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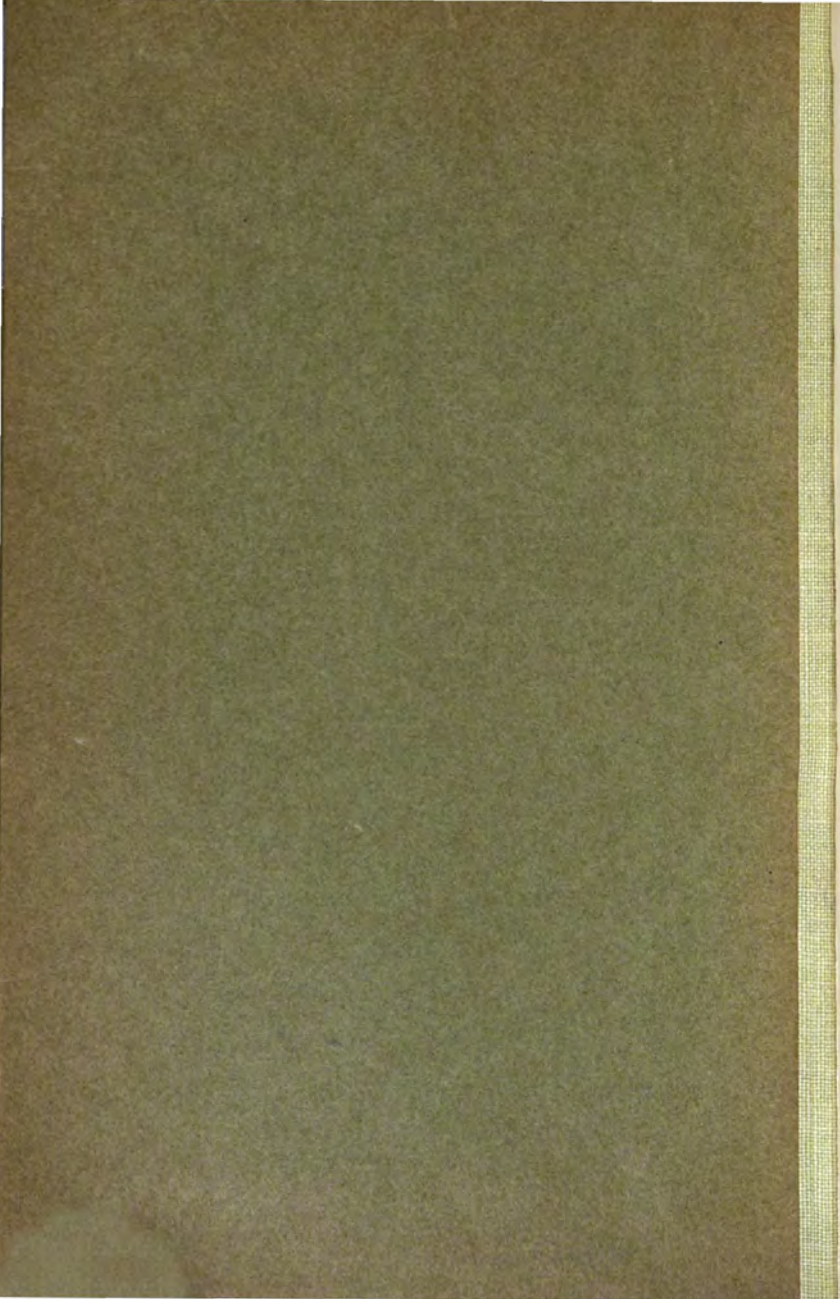


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British Bechuanaland
PROCLAMATIONS

(Numbers 1 to 185)

TOGETHER WITH

Appendixes containing certain Acts of the Cape
Parliament

AND

THE MORE IMPORTANT
GOVERNMENT NOTICES.

Edited by

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ASTOR, LENOX AND
TILDEN FOUNDATIONS

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PREFATORY REMARKS.

THE following is a collection, revised to date, of Proclamations issued by the Governor of British Bechuanaland in virtue of the powers conferred upon him by Commissions passed under the Royal Sign Manual and Signet dated respectively the 29th September, 1885, and the 1st July, 1891 (a). These Commissions empower the Governor for the time being, to make, by Proclamation, such laws as to him may appear necessary for the peace, order and good government of British Bechuanaland.

Proclamation No. 2 B.B., dated the 6th October, 1885, declares that the laws then in force in the Colony of the Cape of Good Hope shall, so far as applicable, be in force in British Bechuanaland, except when altered by Proclamation. A list in chronological order, showing the alterations made in such laws, is given at page xix.

When an Act is referred to in a Proclamation, to facilitate reference, a foot-note has been added, giving the page and volume of the Revised Edition of the Cape Statutes (b) in which the Act referred to will be found.

A list of the Acts of the Cape Parliament passed since the publication of Proclamation No. 2 B.B. above referred to, and which have been declared by Proclamation to be in force in British Bechuanaland will be

(a) Printed at page 504 *infra*.

(b) Published in 1887 by Richards & Sons, Capetown.

found at page xvi. The Acts themselves are printed in Appendix A, commencing at page 377.

A selection of Government Notices of permanent interest will be found printed in Appendix B, commencing at page 462. A list of these Notices will be found at page xxiv.

An index has also been added.

D.W.

Vryburg,
October, 1893.

BRITISH BECHUANALAND PROCLAMATIONS.

Proclamation.	Purport.	Pge.	Remarks.
1, 1885	Boundaries of B. Bechuanaland	1	Extended by Proc. 106
2, „	Laws and Regulations	2	§ 7 amended by Proc. 4 § 19 amended by Proc. 171 § 20, doubts respecting removed by Proc. 22, 78 § 22 amended by Proc. 166 § 23 extended to Special J.P.'s, Gordonia, Proc. 69, § 5 §§ 28-29, doubts respecting removed by Proc. 22, 78 § 29 amended by Proc. 9 § 34 rep. in part by Proc. 7 § 40 rep. by Proc. 79 § 46 amended by Proc. 166 § 51 rep. by Proc. 187 § 54 amended by Proc. 166 § 58 rep. by Proc. 58 § 60 rep. by Proc. 64 § 64 amended by Proc. 26 and 166 § 71, <i>vide</i> Proc. 172 Sched. B. amended by Proclamations 7 & 166
3, „	Resident Magistrates' Districts	—	Superseded by Proclamations 39, 50, and 60

Proclamation.	Purport.	Pge.	Remarks.
4, 1885	Laws and Regulations Amendment	26	
5, ,,	Prohibition of Military Service	—	Repealed by Proc. 10
6, 1886	Justices of the Peace ..	27	
7, ,,	Resident Magistrates' Courts (Fees).....	27	§§ 2 and 3 amended by Proc. 166
8, ,,	Cattle Removal Act, 1870.....	28	
9, ,,	Laws and Regulations Amendment	29	
10, ,,	Repealing Proclamation 5 B.B.	30	
11, ,,	Market, Vryburg.....	—	Superseded by Proc. 118
12, ,,	Prisoners, Safe Custody of	—	Rep. by Proc. 104
13, ,,	Sanitary Regulations, Vryburg	31	Superseded, see Proc. 25 and Government No- tice No. 44, 1893
14, ,,	Police Offences Act, 1882	35	
15, ,,	Hut Tax	—	Rep. by Proc. 32
16, ,,	Precious Stones and Minerals Act, 1883 ..	36	Rep. as regards Precious Minerals by Proc. 63
17, ,,	Marriages	36	
18, ,,	Postage Stamps, For- gery of	37	
19, ,,	Cape Acts, 1886, applied to B.B.	38	
20, ,,	Divisional Council, Vry- burg	39	§§ 7-10 spent
21, ,,	Game Law, Close Season Mafeking	—	Rep. by Proc. 145
22, ,,	Insolvency, Jurisdiction	44	Amended by Proc. 28
23, ,,	Resident Magistrates' Courts.....	45	
24, ,,	Boundaries of Farms, Surveys	—	Rep. by Proc. 67

Proclamation.	Purport.	Pge.	Remarks.
25, 1886	Village Management Board, Vryburg and Mafeking	46	§§ 1 and 2 amended by Proc. 86 § 3 amended by Proclamations 100, 154, and 166, see also Proclamations 37, 70, & 114 §§ 4 and 5 amended by Proc. 166
26, ,,	Stamp Duties and Fees	49	§ 1 rep. by Proc. 58 §§ 2 and 3 amended by Proc. 166
27, 1887	Amending Proclamation No. 20	—	Spent
28, ,,	Estates, Surrender of ..	50	
29, ,,	Divisional Council, Mafeking	51	§§ 7-10 spent
30, ,,	Divisional Council, Taungs	57	§ 1 rep. by Proc. 60 §§ 7-10 spent
31, ,,	Stock Thefts, Repression	59	See also Proc. 141
32, ,,	Hut Tax, Collection ..	62	Rep. in part by Proc. 70
33, ,,	Divisional Council Road	66	
34, ,,	Precious Stones, &c. ..	—	Rep. by Proclamations 43 and 63
35, ,,	Game Law, Close Season	—	Rep. by Proc. 145
36, ,,	Surveys	—	Rep. by Proc. 67
37, ,,	Villages Management Act, Amendment	67	Rep. by Proc. 187
38, ,,	Cattle Removal, Certificates to Natives	68	
39, ,,	Resident Magistrates' Courts, Districts	69	§ 3 rep. by Proc. 50 § 4 repealed by Proc. 189 §§ 5 and 6 rep. by Proc. 60
40, ,,	Market, Mafeking	72	Additional Regulation, Proc. 101
41, ,,	Villages Amendment Acts	—	Repealed by Proc. 86
42, ,,	Repealing Act No. 1, 1868	74	

Proclamation.	Purport.	Page.	Remarks.
43, 1887	Precious Stones, &c. . .	—	Rep. by Proc. 63
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45, 1888	Police Offences Act, 27, 1882, applied to Kuru- man	76	
46, ,,	Cattle Removal Act, 14, 1870, applied to Kuru- man	77	
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48, ,,	Pound Ordinance, 16, 1847, amended	78	Repealed by Proc. 187
49, ,,	Licensing Courts	—	Rep. by Proc. 58
50, ,,	Resident Magistrate, Mafeking, Jurisdiction	80	Rep. by Proc. 189
51, ,,	Witnesses, resident neighbouring States, Compulsory Attend- ance	81	<i>Vide</i> also Proc. 149
52, ,,	Quit Rents, payment of	82	
53, ,,	Correcting Error in Proc. No. 48	83	Rep. by Proc. 187
54, ,,	Marrriages, Legalising certain	83	
55, ,,	Supplying Liquor to Natives	—	Rep. by Proc. 61
56, ,,	Special Justice, Setlagoli	85	
57, ,,	Supplying Liquor to Natives	—	Rep. by Proc. 64
58, 1889	Liquor Licences, Ap- plications for	85	§ 9 spent
59, ,,	Warlike Articles, Pre- vention of Exportation	88	§§ 5-10 brought into operation by Gov. Notice of 20th March, 1889, <i>vide</i> p. 506
60, ,,	Resident Magistrates' Courts, Districts	92	
61, ,,	Resident Magistrates' Courts, Jurisdiction	97	See Proc. 123
62, ,,	Native Reserves, Tenure of	98	§ 14 amended by Proc. 163 B.B.

Proclamation.	Purport.	Pge.	Remarks.
63, 1889	Precious Minerals, Prospecting, Mining	107	§ 13 amended by Proc. 166 § 43 amended by Proc. 102 §§ 71-72 rep. by Proc. 102
64, "	Liquor, Supplying to Natives	142	§ 2 amended by Proclamations 113 and 164
65, "	Letters of Administration, Cape Colony	145	
66, "	Laws and Regulations, Amendment of	145	§ 1 Superseded by Proc. 79, § 1
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69, "	Gordonia, Administration of	157	§ 10 Rep. by Proc. 187
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77, "	Game, Close season in Gordonia	—	Repealed by Proc. 173
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80, "	Customs Union	—	Rep. by Proc. 93
81, "	B.S.A. Co.'s Police in B.B.	177	
82, "	Transfer Duty Consolidation Acts Amended	178	Amended by Proc. 92

Proclamation.	Purport.	Pge.	Remarks.
83, 1890	Lungsickness, Gordonia	—	Repealed by Proc. 115
84, ,,	Agents for Foreign Firms, Reduction of Licence	179	
85, ,,	Prisons, Management ..	—	Rep. by Proc. 104
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93, ,,	Customs Union	189	§ 23 repealed by Proc. 143 B.B. § 22 amended by Proc. 125 "Road 13" in Sched. C altered by Proc. 107
94, ,,	Customs Duty on existing Stock	—	Spent
95, ,,	Public Roads Width Act, 1884. Applied to Vryburg	203	
96, 1891	Contagious Diseases (Animals) Act	—	Rep. by Proc. 103
97, ,,	Census	—	Spent
98, ,,	Bank Note Duty	—	Spent
99, ,,	Contagious Diseases (Animals), Gordonia ..	203	Sched. rep. in part by Proc. 110
100, ,,	Village Management Board, Vryburg, increase of	205	§ 2 spent
101, ,,	Market, Mafeking, Additional Regulations ..	205	
102, ,,	Amending Proclamation 63	206	
103, ,,	Repealing Proclamation No. 96	208	

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104, 1891	Prison Regulations	209	Verbal amendments in Regulations 33 and 70, Gov. Notice 11-5-91 Additional Regulation, Proc. 170
105, ,,	Railway Regulation Acts applied to B.B.	240	Amended by Proc. 146 B.B., 1892
106, ,,	Extension of B. Bechuanaland	241	See Proclamations 120, 123
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Proclamation.	Purport.	Pge.	Remarks.
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181, "	Declaring the Sixth Day of July, 1893, a Public Holiday	—	Spent
182, "	Deeds Registry for the Protectorate	375	
183, "	Declaring certain Farms in the Division of Gordonias an infected area	—	Not printed
184, "	Burrweed Weed Extirpation	585	
185, "	Sale of Kafir Beer	586	
186, "	Repealing Proclamation 162 B.B.	—	Not printed

APPENDIX A.

Cape Statutes for the year 1886 and subsequent years which have been extended to British Bechuanaland by Proclamation.

Statutes.	Subject Matter.	Pge.	Remarks.
Act 12, 1886	Witnesses Attendance	377	Extended to B.B. by Proc. 19
" 13, "	Criminal Law	379	Extended to B.B. by Proc. 19 § 9 Rep. by Proc. 104
" 17, "	Appeal Court and Sheriff's Duties..	382	§§ 6, 7, 8, 9, 11, 12, 14 extended to B.B. by Proc. 19
" 30, "	Pounds	384	Extended to B.B. by Proc. 37, § 3, and repealed by Proc. 187
" 36, "	Game Law	385	Extended to B.B. by Proc. 19 § 2 amended by Proclamations 145 and 173 §§ 4, 5, 7 amended by Proc. 142 Rep. as to Rabbits by Proc. 135
" 3, 1887	Expropriation of Land	390	Extended to B.B. by Proc. 44
" 4, "	Explosives	391	Extended to B.B. by Proc. 44
" 11, "	Divisional Councils	424	Extended to B.B. by Proc. 44
" 12, "	Dog Tax	425	Extended to B.B. by Proc. 44
" 22, "	Insolvents and absent Heirs	426	Extended to B.B. by Proc. 44

Statutes.	Subject Matter.	Pge.	Remarks.
Act 24, 1887	Derelict Lands	428	Extended to B.B. by Proc. 44
" 32, "	Roads	428	Extended to B.B. by Proc. 44
" 36, "	Returning Officers	429	Extended to B.B. by Proc. 44
" 38, "	Stamps	430	Extended to B.B. by Proc. 44 §§ 14, 15, 16 Rep. by Proc. 88 Sched. II as regards Agents for Foreign Firms Rep. by Proc. 84 As regards Assurance Companies <i>vide</i> Proc. 88
" 40, "	Public Health	437	Extended to B.B. by Proc. 44
" 8, 1888	Administration, Foreign letters of	438	§§ 1, 3, 4, 5, 6 extended to B.B. by Proc. 65
" 16, 1889	Railways	441	Extended to B.B. by Proc. 105
" 20, "	Cattle Removal . .	442	Extended to B.B. by Proc. 117
" 21, "	Costs	444	Amended by Proc. 137 Extended to B.B. by Proc. 73
" 27, "	Vagrancy	445	Extended to B.B. by Proc 117 and amended by Proc. 140
" 29, "	Pounds	447	Extended to B.B. by Proc. 73 and repealed by Proc. 187
" 30, "	Masters & Servants	449	Extended to B.B. by Proc. 73
" 12, 1890	Brands Registratn.	451	Extended to B.B. by Proc. 117 and Gov. Notice No. 51, 1893 § 2 amended by Proc. 174
Act 25, 1891	Liquor	458	§§ 5, 16-21, 23-26, 28 extended to B.B. by Proc. 124 §§ 16, 17 amended by Proc. 127 § 26 amended by Proc. 166

NOTE.—All Laws in force in the Cape of Good Hope on the 6th of October, 1885, the date of Proclamation No. 2 B.B., were declared, so far as applicable, to be in force in the Territory of British Bechuanaland, save as especially modified by the "Laws and Regulations" appended to the above-mentioned Proclamation. The following is a List of the Cape of Good Hope Statutes, prior to 1886, which have been amended as regards British Bechuanaland:—

Statute.	Subject Matter.	Page of Cape Statutes.	Remarks.
Ord. 40, 1828	Criminal Procedure	403	§ 42 amended by Proc. 141
„ 72, 1830	Law of Evidence..	1004	§ 7 Rep. by Proc. 139
„ 82, „	Medical Practice ..	2347	§ 5 amended by Proc. 130
May 4, 1832	Charter of Justice	1	§§ 50, 51, 52 applied to Bechuanaland by Proc. 9
Ord. 105, 1833	Estates of Minors, etc.	980	§§ 28, 29, 35 amended by Proc. 133 § 32, <i>vide</i> Gov. Notice, 18th Feb., 1890, p. 524 § 37 Rep. by Act 22, 1887 § 132 rep. by Act 22, 1887
„ 6, 1843	Insolvent Estates..	877	Rep. by Proc. 104
„ 7, 1844	Convicts	1080	Rep. by Proc. 104
„ 10, „	Convicts	1084	Rep. by Proc. 104
„ 1, 1845	Convicts	1085	Rep. by Proc. 104
„ 6, „	Oaths and Declarations	2186	Rep. by Proc. 139
„ 14, 1846	Evidence, Law of	1013	§ 7 Rep. by Proc. 139
„ 16, 1847	Pounds and Trespasses	2305	Rep. by Proc. 187
„ 24, „	Public Gaols.....	1086	Rep. by Proc. 104
Act 15, 1856	Masters and Servants	1595	In force in B.B. by Proc. 121

Statute.	Subject Matter.	Pge.	Remarks.
Act 20, 1856	Resident Magistrates' Courts....	2439	§ 54, amended by Proc. 108
" 1, 1857	Pounds	2324	Rep. by Proc. 187
" 9, 1858	Roads	2532	§ 19 Rep. by Proc. 104
" 11, "	Weights and Measures	2786	Amended by Proc. 172
" 18, 1859	Forests and Herbage	1066	§ 8 Rep. and new Section substituted by Proc. 156
" 4, 1861	Law of Evidence..	1015	§ 10 Rep. by Proc. 139
" 19, "	Regulation of Railways	2398	Extended to B.B., except §§ 29 and 30, by Proc. 105, bye-laws repealed by Proc. 146 § 31 Rep. by Act 16 of 1889
" 3, 1864	Stamps and Licences	2624	§ 22, Tariff 6, rep. by Act 38, 1887 Sched. [Tariff] 17 Rep. as regards Joint Stock Banks by Proc. 75 §§ 5, 7, 9 of Tariff 17 Rep. by Act 38, 1887 Proviso to § 11 revived by Proc. 42 <i>Vide</i> also Proc. 88 as to Assurance Co.s
" 6, "	Bank Notes Duty..	113	Amended by Proc. 98
" 27, "	Burr Weed	2805	Amended by Proc. 184
" 4, 1865	Divisional Councils	684	Amended generally by Act 11, 1887 §§ 12, 13, 21, 57 Rep. as regards Vryburg by Proc. 20; Mafeking by Proc. 29; Taungs by Proc. 30
" 5, 1866-			
[1867	Convict Discipline	1092	Rep. by Proc. 104
" 21, 1867	Pounds	2325	Rep. by Proc. 187

Statute.	Subject Matter.	Pge.	Remarks.
Act 1, 1868	Use of Postage Stamps	2640	Rep. by Proc. 42
„ 1, 1869	Pounds and Trespasses	2326	Rep. by Proc. 187
„ 12, 1870	Wild Ostriches....	2192	Rep. by Proc. 134
„ 14, „	Cattle Removal ..	157	§ 2 amended by Proc. 38, and Act 20, 1889 §§ 5, 9 amended by Act 20, 1889 § 13 amended by Proc. 137
„ 11, 1871	Hawkers	2666	§ 1 amended by Proc. 165
„ 18, 1873	Masters and Servants	1614	§§ 2, 6, 9 amended by Act 30, 1889, §§ 2 and 3
„ 1, 1874	Guardians Fund ..	1002	§ 3 Rep. by Proc. 133
„ 7, 1875	Masters and Servants	1623	§ 1 amended by Act 30, 1889, § 3
„ 15, „	Wild Ostriches....	2195	Rep. by Proc. 134
„ 31, „	Pounds and Trespasses	2327	Rep. by Proc. 187
„ 1, 1876	Convict Stations and Gaols	1093	Rep. by Proc. 104
„ 10, „	Special Justices of the Peace	1308	§ 9 Rep. as to Gordonia by Proc. 69 §§ 3-11, <i>vide</i> Act 30, 1889
„ 15, „	Weights and Measures	2792	Amended by Proc. 172
„ 11, 1877	Roads	2580	§ 3 Repealed by Act 32, 1887
„ 13, „	Gunpowder and Firearms.....	1137	§§ 3 and 4, Amended by Proc. 59
„ 9, 1878	Cape Mounted Rifles	614	Part II. and Regulation under § 6 in force in B.B. & Protectorate by Proc. 2, Law 73, Proclamations 89 & 90
„ 3, 1879	Derelict Lands....	512	§§ 1, 2, Amended by Act 24, 1887

Statute.	Subject Matter.	Pge.	Remarks.
Act 23, 1879	Vagrancy	2763	Amended by Proc. 140 § 4 Amended by Act 27, 1889, §§ 2 and 3
" 37, "	Roads	2582	Not affected by Proc. 152
" 28, 1881	Titles' Registration	1364	§ 4 Amended by Act 24, 1987
" 29, "	Village Manage- ment Boards	2768	§§ 12, 13, (part of) 16, repealed, and §§ 7 and 10 amended, as regards Vryburg and Mafeking by Proc. 25, and §§ 7, 10, 19, amended as regards Upington by Proc. 69
" 27, 1882	Police Offences	2255	§ 7, sub-§ 1, amend- ed by Act 13, 1886, § 1. As to fines under Parts I. and II. <i>Vide</i> Proc. 171
" 28, "	Village Manage- ment Boards	2774	Extended to Vryburg and Mafeking by Proc. 25
" 4, 1883	Public Health	2357	§ 2 Amended by Act 40, 1887
" 5, "	Interpretation of Statutes	393	§ 3 Amended by Proc. 139
" 19, "	Precious Stones and Minerals	1662	Div. I. in force in B. Bechuanaland as re- gards Precious Stones only, Proc. 16, <i>Vide</i> also Proc. 63
" 28, "	Liquor Licences ..	1408	§ 3 Amended by Proc. 185 § 17 sub-§ 5 Rep. by Act 25, 1891, § 24 § 33 Amended by Proc. 58

Statute.	Subject Matter.	Pge.	Remarks.
Act 28, 1883	Liquor Licences ..	1408	§§ 42 (part of), 50, 51, Rep. by Act 25, 1891, § 5 § 73 sub-§ 6 Amended by Act 25, 1891, § 19 §§ 79 and 80 Rep. by Proc. 124 Sched. II. Amended by Proc. 58 and Act 38, 1887, Sched. I.
„ 5, 1884	Transfer Duty	2737	§ 9 amended by Proc. 52 § 15 Proviso added to and whole Act rep. so far as not consistent with Proc. 82 Not affected by Proc. 139
„ 7, „	Village Manage- ment Boards	2775	Extended to Vryburg and Mafeking by Proc. 25
„ 20, „	Stamps and Li- cences	2650	Tariff 15, Sched. II (ex- cept as to Hawkers) Tariff 16, Tariff 2 "Agree- ments," to be in force in B. Bechuanaland by Proc. 26 Tariff 15 amended by Act 38, 1887, Sched. I
„ 27, „	Width of Roads ..	2582	In force in the Division of Vryburg Proc. 95
„ 37, „	Native Locations..	2096	§ 15 amended by Proc. 32 § 26 Rep. by Proc. 32, <i>vide</i> also Proc. 70
„ 38, „	Insolvent Estates..	938	§ 15 Rep. by Proc. 78
„ 15, 1885	Dog Tax	760	§ 9 amended by Act 12, 1887
„ 41, „	Public Health	2377	Amended by Act 40, 1887

APPENDIX B.

LIST OF GOVERNMENT NOTICES.

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1890	Dec. 5 ..		Customs Regulations	485
1891	March 4..		Mafeking Township Regulations ..	557
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1891	July 28 ..		Cab and Market Regulations, Vry- burg	568
1891	August 13		Administrator's Commission	505
1891	August 14		Vryburg Township Regulations (superseded by Gov. Notice No. 44 of 1893) not printed.....	—
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Year.	Month, &c.	No.	Subject.	Pge.
1891	Nov. 30 ..		Insurance Companies—Return of Premiums	525
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1892	Aug. 30..	50	Mafeking Township Regulations ..	564
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1893	August ..	38	Customs Regulations (not printed)	—
1893	August 21	40	Governor's Commission	504
1893	August 30	44	Vryburg Township Regulations ..	574
1893	Sept.	51	Brands Registration	584

ERRATA AND CANCELLATIONS.

- Page 14—Cancel Section 51, *see* Proc. 187.
„ 31—Cancel Proc. 13 and Schedule thereto, *see*
Proc. 25, Sec. 5, and Government Notice
No. 44, 1893.
„ 41—Note alterations in boundary of District No.
5 made by Proc. 189, Section 5.
„ 54—Note alterations in boundaries of Districts
5 and 6 made by Proc. 189, Section 4.
„ 61—In the 6th line from the bottom of Section 5,
for “assistant” read “assessment.”
„ 67—Cancel Proc. 37, *see* Proc. 187.
„ 71—Cancel Section 4, *see* Proc. 189.
„ 78—Cancel Proc. 48, *see* Proc. 187.
„ 80—Cancel Proc. 50, *see* Proc. 189.
„ 83—Cancel Proc. 53, *see* Proc. 187.
„ 112—In the second line from the top, for “9”
read “10.”
„ 161—Cancel Section 10, *see* Proc. 187.
„ 267—Cancel Proc. 128, *see* Proc. 187.
„ 297—Cancel Proc. 147, *see* Proc. 187.
„ 339—Cancel Proc. 162, *see* Proc. 186.
„ 384—Cancel Act 30, 1886, *see* Proc. 187.
„ 385—In note (*v*) for “155” read “135,” and
in note (*w*) for “155” read “145.”
„ 447—Cancel Act 29, 1889, *see* Proc. 187.
„ 504—In last line of Government Notice, for
“107” read “106.”

PROCLAMATIONS.

No. 1. B.B., 1885.]

[Sep. 30, 1885.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS Her Majesty the Queen has established a British Protectorate over the Territory known as Bechunaland and the Kalahari, extending over the parts of South Africa situate West of the boundary of the South African Republic, North of the Colony of the Cape of Good Hope, East of the 20th Meridian of East Longitude, and South of the 22nd parallel of South Latitude, and not within the jurisdiction of any civilised power^(a); and whereas in the interests of peace, order and good government it has been found necessary that Her Majesty's Sovereignty should be proclaimed over such portion of the said Protectorate as is hereinafter defined; and whereas Her Majesty has been pleased to authorise me to take the necessary steps for giving effect to Her pleasure in the matter:—

Proc. 1

Now, therefore, I do hereby proclaim, declare and make known, that from and after the publication hereof that portion of the aforesaid Protectorate which is bounded on the East by the South African Republic, on the South by the Colony of the Cape of Good Hope, on the West^(b) by the Molopo River, and on the North by

(a) *Vide* Order in Council of 9th May, 1891.

(b) For extension of Western boundary see Proclamation 106 *infra*.

Proc. 1 the said Molopo River to its junction with the Ramathlabama Spruit, and thence by the said Spruit to the frontier of the South African Republic, shall be and shall be taken to be British Territory under the name of British Bechuanaland.

And I do further make known that the remainder of the aforesaid Territory not included within the Boundaries of British Bechuanaland, shall continue to be as at present under Her Majesty's Protection.

And I hereby require all Her Majesty's subjects in South Africa to take notice of this my Proclamation, and to guide themselves accordingly.

No. 2 B.B., 1885.]

[Oct. 6, 1885.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 2 **W**HEREAS by a Commission bearing date the 29th day of September, 1885, passed under the Royal Sign Manual and Signet, Her Majesty the Queen was pleased to nominate and appoint me the Governor and Commander-in-Chief of the Colony of the Cape of Good Hope to be Governor of the Territory of British Bechuanaland :

And whereas Her Majesty did also by the said Commission empower, require and enjoin me in Her name and on Her behalf to make by Proclamation such laws as may to me appear necessary for the peace, order and good government of the said Territory, and to appoint such officers and magistrates, and generally to take all such measures and to do all such matters as I may think expedient for the like peace, order and good government.

Now therefore I, the said Governor, do hereby proclaim and make known that the laws now in force in the Colony of the Cape of Good Hope shall, so far as

applicable, be the laws to be in force and to be observed within the aforesaid Territory of British Bechuanaland, save as hereinafter in this Proclamation is specially otherwise provided. Proc. 2

And whereas it appears to me to be expedient for the good government of the Territory aforesaid that certain laws and regulations other than those in force in the said Colony should be enacted and observed in such Territory :

Now therefore, by virtue of the powers conferred on me by the said Royal Commission, I do hereby proclaim, make known and promulgate the following laws and regulations as laws and regulations to be in force and to be observed in the aforesaid Territory of British Bechuanaland(c).

LAWS AND REGULATIONS FOR THE GOVERNMENT OF BRITISH BECHUANALAND.

Courts of Law, Procedure, Jurisdiction, &c.

1. A Court of Chief Magistrate is hereby declared to be erected, constituted and established for and within British Bechuanaland as a Court of Appeal to be holden by and before the Chief Magistrate alone, or by and before any person whom the Governor of British Bechuanaland may appoint to act as Chief Magistrate of the said Territory alone ; save that the trial of any person charged with a crime punishable by death shall be holden before a Court constituted as hereinafter in Section 16 provided.

2. Courts of Resident Magistrates shall be and the same are hereby declared to be erected, constituted and established for and within each of the following districts in the Territory of British Bechuanaland, that is to say, Vryburg, Taung's and Mafeking, and the said Courts shall be respectively holden by and before the Resident Magistrates for the districts aforesaid ; and it shall be lawful for the Governor of the said Territory by any proclamation to be by him, from time to time, issued for that purpose, to erect, constitute and establish, Courts of Resident Magistrates,(d) to be held for and within such other dis-

(c) Extended to the Territory annexed to British Bechuanaland by Proclamation 106, *vide* Proclamation 120.

(d) Kuruman District established, *vide* Proclamation 39. Gordonia District established, *vide* Proclamation 60.

Proc. 2 tricts respectively as the said Governor shall think fit to create, which Courts shall respectively be holden before such persons as shall respectively be appointed to be Resident Magistrates of such districts.

3. It shall also be lawful for the Governor of British Bechuanaland, by any proclamations to be by him from time to time issued for that purpose, as occasion may seem to him to require, to define, fix, alter, and appoint, the local limits of the territory which shall be comprehended and included in any of the aforesaid districts, whether those already created, or such as shall hereafter be created, and within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority; and whenever the said Governor shall deem it to be inexpedient or unnecessary that any of the said Courts shall continue to be holden for and within any of the districts aforesaid, then, and in every such case, it shall be lawful for the said Governor, by any proclamation to be by him issued for that purpose, to abolish such Court and the office of Resident Magistrate for such district, and also to annex any such district or any part thereof to any other district or districts; and every district or part thereof which shall be so annexed as aforesaid to any other district shall thereby become and be within and subject to the jurisdiction and authority of the Resident Magistrate of the district to which it shall be so annexed; and whenever any Court shall be erected under and by virtue of the power and authority in that behalf hereinbefore mentioned, and the district assigned for the exercise of the jurisdiction of such Court shall comprise territory which was, before then, either wholly or in part, within the jurisdiction of some other Court or Courts of Resident Magistrate, then and thereupon such territory shall wholly cease to be within, or subject to, the jurisdiction of such other Court or Courts(e).

4. Every person who shall hereafter be appointed the Resident Magistrate for any district, shall be so appointed by the Governor; and it shall be lawful for the said Governor to appoint in and for any district of British Bechuanaland one or more Assistant Resident Magistrates, who shall have and exercise all the rights, powers, jurisdiction and authority of a Resident Magistrate; and it shall likewise be lawful for the said Governor, when and so often as by reason of the death, sickness, absence, or other incapacity of any Resident Magistrate or Assistant Resident Magistrate, it shall appear to him to be necessary or expedient so to do, to appoint some fit and proper person to act as and in the stead of such Resident Magistrate or Assistant Resident Magistrate, as the case may be, within his district: and all deeds, acts, matters, and things which shall be done and performed by or before any person so ap-

(e) *Vide* Proclamations 39, 50, and 60.

pointed to act as aforesaid, and under and by virtue of such, his appointment shall be as legal, valid, and effectual to all intents and purposes as if the same had been done and performed by or before the Resident Magistrate, instead of whom or to assist whom such person may have been so appointed to act. Proc. 2

5. Every person who shall in manner aforesaid be appointed to be a Resident Magistrate or Assistant Resident Magistrate, or to act as or in the stead of any Resident or Assistant Resident Magistrate, shall, before exercising any of the functions of his office, take the oath of allegiance and the oath of office set forth in the schedule hereunto annexed, marked A, before the Chief Magistrate or any Justice of the Peace, who are hereby empowered and required to administer the same; and every such person shall, as soon as he shall have duly taken the oaths aforesaid, cause such oaths to be recorded, and shall subscribe the same in the Record Book of the proceedings of his Court or of the Court in which he shall so have been appointed to act, as the case may be.

6. The Courts of the Resident Magistrates aforesaid shall be respectively Courts of Record, and the pleadings and proceedings of the said Courts shall be carried on, and the sentences, decrees, judgments and orders thereof pronounced and declared in open Court, and not otherwise; and the several pleadings and proceedings of the said Court shall be in the English language; and in all criminal cases the witnesses for and against any accused person or persons shall deliver their evidence, *viva voce*, in the presence of the prisoner and in open Court.

7. The crime of Murder shall be punishable by Death, and all other acts which by the laws of the Colony of the Cape of Good Hope are held to be offences against the person or property, shall be held to be offences in the territory of British Bechuanaland, and shall be punishable by fine or by imprisonment, with or without spare diet, and with or without solitary confinement, or by whipping not exceeding thirty-six lashes, or by any two or more of such punishments combined, in accordance with the law of the said Colony, and all persons tried for any offence may be convicted of an attempt to commit the same, or of any minor or other offence in like manner as if the trial took place in the said Colony. (f)

8. Any person forcibly compelling any other person to submit against his or her will to circumcision, or so compelling any person, male or female, to submit to any other like act or ceremony, shall be held to be guilty of assault, and shall be subject to the like punishment as he or she would be for the offence of assault.

9. Any person aiding or procuring the circumcision of any youth or girl without the consent of his or her parent, or other

Proc. 2 person having the lawful custody of such youth or girl, shall be guilty of an assault, and shall be punishable as in the last preceding regulation mentioned.

10. Every person pretending to practice witchcraft, or doing acts commonly regarded as such, shall on conviction be deemed guilty of an offence punishable by fine, or imprisonment, with or without spare diet, and with or without solitary confinement, or whipping not exceeding thirty-six lashes, or by any two of such punishments.

11. Any person falsely accusing another of practising witchcraft, or other such acts, shall be guilty of an offence punishable as in the last preceding regulation provided.

12. Any person who shall commit any theft out of British Bechuanaland, and who shall bring the stolen property or any part thereof into the said territory, may be dealt with in like manner as if such theft had been committed in British Bechuanaland.

13. No female shall be sentenced to receive a whipping, or to hard labour in any public place.

14. The trial of every person charged with any offence shall be held by and before the Resident Magistrate of the district in which it was committed (except as hereinafter provided, and except as to cases falling within the 12th regulation, which may be tried in any district of British Bechuanaland); every trial shall be held with open doors; and the charge, the evidence given for and against such person, the finding, and the sentence shall be duly recorded by the Resident Magistrate by or before whom the case is heard, and a return of all cases so adjudicated upon shall be sent at the end of each month by the Resident Magistrate to the Chief Magistrate of British Bechuanaland.

15. When any crime or offence shall have been committed on the boundary of any two districts, or within the distance of two miles from any such boundary, or shall be begun in one district and completed in another, every such crime or offence may be dealt with, inquired of, tried, determined, and punished in either of the said districts in the same manner as if it had been actually and wholly committed therein.

16. The trial of every person charged with a crime punishable by death shall be held before a Court consisting of the Chief Magistrate and any two of the Resident Magistrates aforesaid, at such time and place as shall be appointed by the Chief Magistrate, who shall be the President of such Court, of which time and place due notice shall be given. If the Magistrates shall differ with respect to the guilt of the person accused, the judgment of the majority shall be the judgment of the Court: Provided always, that the Magistrate dissenting shall state his reasons in writing for the information of the Governor in every case in which the majority find the accused guilty.

17. No sentence of death shall be carried into effect, except Proc. 2 upon the warrant of the Governor, to whom all the proceedings in the case shall (as soon as may be) be forwarded, together with a report from the Chief Magistrate.

18. Persons sentenced to imprisonment with or without hard labour shall be confined in some gaol or lock-up in British Bechuanaland, or in such other place therein as the Governor shall see fit to direct.

19. In case of a sentence of fine the fine shall belong to Her Majesty(g), to be applied for the purposes of the Government: Provided, however, that it shall be lawful, though not compulsory, for the Resident Magistrate pronouncing any sentence of fine to adjudge that a portion of the fine shall be given to the party injured or aggrieved by the accused, and a portion to any person on whose information the accused has been brought to justice, or who has materially assisted in bringing the accused to justice.

20. The Resident Magistrates shall, saving the exclusive civil jurisdiction hereinafter in Section 31 reserved to native chiefs, have jurisdiction in all civil suits and proceedings over and against persons residing within their respective districts, and shall be bound, in respect of all such suits and proceedings tried or heard before them, to record the subject of the suit or proceeding, the evidence taken, and the judgment. All such suits and proceedings shall be dealt with according to the law in force in the Colony of the Cape of Good Hope, except where all the parties to the suit or proceeding are what are commonly called natives, in which case it may be dealt with according to native law as hereinafter provided; and in case of there being any conflict of law by reason of the parties being natives subject to different laws, the suit or proceeding shall be dealt with by the Resident Magistrate according to the laws applicable to the defendant. And the proceedings and rules of evidence whether oral, documentary, *de bene esse*, on interrogatories or otherwise, shall, as near as may be, and so far as circumstances will permit, be the same as those in the Courts of Resident Magistrates in the Cape Colony.(h)

21. The duties of Sheriff as to issue of process, writs, attachment, sale in execution, &c., shall be discharged by the Messengers of the respective Courts of Resident Magistrate in British Bechuanaland; but all summonses issued by a Resident Magistrate or Clerk of the Court, in any civil suit or proceeding, may be served by the plaintiff, and it shall be lawful for the Resident Magistrate to award reasonable costs for such service

(g) Fines incurred under Parts I and II of the "Police Offences Act, 1882," to be paid to Village Management Boards, *vide* Proclamation 171.

(h) *Vide* Proclamations 22 and 78.

Proc. 2 against the opposite party, if unsuccessful. If the plaintiff be unwilling to serve any summons, the same may be served by any person who may be appointed for the purpose by the Resident Magistrate issuing the same, and the person applying for the same shall, in such case, deposit the costs thereof with the Resident Magistrate, the question as to who is ultimately to bear such costs being left for the decision of the Resident Magistrate after the case is disposed of.

22. It shall be lawful for any person, being a party to any civil suit, action, or proceeding pending in the Court of any Resident Magistrate in British Bechuanaland to appeal against any final judgment, decree, or sentence of such Court, or against any rule or order made by such Court in any such civil suit, action, or proceeding, having the effect of a final or definitive sentence, to the Chief Magistrate of British Bechuanaland, and an absolution from the instance shall for such purpose be deemed a final judgment or sentence; Provided that if he intend to appeal, he shall, within fourteen days after the decision complained of, make known his intention to the Clerk of the said Court, who shall note his appeal with the date thereof in the proper column of the Record Book, and the party appealing, shall then deposit and lodge with the Clerk of the said Court the sum of £1 sterling as security for the costs of conducting the said appeal, and the said Clerk shall make a note of the said deposit in the last column of the Record Book, immediately after the note of the said appeal, and thereupon the said appeal shall be allowed, but not otherwise. The deposit aforesaid shall be forfeited to the Crown if the appeal shall be decided by the Chief Magistrate to be frivolous or vexatious, or if it shall be abandoned or not duly prosecuted; but if otherwise, it shall be returned to the appellant. And in any case where an appeal may have been duly noted, the Resident Magistrate shall direct either that the judgment, sentence, decree, rule or order appealed from shall be carried into execution, or that the execution thereof shall be suspended pending the said appeal, as to the said Resident Magistrate may appear most consistent with justice. And in case the Resident Magistrate shall direct any such judgment, decree, rule, order, or sentence to be carried into execution, the person in whose favour the same shall have been given, shall, before the execution thereof, enter into good and sufficient security to be approved of by the Resident Magistrate, for the due performance of such judgment or order as the Court of Appeal shall think fit to make thereupon; and in case the Resident Magistrate shall direct the execution of any such judgment, decree, rule, order or sentence, to be suspended pending such appeal, such Resident Magistrate shall and may, whenever it shall appear to him necessary and consistent with justice so to do, require the person against whom such judgment, decree, rule,

order or sentence shall have been given, before any order for Proc. 2 the suspension of any such execution is made, to enter into good and sufficient security, to be approved of by such Resident Magistrate, for the due performance of such judgment or order as the Court of Appeal shall think fit to make thereupon. And the Court of Appeal may reverse or alter the judgment of the Resident Magistrate, as justice shall require; and in case the record of the Resident Magistrate shall not appear to furnish sufficient evidence or information for the due determination of the case, may remit the said record to the Resident Magistrate, with instructions in regard to the taking or setting out of further evidence or information; or may order the parties, or either of them, to produce, at some convenient time, to the Court of Appeal, such further proof as may seem necessary or desirable; or such Court may take such other course as may lead to the just, speedy, and, as much as may be, inexpensive settlement of the case, making such order in regard to costs as justice shall require.(i)

23. When and as often as any Court of Resident Magistrate(j) shall sentence any person, upon conviction, to be imprisoned with or without hard labour for any period exceeding one month, or to pay any fine exceeding £5, or to receive any number of lashes or cuts, the Resident Magistrate pronouncing such sentence shall forward to the Chief Magistrate of British Bechuanaland for his consideration as soon as practicable, and not later than fourteen days next after the determination of the case, the record of the proceedings of the case, together with such remarks, if any, as he may desire to append; and in case the said proceedings shall appear to such Chief Magistrate to be in accordance with real and substantial justice, he shall endorse his certificate to that effect upon the said proceedings, and the said proceedings shall then be returned to the Resident Magistrate by whom the same shall have been transmitted; and any Resident Magistrate forwarding any such record shall inform the person convicted, of the day upon which such record shall be forwarded, and it shall be lawful for any person, duly acting for such convicted person to peruse, and if need be, take a copy of such record whilst in the possession of the Chief Magistrate, and it shall be lawful for such person, should he think fit, acting as aforesaid, to set down the case contained in such record for argument before the said Chief Magistrate. If upon considering the proceedings aforesaid, it shall appear to the Chief Magistrate that the same are not in accordance with real and substantial justice, or that doubt exists whether or not they be in such accordance, it shall be lawful for the said Chief Magistrate to alter or reverse the sentence of the Resident Magis-

(i) Printed as amended by Proclamation 166.

(j) As to Special Justices in Gordonia *vide* Proclamation 69, s. 5.

Proc. 2 trate, and to set aside or correct the said proceedings; and when it shall appear necessary or proper to do so, to remit such case to the said Resident Magistrate, with such instructions relative to the further proceedings to be had in such case as to the said Chief Magistrate shall seem calculated to promote the ends of real and substantial justice; but the said Chief Magistrate shall have no power to increase any sentence.

24. No suit or action claiming damages or other relief for acts alleged to have been committed during any military operations heretofore carried on in British Bechuanaland shall be cognisable, entertained, or tried by or before any Resident Magistrate.

25. The rules, orders, and regulations, respecting the manner and form of proceeding in civil and criminal cases before the Court of the Chief Magistrate in British Bechuanaland, shall, *mutatis mutandis*, and as far as the circumstances of the country will admit, be the same as those of the Court of Appeal of the Cape Colony.

26. The Courts hereby established or hereafter to be established in British Bechuanaland shall respectively exercise their jurisdiction in all cases of crimes and offences committed by any person in the said territory, or by any person domiciled therein, whether the same shall have been committed before or after the promulgation of these laws.

27. Any person domiciled in British Bechuanaland, and who shall commit any crime or offence in any place out of British Bechuanaland, may be dealt with in British Bechuanaland in like manner as if such crime or offence had been committed in British Bechuanaland.

28. All the powers of the Supreme Court, of the Appeal Court, and of the Court of Criminal Appeal of the Cape Colony, shall, in British Bechuanaland, be exercised by the Chief Magistrate of the said Territory: Provided, always, that no original civil action, suit or proceeding, shall be instituted before the Court of the Chief Magistrate of British Bechuanaland, and that, save as in Section 16 of these Regulations otherwise provided, it shall not be competent to institute or bring any criminal proceeding before the said Court of the Chief Magistrate in the first instance or otherwise than by way of appeal or review.(k)

29. The jurisdiction of Resident Magistrates in British Bechuanaland to hear and determine all civil cases whatsoever arising in their respective districts shall be subject to the right of appeal to the Chief Magistrate, and to the Queen in Council, saving always the original jurisdiction of Native Chiefs in civil cases between Natives of their respective tribes as hereinafter provided.(k) (l)

(k) *Vide* Proclamations 22 and 78.

(l) Printed as amended by Proclamation 9.

30. Resident Magistrates in British Bechuanaland shall have jurisdiction in all criminal cases save only in respect of crimes punishable by death as hereinbefore in Section 16 provided.

31. Native Chiefs in British Bechuanaland shall have original and exclusive jurisdiction in all civil cases between natives of their own tribes respectively; but in all civil cases between Europeans, or between a European and a Native, or between Natives of different tribes, the Resident Magistrate of the district shall alone have jurisdiction, subject always to the right of appeal as hereinafter provided; and provided always that such Resident Magistrate may, if he think proper, ascertain, but shall in no case be bound by, the opinion of any Chief or Headman as to any case wherein any Native shall be a party or shall be directly or indirectly interested.

32. Native Chiefs in British Bechuanaland shall have jurisdiction according to native laws in all criminal cases arising exclusively between natives of their respective tribes, other than cases of Rape, Murder, Culpable Homicide, Pretended Witchcraft and Theft from other tribes: Provided, always, that such Chiefs shall in no case be permitted to inflict any punishment involving death, mutilation or grievous bodily harm, and that the infliction or attempted infliction of any such punishment by any native Chief shall, in addition to any other legal consequences, entail deprivation of the criminal jurisdiction hereby conferred on such Chief; and provided, further, that in all criminal cases arising between natives of different tribes, the Resident Magistrate of the district wherein or within two miles of which the crime or offence is alleged to have been committed, or to have been begun or completed, as the case may be, shall alone have jurisdiction, subject to review and appeal as aforesaid.

33. It shall be lawful for any person, a party to any suit or proceeding whether civil or criminal, before any native Chief exercising jurisdiction under the provisions of Sections 31 and 32 of these Regulations, to appeal from the decision of such Chief in the first instance to a Court composed of the Resident Magistrate of the District and of such Chief, and, in the event of their disagreeing, the Chief Magistrate shall decide the matter in dispute: Provided that in all cases an appeal shall lie from the decision of any such Court as herein provided to the Chief Magistrate, who shall have full power and authority to review, correct, amend, alter or quash the proceedings of all Courts, Resident Magistrates, Officers and Native Chiefs in British Bechuanaland in all cases whatsoever.

34. The tariff of fees in the Schedule hereto, marked B, shall be the fees to be taken by the Officers of the Courts of the Chief Magistrate and of the Resident Magistrates respectively, in the said territory of British Bechuanaland, but the same

Proc. 2 may be from time to time altered by the Governor by Proclamation.(m)

Lands.

35. The right of allotting the land is vested in the Governor.

36. It shall be lawful for the Governor to establish a Land Commission, to consist of the Administrator of British Bechuanaland as President, two Commissioners and a Secretary; and such Land Commission shall

- (a) Mark off inalienable locations for native Chiefs and tribes in British Bechuanaland;
- (b) Adjudicate on all European land claims; and
- (c) Deal with waste Crown Lands in accordance with such instructions as may from time to time be issued to such Land Commission by the said Governor.

Legal Practitioners.

37. No person shall be enrolled or admitted to practice before the Land Commission or in any Court of Law in British Bechuanaland other than English and Irish Barristers-at-Law, Scottish Advocates and Writers to the Signet, Advocates of the Supreme Courts of the Cape Colony and Natal respectively, and Attorneys-at-Law duly admitted and enrolled and under no disability to practice in the United Kingdom of Great Britain and Ireland, or in the Cape Colony or Natal. Such persons shall only be admitted so as to practice on production of proof of identity and qualification to the satisfaction of such Land Commission or Court, on taking the oaths of allegiance and of office, and on payment of fees as in that behalf required by law in the Cape Colony.

38. The Chief Magistrate shall, in respect of all legal practitioners in British Bechuanaland, have powers similar to those possessed by the Supreme Court of the Cape Colony over practitioners and officers of the said Supreme Court.

39. In all native claims before the Land Commission and in all cases wherein natives shall be parties before any Court of Law in British Bechuanaland, such natives shall be at liberty to appear in open Court and plead their cause in person, but not by Counsel or Attorney, except with the leave of such Land Commission or Court first had and obtained; and such leave shall not be granted save in cases wherein the said Land Commission or Court shall be of opinion that there may arise questions of law requiring professional assistance, and in such cases the amount of remuneration to be allowed to such Counsel or Attorney shall be fixed by the said Land Commission or Court.

(m) *Vide* Proclamation 7.

40. [Repealed by Section 1 of Proclamation 79.]

Proc. 2

Marriages.

41. It shall not be lawful for any person to compel any woman to enter into a contract of marriage, or to marry against her wish.

42. Any marriage celebrated by any minister of the Christian religion, according to the rites of the same, or by any civil marriage officer, duly appointed by the Governor to solemnise marriage, or, if both parties are natives, according to ordinary native forms, provided such last-mentioned marriage shall be registered within three months from the date of such marriage in a book to be kept for that purpose by the Resident Magistrate of the district, shall be taken to be in all respects as valid and binding, and to have the same effect upon the parties to the same and their issue and property as a marriage contracted under the marriage laws of the Cape Colony.

43. No registration of a marriage solemnised by a minister of religion or a marriage officer, as aforesaid, other than that prescribed by the 21st section(n) of the Marriage Ordinance of the Cape Colony, of September, 1838, or the Marriage Act, 1860,(o) of the said Colony, shall be necessary; and all marriages registered as aforesaid shall be considered as legally registered.

44. Any person, married according to the native custom may register the first of the said marriages and no other, so long as the first registered wife is living, at the office of the Resident Magistrate for the district in which such marriage was celebrated, or in the office of the Resident Magistrate for the district in which the parties reside: Provided that such registration shall take place within three months after the celebration of such marriage.

45. A registration fee of two shillings and sixpence shall be payable for the purpose of Government for the registration of all marriages, whether celebrated according to the rites of the Christian religion, before a marriage officer, as aforesaid, or according to the custom of the natives.

Estates of Deceased Persons.

46. The estates of all persons dying testate or intestate in British Bechuanaland shall be administered in accordance with the provisions of Ordinance No. 104(p) of the Colony of the Cape of Good Hope, or any other law of the said Colony having reference to the disposition of the property of deceased persons, so far as the same shall be applicable to the circumstances of

(n) Printed at page 1564, vol. ii, of the Cape Statutes.

(o) Printed at page 1576, vol. ii, of the Cape Statutes.

(p) Printed at page 951, vol i, of the Cape Statutes.

Proc. 2 the said territory of British Bechuanaland, the words "Master of the Court of the Chief Magistrate of British Bechuanaland" being considered as inserted wherever the words "Master of the Supreme Court" appear in such Ordinance or law. (g)

Age of Majority.

47. All persons, male or female, when they shall attain, or who have attained, the full age of twenty-one years, shall be deemed to have attained the legal age of majority.

Passes.

48. Every Native resident of British Bechuanaland leaving the said territory shall be provided with a pass signed by a Resident Magistrate or by his order; and any such person leaving British Bechuanaland without such a pass shall, upon conviction, be liable to a fine not exceeding twenty shillings; and all natives entering British Bechuanaland must be reported to the Resident Magistrate of the District by the Superintendent or Headman of the village in which they are, within ten days after their arrival; the report must include the number and description of such persons, and an account of any property they may have brought with them. Any Headman of a village neglecting to comply with this regulation shall be liable, on conviction, to a fine not exceeding £5 sterling.

50. Every native domiciled in the Cape Colony or in any part of South Africa other than the Cape Colony, and who may desire to enter British Bechuanaland from or through the Cape Colony, shall be required to provide himself with a pass signed by some person authorised by the Government of the Cape Colony to sign passes.

Every native domiciled in the South African Republic or in any part of South Africa other than the said Republic, and who may desire to enter British Bechuanaland from or through the said Republic, shall be required to provide himself with a pass signed by a Landdrost or Field-cornet of the said Republic or by such other person or persons as may be authorised by the Government thereof to sign passes; and any such native entering British Bechuanaland from or through the Cape Colony or the South African Republic respectively without such pass shall upon conviction be liable to a fine not exceeding twenty shillings.

Pounds.

51. The Chief Magistrate is empowered to establish one or more pound or pounds in each district, and to appoint some fit and proper person to be poundmaster or keeper of every such pound; and it shall be competent for the Chief Magistrate

to dismiss any such poundmaster or keeper for misconduct. **Proc. 2**
 The regulations for the management of such pounds shall be similar to those established by law for the management of pounds in the Cape Colony, and shall be published for general information in the English, Dutch and native languages.

Trading Regulations.

52. No person shall be allowed to trade in British Bechuanaland unless he shall first have obtained a licence for that purpose from the Chief Magistrate, or from a Resident Magistrate of the said Territory.

53. Every such licence shall remain in force for the term stated therein, not exceeding in any case the term of twelve months from the date thereof.

54. Such licence may authorise the holder, either to move from place to place for the purpose of his trade, or to establish some fixed trading station at a place to be approved by the Chief Magistrate: Provided, always, that no travelling canteens shall be allowed in British Bechuanaland under pain of the penalties provided in Section 2 of Proclamation 64 B.B.(r)

55. The Chief Magistrate and any Magistrate shall be at liberty, if he shall consider it necessary so to do, to refuse to issue any such licence on the original application, or to refuse to issue a fresh licence on the expiration of any preceding licence.

