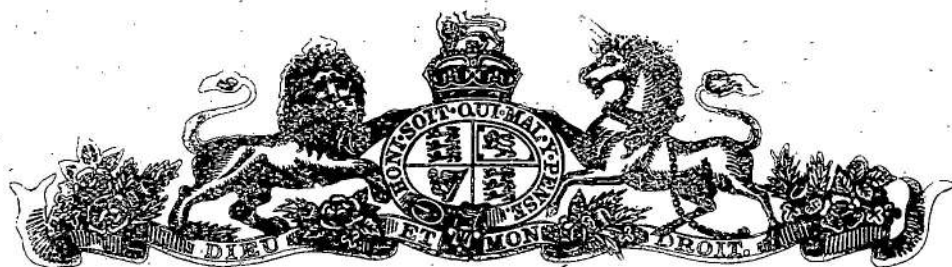


G.



R.

OFFICIAL GAZETTE

OF THE HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

VOL. LXXVI.]

PRETORIA, FRIDAY, 2ND DECEMBER, 1921.

[No. 1059.]

No. 80 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is necessary to make better provision for the prevention of thefts of stock and produce in Basutoland (herein after referred to as "the territory");

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—
 "police officer" shall mean any member of any police force which may from time to time be established by law;
 "stock" shall include any horse, mare, gelding, colt, filly, mule or ass; any bull, cow, ox, heifer, or calf; any sheep, goat or pig or domesticated ostrich; and the slaughtered carcass, or portion of the slaughtered carcass of any such stock;
 "produce" shall include all skins, hides, horns, wool, mohair and ostrich feathers;
 "theft" shall embrace besides actual stealing (1) receiving knowing to have been stolen, (2) attempting to steal, (3) being or having been in unlawful possession not being able to give a satisfactory account of such possession, and (4) inciting to or counselling or procuring the theft of stock or produce.
2. In the trial of cases under this Proclamation the Courts of Assistant Commissioner shall (save as herein after is excepted) proceed in like manner as in criminal cases falling within their ordinary jurisdiction; provided that in all cases under this Proclamation the Assistant Commissioner shall take down in writing, or cause to be taken down in writing, the evidence in the case, the judgment of the court, and should such judgment be a judgment of "guilty," the sentence pronounced upon the offender.
3. On the day of the hearing of any case under this Proclamation, the Assistant Commissioner shall read over, or cause to be read over, to the accused person the charge or complaint against him, and shall ask him if he pleads "guilty" or "not guilty" to the offence set forth in such charge or complaint; and should such person plead "guilty," his said plea shall be recorded, as shall also the sentence pronounced upon the offender.
4. It shall be lawful for the Courts of Assistant Commissioner on the trial of any accused person for theft, as defined by this Proclamation, to find such accused person guilty of any of the offences embraced in the term theft as so defined, although such accused person may not have been originally charged with that particular offence.
5. Subject to the provisions of section seventeen hereof Courts of Assistant Commissioner shall respectively have jurisdiction to try summarily all cases in which any person may be accused of the theft of any stock or produce and to punish any person convicted of any such theft as follows:—
 (a) In the case of a first conviction by imprisonment with or without hard labour for a period not exceeding one year or by a fine not exceeding twenty-five pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding one year or to both such fine and imprisonment;
 (b) in the case of a second or any subsequent conviction within the space of three years next following a previous conviction for theft of stock or produce whether under this or any other law or under the common law by imprisonment with or without hard labour for any period not exceeding two years or by a fine not exceeding fifty pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and imprisonment.
6. It shall be lawful for any Court of Assistant Commissioner, upon the conviction of any person on a charge of theft of stock or produce, or upon his committal for trial or sentence on such charge, at the request of the owner or owners thereof as aforesaid, or of the person authorized in writing by such owner or owners, to inquire summarily and without pleadings but in the presence of the accused person into the value of such stock or produce; and such court upon proof made to its satisfaction of the value of such stock or produce, and of any damages which the said owner shall have sustained by the loss of such stock or produce, or by the cost of search for, or other endeavour to recover the same, shall give judgment in favour of such owner and against the

accused, for such value as aforesaid, together with such damages, if any, and such judgment shall be of the same force and effect, and be executable in the same manner, as if it had been given in a civil action duly instituted; provided that no Court of Assistant Commissioner shall give any such judgment for any sum exceeding five hundred pounds sterling; and provided, further, that no such judgment for such value shall be given in any case in which such stock or produce shall have been recovered by the owners before the conviction or committal for trial, or sentence, as the case may be, of the accused person.

7. No such judgment as aforesaid shall be put in execution if the person convicted or committed for trial or sentence as the case may be shall give security to the satisfaction of such court, to pay the amount thereof should his conviction be confirmed by the Resident Commissioner, or should he be afterwards duly convicted when brought to trial, nor shall any such judgment be put into execution unless and until the owner of the said stock or produce shall give security to the satisfaction of the Assistant Commissioner to refund, in case he shall by law be required to do so, any sum of money which shall be levied under or upon such judgment, and to make good such damages if any as the accused person shall have sustained by the execution of such judgment.

