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OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR SOUTH AFRICA.

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PRETORIA, FRIDAY, 1ST AUGUST, 1924.

[No. 1199.]

No. 21 of 1924.]

PROCLAMATION

By His Excellency the High Commissioner.

Whereas it is expedient to amend and consolidate the law in force in the territory of Swaziland (herein after referred to as "the Territory") regulating the burning of grass;

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. High Commissioner's Proclamations No. 22 of 1907 and No. 13 of 1916 shall be and are hereby repealed.

2. For the purposes of this Proclamation "occupier" shall mean—

- (a) in relation to land not included in native area any European in actual occupation thereof whether as owner or lessee or as having charge thereof on behalf of the owner or lessee and where there is no European in such occupation the chief, induna, headman or other native residing on and in charge of the said land;
- (b) in relation to any portion of native area the native chief, induna, headman or other native in actual occupation of and having authority according to native custom over such portion.

3. It shall not be lawful for any person being an occupier or acting on behalf of an occupier to set fire to any grass on land occupied by him within the Territory unless and until he shall have given at least forty-eight hours' notice and not more than ninety-six hours' notice of his intention so to do to the occupiers, if any, of any land adjoining the land to the grass on which he desires to set fire, and to the occupiers if any, of any land to which such fire may reasonably be expected to spread and no sufficient objection has been raised by any such occupier after the receipt of such notice.

In case of any dispute arising as to the sufficiency of any objection such dispute shall forthwith be referred by either party to the nearest available police officer or justice of the peace whose decision shall be final.

Provided that it shall not be lawful for any person being an occupier or acting on behalf of an occupier after taking the steps prescribed in this section to set fire to grass under conditions calculated to render it unusually dangerous to neighbouring property, or unless he shall have provided adequate supervision to prevent such fire from spreading to neighbouring property.

4. Any person who sets fire to grass in contravention of the provisions of section three of this Proclamation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment.

5. (1) Notwithstanding anything contained in section three of this Proclamation any occupier who is desirous of burning a firebreak along any portion of his boundary shall be entitled to call upon the occupier of land adjoining such boundary (herein after referred to as "the neighbouring occupier") for reasonable assistance in burning such firebreak. Should such neighbouring occupier after notice given not less than fourteen days beforehand fail or refuse to give such assistance, he shall have no claim for damages against the occupier who has given such notice or his successor in title by reason of any fire spreading on to his land within six months after the date of such notice either through the burning of a firebreak or the absence of a firebreak, unless the spreading of such fire is due to the same having been started or allowed to continue burning by such occupier in a manner or under conditions calculated to render it unusually dangerous to neighbouring property.

(2) The owner or lessee of land not included in native area of which there is no occupier shall have no claim for damages against the occupier of any adjoining land by reason of any fire spreading from such adjoining land on to his land either through the burning of a firebreak or through the absence of a firebreak unless the

spreading of such fire is due to the same having been started or allowed to continue burning by such occupier in a manner or under conditions calculated to render it unusually dangerous to neighbouring property.

6. Any person who shall—

- (a) wilfully and without lawful authority, or
- (b) negligently

set fire to or kindle any fire which by spreading shall set fire to any grass on land of which he is not the occupier shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding one hundred pounds 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 such imprisonment.

7. Any person who is upon the land of which he is not the occupier or upon any road, outspan or vacant land shall carefully and properly extinguish any fire there kindled or used by him and until he has so done shall not proceed such a distance from any such fire as to be unable to control it by himself or his servants. Any person contravening this section shall be guilty of an offence and shall upon conviction be liable to the penalties prescribed by section four of this Proclamation.

8. (1) Every person taking part in the Territory in the hunting of game at a grass fire which causes damage to any person or property shall, whether he has himself fired the grass or not, be deemed to be guilty of an offence, unless either—

- (a) the provisions of section three of this Proclamation were complied with in respect of such fire, or
- (b) adequate precautions to prevent the fire spreading to adjoining property were taken,

and shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

(2) In any prosecution under this section the burden of proving the facts mentioned in (a) or (b) of the preceding sub-section shall be on the person charged.

(3) Any person present at the hunting of game at a grass fire shall for the purposes of this section be deemed to have taken part in such hunting unless he can adduce proof to the contrary.

(4) Nothing in this section contained shall be deemed to relieve any person from liability to prosecution under any other provision of this Proclamation or any other law in force in Swaziland.

9. Any person convicted of an offence under sections four, six, or seven of this Proclamation shall further be liable to compensate any person who has suffered damage by fire by reason of such offence and the Court before which any such conviction shall have been obtained shall have jurisdiction to inquire summarily into the amount of damage so suffered, notwithstanding that no civil process has been served upon the accused in respect thereof provided he be present or represented. Such Court may order that there be paid by way of compensation to any such person by the accused such sum within the limits of its jurisdiction (together with costs of such inquiry) as it may think fair and reasonable. Any such order shall be enforced in the same manner as a judgment of such Court is enforced in civil proceedings had before it.

10. Nothing in this Proclamation shall be taken to affect the right of any person aggrieved to recover damages by civil action for any loss sustained by himself unless he shall have obtained a judgment in his favour under section nine of this Proclamation in which case he shall have no further remedy against the person against whom he obtained judgment.

11. This Proclamation may be cited for all purposes as the Swaziland Grass Burning Proclamation 1924, 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-eighth day of July One thousand Nine hundred and Twenty-four.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 90 of 1924.