56. In any case in which the renewal of the licence shall be refused as aforesaid, and in any case in which a licence shall be forfeited, as hereinafter provided, the holder of such previous or forfeited licence shall be permitted at any time within three months (unless the same shall have become liable to seizure) to remove the materials of any building which he may have erected at his trading station, together with any movable property belonging to him; and failing such removal within the time appointed, such materials and property may be removed and sold by order of the Resident Magistrate of the district, and the proceeds of such sale shall be applied as far as may be necessary, to the payment of all expenses incurred and the balance shall be paid to the owner of the same. No claim to compensation for loss incurred by such removal will be admitted. But such trader will be allowed to continue trading to the end of the three months, on paying in advance, at the beginning of each of these months, the sum of £1 sterling.

57. For the purpose hereof the term "trading" shall be taken to include exchange or barter.

58. [Repealed by Proclamation 58.]

59. Any person who shall sell, deal in or dispose of wine, spirituous liquor or beer other than Kafir beer, without a licence,

Proc. 2 or sell or offer or expose for sale any such liquors at any place where he is not authorised by his licence to sell the same, or who shall keep his licensed premises open for the sale of any such liquor, or sell or expose any such liquor for sale at any time when he is not authorised by his licence to sell, shall be liable to a penalty not exceeding the sum of twenty pounds sterling, and in default of payment to imprisonment for any period not exceeding six months, unless such penalty be sooner paid, and in the case of a second or subsequent conviction, shall be liable to a penalty not exceeding the sum of forty pounds sterling, and in default of payment to imprisonment for any period not exceeding twelve months, unless such fine be sooner paid. In case the offending party shall be the holder of any trading licence, he shall be liable, in addition, to the forfeiture of his licence at the discretion of the Chief Magistrate; and all wine, beer, or spirituous liquors that may be found in the possession of the person convicted shall be forfeited.

60. [Repealed by Proclamation 64.]

61. Any person trading without a licence, or after the expiration of the term for which it shall have been granted, or in violation of the conditions thereof, or after the same shall have been forfeited, shall be liable, on conviction, to a penalty not exceeding ten pounds sterling, and in default of payment to imprisonment with or without hard labour for any period not exceeding three months, unless such penalty be sooner paid.

62. It shall be lawful for any police officer, or other person authorised thereto by the Chief Magistrate or by a Resident Magistrate, at any time, to demand the production, by any person trading, of his licence, and any such person refusing or failing to produce the same, will be liable on conviction to a penalty not exceeding ten pounds.

63. Any trading station, or premises, or wagon, or other vehicle, used for the purposes of trade, shall at all times be liable to the examination of any person thereto authorised in writing by the Chief Magistrate, or by a Resident Magistrate; and the owner or person in charge of any such station, premises, wagon or vehicle, who shall obstruct such examination, shall be liable, on conviction, to a penalty not exceeding ten pounds, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months, unless such penalty be sooner paid.

64. The amount payable for a trading licence in any place not being a seat of Resident Magistracy shall be ten pounds for one year. All licences shall expire on the 31st December of each year. A licence taken out on or before 30th June in any year shall be paid for at the full rate of an annual licence, but if taken out after the 30th June, then only five pounds shall be

charged. All licences shall be paid for in full at the time of Proc. 2 issue.(s)

65. A hawker's or travelling trader's licence, without any vehicle or with only one vehicle, shall be paid for at the rate of one pound per month or fraction of a month. For every vehicle exceeding one an additional sum of one pound shall be paid.

66. No holder of a trading licence trading in a native location shall be allowed to keep at his trading station more than two hundred animals (horses, cattle, sheep, goats, and pigs included), whether they be his own property or that of some other person.

67. No transfer of any licence shall be valid unless the same be executed in the presence of the Chief Magistrate, a Resident Magistrate, or some person thereto authorised by such Chief Magistrate, or Resident Magistrate, nor unless the same be recorded by such Chief Magistrate, or other person, to whom the sum of two shillings and sixpence shall be paid for every such transfer.

68. No person shall deliver to any other person any gun or pistol, or any lock, stock, barrel, or other part of a gun or pistol, or any percussion caps, or any gunpowder, or cartridges, or any lead, without the written sanction of the Resident Magistrate of the district, and any person contravening this regulation shall be liable to imprisonment for any period not exceeding seven years, or to pay a fine not exceeding £500, and in default of payment to be imprisoned for any period not exceeding three years, unless such fine be sooner paid.

69. No gunpowder or cartridges, gun or pistol, or lock, stock, barrel, or any other part of any gun or pistol, and no percussion caps, shall be brought into British Bechuanaland without the permission in writing of the Resident Magistrate of the district first had and obtained, and if any person shall bring any of the said articles into British Bechuanaland without having previously obtained the permission in writing above mentioned, such article or articles shall be forfeited to Her Majesty the Queen, and such person shall for every such offence be liable to imprisonment for any period not exceeding two years, or to a fine not exceeding £100, and in default of payment of such fine to be imprisoned for any period not exceeding one year, unless such fine be sooner paid: Provided, always, that this section shall not apply to officers and men of Her Majesty's Naval and Military Forces, or to officers of the Civil Service, or to officers and men of any Police Force employed, or to be employed, in British Bechuanaland.

70. Any person applying for any such permission as aforesaid to such Resident Magistrate, shall do so in writing, which writing shall set forth the place to which it is intended to take

Proc. 2 the articles described in such application, and no such Resident Magistrate shall grant any such permission as aforesaid to any person to bring any of the articles aforesaid into British Bechuanaland until he shall have transmitted such written application, with his report thereon, to the Chief Magistrate, and shall have received the said Chief Magistrate's authority to grant the permission sought.

71. The standard weights and measures from time to time in use in the Colony of the Cape of Good Hope shall be the standard weights and measures to be used in British Bechuanaland.(t)

72. Any amount not exceeding one-half of all penalties recovered under these regulations, in case the Resident Magistrate shall so think fit, may be paid to the person on whose information the conviction shall have been obtained, and the balance shall be paid to Her Majesty.

Bechuanaland Border Police Force.

73. The regulations framed under Section VI.(u) of the Cape Mounted Riflemen Act, 1878, and part II. of the said Act, together with the schedule thereto, shall, *mutatis mutandis*, be in force, and be applicable to the Bechuanaland Border Police Force: Provided, always, that a Court of Resident Magistrate in British Bechuanaland shall possess all the powers and jurisdiction assigned to a superior Court of Law in the Cape Colony by Section IX. of the said Act, subject nevertheless to review by the Chief Magistrate.

Stamps, &c.

74. There shall be payable to Her Majesty, in British Bechuanaland, the same duties upon stamps and licences upon the transfer of immovable property, and upon sales by auction, as may, from time to time, be payable in the Colony of the Cape of Good Hope.

General.

75. In the interpretation of these regulations, unless there be something in the language, subject, or context thereof, repugnant to such interpretation, the term "Chief Magistrate," shall be taken to include "Acting Chief Magistrate," and the term "Resident Magistrate," shall be taken to include "Acting Resident Magistrate," "Assistant Resident Magistrate," and "Acting Assistant Resident Magistrate," and words of the singular number shall include the plural number, and words of the plural number shall include the singular number; and words of the masculine gender shall include females as well as males;

(t) *Vide* also Proclamation 172.

(u) Printed at page 615, Vol. i, of the Cape Statutes.

and the term "imprisonment" shall be taken to mean imprisonment with or without hard labour. Proc. 2

SCHEDULE A.

Form of the Oath of Allegiance.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs, and Successors, according to Law.(v)

Form of Oath of Office.

I, A.B., do promise and swear that I will faithfully and diligently execute, to the best of my abilities, the several duties of the office of Resident Magistrate. So help me God!

SCHEDULE B.(w)

TARIFF OF FEES TO BE TAKEN BY THE OFFICERS OF THE COURT OF THE CHIEF MAGISTRATE, AND OF THE RESIDENT MAGISTRATES.

A. By the Clerk.

1. For every summons twopence in the pound upon the amount of the demand, but the fee is in no case to exceed the sum of three shillings and fourpence.

2. For every hearing twopence in the pound upon the amount of the demand, but the fee is in no case to exceed three shillings and fourpence.

3. In all cases where a defendant shall either personally or by an attorney, confess judgment, or admit the claim of the plaintiff in Court, and in all cases by default where provisional judgment shall be given upon any liquid document, the fee for hearing under clause 2 to be reduced one-half.

4. For every warrant for the execution of a judgment of the Court, whether against movables, for civil imprisonment, or otherwise, threepence in the pound upon the amount for which such warrant, attachment, or execution issues.

5. In every case where the fee cannot be estimated by any rule in this tariff, it shall be estimated on fifteen pounds.

6. All fractions of a pound for the purpose of calculating fees under this Schedule shall be treated as an entire pound.

7. No increase of fees shall be made by reason of there being more than one plaintiff or defendant.

8. For signing every original summons for a witness, one shilling.

(v) Printed as amended by Proclamation 139, s. 4.

(w) Vide Proclamation 7.

Proc. 2 9. Noting an appeal, one shilling.

10. Copying and certifying proceedings in appeal, or any other record or document, sixpence per sheet containing one hundred words.

11. Taxation of costs, threepence in the pound on the amount of costs allowed.

12. In any case where the summons or other process shall be prepared by the clerk of the Court, and not by an attorney, the same fees and charges shall be payable to the clerk on behalf of Government as are provided to be allowed to attorneys for the preparation of such process.

B. By the Messenger.

1. Service of any summons within three miles of the Court-house, 2s. 6d.

2. Service of any summons beyond three miles of the Court-house, 4s. 6d.

a. Where the distance to be travelled going and returning is greater than one day's distance, then the fee of 4s. 6d. for service shall be payable for every day's, or fraction of a day's, distance necessarily travelled.

3. When the messenger repairs to the house of a defendant with warrant of execution, and then and there demands and receives payment of the judgment debt and costs, the same charges shall be made as for serving a summons at the same place.

4. Making and signing an inventory of movables attached, in execution, 1s., copy 6d.

5. Making out and signing notice of such attachment, 2s.

6. Taking security for the production of the movables attached, 1s.

7. Affixing notice of sale in execution, 6d.

8. When the defendant does not pay the judgment upon demand of messenger, but pays the same to the messenger before sale, then, for paying plaintiff, two per cent. Should the messenger before receiving payment as aforesaid have taken any of the steps hereinbefore mentioned under Nos. 4, 5, 6, and 7, then the percentage aforesaid will be payable in addition to the fees earned by the step or steps so taken.

9. Upon the amount of all sums realised by the sale in execution of defendant's movables, not exceeding the amount of the judgment debts and costs, 5 per cent.

a. Upon a return of *nulla bona* the charge shall be the same as if the warrant had been a summons.

10. For arresting any person and lodging him in prison in pursuance of any decree of civil imprisonment, 7s. 6d.

11. Executing any warrant for putting any party in possession of premises, 5s.

12. Executing any order for seizing and arresting movable Proc. 2 property in security for rent in arrear, when the same is not ultimately sold, 5s.

13. Making and signing inventory of such property and notice of seizure, same charges as above under 4 and 5.

14. Taking security for the production of movable property arrested, under such order as aforesaid, 1s.

15. Affixing notices of any sale of movable property attached in security for rent, and sold by consent, 6d.

a. When any movables arrested under any such order as is in the 27th section(x) of the Act No. 20 of 1856 mentioned, shall be afterwards sold, either in execution of a judgment for the rent in regard to which they were attached or under any order made by consent under the provisions of the 32nd section(y) of the said Act, the fee of five shillings for executing the order for arrest shall not be allowed.

b. When the place for executing any warrant or order mentioned, or referred to in the foregoing tariff, shall be more than six miles from the place of holding the Court of the Resident Magistrate, then the daily allowance to the messenger shall be the same as if such warrant or order were a summons of the said Court.

NOTE.—The above charges for service of any process include the return to be made thereupon to the Court, in respect to which return no additional charge is to be made.(z)

C. Horse-hire by Messenger.

1. As often as any summons, warrant, or order shall be served or executed at any place not farther than three miles from the Court-house, no horse-hire shall be allowed to the Messenger.

2. When the place to which the messenger repairs for any such purpose as aforesaid is three miles, but not more than six miles, from the place where the Court is held, then for horse-hire, 4s. 6d.

3. When the place to which the messenger repairs for any such purpose as aforesaid is more than six miles from the Court-house, then for horse-hire, 8s.

4. For the purpose of this tariff a day's journey shall be taken to be thirty-six miles, and as often as the place to which the messenger shall repair for any such purpose as aforesaid shall be at such a distance from the Court-house that more than thirty-six miles must be travelled in going and returning,

(x) Printed at page 2448, vol. ii, of the Cape Statutes.

(y) Printed at page 2449, vol. ii, of the Cape Statutes.

(z) Printed as amended by Proclamation 166.

Proc. 2 then the messenger shall be entitled for every day's journey, and for every fraction of a day's journey, to horse-hire at the rate of 8s. per day: Provided that in any case in which more horses than one shall be absolutely necessary for the purpose of serving or executing any process, 16s. per day may be allowed.

f. When two or more summonses for defendant or witnesses, whether at the instance of the same plaintiff or of different plaintiffs, shall have been, or in the judgment of the Resident Magistrate ought to have been, served by one and the same journey, the charge for horse-hire for performing the round of services shall be fairly and equitably apportioned amongst the several cases, regard being had to the distances at which the parties summoned respectively reside from the place of holding the Court; but the fee for service shall be payable for every service made, precisely as if there had been none other.

D. Plaintiff's Attorney.

Fees and charges according to the following scale or tariff shall (as often as the plaintiff shall be allowed costs) be due and payable by the defendant to the attorney of the plaintiff, that is to say:—

1. For demand made by letter before summons, in addition to necessary postage, 1s. 6d. Copy of demand, 1s. 6d.

a. Every demand of any debt or sum of money shall specify a day on or before which the defendant shall be at liberty to pay or satisfy the demand to the attorney.

b. Every such demand shall also inform the defendant that if the sum demanded shall be paid or satisfied on or before the day specified, together with the sum of 3s. for the said demand and copy thereof, and the necessary postage in addition, no further proceedings will be taken in the case.

c. Such demand may be made by letter sent through the post-office prepaid and properly directed; and the day to be specified as aforesaid in the demand shall be fixed upon the presumption that the demand will come to the hands of the defendant upon the third day after the day upon which, according to the course of post, the letter containing such demand will reach the post-office from which it is to be delivered.

d. No demand which shall not in substance conform to the three preceding rules or clauses shall be capable of being charged for against the defendant.

2. For every authority to sue filed in Court, 1s. This fee shall only be payable in case the authority shall after the day

specified in the demand and before any tender of payment of *Proc. 2* debts and costs made by the defendant, have been filed with the clerk of the Court.

3. For every original summons against any defendant prepared by the attorney, 2s. 6d. in liquid, and 3s. 6d. in illiquid cases.

4. For every copy of such summons made by the attorney for service, 1s. in liquid and 1s. 6d. in illiquid cases. The fee for the summons and the fee for the copy of the summons shall, respectively, include the allowance for the copy of any document which, by the 10th rule of the Courts of the Resident Magistrate, it shall be necessary to serve upon the defendant together with the summons; with this exception, however, that if any such document, not being a bill of exchange, promissory note, or "good-for," shall be of such length as reasonably to require that it shall be paid for, then the Resident Magistrate may, when or after giving judgment, allow for any such copy any sum not exceeding 6d. per folio of 72 words or fraction thereof.

5. As often as the defendant shall, after summons issued, and before the day of hearing, seek to settle the case by paying debt and costs, then there shall be included in the costs necessary to be paid or tendered as a fee for giving notice to the Clerk of the Court of the withdrawal of the case, 1s. 6d.

6. For every original summons requiring the attendance of witnesses, 1s.

7. For every copy for service of any such last-mentioned summons, 1s.

8. For conducting the case in Court at the hearing thereof:—

- a. No fee shall be allowed as against a defendant for conducting any case whatever, where the defendant shall have confessed judgment not later than on the day before the day appointed for the hearing of such case.
- b. When any defendant shall on the day of hearing confess judgment, or consent to judgment when called upon to plead to the summons, there shall be allowed in taxation as against such defendant the sum of 5s.
- c. In uncontested cases, in which judgment is claimed, upon a liquid document the sum of three shillings and sixpence, and in illiquid cases, 7s. 6d.
- d. In all contested cases, whether the claim be liquid or illiquid, without reference to the amount in question, the sum of ten shillings and sixpence (10s. 6d.)
- e. If the plaintiff's claim be both liquid and illiquid, the attorney shall be entitled to the fee fixed for illiquid cases.
- f. If the defendant pleads compensation, or makes counter-claim, the attorney shall be entitled to the fee fixed for contested cases.

Proc. 2

- g.* When on the day appointed for the hearing, the case shall by consent of both parties, or by the direction of the Resident Magistrate, be postponed until some future day, without being heard in part, no fee shall be allowed in respect of the appearance of the attorney in Court.
- h.* When the case shall be postponed, without being heard in part at the instance of the defendant, without the consent of the plaintiff, the Resident Magistrate shall, unless cause to the contrary shall be shown by the defendant, allow the attorney as a fee for his attendance one-half of the fee allowed in contested cases.
- i.* Rules or clauses *g* and *h* shall also apply to second or subsequent postponements; but for every day or part of a day on which such contested case shall be actually heard the attorney shall be entitled to a fee of 10s. 6d.

9. In regard to judgments merely provisional in their nature, as in the 28th rule of the Courts of Resident Magistrates mentioned, then, for every bond given for security *de restituendo*, 1s. 6d.

10. For every warrant of execution against movables, and every *alias* of such warrant, 1s. 6d.

11. For every summons for civil imprisonment of the defendant, 2s.

12. Copy of such summons for service, 1s.

The fees aforesaid having reference to a decree of civil imprisonment, shall not be claimable or recoverable from the defendant against whom such decree shall have been granted, and a warrant for the execution thereof shall be issued, except in the particular case contemplated and provided for by the 22nd section^(a) of the Act No. 20, 1856, that it is to say, the case in which the non-payment by the defendant of the debt and costs due by him is vexatious; and in this particular case, but in none other, the Resident Magistrate may allow to the attorney, as against the defendant, a fee of 7s. 6d. for conducting in Court the claim for such decree, should it appear to such Resident Magistrate just and fitting so to do.

13. For making out and attending the taxation of any bill of costs, 1s. 6d.

14. For the transmission of any warrant or execution against the movable property of the defendant to any district other than that in which the judgment was given, in addition to necessary postage, 2s.

(a) Printed at page 2446, vol. ii, of the Cape Statutes.

E. Defendant's Attorney.

Proc. 2

Fees and charges according to the following scale or tariff shall, as often as the defendant shall be allowed his costs, be due and payable by the plaintiff to the attorney of the defendant.

1. For every authority to defend filed in Court, 1s.
2. For every original summons requiring the attendance of witnesses, 1s.
3. For every copy for service of any such last-mentioned summons, 1s.
4. For conducting the cases in Court at the hearing thereof, 10s. 6d.
 - a. The rules or clauses *g* to *i* appended to section 8, of the fees of the plaintiff's attorney shall apply to the fees of the defendant's attorney in like manner as there set forth in regard to the plaintiff's attorney. (b)
 - b. The fee aforesaid for conducting the case in the Court shall include the framing by the attorney of all the pleas pleaded and counter-claims made for and on behalf of the defendant.
5. For making out and attending the taxation of any bill of costs, 1s. 6d.
6. For every warrant of execution against the plaintiff for costs adjudged to the defendant, and for every *alias* warrant for such costs, 1s. 6d.

Should it become necessary to sue for a decree of civil imprisonment for the recovery of such costs, then the attorney of the original defendant shall be in the same condition in regard to his costs as if he were the attorney of a plaintiff seeking a decree of civil imprisonment against a defendant for a like sum.

F. Miscellaneous Fees and Charges of Attorneys.

1. For framing interrogatories under section 52(c) of Act No. 20 of 1856, 3s. 9d.
2. For framing cross interrogatories, 3s. 9d.
 - a. The last preceding charges shall be payable indifferently to the attorneys for either party.
 - b. No fee or charge shall be payable to the attorney of the other party for perusing or otherwise assisting to settle the interrogatories, whether direct or cross, framed by the attorney of the party who proposes to transmit the same.
3. For drawing every affidavit for rent in arrear for the purpose mentioned in the 26th(d) section of the Act No. 20, 1856, 2s. 6d.

(b) Printed as amended by Proclamation 166.

(c) Printed at page 2458, vol. ii, of the Cape Statutes.

(d) Printed at page 2447, vol. ii, of the Cape Statutes.

Proc. 2 4. For drawing every security bond entered into under the said section, 2s.

5. For drawing every Resident Magistrate's order for attachment of property granted under the said section, 2s.

6. For drawing every Resident Magistrate's order for sale by consent of the defendant's movables, under section 32(e) of the Act No. 20, 1856, 2s.

a. In case any person whose movables shall have been attached for rent in arrear shall consent to an immediate sale thereof, as is in the 32nd section of Act No. 20, 1856, provided, the attorney of the party who shall have applied for such attachment shall not, as against the person so consenting, be entitled to any fee or charge for or in reference to such consent, or any subsequent proceedings, other than the foregoing.

7. For every notice to produce any document in possession of the opposite party, and copy of such notice, including service, 2s. 6d.

No. 4 B.B., 1885.]

[Oct. 7, 1885.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. **W**HEREAS an omission has occurred in the Seventh Section of the Laws and Regulations for the Government of British Bechuanaland, appended to my Proclamation No. 2, B.B., of the 6th of October, 1885, and whereas it is expedient to amend the said seventh section accordingly :

Now, therefore, I do hereby proclaim, make known, and promulgate the following amended section which shall be, and shall be taken to be, the Seventh Section of the said Laws and Regulations for the Government of British Bechuanaland.

7. The crime of Murder shall be punishable by Death, and all other acts which by the laws of the Colony of the Cape of Good Hope are held to be offences in the territory of British Bechuanaland, and shall be

punishable by fine or by imprisonment, with or without Proc. 4 spare diet, and with or without solitary confinement, or by whipping not exceeding thirty-six lashes, or by any two or more of such punishments combined, in accordance with the law of the said Colony, and all persons tried for any offence may be convicted of an attempt to commit the same, or of any minor or other offence in like manner as if the trial took place in the said Colony.

No. 6 B.B., 1886.]

[Feb. 2, 1886.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient that the Administrator Proc. 6 of British Bechuanaland should have the power of appointing Justices of the Peace within that Territory: Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known that it shall be lawful for the Administrator of British Bechuanaland from time to time, as occasion may require, to appoint Justices of the Peace for the Territory of British Bechuanaland and the Districts thereof.

No. 7 B.B. 1886.]

[March 4, 1886.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is provided by Section 34 of the Proc. 7 Laws and Regulations for the Government of British Bechuanaland that the fees to be taken by the officers of the Courts of the Chief Magistrate and of the Resident Magistrates as set forth in the Schedule thereto marked B, may from time to time be altered by the Governor by Proclamation: And whereas it is expedient to alter such fees in civil cases wherein the cause of action exceeds fifty pounds sterling in illiquid, and one hundred pounds sterling in liquid cases, respectively:

Proc. 7 Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows:—

1. So much of Section 34 of the Laws and Regulations for the Government of British Bechuanaland and of Schedule B thereto, as is repugnant to the provisions of this Proclamation, shall be, and the same is hereby, repealed.

2. In taxation of costs in Courts of Resident Magistrate, and on appeal to the Court of the Chief Magistrate of British Bechuanaland, in all illiquid cases wherein the cause of action does not exceed Fifty Pounds sterling, and in all liquid cases wherein the cause of action does not exceed One Hundred Pounds sterling, the Court Fees and the other Fees to be allowed on taxation shall continue to be according to the tariff contained in Schedule B to the Laws and Regulations for the Government of British Bechuanaland.

3. In all illiquid cases wherein the cause of action exceeds Fifty Pounds sterling, and in all liquid cases wherein the cause of action exceeds One Hundred Pounds sterling, the Court Fees and other Fees and charges, and also the Fees to be allowed on taxation in Courts of Resident Magistrate, and on appeal to the Court of the Chief Magistrate of British Bechuanaland, shall be the same in amount as those allowed in the Superior Courts of the Colony of the Cape of Good Hope. (f)

No. 8 B.B., 1886.]

[March 4, 1886/

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 8 UNDER and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known

(f) Printed as amended by Proclamation 166.

that the "Cattle Removal Act, 1870," (g) of the Colony Proc. 8
of the Cape of Good Hope, shall, from and after this
date, be in force in the Districts of Vryburg, Taungs,
and Mafeking, in the Territory of British Bechuana-
land. (h)

No. 9 B.B., 1886.]

[March 4, 1886.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to repeal so much of Proc. 9
Section 29 of the Laws and Regulations for
the Government of British Bechuanaland as renders
the right to appeal to the Queen in Council, subject to
the permission of the Chief Magistrate of the said Terri-
tory, and to make other provisions for such appeals :

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

1. The words "by his permission" in Sec. 29 of
Proclamation No. 2 B.B., 1885, containing the Laws
and Regulations for the Government of British Bechu-
analand shall be, and the same are hereby, expunged
from the said Section.

2. Appeals to Her Majesty the Queen in Council
shall be allowed from the Court of the Chief Magistrate
of British Bechuanaland in all cases in which appeals
are allowed from the Supreme Court of the Colony of
the Cape of Good Hope, and the provisions of the 50th,
51st and 52nd Sections of the Royal Charter(i) for the
better and more effectual administration of justice with-
in the Colony of the Cape of Good Hope, shall be
deemed and taken to apply, *mutatis mutandis*, to all

(g) Printed at Page 157, Vol. i. of the Cape Statutes.

(h) Put in force in Kuruman and Gordonia Districts by
Proclamations 46 and 69, S. 14 respectively.

(i) Printed at Page 12, Vol. i. of the Cape Statutes.

Proc. 9 appeals from the Court of the Chief Magistrate of British Bechuanaland, precisely as if such appeals were from the Supreme Court of the Colony of the Cape of Good Hope.

No. 10 B.B., 1886.]

[March 4, 1886.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 10 **W**HEREAS it is expedient to give more extensive powers to the Administrator of British Bechuanaland for the purpose of preserving the peace therein and throughout the British Protectorate or native territories in the neighbourhood thereof: and whereas it is expedient for that purpose to repeal Proclamation No. 5 B. B., 1885, and to make other provisions in lieu thereof:

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

1. Proclamation No. 5 B.B., 1885, is hereby repealed, except as to offences heretofore committed against, and proceedings commenced or pending, and convictions obtained and sentences passed under such Proclamation, all which shall be treated as if such Proclamation still remained in force.

2. It shall be lawful for the Administrator of British Bechuanaland to grant his Warrant for the apprehension of any person in the said territory, upon information that there are reasonable grounds of suspicion that such person intends to leave, or is endeavouring to induce or assisting others to leave, the said territory, for the purpose of taking Military Service with, or giving Military aid to, any Native Chief beyond the Borders of the said territory, or of stirring up strife between Native Chiefs, either within or beyond the British Protectorate, or of doing, or attempting to do, any act whereby the

peace of any neighbouring State or Territory may be Proc. 1 disturbed.

3. Every Warrant so issued shall be to apprehend the party described in it, and to bring him before the said Administrator, who may thereupon require such person to find security, to the satisfaction of the said Administrator, that he will not do any of the acts in the preceding paragraph specified.

4. If such person shall fail to give the necessary security, it shall be lawful for the Administrator to grant his Warrant for the detention of such person in custody until he shall give security, or, in default thereof, for such term, not exceeding six months, as the said Administrator may deem it expedient to the peace of the neighbouring Territories that such person should be so detained.

5. And any person who, after having been released on such security, shall, during the term of his recognisances, do any of the acts in Paragraph 2 specified, shall, upon conviction, be liable to imprisonment, with or without hard labour, for any period not exceeding twelve months.

No. 13 B.B., 1886.]

[June 1, 1886.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY D'OYLEY TORRENS, &c., &c.

WHEREAS it is expedient to make Sanitary Re-Proc. 13gulations for the Township of Vryburg, in the Territory of British Bechuanaland, and to enforce the same by penalties :

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known that the regulations contained in the Schedule hereunto annexed, shall be the Sanitary Regulations for the Township of Vryburg.

Schedule of Sanitary Arrangements.

1. For the purpose of enforcing and giving effect to the regulations hereafter set forth, the Board of Management may appoint such officer and assistant officers, and at such a salary as the said Board may think advisable; such officer to be styled the Sanitary Inspector, and to hold office during pleasure.(j)

2. Every householder shall provide proper pails, to be approved of by the Sanitary Inspector, and a sufficient supply of dry earth for use in any privy or latrine upon his premises, and he shall not be permitted to dig or use cesspools as heretofore; such pails shall be periodically removed, emptied, and replaced at the expense of the householder by some person licensed or approved by the Board of Management. Any person contravening this regulation shall be liable to a penalty not exceeding Five Pounds (£5).(j)

3. Any person allowing any cesspool to be open upon his premises shall be liable to a penalty not exceeding ten pounds, and upon receipt of a notice signed by the Sanitary Inspector requiring him forthwith, or within a reasonable time, to cover up or fill in the same, such person shall be liable to a penalty of one pound for every day in which he shall make default, and the Sanitary Inspector may, if it shall appear expedient, fill in and close up the said cesspool, and the expenses incurred in performing such work may be recovered from the person in occupation of the premises, in any competent Court.

4. All night soil shall be deposited in proper pits, to be approved of by the Sanitary Inspector for such purpose; and such pit or trench shall be dug in such places, and in such a manner as the Sanitary Inspector shall direct.(k)

5. All latrines shall be subject to inspection at any time by the Sanitary Inspector and his authorised assistant; and such means shall be adopted for cleansing and deodorising them as shall from time to time be by him or them directed; should the owner fail to comply with such directions, the Sanitary Inspector is hereby empowered to direct such means to be used, and the owner shall be liable for the costs incurred, and, in addition, to a penalty not exceeding £5.

6. Any occupier or owner of any building, domicile, or tent, shall be liable for the removal of any refuse deposited upon his premises or ground, and should he neglect to remove the same within twenty-four hours after being served with a written order to do so, signed by the Sanitary Inspector, shall be liable to a penalty not exceeding £5.

(j) Printed as amended by Proclamation 166 and Government Notice of 14th August, 1891, *Vide* Appendix B, "Village Management Board Notices."

(k) Printed as amended by Government Notice of 14th August, 1891, *Vide* Appendix B, "Village Management Board Notices."

7. No interment of bodies, whether of white or coloured Proc. 13 persons, shall be permitted except within the limits of a duly authorised graveyard, under a penalty not exceeding £10 for each offence, and all deaths must be reported by the owner or occupier of the house or other place in which such death may occur, to the Resident Magistrate, who thereupon may grant the necessary authority for interment, *on being satisfied of the cause of death*, verified, if possible, by the certificate of a duly qualified medical practitioner, and any keeper of a graveyard who shall permit any interment to take place without the production of such authority shall, on conviction thereof, be liable to a penalty not exceeding £5 for such offence.

8. In case of the death of any animal, the owner shall cause the remains thereof to be buried in such place as shall be directed by the Sanitary Inspector, within twelve hours after death, and should the owner neglect or refuse to bury it as aforesaid, he shall be liable to a penalty not exceeding £10, in addition to expenses incurred in removing and burying such carcase by the Inspector or his assistant.

9. It shall be lawful for the Sanitary Inspector to forbid the kraaling of cattle, sheep, pigs, or other animals in any portion of the town, where he may consider such kraaling detrimental to the health and convenience of the public.

10. No person or persons shall be allowed to slaughter animals intended for sale, within the limits of the township, except on such places as may be pointed out by the Sanitary Inspector, under a penalty of £10 for each offence.

11. Every pig found straying in any public street or thoroughfare to which these rules apply, may be impounded by any person finding the same, and the owner of such pig shall be liable to a penalty of £1 for every pig straying as aforesaid.

12. No hides or skins having an offensive smell, and being a nuisance, shall be exposed to dry in any place within the limits of the town of Vryburg, and any person exposing the same shall be liable to a fine of £1.

13. The Sanitary Inspector, or other person appointed by the Board of Management for the purpose, may at all times inspect all meat and vegetables exposed for sale in the township of Vryburg, and if in his opinion such meat or vegetables are unfit for human food, he shall, after reporting to, and obtaining the authority of, the medical officer as hereafter provided, seize the same and summon the person so exposing such meat or vegetables, before the Resident Magistrate, and on conviction such person shall be liable to a penalty not exceeding £5.(1)

(1) Printed as amended by Proclamation 166 and Government Notice of 14th August, 1891, *Vide* Appendix B, "Village Management Board Notices."

Proc. 13 14. For the purpose of carrying out the provisions of the last preceding regulation, the Board of Management may appoint such duly qualified medical officer, and on such terms as the said Board may think fit, to examine meat and vegetables when requested to do so by the Sanitary Inspector, and to give the authority provided for in the last preceding Section, when after examination he is satisfied that the meat or vegetables exposed for sale are unfit for human food.(1)

15. The Sanitary Inspector or his authorised assistant may, at all convenient times, enter in upon any premises or land for the purpose of ascertaining whether any nuisance may exist on such premises or land, and for giving directions and taking steps to abate and remove any such nuisance.

16. No lime or bricks shall be burned, nor shall any lime kiln or brick kiln, pottery or furnace for manufacturing purposes, nor any soap or tallow-boiling manufactories be erected, nor any charcoal works or hide-curing establishment, nor any trade or calling producing noisome or offensive smells, be permitted in any part of the township of Vryburg, except by permission of the Chairman of the Board obtained in writing, and the Chairman of the Board shall consider it his duty not to permit any such kilns, potteries, or furnaces to be erected, or lime or bricks burned, except in such situation, or under such conditions, as will prevent the said kilns, potteries, and brick-burning from becoming nuisances.(1)

Offenders against this regulation shall be liable to a penalty of not more than ten pounds, and if the offence be not discontinued after the recovery of such penalty as may be imposed, the additional penalty of ten pounds may be inflicted for every week or portion of such such week during which the said offence is continued, in addition to such steps as the Resident Magistrate may think fit to take, to cause the abatement and discontinuance of any nuisances so caused.

17. No person shall keep swine or any other animals so as to be a nuisance to any adjoining occupier, nor horses, swine, or other animals anywhere within the town so as to be a nuisance, under a penalty not exceeding ten pounds.

18. Any person who shall disregard any directions lawfully given by the Sanitary Inspector, or any of his duly authorised assistants, may be summoned before the Resident Magistrate of the District, and on conviction shall be liable to a penalty not exceeding £5.

19. All fines and penalties in the foregoing to be enforced by summary process before the Resident Magistrate, at the instance of the Sanitary Inspector, without power from the

(1) Printed as amended by Proclamation 166 and Government Notice of 14th August, 1891, *Vide* Appendix B, "Village Management Board Notices."

Crown Prosecutor, and in default of payment of any penalty Proc. 13 imposed under Sections 2, 3, 5, 6, 7, 10, 11, 12, 16, 17 and 18, to be liable to imprisonment with or without hard labour for a term not exceeding three months.

20. In these rules the masculine gender includes the feminine, and the singular number the plural.^(m)

No. 14 B.B., 1886.]

[June 24, 1886.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEY TORRENS, &c., &c.

WHEREAS by the Police Offences Act, 1882,⁽ⁿ⁾ Proc. 14 it is amongst other things enacted that the provisions of the first part thereof shall be in operation in any City, Town, Village, or other place in which the Governor shall by Proclamation declare the said first part to be in operation, and from a date to be, by such Proclamation, fixed and appointed: And whereas it has been made to appear to me desirable that the provisions of the said first part of the Act above recited should be made to apply to the town of Mafeking in the Baralong country, the town of Vryburg in the district of Stellaland, and the village of Taungs in the Batlapin country:

Now, therefore, I, the Governor aforesaid, by virtue of the powers in me vested, do hereby declare the provisions of the said first part of the "Police Offences Act, 1882," to apply to the said Town of Mafeking, in the Baralong country, the said Town of Vryburg, in the District of Stellaland, and the said Village of Taungs, in the Batlapin country, and the same shall from and after the Thirtieth day of June, 1886, be in force within the limits of the towns and village aforesaid.

^(m) *Vide* Proclamation 25, S. 5.

⁽ⁿ⁾ Printed at Page 2255, Vol. ii. of the Cape Statutes.

No. 16 B.B., 1886.]

[Sept. 15, 1886.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 16 **U**NDER and by virtue of the powers vested in me, I do hereby proclaim, declare and make known, that Division I of Act No. 19 of 1883,^(o) of the Colony of the Cape of Good Hope, known as "The Precious Stones and Minerals Mining Act," shall, from and after this date, be in force in and throughout the Territory of British Bechuanaland.^(p)

No. 17 B.B., 1886.]

[Oct. 11, 1886.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 17 **W**HEREAS it is expedient to remove all doubts alleged to have arisen with respect to the validity of marriages solemnised in Bechuanaland prior to the establishment of Her Majesty's Sovereignty over the territory now called British Bechuanaland: Now, therefore, under and by virtue of the powers in that behalf in me vested, I do hereby proclaim, declare and make known, as follows:

1. Every couple not connected with each other by consanguinity or affinity in such a degree that they could not have been lawfully married in the Colony of the Cape of Good Hope, and not under any other legal disability to marry according to the laws of the said Colony, united together within Bechuanaland as man and wife in the presence of witnesses by any form of

^(o) Printed at Page 1662, Vol. ii. of the Cape Statutes.

^(p) So much as relates to precious minerals is repealed by Proclamation No. 63.

words expressive of their mutual and solemn consent to become and be then and there and from thenceforth married together or otherwise united together within the said territory as man and wife according to any form or with any solemnities lawfully observed therein before the establishment of Her Majesty's Sovereignty over British Bechuanaland, shall be deemed and taken to have been and to be lawfully married to all intents and purposes and entitled to have such marriage registered. Proc. 17

2. A certified copy of the Register of any such marriage shall be deemed and taken to be good evidence of such marriage before all Courts and Magistrates and for all legal purposes whatsoever.

No. 18 B.B., 1886.]

[Oct. 26, 1886.

PROCLAMATION

By His Excellency Lieutenant-General HENRY D'OYLEY TORRENS, &c., &c.

WHEREAS under and by virtue of Section 46(g) of the Post Office Act (No. 4) 1882, in force in the Territory of British Bechuanaland under and by virtue of Proclamation No. 2 B.B., 1885, any person convicted of any of the offences therein specified is liable to be imprisoned and kept at hard labour for any period not exceeding seven years: Proc. 18

And whereas it is expedient similarly to make it penal to manufacture or issue counterfeit British or Foreign Postage Stamps in British Bechuanaland:

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

If any person shall be convicted of any of the offences following, he shall be liable to be imprisoned and

Proc. 18 kept at hard labour for any period not exceeding 15, 1886.
years :—

(1). If he shall forge, alter, or imitate, or assist in forging, altering, or imitating, any British or Foreign Postage Stamps, or shall use, offer, utter, or dispose of any forgery or imitation of any such stamp, knowing it to be forged, or with a fraudulent intent.

(2). If he shall engrave, or in anywise make upon any plate or material whatever, any British or Foreign Postage Stamp.

(3). If he shall make, or cause to be made, or assist in making, or have in his custody or possession without lawful excuse (the proof whereof shall lie on the person accused) any mould, frame, or other instrument, having thereon any words, letters, figures, marks, lines or devices peculiar to paper provided for or used for any British or Foreign Postage Stamps : or if any person shall make or procure to be made, or assist in making, or have in his custody or possession without lawful excuse (the proof whereof shall lie on the person accused) any paper in the substance of which shall appear visible any words, letters, figures, marks, line or devices, peculiar to paper provided for any British or Foreign Postage Stamps, and intended to imitate or pass for the same.

No. 19 B.B., 1886.]

[Oct. 27, 1886.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEY TORRENS, &c., &c.

Proc. 19 **W**HEREAS it is expedient that the Acts and Sections of Acts of Legislature of the Colony of the Cape of Good Hope for the year 1886, in the Schedule hereto should, so far as applicable, be proclaimed as laws to be in force and to be observed within the Territory of British Bechuanaland :

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare and make known,

words express and Sections of Acts of the Legislature of ^{Proc. 19} Bechuanaland of the Cape of Good Hope for the year 1886 in the Schedule hereto specified shall, so far as applicable, be in force from and after the date hereof within the aforesaid Territory of British Bechuanaland.

SCHEDULE.

- Act No. 12, 1886.(r)
Neighbouring States and Colonies Witnesses' Compulsory Attendance Act, 1886.
- Act No. 13, 1886.(r)
The Administration of Justice Act, 1886.
- Act No. 17, 1886.(r)
Appeal Court and Sheriffs' Duties Act, 1886; To wit, Sections 6, 7, 8, 9, 11, 12 and 14 only.
- Act No. 36, 1886.(r)
Game Law Amendment Act, 1886.
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No. 20 B.B., 1886.]

[Nov. 8, 1886.

PROCLAMATION.

By His Excellency Lieutenant-General HENRY D'OYLEY TORRENS, &c., &c.

WHEREAS it is expedient to constitute and establish ^{Proc. 20} a Divisional Council for the Division of Vryburg, in the Territory of British Bechuanaland, and to fix and determine the limits of the said Division, and also of the Sub-divisions or Districts of such Divisions proper and necessary for the constitution and purposes of such Divisional Council :

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

A Divisional Council shall be and is hereby established for the Division of Vryburg, in the Territory of British Bechuanaland.

1. The said Division of Vryburg shall consist of the following Sub-divisions, to be called Districts, respec-

Proc. 20 tively bounded by the undermentioned boundary lines, that is to say:—

District No. 1 will include the township and commonage of Vryburg, and will be bounded by the boundaries of the said commonage.

District No. 2 will be bounded by a line drawn from the North-Western beacon of the farm No. 188, along the Northern boundaries of the farms No. 188, 187, 186, 185, 184, 183, 182, 181, 180, 179, 178, 177, and 176 consecutively, until it reaches the frontier of the South African Republic; thence along that frontier until the farm No. 13 is reached; thence along the Western boundaries of farms Nos. 13, 35, 67, 68, 69, 126, 127, 128, 189, and 193 consecutively; thence along the Northern border of farm No. 193 until the North-Western beacon of District No. 1 is reached; thence along the Western, Southern, and Eastern boundaries of the said District, until it again reaches the North-Western beacon of farm No. 188.

District No. 3 will be bounded by a line drawn from the North-Western beacon of farm No. 408 along the Northern boundaries of farms Nos. 408, 407, 406, 405, 404, 403, 402, consecutively; thence along the Eastern boundaries of farms Nos. 402, 393, 394, and 342 consecutively, until the Setlagoli Native reserve is reached; thence following the Western boundary of the said Native reserve until it reaches the frontier of the South African Republic; thence in a South-Westerly direction along the said frontier until the North-Eastern limit of District No. 2 is reached; thence Westerly along the Northern boundary of the said District until the South-Western beacon of farm No. 238 is reached; thence in a Northerly direction along the Western boundaries of farms Nos. 238, 239, 240, 301, and 333; thence along the Northern boundaries of farms Nos. 333 and 334 until the South-Western beacon of farm No. 349 is reached; thence in a Northerly direction along the Western boundaries of farms No. 349, 387, 401, and 408, until again it reaches the North-Western beacon of farm No. 408.

District No. 4 will be bounded by a line drawn from Proc. 20 the North-Western beacon of farm No. 465, along the Northern boundaries of farms Nos. 465, 434, 464, 463, 462, and 461, consecutively, until the North-Western beacon of farm No. 408 is reached; thence in a Southerly direction along the Western boundary of District No. 3, until the Northern boundary of District No. 2 is reached; thence in a Westerly direction along the Northern boundary of District No. 2, until the North-Eastern limit of District No. 1 is reached; thence in a Westerly direction along the Northern boundary of District No. 1, until the North-Western limit of District No. 1 is reached; thence along the Northern boundary of District No. 2, until the North-Western beacon of farm No. 193 is reached; thence in a Westerly direction along the Southern boundaries of farms Nos. 251, 252, and 253, until the South-Western beacon of farm No. 253 is reached; thence in a Northerly direction along the Western boundaries of farms Nos. 253, 282, 308, 326, 358, 378, and 415, until the North-Western beacon of farm No. 415 is reached; thence in a Easterly direction along the Northern boundaries of the farms Nos. 415, 414, and 413, until the North-Eastern beacon of farm No. 413 is reached; thence along the Western boundary of farm No. 465, until the North-Western beacon of farm No. 465 is again reached.

District No. 5 will be bounded by a line drawn from the North-Western beacon of farm No. 415 in a Southerly direction along the Western boundary of District No. 4 until the South-Western beacon of farm No. 253 is reached; thence in a Westerly direction along the Southern boundaries of farms Nos. 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, and 264, until the North-Eastern beacon of farm No. 224 is reached; thence in a Southerly direction along the Eastern boundaries of farms Nos. 224, 223, 222, and 221a, until the boundary of Vryburg is reached; thence in a North-Westerly direction following the Western boundaries of the Vryburg farms, and excluding the Native reserve at Tokoon until the North-Western

Proc. 20 beacon of farm No. 368 is reached ; thence in a Easterly direction along the Northern boundaries of farms Nos. 368, 367, 366, and 365, until the North-Eastern beacon of farm No. 365 is reached ; thence in a Northerly direction along the Western boundaries of farms Nos. 372, 421, 422, and 425, until the North-Western beacon of farm No. 425 is reached ; thence along the Northern boundaries of the farms Nos. 425, 424, and the Native reserve at Genesa, until the North-Western beacon of farm No. 429 is reached ; thence in a Southerly direction along the Western boundaries of farms Nos. 429 and 465 until the North-Eastern beacon of farm No. 413 is reached ; thence in a Westerly direction along the Northern boundaries of farms Nos. 413, 414, 415, until the North-Western beacon of farm No. 415 is again reached.

District No. 6 will be bounded by a line drawn from the North-Western beacon of farm No. 193 in a Southerly direction along the Western boundary of District No. 2 until the frontier of the South African Republic is reached ; thence in a Westerly direction along the Northern boundary of the Taungs Native reserve until the South-Eastern beacon of farm No. 46 is reached ; thence in a North-Westerly direction along the Western boundaries of the Western Vryburg farms until the South-Eastern beacon of farm No. 221a is reached ; thence in a Northerly direction along the boundary of District No. 5 until the North-Eastern beacon of farm No. 224 is reached ; thence in an Easterly direction along the boundary of District No. 5 and along the Southern boundary of District No. 4 until the North-Western beacon of farm No. 193 is again reached.

2. Sections 12, 13, 21, and 57 of the Divisional Council Act (No. 4) of 1865, and any other law and regulation inconsistent with the provisions of this Proclamation, are hereby repealed. Provided always that, save as in this Proclamation is especially otherwise provided, the law now in force in the Colony of the Cape of Good Hope with reference to Divisional Councils shall,

so far as applicable, be in force and be observed with reference to the Divisional Council of Vryburg hereby established: and provided also that the said Divisional Council shall have no jurisdiction over any Native Reserve. Proc. 20

3. Every male person who shall be the registered owner, occupier, or joint occupier of any Immovable property situate in any of the aforesaid districts, whose share in such Immovable property is of the value of not less than £25, or who shall have been for the space of twelve months next before the day on which any such registration of voters as is hereinafter mentioned shall commence, really and *bona fide* in the receipt of salary or wages at and after the rate of not less than £50 by the year, or who having been in the receipt for the space aforesaid of salary or wages at and after the rate of not less than £25 by the year shall in addition to such salary and wages have been supplied with board and lodging, shall be entitled to vote for the member or members of the Divisional Council to be elected for such district. Provided that every person entitled to vote in any district who is, by the said Act, empowered to elect three members shall be entitled to give one vote and no more for each of any number of Candidates at such election not exceeding three (3).

4. Every male person who shall be the registered owner of any Immovable property, situated in the said Division, of the value of not less than £25 in manner fixed in the last preceding section, shall be eligible to be elected by any District into which the said Division shall be sub-divided as aforesaid, to be a member for such District of the Divisional Council of the said Division.

5. For the purpose of Section 3 of this Proclamation the Civil Commissioner of the said Division shall post up at his office a list of all persons in the District in which his office is situated, who are entitled to vote as aforesaid, for a period of 14 days, during which time all persons objecting to the qualifications of voters, and all others applying to be qualified as such, shall lodge

Proc. 20 their said objections and applications in writing, stating their reasons for the same, with the said Civil Commissioner, and the said Civil Commissioner shall, at the time of such posting, forward to the several Field-cornets of the said Districts of the said Division, a list of all persons entitled to vote for the election of a member or members of the Divisional Council of such District, and the said Field-cornets shall forthwith, for the period herein provided, post up the same at their respective residences, and shall receive all objections and applications lodged with them within the said period for the purpose herein provided, and shall forthwith after the expiration of the said period, forward the said lists of objections and applications to the said Civil Commissioner.

6. Forthwith upon the receipt of such lists of written objections and applications, the said Civil Commissioner shall cause a list of such objections and applications to be transmitted to the several Field-cornets of the several Districts within the said Division, who shall post them up at their respective residences together with a notice (to be posted in like manner) fixing a date, being not less than 14 days from the date of such transmission, upon which the said Civil Commissioner shall consider and determine the said objections and applications.

7. [Expired.]
8. [Expired.]
9. [Expired.]
10. [Expired.]

No. 22 B.B., 1886.]

[Nov. 12, 1886.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEY TORRENS, &c., &c.

Proc. 22 **W**HEREAS it is expedient to remove certain doubts alleged to have arisen with reference to jurisdiction in insolvency under Sections 20, 28 and 29

of the Laws and Regulations for the Government of British Bechuanaland, and to determine the procedure to be followed in relation to the voluntary surrender and compulsory sequestration of estates as insolvent, and the rehabilitation of insolvents: Proc. 22

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

All applications for compulsory sequestration, all opposed cases in insolvency, and all applications for rehabilitations, shall be heard in the first instance by the Resident Magistrate of the District, who shall transmit the sworn evidence taken in all such cases, together with his report thereon, for the consideration of the Chief Magistrate, who alone shall in British Bechuanaland exercise all the powers of the Supreme Court of the Colony of the Cape of Good Hope and of any Judge thereof, to accept or refuse to accept the voluntary surrender, and to order the compulsory sequestration of estates as insolvent, and also to grant, postpone, or refuse rehabilitation(s): Provided that insolvent schedules sent to the Chief Magistrate for acceptance must be accompanied by a certificate from the Resident Magistrate of the District in which the petitioner resides, to the effect that the provisions of Section I. of the Insolvent Law Amendment Act (No. 38), 1884,(t) have been complied with.

No. 23, B.B. 1886.]

[Nov. 19, 1886

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEY TORRENS, &c., &c.

WHEREAS it is expedient in Civil Suits to make provision for filing with Clerks of Courts of Resident Magistrate, in the Territory of British Bechua- Proc. 23

(s) Chief Magistrate to have power to ratify retrospectively
Vide Proclamation 28.

(t) Printed at Page 938, Vol. i. of the Cape Statutes.

Proc. 23 naland, all exceptions and special pleas pleaded by a defendant :

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

In all Civil Suits, whether liquid or illiquid, where a defendant pleads specially, or excepts, or files any plea, other than the general issue, such special pleas or exceptions shall be filed with the Clerk of the Court of Resident Magistrate wherein the case is to be tried not later than 2 o'clock p.m. on the day preceding the return day of the summons : Provided that nothing herein contained shall prevent parties from following the procedure in force in suits tried in the Supreme Court of the Colony of the Cape of Good Hope in cases founded upon any bill of exchange, promisory note, good for, or other written acknowledgment of debt, commonly called a liquid document, in which the sum demanded shall exceed one hundred pounds sterling, and in illiquid cases where the debt or damages claimed shall exceed fifty pounds sterling. (u)

No. 25 B.B., 1886.]

[June 24, 1886.

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEYS' TORRENS, &c., &c.

Proc. 25 **W**HEREAS it is expedient to declare the townships of Vryburg and Mafeking in the territory of British Bechuanaland respectively to be, with certain modifications hereinafter specified, subject to the provisions of the Villages Management Act, 1881, of the Colony of the Cape of Good Hope :

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

(u) *Vide* Proclamation 7.

1. The provisions of the Villages Management Act, Proc. 25 1881,^(v) of the Villages Management Amendment Act No. 28, 1882,^(w) and of the Villages Management Amendment Act, No. 7, 1884,^(x) of the Colony of the Cape of Good Hope shall, save as hereinafter is excepted, apply to the townships of Vryburg and Mafeking in the Territory of British Bechuanaland within the local limits respectively fixed and determined in the Schedules A and B hereto.^(y)

2. In the township of Mafeking, pending the establishment of a Divisional Council for the Division of Mafeking, all registered Erfholders and all lessees from registered Erfholders shall be qualified to vote for the election of a Board of Management for the said township.^(y)

3. Section 12 of the said first mentioned Act and in Section 13 thereof, all the words from the word "But" to the end of the said Section, shall be and the same are hereby repealed as regards the said townships of Vryburg and Mafeking respectively, and in Sections 7 and 10 of the said Act respectively the word "six" shall be substituted for the word "three" wherever the same occurs; and the Resident Magistrate, or in his absence the Acting or Assistant Resident Magistrate, as the case may be, shall be Chairman, and shall preside at the meetings of the Board, of which three members including such Chairman shall form a quorum.^(z)

4. Section 16 of the said first mentioned Act shall be and the same is hereby repealed as regards the said townships of Vryburg and Mafeking respectively, and in lieu thereof the following shall be substituted:—It shall be lawful for such Board of Management to levy a rate, upon all the rateable property within the limits of the respective townships as described in Schedules A(a)

(v) Printed at Page 2768, Vol. ii, of the Cape Statutes.

(w) Printed at Page 2774, Vol. ii, of the Cape Statutes.

(x) Printed at Page 2775, of Vol. ii, of the Cape Statutes.

(y) Printed as amended by Proclamation 86.

(z) Printed as amended by Proclamation 100, 154 and 166.

(a) *Vide* Proclamations 114, S. 2 and 166.

Proc. 25 and B hereto—save that no rate shall be levied or leviable within or upon the Crown Reserve at Vryburg in the said Schedule A described—but no such rate shall exceed three-pence in the pound sterling for one year; and the amount so received shall be held by the said Board of Management and devoted to the carrying out of the purposes of this Act.

5. The Schedule of Sanitary Regulations under the Proclamation No. 13 B.B., for the township of Vryburg shall continue in force until altered by regulations duly framed by the Board of Management for the said township and approved by His Excellency the Governor under Section 20 of the said first mentioned Act. (b)

SCHEDULE A.

Limits of the Township of Vryburg.

The limits of the Township of Vryburg for the purposes of the Villages Management Act, 1881, comprehend the town of Vryburg and all commonage thereof (with the exception of the Crown Reserve hereinafter more particularly described) within the area formed by the following boundaries, to wit:—

On the North by the Southern boundary of Farm No. 247; on the East by the Western Boundary of Farm No. 188, and the Northern portion of the Western Boundary of Farm No. 174; on the South by the Northern Boundary of Farm No. 125; on the West by the Eastern Boundaries of Farms Nos. 189 and 193.

The Crown Reserve set apart by the authority of His Excellency the Governor for military, police, and general government purposes is bounded as follows; to wit:—

From and including the well in the bed of the river near the Martello tower to a point 100 yards distant from the store in a line prolonged from the fort through the store, thence to a point 100 yards distant from the old grain sacks' site in a line prolonged from the barracks through the grain sacks' site, thence to a point 200 yards distant from the canteen in a line prolonged from the barracks through the canteen; thence to a point 675 feet from the North Beacon of No. 36 Erf in a line with the Western Boundary of the Western Erven, thence to the North-East Beacon of the Surveyor-General's Erf; thence to the South-East Beacon; thence parallel to the Town Erven until the Western Boundary of Fourie-street is met (Fourie-

(b) *Vide* Proclamations 37, 70 and 166.

street being 75 feet wide); thence along the Western Boundary Proc. 26 of that street to the intersection of the prolongation of the Northern Boundary of Massouw-street; thence to within a distance of 50 yards of No. 3 tower and skirting it at that distance; thence to a point 50 yards from the other tower and skirting it at that distance, and to include the well in the river bed.