8. If any conviction of any person who shall have given such security shall afterwards be quashed on appeal or review, or if any accused person who shall have given such security shall ultimately be acquitted of the theft in regard to which he was committed, then the judgment aforesaid shall be null and void; provided, however, that nothing in this Proclamation contained shall deprive the owner of the stock or produce aforesaid of any right of civil action which he may by law be entitled to have or maintain, notwithstanding the quashing of such sentence or such acquittal, against the person so convicted or committed for trial.

9. As often as any such judgment as aforesaid shall have been put into execution and the conviction be quashed on appeal by the Resident Commissioner's Court, or on review by the Resident Commissioner, or in the case of a committal for trial, the person committed be ultimately acquitted or discharged, then the court by or before which the person accused shall have been convicted or committed for trial, as the case may be shall upon application by or on behalf of such person give judgment summarily and without pleading for such sum as shall have been levied under such execution, and such damages, if any, as referred to in section seven unless it shall be found by such court upon considering the evidence in the criminal case, and any other evidence which may be given by the owner aforesaid and the person acquitted or either of them that upon grounds of law applicable to the decision of civil actions the said owner was and is prima facie entitled to have and retain such judgment as aforesaid against the person acquitted, notwithstanding such acquittal.

10. In case the value of any stock or produce with the theft of which any person shall be charged and the amount of such damages as aforesaid shall not sufficiently appear upon the depositions taken on the preparatory examination or at the trial, and further proof of such value or such damages shall be tendered on the part either of the owner or of the accused, such further proof shall be taken down in writing, and shall by such Assistant Commissioner be preserved.

11. As often as any charge of theft of stock or produce, in regard to which any such judgment as aforesaid shall have been given by any Court of Assistant Commissioner, shall be tried in the Resident Commissioner's Court, it shall be the duty of the Assistant Commissioner who gave such judgment to deliver or cause to be delivered to the registrar of such court, a copy of such further proof if any of value and damages as such Assistant Commissioner shall have taken over and above the preparatory examination, together with a statement of the date and the amount of the said judgment, as also a statement of the amount if any levied thereupon, and the said registrar shall before during or immediately after the trial lay the same before the Resident Commissioner's Court for inspection.

12. In case any such owner as aforesaid shall not have obtained from the court of the committing Assistant Commissioner any such judgment as aforesaid, and the prisoner committed for trial shall be afterwards convicted before the Resident Commissioner's Court, then the said court shall upon the like request as that in section six of this Proclamation mentioned, but in the presence of the prisoner, inquire summarily, and without pleadings, into the value and damages therein referred to, and give judgment for the same,

and such judgment shall be of the same force and effect and be executable in the same manner, as if it had been given in a civil action duly instituted.

13. Should any case in which any such judgment as aforesaid should have been given by any Court of Assistant Commissioner be afterwards remitted to such court, such Assistant Commissioner shall, in forwarding the record of the proceedings in such case to the registrar of the Resident Commissioner's Court for consideration, forward with such record the same particulars regarding such judgment as such Assistant Commissioner is, under and by virtue of section eleven of this Proclamation, enjoined to deliver, or cause to be delivered, in cases in which the person accused is tried in the Resident Commissioner's Court.

14. If in any case the Resident Commissioner, upon considering the evidence taken in the preparatory examination, shall decline to prosecute any person against whom the court of the committing Assistant Commissioner shall have given judgment under this Proclamation, then such person shall be deemed to be discharged within the meaning of section nine, unless the person in whose favour such judgment shall have been pronounced shall within a time to be fixed give security as a private prosecutor to the satisfaction of the Assistant Commissioner for the prosecution of the person accused, and unless the accused person shall be so prosecuted and convicted within a further time to be fixed by the Assistant Commissioner; and if such conviction shall be quashed on appeal or review, the provisions of section nine shall also apply.

15. As often as more persons than one shall be convicted of the theft of any stock or produce or committed for trial on any charge of such theft, then any such judgment as may be given for value and damages, or value without damages, by the Court of any Assistant Commissioner or the Resident Commissioner's Court against such persons jointly, shall be deemed to be joint and several, and may be executed against the property of any one or more of the persons who shall have been so convicted or committed for trial; provided that it shall be lawful to give judgment against any one or more of such persons without including in that judgment any of the other persons convicted or committed for trial for or in regard of the theft of the same stock or produce; and provided that no person against whom such judgment has been pronounced shall in any case recover under section eight or nine of this Proclamation more than the amount levied against himself in satisfaction of such judgment, together with any damages awarded to him under section seven.

