



# OFFICIAL GAZETTE

OF THE  
HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS EXCELLENCY THE HIGH COMMISSIONER.

VOL. CXXIV.]

PRETORIA, FRIDAY, 27TH OCTOBER, 1933.

[No. 1688.]

## HIGH COMMISSIONER'S NOTICE No. 155 of 1933.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to appoint John Walter Joyce, Esquire, to be an Acting Assistant Resident Magistrate with jurisdiction in the Francistown District of the Bechuanaland Protectorate, for the purpose of taking evidence from the Acting Resident Magistrate of the Francistown District, William Edward Mangan, Esquire, which evidence is required by the Resident Magistrate, Ngamiland District, to be taken on Commission in terms of section No. two hundred and five of the Bechuanaland Protectorate Criminal Procedure and Evidence Proclamation, 1933.

By Command of His Excellency  
the High Commissioner.

SHIRLEY EALES,  
Administrative Secretary.

High Commissioner's Office,  
Capetown, 12th October, 1933.

## HIGH COMMISSIONER'S NOTICE No. 156 of 1933.

It is hereby notified for general information that under the provisions of section three hundred and twenty-five (3) (a) of the Bechuanaland Protectorate Criminal Procedure and Evidence Proclamation, 1933 (No. 20 of 1933), His Excellency the High Commissioner has been pleased to make the sub-joined rule:—

1. There shall be at least two terms in the year for the trial of Criminal Cases by the Special Court of the Bechuanaland Protectorate the first commencing in May or June and the second in November or December on such days and at such place or places as the Resident Commissioner may fix by notice in the *Gazette* and in each case extending until the business of the said Court shall be completed; the said Special Court shall also sit at such other times as the Resident Commissioner may appoint by notice in the *Gazette*.

By Command of His Excellency  
the High Commissioner.

SHIRLEY EALES,  
Administrative Secretary.

High Commissioner's Office,  
Capetown, 21st October, 1933.

(Printed by the Government Printer, Pretoria.)

## HIGH COMMISSIONER'S NOTICE No. 157 of 1933.

The following Order of His Majesty the King in Council dated the 26th day of June, 1933, by which effect is given to a supplementary Convention concluded on the 20th of January, 1932, between His Majesty and the President of the Portuguese Republic, amending article 3 of the Extradition Treaty signed at Lisbon on the 17th October, 1892, is hereby published for general information.

By Command of His Excellency the  
High Commissioner.

SHIRLEY EALES,  
Administrative Secretary.

High Commissioner's Office,  
Capetown, 21st October, 1933.

*At the Court at Buckingham Palace,  
the 26th day of June, 1933.*

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

MR. DOUGLAS HACKING.

EARL OF DESART.

SIR DENNIS HERBERT.

LORD IRWIN.

Whereas by the Extradition Acts, 1870 to 1906, it was amongst other things enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, His Majesty may, by Order in Council, direct that the said Acts shall apply in the case of such foreign State; and that His Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the same to fugitive criminals who are in or suspected of being in the part of His Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions and qualifications as may be deemed expedient:

And whereas a Treaty was signed on the 17th day of October, 1892, and was subsequently ratified, between Her late Majesty Queen Victoria and His late Majesty the King of Portugal for the mutual extradition of fugitive criminals:

And whereas a further Convention was signed on the 20th January, 1932, between His Majesty and the President of the Portuguese Republic, which Convention is in the terms following:—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the Portuguese Republic,

Being desirous of amending Article 3 of the Treaty for the Extradition of Fugitive Criminals which was signed at Lisbon on the 17th October, 1892,

Have resolved to conclude a supplementary Convention for that purpose and to that end have appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, for Great Britain and Northern Ireland, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Commonwealth of Australia, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

Sua Majestade o Rei da Gran. Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da Índia, e o Presidente da República Portuguesa,

Animados do desejo de modificar o Artigo 3 do Tratado de Extradicação de criminosos foragidos da justiça assinado em Lisboa em 17 de Outubro de 1892,

Resolveram para esse efeito concluir uma convenção suplementar e com esse fim nomearam seus Plenipotenciários:

Sua Majestade o Rei da Gran. Bretanha, Irlanda e Dominios Britânicos de Além Mar, Imperador da Índia, pela Gran. Bretanha e Irlanda do Norte, Sua Excelência Sir Claud Russell, Embaixador Extraordinário e Plenipotenciário de Sua Majestade junto da República Portuguesa;

pelo Commonwealth da Austrália, Sua Excelência Sir Claud Russell, Embaixador Extraordinário e Plenipotenciário de Sua Majestade junto da República Portuguesa;

for the Dominion of New Zealand, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for the Union of South Africa, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

for India, his Excellency Sir Claud Russell, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic;

The President of the Portuguese Republic,

His Excellency Commander Fernando Augusto Branco, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:—

#### ARTICLE 1.

Article 3 of the Extradition Treaty of the 17th October, 1892, is hereby cancelled and the following provisions are substituted in lieu thereof:—

"The High Contracting Parties shall not in any case or under any pretext be compelled to surrender their own subjects or citizens, whether by birth or by naturalization, provided that the naturalization took place previous to the commission of the crime or offence giving rise to the application for extradition."

#### ARTICLE 2.

The present Convention shall be ratified and the ratifications shall be exchanged at Lisbon as soon as possible.

It shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at Lisbon, the 20th day of January, 1932.

For Great Britain and Northern Ireland:

CLAUD RUSSELL.

For the Commonwealth of Australia:

CLAUD RUSSELL.

For the Dominion of New Zealand:

CLAUD RUSSELL.

For the Union of South Africa:

CLAUD RUSSELL.

For India:

CLAUD RUSSELL.

For Portugal:

FERNANDO AUGUSTO BRANCO.

pelo Dominio da Nova Zelandia, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Magestade junto da Republica Portuguesa;

pela União Sul Africana, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Magestade junto da Republica Portuguesa;

pela India, Sua Excelencia Sir Claud Russell, Embaixador Extraordinario e Plenipotenciario de Sua Magestade junto da Republica Portuguesa;

O Presidente da Republica Portuguesa,

Sua Excelencia o Senhor Comandante Fernando Augusto Branco, Ministro dos Negócios Estrangeiros;

Os quais tendo trocado os respectivos Plenos Poderes, que acharam em boa e devida forma, convieram no seguinte:

#### ARTIGO 1.

Fica pelo presente Acôrdo revogado o Artigo 3 do Tratado de Extradicação de 17 de Outubro de 1892, o qual é substituído pelas seguintes disposições:

"As Altas Partes Contratantes não serão, em caso algum nem com qualquer fundamento obrigadas a fazer entrega dos seus proprios nacionais quer estes o sejam por nascimento quer por naturalização se esta fór anterior ao crime ou delicto que serve de fundamento ao pedido de extradição."

#### ARTIGO 2.

A presente Convenção será ratificada e a troca das ratificações realizar-se-há em Lisboa o mais brevemente possível.

A Convenção entrará em vigor dez dias depois da sua publicação feita de harmonia com as fórmulas prescritas pelas leis de cada uma das Altas Partes Contratantes, e terá a mesma validade e duração que o Tratado a que diz respeito.

Em testemunho do que os respectivos Plenipotenciarios assinaram a presente Convenção e lhe apuzeram os seus selos.

Feito em duplicado em Lisboa, em 20 de Janeiro de 1932.

Pela Gran Bretanha e Irlanda do Norte:

Pelo Commonwealth da Australia:

Pelo Dominio da Nova Zelandia:

Pela União Sul Africana:

Pela India:

Por Portugal:

Isle of Man), and all British Colonies, and also the following Dominions, to wit: the Commonwealth of Australia, New Zealand, the Union of South Africa, and Newfoundland; and India:

And whereas His Majesty has been advised by His Ministers in the aforementioned Dominions to take the necessary steps to cause the said recited Acts to be applied in the case of Portugal in respect of the aforementioned Dominions in accordance with the said Treaty as modified by the said Convention:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and in virtue of the authority committed to Him by the said recited Acts, doth order, and it is hereby ordered as follows:—

- (1) From and after the 10th day of July, 1933, the Extradition Acts, 1870-1906, shall apply in the case of Portugal, in respect of the above-mentioned parts of His Majesty's dominions, under and in accordance with the said Treaty of the 17th October, 1892, as modified by the Convention of the 20th January, 1932.
- (2) This Order may be cited as the "Portugal (Extradition) Order in Council, 1933".