SCHEDULE B.

Limits of the Township of Mafeking.

The limits of the Town Commonage of Mafeking which are to be deemed and taken to be the limits of the Township of Mafeking for the purpose of the Villages Management Act, 1881, are as follows:—

The boundary beginning at a beacon on the West side of a road to the Game Tree Tower, which said road runs nearest to and about 2,000 yards distant from Mafeking gaol; thence to a beacon under a tree, close to an old ruined cattle kraal, situated about a quarter of a mile from the Molopo River; thence in a straight line to No. 13 Frontier Beacon, at the Rooi Grond, the Beacon of the Commonage to be placed at such a distance as to cut off 1,700 morgen for the Rooi Grond Commonage; thence across in a line parallel to the Frontier to the other Weastern Beacon of the Rooi Grond Commonage; thence to a Beacon situated near Cannon Kopje, and about 400 yards to the South-West thereof; then in a line about 400 yards long, running in an Easterly direction to another Beacon, also situated about 400 yards from Cannon Kopje; thence in a straight line to a Beacon situated to the East of the Windmill Drift, over the Molopo; thence to a Beacon situated 70 yards to the West of the Gaol, and in a line with the front thereof; thence to the first-mentioned Beacon, to the West of the nearest road leading to Game Tree Tower.

The Town of Mafeking, containing at present 129 erven, lies within the said Commonage, the Eastern erven thereof being situated about 200 yards to the North of Mafeking Gaol.

No. 26 B.B., 1886.]

[Dec. 16, 1886.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
D'OYLEY TORRENS, &c., &c.

WHEREAS it is expedient to amend the laws and Proc. 28
regulations relating to Stamp Duties and Fees
of Office in the Territory of British Bechuanaland:—

Proc. 26 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, as follows:—

1. [Repealed by Proclamation 58.]

2. In Section 64 of the Laws and Regulations for the Government of British Bechuanaland, after the words “trading licence” the following words shall be inserted:—“in any place not being a seat of Resident Magistracy.”

3. Tariff 15(c) of Schedule 2 to the Stamp and Office Fees Act (No. 20) of 1884, of the Colony of the Cape of Good Hope, shall, so far as applicable and with the exception of so much thereof as relates to Hawkers’ Licences, be in force in all towns and villages which are seats of Resident Magistracy in British Bechuanaland.

4. Tariff 16, (d) Tariff 2, “Agreements” and the “Fees of Office” in Schedule 2 to the ‘Stamp and Office Fees Act, 1884,’ shall, so far as applicable, be in force in British Bechuanaland.

No. 28 B.B., 1887.]

[Jan. 19, 1887.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 28 **W**HEREAS it is expedient that the Chief Magistrate of British Bechuanaland should have power to ratify and confirm retrospectively orders for the acceptance of the voluntary surrender and for the compulsory sequestration of Insolvent Estates, as the case may be, heretofore made by Resident Magistrates under the impression that they had jurisdiction to make such orders: Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:

(c) Printed at Page 2654, Vol. ii. of the Cape Statutes.

(d) Printed at Page 2658, Vol. ii. of the Cape Statutes.

It shall be lawful for the Chief Magistrate of British Bechuanaland, if he thinks proper, to ratify and confirm retrospectively all orders for the acceptance of the voluntary surrender and for the compulsory sequestration of Estates as Insolvent, as the case may be, made by the Resident Magistrates in British Bechuanaland previous to the promulgation of Proclamation No. 22 B.B., bearing date 12th November, 1886, and thereupon all elections of trustees and all other proceedings with reference to such Insolvent Estates, shall be as valid and effectual to all intents and purposes as if such order for the acceptance of the voluntary surrender and for the compulsory sequestration of Estates as Insolvent, as the case may be, had been made in the first instance by such Chief Magistrate.

No. 29 B.B., 1887.]

[March 11, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to constitute and establish a Divisional Council for the Division of Mafeking in the Territory of British Bechuanaland, and to fix and determine the limits of the said Division and also of the sub-divisions or districts of such Division proper and necessary for the constitution and purposes of such Divisional Council:

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

A Divisional Council shall be and is hereby established for the Division of Mafeking in the Territory of British Bechuanaland.

1. The said Division of Mafeking shall consist of the following Sub-divisions, to be called Districts, respectively bounded by the undermentioned boundary lines, that is to say:

Proc. 29

No. 1, Mafeking District.

Commencing on the North with No. 1 Beacon of the 1881 Convention Boundary Line on the Ramathlabama Spruit, and continuing along the Boundary with the South African Republic until it meets the limits of the Police Farms at No. 19 Beacon. Hence following the Southern Boundary of No. 16 Police Farm to where it meets the Matthonyane Spruit. Hence along the Boundaries of the Police Farms along the Matthonyane Spruit. Hence along the Western Boundary of No. 21 Police Farm until it meets the Boundary of Mafeking Commonage. Hence along the Western Boundary of Mafeking Commonage until it meets the Western Boundary of the Police Farm Area, North of the Molopo River up to its junction with the Ramathlabama Spruit. Hence along the Ramathlabama Spruit to No. 1 Beacon of the Convention Boundary Line.

No. 2, Maritzani District.

Commencing on the North with the North-East Beacon of No. 24 Police Farm situated on the Boundary of the South African Republic and along the Northern Boundary of Police Farms Nos. 24 to 29. Hence along the Western Boundary of No. 29 Police Farm until it meets the Madibi Spruit, and continuing along the Southern Boundary of the Native Reserve, whose Boundary on the North is the Molopo River, until it meets the Eastern Boundary of Old Stellaland. Hence in a Southerly direction along the Eastern Boundary of Old Stellaland until it meets the Maritzani River. Hence along the Maritzani River to the Southern Boundary of the Police Farms situated thereon. Hence along the Southern Boundary of these Police Farms to the Public Outspanning at the Eye of the Maritzani River. Hence along the Southern Boundary of this Public Outspanning to Frontier Beacon No. 21 South of the Eye of the Maritzani River. Hence in a Northerly direction along the Boundary of the South African Republic as far as the

North-East Beacon of Police Farm No. 24. But from Proc. 20 this must be excluded the portion of ground, amounting to about 300 morgen, set apart as a Native Location round Tao's Kraal.

No. 3, Setlagoli District.

Commencing on the North at the point where the Native Reserve on the South of the Maritzani River meets the Southern Boundary of the Police Farm situated to the North of the Maritzani River. Hence along the Western Boundary of the Native Reserve until it meets the Boundary of the Government Reserve round Kudu's Randt. Hence along the Boundary of the Government Reserve so as to exclude it from the District until it meets the Boundary of the Native Reserve again. Hence along the Western Boundary of the Native Reserve in a Southerly direction until it meets the Eastern Boundary of Old Stellaland. Hence in a Northerly direction along the Eastern Boundary of Old Stellaland until it meets the Maritzani River. Hence in an Easterly direction along the Maritzani River until it meets the points where the Native Reserve South of the Maritzani River meets the Southern Boundary of the Police Farms situated to the North of the Maritzani River.

No. 4, Mosita District.

Commencing on the North at the point where the Native Reserve South of the Molopo joins the Eastern Boundary of Old Stellaland. Hence in a Southerly direction along the Eastern Boundary of Old Stellaland as far as the South-East corner Beacon of Farm No. 471 in Old Stellaland. Hence along the Southern Boundary of Farm No. 471 and continuing along the Southern Boundaries of the adjoining farms of the Westward until it reaches to the South-West corner Beacon of Farm No. 518. Hence in a Northerly direction along the Western Boundary of Farm No. 518 and continuing along the Western Boundaries of the adjoining farms to the Northward until it reaches

Pro. 29 the North-West corner Beacon of Farm No. 544. Hence along the Northern Boundary of Farm No. 544 and continuing in an Easterly direction along the Northern Boundaries of the adjoining farms until it reaches the Boundary of the Native Reserve south of the Molopo. Hence in an Easterly direction along the boundary of the Native Reserve until it meets the Eastern boundary of Old Stellaland. But from this must be excluded the portion of ground set apart as the Native Location at Mosita.

No. 5, Ganisa District.

Commencing at the North-East corner Beacon of Farm No. 526 and continuing in a Southerly direction along the Eastern boundaries of Farm No. 526 and the adjoining farms until it reaches the South-East corner Beacon of Farm No. 519. Hence in a Westerly direction along the Southern Boundary of Farm No. 519 and continuing along the Southern Boundaries of the adjoining farms to the Westward until it reaches the South-West corner Beacon of Farm No. 429. Hence in a Northerly direction along the Western Boundary of Farm No. 429 to its North-West corner Beacon. Hence in a Westerly direction along the Northern Boundary of the Ganisa Native Location as far as its North-West corner beacon. Hence in a straight line to the South-East corner Beacon of the Moroquen Native Location. Hence in a Northerly direction along the Eastern Boundary of the Moroquen Native Location as far as its North-Eastern corner Beacon. Hence in a straight line to the North-Western corner Beacon of Farm No. 562. Hence along the Northern Boundaries of Farms Nos. 562, 554 and 526 as far as the North-Eastern corner Beacon of Farm No. 526.

No. 6 District.

Commencing on the North at the North-Western corner of the Native Reserve South of the Molopo and continuing in a Southerly direction along the Boundary of the Native Reserve until it meets the Northern Boun-

dary of Old Stellaland. Hence in a Westerly direction Proc. 59 along the Northern Boundary of Old Stellaland as far as the North-West corner Beacon of Farm No. 544. Hence in a Southerly direction along the Western boundary of Farm No. 544 and the Eastern boundaries of Farms Nos. 564 and 545. Hence in a Westerly direction along the Northern boundaries of Farms Nos. 526, 504 and 562 as far as the North-Western corner Beacon of Farm No. 562. Hence in a straight line to the North-East corner Beacon of the Moroquen Native Location. Hence along the Northern Boundary of the Native Location as far as its most Northerly corner Beacon. Hence in a straight line running due Magnetic North as far as the Molopo River. Hence in an Easterly direction along the Molopo River as far as the North-West corner Beacon of the Native Reserve South of the Molopo River.

2. Sections 12, 13, 21, and 57 of the Divisional Council Act (No. 4), of 1865 and any other law and regulation inconsistent with the provisions of this Proclamation, are hereby repealed. Provided, always, that, save as in this Proclamation is especially otherwise provided, the laws now in force in the Colony of the Cape of Good Hope with reference to Divisional Councils shall, so far as applicable, be in force and be observed with reference to the Divisional Council of Mafeking hereby established; and provided also that the said Divisional Council shall have no jurisdiction over any Native Reserve.

3. Every male person who shall be the registered owner, occupier, or joint occupier of any immovable property situate in any of the aforesaid districts, whose share in such immovable property is of the value of not less than £25, or who shall have been for the space of twelve months next before the day on which any such registration of voters as is hereinafter mentioned shall commence, really and *bona fide* in the receipt of salary or wages at and after the rate of not less than £50 by the year, or who having been in the receipt for the space aforesaid of salary or wages at and after the rate

Proc. 29 of not less than £25 by the year, shall in addition to such salary and wages have been supplied with board and lodging, shall be entitled to vote for the member or members of the Divisional Council to be elected for such district. Provided that every person entitled to vote in any district who is by the said Act empowered to elect three members, shall be entitled to give one vote and no more for each of any number of Candidates at such election not exceeding three (3).

4. Every male person who shall be the registered owner of any immovable property situated in the said Division of the value of not less than £25 in manner fixed in the last preceding section, shall be eligible to be elected by any District into which the said Division shall be subdivided as aforesaid to be a member for such District of the Divisional Council of the said Division.

5. For the purpose of Section 3 of this Proclamation the Civil Commissioner of the said Division shall post up at his office a list of all persons in the District, in which his office is situated, who are entitled to vote as aforesaid, for a period of 14 days, during which time all persons objecting to the qualifications of voters, and all others applying to be qualified as such, shall lodge their said objections and applications in writing, stating their reasons for the same, with the said Civil Commissioner, and the said Civil Commissioner shall, at the time of such posting, forward to the several Field-cornets of the said Districts of the said Division, a list of all persons entitled to vote for the election of a member or members of the Divisional Council of such District, and the said Field-cornets shall forthwith, for the period herein provided, post up the same at their respective residences, and shall receive all objections and applications lodged with them within the said period for the purpose herein provided, and shall forthwith after the expiration of the said period forward the said lists of objections and applications to the said Civil Commissioner.

6. Forthwith upon the receipt of such lists of written objections and applications, the said Civil Commis-

sioner shall cause a list of such objections and applica- Proc. 29
 tions to be transmitted to the several Field-cornets of
 the several Districts within the said Division, who shall
 post them up at their respective residences, together
 with a notice (to be posted in like manner) fixing a
 date, being not less than 14 days from the date of such
 transmission, upon which the said Civil Commissioner
 shall consider and determine the said objections and
 applications.

7. [Expired.]

8. [Expired.]

9. [Expired.]

10. [Expired.]

No. 30. B.B., 1887.]

[April 7, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
 HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to constitute and Proc. 30
 establish a Divisional Council for the Division
 of Taungs, in the Territory of British Bechuanaland,
 and to fix and determine the limits of the said Division,
 and also of the Sub-divisions or Districts of such Divi-
 sion proper and necessary for the constitution and
 purposes of such Divisional Council :

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

A Divisional Council shall be and is hereby estab-
 lished for the Division of Taungs, in the Territory of
 British Bechuanaland.

1. [Repealed by section 1 of Proclamation 60.]

2. Sections 12, 13, 21 and 57 of the Divisional Coun-
 cil Act (No. 4) of 1865, and any other law and regula-
 tion inconsistent with the provisions of this Proclama-
 tion, are hereby repealed. Provided, always, that, save
 as in this Proclamation is specially otherwise provided,
 the laws now in force in the Colony of the Cape of

Proc. 30 Good Hope with reference to Divisional Councils shall, so far as applicable, be in force and be observed with reference to the Divisional Council of Taungs, hereby established; and provided also that the said Divisional Council shall have no jurisdiction over any Native Reserve.

3. Every male person who shall be the registered owner, occupier, or joint occupier of any immovable property situate in any of the aforesaid districts, whose share in such immovable property is of the value of not less than £25, or who shall have been for the space of twelve months next before the day on which any such registration of voters as is hereinafter mentioned shall commence, really and *bonâ fide* in the receipt of salary or wages at and after the rate of not less than £50 by the year, or who having been in the receipt for the space aforesaid of salary or wages at and after the rate of not less than £25 by the year, shall, in addition to such salary and wages, have been supplied with board and lodging, shall be entitled to vote for the member or members of the Divisional Council to be elected for such district. Provided that every person entitled to vote in any district who is, by the said Act, empowered to elect three members, shall be entitled to give one vote and no more for each of any number of Candidates at such election not exceeding three (3).

4. Every male person who shall be the registered owner of any immovable property situated in the said Division of the value of not less than £25 in manner fixed in the last preceding section, shall be eligible to be elected by any District into which the said Division shall be sub-divided as aforesaid, to be a member for such District of the Divisional Council of the said Division.

5. For the purposes of Section 3 of this Proclamation the Civil Commissioner of the said Division shall post up at his office a list of all persons in the District in which his office is situated, who are entitled to vote as aforesaid, for a period of fourteen days, during which time all persons objecting to the qualifications of voters,

and all others applying to be qualified as such, shall lodge their said objections and applications in writing, stating their reasons for the same, with the said Civil Commissioner, and the said Civil Commissioner shall, at the time of such posting, forward to the several Field-cornets of the said Districts of the said Division, a list of all persons entitled to vote for the election of a member or members of the Divisional Council of such District, and the said Field-cornets shall forthwith, for the period herein provided, post up the same at their respective residences, and shall receive all objections and applications lodged with them within the same period for the purpose herein provided, and shall forthwith after the expiration of the said period forward the said lists of objections and applications to the said Civil Commissioner.

6. Forthwith upon the receipt of such lists of written objections and applications, the said Civil Commissioner shall cause a list of such objections and applications to be transmitted to the several Field-cornets of the several Districts within the said Division, who shall post them up at their respective residences, together with a notice (to be posted in like manner) fixing a date, being not less than fourteen days from the date of such transmission, upon which the said Civil Commissioner shall consider and determine the said objections and applications.

7. [Expired.]
8. [Expired.]
9. [Expired.]
10. [Expired.]

No. 31 B.B., 1887.]

[April 19, 1887

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to make further provision for the repression of stock thefts(e) and

(e) *Vide* also Proclamation 141.

Proc 31 the recovery of stolen cattle, or their value, in the Territory of British Bechuanaland :

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

I. For the purpose of this Proclamation the word “spoor” shall be deemed and taken to denote any mark or impression on or disturbance of the surface of any ground, or any mark or impression on or disturbance of any grass, herbage or wood on such ground, or any water or substance left or found upon such ground, grass, herbage, or wood, indicating that any person or person or any cattle have passed along in any particular direction.

The word “cattle” shall be deemed and be taken to comprise horses, mules, donkeys, horned cattle, sheep, goats, and domesticated ostriches :

The word “kraal” (f) shall be deemed and be taken to denote any hut, house, or enclosure occupied by any single family or member of a family, or any aboriginal tribe, or any collection of huts, houses, or enclosures occupied by several families of any aboriginal tribes with a recognised head.

II. When the spoor of any stolen cattle is traced to any kraal or locality, responsibility in respect of the value of such stolen cattle shall be determined as is hereinafter provided, that is to say :—

A. When such spoor originates and terminates within the limits of a Magisterial district, tribal area or Native Reserve, then—

1. The head of any kraal shall be responsible for the value and damage of any stolen cattle, the spoor of which is traced to such kraal, when corroborative evidence is forthcoming to the satisfaction of the Resident Magistrate that the theft in question was committed by some person belonging to such kraal.

2. The owner of any stolen cattle, the spoor of which has become lost or obliterated, has a right of

(f) *Vide* S. 16 of Proclamation 62.

search for any traces of such cattle in any hut, kraal, Proc. 31 enclosure or lands in that neighbourhood; and any person refusing to permit such search shall be held responsible for the value of the cattle stolen, together with damages.

3. When the owner of any stolen cattle is on the spoor of such cattle, it shall be lawful for such owner to demand from the persons living in the neighbourhood all reasonable assistance in following up such spoor, and whoever neglects or refuses to give such assistance, and by such neglect or refusal causes the loss or obliteration of such spoor, or whoever by wilful obstruction or malice causes the loss or obliteration of such spoor, shall be held liable for the value of the animal stolen together with damages.

B. When the spoor originates in one Magisterial district, tribal area, or Native Reserve, and passes into and terminates in another Magisterial district, tribal area, or Native Reserve, then—

4. When such spoor is traced to any kraal or kraals, the headman thereof shall be held responsible for the value of the cattle stolen, and upon the order of the Resident Magistrate of the district, shall forthwith pay such value into Court for the benefit of the owner.

5. When such spoor cannot be traced to any specific kraal or kraals, but is lost or becomes obliterated on any lands, then the responsibility for the value of such stolen cattle shall devolve upon the headman of the kraals adjacent to and surrounding the spot where such spoor has been lost or obliterated; and for the purpose of compensating the owner of such stolen cattle, it shall be lawful for the Resident Magistrate so to fix such responsibility by an assistant in respect of each head of cattle stolen not exceeding two head of similar cattle (or their money value), to be by such Magistrate levied on each kraal, to make up the whole value, or as near as possible the whole value of the stolen cattle.

6. Whenever a spoor is traced to, or within, the confines of any locality by any community or section

Proc. 31 of a tribe, if the persons occupying such kraal or kraals or locality, or constituting such community or such section of a tribe, without lawful excuse, neglect or refuse to receive, take over and follow up such spoor, they shall be held responsible for the value of the stolen cattle whose spoor shall have been so traced, and shall be compelled to make good such value to the owner in like manner as is provided for with reference to "lost spoor" cases in the preceding sub-section.

III. Whoever fraudulently and with intent to injure another shall create any spoor, shall be punished with fine not exceeding fifty pounds sterling, and, in default of payment, with imprisonment with or without hard labour for a term which may extend to twelve months.

IV. It shall be lawful for the Resident Magistrate of any district, whenever any claim is made against any person or persons in respect of the spoor traced to any kraal or locality, upon request of the owner of the stolen cattle, or of any person authorised by such owner, to inquire summarily and without pleading but in the presence of the heads of the kraals upon whom responsibility is sought to be attached, into the circumstances of the case, and the value of the cattle alleged to have been stolen, together with the damage which the owner or owners shall have sustained by the loss, or by the cost of search, or other endeavour to recover the same, and such Magistrate may thereupon give judgment in favour of such owner as hereinafter provided.

No. 32 B.B., 1887.]

[April 25, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 32 **W**HEREAS it is expedient to make better provision than at present exists for the collection of hut tax in the Territory of British Bechuanaland: and WHEREAS it is expedient for that purpose to repeal

Proclamation No. 15 B.B., 1886, and to make other provisions in lieu thereof:—

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

1. Proclamation No. 15 B.B., 1886, is hereby repealed except as to acts done and proceedings commenced or pending under such Proclamation; all of which shall be treated as if such Proclamation remained in force.

2. In the 15th(*g*) Section of the Native Locations Act (No. 37), 1884, after the word "Inspector" the words "or Headman" shall be inserted.

3. The 26th(*h*) Section of the Native Locations Act (No. 37), 1884, and any other law and regulation inconsistent with the provisions of this Proclamation are hereby repealed, and from and after this date the following regulations shall be in force in the said Territory of British Bechuanaland.

4. Every native shall be bound to pay to the Administrator, or to some person to be nominated by him, for the purposes of the Government of British Bechuanaland, (*i*) a hut tax at the rate of ten shillings per annum for every hut that may be erected for the occupation of a family.

5. In computing the liability of any person for payment of the hut tax, it shall be held that payment at the rate of ten shillings per annum shall become due for each wife of any native, whether a separate hut shall be erected for such wife or not. The tax shall also be payable for every hut occupied by every unmarried man.

6. The said hut tax in respect of the year ending on the 31st March in each year shall become due on the 1st day of July in each year, and shall be payable on and after that date on such days and at such places as may be notified by the Resident Magistrate of the

(*g*) Printed at page 2098, vol. ii, of the Cape Statutes.

(*h*) Printed at page 2100, vol ii, of the Cape Statutes.

(*i*) *Vide* Proclamation 70.

Proc. 32 District, Inspector of Native Reserves, or other officer authorised in that behalf by the Administrator, and in the event of the said hut tax not being so paid on the day appointed, it shall be due and payable at the office of the Civil Commissioner of the Division.

7. Widows and all persons who, in the opinion of the Resident Magistrate, Inspector of Native Reserves, or other duly authorised collector, are incapacitated by extreme old age, blindness, or other personal infirmity, from earning a livelihood, shall be exempted from payment of hut tax.

8. Hut tax must be paid in sterling coin, except in cases where the collector has no alternative but to accept grain or stock, in which cases the value of such grain or stock shall be deemed and be taken to be the price current at the nearest market at which such grain or stock can be disposed of, and in all such cases the cost of carriage or driving shall be due and payable by the persons tendering payment of hut tax in grain or stock as aforesaid.

9. With reference to the collection of hut tax, the responsibility of the Chiefs Montsia and Mankoroane respectively shall be limited to bringing up their several Headmen and the people to the place appointed for the collection, and to rendering such further assistance as may be required by the collector of hut tax.

10. The Chiefs shall have the power of nominating Headmen in their respective Reserves for the approval of the Resident Magistrate, and in the event of the Resident Magistrate not approving of the nomination, they shall report the matter to the Administrator, who shall decide the question, and such Headmen shall be held answerable by their Chief to produce the men of their respective kraals on the day appointed by the Resident Magistrate, or other duly authorised officer for the collection of hut tax, and give such information as to their condition and circumstances as the collector may require.

11. In the District of Mafeking the minor Chief Abraham Matuba of Lotlakana, John Massibi and

Motsiokomo of Pitsani, shall submit the names of their Proc. 32
respective Headmen through the Chief Montsioa.

12. Phoe of Masiklana shall be considered as a Chief, and shall submit the names of Headmen direct to the Resident Magistrate of Mafeking.

13. In the District of Vryburg, Seitsan of Ganesa, Morumole of Morokwen, and Massa Mahura of Takwaning, shall be recognised as minor Chiefs, and shall submit names of Headman to the Resident Magistrate direct.

14. In the District of Kuruman, wherein a similar course shall as far as possible be adopted, the following shall be recognised as Chiefs: Toto of the Batlaros, Luka Jantje of Maneering, and Bareki of Honing Vley; the appointment of minor Chiefs being left to the Resident Magistrate, subject to appeal to the Administrator.

15. In the District of Taungs, names of Headmen shall be submitted to the Resident Magistrate direct by Mankoroane for Taungs, by Botlasitse Gasibone for Phokwane, and by Kautlapani for Monte.

16. For the purpose of this Proclamation the words "Chief" and "Minor Chiefs" are used in connection with the collection of hut-tax only.

17. In place of a receipt for the amount of tax paid by each person, a metal token shall be given for each hut paid for, when the owner's name and the number of his token shall be registered. Provision shall be made for fastening on the outside of the hut the said metal tokens, which shall be numbered consecutively and marked with a Crown and *V.R.I.* over the number, and shall be made in two different shapes, to wit, round or oval and diamond, and the different shapes shall be issued every succeeding year, when the tokens for the preceding year shall be returned to Government; and every person paying the hut-tax shall be required to affix the token he receives in a conspicuous place on the right hand side of the entrance to the hut paid for; and after the 30th September in each year every taxable hut on which such token shall not be affixed shall be con-

Proc. 32 sidered as unpaid for, unless the owner can prove to the satisfaction of the Resident Magistrate or collector that he has paid his hut-tax.

18. Any person defacing, removing or being in unlawful possession of any such metal receipt token shall be liable on conviction to pay a fine not exceeding five pounds (£5), and in default to imprisonment with or without hard labour for a term not exceeding three months.

19. After the 30th September in each year it shall be the duty of the police to ascertain what huts are unpaid for, and thereupon to report to the Civil Commissioner of the Division.

No. 33 B.B., 1887.]

[May 27, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 33 **W**HEREAS by the 21st(j) Section of Act No. 9 of 1858, entitled "An Act to provide for the management of the Public Roads of the Colony," it is enacted that it shall and may be lawful for the Governor of the Colony, at the request of any Divisional Council, to declare, by Proclamation, to be by him from time to time issued, what particular roads shall be deemed and taken to be Divisional Roads for the purposes of the said Act: And whereas the Divisional Council of Vryburg, British Bechuanaland, has requested that the line of Road hereinafter mentioned may be declared to be a Divisional Road for the Division of Vryburg, namely:—

The Road leading from the Division of Taungs to the Division of Mafeking, passing through the farms Verona No. 40, Vygensboomvlakte No. 41, Roodepoort No. 76, Madrid No. 77, Jacob's-val No. 78, Kromkloof No. 123, Grootkloof No. 129, Brussels No.

130, Nazareth No. 131a, Vaalboschvlakte No. 128, and Proc. 33
 Kaalplaats No. 189 to Vryburg, and thence along the
 telegraph line through the farms Vlakfontein No. 188,
 Paradays No. 187, Zoutfontein No. 186, Kareepan No.
 241, Nooitgedacht No. 238, Mooiplaats No. 237, Kaal-
 plaats No. 284, Mimmiesfontein No. 285, Monjana
 Mabili No. 286, Middelkop No. 298, Graspan No. 297,
 Vaalboschvlakte No. 296, Caledon No. 340, Kaalspruit
 No. 339, Jakhalsput No. 343, and Winterhoek No. 342,
 thence through Crown Lands towards Setlagoli.

Now, therefore, I do hereby proclaim and declare
 that the said road, described as above, shall be, and the
 same is hereby declared to be, a Divisional Road in the
 Division of Vryburg, for the purpose of the Act aforesaid.

No. 37 B.B., 1887.]

[Aug. 23, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
 HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to amend the provisions Proc. 37
 of the "Villages Management Act," No. 29,
 1881, and of Proclamation No. 25 B.B., 1886, so as to
 confer on all Boards of Village Management in British
 Bechuanaland, with respect to Pounds and Trespasses,
 powers similar to those possessed by Municipalities in
 the Colony of the Cape of Good Hope, under and by
 virtue of Section 59, of the Ordinance No. 16, 1847;
 the 6th Section of Act 1, 1869; the 22nd Sub-section of
 Section 109, and Section 164 of the Municipal Act, No.
 45, 1882, and under any other law which has been or
 shall be extended to British Bechuanaland:

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

1. So much of the Acts No. 1 of 1857, 21, 1867,
 and of any law or regulation inconsistent with or
 repugnant to the provisions of this Proclamation, are
 hereby repealed.

Proc. 37

2. From and after the publication of this Proclamation, it shall be lawful for all Village Management Boards established in terms of Proclamation No. 25 B.B., 1886, or otherwise in British Bechuanaland,^(k) to establish and provide for the Management of Pounds and the appointment of Poundmasters within their respective areas.

3. Every such Village Board of Management shall have and exercise within the area subject to its management, and in respect of any Pound therein lawfully established under this Proclamation, all rights, powers, and privileges, and shall be subject to all duties and liabilities which are or may hereafter be conferred or imposed upon the Municipal Commissioners or Council of any Municipality in the Colony of the Cape of Good Hope, by any of the provisions of the Ordinance No. 16 of 1847, the Act No. 1 of 1869, the Act No. 45 of 1882, and the Act No. 30 of 1886, and of any other Act proclaimed to be in force in British Bechuanaland, in so far as the said Ordinances or Acts confer any rights, powers, or privileges, or impose any duties or liabilities, upon such Commissioners or Councils, with regard to the establishment, regulation, and management of any Pound and the appointment of any Poundmaster; and the Provisions of the aforesaid Act No. 30 of 1886^(l) are hereby proclaimed to be in force, from and after the date hereof, within the territory of British Bechuanaland.

No. 38 B.B. 1887.]

[Aug. 23, 1887.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 38

WHEREAS it is expedient to make better provision for the issue of certificates to natives resident in the British Bechuanaland for the removal of cattle under Section 2(m), Act 14 of 1870 :

(k) Extended to Upington, *Vide* Proclamation 69, S. 10.

(l) Printed in Appendix A *infra*.

(m) Printed at page 157, Vol. i, of the Cape Statutes.

Now, therefore, by virtue of the powers in me vested, Proc. 38
I do hereby proclaim, declare, and make known, as follows:—

1. In addition to the persons named in the second section of the Cattle Removal Act, No. 14, 1870, as empowered to grant certificates for the removal of stock from place to place, the following persons shall be empowered to grant certificates to natives in British Bechuanaland under the said Act, to wit:—Clerks to Resident Magistrates, Inspectors of Native Reserves or Locations, Officers, Non-Commissioned Officers, and Troopers in charge of detachments of the Bechuanaland Border Police, Assistant Field-Cornets, and any person named in some notice in the *Government Gazette* as empowered to grant such certificates.

2. Every issuer of certificates shall retain a duplicate or counterfoil, showing all particulars of each certificate issued by him.

3. It shall be lawful for any such issuer of certificates as aforesaid to endorse on any certificate, whether originally granted by himself or not, such extension of the time named therein as to such issuer of certificates shall seem expedient.

No. 39 B.B., 1887.]

[Sept. 8, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS, in Section 2 of the Laws and Proc. 39
Regulations for the Government of British Bechuanaland, it is provided that in addition to the Courts of Resident Magistrate erected, constituted and established for and within each of the districts therein specified, it shall be lawful for the Governor of the said territory, by any proclamation to be by him from time to time issued for that purpose, to erect, constitute, and establish Courts of Resident Magistrate, to be held for and within such other districts respectively as the said

Proc. 39 Governor shall think fit to create, which Courts shall respectively be holden before such persons as shall respectively be appointed to be Resident Magistrates of such districts; and whereas, in Section 3 of the said Laws and Regulations, it is provided that it shall also be lawful for the said Governor, by Proclamation, to define, fix, alter, and appoint the local limits of the territory which shall be comprehended and included in any of the aforesaid districts, whether those already created, or such as shall hereafter be created, and within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority; and whereas it is expedient to erect, constitute and establish a Court of Resident Magistrate to be held for and within the district of Kuruman, by and before the Resident Magistrate of the said district, and also to define, fix, and appoint the local limits of the said district within which such Resident Magistrate shall have and exercise jurisdiction and authority, and further to provide that so much of the district assigned for the exercise of the jurisdiction of the said Court of Resident Magistrate for the district of Kuruman, as was heretofore either wholly or in part within the jurisdiction of the Court of Resident Magistrate of Taungs, shall henceforth wholly cease to be within, or subject to, the jurisdiction of the said Court of Resident Magistrate of Taungs; and whereas it is also expedient to define, fix, and appoint with greater precision the local limits of the territory which shall be comprehended and included in each of the districts within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority:

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

1. Proclamation No. 3 B.B., and so much of any other Proclamation and legislative enactment whatsoever as may be repugnant to or inconsistent with any of the provisions of this Proclamation, are hereby repealed.

2. A Court of Resident Magistrate shall be, and the same is hereby declared to be, erected, constituted and established for and within the district of Kuruman, in the territory of British Bechuanaland; and the said Court shall be holden by and before the Resident Magistrate for the district aforesaid, and so much of the said district of Kuruman as was heretofore within the jurisdiction of the Court of Resident Magistrate of Taungs, shall henceforth wholly cease to be within or subject to the jurisdiction of the said Court of Resident Magistrate of Taungs. Proc. 39

3. [Repealed by Proclamation 50.]

4. The Resident Magistrate for Vryburg shall exercise jurisdiction and authority within the territory bounded by a line drawn from a point on the Molopo River due magnetic north from the most northerly corner beacon of the Morokwen Native Reserve, in a southerly direction along the western and southern boundaries of the district of Mafeking until the Transvaal border is reached; thence in a southerly direction along that border until the northerly limit of the division of Taungs as defined in Proclamation No. 30 B.B. is reached; thence in a westerly direction along the western boundaries of sub-divisions or districts 6 and 5 of the division of Vryburg as defined in Proclamation No. 20 B.B. until the north-western beacon of farm No. 368 is reached; thence along the northern boundary of Takoon Native Reserve until the Mashowing River is reached; thence along the Mashowing River to its junction with the Molopo River; thence in an easterly direction along the Molopo River until a point due magnetic north from the most northerly corner of the Morokwen Native Reserve is again reached.

5. [Repealed by Proclamation 60.]

6. [Repealed by Proclamation 60.]

No. 40 B.B., 1887.]

[Sept. 2, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 40 **W**HEREAS it is expedient that a Market should be established in Mafeking, in the Territory of British Bechuanaland :

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known that I have established, and by these presents do establish, a Market in Mafeking, and I further declare that I have provided and do provide the subjoined regulations for the same.

 MARKET REGULATIONS FOR MAFEKING.

1. The Public Market shall be held every morning, Sundays and Public Holidays excepted, on the Market Square, at 7 o'clock a.m., except during the months of May, June, July, and August, when it shall be held at half-past seven.

2. Five per cent. commission is to be charged to sellers on all market sales, subject to the following exceptions :—

1. On stock sales amounting to over £10, 2½ per cent. shall be charged.
2. For every horse put up and declared unsold a fee of 1s. shall be charged.
3. On all cattle or mules (less than 16 in number) put up and declared unsold a fee of 6d. per head shall be charged.
4. On all cattle or mules (16 or more in number) put up and declared unsold, a fee of 3d. per head shall be charged.
5. On all sheep or goats (less than 20 in number) put up and declared unsold, a fee of 6d. per head shall be charged.
6. On all sheep or goats (20 or fraction of 20) put up and declared unsold, a fee of 6d. per head shall be charged.
7. A charge of 2s. 6d. per vehicle shall be made in all cases where the goods brought in by the said vehicle shall not be sold, or where the commission on goods sold shall not amount to 2s. 6d., with the exception of firewood, the dues on which shall be five per cent. on the amount of purchase.

3. All sales shall be for cash, unless a special arrangement Proc. 40 be made by the seller, in which case the seller shall be bound at once to pay the Market dues on the sale, and make his own arrangement with the purchaser. No liability shall be incurred by the Market Master on account of credit sales.

4. Should any dispute arise between two or more bidders, the article may be put up again.

5. The Market Master shall hold himself responsible to the seller for the payment of the money for which articles have been sold, less charges and fees hereinbefore provided, save and except articles sold on credit as stated in Clause 3, and all purchases shall be paid for by the buyer to the Market Master, either on the spot at the time of sale or (provided the articles had been delivered) at the Market Office, not later than 12 o'clock on the same day, failing which the Market Master is entitled to charge an additional five per cent. for collection, the minimum charge being 3d.

6. The Market Master shall pay to the seller or legal holder of the market note the proceeds of sales on the market, less the charges and fees as before provided, within one hour after the seller or holder shall have delivered the sale note received by the purchaser or purchasers. In the event of non-payment by the Market Master, notice must be given to the Board of Management within forty-eight hours after the sale, and provided that such notice be given to the Secretary within such time the Board shall be responsible to the sellers on the market for the proceeds of all cash sales there, but not otherwise.

7. All persons offering forage, grain, butter, potatoes, mealies, or meal for sale on the market shall be bound before sale, if called upon to do so, to deliver to the Market Master a sample of such produce—such sample to be retained by the Market Master until he has possession of all the delivery notes of such produce, when it shall be returned to the owner on application within 24 hours.

8. Any person placing on the market (delivering or attempting to deliver) any article not in accordance with the sample shown by him shall be liable to a penalty of not more than five pounds, and the buyer shall not be compelled to take such articles. Such penalty to be recovered by summary process in the Resident Magistrate's Court.

9. The Market Master shall not be permitted to purchase produce or other articles on the market for the purpose of trading, on pain of being removed from his office; but he may purchase whatever he may require for his own use.

10. The Market Master shall keep correct accounts of all monies received and paid by him, and furnish such returns as may be required by the Board of Management.

11. The Market Master shall deliver a Sale Note to every person who shall sell goods on the market, setting forth the

Proc. 40 name of the purchaser, the quantity and description of articles sold, the date of sale, and the quantities and prices of the different articles, and shall render account sales to the sellers. The signing of the Sale Note by the purchaser shall be an acknowledgment of delivery.

12. No goods placed on the Public Market shall be sold otherwise than through the Market Master or his Deputies. Any persons infringing this rule, either as buyer or seller, shall be liable to a fine not exceeding twenty shillings^(u).

No. 42 B.B., 1887.]

[Oct. 6, 1887.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 42 **W**HEREAS, under and by virtue of the provisions of Proclamation No. 2 B.B. of 1885, the Act No. 1 of 1868 of the Colony of the Cape of Good Hope received, and now has the force of law within the territory of British Bechuanaland, and whereas it is expedient to amend the law in force in the said territory, by depriving the said Act of legal force, and by proclaiming and enacting the proviso to section eleven of the Act No. 3 of 1864^(o) of the said Colony, and conferring upon the said proviso the force of law within the territory aforesaid :

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

1. Notwithstanding anything to the contrary contained in the Proclamation No. 2 B.B. of 1885, from and after the first day of November, 1887, the Act No. 1 of 1868 shall be and is hereby deprived of all legal force within the territory of British Bechuanaland, and the proviso to section eleven of the Act No. 3 of 1864^(o) of the said Colony shall be^r and is hereby

^(u) For Regulations 13 and 14, *Vide* Proclamation 101.

^(o) The following is the proviso referred to: "Provided that as often as adhesive stamps shall by this Act, or the Schedule thereto annexed, be permitted to be used, such adhesive stamps may be postage stamps."

enacted to have, from and after the aforesaid date, the Proc. 42 force of law within the said territory.

2. Nothing in this Proclamation contained shall be deemed and taken in any way to effect, alter, or apply to any act or thing done, or left undone, any legal right accrued, or any legal liability incurred or imposed, under the provisions of the aforesaid Act No. 1 of 1868 of the said Colony, before the said first day of November, 1887.

No. 44 B.B., 1887.]

[Dec. 24, 1887.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient that the Acts of the Proc. 44 Legislature of the Colony of the Cape of Good Hope for the year 1887 in the Schedule hereto should, so far as applicable, be proclaimed as laws to be in force and to be observed within the territory of British Bechuanaland :

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known that the Acts of the Legislature of the Colony of the Cape of Good Hope for the year 1887 in the Schedule hereto specified shall, so far as applicable, be in force from and after the date hereof within the aforesaid Territory of British Bechuanaland.

SCHEDULE.

Act No. 3, 1887—"Lands Expropriation Act, 1887."(*p*).

Act No. 4, 1887—"Explosives Act, 1887."(*p*).

Act No. 11, 1887—"Divisional Councils Act Amendment Act, 1887."(*p*).

Act No. 12, 1887—"Dog Tax Further Amendment Act, 1887."(*p*).

Proc. 44 Act No. 22, 1887—"Act to repeal Section 132 of Ordinance No. 6 of 1843, and Section 37 of Ordinance No. 105, and to make other provisions in lieu thereof."(g).

Act No. 24, 1887—"Derelict Lands' Act Amendment Act, 1887."(g).

Act No. 32, 1887—"Act to repeal a certain section in the Roads Act, 1887, and to substitute another in lieu of it."(g).

Act No. 36, 1887—"Act to make better provision with regard to Returning Officers at Municipal and other Elections, 1887."(g).

Act No. 38, 1887 (g)—"The Stamp Act Amendment Act, 1887."

Act No. 40, 1887—"Public Health Act, 1887."(g).

No. 45 B.B., 1888.]

[March 1, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 45 **W**HEREAS, by the Police Offences Act, 1882,(r) it is amongst other things enacted that the provisions of the first part thereof shall be in operation in any City, Town, Village, or other place in which the Governor shall by Proclamation declare the said first part to be in operation, and from a date to be by such Proclamation fixed and appointed: And whereas it appears to me to be desirable that the provisions of the said part of the Act above mentioned should be made to apply to the village of Kuruman, in the Territory of British Bechuanaland:

Now, therefore, I, the Governor aforesaid, by virtue of the powers in me vested, do hereby declare the provisions of the said first part of the "Police Offences Act, 1882,"(r) to apply to the said Village of

(g) Printed in Appendix A *infra*.

(r) Printed at page 2255, Vol. ii, of the Cape Statutes.

Kuruman, in the Territory of British Bechuanaland, Proc. 45
and the same shall, from and after the 9th day of
March, 1888, be in force within the limits aforesaid.

No. 46 B.B., 1888.]

[March 1, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

UNDER and by virtue of the powers in me vested, Proc. 46
I do hereby proclaim, declare, and make known
that the "Cattle Removal Act, 1870," (s) of the
Colony of the Cape of Good Hope, shall, from and after
this date, be in force in the District of Kuruman, in the
Territory of British Bechuanaland.

No. 47 B.B., 1888.]

[March 1, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it has been found that the tariff of Proc. 47
allowances for personal attendance and travel-
ling expenses payable to witnesses in criminal cases in
Courts of Law in the Territory of British Bechuana-
land is not suited to cases where persons appear as
witnesses who are resident in any neighbouring State or
Colony, to which the "Neighbouring States' and
Colonies' Witnesses' Compulsory Attendance Act, 1886,"
does not apply: And whereas it is expedient to frame
a higher tariff of such allowances payable to such last-
mentioned witnesses:

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

(s) Printed at page 157, Vol. i., of the Cape Statutes.

Proc. 47 1. Any law inconsistent with the provisions of this Proclamation is hereby repealed.

2. The allowance for personal attendance and travelling expenses payable to any person resident in any neighbouring State or Colony, to which the "Neighbouring States' and Colonies' Witnesses' Compulsory Attendance Act, 1886," shall not apply, who shall appear as a witness in any criminal case in any Court of Law in the Territory of British Bechuanaland, shall, from and after the promulgation of this Proclamation, be calculated as near as may be, and as far as applicable, according to the tariff of such allowances payable to witnesses in civil cases in the Courts aforesaid.

No. 48 B.B., 1888.]

[March 15, 1888.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 48 **W**HEREAS, under and by virtue of the provisions of Proclamation No. 2 B.B. of 1885, the Ordinance No. 16 of 1847(*t*) of the Colony of the Cape of Good Hope received, and now has the force of law within the Territory of British Bechuanaland, and whereas it is expedient to amend in certain respects sections 25, 32 and 33 of the said Ordinance, and likewise to provide for the prevention of the impounding of animals found straying at certain times on certain lands, and the disallowance of trespass money in certain cases, as hereinafter mentioned.

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

1. The word "enclosed" shall be, and the same is hereby, inserted before and shall immediately precede each and all the words "garden," "vineyard," and

(*t*) Printed at page 2305, vol. ii, of the Cape Statutes.

"cultivated," occurring in the Thirty-second section of the Ordinance No. 16 of 1847^(u) of the Colony of the Cape of Good Hope. Proc. 48

2. Notwithstanding anything to the contrary contained in the Twenty-fifth or Thirty-third sections of the said Ordinance, no such animal as is therein mentioned shall be impounded for or in respect of any trespass committed upon any unenclosed land in any Military Reserve or any other unenclosed land or ground in any township or village, not being such garden, vineyard, or cultivated lands as are referred to in the next section of this Proclamation.

3. Notwithstanding anything to the contrary contained in the Twenty-fifth or Thirty-second sections of the said Ordinance, no such animal as is therein mentioned shall be impounded for or in respect of any trespass committed within the local limits of any Military Reserve, township or village between sunrise and sunset upon any unenclosed garden, unenclosed vineyard, or unenclosed cultivated lands in which any crop is growing or cut but not removed, nor shall any trespass money be payable under the Thirty-second section in respect of any such trespass as is referred to in this or the last preceding section; provided, however, that nothing herein contained shall be deemed or taken to prejudice the right of any person to recover by law from any person the amount of the damage, if any, done by such animal by such trespass as is referred to in this or in the last preceding section.

4. When and as often as any such animal as aforementioned shall be found trespassing between sunset and sunrise on any such garden, vineyard, or cultivated lands as in the last preceding section of this Proclamation mentioned, the owner of, or other persons lawfully claiming such animal, shall be liable to pay to the owner of, or other person in lawful occupation of the property trespassed upon, for or in respect of every horse, head of horned cattle, pig, sheep or goat so trespassing,

(u) Printed at page 2305, vol. ii, of the Cape Statutes.

Proc. 48 the sum of One shilling and sixpence, and for every sheep the sum of One penny as damage, exclusive of all Pound fees and other charges, and thereupon the provisos in the said Thirty-second section contained shall apply.

5. The words "last preceding section," in the fourth line of the said Thirty-third section contained, shall be, and the same are hereby, expunged, and the following words, "Thirty-second section of this Ordinance as amended by the First section of Proclamation 48 B.B. 1888, and in the Second and Third sections of the said Proclamation mentioned," shall be, and the same are inserted in lieu thereof.(v)

6. The provisions of this Proclamation shall come into operation in the District of Mafeking, in this Territory, upon the promulgation thereof, and in such other Districts as the Governor shall from time to time, by notice published in the *Government Gazette*, declare to be subject thereto, and from a date to be in such notice stated.

No. 50 B.B., 1888.]

[April 6, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 50 **W**HEREAS it is expedient to repeal the 3rd Section of Proclamation No. 39 B.B., and in place thereof to substitute an amended definition of the limits of the district wherein the Resident Magistrate for Mafeking shall exercise jurisdiction and authority:

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

The 3rd Section of Proclamation No. 39 B.B. shall be, and the same is hereby, repealed.

(v) Printed as amended by Proclamation No. 53 B.B., 1888.

The Resident Magistrate for Mafeking shall exercise jurisdiction and authority within the territory bounded by a line drawn from a point on the Molopo River due magnetic north from the most northerly corner beacon of the Moroquen Native Reserve, in an easterly direction along the Molopo River to its junction with the Ramathlabama Spruit; thence along that Spruit until the Transvaal Border is reached; thence in a southerly direction along that Border until District No. 3 of the Division of Vryburg, as defined in Proclamation No. 20 B.B., is reached; thence along the eastern and northern boundaries of that District until the south-eastern limit of District No. 5 of the Division of Mafeking, as defined in Proclamation No. 29 B.B., is reached; thence along the southern and western boundaries of District No. 5 of the Division of Mafeking and the western boundary of District No. 6 of the Division of Mafeking, as defined in the said Proclamation, until the Molopo River is again reached.

No. 51 B.B., 1888.]

[May 11, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

UNDER and by virtue of the 5th Section of the "Neighbouring States' and Colonies' Witnesses' Compulsory Attendance Act, 1886," (w) I do hereby proclaim, declare, and make known that the Colony of the Cape of Good Hope has made due provision to compel the attendance as witnesses before the Courts of of this Territory of persons resident in the said Colony. (x)

(w) For the Orange Free State, *vide* Proclamation 149 *infra*; for Tariff of Expenses payable to Witness, *vide* Government Notice, 11th May, 1888, printed in Appendix B *infra*.

(x) Printed in Appendix A *infra*.

No. 52 B.B., 1888.]

[May 25, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 52 **W**HEREAS it is expedient that Quitrent and all Duties and Interest payable in British Bechuanaland under the provisions of the Transfer Duty Consolidation and Amendment Act, No. 5 of 1884,^(y) shall be paid either to the Civil Commissioner of Vryburg or to the Civil Commissioner of the division in which the property in respect of which the payment is due is situate :

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

1. When and as often as the transfer of any land situate in a Division other than Vryburg is sought to be effected, and Quitrent is due on such land, the payment of such Quitrent may be made either to the Civil Commissioner of Vryburg or the Civil Commissioner of the division in which the land in question is situated, who shall give a receipt for the same: Provided, always, that payments made to the Civil Commissioner of Vryburg in respect of land situated in any other division shall be separately accounted for and credited to the revenue of the division in which such land is situate.

2. In Section 9 of the Transfer Duty Consolidation and Amendment Act, 1884, after the word "situate," the words "or to the Civil Commissioner of Vryburg" shall be inserted; and thereupon the proviso in the last preceding section contained shall apply.

(y) Printed at page 2737, vol. ii, of the Cape Statutes.

No. 53 B.B., 1888.]

[June 26, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS an error has occurred in the fifth Proc. 53
section of Proclamation No. 48 B.B., 1888 ;
And whereas it is expedient to amend the said fifth
section accordingly :

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

The word “ *Thirty-second* ” where it first occurs, in
section 5, of Proclamation No. 48 B.B., 1888, contained,
is hereby repealed, and the word “ *Thirty-Third* ” is
substituted in lieu thereof.

No. 54 B.B., 1888.]

[June 26, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS the marriages of certain persons Proc. 54
whose names are contained in the schedule
hereto, were solemnised at Monte, in the Division of
Taungs, in the Territory of British Bechuanaland, in
the year 1887, by one James Poote, who had no lawful
power and authority to solemnise such marriages ; and
whereas the said marriages were all of them entered
into in good faith and in a *bona fide* belief that the said
James Poote had lawful power and authority, to solemn-
ise the said marriages ; And whereas it is just and
expedient to legalise such marriages :

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

Proc. 54

1. The marriage of each husband and wife whose names and the date of whose marriage are contained in the schedule hereunto annexed is hereby declared to have been and to be a legal, valid, and effectual marriage to all intents and purposes, precisely as if such marriage had been solemnised according to law; and such marriage shall be entitled to be registered: Provided, always, that nothing in this Proclamation contained shall be construed so as to render valid any such marriage which would, by reason of the consanguinity or affinity of the parties thereto, or of a former and still subsisting marriage of either of them, or any ground other than the fact that the aforesaid James Pooté had not lawful power and authority to solemnise such marriage, be void *ab initio* by the law of the Colony of the Cape of Good Hope.

2. A certified copy of the register of such marriage shall be deemed and taken to be good evidence of such marriage before all Courts and magistrates, for all legal purposes whatsoever.

SCHEDULE.

DATE OF MARRIAGE.	NAME OF HUSBAND.	NAME OF WIFE.
1887.		
Aug. 31.	Jerem. Stemmer	Muttinyane David
Sept. 5.	Zabil Untutan	Magualian Kakap
" 5.	Paul Legowati	Helen Ganbulin
" 5.	Gaba Suwani	Zachaer Lenit
" 12.	Zebe	Bago
" 12.	Pitt Moseki	Hakinta
	Ramiritzie	Gelakwoble
	Malibi	Maline
	Kamakie	Molemo
Oct. 11.	Leana Haye	Entian Gotoe
" 27.	Wachult	Sapello
Nov. 7.	Porhu Haltakal	Ramt Takowe
" 7.	Madibi Malebaloa	Phirisnana Modula
	Magapede	Goiseonay
	Bortzumide	Molambebe

No. 56 B.B., 1888.]

[Aug. 9, 1888.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to appoint a Special ^{Proc. 58.}
Justice of the Peace to have jurisdiction within
the area limited and defined in the Schedule hereof :

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

The area limited and defined in the Schedule of this
Proclamation shall be subject to the jurisdiction of a
Special Justice of the Peace, who shall therein have and
exercise all jurisdiction, power, and authority now or
hereafter conferred upon Special Justices of the Peace by
the Act No. 10 of 1876(z) or any other law.

SCHEDULE.

The area above referred to shall include the Setlagoli Native
Reserve, Tao's Kraal, Mosita Native Reserve, that portion of
the Molopo Native Reserve which is situated to the westward
of Pitsani, Districts Nos. 2, 3, 4, 5, and 6 of the Division of
Mafeking, and District No. 3 in the Division of Vryburg.

No. 58 B.B., 1889.]

[Feb. 18, 1889.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to abolish Licensing ^{Proc. 58}
Courts and to make other provision for the
consideration and determination of applications for or
relating to the granting, renewal or transfer of licences
for the sale of intoxicating liquors in the territory of
British Bechuanaland :

(z) Printed at page 1308, Vol. i, of the Cape Statutes.

Proc. 58 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, as follows :—

1. The 58th Section of the Laws and Regulations for the Government of British Bechuanaland in the Schedule to Proclamation No. 2 B.B., 1885; the 1st Section of Proclamation No. 26 B.B., 1886; Proclamation No. 49 B.B., 1888; and all other legislative enactments repugnant to or inconsistent with any of the provisions of this Proclamation are hereby repealed.

2. Courts for the consideration and determination of applications for or relating to the granting, renewal or transfer of licences for the sale of intoxicating liquors in the territory of British Bechuanaland shall be and the same are hereby abolished; and save as hereinafter is provided Resident Magistrates—which term shall be interpreted as in the 75th Section of the Laws and Regulations aforesaid—shall be deemed and taken to have and shall exercise all the functions and powers by law conferred upon Licensing Courts or any two members thereof and Resident Magistrates in the Colony of the Cape of Good Hope.

3. No licence for the sale of intoxicating liquors and no renewal, transfer, or removal of such licence shall be granted save on the written recommendation of the Resident Magistrate of the District, endorsed with the approval of the Administrator of the said territory.

4. Upon the production of such approval in writing as in the last preceding Section mentioned, the licence thereby authorised to be granted or renewed, as the case may be, shall be issued by the distributors of stamps, respectively, in Vryburg and in the several districts of the territory; and any transfer or removal of licence so approved by the Administrator as aforesaid may thereafter be authorised by the Resident Magistrate of the District, subject to the approval of the Administrator, to be endorsed on the licence.

5. The sums payable for or in respect of licences granted or renewed and privileges allowed in British Bechuanaland shall be the same as may, from time to

time, be payable in the Colony of the Cape of Good Hope; and the conditions, restrictions and privileges to be attached to such licences shall as far as possible be similar to those attached to liquor licences in the Colony of the Cape of Good Hope: Provided that in the second schedule (a) to the Liquor Licensing Act of the Colony of the Cape of Good Hope No. 28, 1883, the word December shall be substituted for the word March wherever the same occurs.