16. Nothing in this Proclamation contained shall be construed so as to oblige any owner of any such stock or produce to apply for any such judgment as aforesaid, or to deprive him of any right of civil action which he may have against the accused person for or on account of such stock or produce; nor shall the fact of having obtained from any Court of Assistant Commissioner a judgment for the sum of five hundred pounds sterling prevent the owner who obtained such judgment from suing for any damages by him sustained over and above the said sum of five hundred pounds sterling nor shall the fact of judgment under section eight or nine bar any civil action by the owner who has lost the stock or produce forming the subject of the charge.

17. As often as any charge of the theft of stock or produce shall be brought under the notice of any Assistant Commissioner, which charge shall from its nature or magnitude appear to such Assistant Commissioner to be unfit to be disposed of under the limited jurisdiction conferred by this Proclamation, it shall be lawful for such Assistant Commissioner, instead of proceeding to try the case under this Proclamation, to commence and take a preparatory examination in like manner precisely as if this Proclamation had not been passed; provided that if the Resident Commissioner upon consideration of the evidence taken in the preparatory examination, shall be of the opinion that the evidence is such as to require that the prisoner shall be put upon his trial, and be of the opinion also that the exercise of the jurisdiction conferred by this Proclamation will satisfy the ends of justice, then and in such case the Resident Commissioner may remit the case for trial to the Court of the Assistant Commissioner by whom the preparatory examination was taken, and such court shall thereupon proceed to try the same in manner and form prescribed in the *twenty-ninth* section of the Criminal Law Amendment Act, 1861, of the Cape of Good Hope; and in case the prisoner shall be convicted, such court may pronounce upon him any sentence to which he might have been subjected under this Proclamation in case he had been tried under this Proclamation without any preparatory examination having been taken; and provided that nothing herein contained shall be deemed to deprive the Resident Commissioner of any power to remit such cases which may at any time be vested in it by law independently of this section.

18. When, in the course of any trial under this Proclamation in the Court of any Assistant Commissioner, it shall appear to the Assistant Commissioner from the facts disclosed by the evidence that the case is one which from its nature or magnitude is unfit to be disposed of under the limited jurisdiction conferred by this Proclamation, it shall be lawful for such court to stop the trial, and to take or turn the proceedings into a preparatory examination; and thereupon all and singular the provisions of the last preceding section shall apply to such preparatory examination precisely as if such trial as aforesaid had never been commenced.

19. Any person who enters any enclosure or any kraal with intent to steal any stock which is in or upon such enclosure or kraal shall be liable upon conviction to imprisonment with or without hard labour for a period not exceeding one year, or to a fine not exceeding one hundred pounds sterling, or to both such fine and such imprisonment.

20. Any person found within any enclosure or kraal, and who when so found was not proceeding along some road or thoroughfare traversing such enclosure, shall, if charged with a contravention of section nineteen of this Proclamation, have the burden imposed upon him of proving that he did not enter such kraal or enclosure with intent to steal the stock if any kept therein.

21. Any person charged with the theft of stock from any such kraal or enclosure, may be found guilty under section nineteen of this Proclamation.

22. If there be reasonable grounds for believing that any person is or has been in unlawful possession of any stock or produce, it shall be competent for any Assistant Commissioner, or police officer to apprehend or cause to be apprehended such person without warrant, and convey him or cause him to be conveyed in custody before any Assistant Commissioner having jurisdiction, and if it be found that he is or has been in possession of any stock or produce, and is not able to give a satisfactory account of such

possession to such Assistant Commissioner, he may be charged with the crime of theft of stock or produce and dealt with accordingly.

23. If any person is reasonably suspected to have in any sack, knapsack, or other covering any produce or the carcasses, or portion of carcasses, of slaughtered stock, it shall be lawful for any Assistant Commissioner or police officer to detain or cause to be detained such person and examine or cause to be examined the contents of such sack, knapsack, or other covering, and in case such person shall, upon such examination, be found to be in possession of any of the articles aforesaid, it shall be lawful for such Assistant Commissioner or police officer to apprehend him or cause him to be apprehended without warrant and convey him or cause him to be conveyed before any Assistant Commissioner having jurisdiction, and in case he shall be unable to give a satisfactory explanation of such possession to such Assistant Commissioner, he may be charged with the crime of theft of stock or produce and dealt with accordingly.

24. Any person who shall, under colour of this Proclamation, wrongfully and maliciously, or without probable cause, apprehend any other person, or cause him to be apprehended, shall be liable to pay a fine not exceeding fifty pounds sterling, and to pay to the apprehended person such amount, not exceeding the sum of five hundred pounds sterling, as and for damages, as the Assistant Commissioner before whom such apprehended person is brought for trial shall award, and in default of payment of the fine shall be liable to be imprisoned, with or without hard labour, for a period not exceeding three months, unless such fine shall be sooner paid; provided that nothing in this section contained shall have the effect of depriving any aggrieved person of the right to elect to take any other remedy given him by law in lieu of the remedy by this section given.