Colin Smith.

(Printed by the Government Printer, Pretoria.)

### THE SPECIAL COURT OF THE BECHUANALAND PROTECTORATE.

It is hereby notified for general information that, in terms of sub-section (1) of section one of the Bechuanaland Protectorate Special Court Proclamation, 1912 (No. 40 of 1912), a Session of the Special Court will be held at Lobatsi at 10 in the forenoon of Monday, the 20th day of November, 1933, or so soon thereafter as the Court can assemble.

C. F. REY,  
Resident Commissioner.

Mafeking, 21st October, 1933.

### BECHUANALAND PROTECTORATE.

It is hereby notified for general information that under and by virtue of the powers conferred upon me by section fourteen, sub-section (3) of Proclamation No. 10 of 1929, I do declare the hereinafter described portion of the road from Hildavale Siding to Lobatsi to be a Motor Road, namely:—

On the farm Karoolaagte from the sign "Motor Cars Only" at a point 0.7 miles north of Hildavale Siding to the sign "Motor Cars Only" at a point 1.6 miles north of Hildavale Siding.

From the sign "Motor Cars Only" at a point 1.7 miles north of Hildavale Siding to the sign "Motor Cars Only" at a point 2.1 miles north of Hildavale Siding.

From the sign "Motor Cars Only" at a point 2.4 miles north of Hildavale Siding to the sign "Motor Cars Only" at a point 2.5 miles north of Hildavale Siding.

On the farm Odendaal's Rust from the sign "Motor Cars Only" at a point 2.9 miles north of Hildavale Siding to the sign "Motor Cars Only" at a point 3.4 miles north of Hildavale Siding.

This Notice to take effect from the 1st day of November, 1933.

C. F. REY,  
Resident Commissioner.

Office of the Resident Commissioner,  
Mafeking, Cape Province, 24th October, 1933.

(Printed by the Government Printer, Pretoria.)

In the Estate of the late HAROLD GREENWOOD HODGSON, of Mohales Hoek, Basutoland.

It is hereby notified that the Liquidation and Distribution Account in the above Estate will lie for inspection at the office of the Master of Court, Maseru, for a period of 14 days from the 27th October, 1933.

A. G. T. CHAPLIN,  
Maseru, Basutoland,  
23rd October, 1933.  
Executor Dative.

Insolvent Estate T. PETERSEN, trader, lately of Qachas Nek, Basutoland.

### NOTICE OF INTENTION TO APPLY FOR REHABILITATION.

Notice is hereby given that the undersigned intends to apply to the Court of His Honour the Resident Commissioner of Basutoland, at Maseru, at 10 a.m. on Monday, the 20th November, 1933, for Rehabilitation.

T. PETERSEN.  
24 Selkirk Street,  
Germiston, 20th October, 1933.

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SALE OF BUSINESS.

Notice is hereby given in terms of Section 34 of Proclamation No. 25 of 1929, that SOFALA TRADERS, LIMITED, carrying on business as merchants, livestock and produce dealers, at Sofala, in the Tuli Block, Bechuanaland Protectorate, has sold the buildings, stock and other assets of its said business to HENRY MORRIS PALPHRAMAND, who has taken over the same as from the 9th day of August, 1933.

Dated at Mafeking, this 16th day of October, 1933.

MINCHIN & KELLY,

Attorneys for the Parties.

P.O. Box 26, Mafeking.

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MBABANE POUND.

The undermentioned animal will be sold by public auction at 1 o'clock on Wednesday, the 8th November, 1933, in front of the Court-house, Mbabane, unless previously claimed:—

1 Dark brown stallion, aged approximately six years, stands about 13.2 hands.

A. P. PHELAN,

Poundmaster.

Mbabane, 20th October, 1933.