6. In lieu of the Licensing Court provided by the 33rd section of the Liquor Licensing Act No. 28, 1883, aforesaid, the Resident Magistrate of each district shall hold a Court open to the public on the first Wednesday in the months of June and December in each year for the purpose of taking evidence for and against all applications for the granting, renewal, transfer or removal of any licence for or in respect of which proper notice shall have been given; and the Resident Magistrate shall submit such evidence, together with his report and recommendations thereon, to the Administrator, whose decision shall be final.

7. The Court to be held in the month of December shall be the annual Court.

8. Every Resident Magistrate shall correctly record all evidence taken by him for or against any application for a licence, and shall forward the record thereof forthwith to the Administrator, (b) and it shall be lawful for any applicant who shall deem himself to be aggrieved by the recommendation of any Resident Magistrate, or by the refusal of such Resident Magistrate to recommend for the Administrator's approval the application of such applicant, within fourteen days after the termination of the sitting of any Court of the said Resident Magistrate at which his application shall have been submitted, to apply to the Administrator for such relief as he shall consider himself to be entitled to, and thereupon the Administrator shall be em-

(a) Printed at page 1431, Vol. i., of the Cape Statutes.

(b) Vide Sec 4, Proclamation 64.

Proc. 58 powered to make such order as to justice shall appertain, and to direct the issue of a licence to such applicant upon such terms and conditions as the Administrator shall approve, subject to the proper payment by such applicant of the sum by law required in respect of the licence granted to him.

9. [Spent.]

No. 59 B.B., 1889.]

[Feb. 12, 1889.]

PROCLAMATION.

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 59 **W**HEREAS it is expedient to declare more clearly the existing law, and to make further provision for the prevention, when necessary, of the exportation of certain warlike articles from the Territory of British Bechuanaland :

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

1. Nothing in this Proclamation contained shall be deemed to abrogate or repeal any law now in force in the Territory of British Bechuanaland, whether such law shall have been specially proclaimed for the said Territory, or being a law of the Colony of the Cape of Good Hope shall, so far as applicable, be in force under and by virtue of the Proclamation No. 2 B.B., 1885.

2 The provisions of the law of the said Colony prohibiting, restraining, limiting or regulating the exportation beyond the boundaries of the said Colony of gunpowder, firearms, parts of firearms, percussion caps, ammunition and lead are hereby declared to be, and to have been, and they shall continue to be, *mutatis mutandis* in force in the said Territory; provided that the Sections 3 and 4(c) of the Act No. 13 of 1877 of

the said Colony shall be read and construed as though Proc. 59 the words "ammunition" and "lead" were therein inserted after the word "gunpowder," and as though the Administrator for the time being of the said Territory, or some person duly authorised by him, were mentioned in place and stead of the Colonial Secretary or Secretary for Native Affairs, or some person duly authorised by either of such Secretaries.

3. The provisions of Sections 5, 6, 7, 8, 9 and 10 of this Proclamation shall come into and be in force in the said Territory from and after the date of a Government notice in the *British Bechuanaland Gazette*, and shall then continue in force until further notice or proclamation.

4. It shall be lawful for the Administrator for the time being of the said Territory, when thereto authorised by me, to cause to be published in manner aforesaid a Government Notice giving the force of law to the Sections 5, 6, 7, 8, 9 and 10 of this Proclamation, and prohibiting the exportation until further notice of the articles named in the Schedule hereto.

5. From and after the date of such notice, every person and the agent of any person who shall either personally or by any agent export, or attempt, in violation of the prohibition contained in such notice, to export any article therein mentioned beyond the boundaries of the said Territory, shall be liable upon conviction to a fine not exceeding one hundred pounds, or imprisonment with or without hard labour for any term not exceeding twelve months, unless such fine be sooner paid, or to both such fine and such imprisonment; provided, however, that no person shall be convicted under this section who shall prove to the satisfaction of the Court before which he is tried, that the act or attempt in respect of which he is charged or accused was committed at a time when he was in fact ignorant that such notice had been published; and provided, further, that this section shall not apply to officers and men of Her Majesty's Naval and Military Forces, or to officers of the Civil Service, or to officers and men of any Police

Proc. 59 Force employed or to be employed in the Bechuanaland Protectorate or countries beyond. (d)

6. Every article, the exportation of which shall be prohibited by such notice as aforesaid, shall, during the period during which such prohibition is in force, be liable to seizure by any Justice of the Peace, Field Cornet, or Police Constable, or by any other Officer invested by the Administrator, with my sanction, with power to seize such articles, if such article be found under circumstances raising a reasonable suspicion that it is intended for exportation, or is about to be exported beyond the boundaries of the said Territory, and every article so seized shall be detained in custody by the person seizing the same, or by such person as the Administrator may appoint, and shall be deemed to be forfeited for the benefit of Her Majesty unless within one month after the date of such seizure the owner or other person interested in such article shall have instituted proceedings in the Court of the Resident Magistrate of the District, in an action to which the Receiver-General of the said Territory shall be a defendant party, and shall in such action prove either that such article was not intended for exportation, or about to be exported as aforesaid, or that no attempt was made to export such article after such owner or other interested person had knowledge of the fact of the publication of such notice as aforesaid; provided, however, that in any case the said Resident Magistrate may release from detention or forfeiture any article seized under this section, and may direct the restoration of such article to the owner or other person interested therein, upon production of satisfactory proof that such owner or other interested person, as the case may be, had no intention to violate, and was no party to the violation or attempted violation, of the prohibition contained in such notice. (d)

7. All powers of search, seizure and detention by the law of the Colony of the Cape of Good Hope vested in officers of Customs or in any other officers in respect

(d) Sections 5 to 10 brought into operation, see Government Notice, 20th March, 1889, printed in Appendix B.

of any wagon, vehicle or other conveyance coming ^{Proc. 59} within or crossing the Borders of the said Colony shall, *mutatis mutandis*, and during the period during which such prohibition as aforesaid is in force, and in respect of any wagon, vehicle or other conveyance going from or crossing, or about to cross any border of the said Territory, be deemed and taken to be lawfully vested in such officers as the Administrator may with my sanction appoint to carry into effect such prohibition, and subject to such rules and regulations as may from time to time be framed, added to, altered or amended, and published in the *British Bechuanaland Gazette*, which rules and regulations shall prescribe and regulate, subject to such penalties as I may direct for breach thereof, the proper conduct of all officers appointed or empowered under this Proclamation, and all matters concerning the due effectuation and observance of its provisions^(e).

8. During the period during which such prohibition as aforesaid shall be in force, the Administrator shall be and is hereby authorised to grant to any person a special licence for the exportation of any article or articles specified in such licence, and every such licence shall, notwithstanding such prohibitions, be deemed and taken to authorise the exportation of the article or articles therein mentioned; subject, however, to such conditions and limitations as may be imposed in such licence, the breach of any of which shall render every article otherwise covered by such licence liable to seizure and forfeiture as though such licence had not been granted: provided that in respect of such licence, if granted, no other fee, stamp or duty shall be required than would have been by law required if no prohibition under this Proclamation had been in force.^(e)

9. The provisions of Section 6 and 7 shall, *mutatis mutandis*, and during the period during which such prohibition as aforesaid shall be in force, apply in re-

(e). See Note (d) on previous page.

Proc. 59 spect of articles named in Section 2 as well as to articles named in the Schedule to this Proclamation(*f*).

10. Resident Magistrates shall have jurisdiction to try any offence committed within their respective districts against any of the provisions of this Proclamation, and any contravention of any rule or regulation framed and in force under Section 7(*f*).

SCHEDULE.

1. All arms and weapons of war other than fire-arms.
2. Explosives and ingredients used in the manufacture of explosives, not being such explosives as are referred to in Section 2.
3. Military and Naval Stores.

No. 60 B.B., 1889.]

[April 1, 1889.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 60 **W**HEREAS, in Section 2 of the Laws and Regulations for the Government of British Bechuanaland, it is provided that in addition to the Courts of Resident Magistrate erected, constituted and established for and within each of the districts therein specified, it shall be lawful for the Governor of the said Territory, by any proclamation to be by him from time to time issued for that purpose, to erect, constitute, and establish Courts of Resident Magistrate, to be held for and within such other districts respectively as the said Governor shall think fit to create, which Courts shall respectively be holden before such persons as shall respectively be appointed to be Resident Magistrates of such districts; and whereas, in Section 3 of the said Laws and Regulations, it is provided that it shall also be lawful for the said Governor, by Proclamation, to define, fix, alter, and appoint the local limits of the

(*f*) See Note (*d*) on previous page.

Territory which shall be comprehended and included in Proc. 80 any of the aforesaid districts, whether those already created, or such as shall hereafter be created, and within which the Resident Magistrate for such districts shall have and exercise jurisdiction and authority; and whereas it is expedient to erect, constitute and establish a Court of Resident Magistrate to be held for and within the district of Gordonia, by and before the Resident Magistrate of the said district, and also to define, fix, and appoint the local limits of the said district within which such Resident Magistrate shall have and exercise jurisdiction and authority, and further to provide that so much of the district assigned for the exercise of the jurisdiction of the said Court of Resident Magistrate for the district of Gordonia, as was heretofore either wholly or in part within the jurisdiction of the Court of Resident Magistrate of Taungs, shall henceforth wholly cease to be within or subject to the jurisdiction of the said Court of Resident Magistrate of Taungs or of the Court of the Resident Magistrate of Kuruman; and whereas it is also expedient to define, fix, and appoint with greater precision the local limits of the Territory which shall be comprehended and included in each of the districts of Taungs, Kuruman, and Gordonia respectively, within which the Resident Magistrate for such district shall have and exercise jurisdiction and authority:

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

1. So much of the first section of Proclamation No. 30 B.B., 1887, as defines the boundaries of the subdivisions or districts of the divisions of Taungs; Sections 5 and 6 of Proclamation No. 39 B.B., 1887; and so much of any other Proclamation and legislative enactment whatsoever as may be repugnant to or inconsistent with any of the provisions of this Proclamation, are hereby repealed.

2. A Court of Resident Magistrate shall be and the same is hereby declared to be erected, constituted and

Proc. 60 established for and within the district of Gordonia, in the Territory of British Bechuanaland; and the said Court shall be holden by and before the Resident Magistrate for the district aforesaid, and so much of the said district of Gordonia as was heretofore within the jurisdiction of the Court of Resident Magistrate of Taungs, or of the Court of Resident Magistrate of Kuruman, shall henceforth wholly cease to be within or subject to the jurisdiction of the said Court of Resident Magistrate of Taungs, or of the said Court of the Resident Magistrate of Kuruman.

3. The Resident Magistrate of Taungs shall exercise jurisdiction and authority within the territory bounded by a line drawn from the northernmost beacon of the Taungs Native Reserve on the Transvaal border in a southerly direction along that Transvaal border until the border of Griqualand West is reached; thence in a westerly direction along the border of Griqualand West until the south-western beacon of the farm Doornfontein is reached; thence in a northerly direction along the western boundaries of the farms Doornfontein, Nyatsifontein, Middelfontein, Knoffelfontein, Lotlohani, Karreeboom, Alsfontein and Graspan, until the southern boundary of the Division of Vryburg is reached; thence in a easterly direction along the southern boundary of the Division of Vryburg until the Transvaal border is again reached.

4. The Division of Taungs shall consist of the following sub-divisions to be called districts respectively, bounded by the undermentioned boundary lines, that is to say:—District No. 1 will be bounded by a line drawn from the point of intersection of the Hartz River and the border of Griqualand West, in a westerly direction along the border of Griqualand West until the Western limit of the Taungs Native Reserve is reached; thence along the western, northern and eastern boundaries of the Taungs Native Reserve until beacon No. 79 on the Transvaal border is reached; thence following the Transvaal border until the Hartz River is reached; thence in a southerly direction along the bed of the

Hartz River until the Griqualand West border is again reached. District No. 2 will be bounded by a line drawn from the point of intersection of the Hartz River and the border of Griqualand West in a northerly direction along the bed of the Hartz River until the Transvaal border is reached; thence in a southerly direction along the Transvaal border until the border of Griqualand West is reached; and thence in a north-westerly direction along that border until the Hartz River is again reached. District No. 3 will be bounded by a line drawn from the south-eastern beacon of the farm Vaalbult in a westerly direction along the border of Griqualand West until the south-western beacon of the farm T'Manche is reached; thence in a northerly direction along the boundaries of the farms T'Manche, Olyvensfontein, Schietfontein and Java, until the Kokwe Native Reserve is reached; thence in an easterly direction along the northern boundaries of the farms Java, Augusta, Gakwe, Kungkatjes and Kankara until the western limit of District No. 1 is reached; thence in a southerly direction along the western boundary of District No. 1 until the south-eastern beacon of the farm Vaalbult is again reached. District No. 4 will be bounded by a line drawn from the north-eastern beacon of the farm Kgangtsang in a southerly direction along the western limit of District No. 1 until District No. 3 is reached; thence in a westerly direction along the northern limit of District No. 3 until the south-western beacon of the Kokwe Native Reserve is reached; thence along the western boundaries of the Kokwe Native reserve and the farm Kareefontein, along the northern boundaries of the farms Kareefontein, Kokwann and the western boundary of the farm Karikia until the Division of Vryburg is reached; thence in an easterly direction along the southern limit of the Division of Vryburg until the north-eastern beacon of the farm Kgangtsang is again reached. District No. 5 will be bounded by a line drawn from the south-western beacon of the farm T'Manche on the border of Griqualand West in a westerly direction along that border

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Proc. 60 until the south-western beacon of the farm Doornfontein is reached; thence in a northerly direction along the western boundaries of the farms Doornfontein, Nyatsifontein, Middelfontein, Knoffelfontein, Lotlokani and Karreeboom until the north-western beacon of the farm Karreeboom is reached; then in an easterly direction along the northern boundaries of the farms Karreeboom, Kadeafing, Brintjesfontein, and Bismarck until the western limit of District No. 3 is reached; thence in a southerly direction along the western limit of District No. 3 until the south-western beacon of the farm T'Manche on the border of Griqualand West is again reached. District No. 6 will be bounded by a line drawn from the north-western beacon of the farm Karreeboom in a northerly direction along the western boundaries of the farms Alsfontein and Graspan until the southern limit of the Division of Vryburg is reached; thence in an easterly direction along the southern limit of the Division of Vryburg until the Western limit of District No. 4 is reached; thence in a south-westerly direction along the limits of District No. 4 and 3 until the north-eastern beacon of the farm Bismarck is reached; thence in a westerly direction along the northern limit of District No. 5 until the north-western beacon of the farm Karreeboom is again reached.

5. The Resident Magistrate for Kuruman shall exercise jurisdiction and authority within the territory bounded by a line drawn from the point of junction of the Mashowing River with the Molopo River in a southerly direction along the Mashowing River until the Takoon Native Reserve is reached; thence along the eastern boundary of the said Reserve and along the western boundary of the Division of Vryburg until the Division of Taungs is reached; thence in a southerly direction along the western boundary of the Division of Taungs until the border of Griqualand West is reached; thence in a westerly direction along that border until the Pile of Andriesfontein is reached; thence in a direct line to the point of intersection of the southern boundary of the farm Abeam and the Molopo River;

and thence in a northerly direction along the Molopo River until the point of junction with the Mashowing River is again reached. Proc. 60

6. The Resident Magistrate of Gordonia shall exercise jurisdiction and authority within the territory bounded by a line drawn from the Pile of Andriesfontien situated on the border of Griqualand West in a south-westerly direction along the northern boundary of the Colony of the Cape of Good Hope until the Molopo River is reached; thence in a northerly direction along the said Molopo River until the southern boundary of the farm Abeam is reached, and thence direct to the Pile of Andriesfontein. (g)

No. 61 B.B., 1889.]

[April 15, 1889.

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to remove doubt as to the jurisdiction of Courts of Resident Magistrate in the Territory of British Bechuanaland in respect of immovable property situated in other Magisterial Districts of the said Territory, and to facilitate the execution of writs in respect of such property: Proc. 61

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

1. When and as often as any civil suit or proceeding *in rem* as to immovable property shall be instituted against any person resident in a district other than that in which the said property is situated, the Court of Resident Magistrate of the district within which such person resides or is sued, shall have jurisdiction in such suit or proceeding, and the judgment, decree, or order

(g) For the extension of the District of Gordonia *vide* Proclamation 123.

Proc. 61 of such Court with reference to such immovable property shall have force and effect precisely as if such immovable property were situated in the district for which such Resident Magistrate shall have been appointed.

2. Whenever there shall not be found within the district of the Resident Magistrate from or out of whose Court execution shall issue on judgment against any person, sufficient movable or immovable property of such person from which the debts or costs can be levied by virtue of any writ or warrant issued by such Magistrate, such writ or warrant, when endorsed by the Resident Magistrate of any other district in the Territory of British Bechuanaland (and every Resident Magistrate is hereby authorised and required on production to him of any such writ or warrant to endorse the same) shall have the like force and effect, and may be executed by the officer or person to whom such writ or warrant shall be directed in respect of both movable and immovable property of the debtor within the district of the Magistrate by whom it has been endorsed, as if it had been issued by such last mentioned Magistrate for execution of any sentence or judgment of his Court.

No. 62 B.B., 1889.]

[April 25, 1889.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

Proc. 62 **W**HEREAS it is expedient to determine the tenure of Native Reserves in the territory of British Bechuanaland, and to vest title thereto in trustees, and to define the powers and duties of such trustees :

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

1. So much of any Law or Proclamation as shall be Proc. 62 repugnant to or inconsistent with any of the provisions of this Proclamation is hereby repealed.

2. All lands situated within the boundaries of Native Reserves marked off, or hereafter to be marked off, for native chiefs and tribes in the territory of British Bechuanaland shall be, and the same are hereby declared to be, subject to a reservation of precious stones and precious minerals in favour of the Crown.

3. As soon as practicable the Surveyor-General shall cause every such Reserve as aforesaid to be demarcated, and a plan or diagram thereof to be attached to the title deed, which shall be issued in the form set forth in Schedule A hereto.

4. It shall be lawful for the Governor from time to time to nominate and appoint for each Native Reserve a board of trustees consisting of three or more persons—hereinafter called the trustees—of whom one may be a chief or influential headman, and at any time at his discretion to remove any of such trustees and on any vacancy to appoint another trustee or other trustees in the place of any person or persons so removed as aforesaid, or dying, or refusing to act, or becoming incapable of acting in the execution of the trusts hereby created; and such trustees shall exercise such powers and perform such duties as are hereinafter set forth or may from time to time be prescribed by the Governor; and it shall be lawful for the Governor to cause such sum or sums as he may from time to time determine, to be paid out of the Native Reserve Fund as remuneration to such trustees for performing the duties hereby imposed upon them.

5. The legal estate in the land situated within the boundaries of each Native Reserve shall be vested in the trustees thereof, who shall hold the same in trust for the benefit of the registered heads of families of the tribe or tribes residing on such land, subject to such rules and regulations as the Governor may fix and determine, always, however, without prejudicing existing

Proc. 82 OR vested rights; and title to each Native Reserve shall be held upon the following conditions:—

- a. That the trustees shall have no power of mortgage over any land situate within the boundaries of the Native Reserve for which they shall have been appointed except for improvement on such land, which scheme of improvement shall be first submitted to the Governor and be subject to his approval before power of action shall be granted; and that the trustees shall have no power of alienation or sale of any portion of such land except in the issue of individual titles under the regulations providing for issuing such titles.
- b. That the right of allotting the land situated within the boundaries of the Native Reserve shall be vested in the chief or headman with the concurrence of the council of elders or heads of families and of the Resident Magistrate of the district.
- c. That the occupier of any kraal, garden, or plot of land may lawfully sell his right of occupation of such kraal, garden, or plot of ground to any native approved by the chief or headman and the Resident Magistrate of the district.
- d. That rights of occupation of any plot of land may cease and determine when the occupier is absent from the same for more than twelve months without having placed in occupation a representative approved by the chief or headman and the Resident Magistrate of the district.
- e. The rights of occupation of kraal sites, gardens, or plots of land not in occupation may be granted by the chief or headman, with the concurrence of the council of elders or heads of families, and of the Resident Magistrate of the district to heads of families resident within the Native Reserve or substituted or adopted in the tribe by the authority of the Governor.
- f. That the rights of occupation of any kraal, garden, or plot of land shall be heritable, but shall not be alienable otherwise than as by sub-section c provided.

- g.* That when the chief or headman and the majority Proc. 82 of the heads of families occupying the Native Reserve or any section thereof shall request the Governor to issue individual titles to plots of land, such titles may be issued.
- h.* That when it shall be considered expedient to issue individual titles to plots of land in the Native Reserve, the title shall be to the plot or parcel theretofore occupied by the individual, with or without rights of grazing according to custom.
- i.* That when the chief or headman and the majority of the heads of families occupying the Native Reserve or any section thereof, shall petition that individual title may be issued, a Land Commission for the area referred to in such petition, consisting of the Resident Magistrate of the district, the chief or headman, and one elder or head of family, shall decide on all claims to individual title to be recommended to the Governor for approval; and the trustees shall by direction of the Governor issue, under the provision of this Proclamation, individual title in such form and subject to such conditions as are herein contained, or such other conditions as he may deem it necessary hereafter to proclaim.
- j.* That the land thus granted on individual title shall be surveyed at the cost of the grantee.
- k.* That all roads and thoroughfares existing or hereafter to be made over the land vested in the trustees of any Native Reserve, or held by individual title as aforesaid, shall remain free and uninterrupted unless the same be closed or altered by authority of the Governor.
- l.* That the trustees shall have power to establish on the land vested in them outspans for the use of travellers in accordance with such regulations as may from time to time be sanctioned by the Governor.
- m.* That the Governor, or any person duly authorised by him, shall at all times have the right of entry on the land vested in trustees or held by individual

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title as aforesaid for such purposes as inspection, survey, tax-collecting, the construction, maintenance, and repair of public works and roads, the searching for precious stones and precious minerals, the extirpation of burrweed or *Xanthium Spinosum* and other noxious plants, the prevention of disease among men or animals, well sinking and irrigation, and for other public purposes.

- n. That the Governor, or any body corporate or person duly authorised by the Governor, shall at all times have the power, without compensation, of making, maintaining and repairing aqueducts, dams, drains, roads, railways and railway stations, of constructing, maintaining and repairing lines of telegraph over, and for taking materials for making, maintaining and repairing aqueducts, dams, drains, roads, railways, railway stations and lines of telegraph, from any land vested in trustees or held by individual title as aforesaid which is not built upon or occupied by any hut or dwelling, and which has not been improved by cultivation, irrigation or otherwise; and shall further have the power of making, maintaining and repairing aqueducts, dams, drains, roads, railways and railway stations, and of constructing, maintaining, and repairing lines of telegraph, over any such land which is built upon or occupied by any hut or dwelling or has been improved by cultivation, irrigation or otherwise, on payment to the Civil Commissioner of the Division to the credit of the Native Reserve Fund of such sum of money as may be either mutually agreed upon between the Governor, or body corporate, or person duly authorised by the Governor, and the trustees, or otherwise determined in the manner provided by the Lands and Arbitrations Clauses Act, No. 6, 1882.
- o. That the rights of the trustees and of those beneficially interested either before or after the issue of individual title shall not extend to any deposits of

gold, silver, platinum, or precious stones which may Proc. 62 at any time be or be discovered on any land in any Native Reserve, and that the right of mining for gold, silver, platinum, or precious stones shall be reserved to the Crown under such regulations as shall from time to time be established by law.

p. That all land vested in trustees or held by individual title as aforesaid shall be further subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure.

6. The Inspector of Native Reserves shall annually frame a list of the names of heads of families in each Native Reserve, a copy whereof, and of any additions to and corrections in such list during the year shall be furnished to the Civil Commissioner of the division, who shall keep a registry of all persons occupying plots of land in the division.

7. The trustees shall be bound at yearly intervals to prepare for transmission to the Governor full and particular reports of their administration and of the condition, habits and progress of the people occupying the area held on trust by them, and also of the progress of construction and condition of public works in the Native Reserve, and such other matters as the Governor may require.

8. The power of substitution and adoption into the tribe of persons other than an inheritor or successor under native law, upon the recommendation of the trustees in accordance with the advice or at the request of the chief or headman and council of elders or heads of families, shall be vested in the Governor.

9. There shall be established for each Native Reserve a separate fund which shall be designated by the name of such Native Reserve.

10. It shall be the duty of the trustees to pay into the hands of the Civil Commissioner of the division wherein the Native Reserve is situated all moneys from time to time accruing to them under the trusts hereby created; and such Civil Commissioner shall keep dis-

Proc. 62 tinct accounts of each Native Reserve Fund in his division, and shall remit monthly all amounts so received by him to the Receiver and Accountant-General, who shall likewise keep in respect of each Native Reserve Fund a distinct account in his own books and a separate banking account to be drawn upon in accordance with judicial order, or with the Governor's sanction; and all accounts relating to such Native Reserve Funds shall be subject to audit as the Governor shall from time to time direct.

11. All moneys due as compensation in respect of surface damage occasioned by prospecting, digging or mining for precious stones or precious and other minerals, or by the construction of railways or other public works in any Native Reserve, and all sums receivable therein or therefrom as subscription, interest, licence moneys, rents and profits accruing to the chief or headman and the registered heads of families of any tribe or tribes beneficially interested therein, shall be collected and recovered by the trustees and paid to the Civil Commissioner of the Division wherein such Native Reserve is situated, and shall by such Civil Commissioner be accounted for as in the last preceding section provided. Provided that any such moneys or sums received in respect of land held by individual title may be dealt with in accordance with judicial order, or as the Governor may hereafter direct.

12. Each Native Reserve Fund shall be devoted exclusively to the direct and indirect benefit of the chief or headman and of the registered heads of families of such Reserve in such manner and in such proportion as the Governor shall from time to time direct.

13. It shall be lawful for the trustees, with the consent of the Governor, to devote any Native Reserve Fund to any of the following objects:—The construction, maintenance and repair of aqueducts, dams, drains, roads and bridges; the building and endowment of hospitals and technical schools, and providing medical attendance, medicines, medical and surgical appliances and technical education; tree-planting and the conser-

vation of forests ; irrigation and agricultural develop-^{Proc. 62}ment, including agricultural and cattle shows and the award of prizes thereat ; making investments specially authorised by the Governor ; purchasing land to be held on the like trusts as are hereby created ; making compensation for surface damage in money, grain, stock, or otherwise ; and such other purposes as the Governor may from time to time deem expedient and conducive to the welfare of the natives beneficially interested in such Native Reserve Fund.

14. It shall be lawful for the trustees, with the consent of the Governor, to adopt measures for afforestation and for the conservation of forests in the Native Reserves, and the Civil Commissioner of the division, or the Inspector of Native Reserves shall have power to issue to any registered head of family of such Reserve a licence to cut upon such Reserve wood for sale or for any other than domestic purposes on payment into the Native Reserve Fund of such licence fee, and under such regulations as may from time to time be prescribed by the Governor : Provided that nothing herein contained shall be deemed to prejudice the right of any such registered head of family to cut wood for domestic purposes.(h)

15. It shall and may be lawful for the trustees to sue and be sued by the style or description of the trustees of the... .Native Reserve, and service of process on any two trustees shall suffice in any action, suit or other legal proceeding by or against such trustees : Provided, always, that when and as often as the Resident Magistrate of the Court wherein such action or suit shall be brought may happen to be one of such trustees it shall be lawful for the Governor to appoint an Acting Resident Magistrate for the purpose of hearing and determining in the first instance such action or suit.

16. In the interpretation of this Proclamation the word "kraal" shall have the meaning assigned to it in

(h) For penalty for contravention of this section *vide* Proclamation 163 *infra*.

Proc. 62 the first section of Proclamation No. 31, B.B., 1887; and the term title shall be deemed and taken to include both deed of grant and certificate of ownership.

SCHEDULE A.

Form of Deed of Grant to Trustees of Native Reserve.

In the name and on behalf of Her Majesty Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India :

I do hereby grant in freehold, subject to the reservations hereinafter specified, unto as trustees in terms of Proclamation No. 62 B.B., 1889, for and on behalf of the heads of families registered as resident thereon, piece of land containing situated in the division of and represented and described in the diagram hereunto annexed, subject to the following conditions :—

[*Vide* Section 5, Subsections *a* to *p*.]

Given under my hand and seal at this day of 18.....

.....
Governor of British Bechuanaland.

By command of His Excellency the Governor of British Bechuanaland,

.....
Surveyor-General.

SCHEDULE B.

Form of Certificate of Ownership of Native Reserve vested in Trustees.

British Bechuanaland.

CERTIFICATE OF OWNERSHIP.

This is to certify that as trustees in terms of Proclamation No. 62 B.B., 1889, for and on behalf of the heads of families registered as resident thereon, are entitled to own a piece of land containing morgen, more or less, situated in the division of and represented and described in the diagram hereunto annexed, subject, however, to the following conditions :—

[*Vide* Section 5, Sub-sections *a* to *p*.]

Given under my hand and seal at this day of 18.....

.....
Administrator.

No. 63 B.B., 1889.]

[April 25, 1889.]

PROCLAMATION

By His Excellency the Right Honourable Sir
HERCULES GEORGE ROBERT ROBINSON, &c., &c.

WHEREAS it is expedient to make provision for Proc. 63
prospecting and mining for the precious minerals, gold, silver and platinum⁽ⁱ⁾ in the Territory of British Bechuanaland :

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

1. Save as hereinafter is excepted, Proclamations No. 16 B.B., 1886 ; No. 34 B.B., 1887 : and No. 43 B.B., 1887 ; and all the provisions of Division I. of the Precious Stones and Mineral Mining Act, 1883, and of all other enactments at variance with any of the provisions of this Proclamation shall be and the same are hereby repealed: Provided, always, that this Proclamation shall apply to gold, silver, and platinum, hereinafter called the precious minerals, only: And provided, further, that in respect of precious stones, Division I. of the said Act shall continue in full force and effect under the said Proclamation No. 16 B.B.

2. Any person shall be at liberty personally, or through an agent or representative holding his power of attorney, to take out at the office of any Civil Commissioner in the Territory of British Bechuanaland, a licence to prospect or search for precious minerals on Crown lands or on lands the title to which is subject to a reservation to the Crown of precious stones and minerals within the said Territory ; which licence shall be in the form in the first schedule hereto, and shall bear a stamp of the value of five shillings for each month.

3. A prospecting licence shall give the right to prospect and search for precious minerals on Crown

(i) For Precious Stones *Vide* Proclamation 16.

Proc. 63 Lands, or lands subject to a reservation to the Crown of precious stones and minerals for the period mentioned, without the consent of the owner, trustees, or lessee of such lands as aforesaid; and no one shall be allowed to prospect or search for precious minerals on Crown Lands, or lands subject to a reservation of precious stones and minerals to the Crown, without obtaining such licence.

4. Every holder of a prospecting licence shall have the right of grazing six horses or mules, or for sixteen oxen, and of taking wood and water for his domestic use free of charge if on Crown Lands, and if on lands subject to a reservation of precious stones and minerals to the Crown, on payment to the owner, trustees, lessee or occupier of the land where such licence is exercised, of two shillings per diem.

5. Every person taking out a prospecting licence shall enter into a bond for the sum of fifty pounds(*j*), without sureties if he be a registered owner of land to that value in British Bechuanaland, and if he be not such registered landowner, with two sureties to be approved by the Civil Commissioner in the sum of twenty-five pounds each, for the due and proper repair of any surface damage done by him on any land of right occupied by any quitrent tenant or lessee; which bond shall be in the form of the second schedule hereto.

6. It shall be the duty of any person prospecting under such licence to erect a beacon and affix thereon a signboard bearing the words "Centre of Prospecting Area under Licence No. . . ." and the name of the licensed prospector; and such prospecting area shall be deemed and taken to be a circle having the said beacon as its centre and a radius of one mile; and no prospector shall erect such beacon as aforesaid within one mile of any other prospector's beacon; but any prospector shall, during the currency of his licence, be at liberty to remove his own beacon and signboard to any spot

(*j*) This Bond must bear a 2s. stamp *Vide* Government Notice, 17th October, 1889, printed in Appendix B *infra*.

lawfully open to him, provided such new spot do not Proc. 83 interfere with any other prospecting area; and any person who with intent to defraud shall remove or destroy any such licensed prospector's beacon or sign-board as aforesaid, shall be liable upon conviction thereof before any Magistrate having jurisdiction, to pay a fine not exceeding one hundred pounds sterling; and in default of payment to be imprisoned with or without hard labour, for any period not exceeding twelve months, or to both such fine and such imprisonment.

7. Any prospector who, having erected a beacon as in the preceding section mentioned, shall fail to perform or cause to be performed in each calendar month during which such beacon as aforesaid is standing, *bona fide* prospecting work of sixty hours duration in the aggregate within such prospecting area, shall, upon proof of such default to the satisfaction of the Resident Magistrate of the District, forfeit his licence and all money paid for the unexpired period thereof, and shall not be allowed to renew such or take out another licence for the space of thirty days from such forfeiture; and any holder of a prospecting licence who shall have proved such default to the satisfaction of the Resident Magistrate shall be entitled for the space of ninety-six hours to erect his own prospecting beacon, subject to the provisions of the preceding section, on the site of the beacon within the prospecting area previously covered by the forfeited licence: and provided further that no other prospector shall be entitled to move his prospecting beacon so as to encroach on the prospecting area so forfeited as aforesaid, for such period of ninety-six hours as aforesaid.

8. It shall be the duty of any person who shall find any precious minerals in payable quantities whilst prospecting under such licence, forthwith to make a solemn declaration of the finding of the same, and to lodge such declaration with the Civil Commissioner of the Division; and any person who shall fail to do so shall be liable, upon conviction thereof before any Magistrate having jurisdiction, to forfeit his licence, together with all

Proc. 63 money paid for the unexpired period thereof, and to pay a fine not exceeding fifty pounds sterling; and in default of payment to be imprisoned with or without hard labour for any period not exceeding six months.

9. Any holder of a prospecting licence under the provisions of this Proclamation, who shall prove to the satisfaction of the Civil Commissioner that he has found any precious minerals in payable quantities under such licence on Crown Lands, or on lands subject to a reservation to the Crown of precious stones and minerals, shall be entitled to select twenty claims in block within the limits of his own prospecting area, and shall receive a certificate from the Civil Commissioner that he is so entitled.

10. In the event of any prospecting area or areas being included in a mining area, each prospector, not entitled to twenty claims and holding a licence current within such mining area at the date of the proclamation thereof, shall by virtue of such prospecting licence be entitled to select next after the landowner as hereinafter provided, and within the area prospected by himself, two claims, and to have the same registered in his name.

11. When and as often as any prospector shall have marked off twenty claims in block as aforesaid, together with any sites to which he may be entitled under Sections 48 and 49 of this Proclamation or otherwise, his licence and all his exclusive rights as a prospector within the area marked off by him under Section 6 shall cease and determine.

12. The owner of land subject to a reservation to the Crown of precious stones and minerals whereon any holder of a prospecting licence under the provisions of this Proclamation shall have found any precious minerals under such licence as aforesaid, shall be entitled next after such prospector to select twenty claims in block at the place where such precious minerals shall have been found, provided such claims fall within the limits of the land of such owner, and shall receive a certificate from the Civil Commissioner that he is so entitled, and in like manner each landowner through

whose land a reef containing precious minerals shall be found to run shall be entitled to select twenty claims in block on such reef within the limits of his said land, and shall likewise receive from the Civil Commissioner such certificate as aforesaid: Provided that trustees of Native Reserves, Native Chiefs or Headmen, and natives residing within the limits of any Native Reserve or Communistic or Tribal Tenure, shall not be deemed and taken to be owners of land for the purposes of this section. Proc. 63

13. The Civil Commissioner shall, immediately on his granting such certificate or certificates as aforesaid to any licensed prospector or to any licensed prospector and landowner as the case may be, cause a written notice of the granting of such certificate or certificates to be posted outside the office of such Civil Commissioner, and after the posting of such notice the Civil Commissioner shall cause to be opened at his office a list of such persons as may wish to subscribe their names under the names of the licensed prospector and owner aforesaid, in manner hereinafter provided. And any person shall, on applying personally, or through an agent or representative holding his power of attorney, at the office of the Civil Commissioner aforesaid, at all reasonable times, between the time of the posting of such notice as aforesaid and the proclaiming of the place subject to such prospecting licence as aforesaid, either as an alluvial digging or mine, and on payment of a fee of two shillings and sixpence, be entitled to subscribe or have his name subscribed on the list aforesaid below the name of the licensed prospector and the name of the owner and also of the last subscriber, if any, in a book to be kept at the office of the Civil Commissioner for the purposes aforesaid, and such list shall be headed with the name of the prospector and the place where the precious minerals shall have been found; Provided always that in respect of the selection of claims persons so subscribing their names shall, regard being had to the number of claims open for selection, rank below such licensed prospector and such owner or owners and also

Proc. 63 such other prospectors as are hereinbefore referred to in Section 9 as aforesaid, and among themselves shall rank in order of priority of signature; and provided further that the selection of a claim by each person who has so subscribed his name be made within forty-eight hours of the marking off of the last preceding claim on the list, in default whereof the name of the subscriber failing to make such a selection shall at the expiration of the said forty-eight hours be placed at the bottom of the list, as it then stands.

14. No person shall be entitled under a prospecting licence to dig or search for minerals within one mile of the place where any person shall have erected a beacon and signboard under and by virtue of a prospecting licence as aforesaid without his consent, until after the claims of the prospector who has erected such beacon and signboard and of the landowner respectively, shall have been marked out in pursuance of the Civil Commissioner's certificate as aforesaid, or within the limits of any proclaimed digging or mine, save as is hereinafter in Section 28 provided; and any person contravening this section shall be liable to a penalty not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

15. Every person searching for precious minerals by virtue of a prospecting licence shall exhibit such licence on being required to do so by the owner, lessee, trustee or occupier of the farm or place where he is so searching, and on his failure or refusal so to do he may be treated by such owner, trustee, lessee or occupier as an ordinary trespasser; and no person shall be entitled, under such prospecting licence as aforesaid, to dig or search for precious minerals within two hundred yards of any house or building occupied or used by the owner, lessee, or occupier of the property, nor upon any land under cultivation or required for the purpose of irrigation, without the consent in writing of such owner, lessee, or occupier; nor in any public squares, streets, roads, railways, or cemeteries.

16. An owner or lessee may prospect on the lands^{Proc. 63} owned or hired by him, as the case may be, free of licence, and, on discovering gold, silver or platinum thereon, may, in the event of the place where such precious minerals shall have been discovered being declared a Public Digging or Mine, or otherwise as a prospector under the provisions of Section 41 hereof, select and register in his own name any number of claims in block, not exceeding twenty, at such place, and shall receive a certificate from the Civil Commissioner that he is entitled thereto; Provided, always, that on such certificate being granted to a lessee, the owner's right to twenty preferent claims in block shall be postponed to that of such lessee who, as prospector, shall have the prior right of selection: and provided further that in no case shall any person receive more than twenty preferent claims in block as prospector or owner or both; and provided further that the owner's or lessee's right to prospect freely shall be subject to the erection of a beacon and signboard similar to that specified in Section 6, save that no licence shall in the case of an owner or lessee be required; and provided further that all such claims selected by such owner or lessee shall be in block and shall be within the limits of the land owned or hired by him and of such prospecting area; and provided further that Trustees of Native Reserves, Native Chiefs or Headmen, and natives residing within the limits of any Native Reserve on Communistic or Tribal Tenure shall not be deemed and taken to be owners of land for the purposes of this Section.

17. The size of claims in diggings or mines of gold, silver, or platinum, shall be as follows:—

An alluvial claim shall be in extent one hundred and fifty feet by one hundred and fifty feet, and shall be beacons off at the four corners with visible pegs and furrows in the direction of the claim. A quartz reef claim shall be one hundred and fifty feet in the direction of the reef and four hundred feet broad, either across or on one

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side of the reef; provided that in respect to quartz reef claims two central pegs shall be sufficient beacons for the first seven days, and after the expiration of that time four corner pegs must be substituted, and the directions must be indicated by clearly-defined beacons. And provided further that every claim shall be marked and kept marked by pegs bearing the registered number of the claim placed at each corner at the expense of the claimholder to the satisfaction of the Inspector or other officer duly appointed, within one month from the date of its allotment, or from such later date as the Inspector may fix; and provided further that every claim not so marked out within the prescribed period, and not so kept marked, may be declared forfeited by the Inspector; and provided further that the Inspector or other officer duly appointed in that behalf may with the consent of the Surveyor-General and on being satisfied that the quality of the ground, or difficulty in working it, necessitates an extension or alteration of the dimensions of alluvial claims, grant special alluvial claims of irregular form, and containing a total area not exceeding twenty thousand square feet.

18. So soon as a prospector has lodged a declaration of the finding of precious minerals, the Civil Commissioner shall, with all convenient speed, cause a notice of such declaration to be posted outside his office, which notice shall clearly describe the place where the precious minerals have been found, and the name of the declarant.

19. The Governor, after the lodging of such declaration as aforesaid, may take such steps as he may deem fit for the purpose of testing the character and the payable qualities of the place on which precious minerals have been declared to have been found: Provided always that all costs of such testing shall be borne by the persons at whose request or for whose benefit these tests shall be applied.

20. Any person who shall make such declaration as Proc. 63 aforesaid, while prospecting or otherwise, well knowing that the precious minerals declared to have been found were by himself or by some other person placed or deposited in or on the spot, or in the soil or stuff dug out or removed from the spot in which such declarant was prospecting, or where the discovery of such precious minerals is declared as aforesaid to have been made, and were not naturally situated in or on the spot or in the soil or stuff where they were declared to have been found or discovered, or well knowing that the said precious minerals were not found or discovered in or on the place where they were declared to have been found or discovered, shall upon conviction be liable to such punishment as is by law provided for the crime of perjury.

21. Any person who shall wilfully place or deposit, or be accessory to the wilfully placing or depositing of any precious minerals in any spot or place for the purpose of inducing any person to make such solemn declaration as aforesaid, or for the purpose of misleading the Governor as to the payable nature of a spot or place where precious minerals have been declared to have been found, and previous to such spot being proclaimed an alluvial digging or mine, or being let out on a lease, shall be guilty of the crime of contravening the provisions of this Proclamation, and shall upon conviction thereof suffer such punishment as shall be by law provided for the crime of fraud.

22. In any proceedings taken for the contravention of the last preceding section, if the accused person shall be proved to have placed or deposited, or to have been accessory to the placing or depositing of any precious mineral in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Governor, he shall be taken to have so placed or deposited such precious mineral in contravention of the last preceding section, unless he shall produce satisfactory evidence to the contrary.

Proc. 68 23. In all cases of expropriation, compensation shall in default of mutual agreement be awarded in the manner provided by the Lands and Arbitrations Clauses Act, No. 6, 1882. (k)

24. Every place shall be deemed and taken to be a quartz reef digging, an alluvial digging or a mine, as the case may be, which has been or shall be duly declared as such respectively.

25. In all Native Reserves or Locations in British Bechuanaland precious stones and precious minerals shall be and the same are hereby declared to be reserved to the Crown, together with all easements or servitudes appertaining or necessary to the digging for and winning the same: Provided that in all cases in which claims shall have been marked out, and a digging, mine or mining area, shall have been declared on any Native Reserve, compensation shall be paid in the manner hereinafter in Section 44 provided.

26. Whenever precious minerals shall be discovered in or upon any Crown Lands or Native Reserve, or upon private property, the title to which is subject to a reservation of precious stones or precious minerals in favour of the Crown, and the Governor shall be satisfied that precious minerals do exist in payable quantities, it shall be lawful for the Governor to declare that such area as shall be described shall be a quartz reef digging, an alluvial digging or a mine, as the case may be, and the Governor shall be empowered to make all such rules, orders, regulations, or bye-laws, as he may deem necessary or expedient for the proper laying out, surveying, enlargement, or contraction of any mining areas and depositing floors in connection with such quartz reef digging, alluvial digging or mine, as also for the expropriation of and compensation for cultivated lands or buildings which may be included in any area so proclaimed, and generally all matters and things connected with the proper and efficient working of such digging or mine.

27. At every digging or mine the Governor may Proc. 63 appoint such inspectors, registrars, or other officers as may be deemed requisite, who shall receive such salaries or allowances out of the public funds as may be deemed necessary, and whose duties and authorities shall be fixed from time to time by the Governor.

28. It shall be lawful for the Inspector to issue to any applicant who shall be the holder of a prospecting licence, a permit to prospect or search for gold, for a period of one month, in such unallotted portions of proclaimed diggings or mines as shall be specified in the permit. The holder of such a permit shall be bound, in prospecting, to obey any instructions which the Inspector may deem it necessary in the exercise of his functions to issue.

29. Every claimholder shall receive a certificate of registration in the form contained in the third schedule hereto: Provided that no firm or joint-stock company shall be entitled to be registered as holding claims except in the name or names of not more than two persons resident at the digging or mine in which such claims shall be situated, as the duly accredited agent or agents of such firm or joint-stock company, and such agent or agents shall be responsible for all matters connected with the claim or claims for which he or they shall be so registered, exactly as if such claim or claims were registered in his or their own name or names as his or their property.

30. Every certificate of the registration of a claim or portion of a claim in any digging or mine, situated or being in or upon Crown Lands or lands the title to which is subject to a reservation to the Crown of precious stones and precious minerals, shall be covered by a stamp of ten shillings for each month for which such claim or portion of a claim is registered, payable in advance.

31. Any claimholder desirous of hypothecating his holding in any digging or mine, may effect such hypothecation at the office of the Registrar of Claims, and the same shall be duly entered in a book to be kept

Proc. 68 for that purpose, and a certificate of hypothecation shall be granted in the form contained in the fourth Schedule hereto.

32. Every certificate of hypothecation shall bear a stamp of five shillings for every claim or portion of a claim hypothecated in any digging or mine.

33. Every certificate of transfer of a claim or portion of a claim in any digging or mine shall bear a stamp of not less than five shillings, but if the sum for which such claim is sold shall be more than fifty pounds, then the certificate shall bear stamps, being for transfer duty, at the rate of one pound sterling for every hundred pounds, or portion of one hundred pounds, of the purchase money.

34. No transfer of any claim shall be made until the same shall have been registered by the proper officer duly appointed in that behalf, and no such registration shall be made until all rates, liens, licence money, royalties, or rents due and payable in respect of the property to be transferred shall have been paid.

35. In all cases where two or more claimholders in any digging or mine, or diggings or mines, shall amalgamate their respective claims, the certificate of the transfer effected for the purpose of carrying out such amalgamation shall bear stamps at the rate of one pound sterling for every hundred pounds, or portion of one hundred pounds, of the assessed value, or if there shall be no assessment, of the declared value of the claims so amalgamated.

36. No such stamps as aforesaid shall be affixed to the certificate of transfer of any claim or portion of claim until the seller and the purchaser, or their respective agents, as the case may be, shall have taken and subscribed the appropriate forms of solemn declaration set forth in the sixth schedule hereto before such persons respectively as are or shall be by law entitled to administer oaths; and any person who shall wilfully and corruptly make and subscribe any such declaration knowing the same to be untrue in any material particular, shall be deemed to be guilty of the

crime of contravening this section of this Proclamation, Proc. 68 and shall upon conviction thereof suffer such punishment as shall be by law provided for the crime of perjury: Provided, always, that such use of any such form of solemn declaration as aforesaid shall not be deemed and taken to imply or raise any legal inference that any claimholder or the assignee of any claimholder is invested with the ownership of the soil of the claim or claims in respect of which such forms of solemn declaration shall be or shall have been taken and subscribed as aforesaid.

37. The Inspector of any digging or mine, or other officer duly appointed in that behalf, is hereby empowered to ask, demand, sue for, recover and receive all licence moneys, royalties, rents or transfer dues in respect of any claims in such digging or mine, and to declare as abandoned any claims in respect whereof any such licence moneys, royalties or rents shall be in arrear for a space of thirty days, or which shall have been proved to the satisfaction of the Resident Magistrate or the Inspector of Claims, or other officer duly appointed in that behalf, to have remained unworked for the space of thirty days; unless the claimholder shall have obtained a certificate of protection as in the next section specified: Provided, always, that when claims have been amalgamated it shall be sufficient for the purposes of this section if work has been done on any one of such claims.

38. Every claimholder may apply to the Inspector or other duly appointed officer for a certificate of protection on the ground of sickness, unavoidable absence, or other sufficient cause, which certificate shall not in the case of alluvial claims be issued for a period of more than forty-two days, and in the case of reef claims for more than three calendar months, during which respective periods the claims to which they refer should not be liable to forfeiture by reason merely of non-working: Provided further that if any such certificate be obtained by false representations it shall afford no protection under this section, and shall forthwith upon the discovery of such false representation be declared to be cancelled by the Inspector.

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39. In the event of any claim situated on Crown Lands or on any Native Reserve, or upon property, the title to which is subject to a reservation of precious stones and precious minerals in favour of the Crown, becoming for any reason practically unworkable, the registered holder of such claim shall, if such claim be practically unworkable on the day when the monthly licence money, royalty, or rent, is due and payable, be relieved from the payment of the ordinary monthly licence money as aforesaid in respect to such claim for the next ensuing month: and in lieu thereof the Inspector shall grant him a certificate of reservation, bearing a stamp of one shilling, for the next ensuing calendar month, and in like manner from month to month; which certificate shall entitle him to be registered for each month, so long as the said claim shall continue to be so unworkable.

40. Any digging or mine situate on Crown Lands or on any Native Reserve, or on private property, the title to which is subject to a reservation of precious stones and precious minerals in favour of the Crown, in which digging or mining operations shall not be, and shall not have been for a period of twelve weeks, carried on in five claims in all in such digging or mine, to the satisfaction of the Inspector, and in respect of which the licences on not less than one-tenth of all the claims in such digging or mine shall not have been paid for a period of two months, may be proclaimed abandoned after the expiration of thirty days from the date of notice in the *Government Gazette* setting forth that unless the requisite number of claims be worked and the requisite licences paid, the digging or mine will be proclaimed abandoned; and such digging or mine shall forthwith on such proclamation be closed; but such digging or mine may at any time, under and subject to the provisions of this Proclamation, be again proclaimed a digging or mine, as the case may be.

41. If, before the expiration of three months from the date of a written request to the Governor, setting forth that precious minerals have been found in payable

quantities, signed either by the owner of any land the title to which is subject to a reservation to the Crown of precious stones and precious minerals, or by any prospector duly licenced to prospect upon such land, and asking that the said land shall be proclaimed a mining area, the Governor shall not see fit to proclaim such area, it shall be lawful for such prospector, without the owner's consent, to beacon off in block within his own prospecting area, and also for the owner to beacon off in block within so much of the same prospecting area as shall fall within the limits of such owner's land, all claims which such prospector and owner would have been respectively entitled to beacon and hold had such area been proclaimed by the Governor, together with such depositing sites and other easements as are hereinafter in Sections 48 and 49 provided: Provided that no prospector shall be entitled to make such written request as aforesaid without first giving notice to such owner of his intention so to do; and provided that nothing herein contained shall be deemed or taken in any way to interfere with the right and power of the Governor at any time to proclaim a mining area, including such land and the claims so beacons off and held by such prospector and owner respectively; and provided further that all such claims shall be registered either with the Civil Commissioner or the Registrar of Claims, and that licence money at the rate of ten shillings for each claim for each month for which such claim or portion of claim is registered, shall be paid in advance by such prospector and owner respectively.

42. It shall be at all times lawful for the Governor to grant a mining lease of any Crown Land, or of any abandoned digging or mine, or any portion thereof, when the same is situate on any Crown Land or Native Reserve, or property the title to which is subject to a reservation of precious minerals or precious stones in favour of the Crown, after the same has been declared abandoned, and to frame regulations for the granting of such leases, and in any lease so granted the following terms and conditions shall, amongst others, be inserted:—

Proc. 63 (a) The lease shall be for a term of not less than two years, nor more than five, and shall embody an agreement that the lessee shall have the right to renew such lease or any renewal thereof for any period not exceeding five years.

(b) The rent reserved shall be a royalty of not less than one pound per centum on the gross amount realised by the sale of precious minerals yielded by the property leased, to be paid from time to time as the same are sold, and payment of a sum at the rate of not less than four pounds per month per morgen or portion of a morgen so leased, which latter amount shall be paid half-yearly in advance.

(c) The lease shall be granted solely for the purpose of digging or mining operations.

(d) The lessee shall be bound during the term of his lease to carry on digging or mining operations to the satisfaction of the Inspector, due regard being had to the special circumstances of each case.

(e) The lessee shall have power to sub-let, subject to the approval of the Governor.

(f) All such leases and sub-leases shall be registered in the office of the Registrar of Deeds.

Provided that in the case of any abandoned digging or mine being situated on property the title to which is subject to a reservation of precious stones and precious minerals in favour of the Crown, the lessee as aforesaid shall be entitled to occupy a sufficient area for depositing floors and sites for reef-tipping, or other mining purposes, beyond the margin of the digging or mine, and the proprietor of such property shall be entitled to receive from the lessee, by way of compensation for the ground required or leased with such abandoned digging or mine as aforesaid, such sum as may be determined by mutual agreement, or by arbitration, in the manner provided by the Lands and Arbitrations Clauses Act, No. 6, 1882.

43. Whenever it shall be shown to the satisfaction of the Governor that precious minerals occur in any tract or area upon Crown Land or on any Native

Reserve, and if, after due publication and notice in the *Government Gazette* of the application for the lease of such tract or area, there shall not have been received by the Civil Commissioner or by the Inspector of Claims for the district, as the case may be, before a time specified in the notice, not being less than one month from the date thereof, applications from ten or more duly qualified miners for mining claims in such tract or area, it shall be lawful for the Governor to grant a lease of such tract or area, and also of sufficient ground adjoining thereto as shall be deemed necessary for the working of the same, to the person making application therefor, upon similar terms and conditions as those in the last preceding section set forth. (1)

44. The owner of any private property and the trustees of any Native Reserve the title of which is subject to a reservation to the Crown of precious stones and precious minerals, and on which any digging is declared, or any abandoned digging or mine, or tract or area as aforesaid is leased for digging operations, shall be entitled to demand and receive from the public treasury, as full compensation for any surface damage he or they in their fiduciary capacity may sustain or may have sustained by the declaring and opening of such digging, half of the licence moneys, rents, or royalties, collected by the Government, in respect of such digging or leases as aforesaid: And the persons appointed in that behalf shall be bound to keep books showing the amount of all such moneys, and shall account for and pay over to such owner or trustees, as the case may be, at the end of every half-year, all sums of money due to such owner or trustees, and shall afford to such owner or trustees, at all reasonable times, inspection of such books.

45. Every holder of land on lease from the Crown under any law, and every lessee of land the title of which is subject to a reservation to the Crown of precious stones and precious minerals, and in the lease of which

(1) Printed as amended by Proclamation 102.

Proc. 63 the owner shall have stipulated and agreed to let, and such lessee to hire, such land together with the rights of the owner in respect to precious minerals shall, *mutatis mutandis*, and provided that such lease shall be duly registered in the office of the Registrar of Deeds with the title deeds of such land, be entitled, during the term of his lease but no longer, to all rights and privileges conferred upon any owner of land the title to which is subject to such reservation as aforesaid under and by virtue of the provisions of this Proclamation: Provided that at the expiration of his lease every lessee herein mentioned shall be bound and obliged to cede and assign to the owner of the land leased every mining lease in respect of such land granted to or held by him under the provisions of the Forty-second and Forty-third Sections of this Proclamation, and upon such cession such owner shall be and become during the unexpired portion of such mining lease entitled to all the rights and privileges and bound by all the conditions and obligations conferred and imposed upon such lessee under such lease: Provided, always, that such cession shall not prejudice the right of such lessee to retain the twenty claims to which he may have become entitled as prospector under the provisions of the Thirteenth Section of Proclamation No. 43 B.B., 1887, or the Sixteenth Section of this Proclamation.