25. Upon the conviction of any person for an offence under this Proclamation it shall be lawful for the Resident Commissioner, out of such funds as may from time to time be appropriated to the carrying out of the Criminal Law of the territory, or as may be at the disposal of the Resident Commissioner for that purpose, to pay to the person other than the owner of stolen property forming the subject of the charge who shall have given information or made the charge leading to such conviction as aforesaid, such sum as the Resident Commissioner shall direct.

26. Notwithstanding anything to the contrary in any law, it shall be lawful for any Assistant Commissioner or police officer, upon being satisfied that there is reason to suspect that any stolen stock or stolen produce is concealed in any building hut kraal or enclosure to search such building hut kraal or enclosure at any time during the day or night.

27. (1) Any person who shall under colour of this Proclamation wrongfully and maliciously or without probable cause apply for obtain and act upon such written authority as aforesaid, or wrongfully and maliciously or without probable cause exercise the powers of search conferred by the last preceding section, shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding three months and shall also be liable to pay to the person lawfully in occupation of the building hut kraal or enclosure in question when the same was searched such sum not exceeding one hundred pounds for damages as any competent court may award.

(2) Nothing in this section contained shall have the effect of depriving any aggrieved person of the right to elect to take any other remedy allowed by law in lieu of the remedy under this Proclamation.

28. It shall not be lawful for any person to purchase or sell for purpose of trade, any produce between the hours of sunset and sunrise; provided, however, that this prohibition shall not apply to any person purchasing or selling produce at any public sale.

29. The provisions of the last preceding section shall not apply to any contract for the purchase and sale of produce where the purchase price paid or agreed to be paid for the said produce shall amount in value to the sum of one hundred pounds or upwards.

30. If any auctioneer or market master sells any stock which shall be proved to have been stolen he shall be personally responsible to the owner of or person who has any right in such stock for the full value thereof.

31. Any person travelling about acquiring stock by purchase barter or in any other way shall obtain a certificate from every person from whom he acquires stock specifying the kind of stock and also the colour marks and number; and the person from whom he has acquired such stock shall furnish him with such a certificate. The person acquiring the stock shall exhibit such certificate when requested to do so by a police officer.

32. No one may acquire stock by purchase barter or in any other way from natives or from persons having no known place of habitation without a certificate from a chief or headman on the printed form issued by Government, certifying that the transferor is entitled to transfer such stock.

33. Any person contravening the provisions of sections *twenty-eight*, *thirty*, *thirty-one* and *thirty-two* of this Proclamation shall, upon conviction, be liable to a fine not exceeding fifty pounds and in default of imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

34. This Proclamation may be cited for all purposes as "The Basutoland Stock and Produce Theft Repression Proclamation 1921."

GOD SAVE THE KING.

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

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

C. L. O'B. DUTTON,
Acting Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 81 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to enable the courts of the Bechuanaland Protectorate (herein after referred to as "the territory") to punish juvenile and juvenile adult offenders by ordering their detention in reformatories;

And whereas it is expedient to provide that persons sentenced by the courts of the territory to imprisonment or to detention in a reformatory may be removed to the Union for the purpose of serving such sentences therein;

And whereas it is expedient to enable the High Commissioner for South Africa to enter into an agreement on behalf of the Government of the territory providing for the reception and detention of such persons in the Union and regulating the conditions of such reception and detention;

And whereas it is further expedient to provide that persons sentenced by the courts of other territories who are in course of removal to the Union shall be deemed to be in lawful custody while in transit through the territory;

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—

"juvenile" shall mean—

- (1) any person under the age of sixteen years; and
- (2) any person under the age of eighteen years whose classification as a juvenile has been expressly sanctioned by the Resident Commissioner;

"juvenile adult" shall mean—

- (1) any person who is between the ages of sixteen and twenty-one years; and
- (2) any person who is between the ages of twenty-one and twenty-five years and whose classification as a juvenile adult has been expressly sanctioned by the Resident Commissioner;

"juvenile adult reformatory" shall include in addition to any institution established as such any division of a gaol or juvenile reformatory similarly established;

"regulation" shall mean any regulation made under this Proclamation;

"the Union" shall mean the Union of South Africa.

2. (1) Whenever any juvenile is convicted of an offence punishable with imprisonment, the court may order him to be sent to a juvenile reformatory and to be there detained for a period of not less than two years and not more than five years, or in the alternative may sentence him to imprisonment; provided that the period for which a juvenile is so detained in a juvenile reformatory shall expire at the date on which or before he attains the age of eighteen years.

(2) The court may further order that, at the expiration of any such sentence of imprisonment or detention in a reformatory or in lieu thereof or at any time during the currency thereof, the juvenile be apprenticed to some useful calling or occupation until he has attained the age of eighteen years.

(3) If for any reason a juvenile ordered to be so apprenticed cannot be apprenticed he shall be detained in a juvenile reformatory for the period for which he was ordered to be apprenticed.

