer to John James Moolman by notarial deed passed before the Notary Isaac Edwin Stegmann on the 31st August, 1899. And all persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds for Swaziland in Pretoria within three months from the date of the first publication of this notice.

Dated at Pretoria, the 22nd day of March, 1921.

FINDLAY & NIEMEYER,  
Applicant's Attorneys.

187 Pretorius Street, Pretoria.

## SWAZILAND.

In the Estate of the late HERMANUS JACOBUS POTGIETER,  
(C's son), of Vryheid, Natal, No. E/294 (Swaziland).

Creditors and Debtors in the above-mentioned Estate are hereby called upon to file their claims with and pay their liabilities to the undersigned within thirty days from the date of publication hereof.

F. W. OLMESDAHL,  
Agent for the Ex. Dative.

P.O. Box 3, Piet Retief.

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

A Special Meeting of Creditors will be held at the Office of the Assistant Commissioner, Leribe, on Tuesday, 26th April, 1921, at 10 a.m., for the further Proof of Claims.

C. F. HENEY,  
Trustee.

Maseru, 22nd March, 1921.

## POUND NOTICE.

To be sold on the 9th April, unless previously claimed, one Black Cow and Calf (no brands), at 12 noon, at Hluti Police Station.

H. C. TEMPLE,  
Poundmaster, Hluti.