46. No lessee from any person other than the Crown of lands the title of which is subject to a reservation to the Crown of precious stones and precious minerals, and in the lease of which there shall be contained no such stipulation or agreement as is referred to in the last preceding section, shall be entitled to any of the rights or privileges specially conferred upon owners of such land under the provisions of this Proclamation; but every such lessee who shall be disturbed in his possession or damaged or injured in any way by reason and in consequence of the exercise by any person of any right or power conferred or reserved under the provisions of this Proclamation, shall be entitled to claim from the owner and lessor compensation in respect of such disturbance, damage or

injury, the amount of which compensation shall in all cases of disagreement be determined by arbitration in the manner provided by the Lands and Arbitrations Clauses Act, No. 6, 1882. Proc. 83

47. For the purpose of working any digging or mine situated on any Crown Land or Native Reserve, or on private property the title to which is subject to a reservation of precious stones and precious minerals in favour of the Crown, the Surveyor-General shall be and he is hereby empowered to cause the claims in such digging or mine to be surveyed by some duly qualified person, as also a sufficient area around such digging or mine, for the purpose of depositing floors, tipping sites and all other matters and things connected with the proper and efficient working of the digging or mine; and to frame a plan of the said survey, which plan shall lie at the office of the Civil Commissioner of the Division in which such digging or mine is situate, and shall be open for public inspection at all reasonable times. The area so surveyed may from time to time be altered and enlarged at the discretion of the said Surveyor-General as the necessities of the digging or mine may require.

48. To every licensed claim in any digging or mine which may hereafter be established under the provisions of this Proclamation, there shall be attached the right to use and occupy not more than one acre of unimproved and unoccupied ground hereinafter called a depositing site, such site to be pointed out by the Inspector of such digging or mine, in the neighbourhood of or as near to such digging or mine as may be expedient and safe (but so as not to encroach on a reserve of two hundred yards around the margin of such digging or mine) for the purpose of depositing soil, reef or shaly ground, and for the purpose of sinking wells, laying tramways or doing and performing such other works, matters and things in connection with digging or mining operations as may be approved by such Inspector; and in respect of every such depositing site the claimholders shall be bound to pay to the Government in advance a sum not exceeding one pound per month, subject to the rights of the owner

Proc. 88 of any private property as hereinbefore in Section 44 provided.

49. To every registered claim in any digging or mine there shall be attached the right to use and occupy, on payment to the Government of ten shillings per month, a piece of ground within the proclaimed area of such digging or mine for the purpose of a residence for the holder of such claim. The said piece of ground shall be marked out for each claimholder by the Inspector of the digging or mine, and shall not be more than eight hundred square yards in extent.

50. All disputes between claimholders in any digging or mine as to the ownership of any claim, or as to the boundaries of their respective claims, shall be dealt with and decided by the Inspector of the digging and two assessors to be nominated by the said Inspector; and for this purpose the Inspector and assessors aforesaid shall and may examine witnesses on oath, and take down their evidence in writing, and shall do all things which they may deem necessary in order to arrive at a proper decision in the case; and the Inspector shall have authority to summon all defendants and witnesses to appear before him, and in default of their appearing he may issue warrants for their being brought before him, and for non-attendance he may fine them any sum not exceeding five pounds sterling. All such decisions of the Inspector and the assessors shall be subject to appeal to the Court of Resident Magistrate of the District, provided such appeal be noted in the record book of the Inspector within three days of the decision complained of, and the appellant shall deposit the sum of £1 sterling as security for the costs of conducting the said appeal, and the said Inspector shall make a note of the said deposit immediately after the note of the said appeal, and thereupon the said appeal shall be allowed, but not otherwise. The deposit aforesaid shall be forfeited to the Crown if the appeal shall be decided by the Resident Magistrate to be frivolous or vexatious, or if it shall be abandoned or not duly prosecuted; but if otherwise, it shall be returned to the appellant.

51. The service of any summons on any defendant Proc. 53 or witness in any case to be heard and decided as aforesaid shall be performed by any person appointed for that purpose by the Inspector, and the said person shall also have authority to execute the warrant mentioned in the last preceding section, and every person shall be liable to the penalties for perjury for false testimony given before such Inspector and assessors.

52. All offences created by this Proclamation, and all fines and penalties which may be imposed under the provisions of this Proclamation, may be prosecuted before and imposed by any Resident Magistrate or Assistant Resident Magistrate of any district in which the offence was committed.

53. Any person marking out a claim in any digging or mine who shall fail to take out a certificate of registration of the said claim within a period of six days shall be deemed to have abandoned the same, and the Inspector of the digging or mine shall thereupon declare the same to be abandoned.

54. The term "owner" shall include all persons duly registered as the proprietors of land in the office of the Registrar of Deeds, but if in any case two or more persons shall be registered as the owners *pro indiviso* of any land, or as the holders or lessees of any land referred to in this Proclamation, all rights and powers conferred upon or reserved to the owner of such land, or to such holders or lessees, by the provisions of this Proclamation shall be deemed and taken to be jointly and not severally conferred upon or reserved to such persons.

55. It shall at all times be lawful for the Governor to make such rules and regulations for the election and appointment of Diggers' Committees or managing bodies at all diggings or mines as he may deem fit, and to define from time to time, as occasion may require, the relative duties, powers, functions and authorities of all Inspectors of diggings or mines and of such Diggers' Committees or managing bodies, and to make rules for their guidance.

56. The Governor may direct that one Diggers' Committee or managing body shall be elected or

Proc: 63 appointed for one or more diggings or mines as he may deem advisable, and in such manner as he may deem fit.

57. The Governor may at any time direct that any Diggers' Committee or managing body shall be abolished or dissolved.

58. Whenever a mine shall be declared as such it shall be lawful for the Governor to make provision for the constitution and to order the election of a Mining Board, and to frame all such rules and regulations as he may deem expedient for the more efficient management and control of such mine and of mining areas by such Mining Board, and each Mining Board shall elect a Chairman and frame rules for its own guidance in its proceedings, and bye-laws for the management of the mine and mining area for which it is elected, which rules and bye-laws shall have legal force and effect on being promulgated in the *Government Gazette*, with the approval of the Governor, and shall remain in full force and effect, and shall govern every Mining Board, or any body for the time being invested with the powers of a Mining Board, and the mine for which they are passed, until cancelled, altered or amended by any Mining Board or representative body having proper authority so to cancel, alter or amend the same: Provided, always, that it shall not be lawful for any Mining Board by any bye-law or otherwise to expropriate private property or any property held on trust, or the property of any partnership, syndicate, joint-stock company or body corporate without payment of compensation, to be fixed by mutual agreement or in the manner provided by the Lands and Arbitrations Clauses Act, No. 6, 1882.(m) The Governor may from time to time fix and determine the number and mode of election of members of any such Mining Board. The following persons shall be qualified as members of Mining Boards, to wit:—

(a) Claimholders in the mine for which such Board is to be elected.

(m) Printed at page 1315, Vol. i of the Cape Statutes.

(b) Directors or nominees of companies holding claims as aforesaid. Proc. 63

(c) Registered accredited agents of holders of claims as aforesaid.

(d) Resident nominees of companies having their head office beyond the boundaries of British Bechuana-land.

59. It shall at all times be lawful for the Governor to make such rules and regulations as he may deem fit respecting the right to vote for the election of a Mining Board; the power of holders amalgamating to vote; the disqualification arising from arrear rates or insolvency of claimholder; the number and distribution of votes; the assessment of claims; the appointment of assessors and referee and their respective powers; the power to levy rates upon claims in mines and upon property in mining areas; the dissolution of a Mining Board and the election of a new one; and generally the rights, duties, powers and liabilities of Mining Boards.

60. If any Mining Board shall not for a period of two months have a sufficient quorum for the transaction of business, or shall not for the same period meet for the transaction of business, or shall for a like period fail, neglect or refuse to deal with the requirements of the Inspector, or to submit the same to arbitration, such Mining Board shall be *ipso facto* dissolved; and in case of such dissolution, or in case there shall not be for other reasons any Mining Board in existence, it shall be lawful for the Governor to appoint a Board of three persons, of whom the Inspector shall *ex officio* be a member and chairman, and who shall have all the power and exercise all the duties of a Mining Board, and shall do all things necessary for the working of the mine until such time as the Governor may direct that a Mining Board or another Mining Board shall be elected, and such Board so elected shall have taken office.

61. In the event of nine-tenths in assessed value of any mine becoming the property of one person, or firm, or partnership, or company, the Mining Board then

Proc. 63 existing shall be dissolved, and no fresh Mining Board, whilst the mine is so held, shall be elected or appointed.

62. Any person entitled to register a lien against any claim or claims in any digging or mine, may apply to and obtain a warrant in that behalf from the Inspector of the digging or mine in which such claim or claims shall be situated, which warrant shall be filed in the office of the Registrar of Claims; and the Registrar or other officer duly appointed in that behalf, shall grant to such person a certificate in the form contained in the fifth schedule to this Proclamation, and every such certificate shall bear a stamp of ten shillings.

63. All liens registered against any claim or property in any digging or mine shall entitle the person or persons in whose favour such liens are registered to recover the amount thereof by action in any competent Court from the holder or registered holder of such claim or property: Provided, however, that no greater sum shall be recoverable, under or by virtue of any lien, than the amount which may be realised by the sale of the claim or property against which the same is registered, and such claim or property shall alone be liable to be taken or sold in execution of any judgment given in any such action as aforesaid.

64. The order of preference for amounts due in respect of any claim in any digging or mine shall be as follows:—

1. Claim Licences.
- 2 Rates and dues lawfully imposed in respect of such claim or claims.
3. Expenses of work done by any Diggers' Committee or Mining Board by order of the Inspector.
4. Liens for work done to or on claims by virtue of this Proclamation or any bye-law.
5. Conventional hypothecations.
6. Fines or penalties recovered in any Court in respect of each claim or claims.

65. It shall be lawful for the Governor from time to time to proclaim rules and regulations concerning the

granting of miners' certificates entitling persons to hold Proc. 83 and work claims in any digging or mine, and to fix the fees to be charged for such certificates, and concerning the manner of working claims and machinery at any digging or mine, and for the regulation of all works within the mining area, in so far as the protection of life and limb is concerned, and generally for the proper management of all diggings and mines, and to fix the penalties for the breach of such rules and regulations not exceeding those in the next succeeding section mentioned, and such rules and regulations shall, on being proclaimed, have the force and effect of law at the digging or mine referred to in such proclamation as aforesaid, until the same are cancelled, altered, or amended by any subsequent proclamation made under and by virtue of the provisions of this section.

66. Any person, other than an owner or lessee under Section 16, or a lessee under Section 42, prospecting, mining, or digging for precious minerals without a prospecting licence, or without a claim licence, as the case may be, on any Crown Land or Native Reserve, or on private property containing a reservation of precious stones and precious minerals in favour of the Crown, shall, on conviction, be liable to a penalty not exceeding one hundred pounds sterling, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding twelve months; and any person who may be convicted before a competent Court of contravening any of the regulations framed under the provisions of this Proclamation, shall be liable to such penalties as may be by the said regulations prescribed, not in any case exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

67. All fines and penalties imposed under the provisions of this Proclamation, or of any rules, regulations, or bye-laws to be framed and proclaimed in manner hereinbefore provided, shall be recoverable in the Court of the Resident Magistrate or Assistant

Proc. 68 Resident Magistrate for the District in which such digging or mine is situated.

68. All actions brought by or against a Diggers' Committee or Mining Board shall be brought by or against the Chairman of such Committee or Board.

69. Whenever a digging, mine or mining area shall be proclaimed on any Native Reserve, or on private property subject to a reservation of precious stones and precious minerals to the Crown, the trustees or the proprietor, as the case may be, shall be bound to fence in the lands on which prospecting is prohibited under the Fifteenth Section of this Proclamation, in default whereof the Government or a Diggers' Committee, Mining Board or body or officer for the time being representing the claimholders, may carry out such fencing at the cost of the trustees or of the owner or his representative; and on such private property or Native Reserve the Government shall have the right without payment to occupy and build on such pieces of unoccupied and unimproved land as are required for Government offices, and all such buildings shall remain the property of the Government.

70. It shall be lawful for the Government to appoint Assistant Resident Magistrates for Mining Centres and to define the limits within which they shall exercise such jurisdiction as may be assigned to them from time to time by the Governor.

71. [Repealed by Proclamation 102].

72. [Repealed by Proclamation 102].

73. It shall be lawful for the Governor to grant such privileges, and to authorise such arrangements with regard to wood, water, rights of way, depositing grounds, tramways between diggings or mines, and battery sites, dwelling places and grazing rights, whether in or beyond any mining area as he may deem fit, regard being had to the special circumstances of each case, in favour of any person, firm or joint-stock company holding claims in any digging or mine in any Crown Land or Native Reserve, or on private property subject to a reservation to the Crown of precious stones and precious minerals,

saving the just rights of the natives living on such reserve, and of any private owners as hereinbefore in Section 23 provided. Proc. 63

74. It shall be lawful for any claimholder, hereinafter called the applicant, to give notice to any adjoining or other claimholder to appear before the Inspector of the digging or mine in which the claims of both claimholders are situated, upon a day to be fixed by such Inspector not being a day within thirty days of such notice, and to show cause to such Inspector why the applicant shall not be allowed to construct upon any claim or claims of such adjoining or other claimholder such buildings, tunnels, shoots, impounding weirs or water-courses as may be required for the ventilation, the discharge or supply of water, the removal of ore or debris, or generally for the more advantageous working of the claim or claims of the applicant; and upon the day appointed, or any other day to which the hearing of the matter may be adjourned, it shall be lawful for such Inspector to grant an order authorising the applicant to do all or any of the acts or things applied for in, upon, or in respect of the claim or claims of such adjoining or other claimholder: Provided, however, that no such order shall be granted unless such Inspector shall be satisfied that the working of such claim or claims by such adjoining or other claimholder will not be materially impeded, interfered with, or obstructed by any act or thing done pursuant to such order, and provided that such Inspector in granting any such order may limit the same by such terms, conditions and restrictions as shall appear to him to be required for the protection of such adjoining or other claimholder in the proper working of his claim or claims: Provided, further, that no such order shall be deemed in any way to affect or bind any claimholder to whom no such notice as aforesaid shall have been given; and that nothing herein contained shall be deemed in any way to prejudice the right of any such adjoining or other claimholder or any other person thereafter to recover from the applicant or any other person damages for any injury which he may satisfactorily prove

Proc. 63 to have been in fact sustained by him by and in consequence of any act or thing done by the applicant pursuant to any such order by any Inspector.

75. In the interpretation of this Proclamation, unless repugnant to the context, the following words shall have the meaning following:—

The word “claimholder” shall be taken to include partnerships and joint-stock companies.

The word “claim” shall be taken to mean any portion of ground assigned for mining purposes of a size to be from time to time proclaimed by the Governor.

FIRST SCHEDULE.

PROSPECTING LICENCE.

Civil Commissioner's Office,
.....18....

Whereas A. B. has duly complied with the provisions of Proclamation No. 63 B.B., 1889, licence is hereby granted to him to search and prospect for precious minerals throughout the Territory of British Bechuanaland, for the period of..... from..... to.....

..... Civil Commissioner.

NOTE.—This licence does not give any right to prospect on private property where there is no reservation of precious stones or minerals in favour of the Crown, without the consent of the owner of such private property; nor within one mile of any person already prospecting and searching for precious minerals under and by virtue of a prospecting licence without his consent; nor within two hundred yards of any house or building occupied or used by the owner, lessee, or occupier of the property; nor upon any land under cultivation or required for the purpose of irrigation without the consent in writing of such owner, lessee, or occupier; nor in public squares, streets, roads, railways, or cemeteries.

SECOND SCHEDULE.

FORM OF RECOGNISANCE.

Before me,....., Distributor of Stamps for
....., on the..... day of..... 18....
A.B., residing at..... acknowledges himself to be
indebted to our Sovereign Lady the Queen in the sum of Fifty
Pounds, and C.D. and E.F. severally acknowledge themselves

to be indebted to our said Sovereign Lady the Queen Proc. 67 in the sum of Twenty-five Pounds, to be levied upon his [their and each of their] goods and lands, upon condition that if the said A.B. shall make due and proper repair of any surface damage done by him on any land upon which he shall have obtained a licence to prospect for precious minerals of right occupied by any quitrent tenant or lessee, then this recognisance shall be void, or else shall remain in full force.

THIRD SCHEDULE.

CERTIFICATE OF REGISTRATION.

This is to certify that of is the registered holder of Claim No. quartz reef digging (alluvial digging or mine, as the case may be), and that the licence money for the same has been paid in advance up to the 18....

..... Registrar.
 Office of the Registrar of Claims of the Quartz Reef Digging [Alluvial Digging or Mine as the case may be].

FOURTH SCHEDULE.

CERTIFICATE OF HYPOTHECATION.

This is to certify that Claim No. in the Quartz Reef Digging [Alluvial Digging or Mine, as the case may be] has this day been hypothecated by the registered holder of such claim, to of for the sum of £....

..... Registrar.
 Office of the Registrar of Claims of the Quartz Reef Digging [Alluvial Digging or Mine, as the case may be].

FIFTH SCHEDULE.

CERTIFICATE OF LIEN.

This is to certify that of is the registered holder of a lien against Claim No. situated in Mine in the sum of £....

..... Registrar.
 Office of the Registrar of Claims of Mine,
 18....

SIXTH SCHEDULE.

FORM A.

I, A.B., do solemnly and sincerely declare that the sum of £. . . . is the full and entire purchase money for which I have sold to C.D. the following property, that is to say [Here describe the property]. And I declare that I sold the same to the said C.D. on the day of 18 . . . , and not before : and that there is not any agreement, condition, or understanding between me and the said C.D., whereby he has paid or is to pay to me or to any other person whomsoever, for, or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £. . . . , save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following :—

1. The cost of any survey of the said property which shall have been made prior to, and for the purpose of, the said sale, and of any survey of such property which may be made after the sale, and the cost of all diagrams and subdivisions, and of the plan of the property exhibited at the time of the sale.
2. The charge made by the auctioneer for the conditions of the said sale.
3. The commission, if any, paid by the purchaser to any auctioneer, broker, or agent, by or through whom the sale of the property may have been effected, not exceeding two pounds and ten shillings per centum upon the amount of the purchase money.
4. The auction duty payable upon the said sale.
5. The transfer duty payable thereon.
6. The costs of all deeds necessary for effecting transfer of such property, and of the hypothecation deed, if any, and of all necessary stamps.
7. The charges of agents incurred in effecting the transfer of the said property.
8. The licence moneys, rents and royalties, if any, payable to Government upon the property sold.
9. The rates and dues, if any, lawfully imposed in respect of such property.
10. Expenses, if any, of work done by any Diggers' Committee or Mining Board by order of the Inspector.
11. Liens, if any, for work done to or on claims by virtue of this Proclamation or by any bye-law.
12. Fines or penalties, if any, recovered in any Court in respect of each claim or claims.

And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my

instance or request, any valuable consideration besides Proc. 63 the said sum of £....., save and except in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or on my behalf. And I further declare that the said C.D. is the only person who has ever purchased the said property from me, and that I never sold the same to any other person. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me this..... day of..... 18..

FORM B.

I, C.D., do solemnly and sincerely declare that the sum of £..... is the full and entire purchase money given, or to be given, by me to A.B. for the property following, bought by me from him, that is to say: [Here describe the property.] And I declare that I bought the same from the said A.B. on the..... day of..... 18.., and not before, and that I have not, nor has any person to my knowledge on my account given, nor is there by me or on my behalf to be given, any other valuable consideration for or in respect of or in connection with the alienation to me of the said property, save and except certain charges or payments which fall under or come within some one or more of the following heads or items of charges or payments following: [Here set forth in order, from No. 1 to No. 12, both inclusive, the heads or items of charges or payments as in form A.] And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me, this..... day of....., 18..

FORM C.

DECLARATION OF SALE BY AN AGENT.

I,....., do solemnly and sincerely declare that I have acted as the Agent [Auctioneer or Broker, as the case may be] in making the Sale [or Purchase] of certain..... sold by..... to..... and that I know, of my own knowledge, the amount of the Purchase Money thereof: And I do further declare that the said sale was made on the..... and not before; and that the sum of..... to be paid by the said..... to the said..... is, to the best of my knowledge and belief, the full and entire Purchase Money to be given and received by the said Persons respectively, in regard to the Alienation of the said Property by the one of them to the

Proc. 63 other of them; and that, to the best of my knowledge and belief, no further or other valuable consideration has been given or is to be given by or on behalf of the said..... to or on behalf of the said..... for or in respect of the said Property, save and except certain charges or payments [insert as in Form A.]; And I make this solemn declaration conscientiously believing the same to be true.

Declared at....., this.....day of.....18.,
before me,....., Justice of the Peace.

FORM D.

DECLARATION ON PARTITION OF MINING PROPERTY.

We, the undersigned..... Joint Proprietors of the
....., situated in..... Registered Folio.....,
do severally solemnly and sincerely declare that we have mutually agreed with each other to the following Partition of the said Mining Property so as to give to each party a defined portion as his separate and exclusive property, namely..... And we declare that we have not, nor has any person to our knowledge, on our account given or received, nor is there by us, or on our behalf, to be given or received, by the one, to or from the other of us, any money or other valuable consideration for or in respect of the partition and mutual transfer of the aforesaid land. And we make this solemn declaration conscientiously believing the same to be true.

Declared at....., this.....day of.....18.,
before me,..... Justice of the Peace.

FORM E.

I, A.B., do solemnly and sincerely declare that the sum of £..... is the full and entire purchase money for which I have sold to C.D. the following property, that is to say: [Here describe the property.] And I declare that I sold the same to the said C.D. on the.....day of....., 18., and not before, and that there is not any agreement, condition, or understanding between me and the said C.D. whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with, the purchase by him of the said property, any sum of money over and above the said sum of £....., save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following: [Here set forth in order, from No. 1 to No. 12, both inclusive, the heads or items of charges or payments as in Form A.] And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable

consideration besides the said sum of £....., save and except Proc. 83 in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or on my behalf. And I further declare that the only person, other than the said C.D., to whom I ever sold the said property, or who at any time purchased the said property from me, was E.F., to whom I sold the same on the..... day of..... 18.. for the sum of £..... And I further declare that since the said sale to the said E.F., he has become insolvent, and that the trustee of his insolvent estate has elected to abandon the said sale. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me this..... day of..... 18..

FORM F.

I, A.B., do solemnly and sincerely declare that I sold to C.D., on the..... day of....., 18.., the property following, namely: [Here describe the property] the sum of £.....; and I declare that I have never received any sum of money, or other valuable consideration, on account of the said purchase.⁽ⁿ⁾ And I further declare that I have consented and agreed with the said C.D. to cancel, by mutual consent, the said sale, which sale was, on the..... day of..... 18.., cancelled accordingly. And I further declare that I have not received, nor am I to receive, from the said C.D., or any other person, any money or other valuable consideration, for or in reference to my consent to the cancellation of the said sale. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me this..... day of..... 18..

FORM G.

I, C.D., do solemnly and sincerely declare that I bought from A.B., on the..... day of....., 18.., the property following, namely: [Here describe the property] for the sum of £.....; and I declare that I have never given to the said A.B. any sum of money or other valuable consideration, on account of the said purchase.^(o) And I further declare

(n) Should any interest have been received upon the purchase money, add the words, "except certain interest upon the said sum."

(o) Should any interest have been paid upon the purchase money, add the words, "except certain interest upon the said sum."

Proc. 63 that I have applied to the said A.B. to consent to cancel the said sale, which sale hath accordingly been cancelled by mutual consent. And I further declare that I have not given, nor am I to give, nor has any person on my behalf to my knowledge given, nor is any person to my knowledge to give, any money or other valuable consideration for or in reference to the cancellation of the said sale. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me this.....day of.....18..

FORM H.

I, A.B., do solemnly and sincerely declare that I sold to C.D., as the agent or alleged agent of E.F., on the..... day of.....18...., and not before, the property following, namely: [Here describe the property] for the sum of £..... And I declare that the said E.F. has declined to accept the property, and that the said C.D. has signified his willingness to take the same to and for his own individual account, for the said sum of £....., neither more nor less. And I further declare that there is not any agreement, condition, or understanding between me and the said C.D., whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £....., save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following: [Here set forth in order, from No. 1 to No. 12, both inclusive, the heads or items of charges or payments as in Form A.] And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the said sum of £....., save and except in so far as any of the charges above specified, and to be paid by the said C.D., might be held or taken to be payable for me or in my behalf. And I further declare that the said C.D., as the agent or alleged agent of the said E.F., is the only person who has ever purchased the said property, and that I never sold the same to any other person than, in manner aforesaid, to the said C.D., who with my consent and by virtue of the Act in that behalf provided, takes over the property aforesaid as his own. And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me, this.....day of.....18..

FORM I.

Proc. 63

I, C.D., do solemnly and sincerely declare that I did, in the name of E.F., purchase from A.B., on the..... day of, 18.., and not before, the property following, namely: [Here describe the property] for the sum of £.....; and I declare that the said E.F. has declined to accept the said property, and that the said A.B. has consented and agreed that I shall take over the said property as the purchaser thereof, for the sum of £..... And I further declare that I have not, nor has any other person to my knowledge, on my account given, nor is there by me, or on my behalf, to be given, any other valuable consideration of any kind whatever, for or in respect of the alienation to me of the said property, save and except certain charges or payments which fall under, or come within, some one or more of the heads or items of charges or payments following: [Here set forth in order, from No. 1 to No. 9, both inclusive, the heads or items of charges or payments as in form A.] And I make this solemn declaration conscientiously believing the same to be true.

(Signed) C.D.

Declared before me, this.....day of.....18..

FORM J.

I, A.B., do solemnly and sincerely declare that the sum of £..... is the full and entire purchase money for which I have sold to C.D. the following property, that is to say: [Here describe the property.] And I declare that I sold the same to the said C.D., on the.....day of....., 18.., and not before; and that there is not any agreement, condition, or understanding between me and the said C.D., whereby he has paid or is to pay to me or to any other person whomsoever, for or in respect of, or in connection with the purchase by him of the said property, any sum of money over and above the said sum of £..... save and except certain charges or payments which fall under or come within one or more of the heads or items of charges or payments following: [Here set forth in order, from No. 1 to No. 9, both inclusive, the heads or items of charges or payments as in form A.] And I further declare that I have not received, and that I am not to receive, nor has any other person received, nor is any other person to receive, for my use or benefit, or at my instance or request, any valuable consideration besides the said sum of £..... save and except in so far as any of the charges above specified, and to be paid by the said C.D. might be held or taken to be payable for me or in my behalf. And I do further declare that the only person other

Proc. 63 than the said C.D. to whom I ever sold the said property, or who at any time purchased the said property from me, was E.F., to whom I sold the same on the.....day of18.... And I further declare that the said sale to the said E.F. has been cancelled by mutual consent, and that the transfer duty thereupon has been remitted.

[Or, "And I further declare that the said sale has been set aside by a judgment of the Court of Resident Magistrate for the District of.....bearing date the.....day of18.... pronounced in a suit wherein..... was the plaintiff and..... was the defendant;"]

[Or, "And I further declare that the said E.F. has, to the best of my knowledge and belief, left the Territory, 'or cannot be discovered within it' (as the case may be), and that he has not paid me any part of the purchase money agreed to be paid, and that I have received from the Governor the permission herewith annexed to make this special declaration."]

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) A.B.

Declared before me, this.....day of.....18..

No. 64 B.B., 1889.]

[May 9, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

Proc. 64 **W**HEREAS it is expedient to amend and consolidate the law for the prevention and punishment of the offence of selling, exchanging, or giving to or procuring for any native in the territory of British Bechuanaland any wine or spirituous, or partly spirituous, liquor, and for that purpose to repeal Section 60 of the Schedule to Proclamation No. 2 B.B., 1885, containing Laws and Regulations for the Government of the said Territory, Proclamation No. 55 B.B., 1888, and Proclamation No. 57 B.B., 1888, and to make further provision for the prevention and punishment of the said offence by providing that in addition to the penalty in the said 60th Section provided, forfeiture of

licence may be adjudged in case of any conviction at Proc. 64 any time:—

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

1. Section 60 of the Schedule to Proclamation No. 2 B.B., 1885, containing Laws and Regulations for the government of the territory of British Bechuanaland, Proclamation No. 55 B.B., 1888, Proclamation No. 57 B.B., 1888, and so much of any other Proclamation or legislative enactment as may be repugnant to or inconsistent with any of the provisions of this Proclamation, shall be and the same are hereby repealed: Provided, always, that nothing herein contained shall be deemed and taken to affect the said 60th Section, and the said Proclamations Nos. 55 and 57, 1888, in their respective application to any prosecution of any person actually commenced thereunder before the date of this Proclamation.

2. Whoever, whether licensed or unlicensed, shall sell, exchange, or give to or procure for any native in British Bechuanaland any wine or spirituous, or partly spirituous, liquor in any quantity whatever shall be liable, in addition to any penalty which may be incurred in respect of the sale thereof without licence, to a penalty not exceeding fifty pounds sterling, and in default of payment to imprisonment with or without hard labour for a term not exceeding six months, unless such penalty be sooner paid: Provided always that such penalty shall not be recoverable if it be proved that the liquor so supplied or procured was *bona fide* supplied or procured for medicinal purposes, the onus of which proof shall rest on the person so supplying or procuring the same; and provided further that the provisions of this section shall not apply to the use, sale, exchange, or supplying of Kafir beer by the native producer thereof, or to beer or ginger beer or the like liquor; but if any wine or spirits are mixed with such drinks, the provisions of this section shall apply.

Proc. 64 The word "Native"^(p) means any aboriginal native belonging to any native tribe, and includes half-castes and all persons of mixed race living as members of any native community, tribe, kraal or location.

3. In addition to the penalty imposed by the last preceding section on any person who, whether licensed or unlicensed, shall sell, exchange or give to, or procure for any native in the said territory, any wine, or spirituous or partly spirituous liquor, in any quantity whatever, the convicting Magistrate or Special Justice of the Peace, as the case may be, may, on the conviction of any person for such offence, adjudge that such person shall, if he be a holder of a liquor licence, or of a trading licence, or of a hawker's or travelling trader's licence, or of a wholesale licence, or of any retail licence whatsoever, forfeit any or all of such licences, and that the offender be disqualified from taking out any other licence during the remainder of the then current year, and also from holding any licence for the sale of intoxicating liquors in the said territory for any term of years or at any time.

4. In submitting to the Administrator notes of evidence, reports and recommendations on applications for renewals or transfers of liquor licences in terms of Section 6, of Proclamation No. 58 B.B., 1889, Resident Magistrates shall be bound to forward therewith a copy of the record of all previous convictions in their respective Courts of any applicant in respect of the contravention of any laws relating to the sale of intoxicating liquor, and of any of the conditions on which any liquor licence may have been previously granted to such applicant.

(p) As to meaning of the term in the District of Gordonia, *Vide* Proclamation 113.

No. 65 B.B., 1889.]

[May 17, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY
AUGUSTUS SMYTH, &c., &c.

WHEREAS it is expedient, in terms of the Proc. 65
Foreign Letters of Administration Act No. 8,
of 1888, to make provision for the recognition in the
Territory of British Bechuanaland of Letters of Ad-
ministration granted in the Colony of the Cape of
Good Hope, and in other States:—

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

1. The terms "State," "Letters of Administration,"
"British Consular Court," shall bear the meanings
assigned to those terms respectively in the first section of
the Foreign Letters of Administration Act No. 8, 1888.

2. The provisions of the third, fourth, fifth, and
sixth sections (g) of the said Foreign Letters of Ad-
ministration Act No. 8, of 1888, shall, *mutatis mutandis*,
be, and the same are hereby declared to be, in force in
the territory of British Bechuanaland, so far as ap-
plicable: Provided always that the words "Chief
Magistrate's Court," shall be deemed and taken to be
substituted for the words "Supreme Court," wherever
the same occur.

No. 66 B.B., 1889.]

[May 26, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY
AUGUSTUS SMYTH, &c., &c.

WHEREAS provision has been made for the Proc. 66
appointment of a Registrar of Deeds for the
Territory of British Bechuanaland, and it is necessary

Proc. 66 to amend accordingly Section 40 of the Laws and Regulations for the Government of British Bechuanaland, contained in the Schedule to Proclamation No. 2 B.B., 1885 :—

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

1. [Superseded by Proclamation 79, Section 1.]

2. The duties of the Registrar of Deeds, shall be deemed to have been performed, and shall for the future be performed, by such officer as the Governor may already have authorised and appointed, or may hereafter authorise and appoint in that behalf.

No. 67 B.B., 1889.]

[Aug. 1, 1889.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

Proc. 67 **W**HEREAS it is expedient to make better provision for the adjustment of disputed boundaries between farms in the Territory of British Bechuanaland, held by virtue of a certificate of ownership, and for that purpose to repeal Proclamations No. 24 B.B., 1886, and No. 36 B.B., 1887 :—

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

1. Proclamations No. 24 B.B., 1886, and No. 36 B.B., 1887, and all laws repugnant to, or inconsistent with any of the provisions of this Proclamation, are hereby repealed, except as to things done, and proceedings commenced or pending, with reference to the survey of any farm, or the settlement of any dispute regarding the boundaries of any farm, under or by virtue of the proclamations and laws so repealed, all of which shall be treated as if such proclamations and laws remained in force.

2. Any owner or joint owner of a farm, held by virtue of a certificate of ownership, who desires to have his farm surveyed, shall deliver or send a notice in writing to that effect, to the Surveyor-General, giving the name of such farm, or otherwise describing it, and naming or otherwise describing the farms which immediately adjoin such farm, and stating that all the beacons of such farm are up. Proc. 67

3. The beacons erected for the purposes of the last preceding section shall, until their respective positions shall have been agreed to by all parties interested, or shall have been determined in manner and form as hereinafter provided, be merely provisional in their nature: Provided that no person shall, against the will, or without the authority of the person or persons by whom such beacons shall have been put up, or without the authority of some competent Court, or of this Proclamation, remove, destroy, or injure any such beacon or beacons; and any person who shall in contravention of this section, remove, destroy or injure any such beacon or beacons, shall, upon conviction, forfeit any sum not exceeding ten pounds sterling, to be prosecuted for in a Court of Resident Magistrate, and the person convicted shall also be liable to the reasonable costs of the prosecution, and the fine, when recovered, shall be paid to the Civil Commissioner of the Division for the general revenue.

4. On receiving the notice in the Second Section mentioned, and upon being satisfied that the beacons are standing and that provision has been made by the owner or owners of the farm in question for payment of the expenses of survey of such farm, the Surveyor-General shall instruct a duly qualified surveyor to attend at such farm upon such day as the Surveyor-General shall appoint, for the purpose of obtaining the admissions or denials hereinafter mentioned, and thereupon the Surveyor-General shall cause a notice signed by him to be published in the *Government Gazette* and also sent to all persons interested, informing them that such farm is about to be surveyed, and calling on them

Proc. 67 to attend at such farm on the day aforesaid, either personally or by some duly accredited agent; and then and there to lodge with the said surveyor the admissions or denials, as the case may be, in the form of Schedule A or B hereto, signed by such owners or duly accredited agents, with regard to the correctness of the beacons then and there pointed out in the positions claimed by the owner or owners of such farm: Provided that the day appointed as aforesaid shall not be less than 42 days from the date of the first publication of the said notice in the *Government Gazette*; and provided further that it shall not be necessary for any interested party to lodge any admission or denial with regard to any beacon or beacons which shall have already become admittedly true and correct by virtue of any proceedings under this or any previous Proclamation or law.

5. The following rules shall be observed with regard to the publication and service of the notice in the last preceding section mentioned:

- (a) The notice aforesaid shall be published once a week during the three consecutive weeks in the *Government Gazette* and likewise in a local newspaper; and a copy of such notice shall be sent by post by the Surveyor-General to every landowner interested in the beacons in question: Provided that such publication in the *Government Gazette* shall, so far as regards the Surveyor-General, be deemed and taken to be sufficient notice to all concerned.
- (b) The Surveyor-General shall, upon application being made to him, deliver copies of such notice to the owner of the farm to be surveyed or his representative.
- (c) Such owner or his representative shall serve or cause to be served the copy of notice aforesaid on all adjoining resident landowners interested in the beacons of the farm to be surveyed, or on their resident representatives.
- (d) If any such adjoining landowner shall not be resident on his farm or shall not have a repre-

representative resident thereon, it shall not be necessary for the owner of the farm to be surveyed to serve or cause to be served the copy of notice aforesaid. Proc. 67

6. The owner of every farm adjoining the farm to be surveyed, or his duly accredited agent, shall be bound on the day appointed as aforesaid, to lodge with the surveyor aforesaid the admission or denial aforesaid, as the case may be, with regard to the correctness of any of the beacons of the farm to be surveyed in which he may be interested, and which shall be pointed out to him by or on behalf of the owner of the said farm, and shall, in case he shall lodge such denial, point out to the surveyor aforesaid the position or positions which he maintains any such beacon or beacons ought of right to occupy, and in case the owner of any such adjoining farm or his duly accredited agent shall neglect or refuse to lodge such admission or denial, then such beacons shall be deemed to be admittedly true and correct; and in case the owner of any such adjoining farm or his duly accredited agent shall refuse or neglect to point out on the said day the position which he maintains any of the said beacons ought of right to occupy, the said owner shall be liable to pay such costs of survey and enquiry as in the opinion of the Land Court hereinafter mentioned shall have been caused by such neglect or refusal: Provided that whenever the surveyor shall fail to attend on the day appointed, the admissions and denials aforesaid shall be lodged with the owner of the farm to be surveyed or with any person authorised by the Surveyor-General to receive the same, and the owners of such adjoining farms or their duly accredited agents shall point out to the owner of the farm to be surveyed or to the person so authorised, the positions which they maintain the beacons of such farm ought of right to occupy, and thereafter the provisions of this section shall apply.

7. When and as often as no denial as aforesaid shall have been lodged with regard to the correctness of any of the beacons of the farm to be surveyed, the surveyor aforesaid shall frame an accurate diagram, taking the

Proc. 87 same to be the area represented by such beacons, whether the said beacons shall or shall not coincide with the extent of land which shall by the certificate of ownership of such farm, purport to have been granted, and shall transmit the same to the Surveyor-General for preparation of title in accordance with such diagram, together with a report setting forth the reasons of his inability to obtain any such admissions or denials as aforesaid.

8. Whenever a denial as aforesaid shall have been lodged on the appointed day with regard to the correctness of any beacon or beacons of the farm to be surveyed, the surveyor shall survey and frame a plan of such farm, and shall represent on such plan the respective positions of the beacons claimed by the owner of such farm and by the person or persons who shall have lodged such denial, all topographical features, the numerical values of the rectangular co-ordinates of such respective positions, and the area of the farm given according to the beacons claimed by the owner, and shall transmit the same to the Surveyor-General, together with a report containing the circumstances of such dispute, the names of all parties interested in such dispute, and of all persons who may be able to give evidence regarding the beacon or beacons in dispute.

9. The Surveyor-General shall forthwith upon receipt of the plan and report in the last preceding section mentioned, transmit to the Resident Magistrate of the District in which such farm shall be situate all such plans, reports, diagrams and other documents as the Surveyor-General may deem useful in adjudicating upon the question at issue: Provided that when and as often as any boundary line in dispute shall be partly in one district and partly in another district, the Surveyor-General shall decide upon the Resident Magistrate to whom the documents abovementioned shall be sent, and to whom the adjustment of such dispute shall be referred.

10. A Land Court consisting of the Resident Magistrate, together with two disinterested landowners of the district as assessors, to be nominated by such Resi-

dent Magistrate, shall be and is hereby empowered to Proc. 87 enquire into and decide upon all disputes relating to beacons and boundaries of farms in this territory, and the judgment of the majority shall be the judgment of the Court.

11. The rules, orders and regulations respecting the manner and form of proceeding in cases of such disputes before such Land Court as aforesaid shall, as far as is consistent with the provisions of this Proclamation, be the same as those of Courts of Resident Magistrates in civil cases, and all witnesses shall deliver their evidence on oath or affirmation, and any witness making on oath or affirmation knowingly and wilfully any false statement in regard to any matter material to any question which shall be the subject of enquiry by any such Land Court shall be guilty of perjury, and shall, upon conviction, be liable to such punishment as shall by law be provided for the said crime.

12. The Resident Magistrate shall upon the receipt of the documents in the 9th section mentioned appoint a day for the hearing of the case, and the process to be sued out and the proceedings and rules of evidence in such Land Court shall, so far as circumstances will permit, be the same as those in Courts of Resident Magistrate in civil cases.

13. Should the Land Court, during the course of any enquiry, find it necessary, in order to arrive at a decision in accordance with real and substantial justice, that any beacon or beacons of any other farm or farms must of necessity become admittedly true and correct, such Court may request the Surveyor-General by notice in writing to cause such farm or farms to be surveyed: Provided that before making such request the Land Court shall have made an order as to the expenses of such survey.

14. Upon receipt of the notice in the last preceding section mentioned, the Surveyor-General shall forthwith act in the manner as hereinafter in Section 22 provided, and thereupon the provisions of the said section shall apply.

Proc. 67 15. The Resident Magistrate shall, with all convenient speed, transmit to the Surveyor-General a report in writing of the decision of the Land Court upon the case submitted to it, together with the documentary and other evidence taken, and any remarks explanatory of the decision which he may think it necessary or proper to attach; and the Surveyor-General shall file these documents as of record in his office.

16. Appeals from the decisions of any Land Court shall be regulated by the laws in force applicable to appeals in civil cases from Courts of Resident Magistrate.

17. When and as often as an appeal from the decision of the Land Court shall have been noted, the clerk of such Court shall forthwith forward a notice to that effect to the Surveyor-General, who shall, with all convenient dispatch, transmit to the Court of the Chief Magistrate, addressed to the registrar thereof, the report of the Resident Magistrate upon the subject of the decision petitioned against, and all evidence, documentary or otherwise, and all remarks received by the Surveyor-General from the Resident Magistrate, and the said registrar shall forthwith, after the decision of the Chief Magistrate shall have been delivered, return the aforesaid documents to the Surveyor-General, who shall file them as of record in his office.

18. The cost and charges of such proceedings as aforesaid shall be regulated and defrayed as near as may be in accordance with the rules and regulations applicable to civil cases: Provided that the fees payable to every attorney or counsel appointed by any party to conduct his case in Court shall not exceed, for every day or part of a day on which the case shall be actually heard, the sum of two guineas: Provided, further, that every assessor aforesaid shall receive an allowance of two guineas per day for every day during which he shall be really and *bona fide* engaged in any such enquiry as aforesaid, or in repairing to or returning from the place or places where the same shall have been carried on: Provided, further, that such allowance to assessors shall include horse-hire.

19. In all cases of disputes investigated as afore-^{Proc. 67}said, the expenses of survey shall be kept distinct from the costs of enquiry, and shall be paid by the owner of the farm to be surveyed.

20. The remuneration of assessors, all reasonable expenses incurred in visiting the locality, and likewise the costs in Section 6 mentioned, shall be included in the costs of enquiry, as to which the Land Court shall have power to make any order subject to the right of appeal: Provided always that such costs shall be subject to taxation in accordance with the rules applicable to the taxation of costs in civil cases.

21. The Surveyor-General shall at all times have the power to cause a survey of any farm held by virtue of a certificate of ownership to be made.

22. When and as often as the Surveyor-General shall order a survey of any farm held by virtue of a certificate of ownership, he shall cause the notice in the 4th Section of this Proclamation mentioned to be sent and published as therein directed, and thereafter Sections 5 to 20 inclusive shall apply: Provided that the surveyor or other person appointed by the Surveyor-General shall serve such notice on the adjoining owners or their representatives if resident on any such farms: Provided, further, that if the owner of the farm to be surveyed shall neglect or refuse to point out any beacon or beacons of such farm, it shall be lawful for the said surveyor, or other person appointed as aforesaid to put up any beacon or beacons in the place or places where it is believed such beacon or beacons ought of right to stand, and to point out to all persons interested such beacons as the provisional beacons of such farm.

23. Any person removing, injuring, or destroying the provisional beacon or beacons in the last preceding section mentioned, shall be deemed to have acted in contravention of the 3rd Section of this Proclamation.

24. In all cases where the Surveyor-General shall, without any judgment or decree of partition made by

Proc. 67 any competent Court, or any such request of a Land Court as in the 13th Section hereof mentioned, or the application of the owner, cause a survey of any farm held by virtue of a certificate of ownership to be made, the expenses of such survey only shall in the first place be paid by Government, and such survey expenses shall be repaid to the public revenue before the issue of title.

25. As often as any farm in regard to which any expenses under this Proclamation shall have been incurred shall be jointly owned in undivided shares by more persons than one, any one or more of such joint owners or tenants in common shall be liable for the whole of such expenses.

26. As often as any beacon which shall have become admittedly true and correct under the provisions of this Proclamation shall be common between two or more farms, and shall be a beacon which should of right be kept up by the said farms jointly, every owner of either or any of the said farms may himself re-erect or repair (as the case may be) any such beacon, and may recover from the other owner or owners his or their proportion of the cost of so doing.

27. For the purposes of this Proclamation the Surveyor-General shall be deemed and taken to be an owner with regard to Crown Lands and also with regard to Native Reserves pending issue of title to the Trustees of such Native Reserves.

SCHEDULE A.

Form of Admission of the correctness of Beacons and consent to survey.

(SECTION 4.)

We, the undersigned..... owners of the farm
 [here describe the owners of any common
 beacons] and..... owner or owners of the farm [here
 describe the owner or owners of the property for which a
 new title is desired] certify that we have on the.....
 day of..... inspected the beacon [or beacons] common
 to our said properties, in the presence of Mr. Surveyor.....

And we declare that we agree and consent to the position Proc. 67 of the beacon [or beacons] then pointed out, and consent to a new diagram being framed in accordance therewith.

Signed A.B.
C.D.

As Witness ;
E.F.
G.H.

SCHEDULE B.

Form of Denial of the correctness of Beacons.

(SECTION 4).

I, [or we] the undermentioned.....owner [or owners] of the farm.....certify that I [or we] have on thisday of.....18.....inspected the beacon [or beacons] common to my [or our] property and that of.....[here describe owner or owners of farm to be surveyed] in the presence of Mr. Surveyor.....and I [or we] declare that I [or we] object to the position of the following beacon [or beacons] then pointed out to me [or us], viz.: [here describe position of each beacon objected to].....

And I [or we] further declare that I [or we] have on this date pointed out to Mr. Surveyor.....the position which I [or we] maintain the said beacon [or beacons] ought to occupy.

Signed A.B.
C.D.

As Witness :
E.F.
G.H.

Note.—The words containing the declaration as to pointing out alternative positions of the beacons by the objector are to be erased by the Surveyor in the event of a failure or refusal to point out the same.

SCHEDULE C.

Form of acknowledgement of service of notice.

(SECTION 5).

I hereby certify that I have this day received from..... a copy of Notice.....requiring me to appear at the farm aforesaid on the.....day of.....18.. and then and there to admit or deny in writing as the case may be the correctness of the position as claimed of each beacon of the said farm common to the farm.....

Given under my hand at.....on this.....day of.....18.,

As Witness :

No. 68 B.B., 1889.]

[Aug. 2, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY
AUGUSTUS SMYTH, &c., &c.

Proc. 68 **W**HEREAS it is expedient to make provision for the summary punishment of the crime of perjury in the Courts of British Bechuanaland :

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

If in any cause, suit or action, civil or criminal, or in any proceeding connected therewith in any Court of Record in British Bechuanaland, it shall appear to the Court that any person examined as a witness upon oath, or declaration or affirmation, has committed wilful and corrupt perjury, or that any person, in swearing, declaring or affirming in any affidavit, declaration or affirmation required to be made before the Court or in any judicial proceeding in the Court, has been guilty of the like offence, then in each and every such case it shall and may be lawful for the Court to direct a prosecution for perjury to be forthwith instituted against any such person so falsely swearing, declaring or affirming as aforesaid, in order that he may be punished according to law ; or where such perjury is committed by any person examined as a witness in open Court, it shall be lawful for the Court, instead of directing such prosecution to be instituted as aforesaid, either to commit such witness, as for a contempt of the Court, to prison for any time not exceeding six months, with or without hard labour, or to fine such witness in any sum not exceeding one hundred pounds sterling, or, in default, to sentence such witness to imprisonment with or without hard labour for any term not exceeding six months : Provided that the powers hereinbefore given shall be in full force and operation, notwithstanding any irregularity or want of form in the administration of the oath, declaration or affirmation :

Provided, further, that nothing herein contained shall be deemed and taken to confer on Special Justices of the Peace any greater or more extensive jurisdiction than is already conferred upon them by law, and that every Special Justice of the Peace shall, when in the course of any trial before him any witness shall in his opinion have been guilty of wilful and corrupt perjury, be bound to transmit the proceedings in the case, with his report thereon, to the Resident Magistrate of the District: and Provided, further, that summary proceedings in respect of perjury in Courts of Resident Magistrate shall be subject to review by the Chief Magistrate; and Provided, further, that nothing herein contained shall be deemed and taken to impair the right of the person so summarily convicted of perjury as aforesaid to appeal against such conviction to the Court of the Chief Magistrate.

No. 69 B.B., 1889.]

[Aug. 14, 1889.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

WHEREAS it is expedient to dissolve the Committee of Management (Kommissie van Bestuur) of the Settlement of Gordonia, and to repeal all laws, regulations and resolutions having the force of law passed by the said Committee of Management, and to declare all the laws and regulations of British Bechuanaland to be in force so far as applicable throughout the Division of Gordonia:

And Whereas it is expedient to make better provision for the administration of justice in places distant from the Seat of Magistracy by the abolition of the jurisdiction of Field-cornets and by the appointment of Special Justices of the Peace within certain local limits in the Division of Gordonia:

And Whereas it is expedient to declare the township of Upington, in the Division of Gordonia, to be, with

Proc. 69 certain modifications hereinafter specified, subject to the provisions of the Villages Management Act No. 29, 1881,^(r) the Villages Management Amendment Act, No. 28, 1882,^(s) and the Villages Management Act Amendment Act, No. 7, 1884,^(t) of the Colony of the Cape of Good Hope, save in respect of the water supply of the said township of Upington :

And Whereas it is expedient that the provisions of the first part of the Police Offences Act, No. 27, 1882,^(u) should be made to apply to the township of Upington aforesaid :

And Whereas it is expedient to declare the Cattle Removal Act, No. 14, 1870,^(v) to be in force in the Division of Gordonia aforesaid :

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

1. The Committee of Management of the Settlement of Gordonia shall be, and the same is hereby, dissolved ; and all rights, powers, duties, and functions heretofore enjoyed, exercised or performed by the said Committee of Management shall be deemed and taken to have ceased and determined from and after the 30th day of June, 1889 : Provided, always, that in respect of all proceedings commenced and pending, and all contracts entered into by or on behalf of such Committee of Management, the Resident Magistrate and Civil Commissioner of Gordonia shall to all intents and purposes be deemed and taken to be invested with the rights and powers claimed and exercised as of right, and bound by the duties and obligations recognised, assumed, and admitted, by such Committee of Management.

2. All laws, regulations, and resolutions having, or heretofore recognised as having, the force of law passed

(r) Printed at page 2768, Vol. ii, of the Cape Statutes.

(s) Printed at page 2774, Vol. ii, of the Cape Statutes.

(t) Printed at page 2775, Vol. ii, of the Cape Statutes.

(u) Printed at page 2255, Vol. ii, of the Cape Statutes.

(v) Printed at page 157, Vol. i, of the Cape Statutes.

by the Committee of Management of the Settlement of Proc. 69 Gordonia, save as hereinafter is excepted in respect of the Uppington waterworks, shall be, and the same are hereby repealed; and all laws and regulations of British Bechuanaland shall be, and the same are hereby declared to be, in force, as far as applicable, throughout the Division of Gordonia.

3. The jurisdiction heretofore exercised by Field-cornets under the authority of the Committee of Management of the Settlement of Gordonia, shall, from and after the 30th day of June, 1889, cease and determine, save as regards the carrying out of sentences lawfully passed by such Field-cornets prior to that date: Provided that such jurisdiction shall be deemed to have been lawfully exercised up to that date.

4. It shall be lawful for the Administrator of British Bechuanaland, to appoint any persons whom he may think proper to act as Special Justices of the Peace within such local limits as are defined in the first, second, and third schedules hereto respectively, and to cause to be paid to such Special Justices of the Peace the salaries heretofore paid to such Field-cornets as aforesaid respectively, or such other remuneration as the Governor may from time to time appoint; and such Special Justices of the Peace shall have the jurisdiction conferred by the second section of the Better Administration of Justice in Criminal Cases Act, No. 10, 1876(*w*); the second and seventh sections of the Masters' and Servants' Law Amendment Act, No. 18, 1873(*x*); the twenty-second and twenty-third sections of the Administration of Justice Act, No. 40, 1882(*y*); the twentieth section of the Police Offences Act, No. 27, 1882(*z*); and the eighty-sixth section of the Liquor Licensing Act, No. 28, 1883(*a*); and all other jurisdiction heretofore conferred, or hereafter to be conferred on

(*w*) Printed at page 1308, vol. i, of the Cape Statutes.

(*x*) Printed at page 1614, vol. ii, of the Cape Statutes.

(*y*) Printed at page 36, vol. i, of the Cape Statutes.

(*z*) Printed at page 2255, vol. ii, of the Cape Statutes.

(*a*) Printed at page 1408, vol. i, of the Cape Statutes.

Proc. 69 Special Justices of the Peace in British Bechuanaland.

5. The ninth section of the Better Administration of Justice in Criminal Cases Act, No. 10, 1876, (b) shall, so far as relates to the Division of Gordonia, be repealed, and the following section shall be substituted for the same, to wit:—

When and as often as any Special Justice of the Peace in the Division of Gordonia, shall exercise summary jurisdiction, he shall forthwith, after having disposed of the case, forward to the Resident Magistrate of the District of Gordonia the record of the proceedings in the case, together with such remarks, if any, as he may desire to append, and thereupon, all and singular, the provisions of the twenty-third section of the Schedule to Proclamation No. 2 B.B., shall, *mutatis mutandis*, and as far as the same are applicable, extend and apply to such record, the Justice of the Peace being considered as substituted in the said twenty-third section for the convicting Resident Magistrate, and the Resident Magistrate of Gordonia being considered as substituted for the Chief Magistrate: Provided, always, that any person deeming himself aggrieved by the decision of such Resident Magistrate upon such record, shall have a right of appeal as from a judgment of such Resident Magistrate to the Chief Magistrate.

6. The provisions of the Villages Management Act, No. 29, 1881 (save as hereinafter is excepted), the Villages Management Amendment Act No. 28, 1882, and the Villages Management Act Amendment Act, 7, 1884, of the Colony of the Cape of Good Hope, shall, *mutatis mutandis*, and as far as applicable, apply to the township of Upington, in the Division of Gordonia, in the Territory of British Bechuanaland, within the local limits fixed and determined in the Fourth Schedule hereto.

7. In the Township of Upington aforesaid, all registered Erfholders, and all lessees of registered Erfholders, shall be qualified to vote for the election of a

(b) Printed at page 1308, Vol. i, of the Cape Statutes.

Board of Management for the said township, and shall Proc. 69 be entitled to one vote for each of the six members of such Board of Management.