(4) The trial of any such juvenile may in every case be held *in camera* and in some other place than in an ordinary court-room, provided that in such case the parent or guardian or other person interested in such juvenile shall have the right to be present thereat.

3. Whenever any court orders a juvenile to be detained in a juvenile reformatory a warrant shall be issued by the court for that purpose setting forth the offence for which the juvenile has been convicted, the period for which he is to be detained and his age, and the said warrant shall be transmitted to such officer as the Resident Commissioner may direct and shall be the authority for the conveyance of the juvenile to a juvenile reformatory and his detention therein. There shall be transmitted with such warrant by the court to such officer an account, in such form as the Resident Commissioner may prescribe, of the history and antecedents of the juvenile so far as may be ascertainable by the court.

4. The court before which any juvenile adult is convicted may, instead of imposing a sentence of imprisonment, order that he be detained in a juvenile adult reformatory for a period of not less than two and not more than five years and the provisions of the preceding section shall thereupon apply *mutatis mutandis* to such juvenile adult.

5. (1) Any person who has whether before or after the taking effect of this Proclamation been sentenced by any competent court of the territory to imprisonment with or without hard labour and who is still liable to serve such sentence or any portion thereof may by warrant signed by the High Commissioner be removed into custody in the Union in order that he may be detained in any prison or gaol thereof and imprisoned in accordance with any law in force in the Union authorizing such detention and imprisonment until the expiry of the sentence or during such portion thereof as may be deemed necessary.

(2) Any person who has been ordered to be detained in a juvenile reformatory or in a juvenile adult reformatory may while still subject to such order by warrant signed by the High Commissioner be removed into custody in the Union in order that he may be detained in any juvenile reformatory or juvenile adult reformatory as the case may be in the Union in accordance with any law in force in the Union authorizing such detention until the expiry of the period mentioned in the order or during such portion thereof as may be deemed necessary.

(3) No person shall be removed into custody in the Union under this section unless the original warrant of committal accompanies such person.

(4) Any person in course of removal under a warrant signed under this section shall be deemed to be in lawful custody whilst within the territory.

6. Any person who has been ordered by a competent court in the territory to be detained in a juvenile reformatory or in a juvenile adult reformatory shall pending his removal to any such reformatory in the Union be detained in the territory in such building and in the custody of such person as the Resident Commissioner may direct and subject to such conditions as may be prescribed by regulation.

7. The High Commissioner may from time to time make alter and repeal regulations providing for the removal of prisoners and of juveniles and juvenile adults under this Proclamation and for their custody pending such removal.

8. It shall be lawful for the High Commissioner on behalf of the Government of the territory to enter into an agreement with the Government of the Union on such terms and conditions as he may think fit—

(a) for the reception in the Union and detention in any prison or gaol therein of any person sentenced by a competent court of the territory to imprisonment with or without hard labour; and

(b) for the reception in the Union and detention in any juvenile reformatory or juvenile adult reformatory therein of any person who being a juvenile or juvenile adult has been ordered by a competent court of the territory to be detained in a juvenile reformatory or juvenile adult reformatory.

The Agreement entered into on the 28th day of October 1920 between the High Commissioner and the Officer Administering the Government of the Union which is contained in the schedule to this Proclamation shall be deemed to have been lawfully entered into by the High Commissioner under the powers conferred by this section.

9. Nothing in this Proclamation contained shall prevent the conviction judgment and sentence of any person removed hereunder from the territory into lawful custody in the Union from being questioned within the territory in the same manner as if he had not been so removed and the sentence or order for detention of any such person may be remitted or his discharge ordered in the same manner and by the same authority as if he had not been so removed.

10. A person shall for the purposes of this Proclamation be presumed to be a juvenile or juvenile adult if it appears to the Court before which he is tried that he is within the limits of age prescribed for a juvenile or juvenile adult as the case may be.

11. (1) Acts Nos. 7 of 1879 and 8 of 1889 of the Cape of Good Hope in so far as they relate to the territory are hereby repealed.

(2) Proclamation No. 3 of 1898 shall be and is hereby repealed in its application to the Bechuanaland Protectorate but notwithstanding such repeal the provisions of the said Proclamation shall remain in force as regards any person removed thereunder from the territory to the Cape of Good Hope before the taking effect of this Proclamation.

12. Any person sentenced to imprisonment or to detention in a reformatory by a competent court of any territory in Africa, South of the Equator (being a portion of the British Dominions or a territory under the protection of the Crown) who is in course of removal into custody in the Union for the purpose of serving such sentence or portion of such sentence therein shall be deemed to be in lawful custody while in transit through the territory for the purpose of such removal.

13. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Reformatories and Prisoners and Juvenile Offenders Removal 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 Pretoria this Twenty-second day of November One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

C. L. O'B. DUTTON,
Acting Imperial Secretary.

SCHEDULE.

AGREEMENT UNDER SECTION fourteen OF THE PRISONS AND REFORMATORIES ACT AMENDMENT ACT, No. 46 OF 1920.

