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OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

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PRETORIA, FRIDAY, 26TH JANUARY, 1923.

[No. 1119.]

No. 3 of 1923.]

PROCLAMATION

By HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is expedient to amend Proclamation No. 2 of 1896 by providing that the Court of the Resident Commissioner of the Bechuanaland Protectorate shall have jurisdiction to hear applications for orders of compulsory sequestration and to grant provisional orders for the compulsory sequestration of estates as insolvent and to appoint a *curator bonis* or provisional trustee in any insolvent estate;

And whereas it is expedient also to empower Assistant Commissioners and Resident Magistrates whose courts are held at places situate more than fifty miles from the railway line to grant provisional orders of sequestration and to appoint a *curator bonis* or provisional trustee;

Now therefore under and by virtue of the powers in me vested I do hereby proclaim, declare and make known as follows:—

1. Notwithstanding anything contained in Proclamation No. 2 of 1896, or in another law, the Court of the Resident Commissioner of the Bechuanaland Protectorate shall have jurisdiction to hear in the first instance applications for orders of compulsory sequestration and in cases where sufficient cause therefor shall be shown to grant a provisional order of compulsory sequestration and to appoint a *curator bonis* or provisional trustee, such order to be returnable in the Court of the Assistant Commissioner or Resident Magistrate of the area or district in which the party against whom the order is sought ordinarily resides, and such Court of Assistant Commissioner or Resident Magistrate shall on the return day take such sworn evidence in support of or against such application as may be submitted to it and forward the same with a report thereon for the consideration of the Resident Commissioner who alone shall have the power to confirm or set aside such order.

2. Notwithstanding anything contained in section six of Proclamation No. 2 of 1896 where the place appointed for the holding of the Court of an Assistant Commissioner or Resident Magistrate is fifty miles or more from the railway line, the Assistant Commissioner or Resident Magistrate holding his Court at such place shall have the power on sufficient cause being shown to grant a provisional order of compulsory sequestration returnable in his own Court against any person ordinarily resident in his area or district and to appoint a *curator bonis* or provisional trustee, and after taking such evidence in support of or against such application as may be submitted on the return of such order he shall forward the same with a report thereon for the consideration of the Resident Commissioner who alone shall have the power to confirm or set aside such order.

3. This Proclamation shall be read as one with Proclamation No. 2 of 1896 and shall take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 4 of 1923.]

PROCLAMATION

By HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Whereas it is expedient to make provision for the registration in the Bechuanaland Protectorate of the proprietors of trade marks within the Union of South Africa and for the conferring on such persons of certain rights in the Bechuanaland Protectorate;

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim, and make known as follows:—

1. The Resident Commissioner shall cause to be kept at Mafeking or such other place as may be designated by him by notice in the *Gazette* a register of trade marks wherein shall be entered—

- (a) the names and addresses of persons entitled to certificates under this Proclamation;
- (b) notifications of assignments and transmissions of rights granted under this Proclamation; and
- (c) particulars of such other matters as may be required.

2. Any person being registered in the Register of Trade Marks of the Union of South Africa under the Patents, Designs, Trade Marks, and Copyright Act 1916 or any amendment thereof as the proprietor of a trade mark may on production of the certificate of registration of such trade mark accompanied by such number of representations thereof as the Resident Commissioner may require and on payment of the fee prescribed be registered in the Register of Trade Marks to be kept under section one of this Proclamation, and a certificate of such registration shall thereupon be issued to him by the Resident Commissioner.

3. Any person registered under section two shall so long as the registration of the trade mark in respect of which he is registered remains in force in the Union of South Africa and so long as he is the proprietor thereof have and enjoy in the Bechuanaland Protectorate the same rights and privileges and be subject to the same duties, obligations and conditions as have been conferred or imposed upon him by the registration of the said trade mark within the Union of South Africa.

4. The name of any person registered under this Proclamation as proprietor of a trade mark may be removed from the Register by written order of the Resident Commissioner—

- (a) if the registration of the trade mark in respect of which he was so registered has been revoked or if the period of such registration has expired by effluxion of time or if the trade mark has been assigned or transmitted; and
- (b) if any fees which may be prescribed for the renewal of registration are not duly paid;

Provided that before the name of any person is so removed written notice shall be served on him at his registered address if it is within the Bechuanaland Protectorate or sent to such address by registered post if it be outside the Bechuanaland Protectorate, calling upon him to show cause within a time to be specified therein why his name should not be removed.

5. Notice shall be given to the Resident Commissioner of any assignment of a trade mark in respect of which any person is registered as proprietor under this Proclamation and of any amendment or extension of the period of registration of such trade mark, and the Resident Commissioner on being satisfied that such assignment, amendment or extension has been duly registered in the Trade Marks' Register of the Union of South Africa and on payment of the prescribed fee shall cause an entry to be made accordingly in the Trade Marks' Register kept under this Proclamation and in the case of assignment shall issue to the assignee a certificate of registration as proprietor.

6. In any action which may be brought for infringement of the rights granted under this Proclamation and ground upon which the name of the person by whom or in whose right the action is brought could be removed from the register may be applied by way of defence.

7. The fees set forth in the Schedule to this Proclamation shall be due and payable for the several acts therein specified, and such fees shall be collected by means of revenue stamps to be affixed to the document in respect of which any such act may be done.

8. The Trade Marks Registration Act 1877 of the Cape of Good Hope shall be and is hereby repealed as regards its application to the Bechuanaland Protectorate, so far as it is in force therein, but without prejudice to any rights lawfully acquired thereunder.