8. The twelfth section of the Villages Management Act, No. 29, 1881, and in the thirteenth section thereof, all the words from the word "But," to the end of the section, shall be, and the same are hereby, repealed as regards the said township of Upington; and in the seventh and tenth sections of the said Act respectively the word "six" shall be substituted for the word "three" wherever the same occurs; and the Resident Magistrate, or in his absence the Acting or Assistant Resident Magistrate, as the case may be, shall be a seventh member and Chairman of the said Board, and shall preside and vote at the meetings of the Board, of which four members, including such chairman, shall form a quorum: Provided, always, that in the event of an equality of votes, such Chairman shall have a casting vote.

9. The sixteenth section of the said Act shall be, and the same is hereby, repealed as regards the said Township of Upington, and in lieu thereof the following shall be substituted, to wit:—

It shall be lawful for the Board of Management to levy a rate upon all the rateable property within the limits of the township of Upington, as defined in the Fourth Schedule hereto—save that no rate shall be levied or leviable within or upon the Crown Reserve at Upington, in the said Fourth Schedule described—but no such rate shall exceed threepence in the pound sterling, for one year; and the amount so received shall be held by the said Board of Management, and devoted to the carrying out of the purposes of the Act.

10. The provisions of Proclamation No. 37 B.B., 1887, shall be deemed and taken to apply to the Board of Management of the township of Upington aforesaid.

11. In the Nineteenth Section of the Villages Management Act, No. 29, 1881, the words "furrows, watercourses," and likewise the words "and to construct

PROV. 69 such works and to take such lawful measures as to them shall appear necessary for the purpose of providing a proper supply of water for the inhabitants residing within such limits," and further the words "or to provide for the distribution of water among such inhabitants for purposes of irrigation or for domestic use or otherwise," shall, as regards the Board of Management of the said township of Upington, be expunged.

12. It shall be lawful to incorporate as a Joint Stock Company with Limited Liability the Water Works Company originally formed with the sanction of the Committee of Management in August, 1883, with the following rights and powers:—

- a. To maintain, alter, enlarge, repair, divert, and lead water from the water furrow already made for a distance of fourteen miles or thereabouts along the right bank of the Orange River at Upington aforesaid.
- b. To make other furrows and watercourses and from time to time to alter and enlarge the same for the purpose of leading water from the Orange River for irrigating land within the township of Upington aforesaid and for other purposes.
- c. To frame bye-laws subject to the approval of the Administrator for the management of the Company, the election of directors, the conduct of business, the audit of accounts, the rights of the shareholders in respect to the supply of water for irrigable lands and otherwise; such bye-laws to have legal force and effect from and after their publication in the *Government Gazette* of British Bechuanaland.
- d. To sue and be sued in the name of the Chairman for the time being.
- e. To prosecute in the name of such Chairman in respect of all contraventions of approved bye-laws before the Court of the Resident Magistrate for the District of Gordonia.

- f. To own in freehold all land heretofore granted by Proc. 89 the late Committee of Management to such Water Works Company, always excepting a certain piece of ground known as the Police Reserve, bounded on the east by two erven now the property of E. Fahrenheit and C. Bam respectively, south by the Orange River, west by a certain ravine running from the Police Barracks to its junction with the so-called "Great Ravine," and from there along its course into the Orange River: Provided that the said company shall be bound by and conform to all bye-laws which may from time to time be proclaimed by the Governor in the interests of the inhabitants of the township of Upington and the neighbourhood thereof.

13. The provisions of the first part of the Police Offences Act No. 27, 1882, of the Colony of the Cape of Good Hope, shall apply to the town of Upington aforesaid from and after the 30th day of June, 1889.

14. The Cattle Removal Act, No. 14, 1870, of the Colony of the Cape of Good Hope, shall, from and after the 30th day of June, 1889, be in force in the District of Gordonia aforesaid.

FIRST SCHEDULE.

Farms No. 1A to 24A inclusive; Mierhoophote; Kareeboomvlakte; Diepklip.

SECOND SCHEDULE.

Farms 10B to 28B inclusive; Biesiepoort; Brakboschkolk; Cnydas; Toeslaan; Smalvisch; Rooidam.

THIRD SCHEDULE.

Bloemfontein; Zoutputs; Zwartmodder; Koegekeb; Steenkampsputs; Rooiputs, No. 1; Rooiputs, No. 2; Gous; Gam, No. 2; Norokei; Goms.

Proc. 68

FOURTH SCHEDULE,

LIMITS OF THE TOWNSHIP OF UPINGTON.

The township of Upington in the Division of Gordonia in the Territory of British Bechuanaland, is bounded on the north by vacant Crown Land; on the east by the Crown Reserve of Upington and Farm No. 30A; on the south by the Orange River; and on the west by Farm No. 1B.

LIMITS OF THE CROWN RESERVE OF UPINGTON.

The Crown Reserve of Upington is bounded on the north by the Farm called "Jansen's Dam;" on the east by the Farm No. 30A; on the south by the Upington Water Furrow; and on the west by the Upington Commonage.

No. 70 B.B., 1889.]

[Aug. 23, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

Proc. 70

WHEREAS it is expedient that the Boards of Management for townships in British Bechuanaland established under the provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said Territory, should, subject to certain restrictions and reservations, be invested with the rights and powers of Municipalities with respect to Native Locations and native huts, and with certain rights and powers for the leasing of land within the limits of the Commonage of such townships respectively:

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

1. So much of Proclamations No. 25 B.B., 1886; No. 32, B.B. 1887; and No. 41, B.B. 1887(c); and of the Villages Management Act No. 29, 1881,(d) as

(c) Proclamation 41 repealed by Proclamation 86.

(d) Printed at page 2768, vol. ii, of the Cape Statutes.

amended by the Villages Management Amendment Act^{Proc. 70} No. 28 of 1882, and the Villages Management Act Amendment Act, No. 7, 1884, and of any other legislative enactment as may be repugnant to, or inconsistent with, any of the provisions of this Proclamation, is hereby repealed.

2. The provisions of Proclamation No. 32 B.B., 1887, shall not apply to any Native Locations, or Native huts situated within the limits of the commonage of any township subject to the control of a Board of Management under the provisions of the Villages Management Act, No. 29, 1881, as amended by the Villages Management Amendment Act, No. 28, 1882, and the Villages Management Act Amendment Act, No. 7, 1884, and as further amended by Proclamation in the said territory.

3. Boards of Management for any township in British Bechuanaland shall, as regards Native Locations and Native huts within the limits of such township, be and the same are hereby invested with all the rights and powers enjoyed by municipalities in respect of Native Locations and Native huts within the limits of such Municipalities under and by virtue of the Municipal Act No. 45, 1882^(e); the 30th section of the Native Locations Act No. 37, 1884^(f), and otherwise, save as regards the property of and in the land occupied by such Native Locations or Native huts: Provided always that all regulations affecting such Native Locations or Native huts within the town Commonage shall be submitted to the Governor for approval or alteration or amendment.

4. The property of and in all lands, streets, and roads to which the inhabitants of any township shall at any time have or acquire a common right, shall remain vested in the Crown, pending the establishment of a Municipality for such township: Provided, always, that in the event of diggings or mines being opened, or of a mining area being declared, on any portion of a town commonage, pending the establishment of a Municipality

(e) Printed at page 1688, vol. ii, of the Cape Statute.

(f) Printed at page 2096, vol. ii, of the Cape Statutes.

Proc. 70 pality for such township, or of any portion of such town commonage being resumed by the Crown for any public purposes—other than the construction and maintenance of aqueducts, dams, drains, roads, railways and railway stations, lines of telegraph, Government offices, custom houses, police stations, barracks, prisons, convict stations, or other public works—compensation to be paid by the Government to the Board of Management, or to any lessee, as the case may be, for the loss of grazing or surface rights, shall in default of mutual agreement be awarded in the manner provided by the Lands and Arbitrations Clauses Act No. 6, 1882(*g*).

5. When and as often as such Board of Management shall, at any meeting duly convened, resolve that it is expedient to permit to be built upon, enclosed, or cultivated any part or portion of the common pasture lands of the township, it shall and may be lawful for such Board to apply in writing for the consent of the Administrator to the proposed lease or other arrangement for the occupation or inclosure of any part or portion of such lands, and upon obtaining such consent, but not otherwise, to execute or carry into effect such lease or other arrangement.

6. No such application shall be made to the Administrator aforesaid until a notice in writing of such intended application shall have been posted for general information at some conspicuous place within the township for a period of not less than fourteen days, and published for a like period in a newspaper (if any) published or circulating within such township, which notice shall, in some part thereof, describe the part or portion of land proposed to be leased, or otherwise permitted to be occupied, or intended to be enclosed, and the object, terms, and conditions of the proposed lease or other right of occupation or enclosure, and shall require any person objecting to the proposed proceeding to lodge with the Board, within fourteen days from and after the date of the posting of such notice, his objections thereto in writing.

(*g*) Printed at page 1315, vol. i, of the Cape Statutes.

7. In every case in which any such Board as ^{Proc. 70} aforesaid shall apply to the Administrator for such consent as aforesaid, they shall transmit, together with such application, a copy of the notice posted as aforesaid, and of all objections which shall have been lodged in pursuance thereof, with such observations, if any, upon such objections as they shall deem necessary or fitting.

8. When and as soon as the Administrator shall have signified his assent to such application as aforesaid, all contracts, leases, or other instruments necessary to effect the object of such application may be signed or executed.

No. 71 B.B., 1889.]

[Nov. 29, 1889.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
AUGUSTUS SMYTH, &c., &c.

WHEREAS under and by virtue of an Act of the ^{Proc. 71} Imperial Parliament, to wit 52 and 53 Victoria, chapter 38, it has been *inter alia* enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled, and by the authority of the same, that all marriages (both or one of the parties thereto being subjects or a subject of the realm) solemnised in the territory of British Bechuanaland before the first day of October, One Thousand Eight Hundred and Eighty-Five, by any minister of religion of any denomination of Christians duly appointed or ordained, or reputed to be duly appointed or ordained, and which shall within three years after the passing of the said Act have been registered at such place and in such manner as the High Commissioner in South Africa shall by proclamation to be made within six months after the passing of the said Act prescribe, shall be as valid in law as if such marriages had been solemnised within Her Majesty's dominions with a due observance

Proc. 71 of all forms required by law ; and whereas it is further enacted in like manner that the said Act shall not render valid any marriage which, before the passing of the said Act, has been declared invalid by any Court of competent jurisdiction, or affect any right dependent on the validity or invalidity thereof, or render valid any marriage either of the parties to which has, during the life of the other, lawfully intermarried with any other person ; and whereas it is therefore expedient to make provision for the registration of such marriages in the territory of British Bechuanaland in accordance with the provisions of the said Act :

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

1. At the office of the Administrator of British Bechuanaland there shall be kept a register wherein all marriages (either party thereto being a subject of the realm) which have hitherto been solemnised in the territory of British Bechuanaland before the first day of October, One Thousand Eight Hundred and Eighty-five, by any minister of religion of any denomination of Christians duly appointed or ordained, or reputed to be duly appointed or ordained, may within three years from the date of the passing of the aforesaid Act be registered.

2. The following persons, or any of them, may request that any such marriage shall be registered :—

a. Either party thereto.

b. The minister by whom such marriage was solemnised.

c. Any such minister as aforesaid, or any Government official, in whose custody may be any original record of such marriage made at the time of the solemnisation thereof or any duly certified copy of such original record.

3. The officer in charge of such register shall require from the person requesting the registration of any such marriage the production and delivery for purposes of record of an original record of such marriage or

a copy of such original record duly certified as correct by Proc. 71 some such minister of religion as aforesaid or by some Government official, and such original record or copy thereof shall show and set forth:—

- a. The names of the parties to such marriage, including their Christian names and surnames.
- b. The ages and state or condition in life of the parties at the date of marriage.
- c. The place where, the date of which, and the name of the minister by whom such marriage was solemnised.
- d. The names of the witnesses, if any, to such marriage.

4. If any such original record or copy thereof as aforesaid, shall contain and set forth the names, of the parties to any such marriage with sufficient clearness to serve for identification, and shall also set forth the date on which, the place where, and name or description of the minister before or by whom such marriage was solemnised, but shall be deficient in any other of the particulars set forth in the last preceding section of this Proclamation, it shall be lawful for the Administrator by writing under his hand, to be recorded by the officer in charge of such register, to authorise the said officer to accept and keep as of record such deficient original record or copy thereof, and to register such marriage.

5. It shall be lawful for the Administrator, upon proof to his satisfaction

- a. That such a marriage as is referred to in Section 1 of this Proclamation was solemnised as aforesaid before the date and within the territory in the said section mentioned;
- b. That no such original record or copy thereof certified as aforesaid exists or can be obtained;
- c. Of the names of the parties to such marriage, and of the fact that one at least of them was a subject of the realm;

by writing under his hand, to be recorded by the officer in charge of such register, to authorise the said officer to register such marriage upon the request of either party

Proc. 71 thereto, upon production and delivery to such officer for purposes of record of a written declaration made on oath by such party, and setting forth the names of both parties to such marriage, and the place where, the date on which, and the name of the minister by whom such marriage was solemnised.

6. Every person who shall produce to the officer in charge of such register any original record or copy thereof as aforesaid, or who shall certify to the correctness of any such copy which shall be to the knowledge of such person forged, false or falsified in respect of any of the particulars referred to in Section 3 of this Proclamation, shall be deemed to be guilty of an offence, and shall be liable upon conviction to a fine of one hundred pounds sterling, or to imprisonment with or without hard labour for any term not exceeding two years.

7. Every person who shall make any declaration on oath in manner provided in Section 5 of this Proclamation, which shall to his knowledge be false in any material particular, shall be deemed to be guilty of the crime of perjury.

8. The registration of a marriage under the provisions of this Proclamation shall not in any legal proceedings thereafter be deemed to furnish proof that such marriage was actually solemnised, and no marriage shall be deemed or taken to be rendered valid, nor any right dependent on the validity or invalidity thereof to be affected under and by virtue of the provisions of this Proclamation, which marriage would not be rendered valid, or which right would not be affected under and by virtue of the provisions of the said Act 52 and 53 Victoria, chapter 38.

No. 72 B.B., 1889.]

[Nov. 29, 1889.]

PROCLAMATION

By His Excellency Lieutenant-General HENRY
AUGUSTUS SMYTH, &c., &c.

Proc. 72 **W**HEREAS it is expedient to appoint a Special Justice of the Peace to have jurisdiction

within the area limited and defined in the Schedule Proc. 73 hereof :

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

The area limited and defined in the Schedule of this Proclamation shall be subject to the jurisdiction of a Special Justice of the Peace, who shall therein have and exercise all jurisdiction, power, and authority now or hereafter conferred upon Special Justices of the Peace by the Act No. 10 of 1876(h) or any other law.

SCHEDULE.

The area above referred to shall be bounded by a line drawn from the North-west beacon of Farm No. 48 "Gladdefontein," along the Northern boundaries of Farms No. 48 Gladdefontein, 47 Klippan, 83 Beter laat dan Nooit, 79 Langverwacht, 76 Roodeport, 73 Middlebrand, 35 Vlaaklaagte, and 34 Wolhuter's Kop, until the north-east beacon of Farm No. 34 Wolhuter's Kop is reached; thence in a Southerly direction along the Eastern boundary of Farm No. 34 Wolhuter's Kop, until the Transvaal border is reached; thence in a Southerly direction along the Transvaal border until the Pudumo Spruit is reached; thence in a Westerly direction along the Pudumo Spruit to its junction with the Dry Hartz River; thence in a straight line to the Southern beacon of the farm Kgantsane; thence along the Southern and Western boundaries of the farm Kgantsane and the Western boundary of the farm Gladdefontein until the North-western beacon is again reached.

No. 73 B.B., 1890.]

[Jan. 16, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient that the Acts the Proc. 73
Legislature of the Colony of the Cape of Good
Hope for the year 1889 in the Schedule hereto
should, so far as applicable, be proclaimed as laws to be

Proc. 73 in force and to be observed within the territory of British Bechuanaland:

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, that the Acts of the Legislature of the Colony of the Cape of Good Hope for the year 1889 in the Schedule hereto specified shall, so far as applicable, be in force from and after the date hereof within the aforesaid territory of British Bechuanaland.

SCHEDULE.

Act No. 21, 1889.(i)—“To provide for the payment of costs by persons convicted of Breach of Regulations framed by Village Boards of Management, to prevent or impose restrictions upon the keeping of ferocious or troublesome dogs or other animals.”

Act No. 29, 1889.(i)—“To amend the Pound Ordinance No. 16 of 1847.”

Act No. 30, 1889.(i)—“To amend the law relating to Masters, Servants and Apprentices.”

No. 75 B.B., 1890.]

[Feb. 20, 1890.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 75 **W**HEREAS it is expedient to amend so much of the law for regulating the duties upon stamps and licences, in force in the territory of British Bechuanaland, as relates to the amount payable for an annual licence by Joint Stock Banks, carrying on business within the said territory:

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

Notwithstanding anything to the contrary contained in Schedule 17(j) of the Act No. 3, of 1864, or in any

(i) Printed in Appendix A *infra*.

(j) Printed at page 2638, vol. ii, of the Cape Statutes.

other law, every bank carrying on business in the territory of British Bechuanaland, and having a capital stock divided into shares, of which bank the chief seat or principal place where its business is managed shall not be within the said territory of British Bechuanaland, but of which any of the dealings shall, by the deed or other instrument regulating such bank, be described as to be carried on in any part of South Africa, shall annually take out a licence, for which there shall be payable for every £100 of the subscribed capital of such bank, the sum of one halfpenny and no more.

No. 76 B.B., 1890.]

[March 19, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make due provision for the granting of licences to graze stock on certain vacant Crown Lands situate in the territory of British Bechuanaland:

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

1. It shall be lawful for any Civil Commissioner in the territory of British Bechuanaland to grant licences to graze stock on such Crown Lands situate in the division for which such Civil Commissioner shall have been appointed, as shall be temporarily available for that purpose, subject to the terms and conditions hereinafter mentioned.

2. Every such licence as aforesaid shall remain in force for the period of thirty days, and shall state the number and description of stock to be grazed on such Crown Lands, and the particular land on which such stock may be grazed; and in respect of such licence there shall be paid for every head of large stock, that is

Proc. 78 to say, every horse, ox, cow, mule or donkey, the sum of fourpence, and for every ten head of small stock, that is to say, sheep or goats, the sum of threepence: Provided, however, that in no case shall it be lawful for any Civil Commissioner to grant a licence to graze more than one head of large stock, or ten head of small stock, on every ten morgen of such land(k).

3. It shall not be lawful for any person licensed as aforesaid to graze on the land mentioned in his licence a larger number of stock than that set forth in such licence, nor shall it be lawful for any such licensed person to graze his stock on any Crown Lands other than that mentioned in his licence. Any such person contravening any of the provisions of this section, shall be liable, on conviction, to a penalty not exceeding five pounds sterling, and in default of payment to imprisonment for any period not exceeding one month, and in addition to the penalty imposed for any such offence as aforesaid it shall be lawful for the convicting Magistrate, on the conviction of any such person for any such offence, to adjudge that such person shall forfeit his said licence, and that the offender be disqualified from taking out any other such licence during the remainder of the then current year.

4. Any stock as aforesaid in excess of the number contained in any such licence as aforesaid, found on the land on which the owner thereof has a licence to graze his stock, or any stock whatever found on any of the said Crown lands other than that on which the owner thereof has a licence to graze his stock, may lawfully be impounded, and shall not be released until all the pound fees and other charges claimable under and by virtue of the provisions of Ordinance No. 16 of 1847 shall have been paid.

5. Any person who shall graze stock of any description whatever on any of the said Crown Lands without the necessary licence, or after the expiration of the term for which such licence shall have been granted, or after

(k) Printed as amended by Proclamations 116 and 129.

the same shall have been forfeited, shall be liable on conviction to a penalty not exceeding five pounds sterling, and in default of payment to imprisonment for any period not exceeding one month unless such penalty be sooner paid, and the stock so found grazing as aforesaid may lawfully be impounded, and shall not be released until the fees and charges in the last preceding section mentioned shall have been paid. Proc. 78

No. 78 B.B., 1890.]

[June 12, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to remove certain doubts Proc. 78 alleged to have arisen with reference to jurisdiction in insolvency under Sections 20, 28 and 29 of the Laws and Regulations for the Government of British Bechuanaland, and to determine the procedure to be followed in relation to the compulsory filing of the accounts and plan of distribution of the assets of any insolvent estate by the trustee or trustees thereof:

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

The 15th(*l*) Section of the Insolvent Law Amendment Act No. 38, 1884, is hereby repealed, and the following is hereby substituted in lieu thereof, to wit:—

If any trustee shall neglect to lay before the Master of the Chief Magistrate's Court any account by the Insolvent Ordinance of the Colony of the Cape of Good Hope No. 6 of 1843(*m*) required, within the time prescribed, it shall be lawful for the said Master, and he is hereby required, to call upon any such trustee to show cause before the Court of Resident Magistrate of the

(*l*) Printed at page 942, vol i, of the Cape Statutes.

(*m*) Printed at page 877, vol. i, of the Cape Statutes.

Proc. 78 District why he should not forthwith be ordered to file the said account, and the said Court of Resident Magistrate shall make such order thereon and impose such penalty for the non-observance thereof as to such Court shall seem fit and proper, subject always to the right of appeal to the Chief Magistrate :

Provided, always, that in rendering all such accounts as aforesaid, the trustees shall be guided by and conform to all such rules, orders and regulations as may have been or may be made in that behalf by the Supreme Court of the Colony of the Cape of Good Hope under and by virtue of the 138th Section of the said Insolvent Ordinance.

No. 79 B.B., 1890.]

[June 12, 1890.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 79 **W**HEREAS it is expedient to repeal Section 40 of the Laws and Regulations for the Government of British Bechuanaland as amended by Proclamation No. 66 B.B., 1889, and to prescribe in and by whom the rights, powers and duties of Master as defined by Cape Statute Law with relation to the Master of the Supreme Court of the Cape of Good Hope shall be vested and performed in the territory of British Bechuanaland :

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

1. Section 40 of the Laws and Regulations for the Government of British Bechuanaland, contained in the Schedule to Proclamation No. 2 B.B., 1885, as amended by Proclamation No. 66 B.B., 1889, is hereby repealed.

2. All rights, powers, and duties of whatsoever nature by law conferred on, vested in, and performed

by, the Master of the Supreme Court of the Colony of Proc. 79 the Cape of Good Hope in whatever capacity shall be, and the same are hereby conferred on and vested in the Master of the Court of the Chief Magistrate of British Bechuanaland.

3. All the rights, powers, and duties of the Master of the Court of the Chief Magistrate of British Bechuanaland shall be deemed to have been conferred on, vested in, and performed by, and shall for the future be conferred on, vested in and performed by the Civil Commissioner and Resident Magistrate of Vryburg.

4. Any suit or action already instituted in any Court in British Bechuanaland shall be proceeded with and decided as though this Proclamation had not been promulgated.

No. 81 B.B., 1890.]

[June 26, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make provision for Proc. 81 the maintenance of discipline and good order in the British South Africa Company's Police Force while within the territory of British Bechuanaland:

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

1. The regulations framed under Section VI of the Cape Mounted Riflemen Act No. 9, 1878, and Part II, except the fifteenth section of the said Act, together with the Schedule thereto, shall *mutatis mutandis* be in force and be applicable to all members of the British South Africa Company's Police Force while within the territory of British Bechuanaland:

Provided, always, that a Court of Resident Magistrate in British Bechuanaland shall possess all the powers and jurisdiction assigned to a Superior Court

Proc. 81 of Law in the Colony of the Cape of Good Hope by Section IX of the said Act, subject nevertheless to review by the Chief Magistrate in manner provided by the Laws and Regulations for the Government of British Bechanaland promulgated under Proclamation No. 2 B.B., of 1885.

No. 82 B.B., 1890.]

[June 26, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 82 **W**HEREAS it is expedient to amend the Transfer Duty Consolidation and Amendment Act No. 5, 1884(*n*), by reducing the rates of transfer duty payable on shares in a Company formed within six months of the day of the date of the sale, or in a proposed Company forming an additional valuable consideration other than money given or promised or agreed to be given by the purchaser to the seller, or to any other person, for or in respect of or in connection with the alienation of any immovable property in the territory of British Bechuanaland :

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

1. So much of the Transfer Duty Consolidation and Amendment Act No. 5, 1884(*o*), and of any other law as shall be repugnant to or inconsistent with the provisions of this Proclamation, shall be and the same is hereby repealed.

2. At the end of Section 15 of the said Transfer Duty Consolidation and Amendment Act No. 5, 1884, the following proviso shall be added, to wit :—

(*n*) Made retrospective by Proclamation 92.

(*o*) Printed at page 2737, vol. ii, of the Cape Statutes.

Provided also that where the additional consideration Proc. 82 or part of the additional consideration consists of shares in a Company formed within six months of the day of the date of the sale, or in a proposed Company, and it is proved to the satisfaction of the Civil Commissioner that the value of the shares does not exceed the nominal value, the transfer duty to be paid in respect of the shares shall be at the rate of one pound per centum upon the nominal value.

No. 84 B.B., 1890.]

[July 28, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to reduce the amount Proc. 84 of the annual licence payable by the Agent of a Foreign Firm in the territory of British Bechuanaland:

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

1. So much of the Stamp Act Amendment Act No. 38, 1887, and of any other law as shall be repugnant to or inconsistent with the provisions of this Proclamation, shall be and the same is hereby repealed.

2. From and after the first day of January, 1891, in lieu of the sum of twenty-five pounds sterling in the second schedule to the Stamp Act, No. 38, 1887, (p) the amount of annual licence payable in the territory of British Bechuanaland by the Agent of a Foreign Firm as defined in the third section of the said Act shall be the sum of ten pounds sterling.

No. 86 B.B., 1890.]

[Aug. 16, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 86 **W**HEREAS it is expedient to repeal Proclamation No. 41 B.B., 1887, and to make other provisions in lieu thereof :

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

1. Proclamation No. 41 B.B., 1887, shall be and the same is hereby repealed.

2. In Section 1 of Proclamation No. 25 B.B., 1886, after the words " Villages Management Act, 1881," the following words shall be inserted, viz. :—" Of the Villages Management Amendment Act No. 28, 1882, and of the Villages Management Amendment Act, No. 7, 1884."

3. In Section 2 of Proclamation No. 25 B.B., 1886, after the word " erfholders," the words " and all lessees from registered erfholders " shall be inserted.

4. The proceeds of all erven sold as vacant Crown Land in the township of Mafeking from and after the 18th day of June, 1887, shall be paid into the general revenue, and the Governor shall not be bound to expend any portion of such proceeds on local works or improvements in the said township.

No. 87 B.B., 1890.]

[Sept. 1, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 87 **W**HEREAS an outbreak of diphtheria is alleged to have occurred within the limits of the township of Vryburg, and whereas it is expedient to declare that diphtheria shall be deemed to be an infectious disease within the meaning of the Public Health Act

No. 4 of 1883, (g) and to make regulations in terms of Proc. 87 Section 32 of the said Act :

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

From and after the date hereof diphtheria shall be deemed to be an infectious disease within the meaning of Section 7 of the Public Health Act No. 4 of 1883, and the regulations in the Schedule hereto shall be applicable to the said disease, and shall be in force within the limits of the township of Vryburg.

REGULATIONS.

1. In any case in which a duly qualified Medical Practitioner shall report to the Chairman of the Village Management Board that any person is suffering from diphtheria within the limits of the township, and is not properly and duly isolated, the said Chairman shall direct the said person to be placed in such hospital or place for the reception of the sick as may be appointed by the Board of Management, and it shall be the duty of the Board of Management to make such arrangements as may be necessary for the said person's sustenance, medical and other attendance, and such person shall be released on the certificate of the Medical Practitioner attending him or her.

2. It shall be the duty of the Board of Management to issue such directions and take such steps as may be necessary to cause all persons who have been exposed to infection to be isolated for such time as may be recommended by a duly qualified medical practitioner, and in the event of any house being declared isolated under this regulation the Board of Management shall cause a red flag to be affixed on such house, or planted in a conspicuous position immediately outside it.

3. Should any duly qualified medical practitioner report that any house within the limits of the township is affected or over-crowded, or not properly ventilated, it shall be the duty of the Board of Management to take such steps as may be necessary to remove the evil, and it shall be the duty of the Board of Management to cause an inspection by a Medical Officer of any house or property which they may suspect or have reason to believe is unhealthy.

4. It shall be the duty of the Board of Management to cause the destruction of any clothes, bedding, or other things which any Medical Officer may report as having been exposed to infection and necessary to be destroyed.

No. 88 B.B., 1890.

[Sept. 4, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 88 **W**HEREAS it is expedient to amend so much of the law for regulating the duties upon Stamps and Licences in force in the territory of British Bechuanaland as relates to the amount payable for an annual Licence by Assurance Companies, Societies or Associations carrying on business within the said territory, and to repeal Sections 14, 15, and 16 of "The Stamp Acts Amendment Act, 1887:"^(r)

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 to the contrary contained in Tariff 17^(s) of the Schedule to Act No. 3 of 1864, as amended by Act No. 20 of 1884, and in Section 11 of "The Stamp Acts Amendment Act, 1887,"^(t) every Assurance Company, Society or Association now carrying on the business of Fire, Accident, or Life Assurance in the territory of British Bechuanaland, and not having already taken out a licence, and every Assurance Company, Society, or Association not now existing and carrying on such business in the said territory shall, before continuing or commencing such business, as the case may be, take out a licence for the then current year, ending the 31st day of December, on which licence the sum of Five Pounds sterling shall be payable; and each such Company, Society, or Association in respect of the second and every subsequent year during the whole or any part of which it shall carry on such business, and also every such Company, Society, or Association which shall either now be in existence and carrying on such business in the said

(r) Printed in Appendix A *infra*.

(s) Printed at page 2638, vol. ii, of the Cape Statutes.

(t) Printed in Appendix A *infra*.

territory, or shall be in existence but shall have ceased Proc. 88 to carry on or discontinued such business in the said territory, in respect of every year after the 31st day of December, 1890, may commence, continue or carry on such business, as the case may be, upon taking out a licence on which there shall be payable the sum of threepence for every pound sterling, or fraction of a pound sterling, on the premiums received in the said territory by such Company, Society, or Association during the preceding year ending the 31st day of December: Provided, that when the amount so calculated payable in respect of any such licence shall not amount to Five Pounds sterling, the sum of Five Pounds sterling shall be payable in respect of every second or subsequent year or years, as the case may be: and provided further, that in no case shall a greater sum than Fifty Pounds sterling be payable for the licence for any one year.

2. Sections 14, 15 and 16 of the Stamp Acts Amendment Act, 1887, shall be and the same are hereby repealed.

No. 89 B.B., 1890.]

[Sept. 11, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make provision for Proc. 89 maintaining discipline and good order in the Bechtanaland Police Force in the territories comprised within the limits of the order of Her Majesty the Queen in Council, of the 30th of June, 1890:

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

1. The regulations framed under Section VI of the Cape Mounted Riflemen Act, No. 9, 1878, ^(u) and Part II

(u) Printed at page 615, vol. i, of the Cape Statutes.

Proc.⁸⁹ of the said Act, together with the Schedule thereto, shall, *mutatis mutandis*, be in force and be applicable to all members of the Bechuanaland Border Police in the territories comprised within the limits of the Order of Her Majesty the Queen in Council of the 30th June, 1890, to wit: the parts of South Africa situated north of British Bechuanaland; west of the South African Republic and of Matabeleland; east of the German Protectorate; and south of the River Zambesi; and not within the jurisdiction of any civilised power. Provided, always, that within the limits aforesaid boards of officers shall have the jurisdiction conferred upon the superior courts of law under the first clause of Section IX of the said Cape Mounted Riflemen Act No. 9, 1878, subject to review as hereinafter provided.

2. All proceedings of boards of officers within the limits aforesaid shall be subject to review at as early a date as practicable by the Chief Magistrate of British Bechuanaland in terms, *mutatis mutandis*, of Section 28 of the Laws and Regulations for the Government of British Bechuanaland, under Proclamation No. 2 B.B., 1885, so far as applicable.

3. It shall be lawful to carry out in the territory of British Bechuanaland all duly confirmed sentences of imprisonment with or without hard labour passed by boards of officers of the Bechuanaland Border Police in the territories comprised within the limits hereinbefore in Section 1 specified; and it shall be lawful for all officers of the Bechuanaland Border Police to adopt such measures as may be necessary for the safe custody and conveyance to the central prison at Vryburg of all prisoners whose sentences of imprisonment shall have been duly confirmed by the Chief Magistrate of British Bechuanaland as aforesaid.

4. Whenever it shall be necessary to enforce enactments, provisions and regulations in the said Cape Mounted Riflemen Act No. 9, 1878, mentioned or authorised, in any place situate within the limits hereinbefore in Section 1 specified, the sentences, fines and penalties which shall be pronounced and inflicted

for the purpose of such enforcement shall, subject to Proc. 89 such review as aforesaid, be as valid and effectual to all intents and purposes, and shall be carried into effect in the same manner, as if the same had been pronounced or inflicted by competent authority within the said territory of British Bechuanaland.

No 90 B.B., 1890.]

[Sept. 11, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS in the tenth Section of the Charter Proc. 89 granted by Her Majesty the Queen on the 29th October, 1889, to the British South Africa Company, it is provided that the said Company shall to the best of its ability preserve peace and order in such ways and manners as it shall consider necessary, and may with that object make ordinances to be approved by one of Her Majesty's Principal Secretaries of State, and may establish and maintain a force of police: and whereas in the thirtieth section of the said Charter it is provided that the said Charter shall be acknowledged by Her Majesty's Governors, Naval and Military Officers, Consuls and other officers in Her Majesty's Colonies and Possessions and elsewhere, and that they shall severally give full force and effect to the said Charter, and shall recognise and be in all things aiding to the Company and its officers: and whereas a force of police has been established and is being maintained by the said Company, which is desirous of obtaining the aid of the Governor of British Bechuanaland in maintaining discipline and good order in the said force of police while in the territories comprised within the limits of the Order of Her Majesty the Queen in Council of the 30th June, 1890, to wit: the parts of South Africa situate north of British Bechuanaland; west of the South African Republic and Matabeleland;

Proc. 80 east of the German Protectorate; and south of the River Zambesi: and whereas the said Company is also desirous of obtaining the aid of the Governor of British Bechuanaland in carrying out the sentences of boards of officers of the said Company's police force passed in respect of offences committed by members of such force in the territories comprised within the limits of the Order in Council aforesaid: and whereas the several Chiefs of the Bechuanaland Protectorate within the limits of the Order in Council aforesaid, so far as requisite for giving effect to the provisions of the said Charter, have ceded jurisdiction over Europeans to Her Majesty the Queen and are willing to do and permit all lawful and reasonable acts necessary for the maintenance of such discipline and good order as aforesaid within their respective territories: and whereas it is expedient to assimilate the discipline of the said Company's police force while in the territories comprised within the limits of the Order in Council aforesaid to that of the Bechuanaland Border Police, and the said Company is desirous of obtaining the aid of the Governor of British Bechuanaland in furtherance of that object: and whereas it is expedient that the power of reviewing the proceedings of boards of officers of the said Company's police force in the territories comprised within the limits of the Order in Council aforesaid should be vested in the Managing Director of the said Company in South Africa, or in such other of its representatives as the said Company may by Ordinance nominate and appoint to exercise such power of review: and whereas it is expedient to make provision for the carrying out in the territory of British Bechuanaland of all sentences of imprisonment passed by boards of officers of the said Company's police force in the territories comprised within the limits of the Order in Council aforesaid and duly confirmed by the Managing Director of the said Company in South Africa, or by such other representative of the said Company as shall have been duly nominated and appointed by Ordinance to exercise such power of review as aforesaid; and also to make pro-

vision for the safe custody and conveyance of prisoners Proc. 90 to the place of ultimate detention in British Bechuanaland aforesaid :

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

1. The regulations framed under Section VI. of the Cape Mounted Riflemen Act No. 9, 1878, and part II. of the said Act, together with the Schedule thereto, shall, *mutatis mutandis*, be in force and be applicable to all members of the British South Africa Company's police force in the territories comprised within the limits of the Order of Her Majesty the Queen in Council of the 30th June, 1890, to wit: the parts of South Africa situate north of British Bechuanaland; west of the South African Republic and of Matabeleland; east of the German Protectorate; and South of the River Zambesi; and not within the jurisdiction of any civilised power: Provided, always, that within the limits aforesaid boards of officers of the said Company shall have the jurisdiction conferred upon the superior courts of law under the first clause of Section IX. of the said Cape Mounted Riflemen Act, No. 9, 1878, subject to review as hereinafter provided.

2. All proceedings of boards of officers of the said Company within the limits aforesaid shall be subject to review at as early a date as practicable by the Managing Director of the said Company in South Africa, or by such other representative of the said Company as shall have been duly nominated and appointed by Ordinance to exercise such power of review as aforesaid; and such review shall be carried out in terms *mutatis mutandis* of Section 23 of the Laws and Regulations for the Government of British Bechuanaland under Proclamation No. 2 B.B., 1885, so far as applicable.

3. It shall be lawful to carry out in the territory of British Bechuanaland all duly confirmed sentences of imprisonment with or without hard labour passed by boards of officers of the British South Africa Company's police force in the territories comprised within the limits

Proc. 90 of the Order in Council of the 30th June, 1890, hereinafter in Section 1 specified; and it shall be lawful for all officers of the said Company's police force to adopt such measures as may be necessary for the safe custody and conveyance to the central prison at Vryburg of all prisoners whose sentences of imprisonment shall have been duly confirmed as in the last preceding section provided:

4. Whenever it shall be necessary to enforce enactments, provisions and regulations in the said Cape Mounted Riflemen Act, No 9, 1878, mentioned or authorised, in any place situate within the limits hereinafter in Section 1 specified, the sentences, fines and penalties which shall be pronounced and inflicted for the purpose of such enforcement shall, subject to such review as aforesaid, be as valid and effectual to all intents and purposes, and shall be carried into effect in the same manner as if the same had been pronounced or inflicted by competent authority within the said territory of British Bechuanaland.

No. 92 B.B., 1890.]

[Oct. 22, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 92 **W**HEREAS it is expedient to give retrospective effect to the provisions of Proclamation No. 82 B.B., 1890:

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

1. So much of the Transfer Duty Consolidation and Amendment Act No. 5, 1884, (v) and of any other law as shall be repugnant to or inconsistent with the provisions of this Proclamation, shall be and the same is hereby repealed.

(v) Printed at page 2737, vol. ii, of the Cape Statutes.

2. The provisions of Proclamation No. 82 B.B., Proc. 92 1890, shall be deemed and taken, and are hereby declared to be retrospective so as to be applicable to all sales or alienations of any immovable property in the territory of British Bechuanaland effected or agreed upon prior to the date of the said Proclamation and wherein shares in a Company formed within six months of the day of the date of the sale, or in a proposed Company, shall have formed an additional valuable consideration other than money given, or promised or agreed to be given, by the purchaser to the seller, or to any other person, for or in respect of or in connection with any such sale or alienation.

No. 93 B.B., 1890.]

[Dec. 1, 1890.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to repeal and re-enact Proc. 93 in an amended form Proclamation No. 80 B.B., 1890; to make provision for giving effect to the entry of the territory of British Bechuanaland into the South African Customs Union; to levy Customs Duties; to provide for the free importation of certain articles into the said territory, and for the equitable distribution of Customs Duties collected on goods, wares and merchandise; to declare certain places to be ports for the said territory where or through which all goods must be imported, exported, or in transit; to prescribe for the said territory certain routes or transit roads over which such goods, wares or merchandise must be conveyed to their destination; to make Customs Regulations; to appoint a Collector and other officers of Customs; and to provide for the future making, amending and cancelling of Customs Regulations by notice in the *Government Gazette* of the said territory:

Proc. 98 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, as follows:—

1. Proclamation No. 80 B.B., 1890, and all other proclamations or laws repugnant to or inconsistent with this Proclamation, are hereby repealed.

2. From and after the 31st day of December, 1890, the Colony of the Cape of Good Hope, the Orange Free State, and the territory of British Bechuanaland, shall constitute a South African Customs Union in terms of the Convention entered into between the said Colony, State and Territory, and it shall be lawful for the Governor from time to time by further proclamation in the *Government Gazette*, to declare the admission to the said Union as and from the first day of January or July, as the case may be, after such proclamation, of any other Colony, State or Territory in South Africa, having a civilised Government: Provided, however, that no Colony, State or Territory not named in this Proclamation shall be deemed to be admitted to the said Union until after the expiration of six months from the date of receipt by the Governor of a request from such Colony, State or Territory asking for a declaration of admission to the said Union.

3. From and after the 31st day of December, 1890, there shall be raised, levied, collected and paid upon the goods, wares and merchandise imported or brought into the territory of British Bechuanaland, from countries outside the Customs Union, the duties described and set forth in Schedule A hereto, and all such duties shall on collection be paid to the Government of the said territory of British Bechuanaland.

4. The goods, wares and merchandise mentioned in the Schedule B, hereunto annexed, shall be admitted into the territory of British Bechuanaland free of Customs duties.

5. If any goods liable to the payment of Customs duties shall be imported into the said territory, the Customs duties not having been paid or secured according to law in the Union, then such things shall become

forfeited to the Government of the said territory: Proc. 83
Provided that such forfeiture shall not be taken to affect or remove any other fine or punishment which shall be incurred under or by virtue of this or any other law in force at the time of such forfeiture.

6. In all cases where Customs duties on goods are charged according to the value thereof, such value shall be taken to be the market value of the goods at the place where they may have been purchased by the importers thereof, with the addition of five pounds per centum.

7. Whenever any goods imported or warehoused on importation into the territory of British Bechuanaland shall be removed overland to any State, Colony or Territory outside the Customs Union, it shall be lawful for the Governor to grant a rebate of the Customs duties payable on the said goods: Provided, however, that no such rebate shall be granted until after notice thereof shall have been given in the *Government Gazette*.

8. Whenever any goods imported or warehoused on importation into the territory of British Bechuanaland shall be removed to and for consumption in any Colony, State or Territory within the Customs Union from and after the 31st day of December, 1890, there shall be payable to the Government of the said Colony, State or Territory three-fourths of the Customs Union duties collected on the said goods.

9. The Governor may make and alter, by notice published in the *Government Gazette*, regulations for the importation into, the removal and conveyance to and across the borders of the territory of British Bechuanaland, and the conveyance through the said territory, of all goods, wares or merchandise brought into the said territory, except raw produce of Africa and produce or manufactures of any Colony, State or Territory in the Union; for the rebate of duties; for the erection, maintenance and control of bonded warehouses; for the collection of duties in the territory; for the payment to any Colony, State or Territory in the Customs Union of its share of Customs duties collected by the Customs officers of the

Proc. 88 said territory; and for the payment to the said territory of its share of the Customs duties collected by the officers of any other Territory, Colony or State in the Customs Union. The Governor may make, from time to time, such other regulations, provided notice as mentioned above is given, and may enter into such agreements as he may deem necessary and fit, in order to secure the proper execution of the terms of the convention established by the South African Customs Union.

10. It shall be lawful for the Governor by notice in the *Government Gazette*, from time to time, to declare certain places as ports for the said territory where or through which any goods may and must be imported, exported, or be in transit, and he may also declare the roads in the said territory over which such goods must be conveyed to their destination. If any goods liable to Customs duties shall be imported, exported or be in transit through any other than the declared ports, or in any other manner than is provided by this proclamation, or by any regulation made by virtue of this proclamation, or conveyed over any other than the declared roads, then such goods shall be forfeited to the Government of the said territory, together with the vehicles and animals made use of in importing, exporting or carrying in transit such goods. And it shall be lawful for the Governor from time to time to appoint, by notice in the *Government Gazette*, certain towns and warehouses in the territory to be places at, and warehouses in which, goods imported or removed into the territory without payment of the duties of importation, may be warehoused under bond, and no goods shall be so warehoused at any other town or in any other warehouse than those so appointed.

11. If any importer refuses to pay the Customs duties lawfully payable on the goods imported by him, it shall be lawful for the Customs officer of the port through which such goods had to be imported, or for any other Customs officer thereunto authorised by the Governor, and he is hereby required to take and secure such goods, with casks, boxes and other packages there-

of, and to cause the same to be publicly sold within the Proc. 93 space of one month after such refusal to pay at such time and place as such officer shall by four or more days' public notice appoint for that purpose, which articles shall be sold for cash to the highest bidders, and the proceeds shall be applied, in the first place in payment of the Customs duties payable on such goods, together with the charges which shall have been occasioned by the said sale and all the costs and charges incurred, and the overplus (if any) shall be paid to the importer or proprietor or to any other person authorised to receive the same.

12. All things which shall be seized as being liable to forfeiture under or in terms of this Proclamation or of any other law or regulations now or hereafter in force relating to the Customs, shall forthwith be taken to and delivered into the custody of the Customs officer at the Customs House next to the place where they were seized, and the said officer shall secure the same, and after condemnation of such goods, shall cause the same to be sold by public auction to the highest bidder: Provided, always, that it shall be lawful for the Governor to direct that in lieu of such sale such things shall be destroyed or shall be reserved for the public service. The produce of such sale by public auction shall be exempt from the payment of auction dues thereon.

13. All penalties and forfeitures which may be incurred under any law now or hereafter in force relating to the Customs may be sued for and recovered in the said territory in the Court of the Resident Magistrate of the District in which the act or omission entailing such forfeiture shall have taken place.

14. It shall be lawful for the Governor to direct any vehicle or animal seized under this Proclamation, or any other law relating to the Customs, to be delivered to the proprietor or proprietors thereof, whether condemnation shall have taken place or not, and also to mitigate or remit any penalty or fine incurred under this Proclamation or any such law, or to release from confinement any person or persons committed under this

Proc. 93 Proclamation or any other law relating to the Customs on such terms and conditions as the Governor may deem fit.

15. All penalties and forfeitures recovered under this Proclamation, or any regulation made under this Proclamation, shall be paid to the Receiver-General of the said territory, and shall be divided, paid and applied as follows, that is to say: After deducting the charges of prosecution, if any, and of the costs of sale, two third parts of the net produce shall be paid into the treasury and the other third part shall be placed at the disposal of the Governor for the purpose of granting thereout such sums of money, or the whole thereof, to such officer or officers or other persons as may have rendered efficient service either by information or active assistance in leading to the recovery of such penalty or forfeiture, and the balance of such third part, if any, shall be repaid to the treasury.

16. If any such Customs officer shall take or receive any fee, gratuity or reward, whether pecuniary or of any other sort or description whatsoever, directly or indirectly, from any person not being a person lawfully authorised in that behalf, on account of anything done or to be done by him in, or in any way relating to, his said office, every such officer so offending shall, on proof thereof to the satisfaction of the Governor, be dismissed from his office, and if any person, not being a person lawfully authorised in that behalf, shall give, offer, or promise to give any such fee, gratuity or reward, such person shall for every such offence forfeit the sum of one hundred pounds sterling.

17. Any person who counterfeits, falsifies, or procures, either under false pretences or with intent to defraud, or with intent to evade this Proclamation, or any law or regulation now or hereafter in force relating to the Customs, or tries or attempts to procure any warrant, permit, certificate, or other document, required under this Proclamation, or under any regulation made under this Proclamation, or who wilfully uses, or attempts to use, any such document, or by making any

false statement, false affidavit or false declaration, pro- Proc. 93
cures, or attempts to procure any such warrant, permit
or certificate, or causes or attempts to cause the same to
be drawn up, shall, for every offence, be liable to the
punishment as provided in Section 20 of this Pro-
clamation.

18. If any person shall assault, resist, oppose,
molest, hinder or obstruct any officer of Customs in the
exercise of his office, or any person acting in his aid,
such person, being thereof convicted, shall be liable to a
fine not exceeding five hundred pounds sterling, or to be
imprisoned with or without hard labour for any period
not exceeding five years.

19. If any goods shall be stopped or seized for non-
payment of Customs Duties, or any other cause of
forfeiture, and any dispute shall arise, whether duties
have been paid for the same or not, or whether the
same have been lawfully imported, exported, or been in
transit, the onus of proof of the facts in dispute shall be
on the owner of the goods and not on the officer who
shall stop or seize the same.

20. Any person who shall contravene any Section of
this Proclamation for the contravention of which no
special punishment has been fixed, or any regulation
made under this Proclamation, shall be liable to a fine
not exceeding three hundred pounds sterling, and in
default of payment to imprisonment with or without
hard labour for any period not exceeding twelve months,
or to both such fine and such imprisonment; and all
goods imported or recovered in contravention of any
such regulation, and all vehicles made use of in the
importation or in the removal of such goods, shall
become forfeited to the Government of the said territory.

21. Under such regulations as may be prescribed by
the Governor in that behalf, a rebate on Customs Duty
may be allowed to wholesale consumers of sugars for the
manufacture of jams, preserves or confectionery: Pro-
vided that no premises on which the brewing of beer or
distillation of spirits is carried on shall be licensed for
the manufacturing of jams, preserves and confectionery.

Proc. 98 22. The ports of entrance for goods, wares, and merchandise imported or brought into British Bechuanaland from the South African Republic, and conversely the ports of exit for goods, wares and merchandise exported or conveyed from British Bechuanaland into the South African Republic, shall be the seats of Magistracy at Taungs, Vryburg and Mafeking respectively, and no other; and the town of Mafeking shall be a place for the free warehousing, under bond for the payment of the duties of importation, of goods imported or removed into the territory: Provided that it shall be lawful for the Governor at any time to declare other places to be ports of entrance and exit, and free warehousing towns, by notice in the *Government Gazette*, in terms of Section 10 of this Proclamation. (w)

23. [Repealed by Proclamation 143, Sec. 1.]

24. The transit roads for the importation of goods, wares and merchandise from the South African Republic into British Bechuanaland, and conversely for the exportation of goods, wares and merchandise from British Bechuanaland into the South African Republic, and any other Colony, State or Territory, under rebate or otherwise, shall be the routes prescribed in Schedule C hereto and no other: Provided that it shall be lawful for the Governor, at any time, by notice in the *Government Gazette*, to declare other transit roads for such importation and exportation as aforesaid in terms of Section 10 of this Proclamation.

SCHEDULE A.

ARTICLES.	£	s.	d.
Ale and Beer, per Imperial gallon	0	1	3
Agricultural Implements (Kafir hoes and picks excepted), per £100	10	0	0
Axles, bushes, springs, and lamps for carts, carriages and other wheeled vehicles, per £100	10	0	0
Bacon and Hams, per lb.	0	0	2
Bags for flour, grain, coal and wool, per £100	5	0	0
Beads, per lb.	0	0	2
Butter, per lb.	0	0	3

(w) Printed as amended by Proclamation 125.

ARTICLES.	£	s.	d.	Proc. 98
Candles, per lb.	0	0	2½	
Carrriages, carts, wagons, and other wheeled vehicles, including wheelbarrows, per £100	20	0	0	
Cement, per 400 lbs.	0	2	0	
Cheese, per lb.	0	0	3	
Chicory, per 100 lbs.	0	16	8	
Cider, per Imperial gallon	0	1	0	
Coals, coke and patent fuel, per ton	0	2	0	
Cocoa and chocolate, per 100 lbs.	0	16	8	
Coffee, per 100 lbs.	0	12	6	
Confectionery: jams, jellies, bottled and tinned fruits, and manufactured sweets, not being medicated or properly classed as apothecary-ware, but including sweetmeats of all sorts and other articles with which sugar is largely compounded for preserving purposes, per 100 lbs.	0	16	8	
Corks and bungs, per £100	10	0	0	
Corn and grain of all kinds, per 100 lbs.	0	2	0	
Dynamite, per lb.	0	0	3	
Dates, per lb.	0	0	2	
Fish, preserved or pressed in pots, bottles, tins or wood, per lb.	0	0	2	
Fruits, dried, per lb.	0	0	2	
Flour, wheaten, or wheaten meal, per 100 lbs.	0	5	0	
Ginger, dry, chow-chow and other similar preserves, per lb.	0	0	3	
Gunpowder, per lb.	0	0	6	
Guns and gun-barrels, per barrel	1	0	0	
Hops, per £100	10	0	0	
Iron, bar, bolt, and rod, per £100	10	0	0	
Lard, per 100 lbs.	0	12	6	
Marble, per £100	10	0	0	
Matches, viz. :—				
Wooden, in boxes or other packages containing not more than 100 matches, per gross	0	2	0	
Ditto, in boxes or other packages containing more than 100 and not more than 200 matches, per gross	0	4	0	
Wax, vestas and fusees, in boxes or other packages containing up to 50 vestas or fusees, per gross	0	2	0	
Wax, in boxes or other packages containing up to 100 vestas or fusees, per gross	0	4	0	
And at the same rate for every additional 50 vestas or fusees.				
Meats, salt or preserved, in tins, cases or otherwise, per lb.	0	0	2	
Metal, composition and sheathing, per £100	10	0	0	

Proc. 98	ARTICLES.	£	s.	d.
	Mules, each	1	0	0
	Oils of all descriptions other than chemical, essential and perfumed, per Imperial gallon	0	1	0
	Oils, chemical, essential and perfumed, per £100 ..	15	0	0
	Paddy (known in Natal as coolie rice), per 100 lbs. .	0	1	6
	Pistols and pistol barrels, each	0	5	0
	Picks and hoes (Kafir), each	0	0	6
	Pickles and sauces per lb.	0	0	2
	Rice, per 100 lbs.	0	3	6
	Rosin, per £100	10	0	0
	Rocksalt, per ton	0	2	0
	Salt, all other descriptions, per ton	0	5	0
	Soap, Common, Brown, Blue, Yellow, or Mottled, per 100 lbs.	0	4	2
	Soda, caustic, per £100	10	0	0
	Spirits of all sorts, not exceeding the strength of proof by Sikes' Hydrometer, and so on in pro- portion for any greater strength, per Imperial gallon	0	10	6
	Spirits (sweetened or perfumed), liqueurs and cor- dials, per Imperial gallon	0	10	6
	Spirits, distilled from the produce of any colony, state, or territory in the Union (other than spirits distilled from the produce of vines grown in any colony, state or territory in the Union), and imported from one colony, state or territory in the Union into another colony, state or territory in the Union, not exceeding the strength of proof by Sikes' Hydrometer, and so on in pro- portion for any greater strength, per Imperial gallon	0	2	0
	Sugar of all sorts (including molasses and concrete), per 100 lbs.	0	6	3
	Staves, per £100	5	0	0
	Tallow, per 100 lbs.	0	4	2
	Tamarinds, per lb.	0	0	2
	Tea, per lb.	0	0	8
	Tin, viz., plate or sheet, per £100	5	0	0
	Tobacco, not manufactured, per lb.	0	1	0
	Ditto, manufactured (not cigars or snuff), per lb. .	0	2	0
	Cigars, per lb.	0	4	0
	And for every £100 value	10	0	0
	Cigarettes, per lb., gross	0	2	0
	Snuff, per lb.	0	4	0
	Turmeric, per lb.	0	0	3
	Turpentine, per gallon	0	1	0
	Varnish, per gallon	0	1	0

ARTICLES.	£	s.	d.	Proc. 93
Vegetables, preserved or pressed, in pots, bottles, tins or wood, per lb.	0	0	2	
Vinegar, per gallon	0	0	6	
Wine, in bottles, each of not greater content than 6 to the Imperial gallon, per dozen bottles	0	12	0	
Ditto, in bottles, each of not greater content than 12 to the Imperial gallon, per dozen bottles	0	8	0	
Ditto, in other bottles, or in wood, per Imperial gallon	0	6	0	
Wood, unmanufactured, other than teak, per cubic foot	0	0	2	
Wood, other than teak, planed or grooved, per cubic foot	0	0	3	
Do., Teak, per cubic foot	0	0	4	
Goods not above enumerated or described nor otherwise charged with duty, and not prohibited to be imported or used in any state, colony or territory of the Customs Union, per £100	12	0	0	

SCHEDULE B.

FREE.