Whereas it appears that provision has been made by section fourteen of the Prisons and Reformatories Act Amendment Act No. 46 of 1920, authorizing the Governor-General of the Union of South Africa to enter into an agreement with the Officer Administering the Government of any territory in South Africa south of the Equator (being a portion of the British Dominions or a territory under the protection of the Crown), for the purposes specified in the said section;

And whereas the High Commissioner for South Africa desires to enter into such an agreement as aforesaid on behalf of the Administration of the Bechuanaland Protectorate;

And whereas the Officer Administering the Government of the Union of South Africa has consented thereto;

Now, therefore, it is hereby agreed between the Officer Administering the Government of the Union of South Africa and the High Commissioner for South Africa that subject to the provisions of the said Act, and to conditions herein after appearing, an agreement shall exist

(a) for the reception in the Union and detention in any prison or gaol therein of any person sentenced by a competent court of the Bechuanaland Protectorate according to law in force therein to imprisonment with or without hard labour; and

(b) for the reception in the Union and detention in any juvenile reformatory or juvenile adult reformatory therein of any person who, being a juvenile or juvenile adult, has been ordered by a competent court of the Bechuanaland Protectorate according to law in force therein, to be detained in a juvenile or juvenile adult reformatory.

And the Officer Administering the Government of the Union of South Africa and the High Commissioner for South Africa hereby agree on behalf of the Union Government and the Administration of the Bechuanaland Protectorate, respectively, that when accommodation is available, and the Union Government has agreed to accept any prisoner or juvenile, there shall be paid by the Administration of the Bechuanaland Protectorate to the Union Government in respect of each prisoner or juvenile, the sum of three shillings per head per day, or such other amount as may be mutually agreed upon between the Protectorate Administration and the Prisons Department of the Union of South Africa, and that the Union Government shall be entitled to a refund of any expenses incurred by the latter Department in returning such persons to their homes on discharge from custody.

This agreement shall take effect as provided by law on the publication of a summary of the terms thereof in the *Gazette of the Union of South Africa*, and shall be terminated on three months' notice being given by either of the parties to the agreement.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Twenty-eighth day of October One thousand Nine hundred and Twenty.

J. ROSE INNES,
Officer Administering the Government.

Given under my Hand and Seal at Capetown this Sixteenth day of November One thousand Nine hundred and Twenty.

B. C. CARTER,
Brig.-Gen.,
High Commissioner for South Africa.

(Printed by the Government Printer, Pretoria.)

No. 82 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to enable the courts of Swaziland (herein after referred to as "the territory") to punish juvenile and juvenile adult offenders by ordering their detention in reformatories;

And whereas it is expedient to provide that persons sentenced by the courts of the territory to imprisonment or to detention in a reformatory may be removed to the Union for the purpose of serving such sentences therein;

And whereas it is expedient to enable the High Commissioner for South Africa to enter into an agreement on behalf of the Government of the territory providing for the reception and detention of such persons in the Union and regulating the conditions of such reception and detention;

Now therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council 1903 as amended by the Swaziland Order in Council 1906 and the Swaziland Order in Council 1909 I do hereby declare proclaim and make known as follows:—

1. In this Proclamation unless inconsistent with the context—

"juvenile" shall mean—

- (1) any person under the age of sixteen years, and
- (2) any person under the age of eighteen years whose classification as a juvenile has been expressly sanctioned by the Resident Commissioner;

"juvenile adult" shall mean—

- (1) any person who is between the ages of sixteen and twenty-one years; and
- (2) any person who is between the ages of twenty-one and twenty-five years and whose classification as a juvenile adult has been expressly sanctioned by the Resident Commissioner;

"juvenile adult reformatory" shall include in addition to any institution established as such any division of a gaol or juvenile reformatory similarly established;

"regulation" shall mean any regulation made under this Proclamation;

"the Union" shall mean the Union of South Africa.

2. (1) Whenever any juvenile is convicted of an offence punishable with imprisonment, the court may order him to be sent to a juvenile reformatory and to be there detained for a period of not less than two years and not more than five years, or in the alternative may sentence him to imprisonment; provided that the period for which a juvenile is so detained in a juvenile reformatory shall expire at the date on which or before he attains the age of eighteen years.

(2) The Court may further order that, at the expiration of any such sentence of imprisonment or detention in a reformatory or in lieu thereof or at any time during the currency thereof, the juvenile be apprenticed to some useful calling or occupation until he has attained the age of eighteen years.

(3) If for any reason a juvenile ordered to be so apprenticed cannot be apprenticed he shall be detained in a juvenile reformatory for the period for which he was ordered to be apprenticed.

(4) The trial of any such juvenile may in every case be held in camera and in some other place than in an ordinary court-room, provided that in such case the parent or guardian or other person interested in such juvenile shall have the right to be present thereat.