9. This Proclamation may be cited as the Bechuanaland Protectorate Trade Marks Registration Proclamation, 1923 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 Twentieth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

SCHEDULE.

- | | |
|---|---------|
| 1. On filing application for registration of trade mark ... | £0 10 0 |
| 2. On registration of trade mark ... | 1 0 0 |

RENEWAL FEES.

- | | |
|--|--------|
| 3. As and when and so often as renewal of registration is necessary in the Union of South Africa ... | 1 0 0 |
| 4. On registration of any assignment, amendment, addition, or alteration ... | 0 10 0 |

(Printed by the Government Printer, Pretoria.)

No. 5 of 1923.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is expedient to amend the Swaziland Poll Tax Proclamation, 1921, which, as amended by the Swaziland Poll Tax Amendment Proclamation, 1922, is herein after referred to as the "principal law";

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me 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. (1) Section one of the principal law shall be and is hereby repealed; provided however that notwithstanding such repeal any tax which at the date of the taking effect of this Proclamation has already become due from any person under the principal law shall be payable by and recoverable from such person as if the said section had not been repealed;

(2) The following section shall be and is hereby substituted for the section hereby repealed:—

- There shall be paid annually to the Swaziland Administration by every male domiciled in Swaziland who shall have attained the age of twenty-one years, and who is not liable to pay tax under the Swaziland Native Tax Proclamation 1916, as amended, and is not exempted from payment of such tax under paragraph (a) (c) (d) or (e) of section five of the said Proclamation as amended by Proclamation No. 2 of 1920, a Poll Tax amounting to the sum of two pounds per annum which shall become due and payable half-yearly in equal instalments on the first day of April and the first day of October in every year beginning from the first day of April 1923. In case of any doubt as to the age of any person the onus of proof that his age is under twenty-one years shall be upon him.

2. This Proclamation may be cited as the Swaziland Poll Tax Further Amendment Proclamation, 1923, and shall have force and take effect from the first day of January, 1923.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 6 of 1923.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is expedient to proclaim certain portion of land in Swaziland to be Crown Land;

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 and by virtue of the further authority conferred upon me under the Swaziland Crown Lands and Minerals Order-in-Council 1908, as amended by the Swaziland Crown Lands and Minerals Amendment Order-in-Council 1910, I do hereby declare, proclaim and make known as follows:—

The area of land in Swaziland described in the Schedule to this Proclamation shall from the date of the publication of this Proclamation in the *Gazette* be Crown land, and shall be registered and known as Lot No. 196, District Mankaiana, Swaziland; provided always that the Proclamation of the said area as Crown land shall not affect any concession lease servitude or other right subsisting in respect of the said area which is registered at the date of such publication and is not vested in the Crown.

GOD SAVE THE KING.

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

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

SCHEDULE.

Portions of Unallotted Land No. 45 U held under the Unallotted Lands Concession No. 133 L, in extent 29,886 morgen 273 square rods in all, as shown on Diagram S.G. No. S.117/11, confirmed by the Surveyor-General by the figures lettered:—

- N', G', P', Q', a, mid Umtambo Spruit to M', N', in extent 1265 morgen 35 square rods.
- From junction of Umtsi Spruit and Ingwempisi River at Z', mid Umtsi Spruit to o, n, m, l, f', e', mid Mozaan River to junction with Mlodaan Spruit at h, mid Mlodaan Spruit to g, f, e, d mid spruit to junction with Ingwempisi River at c, mid Ingwempisi River to Z', in extent 10,094 morgen 310 square rods.
- i, T, U, V, mid Kukwaan River to W, X, Y, mid Assegai River to junction with Mozaan River at Z, mid Mozaan River to i, in extent 5028 morgen 129 square rods.
- D2, mid Ingwempisi River to u, t, s, r, q, j, D2, in extent 2645 morgen 50 square rods.
- From junction of spruit and Ingwempisi River at v, mid Ingwempisi River to junction with Great Usutu River at H2, mid Great Usutu River to junction with Assegai River at A, mid Assegai River to x, w, mid spruit to v, in extent 10,853 morgen 349 square rods.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 3 of 1923.

It is hereby notified for general information that His Royal Highness the High Commissioner has been pleased to make the following acting appointments in the Basutoland Service:—

Hugh Ashton, Esquire, Deputy-Assistant Commissioner, to act as Assistant Commissioner.

Douglas Walsham How, Esquire, Inspector and Staff Officer, Basutoland Mounted Police, to act as Deputy Assistant Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 18th January, 1923.

SWAZILAND.

NOTICE TO CREDITORS.

In the Insolvent Estate of the late MARK SAMUEL THRING.

All persons claiming to be Creditors under this Estate are required to take notice that the undersigned has been duly elected to and confirmed in the appointment of Sole Trustee of the said Estate and that the Master of the Special Court of Swaziland has appointed the Third Meeting to be held before him at Mbabane, Swaziland, on Monday, the 19th day of February, 1923, at 10 o'clock in the forenoon, for the Proof of Debts, for receiving the Trustee's Report, and also for giving directions to the said Trustee as to the management of the said Estate.

And all persons indebted to the said Estate are required to pay the same to the undersigned on or before the 1st day of March, 1923, or proceedings will be instituted against them.

W. G. MILES,
Sole Trustee.

Mbabane, Swaziland,
18th January, 1923.

POUND SALE.

To be sold at the Dwaleni Pound, on Saturday, the 10th February, 1923, at 1 p.m., one brown donkey mare, aged, swallow-tail cuts in each ear; one black cow, about 8 years, cuts in both ears.

Terms: Cash to the highest bidder.

V. O. KING,
Dwaleni, Poundmaster.

18th January, 1923.