- All raw produce of South Africa, imported overland.
- All goods grown, produced or manufactured within the Customs Union imported overland, excepting flour manufactured from other than South African wheat, and excepting spirits upon which the duty of two shillings per Imperial gallon is imposed by the above tariff.
- All Articles of Military, Naval or Volunteer uniforms or appointments imported for the use of Her Majesty's Imperial or Colonial forces, or forces of the States belonging to the Customs Union.
- Anchors and chain cables for ships' use.
- Animals living (excepting mules).
- Bones.
- Bottles of common glass imported full of wine, beer or other liquid, liable to Customs duty.
- Books, printed, not being foreign reprints of British or South African Copyright Works.
- Bullion or Coin.
- Carriages, Carts, Wagons and other wheeled vehicles, the manufacture of South Africa, imported overland.
- Cotton in its raw state.
- Diamonds or other gems in their rough state.
- Feathers, Ostrich, undressed.
- Fencing wire iron standards, and all other materials intended to be used solely for the purpose of wire fencing.

- Proc. 98 Fish not specially rated.
 Flowers of Sulphur.
 Fruit, green, including cocoanuts.
 Guano and other manures.
 *Hair, viz., Angora.
 *Hides, Ox and Cow.
 *Horns, Ox and Cow.
 *Horns, wild animals.
 Ice.
 *Ivory.
 Machinery and the component parts thereof, viz., for agricultural, mining, sawing or manufacturing purposes.
 Maps and Charts.
 Materials for use in construction of Railways or Tramways within the Union, such materials to mean as follows:—
 Rails, sleepers, fastenings for rails or sleepers, iron girders, iron bridge works, culvert tops, locomotives, tenders, ballast trucks, goods wagons, railway carriages, engine watertanks, turn tables and railway signals.
 Materials for use in construction of telegraph lines within the Union.
 Paper for newspaper and book printing purposes.
 Photographs.
 Pig iron.
 Printers' and Bookbinders' materials.
 Provisions or other stores for the regular forces in the service of Her Britannic Majesty, and the states belonging to the Customs Union.
 Seeds, bulbs or plants (garden).
 Sheep dip.
 *Skins, viz., Goat.
 *Do. Seal.
 *Do. Sheep.
 *Do. Wild animals.
 Specimens illustrative of natural history.
 Tobacco, the produce of South Africa, imported overland.
 Wine imported or taken out of bond for the use of military officers serving on full pay in the regular land and sea forces of Her Britannic Majesty, and States belonging to the Customs Union, and also for the use of officers of Her Majesty's navy serving on board any of Her Britannic Majesty's ships; subject, however, to such regulations as may be made, and provided that if any such wines shall be subsequently sold, except for the use and consumption of any such officers serving as aforesaid, the same shall be forfeited and liable to seizure accordingly.
 *Wool, viz., Sheep's.

*Not manufactured, but in the raw state.

SCHEDULE C.

Proc. 93

TRANSIT ROADS.

ROAD No. 1.

Blignaut's Pont to Taungs.

From Blignaut's Pont on the Vaal River across the border through the farm Springboknek, by way of Phokwáni, Schaapfontein and Mogagong, to Taungs.

ROAD No. 2.

Christiana to Taungs.

Across the border through the Farm Thornhill, by way of Phokwáni, Schaapfontein and Mogagong, to Taungs.

ROAD No. 3.

Bloemhof to Taungs.

Across the border through the Farm Kopje Enkle, by way of Phokwáni, Schaapfontein and Mogagong, to Taungs.

ROAD No. 4.

Mudibeng to Taungs.

From Mudibeng (Rachene's) across the border between the beacons 87 and 88, by way of Modimo, to Taungs.

ROAD No. 5.

Mamusa to Taungs.

Across the border at Purumo (Phudumo otherwise Phudumong), along the Convention road from beacon 77 to beacon 79, across the Mogapela to Taungs.

ROAD No. 6.

Christiana to Vryburg.

(By way of Abelskop and Marokáni.)

Across the border at Molálering between beacons 66 and 67, through the farms Schoonheid South, Molálering, Strydvlakte, Van Vrede's dwaling 66, leading into Road No. 7 on the farm Weltevreden 122.

ROAD No. 7.

Bloemhof and Mamusa to Vryburg.

Across the border at Masimanyane Spruit near beacon 58, through the farm Zoetenzmart, Leliefontein, Blaauwboschkuil 64, Sweethome 121, Weltevreden 122, Boschrand 158, Rosendal 125, and Vryburg Commonage.

ROAD NO. 8.

*Klerksdorp to Vryburg.**By way of Losasa and Rietfontein (Bester's).*

Across the border near Bester's house, on the farm Gootpar, between beacons 51 and 52; through the farms Leeuwrand 153; Skatkist 154; Vaarwell 170; O'Reilly's Pan 171; Cleff 172; Welgelegen 173; Bernauw 174; and Vryburg Commonage.

ROAD NO. 9.

Barberspan (Hart's River) via Leeuwkop and along Leeuwspruit to Vryburg.

Across the border between beacons 44 and 45; passing Peter's house; through the farms Welverdiend; Minden; Donkerpoort; Lange's Nek 179; Kinderdam 233; Vlakplaats 234; Ganna Aar 235; Trafalgar 182; Metz 183; Keerom 184; Villafraanca 185; Zoutfontein 186; Paradijs 187; Vlakfontein 188; Bernauw 174; and Vryburg Commonage.

ROAD NO. 10.

Lichtenburg via Kunana to Vryburg.

Across the border at beacon 36; along the Convention road to Maribogo beacon 40; through the farms Zuurbelt; Doornbult; Hartebeestpan 232; Kinderdam 233; and thence along Road No. 9 to Vryburg.

ROAD NO. 11.

Kunana to Mafeking.

Across the border at beacon 27; along the Convention road past the eye of the Maritzani to Lotlokana; thence *via* Saliris to Mafeking.

ROAD NO. 12.

Lichtenburg through Rooigrond to Mafeking.

Across the border at Rooigrond near beacon 13; through the Rooigrond and Mafeking Commonages to Mafeking.

ROAD NO. 13.

Zeerust, Malmani, Rustenburg, and the Marico to Mafeking.

Across the border between beacons 7 and 8; thence through the farms Lucydale, Good Hope, Belle Vue, Victoria, and Laurie; and Mafeking Commonage to Mafeking.(x)

ROAD No. 14.

Proc. 88

*From the Marico District through Ikalafin's Station to Mafeking
(by Taylor's farm).*

Across the border at Leganka, beacon 4; past Signal Hill to Mafeking.

ROAD No. 15.

Between Mafeking and Ramathlabama.

From Mafeking through the Mafeking Commonage; through the Molapo Native Reserve; across the Mogosani and Ramathlabama Spruits.

No. 95 B.B., 1890.]

[Dec. 3, 1890.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

UNDER and by virtue of the powers and authorities conferred on me by Act No. 27 of 1884, Proc. 86
entitled "Public Roads Width Act 1884," (y) I do hereby proclaim, declare and make known that at the request of the Divisional Council of Vryburg, I do, by this my Proclamation, put the said Act in force in the Division of Vryburg aforesaid.

No. 99 B.B., 1891.]

[Feb. 24, 1891.

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c., &c.

WHEREAS by Act No. 2 of 1881 (z), Proc. 99
entitled "Act for preventing the spread of Contagious
and Infectious Diseases among Cattle and other
Animals," it is enacted that whenever any such disease

(y) Printed at page 2582, Vol. ii., of the Cape Statutes.

(z) Printed at page 59, Vol. i., of the Cape Statutes.

Proc. 99 as is mentioned in the said Act is known to exist among animals in any district or districts, the Governor may, by Proclamation, declare such district or districts, or any area embracing or forming part of such district or districts, to be an infected district or area : and whereas the disease *Lung Sickness* is known to exist among cattle in the area described in the Schedule hereto :

Now, therefore, I do hereby declare the area described in the Schedule to this my Proclamation to be an infected area within the meaning of the aforesaid Act of Parliament.

And I further proclaim, declare, and make known, that under and by virtue of the powers vested in me by the said Act, I do hereby order and direct that it shall not be lawful to remove from such areas any horned cattle, whether the same are or are not infected with *Lung Sickness* ; provided, however, that cattle not affected with the disease may be so removed upon the certificate of a Resident Magistrate or Justice of the Peace, issued upon the solemn declaration of the party desiring the removal that such cattle are actually free from and have never been affected with the disease ; and that they have never, to the knowledge of such party, grazed upon ground known to be infected, nor mixed with other cattle known to be infected with the disease. And I do strictly charge every Resident Magistrate, Field-cornet and Justice of the Peace, within the said areas hereby proclaimed, to see that this Proclamation is obeyed, and to bring to justice any person who may contravene the same.

SCHEDULE TO THE FOREGOING PROCLAMATION.

DIVISION OF GORDONIA.

Farms Blauwbosch and Gronduens(a).

(a) Printed as amended by Proclamation 110.

No. 100 B.B., 1891.]

[Feb. 27, 1891.

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c., &c.

WHEREAS it is expedient to alter and amend so^{Proc. 100} much of Section 3 of Proclamation No. 25 B.B., 1886, as refers to the number of members forming the Board of Management for the township of Vryburg:

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

1. In Section 3 of Proclamation No. 25 B.B., 1886, the word "six" shall, as regards the township of Vryburg, be substituted for the word "four."

2. [Spent.]

No. 101 B.B., 1891.]

[Feb. 26, 1891.

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c, &c.

WHEREAS by Proclamation No. 40 B.B., 1887,^{Proc. 101} the Governor did establish a Market for the Township of Mafeking, and provide the necessary regulations for the same: And whereas it is expedient to provide additional regulations therefor:

Now, therefore, by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, that after the date hereof the following shall have the force and effect of law and shall be taken and deemed to be Regulations for the Mafeking Market:—

13. The following shall be the scale of weights of produce offered for sale on the Market, viz.:—

Yellow Mealies at per bag of 203 lbs. gross.

Hard white " " " " "

Proc.101

Bread Mealies at per bag of 183 lbs. gross.	
Yellow Mealie Meal, at per bag of 203 lbs. gross.	
Hard white " " " "	250 lbs. gross.
Chaff at per bale of " " " "	183 lbs. gross.
Bread Meal at per bag of " " " "	203 lbs. gross.
Kaffir Corn at per bag of " " " "	203 lbs. gross.
Kaffir Meal at per bag of " " " "	203 lbs. gross.
Wheat at per bag of " " " "	203 lbs. gross.
Boer Meal at per bag of " " " "	203 lbs. gross.
Barley at per bag of " " " "	163 lbs. gross.
Oats at per bag of " " " "	130 lbs. gross.
Potatoes at per bag of " " " "	160 lbs. gross.

14. It shall be the duty of the Market Master or his Deputies before selling by public auction any horses, cattle or other live-stock, to make known to the public then assembled the name and address of the person, or of his agent, if any, for and on whose account such animals are about to be sold; and any such person who shall fail to do so shall upon conviction thereof before the Resident Magistrate of the district be liable to a fine not exceeding one pound sterling.

No. 102 B.B., 1891.]

[March 26, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.102

WHEREAS it is expedient to repeal the seventy-first and seventy-second sections of Proclamation No. 63 B.B., 1889, and to make provision for granting mining right leases in certain cases on land subject to a reservation of precious stones and precious minerals in favour of the Crown:

No, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:—

1. The seventy-first and seventy-second sections of Proclamation No. 63 B.B., 1889, shall be and the same are hereby repealed.

2. If before the expiration of three months from the date of a written request to the Governor, setting forth that precious minerals have been found in payable quantities, signed either by the owner, or representa-

tives, or assigns, or duly accredited agent of the owner^{Proc. 102} of any land the title to which is subject to a reservation to the Crown of precious stones and precious minerals, or by any prospector duly licensed to prospect upon such land, and asking that the said land shall be proclaimed a mining area, the Governor shall not see fit to proclaim such area, the owner of such land, his representatives, assigns, or duly accredited agent, as the case may be, shall be entitled, subject to the rights of any prospector under Section 41 of Proclamation No. 63 B.B., 1889, to demand and receive a mining right lease of such land, for a period of not less than five and not more than twenty years, at an annual rental of ten shillings per morgen, payable in advance, subject to the following conditions:—

- (i) The owner taking out such mining right lease, his representatives and assigns, shall keep proper books showing all finds, and shall at all reasonable times allow access to such books to the Civil Commissioner, the Assistant Resident Magistrate, the Inspector of the Digging or Mine, or any person specially authorised in that behalf in writing by the Civil Commissioner, the Assistant Resident Magistrate, or the Inspector of Claims, under a penalty not exceeding five pounds sterling for every working day during which such inspection is refused.
- (ii) The Governor shall always and at all times have the right instead of ten shillings per morgen to demand payment of two and a half per cent. of the value of the finds of the past year, as proved by the books or by other means.
- (iii) The books shall be verified yearly by a declaration of the owner, or his book-keeper, in terms of Ordinance No. 6 of 1845 of the Colony of the Cape of Good Hope.
- (iv) Such other conditions as the Governor may deem necessary or expedient.

3. Every lessee of land, the title to which is subject to a reservation to the Crown of precious stones and

Proc.102 precious minerals, and in the lease of which the owner shall have stipulated and agreed to let, and such lessee to hire, such lands together with the rights of the owner in respect of precious minerals shall *mutatis mutandis*, and provided that such lease shall be duly registered in the office of the Registrar of Deeds with the title deeds of such land, be entitled, during the term of his lease but no longer, to receive and hold such mining right lease as aforesaid, subject to the provisions of the forty-fifth section of Proclamation No. 63 B.B., 1889.

4. "In Section 43 of Proclamation No. 63 B.B., 1889, the words "or on property the title to which is subject to a reservation of precious stones and precious minerals in favour of the Crown," shall be and the same are hereby expunged.

No. 103 B.B., 1891.]

[April 16, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.103 **W**HEREAS it is expedient that Proclamation No. 96 B.B., dated 16th January, 1891, proclaiming the Area described in the Schedule thereto to be an infected Area under the provisions of Act No. 2 of 1881, (b) shall be repealed:

Now, therefore, under and by virtue of the powers in me vested, I do hereby repeal the aforesaid Proclamation.

No. 104 B.B., 1891.]

[April 23, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to consolidate and^{Proc.104} amend the laws and regulations for the management of prisons in the territory of British Bechuanaland:—

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

1. Proclamations No. 12 B.B., 1886, and No. 85 B.B., 1890, the laws of the Colony of the Cape of Good Hope enumerated in Schedule A hereto, and all other laws repugnant to or inconsistent with this Proclamation are hereby repealed, except as to acts and things done or commenced, liabilities incurred, offences committed and proceedings taken before the taking effect of this Proclamation.

2. In this Proclamation and in any law applied or incorporated by this Proclamation the expressions hereinafter mentioned shall have the meaning attached to them unless there is something in the tenor of this Proclamation inconsistent with such meanings, that is to say:—

“Prison” shall mean any gaol or lock-up now used or provided or hereafter to be appointed by the Administrator as a place for the detention or confinement of persons liable to detention in custody, and shall include all yards and buildings in connection with such gaol or lock-up.

“Lock-up” shall mean any building, cell or place in which any person lawfully arrested or detained in custody is placed with a view to his being brought to trial or removed to a prison, or any building, cell or place provided for the detention in custody of prisoners at or in the neighbourhood of any place where there is no ordinary prison and where any court is holden.

Proc.104

"Gaoler" shall mean the keeper of or officer for the time being in chief control of any prison or lock-up.

"Convict" shall mean any convicted person under detention in any prison or lock-up.

"Prisoner" shall mean any person, whether convicted or not, under detention in any prison or lock-up.

"Lashes" shall include cuts or strokes with a cane or rod.

3. Every gaoler or other officer receiving into his custody at a prison any convict, shall be bound to obtain the warrant of the court by which sentence was passed upon the convict, or a warrant from the Administrator, and he shall keep such warrant of record. And every Sheriff, Deputy Sheriff, Messenger of a Court of Resident Magistrate, Chief Constable, Gaoler, or other person shall be bound to transmit, through an officer in charge of any convict, such warrant at the time of the removal of any convict to a central or other prison.

4. Convicts or prisoners may by direction of the Administrator be from time to time removed from one prison to another.

5. In case a convict shall be removed from one prison to another, as in the last Section mentioned, the warrant under which he shall have been detained at the place from which he shall be removed shall be transmitted to the gaoler of the prison to which he shall be removed, together with a statement signed by the gaoler of the prison from which the convict shall be moved setting forth the punishments recorded against him, if any.

6. It shall and may be lawful for the Administrator from time to time as occasion may require to appoint any Resident Magistrate or Justice of the Peace to be the visiting magistrate or one of the visiting magistrates of any prison or place where convicts may be employed, and from time to time to revoke every such appointment.

7. When in the course of any visit to or inspection of any convicts whom it shall be the duty of any such

visiting Magistrate as aforesaid to visit and inspect, it shall be proved to the satisfaction of any such Magistrate that any convict shall have been guilty of any of the following offences :—

- (a) A repetition of any misbehaviour theretofore punished such as, habitual or repeated disobedience of prison regulations; assaults on other convicts or on any other person; profane cursing and swearing; indecent behaviour; irreverent behaviour during Divine Service; idleness or negligence at work, or wilful mismanagement of work, or destruction of tools or implements;
- (b) Any flagrant act of disorder or breach of discipline;
- (c) Insolence in language or manner towards the Gaoler, Officer, Constable or Guard in charge of convicts;

it shall be lawful for every such Magistrate as aforesaid, and he is hereby empowered, to order any such convict to be placed in solitary confinement with or without spare diet for any period not exceeding fourteen days, or to receive corporal punishment in any number of lashes not exceeding twenty-five, or to undergo imprisonment with or without hard labour for any period not exceeding three months in addition to his existing sentence.

8. The said visiting Magistrates shall have and exercise jurisdiction under this Proclamation without appeal, save as in hereinafter in Section 46 provided, and the proceedings shall be carried on in such manner and form as shall for the time being be lawfully practised by the Courts of the Resident Magistrates of this territory in regard to the hearing and determination of criminal cases. Nothing in this Proclamation contained shall be deemed or taken to affect or impair any jurisdiction now belonging to any of the courts of this territory in case the Crown Prosecutor shall direct that proceedings be originated or taken in such court instead of before the visiting Magistrate. Reports of all cases adjudicated upon by a visiting Magistrate

Proc. 104 must be transmitted to the Crown Prosecutor to be laid before the Administrator.

9. It shall be the duty of the gaoler, warders and constables in charge of any convicts, and other officers whose duty it may be to aid in the execution of sentences, and they are hereby respectively required, to cause every convict who shall by any order as aforesaid of any court or visiting magistrate be ordered to undergo any punishment as aforesaid, to undergo the same in manner and form as by the said order directed, and for so doing such order or a certified copy thereof shall be a sufficient warrant to each of the said persons respectively.

10. In case any convict shall wilfully disobey any lawful order, or if he shall exhibit insolence in language or manner to any officer belonging to the prison while such officer shall be on duty, or to any constable or police officer while on duty, or if he shall be guilty of profane cursing and swearing, or of any indecent behaviour, or of using foul language, or of irreverence during Divine Service, or if he shall use to any person intimidating language or threatening acts, or if he shall refuse or neglect to perform or shall wilfully mismanage any of his allotted work, or if he shall wantonly destroy or injure any clothing, food, implements of labour, or any other matter or thing intrusted to him, or if he shall be guilty of any assault on other convicts or prisoners or on any other person, and such offence shall be proved to the satisfaction of the Resident Magistrate, such Resident Magistrate may inflict on the convict so offending, any of the punishments hereinafter in Section 24 provided, subject to the provisions of Section 46.

11. Any convict who shall desert or escape, or conspire with any person to procure the escape of any convict, or to enable or assist any convict to desert, or who shall conspire with, assist or incite any other convict to desert or escape from the prison where he shall be placed, or from any post, place or conveyance where or wherein he may be for the purpose of labour,

detention, confinement in hospital, removal in custody^{Proc. 104} from one place to another, or otherwise, or who shall make any attempt to desert or escape from custody' whether inside or outside any building or enclosure, or place or conveyance as aforesaid, or who shall have any instrument, matter or thing with intent to procure his own or another convict's escape, shall upon conviction of such offence be liable to imprisonment with hard labour for any period not exceeding two years, to commence from the expiration of any period or periods of imprisonment which he shall have been sentenced to undergo, and also to receive corporal punishment in any number of lashes not exceeding fifty.

12. A convict charged with any offence in the last preceding section mentioned may be tried by :

- (a) Any visiting Magistrate who is also a Resident Magistrate.
- (b) The Resident Magistrate of the district in which he shall have escaped, or in which he may be found.

And such visiting Magistrate or Resident Magistrate shall respectively have jurisdiction to impose such and so much of the sentences in the said section contained as he shall think fit.

13. Every person not being an officer in charge of or belonging to the gang from which the convict shall escape who shall apprehend and secure any convict who shall have escaped as aforesaid, and shall cause such convict to be lodged in any prison, shall be entitled to receive out of the general revenue (over and above his just and reasonable expenses) such sum as the Administrator shall consider fit.

14. Every gaoler, warder, turnkey and convict guard shall be deemed and taken to be a constable, and all persons nominated and appointed from time to time by the Administrator to act in any such capacity shall be invested with all powers, authorities and functions of law belonging to constables or officers of police : Provided that any such officer as aforesaid and any constable may be suspended by the Resident Magistrate

Proc. 104 until the pleasure of the Administrator shall be expressed thereon.

15. All such constables as aforesaid shall be and they are hereby authorised and required to use all lawful means in their power for retaining the convicts under their charge in safe custody; and the crimes set forth in the eleventh section of this Proclamation shall, with reference to and for the purposes of the provisions of the Ordinances hereinafter mentioned, be deemed and taken to be crimes of equal degree of guilt with the crimes specified in the fourteenth section of the Ordinance No. 73, (c) intituled "An Ordinance for explaining, altering and amending the Ordinance No. 40," and all and singular the provisions made and contained in the twelfth, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth and nineteenth sections of the said Ordinance No. 73, and in the first section of the Ordinance No. 2 1837, (d) intituled "An Ordinance for the more effectual prevention of crimes against Life and Property within the Colony," shall extend and apply and they are hereby extended and made applicable to every person who shall have committed or shall on reasonable grounds be suspected to have committed or shall attempt or manifest an intention to commit any of the said crimes.

16. There shall be for every prison a surgeon or medical officer, a gaoler and such subordinate officers as may be necessary. The district surgeon or other medical officer appointed by the Administrator shall visit the prisons in his district. And for every prison in which females are detained in custody there shall be a matron and such subordinate female officers as may be necessary: Provided that in a prison where females only are imprisoned the matron shall be deemed to be the gaoler, and shall so far as is practicable perform all the duties, and be subject to all the obligations, of a gaoler in relation to such prison.

17. Every prison shall be a place for the safe custody of persons liable to be detained in custody, and also a

(c) Printed at page 416, vol. i, of the Cape Statutes.

(d) Printed at page 423, vol. i, of the Cape Statutes.

place of detention for convicted persons. If any person^{Proc. 104} sentenced to imprisonment with hard labour shall be imprisoned in a prison, he shall perform such labour and discharge such duty as may be imposed upon him by the gaoler or officer in whose charge he shall be.

18. The gaoler and officers of every prison shall be under the immediate authority and superintendence of the Resident Magistrate of the district in which the prison in question shall be situate.

19. Male and female prisoners shall be confined in separate parts of the prison so as to prevent them from seeing, conversing, or holding any intercourse with each other, and the prisoners of each sex shall be divided into classes, subject to the regulations framed under the powers by this Proclamation conferred.

20. The gaoler of every prison shall keep a journal in which he shall record all occurrences of importance within the prison, which journal shall be produced to the Resident Magistrate of the district upon the occasion of every periodical visit by such Magistrate as hereinafter directed, and shall be signed by him in proof of the same having been so produced.

Prisoners confined before trial for any supposed crime or offence shall be allowed to procure for themselves and receive at proper hours any food, bedding, clothing, or other necessaries subject to a strict examination thereof, and under such limitations and restrictions to be prescribed by any rule or rules as aforesaid as may be deemed necessary to prevent extravagance or luxury within the walls of the prison, and to exclude all articles which might possibly communicate infection or facilitate escape.

21. No prisoner before trial shall be compelled to wear prison dress unless his own clothes be deemed insufficient or improper or necessary to be preserved for the purposes of justice.

22. No gaoler shall without the order of the Resident Magistrate punish any prisoner for any offence or supposed offence under any pretext whatsoever: Provided that when and as often as it shall be urgently

Proc.104 and absolutely necessary to secure any refractory prisoner or any prisoner contriving to escape pending the arrival of the Magistrate, the gaoler may by his own authority place such prisoner in irons; and such gaoler shall in every such case make an entry in his journal recording the particulars thereof, and shall without loss of time send notice to the Resident Magistrate of what has taken place.

23. Except for the causes and under the circumstances aforesaid, no prisoner before trial shall be put in irons or be fastened or fettered in any manner whatsoever, whether by way of security against escape or otherwise, unless the Resident Magistrate shall in special cases authorise by writing inserted in the gaoler's journal a departure from this rule.

24. When in the course of any visit to or inspection of any prison which it shall be the duty of any Resident Magistrate to visit and inspect, it shall be proved to the satisfaction of such Magistrate that any prisoner has wilfully disobeyed any lawful order, or has shown violence and insolence to the gaoler of the prison or any other officer thereof, or has been guilty of profane cursing and swearing or of using foul language or of any indecent behaviour, or has used to any person intimidating language or threatening acts, or has wantonly destroyed or injured any food, clothing, or other matter or thing intrusted to him to use, or has committed any wilful act of disorder or breach of the prison discipline, such Resident Magistrate may order any such prisoner so offending to be placed in solitary confinement with or without spare diet for any period not exceeding five days, or to be kept in irons for any period not exceeding seven days, or to receive corporal punishment in any number of lashes not exceeding twenty-five, or to be kept at hard labour for any period not exceeding twenty-one days in addition to any punishment to which he was liable at the time of the offence: Provided that the name of the offender, and nature and particulars of the offence, and the punishment ordered shall be recorded in the journal of the gaoler; but no

prisoner save those under sentence of imprisonment^{Proc. 104} with hard labour shall be liable to receive corporal punishment.

25. If any prisoner shall make his escape from prison, or attempt to make his escape, or conspire or confederate with any other prisoner or other person to make the escape of both or either of them, or shall have in his possession or supply any other prisoner with any implement, matter or thing intended to aid in the escape of himself or such other prisoner, he may be tried for such offence before the Court of the Resident Magistrate of the district in which such prison shall be situated, and upon conviction may be sentenced if an unconvicted prisoner to imprisonment with or without hard labour for any period not exceeding six months, or to corporal punishment in any number of lashes not exceeding twenty-five, or if a convicted prisoner to imprisonment with or without hard labour for any period not exceeding twelve months, or to corporal punishment in any number of lashes not exceeding twenty-five, or to both such imprisonment and corporal punishment.

26. If any prisoner shall make his escape from custody, when outside the precincts of the prison, or shall attempt to make such escape, or shall, either within or outside the precincts of the prison as aforesaid, conspire or confederate with any other prisoner or other person to make the escape of both or either of them either from prison or from custody, or shall, either within or outside the precincts of such prison, have in his possession or supply any other prisoner with any implement, matter or thing intended to aid his own escape or that of such other prisoner either from prison or from custody, every such prisoner may be tried for such act or offence by the persons specified in sub-sections *a* and *b* of Section 12 of this Proclamation, and upon conviction may be sentenced to be imprisoned with hard labour for any term not exceeding two years, to commence from the expiration of the sentence which such prisoner shall then be undergoing, or to receive corporal punishment in any number of lashes not exceeding fifty,

Proc.104 or both to be imprisoned as aforesaid and to receive such corporal punishment as aforesaid.

27. When it shall be necessary to secure any refractory or insubordinate prisoner, or any prisoner contriving or endeavouring to escape from custody, the officer, constable, or guard in charge of such prisoner may cause him to be bound or placed in irons for safe custody until he shall be dealt with according to law.

28. All offences against discipline committed by any prisoner while outside the precincts of the prison shall be dealt with and punishable in like manner, in all respects, as if committed within the precincts of such prison.

29. In every prison punishment cells shall be provided or appropriated for the confinement of prisoners for prison offences.

30. No punishment cell shall be used at any prison unless it is certified by the visiting Magistrate or Resident Magistrate as the case may be that it can be used as a punishment cell without detriment to the health of convicts or prisoners.

31. Every certified cell as in the last section mentioned shall be distinguished by a number or mark placed in a conspicuous position, and shall be referred to by its number or mark in the certificate of the visiting or Resident Magistrate.

32. Every person who aids any convict or prisoner in escaping or attempting to escape from any prison, or who for the purpose of facilitating the escape of any such convict or prisoner supplies, or agrees or attempts or assists, incites or encourages any other person to supply him with any mask, dress, disguise, or any other article, instrument, matter, or thing, or conveys or causes to be conveyed to any place where convicts may be placed, or into any prison or lock-up, any letter or token, encouraging, inciting or showing desire to give aid in escaping or in breaking any regulation made by the Governor, as by this Proclamation is provided, shall upon conviction be liable to imprisonment with or without hard labour for any period not exceeding two years.

33. Every person who shall without lawful authority^{Proc. 104} supply or cause to be supplied to any convict or prisoner any intoxicating liquor, tobacco, dagga, or any other article, and every person who brings or attempts by any means whatever to introduce into prison any intoxicating liquor, tobacco, dagga, or any other article to be sold or used therein contrary to any regulations made by the Governor as by this Proclamation is provided: and every officer of a prison, or person employed therein, who suffers any intoxicating liquor, tobacco, dagga, or any other article to be sold, received or used therein contrary to the said regulations, or who shall sell, lend, or give away to any convict or prisoner any intoxicating liquor, tobacco, dagga, or any other article, contrary to the said regulations, shall be liable upon conviction to imprisonment with or without hard labour for any period not exceeding six months, or to a fine not exceeding forty pounds, and in default of payment he shall be liable to be imprisoned with or without hard labour for any period not exceeding three months, unless such fine be sooner paid, or to both such fine and such imprisonment, and every such officer or person employed as aforesaid shall, in addition to any other punishment, forfeit his office and all salary due to him.

34. No fee or gratuity shall be paid or payable by any prisoner either on his entrance, commitment to, continuance in, or discharge from any prison, to any officer of or person employed therein, and any officer or person receiving or demanding any such fee or gratuity shall for every such offence forfeit any sum not exceeding ten pounds.

35. Every person who, contrary to any regulations made under this Proclamation as aforesaid, shall convey or attempt to convey any letter or other document or token, or any article whatever not allowed by such regulations into or out of any prison shall, on conviction, be liable to imprisonment with or without hard labour for any period not exceeding one month, or to a fine not exceeding twenty pounds with the alternative of imprisonment with or

Proc.104 Without hard labour for any period not exceeding one month unless such fine be sooner paid.

36. No gaoler or other officer of any class employed in connection with any prison shall sell, nor shall any person in trust for or employed by him sell or have any benefit or advantage from the sale of any article to any convicts or prisoners, nor shall he directly or indirectly have any interest in any contract or agreement for the supply of any such article. Any person contravening this section shall upon conviction before the Resident Magistrate of the district be liable to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for any period not exceeding six months, unless such fine be sooner paid.

37. Any convict or prisoner whose term of imprisonment shall expire on Sunday, shall be entitled to his discharge on the Saturday next preceding, and any officer in whose custody he may be is hereby authorised to discharge him accordingly.

38. It shall be the duty of the Resident Magistrate of the district to require from the surgeon of every prison, or other medical practitioner, a certificate showing the cause of death of every convict or prisoner as the case may be, who may die within any prison, and if he should think it necessary, to hold an inquest on the body.

39. It shall and may be lawful for the officers, constables, or guards who shall be in charge of any party of convicts or prisoners within or without the precincts of any prison to be armed with fire-arms loaded with powder and ball or shot; and if any such convict or prisoner shall attempt to escape, and it shall be absolutely necessary, in order to prevent such escape, that such officer, constable or guard should fire upon such convict or prisoner, it shall be lawful for him so to do, and if in so doing he shall kill or wound such convict or prisoner, he shall not be deemed guilty of any offence in so doing.

40. Whenever any officer of a prison is suspended, removed from, or resigns his office, or dies, the officer so suspended, removed, or resigning, and his family and the family of every such deceased officer, shall quit the

possession of the house or apartments in which he or they have previously resided by virtue of such office when required so to do by notice under the hand of the Resident Magistrate of the district; and if he or they refuse or neglect to give such possession within forty-eight hours after such notice as aforesaid has been given to him, the said Resident Magistrate, upon proof made of the service of such notice and of such refusal or neglect to comply therewith. may by warrant under his hand direct any police constable or other person named in such warrant to enter by force if necessary into such premises and eject or remove therefrom every such officer or any other person wrongfully retaining possession, together with any goods or articles there found.

41. So much of this Proclamation and so much of any such regulations as aforesaid, as relate to the treatment and conduct of convicts or prisoners shall be printed in legible characters, both in the English and Dutch languages, and fixed up in conspicuous parts of every prison, so that all persons may have access thereto.

42. When any periodical court or court of special justice of the peace holden at a place where there is no ordinary prison shall sentence a person to imprisonment with or without hard labour for any period not exceeding fourteen days, it shall be competent for such court to direct such imprisonment to be in the nearest lock-up in lieu of in any other prison.

43. No officer belonging to any prison shall be at liberty to resign or withdraw himself from his office unless expressly permitted so to do in writing by the Resident Magistrate of the district in which such prison is situate, or unless he shall give to such Resident Magistrate one month's notice of his intention to resign such office; and every officer who shall so resign or withdraw himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him, or to a penalty not exceeding ten pounds, or to imprisonment for any term not exceeding one month, as to the Resident Magistrate of the district shall seem best and most expedient.

The term "officer" shall be construed to mean and include constable, gaoler, turnkey and matron.

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44. Any gaoler, constable or other officer of a prison who shall be convicted of assaulting or attempting to assault any convict or prisoner shall, in addition to any other punishment or penalty imposed, forfeit and vacate the office then held by him and may not be re-appointed to the same or any similar office during a period of five years, in case he shall be sentenced to a fine of ten shillings or upwards or to any period of imprisonment.

45. Any officer of a prison not being a surgeon, who shall be guilty of any neglect or violation of duty, or contravening any of the rules and regulations made by the Governor, shall, upon conviction by the Resident Magistrate of the district, be liable to a penalty not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for any period not exceeding three months.

46. Notwithstanding anything to the contrary contained in the eighth section of this Proclamation, whenever under any provision of this Proclamation or of any Regulation made in pursuance hereof, any convict or prisoner shall be sentenced by any visiting or Resident Magistrate to corporal punishment exceeding fifteen lashes or imprisonment exceeding one month, the sentence shall not be carried into effect unless and until the Chief Magistrate shall have certified that such sentence is in accordance with real and substantial justice, and whenever such a sentence shall have been imposed, the record of the proceedings upon which such convict or prisoner was convicted and sentenced shall forthwith be forwarded to the registrar of the Chief Magistrate's court.

47. The Governor may from time to time make, alter and amend regulations

- (a) For the general government and management of prisons and for the classification of convicts or prisoners therein ;
- (b) For the regulation of the duties and conduct of the officers at such prisons and the convicts or prisoners under their charge ;
- (c) For the mode of supplying food, the scales of diet, and the clothing and necessaries to such

officers and the convicts or prisoners under their charge ;

- (d) For the safe custody of convicts or prisoners when at labour or otherwise ;
- (e) For rewards by mitigation or remission of sentence or otherwise to well-conducted convicts and prisoners ;
- (f) For the granting and withdrawing of indulgences to convicts and prisoners ;
- (g) For the regulation of the duties of medical officers of prisons ;
- (h) For the duties of Resident Magistrates or visiting magistrates in connection with prisons ;
- (i) For prohibiting the supply to convicts or prisoners, and the introduction into any prison of any article of food, drink or otherwise ;

And may by such regulations impose a penalty for any breach of such regulations or different penalties in case of successive breaches.

48. Any person loitering about any prison or other place where convicts or prisoners may be for the purposes of imprisonment or labour who refuses or neglects to depart therefrom upon being duly warned so to do by any constable or other authorised person, shall be guilty of an offence ; and upon conviction shall be liable to imprisonment with or without hard labour for a period not exceeding one month, or to a fine not exceeding five pounds with the alternative of imprisonment with or without hard labour for a period not exceeding fourteen days, in case such fine be not sooner paid.

49. Subject to regulations made under this Proclamation, any Resident Magistrate may at his discretion, or when required so to do by the Administrator in cases of persons sentenced to imprisonment with hard labour for three months or any lesser period, or in all other cases of hard labour when required and authorised so to do by the Administrator, contract with any Divisional Council or Municipal or other public body, or with any company or individual, for the employment of such persons under sentence as aforesaid upon such terms and conditions as to safe custody and maintenance as he may deem fit,

Proc. 104 and thereupon the order of such Resident Magistrate setting forth the place where the employment shall be, shall constitute it a place outside the precincts of the prison of that district for the purpose of offences by prisoners, and any person named for that purpose in such order shall be taken to be an officer, constable, or guard in charge of prisoners.

50. The Regulations in Schedule B hereto shall be in force and be observed in all prisons in the territory of British Bechuanaland.

SCHEDULE A.

ENACTMENTS REPEALED.

NUMBER AND YEAR.	TITLE.	EXTENT OF REPEAL.
Ord. No. 7, 1844.	Ordinance for the discipline and safe custody of the convicts employed upon the public roads.	The whole.
Ord. No. 10, 1844.	Ordinance for empowering the Governor to appoint in all cases the places at which convicts sentenced to be imprisoned shall be confined.	The whole.
Ord. No. 1, 1845.	Ordinance for creating certain Visiting Magistrates' Courts at Convict Stations in this Colony.	The whole.
Ord. No. 24, 1847.	Ordinance for improving the Gaols of this Colony.	The whole.
Act No. 9, 1858.	An Act to provide for the management of the public roads of the Colony.	Section 19.
Act No. 5, 1866-1867.	Act for the better maintenance of discipline among persons under sentence of imprisonment with hard labour.	The whole.
Act No. 1, 1876.	Act for the better regulation of Convict Stations and Gaols.	The whole.
Act No. 13, 1886.	Act to amend in certain respects the Criminal Law and the Law of Evidence.	Section 9.

SCHEDULE B.

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PRISON REGULATIONS.

1. All Gaol Regulations at variance with any of these Regulations are hereby rescinded.

THE GAOLER.

2. The Gaoler shall reside in the prison, and be responsible for the due observance of all the rules thereof.

3. It shall be his duty to ensure that all prisoners know and understand the rules of the prison: and he shall cause a printed abstract of the rules relating to the treatment and conduct of the prisoners, with a copy of the prison dietaries, in the English and Dutch languages, and such other languages as the Administrator may direct, to be kept posted in places accessible to the prisoners.

4. In case he shall become aware of any offence in, or of any violation or neglect by any person of any of the rules of the prison, he shall forthwith record the particulars thereof in his journal and report the name of such person and the nature of the offence to the Resident Magistrate. He shall be responsible for the proper searching of all male prisoners on admission, and also on every occasion when prisoners return from labour outside the prison.

5. He shall visit the whole of the prison and see every male prisoner—and likewise every female prisoner, when there shall be no matron—once at least in every 24 hours, and in default of such daily visits and inspections he shall state in his journal how far he has omitted them, and the cause of such omission. He shall at least twice a week go through the prison at an uncertain hour of the night, which visit and the hour and state of the prison at the time, he shall record in his journal: Provided always that whenever in the absence of a matron or female warder the gaoler shall visit the females' quarters, or enter or be in a room in which any female is imprisoned, he must be accompanied by another officer of the prison.

6. He shall take care that any prisoner having a complaint to make or a request to prefer to him shall have an opportunity of doing so, and that any prisoner wishing to appeal to the Resident Magistrate on his visits to the prison shall have an opportunity of doing so.

7. He shall, every morning, carefully examine the rations supplied to the prisoners, and forthwith report to the Resident Magistrate if they are in any way defective.

8. He shall see that nothing likely to be used to facilitate escape shall be left within reach of prisoners or kept without proper safeguards against such use.

9. He shall notify to the Medical Officer—or, where there shall be no medical officer, to the Resident Magistrate—without

Proc.104 delay, the illness of any prisoner, and shall deliver to him daily a list of prisoners who are ill, or who complain of illness, and a list of prisoners in punishment cells.

10. He shall carry into effect all written directions of the Medical Officer, or, where there shall be no Medical Officer, of the Resident Magistrate, respecting alterations in the clothing, diet, or treatment of any prisoner.

11. He shall, upon the death of any prisoner, give immediate notice thereof to the Resident Magistrate, Medical Officer and Registrar of Deaths (where the latter officer exists), and the body shall not be buried until the District Surgeon has examined the body and authorised its burial by written order in his direction book : Provided that where there shall be no District Surgeon, the body shall be examined by the Resident Magistrate and shall not be buried until the Resident Magistrate shall have held an enquiry as to the cause of death, and authorised its burial by written order in the Gaoler's journal. The Resident Magistrate shall without delay forward a report of the proceedings in such enquiry to the Crown Prosecutor.

12. He shall not absent himself for a night from the prison, without permission in writing from the Resident Magistrate, and on every occasion of his absence, by day or by night, the occurrence shall be entered in his journal.

In the absence of the Gaoler, if no Acting Gaoler has been appointed

- (a) the Head Guard or Senior Turnkey, or
- (b) such person as may be appointed in writing by the Resident Magistrate, shall be in responsible charge of the prison.

13. He shall keep such books and records as may from time to time be prescribed by the Crown Prosecutor, and shall be immediately responsible for their being punctually and carefully entered up.

14. He shall cause the urinals to be well washed morning and evening daily, and have them sprinkled with lime or some other disinfectant.

15. He shall see that the cell doors and windows are left open every morning, if possible, for a sufficient time to ensure the proper ventilation of the cells.

16. All inflictions of corporal punishment shall be attended by the Gaoler and Medical Officer. The Gaoler shall enter in his journal the name of the prisoner, the day and hour of the punishment, the Court by which it was imposed, the number of lashes, the person by whom they were inflicted, and any orders of the Medical Officer on the occasion.

17. The particulars of leave which is granted to a Prison Officer shall be entered in his journal. The authority by whom it is granted shall be stated in every case.

18. He may temporarily suspend any subordinate officer^{Proc. 104} from duty in case of misconduct, but shall report the particulars to the Resident Magistrate at the earliest opportunity.

THE MATRON.

19. The Matron shall reside in the prison.

20. She shall be held responsible for the due observance of the prison rules in respect of all female prisoners.

21. She shall daily inspect every part of the prison occupied by females, and see every female prisoner at least once in every 24 hours, and shall, at least twice a week, at an uncertain hour of the night, go through such part of the prison.

22. She shall keep such books as may from time to time be prescribed by the Crown Prosecutor.

23. She shall bring before the Resident Magistrate any assistant matron or female prisoner charged with breach of discipline or disobedience of the prison rules.

24. She shall search, or cause to be searched by an assistant Matron, female prisoners entering the gaol, and at such other times as may be necessary.

25. She shall be responsible for the due cleanliness of the female prisoners and their cells.

SUBORDINATE PRISON OFFICERS.

26. Subordinate prison officers in prisons shall be under the immediate authority of the Gaoler, or any other officer who may be placed in authority over them. They shall treat all superior officers with becoming respect.

27. They shall immediately report to the Gaoler any offence or irregularity on the part of any prisoner or officer. The report shall forthwith be entered in the Gaoler's journal and signed by the officer making the same.

28. Subordinate officers shall not be absent from the prison without leave, and before leaving the prison at any time they shall deliver their keys and books to the Gaoler or other duly appointed officer.

29. They shall enter their names and the time of going on and coming off duty in a book provided for the purpose, and also any irregular occurrence that may take place during their watch.

30. They shall not receive visitors on the gaol premises without the permission of the Gaoler.

31. They shall be held responsible for the strict carrying out of the rules to be observed by them in respect of prisoners.

32. They shall hold no communication with prisoners except such as is necessary in the execution of their duties.

33. Every prison officer who shall be dismissed from the service, or who shall resign his situation, in accordance with the terms of section 43 of Proclamation No. 104 B.B., 1891, shall forthwith deliver up every article of dress and all arms

Proc. 104 and weapons which shall have been supplied to him. If any of these articles be not delivered up, or when delivered up, shall in the opinion of the Resident Magistrate have been improperly used or damaged, a deduction shall be made by the Resident Magistrate from pay due sufficient to make good the damage, or if necessary to supply a new article.(e)

34. No Prison Officer shall permit any portion of his uniform or other appointments to be worn or used by any person save himself, and if he shall improperly damage any portion of such dress or appointments, he shall be liable to make good the damage, the amount of which may be withheld from his pay on the order of the Resident Magistrate.

PRISON OFFICERS: GENERAL.

35. It is the duty of all officers to treat the prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, and to be firm in maintaining order and discipline.

36. No officer shall strike a prisoner unless compelled to do so in self-defence or in defence of another officer.

37. No officer shall receive any fee or gratuity or have any money dealing whatever with or on behalf of any prisoner or visitor to any prisoner.

38. No officer shall give any certificate or testimonial to or in respect of any prisoner as regards his conduct in prison or otherwise.

39. Officers carrying arms shall not use or threaten to use them against any prisoner except in case of dangerous violence employed, threatened or incited by such prisoner, or in case of escape or attempted escape which they are otherwise unable to prevent.

MEDICAL OFFICER.

40. The Medical Officer shall see every sick prisoner and every prisoner in solitary confinement at least once a day, and every prisoner confined in the gaol once a week.

41. He shall by written order direct such modification of labour, diet, clothing, and punishment as in particular cases he may deem necessary, so far as the same shall be in conformity with the discipline and rules of the gaol.

42. He shall keep such books as may be prescribed by the Crown Prosecutor.

43. He shall report in writing to the Resident Magistrate the name of any prisoner whose mind appears to be injuriously affected.

44. He shall attend the infliction of all corporal punishments at the proper hour, of which he shall receive written notice

(e) Printed as amended by Government Notice of 11th May, 1891.

from the Gaoler. He shall examine the prisoner carefully Proc. 104 before he is flogged, and give such directions as he may deem necessary by written order in the Medical Officer's direction book. If he consider that the prisoner is in a fit state to undergo the punishment he shall give a certificate to that effect to the Gaoler. In cases in which he may direct that the punishment should not be fully carried out, he shall give his reasons for the same, which report the Gaoler shall forward to the Resident Magistrate.

45. He shall inspect the whole of the prison once a week, and shall furnish the Resident Magistrate with a report when necessary, in writing, of the sanitary state of the prison and the health of the prisoners. In every case of contagious or infectious disease which arises in the prison he shall send a report to the Resident Magistrate giving, if possible, the cause. If the illness of a prisoner arises from any preventable cause, and his representations are not attended to, he shall notify the defect complained of to the Crown Prosecutor.

46. He shall examine all prisoners on admission and also prior to discharge or removal to another prison, and he shall from time to time inspect the prisoners while employed on hard labour.

47. In every case of death of a resident prison officer or prisoner he shall give a written report to the Resident Magistrate of the cause of the death. If the cause cannot otherwise be ascertained with sufficient certainty he shall hold a post-mortem examination.

If death was the result of disease the origin thereof shall, if possible, be ascertained and reported. The report and the result of the examination shall in every case be transmitted by the Resident Magistrate to the Crown Prosecutor.

48. He shall attend at every execution of the sentence of capital punishment, and shall make a careful examination of the body after sufficient time has elapsed for death to ensue. He shall certify to the officer charged with carrying out such execution, the fact that life is extinct. The body shall not be removed until such certificate is given.

If the friends of the convict desire it, his body may be delivered to them for burial.

GATE.

49. The prison gate shall not under any circumstances be kept open longer than is absolutely necessary.

50. No person whatever except the Resident Magistrate, an officer of police, or the Medical Officer, shall be allowed to enter a prison or leave it between the hours of 10 at night and 6 in the morning without an order in writing from or by order of the Crown Prosecutor, or the Resident Magistrate.

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SEARCHING.

51. All prisoners shall be thoroughly searched on admission to Gaol by persons of their own sex, and all money, effects, and articles whatsoever, except necessary clothing, shall be taken from them.

Prisoners on their arrival under sentence shall be stripped and searched apart from all other prisoners. If a prisoner's clothes are taken from him they must be carefully packed, and labelled with his name and number. Prisoners sent outside the gaol to work shall be thoroughly searched both on leaving and returning to prison.

52. All money, effects, or articles taken from any prisoner or sent to a prisoner for his use and not allowed to be received and retained by him, shall be placed in the custody of the Gaoler, who shall make and keep an inventory of the same in the book provided for the purpose. Each entry shall be signed and dated by the searching officer in the presence of a witness.

53. The Gaoler, or officer on gate duty, shall examine all articles being brought into or carried out of the prison, and shall stop any person suspected of bringing spirits or other prohibited articles into the prison, or of carrying out any prohibited article from the prison. Such person may, with the written authority of the Resident Magistrate, be searched, provided that he or she be searched by a person of his or her own sex, and apart from any other person.

54. The foregoing regulations Nos. 51 and 52 shall not apply to civil debtors, witnesses confined in default of bail for appearance, or prisoners committed in default of security to keep the peace or for contempt. Prisoners of the said classes shall be searched, but nothing shall be taken from them save dangerous weapons, articles calculated to facilitate escape, prohibited articles, and money in excess of their requirements for the purposes of food.

DISTRIBUTION OF PRISONERS.

55. All prisoners shall be classified as may be directed from time to time by the Administrator.

56. Female prisoners shall *at all* times be kept entirely apart from male prisoners, and shall if possible be confined in different buildings. They shall, whenever possible, be attended to by persons of their own sex, and shall be absolutely prevented from seeing or holding any communication with a male prisoner. No Gaoler or other male Officer shall enter the females' quarters, or enter, or be in a room in which any female is imprisoned, unless accompanied by a Matron or a female Warder, or should there be none such, by another officer of the prison.

57. Juveniles shall at all times be kept entirely apart from adult prisoners, and shall if possible be confined in different

buildings. Prisoners who have not been previously convicted shall as far as possible be kept apart from habitual criminals. Proc. 104

CONDUCT OF PRISONERS.

58. Prisoners shall obey all orders of the Gaoler and prison Officers.

59. Prisoners shall not sing, scream, shout, whistle, or talk to themselves aloud, or make any unnecessary noise at any time.

60. Prisoners may make complaints to the Resident Magistrate, the Gaoler, or (in the case of females) to the Matron.

61. No prisoner shall be allowed to give, barter, or sell any portion of his food to any other prisoner.

62. No prisoner shall be allowed to enter any room except his own room or cell, and no prisoner is allowed to be in a latrine at the same time as another prisoner.

63. Prisoners shall obey such directions as regards washing, bathing, hair cutting and shaving, as may from time to time be issued by the Crown Prosecutor with a view to a proper maintenance of health and cleanliness; but the hair of female prisoners shall not be cut unless the Medical Officer direct that it shall be done as indispensable on the ground of health or cleanliness, and the Medical Officer's direction shall not be carried out unless it be approved in writing by the Resident Magistrate.

64. Neither cards, dice, nor any other instruments of gaming shall be permitted within the gaol.

65. No prisoner shall be allowed to retain in his or her possession any tinder-box or other instrument for striking fire, and no smoking shall be allowed within the prison or prison yard. This rule shall not apply to persons imprisoned for debt, witnesses imprisoned in default of security for appearance, and such other prisoners as, by way of reward for good conduct, may be specially authorised by the Crown Prosecutor and permitted by the Resident Magistrate to smoke under proper regulations as to time and place.

66. Prisoners employed at hard labour outside the gaol shall not speak to persons other than those having authority over them or connected with the labour party.

67. Civil debtors, witnesses confined in default of security for their appearance, persons committed for contempt or in default of security to keep the peace, prisoners under examination or awaiting trial, prisoners under sentence of imprisonment without hard labour, and prisoners under sentence of imprisonment with hard labour who by good conduct in gaol have merited indulgence, may be permitted by the Resident Magistrate, with the consent of the Crown Prosecutor, the use of books, paper and writing materials, to be provided at their own cost.

Proc.104 68. The prisoners mentioned in the last preceding section shall be permitted for the sake of occupation to do any work within the precincts of the gaol for which they voluntarily offer.

69. If any prisoner shall

- (1) Use language tending to cause discontent, excitement, or insubordination among his fellow-prisoners;
- (2) Make false, frivolous, or malicious reports or complaints;
- (3) Commit any nuisance, neglect his duty, fail to keep himself clean, or to wash or mend his clothes;
- (4) Absent himself from parade, or other place at which he shall be required to be, or misbehave when present at such place, or at divine service or school;
- (5) Evade work by any means;
- (6) Malingering, by feigning any malady whatever;
- (7) Procure or receive any article whatever in an unauthorised manner;
- (8) Hold communication by any means or of any kind with any person with whom such communication is not authorised;
- (9) Violate any rule of the station or defeat or evade the operation thereof;

he shall be deemed guilty of a breach of prison discipline.

70. Every prisoner whose sentence is 18 months and more shall, subject to the provisions of regulation 71, be allowed a mitigation of one-fifth of his or her sentence. Every conviction for a breach of discipline, while undergoing sentence, followed by punishment, will cause a loss of 14 days of this mitigation. The Administrator may, however, relax this deprivation under special circumstances. (f)

72. No prisoner shall be entitled to the mitigation referred to in the last preceding regulation in respect of any sentence

- (a) If it be passed for a second conviction;
- (b) If before the said sentence is expired, he commit an offence for which he is sentenced to an additional term of imprisonment with hard labour;
- (c) If with a sentence not exceeding 10 years he be punished six times for offences against prison discipline, or with a sentence exceeding 10 years, he be so punished ten times;
- (d) Whose conduct has in the opinion of the Crown Prosecutor been such as to debar him from the privilege,

The Administrator shall have the power to relax this rule in any case if he think fit.

For the purposes of this rule a second conviction shall be taken to mean any conviction after a prior conviction

(f) Printed as amended by Government Notice of 11th May, 1891.

- (a) Of the same or similar crimes, or
 (b) Of any crime for which sentence of lashes or at least two months' hard labour without the option of a fine was imposed. When several separate sentences are passed, the later sentences are not to be regarded as second or subsequent convictions if they are for offences committed before the first sentence.

72. Except when otherwise directed, where a prisoner has received a special remission of sentence his ordinary regulated remission will be one-fifth of the original sentence and not one-fifth of the balance after deducting the special remission.

73. If prisoners conduct themselves satisfactorily and are by reason of industry and efficiency recommended for any such indulgence, a small part of their earnings, if any, may with the consent of the Crown Prosecutor be set aside to be paid them on their discharge.

74. Criminal prisoners shall rise in the morning in Summer at 5.30, and in Winter at 6.30.

75. Hard labour gangs shall leave the prison for labour daily on week days (weather permitting) in Summer at 6 a.m. and return at 8 a.m. for breakfast; go out at 9 a.m. and return at 1 p.m. for dinner; go out at 2 p.m. and return at 5.30 p.m.; in Winter they shall go out at 8 a.m. and return at noon to dinner; go out at 1 p.m. and return at 5 p.m. or sunset. The Summer shall be reckoned from the 1st of September to the 30th April, inclusive, and Winter shall comprise the months of May to August, inclusive, for the purposes of these Rules.

76. No prisoner shall be vested with authority or power over any fellow-prisoner, or be permanently engaged inside the prison without the consent of the Crown Prosecutor.

77. Prisoners not at hard labour or engaged in work of a sedentary nature shall be exercised three times a day in the yard for half an hour.

78. All cells shall be closed and prisoners locked up in Summer not later than 8 p.m., and in Winter not later than 7 p.m.

79. The Resident Magistrate, with the consent of the Crown Prosecutor, shall have power to vary the hours fixed by regulations 74, 75 and 78.