DUMPING DUTY ON BUTTER IMPORTED INTO BASUTOLAND FROM THE COMMONWEALTH OF AUSTRALIA.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section eight, paragraph (1) of the Basutoland Customs Tariff Proclamation, 1914 (No. 83 of 1914), as amended by section twelve of the Basutoland Customs and Excise Duties Amendment Proclamation, 1923 (No. 32 of 1923), His Excellency the High Commissioner has been pleased to declare that there shall be charged, levied, collected, and paid on butter imported into Basutoland from the Commonwealth of Australia a special Customs or dumping duty equal to the difference between the price at which butter of a like grade is sold for home consumption in the usual and ordinary course of trade in the principal markets of the Commonwealth of Australia at the time of shipment, plus the free on board charges and the selling price free on board to the importer in Basutoland; provided that the special Customs or dumping duty shall not in any case exceed twenty-five per cent. *ad valorem*, and provided further that the provisions of this notice shall not apply to butter which was exported to Basutoland from the Commonwealth of Australia prior to the date of publication thereof.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Capetown, 26th July, 1924.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 91 of 1924.

DUMPING DUTY ON BUTTER IMPORTED INTO THE BECHUANALAND PROTECTORATE FROM THE COMMONWEALTH OF AUSTRALIA.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section eight, paragraph (1) of the Bechuanaland Protectorate Customs Tariff Proclamation, 1914 (No. 85 of 1914), as amended by section twelve of the Bechuanaland Protectorate Customs and Excise Duties Amendment Proclamation, 1923 (No. 33 of 1923), His Excellency the High Commissioner has been pleased to declare that there shall be charged, levied, collected, and paid on butter imported into the Bechuanaland Protectorate from the Commonwealth of Australia a special Customs or dumping duty equal to the difference between the price at which butter of a like grade is sold for home consumption in the usual and ordinary course of trade in the principal markets of the Commonwealth of Australia at the time of shipment, plus the free on board charges and the selling price free on board to the importer in Bechuanaland Protectorate; provided that the special Customs or dumping duty shall not in any case exceed twenty-five per cent. *ad valorem*, and provided further that the provisions of this notice shall not apply to butter which was exported to the Bechuanaland Protectorate from the Commonwealth of Australia prior to the date of publication thereof.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Capetown, 26th July, 1924.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 92 of 1924.

DUMPING DUTY ON BUTTER IMPORTED INTO SWAZILAND FROM THE COMMONWEALTH OF AUSTRALIA.

It is hereby notified for general information that, under and by virtue of the powers in him vested by section eight, paragraph (1), of the Swaziland Customs Tariff Proclamation, 1914 (No. 87 of 1914), as amended by section twelve of the

Swaziland Customs and Excise Duties Amendment Proclamation, 1923 (No. 34 of 1923), His Excellency the High Commissioner has been pleased to declare that there shall be charged, levied, collected, and paid on butter imported into Swaziland from the Commonwealth of Australia a special Customs or dumping duty equal to the difference between the price at which butter of a like grade is sold for home consumption in the usual and ordinary course of trade in the principal markets of the Commonwealth of Australia at the time of shipment, plus the free on board charges and the selling price free on board to the importer in Swaziland; provided that the special Customs or dumping duty shall not in any case exceed twenty-five per cent. *ad valorem*, and provided further that the provisions of this notice shall not apply to butter which was exported to Swaziland from the Commonwealth of Australia prior to the date of publication hereof.

By Command of His Excellency the
High Commissioner.

B. E. H. CLIFFORD,
Imperial Secretary.

High Commissioner's Office,
Capetown, 26th July, 1924.

(Printed by the Government Printer, Pretoria.)

O.H.M.S.

SWAZILAND ADMINISTRATION.

Tenders are hereby invited for the lease for winter grazing, from 1st May to 30th September, 1925 and 1926, over certain Crown Land in U.5, near Mbabane, in extent 3,250 morgen approximately.

Tenders to be addressed to the Government Secretary, Mbabane, and marked "Tender for winter grazing," and to be in his hands not later than twelve o'clock noon on the 3rd September, 1924.

The Administration does not bind itself to accept the highest or any tender. The lease will be subject to the rights of any natives living on the land, and the lessor reserves the right to cancel the lease at any time by giving three months' notice in writing to the lessee. Rental shall be payable in advance on the 1st May in 1925 and 1926.

B. NICHOLSON,
Government Secretary.

Government Offices,
Mbabane, Swaziland, 29th July, 1924.

SWAZILAND.

In the Estate in Swaziland of the late ROBERT ANDREW BUNTINE, of Pietermaritzburg, Natal, Medical Practitioner.

All creditors and other persons interested in the above Estate are hereby requested, within a period of twenty-one days from the date of publication of this notice, to lodge in writing with the Master of the Special Court of Swaziland, Mbabane, particulars of their claims against the said Estate, and their objections, if any, to the signing and sealing by him of the Letters of Administration granted to Gordon Ernest Oddin-Taylor and Dacre Ashe Shaw as Executors Testamentary in the above Estate, by the Master of the Supreme Court of South Africa, Natal Provincial Division, Pietermaritzburg, dated 31st January, 1919.

DACRE A. SHAW & CO.,
Solicitors for Executors Testamentary.

9 Harwin's Arcade,
Pietermaritzburg.

NOTICE.

In the Estate of the late WILLIAM EWART CLARKE, of Notwani, Bechuanaland Protectorate.

Creditors and Debtors are required to lodge their claims with and pay their accounts to the undersigned within a period of six (6) weeks reckoned from the date of publication hereof.
Dated at Mafeking, this 30th day of July 1924.

HILL & FRAENKEL,
Attorneys for Executor Testamentary.