(5) All sentences or orders made under this section shall be subject to review under the provisions of the Swaziland Administration Proclamation No. 4 of 1907 as amended by Proclamation No. 22 of 1912.

3. Whenever any court orders a juvenile to be detained in a juvenile reformatory a warrant shall be issued by the Court for that purpose setting forth the offence for which the juvenile has been convicted, the period for which he is to be detained and his age, and the said warrant shall be transmitted to such officer as the Resident Commissioner may direct and shall be the authority for the conveyance of the juvenile to a juvenile reformatory and his detention therein. There shall be transmitted with such warrant by the court to such officer an account, in such form as the Resident Commissioner may prescribe, of the history and antecedents of the juvenile so far as may be ascertainable by the court.

4. The court before which any juvenile adult is convicted may, instead of imposing a sentence of imprisonment, order that he be detained in a juvenile adult reformatory for a period of not less than two and not more than five years and the provisions of the preceding section shall thereupon apply *mutatis mutandis* to such juvenile adult.

5. (1) Any person who has whether before or after the taking effect of this Proclamation been sentenced by any competent court of the territory to imprisonment with or without hard labour and who is still liable to serve such sentence or any portion thereof may by warrant signed by the High Commissioner be removed into custody in the Union in order that he may be detained in any prison or gaol thereof and imprisoned in accordance with any law in force in the Union authorizing such detention and imprisonment until the expiry of the sentence or during such portion thereof as may be deemed necessary.

(2) Any person who has been ordered to be detained in a juvenile reformatory or in a juvenile adult reformatory may while still subject to such order by warrant signed by the High Commissioner be removed into custody in the Union in order that he may be detained in any juvenile reformatory or juvenile adult reformatory as the case may be in the Union in accordance with any law in force in the Union authorizing such detention until the expiry of the period mentioned in the order or during such portion thereof as may be deemed necessary.

(3) No person shall be removed into custody in the Union under this section unless the original warrant of committal accompanies such person.

(4) Any person in course of removal under a warrant signed under this section shall be deemed to be in lawful custody whilst within the territory.

6. Any person who has been ordered by a competent court in the territory to be detained in a juvenile reformatory or in a juvenile adult reformatory shall pending his removal to any such reformatory in the Union be detained in the territory in such building and in the custody of such person as the Resident Commissioner may direct and subject to such conditions as may be prescribed by regulation.

7. The High Commissioner may from time to time make alter and repeal regulations providing for the removal of prisoners and of juveniles and juvenile adults under this Proclamation and for their custody pending such removal.

8. It shall be lawful for the High Commissioner on behalf of the Government of the territory to enter into an agreement with the Government of the Union on such terms and conditions as he may think fit—

(a) for the reception in the Union and detention in any prison or gaol therein of any person sentenced by a competent court of the territory to imprisonment with or without hard labour; and

(b) for the reception in the Union and detention in any juvenile reformatory or juvenile adult reformatory therein of any person who being a juvenile or juvenile adult has been ordered by a competent court of the territory to be detained in a juvenile reformatory or juvenile adult reformatory.

The Agreement entered into on the 28th day of October 1920 between the High Commissioner and the Officer Administering the Government of the Union which is contained in the schedule to this Proclamation shall be deemed to have been lawfully entered into by the High Commissioner under the powers conferred by this section.

9. Nothing in this Proclamation contained shall prevent the conviction judgment and sentence of any person removed hereunder from the territory into lawful custody in the Union from being questioned within the territory in the same manner as if he had not been so removed and the sentence or order for detention of any such person may be remitted or his discharge ordered in the same manner and by the same authority as if he had not been so removed.

10. A person shall for the purposes of this Proclamation be presumed to be a juvenile or juvenile adult if it appears to the Court before which he is tried that he is within the limits of age prescribed for a juvenile or juvenile adult as the case may be.

11. Section twenty-eight of the Swaziland Administration Proclamation 1907 shall be and is hereby repealed so far as the same refers to convicted prisoners but notwithstanding such repeal the provisions of the said Proclamation shall remain in force as regards any prisoner removed thereunder from the territory to the Transvaal before the taking effect of this Proclamation.

12. This Proclamation may be cited for all purposes as the Swaziland Reformatories and Prisoners and Juvenile Offenders Removal 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 Pretoria this Twenty-second day of November One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

C. L. O'B. DUTTON,
Acting Imperial Secretary.

SCHEDULE.

AGREEMENT UNDER SECTION fourteen OF THE PRISONS AND REFORMATORIES ACT AMENDMENT ACT, No. 46 OF 1920.

Whereas it appears that provision has been made by section fourteen of the Prisons and Reformatories Act Amendment Act No. 46 of 1920, authorizing the Governor-General of the Union of South Africa to enter into an agreement with the Officer Administering the Government of any territory in South Africa south of the Equator (being a portion of the British Dominions or a territory under the protection of the Crown), for the purposes specified in the said section;

And whereas the High Commissioner for South Africa desires to enter into such an agreement as aforesaid on behalf of the Administration of Swaziland;

And whereas the Officer Administering the Government of the Union of South Africa has consented thereto;

Now, therefore, it is hereby agreed between the Officer Administering the Government of the Union of South Africa and the High Commissioner for South Africa that subject to the provisions of the said Act, and to conditions herein after appearing, an arrangement shall exist

(a) for the reception in the Union and detention in any prison or gaol therein of any person sentenced by a competent court of Swaziland according to law in force therein to imprisonment with or without hard labour; and

(b) for the reception in the Union and detention in any juvenile reformatory or juvenile adult reformatory therein of any person who, being a juvenile or juvenile adult, has been ordered by a competent court of Swaziland according to law in force therein, to be detained in a juvenile or juvenile adult reformatory.

And the Officer Administering the Government of the Union of South Africa and the High Commissioner for South Africa hereby agree on behalf of the Union Government and the Administration of Swaziland, respectively, that when accommodation is available, and the Union Government has agreed to accept any prisoner or juvenile, there shall be paid by the Administration of Swaziland to the Union Government in respect of each prisoner or juvenile, the sum of three shillings per head per day, or such other amount as may be mutually agreed upon between the Administration and the Prisons Department of the Union of South Africa, and that the Union Government shall be entitled to a refund of any expenses incurred by the latter Department in returning such persons to their homes on discharge from custody.

This agreement shall take effect as provided by law on the publication of a summary of the terms thereof in the *Gazette of the Union of South Africa*, and shall be terminated on three months' notice being given by either of the parties to the agreement.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Twenty-eighth day of October One thousand Nine hundred and Twenty.

J. ROSE INNES,
Officer Administering the Government.

Given under my Hand and Seal at Capetown this Sixteenth day of November One thousand Nine hundred and Twenty.

B. C. CARTER,
Brig.-Gen.,
High Commissioner for South Africa.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 95 of 1921.

POSTAL TARIFF.

It is hereby notified for general information that, under the provisions of Act No. 10 of 1911 of the Union of South Africa as of force in Basutoland, His Royal Highness the High Commissioner has been pleased to approve of the undermentioned amendments in the tariff in respect of the Postal Service in Basutoland, with effect from the 1st of January, 1922.

Private Post Office Boxes.

£1. 10s. for the first year and £1. 5s. per annum thereafter.

By Command of His Royal Highness the
High Commissioner.

C. L. O'B. DUTTON,
Assistant Imperial Secretary.

High Commissioner's Office,
Capetown, 24th November, 1921.

SWAZILAND.

SALE IN EXECUTION.

ALLEN WACK & SHEPHERD, LTD., Plaintiffs, versus ALBERT WALTER SCOTT, Defendant.

In execution of a judgment of the Special Court of Swaziland, at Mbabane, dated the 11th day of November, 1921, the following articles will be sold by public auction in front of the Court-house at Stegi, Swaziland, at 11 a.m., on 17th December, 1921, to wit:—

One motor-car (four-seater Overland) and accessories, including kit of tools.

Terms: Cash to the highest bidder.

J. SMITH,
Deputy-Sheriff.

Stegi, Swaziland, 15th November, 1921.

SWAZILAND.

POUND SALE.

To be sold by public auction, in front of the Court-house, Stegi, at 1 p.m. on Wednesday, 28th December, 1921 unless previously claimed:—

One grey donkey, mare, aged about 11 hands, small white patch on back and small white patch on off quarter; no brands.

J. SMITH,
Poundmaster.

Stegi, Swaziland, 26th November, 1921.

SWAZILAND.

NOTICE AND DECLARATION OF INSOLVENCY.

Notice is hereby given that the Estate of HENDRIK FREDERIK GROBLER (N.'s son), of the farm Driefontein, Hlatikulu District, Swaziland, has been placed under sequestration in the hands of the Master of the Special Court of Swaziland, by order of the said Court, dated the 25th November, 1921, and whereas it has appeared to the said Master that the goods and effects of the said Insolvent available for the payment of his debts are not of the value of £75. All persons having any claim upon the said Estate are required to attend a Meeting of Creditors, to be held before the Assistant Commissioner, at Hlatikulu, Swaziland, on Thursday, the 29th day of December, 1921, at 11 o'clock in the forenoon precisely, then and there to give proof of their debts by affidavits or otherwise, before the said Assistant Commissioner, to elect a Trustee, who shall collect, administer, and distribute the said Estate; and to give the said Trustee their directions concerning the same. And all persons interested in the said Estate are also required to take notice that unless it shall be shown at the aforesaid meeting that the goods and effects of the said Insolvent exceed the value of £75, the said Assistant Commissioner will summarily proceed to rank the debts which shall be proved at such meeting according to their respective preferences and direct the proceeds to be forthwith distributed accordingly.

W. W. USHER,
Master of the Special Court of Swaziland.

Master's Office,
Mbabane, Swaziland,
25th November, 1921.