CLOTHING.

80. Every prisoner sentenced to imprisonment with hard labour shall be provided with a complete prison dress, properly numbered and marked, and shall wear it at all times during the day. Prisoners shall not be allowed to wear their own clothing under the prison clothing without the special order in writing of the Medical Officer. Prisoners other than those who are under sentences of three months with hard labour and upwards

Proc. 104 shall if they desire it be allowed to wear their own clothes when taken to a Court of Justice to give evidence.

81. Prisoners awaiting trial, sentenced to imprisonment without hard labour, debtors, prisoners confined for contempt or in default of security to keep to the peace, and witnesses who are confined for want of bail for their appearance, may wear their own clothes, unless the same shall be insufficient, unclean, or required for the purposes of justice. They may also be allowed to provide their own bedding and receive changes of their own clothing if clean and free from vermin. Underclothing may be allowed once a week to criminal prisoners who have been in the habit of wearing the same.

82. All clothing and bedding in use in the gaol shall be washed by the prisoners on such days and as often as may be prescribed by the Resident Magistrate by written order posted in the prison.

83. Prisoners shall either be discharged in the clothes in which they are received into the gaol, or in discharge suits specially provided for the purpose. The practice of setting them at large in ordinary prison clothing of any description is most strictly forbidden.

DIET.

84. Subject to the provisions herein contained, prisoners shall receive such diet as may be prescribed by the Administrator. All scales of diet shall be posted in each yard in English, Dutch and such other language as the Administrator shall direct.

85. Every prisoner committed under sentence of spare diet shall be inspected by the Medical Officer, who, if satisfied that he is in a fit state to undergo it, shall certify to that effect in the book provided for the purpose.

86. No prisoner shall be kept on spare diet for more than three consecutive days, nor on the two days immediately preceding his discharge when the sentence exceeds 6 days, nor when the Medical Officer certifies that more nourishment is necessary. The following proportion of days on spare diet to the whole term of imprisonment may be imposed :

If a prisoner be sentenced to imprisonment with hard labour, for a period not exceeding three months, he may be sentenced to spare diet for two days in each week, on which days he shall not be put to hard labour.

If a prisoner be sentenced to imprisonment without hard labour, not exceeding one month, he may be sentenced to spare diet as follows :—

Out of 7 days, 4 days.

„ 14 „ 7 „

„ 21 „ 11 „

„ 28 to 31 days, 15 days.

If a prisoner be sentenced to imprisonment without hard labour, exceeding one month and not exceeding two months, he may be sentenced to spare diet as follows:—

Out of 35 days, 14 days.
 " 42 " 16 "
 " 49 " 18 "
 " 56 to 60 days, 20 days.

If a prisoner be sentenced to imprisonment without hard labour, exceeding two months and not exceeding three months, he may be sentenced to spare diet as follows:—

Out of 63 days, 21 days.
 " 70 " 24 "
 " 77 " 27 "
 " 84 to 90 days, 30 days.

87. It is necessary for the due enforcement of sentences of spare diet that prisoners while undergoing them shall be strictly secluded. Prisoners should therefore be sentenced to solitary confinement on the days on which they are to be kept on spare diet, and it will be the duty of the Gaoler in all cases to enforce the sentence strictly. For the remaining days of their sentences prisoners shall receive the proper ration of their class. Spare diet must not be imposed in the cases of children under 16, and in no case must spare diet and hard labour be combined.

88. No criminal prisoner shall, save as is hereinafter provided, receive anything beyond the authorised ration, except by order, in writing, of the Medical Officer, or Resident Magistrate where there shall be no Medical Officer.

89. Jewish prisoners may be allowed to receive from their friends food specially prepared, on the following days and seasons:—

- (1) Passover Season,
- (2) 1st and 2nd days of New Year,
- (3) Day of Atonement,
- (4) Solemn Fast Day;

Provided it do not exceed in quantity the ordinary ration.

90. Prisoners of the classes mentioned in regulation No. 101, shall be allowed to procure for themselves, and receive at hours fixed for the purpose, any food, or other necessaries, subject to such restrictions as shall prevent extravagance and luxury; but wine, beer, and spirits shall not be permitted save when specially ordered by the Medical Officer of the prison as necessary on the ground of health.

91. No convicted prisoner shall under any pretence be allowed any spirits, wine, beer, or other intoxicating drink, or tobacco, except such as may be directed by the Medical Officer, by order in writing, or by the special authority of the Crown Prosecutor and permission of the Resident Magistrate.

Proc.104 92. All platters and utensils shall be removed from the cells directly after each meal, as well as any uneaten food. No prisoners, except cooks and their assistants, shall be allowed to enter the kitchen.

93. A prisoner who has any complaint to make regarding the diet furnished to him, or who wishes his ration to be weighed to ascertain whether he is supplied with the authorised quantity, shall make his request immediately after the food is handed to him, and before any portion of it is consumed, and it shall then be examined and weighed by the Gaoler or other officer in his presence. Should, however, repeated complaints of a groundless nature be made by any prisoner under cover of this rule, such complaint shall be treated as a false or frivolous complaint, and the offender shall be liable to punishment accordingly.

94. If the Resident Magistrate or Gaoler be of opinion that the rations supplied are in any way defective, a board shall be summoned by the former officer, consisting of the Resident Magistrate, the Medical Officer if he be present, and the Clerk to the Resident Magistrate, and the decision of such board or the majority thereof shall be final.

BEDDING.

95. Prisoners on rising in the morning shall put their blankets out in the yard to air (weather permitting), where they must be allowed to remain for an hour, after which they shall be properly folded up and placed in the cells.

96. Extra bedding may be supplied on the written order of the Medical Officer.

97. Wooden platforms shall be thoroughly cleansed twice a week. Hammocks shall be washed as often as is necessary.

98. No prisoner shall be allowed to use bedding in the day-time except in case of sickness.

VISITS AND LETTERS.

99. Convicted criminal prisoners, if their conduct be good, may be allowed once a month to receive visits from friends, and to receive and write a letter: Provided that no such visits shall be allowed without the express permission of the Resident Magistrate, who shall have power to limit the number of visitors to be admitted and the duration of each visit, and also to fix the days when any such visits shall be allowed: Provided further that no visits shall be allowed at any hour save between 2 and 4 p.m., without an order in writing from the Resident Magistrate.

Prisoners about to be sent to another prison shall be allowed to see friends or legal advisers in the prison before being transferred.

No other visits or communications shall be permitted without an order in writing from the Resident Magistrate.

Such order shall only be given under very special circumstances. roc.104

An Officer of the Gaol shall be present during the whole interview, and every visitor shall sign his name in the Visitors' Book. If he cannot write, his name and address shall be entered by the Officer in charge of the book.

100. If at any interview any communication shall be made which is at variance with the prison rules or likely to lead to a breach of such rules, the interview shall be stopped and the matter shall at once be reported to the Resident Magistrate. The Gaoler may demand the address of any visitor to a prisoner, and, should there be reasonable grounds therefor, may search or cause to be searched male visitors, and may under similar circumstances direct a female officer to search female visitors. Such search shall not be made in the presence of any prisoner or of another visitor, and shall only be made with the authority in writing of the Resident Magistrate.

101. Witnesses committed to prison in default of security for their appearance, prisoners committed for contempt, prisoners confined in default of security to keep the peace, untried prisoners and debtors, shall be allowed all reasonable opportunities of communicating with their friends or legal advisers, either in writing or verbally. They may write and receive letters daily, but friends shall not be permitted to visit them oftener than twice a week, except by written order of the Resident Magistrate.

The prisoners in the last preceding section mentioned shall be allowed to receive visitors at such hours as may be prescribed by written order by the Resident Magistrate, which order shall be posted in the prison.

103. The Sheriff or the Messenger of a Court of Resident Magistrate in his own district may, with the assent of the Resident Magistrate, grant authority to any person to visit a prisoner confined on process of any court to arrange business connected with his discharge. Such visit shall not be allowed before 7 a.m., or after 9 p.m.

104. All letters to or from any prisoners shall be submitted to the Gaoler for perusal, and should any letter contain improper matter it must be detained and brought to the notice of the Resident Magistrate.

The Resident Magistrate shall have the power to permit letters to and from the classes of prisoners mentioned in section 101 (except untried prisoners) to pass unread.

PRISONERS UNDER SENTENCE OF DEATH.

105. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by or by the orders of the Gaoler, and all articles shall be taken from him which the Gaoler deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell

Proc. 104 apart from all other prisoners and shall be placed by day and by night under the constant charge of an officer. He shall be allowed such a dietary and amount of exercise as the Gaoler, with the approval of the Resident Magistrate, may direct. Ministers of religion, if possible of the persuasion to which such prisoner belongs, shall have free access to him. With the above exceptions no person, not being a visiting justice or officer of the prison, shall have access to the prisoner except in pursuance of an order from the Administrator or from the Resident Magistrate.

GENERAL REGULATIONS.

106. Proper scales and weights shall be kept in each gaol.

107. The Resident Magistrate shall visit the gaol at least twice a week. He shall muster the prisoners at least once a week and ascertain whether they have any complaints.

Where the duties of the Resident Magistrate are such as to preclude this course, the Crown Prosecutor may appoint some other person to perform this duty.

108. Imprisoned debtors shall not be maintained at the public cost. The execution creditor is required, under Act 20 of 1856, to pay 1s. per diem, payable weekly in advance to the keeper of the prison, who shall hand the amount to the imprisoned debtor for his maintenance.

109. Government officials shall not employ prison labour for private purposes.

110. Female prisoners when removed from one prison to another, shall be forwarded under the charge of a matron.

111. No prisoner shall be discharged while seriously ill, except at his or her own wish.

If the date of release falls on a Sunday, the prisoner shall be released on the preceding Saturday.

112. Every attention must be shown to clergymen and ministers attending the gaol to give religious instruction, and all facilities afforded them in the performance of their duties. A prison officer shall attend to keep order and maintain discipline during the performance of divine service on Sundays.

113. No private individuals shall be allowed to be present at any infliction of corporal punishment or at any *post-mortem* examination conducted in any gaol or lock-up without the express permission, in writing, of the Resident Magistrate of the district.

114. Corporal punishment shall be inflicted by some person selected by the Resident Magistrate of the District.

115. The Resident Magistrate shall report to the Crown Prosecutor every occasion on which (subject to the provisions of Section 46 of Proclamation No. 104 B.B., 1891) he has sanctioned the infliction of corporal punishment, giving particulars of the case, and the Crown Prosecutor shall submit such report to the Administrator.

116. The Resident Magistrate shall on the occasion of every Proc. 104 escape from custody hold an enquiry into the circumstances connected therewith, and shall transmit the proceedings or a copy thereof, together with a report thereon, to the Crown Prosecutor.

117. Irons shall be used only as a means of restraint or as a preventive of escape. Such irons only shall be used as have been duly approved, and no prisoner shall be kept in irons without being examined by the Medical Officer.

118. The Resident Magistrate may grant to any prison officer leave for a period not exceeding ten days in any one year, provided that arrangements are made for the discharge of the duties of the officer without cost to the public. Such leave and the name of the person nominated to act for the said officer shall be reported to the Crown Prosecutor.

The Gaoler may grant to any subordinate officer leave to be absent from the prison for any period not exceeding 4 hours in any one day or ten hours in any one week. Leave shall only be granted if the exigencies of the service permit of it.

119. The duties, obligations and powers imposed and conferred by these regulations upon the Gaoler shall be regarded as imposed and conferred upon the Matron.

120. The rules for subordinate prison officers shall be applicable to every Matron and Assistant Matron.

121. If any prison officer is convicted by any Court of a breach of these regulations he may be sentenced, in addition to any penalty otherwise provided by law, to be reduced from the rank in which he is serving to a lower rank, or to be dismissed from the service. Every sentence of dismissal shall, however, be subject to the Administrator's confirmation.

122. Boards of Survey for the condemnation of unserviceable stores shall be held quarterly at each gaol; and such Boards shall consist of such persons as shall be appointed by the Administrator.

123. Every person visiting the gaol for any purpose, whether the visit be official or unofficial, except the Crown Prosecutor, shall sign the visitors' book on each occasion of such visit, and the Gaoler shall be held responsible that this regulation is duly observed.

124. Whenever any sum of money exceeding five shillings belonging to a prisoner who shall have a term of imprisonment to serve exceeding two months shall come into the possession of the Gaoler, he shall forthwith deliver the same to the Resident Magistrate for safe keeping.

125. All rights and powers hereinbefore conferred upon the Crown Prosecutor shall be exercised in accordance with such instructions as may from time to time be issued to such Crown Prosecutor by the Administrator, who shall maintain a general personal supervision over all prison administration.

No. 105 B.B., 1891.]

[April 23, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.106 **W**HEREAS it is expedient, in view of the provisions of "the Northern Railways Act No. 13, 1890," of the Colony of the Cape of Good Hope, to extend the operation of "the Regulation of Railways Act No. 19, 1861," of the said Colony, with certain exceptions and amendments, to the territory of British Bechuanaland :

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

1. The several provisions of the "Regulation of Railways Act No. 19, 1861,"(g) of the Colony of the Cape of Good Hope, save and except the 29th and 30th Sections thereof, as amended by the 2nd Section of Act No. 19, 1877,(h) and the 2nd Section of the "Resident Magistrate's Court Act No. 16, 1882,"(i) and also the "Regulation of Railways Amendment Act No. 16, 1889,"(j) shall be in force in the territory of British Bechuanaland and shall *mutatis mutandis* apply to so much of the line of railway from Kimberley northwards as is or shall be within the said territory of British Bechuanaland precisely as if the said railway belonged to a Company and there were a board of directors, the functions of the said board being performed by the Governor of the Cape Colony, acting with the advice of his Executive Council.

2. All by-laws duly made under the Regulation of Railways Act No. 19, 1861, aforesaid shall be and the same are hereby declared to be of force and effect within the territory of British Bechuanaland.(k)

(g) Printed at page 2398, vol. ii, of the Cape Statutes.

(h) Printed at page 2503, vol. ii, of the Cape Statutes.

(i) Printed at page 2506, vol. ii, of the Cape Statutes.

(j) Printed in Appendix A *infra*.

(k) *Vide* Proclamation 146.

No. 106 B.B., 1891.]

[May 5, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS in the interests of peace, order and good government it has been found necessary that Her Majesty's Sovereignty should be proclaimed over such portion of the British Protectorate over the territory known as Bechuanaland and the Kalahari to the West of British Bechuanaland as is hereinafter defined; and whereas Her Majesty has been pleased to authorise me to take the necessary steps for giving effect to her pleasure in the matter:

Now, therefore, I do hereby proclaim, declare and make known that from and after the publication hereof that portion of the aforesaid Protectorate which is bounded on the East by the territory of British Bechuanaland, on the South by the Colony of the Cape of Good Hope, on the West by the twentieth meridian of Longitude East of Greenwich, and on the North by the Nosop or Oup River between its intersection by the twentieth meridian of East Longitude aforesaid and its junction with the Molopo River, shall be and shall be taken to be British territory and shall form a portion of British Bechuanaland.⁽¹⁾

And I hereby require all Her Majesty's subjects in South Africa to take notice of this my Proclamation and to guide themselves accordingly.

No. 107 B.B., 1891.]

[May 8, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to alter the direction of Road No. 13, as prescribed in Schedule C to Proclamation No. 93 B.B., 1890:

(1) *Vide* Proclamations 120 and 123.

Proc.107 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows:—

In lieu of the direction of Road No. 13, as prescribed in Schedule C to Proclamation No. 93 B.B., 1890, there shall be substituted the following, viz.:—

“Across the border between beacons 7 and 8, thence through the farms ‘Lucydale,’ ‘Good Hope,’ ‘Belle Vue,’ ‘Victoria,’ and ‘Laurie’ and Mafeking Commonage to Mafeking.”

Provided that no goods, wares and merchandise being imported from the South African Republic into British Bechuanaland, and conversely any goods, wares and merchandise being exported into the South African Republic from British Bechuanaland at the time of the publication hereof, along Road No. 13, as originally prescribed in the said Schedule, nor any vehicles and animals made use of in importing or exporting such goods, wares and merchandise, shall be liable to be forfeited to Government for being imported or exported, or made use of in importing or exporting as aforesaid.

No. 108 B.B., 1891.]

[May 1, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.108 **W**HEREAS it is expedient to make provision for the summoning of persons to attend to answer charges in criminal proceedings in any Court of Resident Magistrate other than the one having jurisdiction in respect of the place where such persons shall at the time reside or be:

And whereas it is expedient in certain respects to amend Section 54(m) of Act 20 of 1856:

Now, therefore, under and by virtue of the powers^{Proc. 108} in me vested, I do hereby proclaim, declare, and make known as follows:—

1. Whenever the presence of any person shall be necessary to answer any charge in any criminal proceeding before any Court of Resident Magistrate, and such person shall at the time reside or be outside the jurisdiction of such Court but within the Territory, then and in any such case it shall and may be lawful for such Court to issue a summons for the attendance of such person in such Court; and the summons to be so issued as aforesaid shall be in the like form as is prescribed by rule 68(*n*) in Schedule B to Act 20 of 1856; and upon the said summons being endorsed by any Resident Magistrate or Justice of the Peace having jurisdiction in or by the Field-cornet in the Field-cornetcy of the place where the person named in such summons shall be found (and the said Resident Magistrates and Justices of the Peace and Field-cornets are hereby authorised and required, on production of the said summons, to endorse the same), such summons, when served and returned by any person authorised to serve the same, either, in the district wherein it was issued, or in that in which the person named therein may be found, shall have the like effect in requiring the attendance of such person, and in rendering such person if he shall fail so to attend liable to every penalty for the non-attendance of persons summoned to answer any such charge, as if such person at the time when such summons was served upon him had been duly served with such summons within the jurisdiction of the Court issuing such summons.

2. The fifty-fourth section(*o*) of Act 20 of 1856 shall be read as if the words "whether in custody or not," were inserted immediately after the word "person" in the first line thereof.

(*n*) Printed at page 2483, vol. ii, of the Cape Statutes.

(*o*) Printed at page 2460, vol. ii, of the Cape Statutes.

No. 109 B.B., 1891.]

[June 6, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.109 **W**HEREAS it is expedient to increase the powers at present possessed by the Master of the Court of Chief Magistrate of British Bechuanaland, as to the investment of moneys in his hands as Administrator of the Guardians Fund :

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

It shall be lawful for the Master of the Court of Chief Magistrate of British Bechuanaland, when and as often as he shall find it to be for the advantage of the Guardians Fund so to do, to invest any unemployed moneys belonging to the said fund in any stock or debentures which now have been or may hereafter be raised or issued by Her Majesty's Government or by the Government of the Colony of the Cape of Good Hope: Provided that every such investment shall be made with the same advice or upon the same authority as if such investment were a loan on mortgage.

No. 110 B.B., 1891.]

[June 11, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.110 **W**HEREAS it is expedient that Proclamation No. 99 B.B., dated 24th February, 1891, proclaiming the farms described in the Schedule thereto to be an infected area under the provisions of Act No. 2 of 1881(*p*), in so far as it affects the farms "Rooiputs"

No. 1 and "Steenkamspuit," in the division of Proc. 110
Gordonia mentioned therein, shall be repealed :

Now, therefore, under and by virtue of the powers in me vested, I do hereby repeal the aforesaid Proclamation in so far as it affects the abovenamed farms.

No. 111 B.B., 1891.]

[June 18, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS the Divisional Council of Vryburg has Proc. 111
applied to me in conformity with the provisions of Section 22(g) of Act No. 9 of 1858, after having given due notice, for the establishment of a Toll-bar on the Divisional Road between Vryburg and Mafeking, at the entrance to Vryburg :

Now, therefore, by virtue of the powers in me vested, I do hereby declare and make known that from and after the 26th day of June, 1891, a Toll-bar or Gate will be established at the place aforesaid, and that the tolls or rates specified in the Schedule hereunto annexed will be demanded thereat by the said Divisional Council of Vryburg or by its officers, agents or assigns, and will be payable on and in respect of every wagon, cart or other vehicle, and on all other animals which may pass through the said Gate or Bar by the person in charge of the same : Provided that no toll shall be paid by persons or on animals or things by law exempt from the payment of toll, or on the animals of persons resident within the limits of the township of Vryburg, or on any vehicle the property of any resident owner of land in the district of Vryburg, not being used for transport purposes at the time of its passage through such toll, for and in respect of which a licence to expire

Proc.111 On the 31st day of December of the year shall have been granted on the application of such owner by the said Divisional Council or by its officers, agents or assigns, who are hereby required to grant the same to such owner on payment of the sum of Seven Shillings and sixpence sterling if issued before the 30th day of June, and the sum of Four Shillings sterling if issued after such last-mentioned date: And provided always that no more than one full toll in any one day, to be computed from twelve o'clock at night to twelve o'clock of the next succeeding night, shall be demanded or taken for or in respect of the same vehicles or animals for passing or re-passing through the said toll-bar or gate.

No. 112 B.B., 1891.]

[June 30, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.112 **W**HEREAS, under Article X. of the Customs Union Convention entered into by the Government of the Colony of the Cape of Good Hope and the Orange Free State, application has been made by the Government of the Territory of Basutoland for the said Territory to be included as a party to the Union subsisting between the said Colony and State, upon terms and conditions duly assented to and mutually agreed upon: And whereas the Government of the said Territory has passed the requisite legislation to give effect to the terms of such admission:

Now, therefore, I, by virtue of the power vested in me under section 1 of the Customs Union Tariff Act, 1889, do hereby proclaim, declare and make known the admission to the South African Customs Union of the Territory of Basutoland as from the 1st day of July, 1891.

No. 113 B.B., 1891.]

[June 30, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to extend and apply^{Proc.113} the provisions of Proclamation No. 64 B.B., 1889, in the District of Gordonia so as to include within the scope of its operation all persons of mixed race commonly called Bastards in the said District :

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

The word "Native" in Proclamation No. 64 B.B., 1889, shall for the purposes of the said Proclamation in the District of Gordonia be deemed and taken to include all persons of mixed race commonly called Bastards in the said District, whether such persons be living as members of any native community or not.(r)

No. 114 B.B., 1891.]

[July 14, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to provide the township^{Proc.114} of Vryburg with suitable streets and roads: And whereas it is expedient that the Board of Management for the said township should be empowered to borrow for that purpose a sum of money which shall not exceed in the whole the sum of Two Thousand Pounds sterling :

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

(r) Amended by Proclamation 164.

Proc. 114 1. It shall be lawful for the Board of Management for the township of Vryburg to borrow from time to time at interest not exceeding eight per cent. such sum or sums of money, not exceeding at any time in the whole the sum of Two Thousand Pounds sterling, as shall be necessary for making, maintaining or repairing public streets and roads in the said township, and any amounts borrowed as aforesaid are hereby charged upon and made payable out of all and singular the rates and revenues of the said Board of Management, and shall be a first and preferent charge upon the same: Provided, always, that no such loan shall be effected unless the object and amount thereof shall have been published fourteen days previous in the *Government Gazette*: And provided permission to conclude such loan shall have been received from a majority of ratepayers called for that purpose, after a notice of fourteen days duly given in the *Government Gazette*: And provided, lastly, that the sanction of the Governor shall be necessary in case it be proposed to borrow in one sum any sum exceeding Five Hundred Pounds sterling.

2. It shall be lawful for the Board of Management aforesaid, whenever the general revenue is insufficient, to impose for the purpose of providing for the payment of the principal or interest or principal and interest of such loan a certain annual rate or tax upon the immovable property of the inhabitants not exceeding One Penny in the Pound, and every rate so imposed shall be levied in the same manner as if it had been imposed under the provisions of Proclamation No. 25 B.B., 1886.

3. The Board of Management aforesaid shall grant to the party or parties, or company, or society, or co-partnership from whom such money shall be borrowed, a written acknowledgment of or for the money so borrowed not exceeding in the whole the abovementioned sum of Two Thousand Pounds sterling, such acknowledgment to be in substance in the form annexed to this Proclamation, and to be signed on behalf of the said Board of Management by three of the members

thereof for the time being, of whom the Chairman^{Proc. 114} thereof for the time being shall be one.

4. All moneys borrowed for the purposes of this Proclamation shall be borrowed under the provisions of the Public Bodies Debts Act, 1867.^(s)

5. The Board of Management aforesaid shall keep or cause to be kept a separate and distinct account of all moneys borrowed under this Proclamation and of the expenditure of such moneys, and shall, as long as any part of any debt contracted by virtue of this Proclamation shall be in existence, make an annual statement and account thereof up to 31st December, which statement shall be deposited in the office of the Secretary thereof for the time being for the information and inspection of ratepayers.

6. The Board of Management may at any time, upon giving three months' notice to any lender of any sum of money borrowed under the powers conferred by this Proclamation, refund the whole or any part of the sum so borrowed together with interest to the date of such refund.

SCHEDULE.

We, the undersigned, members of the Board of Management for the township of Vryburg, do hereby acknowledge that the said Board of Management is indebted to.....
..... in the sum of £..... (here write amount in full) for so much money borrowed by the said Board of Management for the purposes set forth in Proclamation No. B.B., 1891; and certify that the said sum stands and is secured by the said Proclamation in manner and form as by the said Proclamation provided; and we further covenant and engage in our said capacity that the principal and interest of the said debt shall be payable and paid in manner following, that is to say (here insert the rate of interest, times of payment, and other conditions agreed upon).

Given under our hands at Vryburg this day of 18.....

Witnesses:

D.D.

E.E.

A.A. Chairman.

B.B. } Members.

C.C. }

(s) Printed at page 582, vol. i, of the Cape Statutes.

No. 115 B.B., 1891.]

[July 16, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.115 **W**HEREAS it is expedient that Proclamation No. 83 B.B., dated 19th July, 1890, proclaiming the farms described in the Schedule thereto to be an infected area under the provisions of Act No. 2 of 1881, shall be repealed :

Now, therefore, under and by virtue of the powers in me vested, I do hereby repeal Proclamation No. 83 B.B., 1890.

No. 116 B.B., 1891.]

[July 14, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.116 **W**HEREAS it is expedient to amend Proclamation No. 76 B.B., 1890, by increasing the rates payable for grazing licences for large and small stock respectively :

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

1. The words "one penny" in the second section of Proclamation No. 76 B.B., 1890, wherever they occur shall be and the same are hereby expunged, and in lieu of the rates provided by the said Proclamation the rates payable in respect of grazing licences shall be as follows : to wit, for every head of large stock, that is to say, every horse, ox, cow, mule or donkey, the sum of fourpence for the period of thirty days, and for every

ten head of small stock, that is to say, sheep or goats, Proc. 116
the sum of threepence for a like period. (t)

2. This Proclamation shall come into operation and
take effect from and after the first day of October, 1891.

No. 117 B.B., 1891.]

[July 23, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient that the Acts of the Proc. 117
Legislature of the Colony of the Cape of Good
Hope in the Schedule hereto should, so far as applicable,
be proclaimed as laws to be in force and to be observed
within the territory of British Bechuanaland.

Now, therefore, by virtue of the powers in me
vested, I do hereby proclaim, declare and make known
that the Acts of the Legislature of the Colony of the
Cape of Good Hope in the Schedule hereto specified
shall, so far as applicable, be in force from and after the
date hereof within the aforesaid territory of British
Bechuanaland.

SCHEDULE.

Act No. 20, 1889, (u) "The Cattle Removal Amendment Act
1889."

Act No. 27, 1889, (v) "Vagrancy Law Amendment Act
1889."

Act No. 12, 1890, (w) "Brands Registration Act 1890."

(t) Printed as amended by Proclamation 129.

(u) Printed in Appendix A *infra*.

(v) Printed in Appendix A *infra*.

(w) Printed in Appendix A *infra*.

No. 118 B.B., 1891.]

[July 24, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 118

WHEREAS it is expedient that the Board of Management for the Township of Vryburg should be invested with the power of making, altering and revoking byelaws or regulations for regulating and licensing public carriers, carters, cabs and vehicles plying for hire, and for establishing and regulating public markets and market dues, and regulating public sales: And whereas it is also expedient to repeal the Market Regulations under Proclamation No. 11 B.B., 1886, for the said Township:

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

1. The Board of Management for the Township of Vryburg may from time to time make, alter and revoke bye-laws or regulations for any of the following purposes:

- (1) For regulating and licensing public carriers carters, cabs and vehicles plying for hire within the limits of the said township.
- (2) For establishing and regulating public markets and market dues, and regulating public sales.

But no such bye-law or regulation shall have the force of law until it shall have been submitted to the Governor for approval, and if approved, published in the *Government Gazette*.

2. Any person contravening any bye-law or regulation made and published as in the last preceding Section mentioned, shall be liable to pay a fine not exceeding five pounds, or to be imprisoned with or without hard labour for a period not exceeding one calendar month unless such fine be sooner paid.

3. All penalties recovered for offences against the bye-laws or regulations duly framed under the authority

of this Proclamation, together with all moneys which shall become payable under and by virtue of such bye-laws or regulations, shall be paid to the Board of Management aforesaid. Proc. 118

4. The Market Regulations under Proclamation No. 11 B.B., 1886, for the township aforesaid shall be and the same are hereby repealed.

No. 119 B.B., 1891.]

[July 31, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to empower the Board of Management for the township of Vryburg to make, alter and revoke bye-laws or regulations for regulating and licensing vendors of water for domestic use, and for fixing and determining the place or places from which such persons shall take such water for sale: And whereas it is further expedient to invest the said Board with the power of granting to any person, subject to such terms and conditions as may be determined on by such Boards permission to erect tanks and pumps for the storage and supply of water at or near the spot in the said township commonly known as "The Fountain," and of making regulations with regard to such tanks and pumps: Proc. 119

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

1. It shall be lawful for the Board of Management for the township of Vryburg to make, alter and revoke bye-laws or regulations for regulating and licensing vendors of water for domestic use within the said township, for fixing and determining the place or places from which such persons shall take such water, for inspecting and taking samples of the water supplied, and for

Proc.119 inspecting the vessels containing, or the carts or other vehicles conveying, the water so supplied.

2. The Board of Management aforesaid may, subject to such terms and conditions as may be determined on by such Board, grant to any person resident in the said township, permission to erect at or near the spot in the said township commonly known as "The Fountain," tanks and pumps for the storage and supply of water, and the said Board may and the same is hereby empowered to make regulations with respect to such tanks and pumps.

3. After any such bye-law or regulation as aforesaid shall have been passed by the said Board it shall be submitted for the approval of the Governor, and if approved shall be published in the *Government Gazette*, and thereupon such bye-law or regulation shall have the force of law in the said township.

4. Any person contravening any of the bye-laws or regulations made and published as in the last preceding section mentioned shall be liable to pay a fine not exceeding five pounds, or to be imprisoned with or without hard labour for a period not exceeding thirty days, unless such fine be sooner paid. And all fines which shall be recovered by means of any prosecution for any contravention of such bye-laws or regulations, together with moneys which shall become payable by virtue of the bye-laws or regulations duly framed under the authority of this Proclamation, shall be paid to the said Board of Management.

No. 120 B.B., 1891.]

[Aug. 7, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.120 **W**HEREAS by Proclamation No. 106 B.B. the extension of Her Majesty's Sovereignty was declared over certain territory adjacent to the territory

of British Bechuanaland as theretofore defined, which Proc. 120 adjacent territory is bounded as is in the said Proclamation No. 106 B.B. set forth :

And whereas the territory of British Bechuanaland and the said adjacent territory now added to and forming portion thereof, should be known by the name of British Bechuanaland, and should be administered as one Government and be subject to one system of law :

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

1. All laws which were at the time of the promulgation of the Proclamation No. 106 B.B. in force in the territory of British Bechuanaland as theretofore defined shall be deemed to have come into force at that time in the adjacent territory now added to and forming portion of the said territory, and from and after that time the said adjacent territory shall be deemed to have been and to be affected by all laws in force in the territory of British Bechuanaland, of which such adjacent territory now forms a part.(x)

No. 121 B.B., 1891.]

[Aug. 21, 1891.]

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make provision for Proc. 121 the apprenticeship of Juvenile Offenders in the Territory of British Bechuanaland :

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

1. Whenever any child under the age of sixteen years shall be convicted of any offence punishable by imprisonment, it shall be lawful for the Court, before which such conviction shall take place, to direct that, in lieu of other punishment, such child shall be apprenticed

(x) *Vide* Proclamation 123.

Proc. 121 to some fit and proper person who shall be willing to instruct and supply such child in some useful calling, trade, or other occupation, including domestic service and service as a farm labourer, until such child shall have attained his nineteenth year or for some shorter period: Provided that when and as often as such conviction shall have taken place before a Court of Resident Magistrate, no such child shall be apprenticed until the Chief Magistrate shall have certified that the proceedings before such Court are in accordance with true and substantial justice: And provided further that it shall be lawful for the Chief Magistrate to increase or diminish the period of apprenticeship as directed by such Court of Resident Magistrate, but in no case shall he extend such period beyond the nineteenth year of such child.

2. All and singular the provisions of Act No. 15 of 1856(y) relating to apprentices, save and except such provisions as are repugnant to or inconsistent with the provisions of this Proclamation, shall, in so far as applicable, apply to persons directed to be apprenticed under this Proclamation.

3. Every contract of apprenticeship of any child convicted as aforesaid shall be executed before the Resident Magistrate of the District in which such child shall have been convicted.

4. The Resident Magistrates of this Territory shall be *ex officio* the tutors of all Minors apprenticed under this Proclamation while residing within their respective districts, instead of their parents or tutors, testamentary or dative, and shall, upon proof by any person of the unfitness, inability or unwillingness of any Master to retain the custody of any such Minor, cancel the contract of apprenticeship and apprentice the Minor to some other fit and proper person.

5. Whenever any wages shall be payable to any Minor apprenticed under this Proclamation such wages shall be deposited with the Resident Magistrate of the district where such Master shall reside, and shall be

received by such Magistrate in his official capacity and paid into the hands of the Master of the Chief Magistrate's Court, and shall not be handed over to such Minor until the lawful expiration of his apprenticeship, unless the Master of the Chief Magistrate's Court shall upon the recommendation of such Magistrate for special reasons otherwise direct. Proc. 121

6. No Master shall assign or transfer to any other person any Minor apprenticed under this Proclamation without the consent of the Resident Magistrate of the district in which such Master shall reside, but the consent of the Minor or of his parents shall not be necessary.

7. Any Minor apprenticed under this Proclamation who shall desert from his master's service during his term of apprenticeship shall be liable, upon conviction before any Court of Resident Magistrate, to be imprisoned with or without hard labour for any period not exceeding twelve months or to receive twenty cuts with a cane, or to both such imprisonment and whipping.

8. Every Resident Magistrate shall, before approving of any contract of apprenticeship, make full enquiry as to the fitness of any master to whom a minor is proposed to be apprenticed, and may by advertisement in the *Government Gazette* and some newspaper circulating in his district, give notice in the English and Dutch languages, that applications may be made to him by farmers or other persons wishing to have the convicted offender apprenticed to them. Such notice shall state the name and age of the offender, the offence for which he stands convicted, and the day upon which such applications will be heard before such Magistrate.

9. Pending the publication of such notice or pending such enquiry as in the last preceding Section mentioned, the offender may be detained in prison or admitted on bail until the contract shall be finally executed.

No. 122 B.B., 1891.]

[Nov. 6, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 122

WHEREAS it is expedient for the purpose of rating to make provision for the valuation by Boards of Management for townships in British Bechuanaland established under the provisions of the Village Management Acts of the Cape Colony, as amended by Proclamation in the said territory, of all rateable property within their respective areas, and to determine the procedure to be followed in relation to such valuations :

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

1. The Board of Management for every township in British Bechuanaland established under the provisions of the Village Management Boards Acts of the Cape Colony, as amended by Proclamation in the said territory, shall from time to time (but not less than once in five years) cause to be made a valuation of all rateable property within the area subject to its management by a competent person or competent persons as valuers, not being members of such Board, and the rates made by such Board shall be made upon such valuation.

2. Every valuer shall, before entering upon the valuation entrusted to him, make before some Justice of the Peace a solemn declaration in the terms following :—

I.....do solemnly and sincerely declare that I will to the best of my skill and knowledge, and without fear, favour or prejudice, truly and impartially appraise and value all such property as I shall be required to value in the township of.....for the purpose of assessment. And I make this solemn declaration conscientiously intending to fulfil the same; and by virtue of the provisions of the Ordinance No. 6, 1845, entitled "An Ordinance for substituting declarations in the place of certain oaths, and for the suppression of voluntary and extra-judicial oaths and affidavits."

Declared at.....this.....day of
.....before me.....

And every such declaration shall be lodged with and preserved by the Board of Management appointing such valuator. Proc. 122

3. It shall be lawful for every such Board of Management at any time to direct that an interim valuation be made of any property within its area discovered to have been omitted from the valuation roll, and of any property subdivided or permanently improved by the erection of buildings or otherwise, or of any property materially diminished in value by fire, flood, or similar cause between any two valuations, and the valuation roll shall be amended in accordance with the results of such interim valuation when any objections thereto have been finally decided in accordance with the provisions of this Proclamation.

4. Every valuer shall, for the purpose of making the valuation as aforesaid, have power to enter at all reasonable hours in the day time, into and upon any rateable property within the limits of the township without being liable to any action or other proceeding on account thereof.

5. It shall be lawful for any valuer to put to any person in occupation or charge, or being the owner of any rateable property which such valuer shall have been authorised under the provisions of this Proclamation to value, questions upon all such matters as may be necessary to enable such valuer correctly to value such property and to state the names of the owner and occupier or lessee thereof, and such other particulars as may be necessary to be stated in his valuation with regard to the premises. And if after being informed by such valuer of his purpose in putting such questions, and of his authority under this Proclamation to put the same, any such person in occupation or charge, or any such owner shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false answer or statement in reply to such questions, such person shall for every such offence be liable to a fine not exceeding five pounds, and in default of payment to imprisonment with or without

Proc. 122 hard labour for a term not exceeding thirty days unless such fine be sooner paid.

6. As soon as the valuation roll aforesaid shall have been completed in any township or amended in accordance with section three it shall lie in the office of the Board of Management or such other place as the Board may authorise for the inspection of every owner, occupier or lessee of any property included therein, who may upon all lawful days and at reasonable hours inspect the same and take extracts therefrom, and the Board shall, after the valuation roll has been completed or amended as aforesaid, by public notice announce for general information that upon some day and at some hour and place to be fixed by such notice, a Court will be held at which at least a quorum of members shall be present for the purpose of hearing and determining objections to such completed roll, or to any altered items in any amended roll, as the case may be: Provided

(a). That such notice shall be published in the *Government Gazette* for not less than twenty-one days before the day appointed therein for the holding of such Court.

(b). That the same or a similar notice shall be published in at least one newspaper which may be published or which may circulate within such township, and shall be posted at some conspicuous place within such township, and that the Board of such township shall adopt such other means of giving publicity to such notice as circumstances may permit.

(c). That it shall not be necessary in any suit or proceeding for the recovery of any rate to prove anything further in the nature of due notice of any such valuation as aforesaid than the publication of the notice aforesaid in the *Government Gazette*.

7. Upon the day and at the place and hour mentioned in such notice the Board shall hold a Court, and shall hear all objections which may be urged to any valuation by any owner or occupier or lessee as aforesaid, or other person on his behalf nominated in writing, and shall enquire into the merits of such objections,

and for that purpose may take the oath or affirmation^{Proc. 122} of any person whom it shall see fit to examine (which oath or affirmation the Chairman of such Board is authorised to administer), and shall confirm or correct or alter any valuation objected to as truth and justice shall require: Provided that the said Court may, if necessary, be adjourned from time to time upon the application of any person objecting, who shall show reasonable grounds for not being ready with his proofs, or for the purpose of obtaining further evidence in regard to any case which shall have been partly heard.

8. The Chairman presiding over any such Court shall before the said Court proceeds to hear objections to any valuation, take himself in open Court the following oath:—

I, A. B., do solemnly swear that I will to the best of my skill and knowledge, and without fear, favour or prejudice, truly and impartially adjudge upon all questions that may come before me as a member of this Court. So help me God!

And he shall then administer the same to the other members forming the Court.

9. It shall be competent for the said Court, acting in manner and in form as by this Proclamation directed, to increase or diminish the value put on and by any valuation which shall be under the review of such Court, upon any property.

10. Any person liable to the payment of rates in respect of any property included in any valuation, who shall consider that any property included in such valuation is valued lower than it ought to be, may send in to the Secretary of the Board an objection in writing, setting forth the nature of such property and the value which the person objecting considers true and just: Provided that such objections shall be sent so as to be received by the said Secretary not later than ten days before the day appointed for the holding of the said Court.

11. The Secretary of any Board of Management receiving notice as aforesaid, shall forthwith serve upon

Proc. 122 the owner, or occupier, or the lessee of the property of which the value is objected to, a notice in writing, setting forth the exact terms of the objections lodged, and intimating that such objection will come on for consideration at the Court aforesaid.

12. Should the persons receiving notice as aforesaid that an objection has been lodged by the person named in such notice against the value put upon the said property, consent that the valuation upon such property may be increased to the amount claimed in and by the objection, such person may in writing inform the Secretary aforesaid that he consents to such increase, and such Secretary shall report such consent to the Court aforesaid at its sitting, and thereupon the value of such property shall be increased accordingly.

13. The Secretary receiving any such consent as aforesaid shall, in case there shall be the time to do so, inform the person who lodged the objection that such objection has been admitted, and that it will not be necessary for him to attend the Court aforesaid to support his objection.

14. In case no consent as aforesaid shall be given as aforesaid, then the person objecting and the person resisting the objection may in person or by any agent appointed in writing appear before the Court aforesaid, upon the day appointed for the sitting thereof, and such Court shall proceed to determine upon such objection.

15. If at the sitting of the Court aforesaid, the person who lodged the objection shall fail to appear to support his objection, or appearing, shall fail to show sufficient cause for increasing to any extent the valuation to which he objected; such objection shall be dismissed, and should the Court think fit, dismissed with costs: Provided that no costs shall be given against an objecting party unless the opposite party shall have appeared in person or by agent.

16. If the person entitled as aforesaid to receive, and who shall have received, notice of an objection lodged to any valuation, shall fail to appear at the sit-

ting of the Court, or appearing, shall fail to rebut the^{Proc. 122} proof made that the valuation objected to was too low, so that the valuation objected to shall be increased, then the Court may, should it think fit, give costs to the objecting party: Provided

(a). That no costs shall be given against any person who shall have received notice of objection, and who shall appear at the sitting of the Court, and then and there declare his consent that the valuation objected to shall be increased to some amount less than the amount claimed in and by such objection, which shall be admitted by the objecting party, or found by the Court to be the true and just value.

(b). That even when such person appears to consent that the value objected to shall be increased to the full amount claimed in and by the objection, no costs shall be given against him in case he shall prove to the satisfaction of the Court that he received notice of such objection so short a time before the sitting of the Court that he could not send in as aforesaid, to the Secretary, before the sitting of the Court, his consent to such increase in the valuation.

(c). That no costs shall be given against any person who shall have received notice of objection as aforesaid, in case such person shall show that he made no application to the valuer to fix the amount of the valuation.

(d). That in case of any increase of valuation caused by the act or omission of the valuer alone, the Court shall consider whether any reasonable costs of the objector should not be borne by the funds of the Board.

17. As often as the Court aforesaid shall see reason to give costs to any person against any other person, such costs shall be the same as would be payable by a suitor condemned by a Court of the Resident Magistrate, in costs in a civil illiquid suit where the debt or damages claimed shall not exceed fifty pounds sterling; and such costs shall be recoverable by action in the Court of the Resident Magistrate of the District: Provided that upon proof made of the order of the Court aforesaid giving costs, the liability of such costs shall not be brought into

Proc.122 question in the Court of the Resident Magistrate, but only the amount thereof.

18. Although no objection shall have been lodged in manner and form and within the time in this Proclamation mentioned, it shall be lawful for the Court aforesaid at the sitting thereof, should it so think fit, to allow any such person as might have lodged an objection under the tenth Section, to make such objection then and there in writing, and thereupon should the person entitled to receive notice of such objection be present and consent, the said Court may proceed summarily and at once enquire into and decide upon such objection: Provided that if such last mentioned person be not present, or, being present, shall demand time to answer the objection, then the Court shall adjourn till some future day to be then and there appointed for deciding upon such objection, at which day, or upon some other day to be fixed by a further adjournment, the said Court shall decide finally upon such objection, and make such order as to costs as shall to justice appertain.

19. The decision of the said Court upon any objection to any valuation shall, save as to the question of costs, be final and conclusive, and shall not be capable of being reviewed or reversed by any Court or proceeding whatsoever.

No. 123 B.B., 1891.]

[Dec. 3, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.123 **W**HEREAS by Proclamation No. 106 B.B. the extension of Her Majesty's Sovereignty was declared over certain territory adjacent to the territory of British Bechuanaland as theretofore defined, which adjacent territory is bounded as in the said Proclamation set forth, and was thereby made and formed portion of British Bechuanaland:

And whereas it is expedient for judicial purposes to Proc.123 annex the said adjacent territory to the district of Gordonia, and to make the same subject to the jurisdiction and authority of the Resident Magistrate of the said district :

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

The territory bounded as in Proclamation No. 106 B.B. set forth, and by the said Proclamation declared British territory and made and formed portion of British Bechuanaland, shall be and the same is hereby annexed to the district of Gordonia, and shall become and be within and subject to the jurisdiction and authority of the Court of the Resident Magistrate of the said district.

No. 124 B.B., 1891.]

[Dec. 7, 1891.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient that certain Sections of Proc.124 the Liquor Act of the Legislature of the Colony of the Cape of Good Hope for the year 1891 should with certain verbal alterations, be proclaimed to be in force and to be observed within the Territory of British Bechuanaland, so far as applicable :

And whereas it is also expedient to repeal the seventy-ninth and eightieth Sections of the Liquor Licensing Act, 1883 :

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

1. The provisions of Sections 5, 16,(z) 17,(z) 18, 19, 20, 21, 23, 24, 25, 26 and 28 of the Liquor Act(a) of

(z) Amended by Proclamation 127.

(a) Printed in Appendix A *infra*.

Proc.124 the Legislature of the Colony of the Cape of Good Hope for the year 1891, shall be and the same are hereby declared to be in force and to be observed in the Territory of British Bechuanaland, so far as applicable: Provided always that the words "Administrator on the written recommendation of the Resident Magistrate of the District, under the provisions of Proclamation No. 58 B.B., 1889," shall be deemed and taken to be substituted for the words "Commissioner" and "Licensing Court," wherever the same occur.

2. The seventy-ninth and eightieth Sections of the Liquor Licensing Act, 1883, are hereby repealed.

No. 125 B.B., 1891.]

[Dec. 21, 1891.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.125 **W**HEREAS it is expedient to amend so much of Section 22 of Proclamation No. 93 B.B., 1890, as refers to the appointment of Vryburg, in the Territory of British Bechuanaland, as a "Free Warehousing Town," and whereas it is further expedient to make provision for the cancellation of the appointment of towns and warehouses in the said Territory as places at and warehouses in which goods imported or removed into the said Territory without payment of the duties of importation may be warehoused under bond:

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

1. In lieu of the words "The Town of Vryburg" in Section 22 of Proclamation No. 93 B.B., 1890, there shall be substituted the words "The Town of Mafeking."

2. It shall be lawful for the Governor from time to time, by notice in the *Government Gazette*, to cancel and revoke the appointment of towns and warehouses in the

Territory of British Bechuanaland as places and ware-Proc.125
houses in which goods imported or removed into the
said Territory without payment of the duties of importa-
tion may be warehoused under bond.

3. The provisions of this Proclamation shall come
into and be in force in the said Territory from and after
the 1st day of January, 1892.

No. 127 B.B., 1892.]

[Jan. 19, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to amend Sections 16Proc.127
and 17 of the Liquor Act, 1891 : (b)

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

Immediately after the words "general dealer"
wherever the same occur in Sections 16 and 17 of the
Liquor Act, 1891, (b) there shall be inserted the words
"or trader," and between the words "general dealer's,"
and "business," in Section 17 aforesaid, there shall be
inserted the words "or trader's."

No. 128 B.B., 1892.]

[Jan. 30, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS a Pound has been established at theProc.128
place within the Taung Native Reserve
commonly known as "The Dry Harts Police Station,"

(b) Extended to British Bechuanaland by Proclamation 124.
The Sections of the Liquor Act, 1891, in force are printed in
Appendix A *infra*.

Proc.1.8 and whereas it is expedient that all impoundable animals found trespassing within the said Reserve at distances of not more than nine miles from the said Police Station, should be sent to the said Pound and not to any other Pound :

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 to the contrary contained in the twenty-fifth Section of the Ordinance No. 16, of 1847,(c) entitled "Ordinance for the better regulation of Pounds and the prevention of trespasses," from and after the first day of March, 1892, no horse, head of horned cattle, sheep, goat or pig found trespassing upon any land or ground within the limits of the Taung Native Reserve at a distance of not more than nine miles from the place within the said Reserve commonly known as "The Dry Harts Police Station," shall be sent to any Pound other than the Pound at the said Police Station established. Any person contravening this Section shall, upon conviction, be liable to a penalty not exceeding ten pounds, and in case of non-payment of the same forthwith, to imprisonment with or without hard labour, for any term not exceeding one month.

No. 129 B.B., 1892.]

[Feb. 18, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.1.9 **W**HEREAS it is expedient to reduce the rate payable for a grazing licence for large stock under and by virtue of Proclamation No. 76 B.B., 1890, as amended by Proclamation No. 116 B.B., 1891 :

Now, therefore, under and by virtue of the powers^{Proc.129} in me vested, I do hereby proclaim, declare, and make known, as follows:—

1. The first section of Proclamation No. 116 B.B., 1891, amending Proclamation No. 76 B.B., 1890, shall be read and construed as if the word “sixpence” were omitted therefrom and the word “fourpence” were substituted for the word so omitted.

2. This Proclamation shall come into operation and take effect from and after the first day of April, 1892.

No. 130 B.B., 1892.]

[Feb. 18, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to amend Section^{Proc.130} 5 of Ordinance No. 82 of 1830,^(d) entitled “Ordinance for altering and amending the Laws and Regulations relating to Medical Practitioners and Apothecaries in this Colony.”

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

All the words after “penalty” in the fifth Section of Ordinance No. 82 of 1830,^(d) entitled “Ordinance for altering and amending the Laws and Regulations relating to Medical Practitioners and Apothecaries in this Colony,” are hereby expunged and the following inserted in their stead: “Not exceeding one hundred pounds for each offence, and in default of payment he shall be liable to be imprisoned with or without hard labour for a period not exceeding six months, unless such fine be sooner paid. And no person who is charged with a contravention of this Section for practising as an Apothecary, Chemist or Druggist without a

(d) Printed at page 2348, vol. ii, of the Cape Statutes.

Proc.180 licence shall be acquitted by reason of the fact that he is in the employ of, or is agent for, a person duly licensed to practise as aforesaid, unless he is under the actual personal supervision and control of some duly licensed Apothecary, Chemist or Druggist."

No. 131 B.B., 1892.]

[Feb. 19, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.181 **W**HEREAS it is expedient that the Boards of Management for townships in the Territory of British Bechuanaland, established under the Provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said Territory, should be invested with the powers of making, altering and revoking bye-laws and regulations for the good government and control of natives within their respective areas:

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

1. It shall be lawful for the Board of Management for every township in the Territory of British Bechuanaland, established under the provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said territory, to make, alter or revoke bye-laws or regulations for the good government and control of natives within the area subject to its management. But no such bye-law or regulation shall have the force of law until it shall have been submitted to the Governor for approval, and if approved, published in the *Government Gazette*.

2. Any person contravening any bye-law or regulation made and published as in the last preceding section mentioned shall be liable to pay a fine not exceeding five pounds, or to be imprisoned with or

without hard labour for a period not exceeding one^{Proc.131} calendar month.

3. All penalties recovered for offences against the bye-laws or regulations of any Board of Management duly framed under the authority of this Proclamation shall be paid to such Board of Management.

No. 132 B.B., 1892.]

[March 7, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to empower the Board^{Proc.132} of Management for the township of Mafeking to make, alter and revoke bye-laws or regulations for regulating and licensing barrels, carts or other vehicles, conveying water obtained from any wells under the control and management of the said Board :

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

1. It shall be lawful for the Board of Management for the Township of Mafeking, to make, alter and revoke bye-laws or regulations for regulating and licensing barrels, carts or other vehicles conveying water, obtained from any well under the control and management of the said Board, for inspecting and taking samples of such water, supplied by vendors thereof for domestic use, and for inspecting the barrels, carts or other vehicles conveying the water supplied by such vendors.

2. After any such bye-law or regulation as aforesaid shall have been passed by the said Board, it shall be submitted for the approval of the Governor, and if approved, shall be published in the *Government Gazette*, and thereupon such bye-law or regulation shall have the force of law in the said township.

Proc.182 3. Any person contravening any of the bye-laws or regulations made and published as in the last preceding section mentioned, shall be liable to pay a fine not exceeding five pounds, or to be imprisoned for a period not exceeding thirty days, unless such fine be sooner paid. And all fines which shall be recovered by means of any prosecution for any contravention of such bye-laws or regulations, together with all moneys which shall become payable by virtue of the bye-laws or regulations duly framed under the authority of this Proclamation, shall be paid to the said Board of Management.

No. 133 B.B., 1892.]

[March 7, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.183 **W**HEREAS it is expedient to reduce in certain cases the rate of interest payable by the Master of the Chief Magistrate's Court as Administrator of the Guardians Fund, under the provisions of the twenty-eighth and twenty-ninth sections of Ordinance No. 105, of 1833,^(e) and of section three of "The Guardians Fund Act, 1874,"^(f) and for that purpose to amend in certain respects the said Ordinance and to repeal the said Act: and whereas it is expedient to amend in certain respects the thirty-fifth section of the Ordinance aforesaid:

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

1. Section 3 of Act No. 1, of 1874, entitled "The Guardians Funds Act, 1874," and so much of Ordinance No. 105, of 1833, as shall be repugnant to or in-

^(e) Printed at page 992, vol. i, of the Cape Statutes.

^(f) Printed at page 1002, vol. i, of the Cape Statutes.

consistent with the provisions of this Proclamation are hereby repealed. Proc. 133

2. In lieu and instead of the rate of interest provided for by the twenty-eighth and twenty-ninth sections of Ordinance No. 105, of 1833, the interest payable by the Master of the Chief Magistrate's Court, as Administrator of the Guardians Fund, upon money which shall belong to any estate, or to any person being or having a legal representative in this Territory, and which shall have been paid over to the said Master under the provisions of the twenty-fifth and twenty-sixth sections of the said Ordinance, may be at the rate of three per cent. per annum.

3. In lieu of the words "The Treasurer-General" and the "Auditor-General" in the thirty-fifth section of the Ordinance^(g) aforesaid, there shall be substituted the words "The Receiver-General" and the "Local Auditor" respectively.

No. 134 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to amend the law with regard to Wild Ostriches in the Territory of British Bechuanaland: Proc. 134

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

1. The Act No. 12 of 1870, together with any Proclamation issued under the provisions of the said Act, and the Act No. 15 of 1875, commonly called the "Wild Ostriches Act, 1875," as well as so much of any other law, as may be repugnant to or inconsistent with the provisions of this Proclamation, shall be and the

(g) Printed at page 995, vol. i, of the Cape Statutes.

Proc. 1348 same are hereby repealed : Provided, however, that any proceedings actually commenced against any person before the passing of this Proclamation for or in respect of any offence against any provision of either of the aforesaid Acts shall be continued until the final end and determination thereof, as though this Proclamation had not been passed.

2. The several Civil Commissioners throughout the Territory of British Bechuanaland are hereby authorised to issue to any person applying therefor, a licence to kill wild ostriches upon unoccupied lands belonging to the Crown, which licence

- (1) Shall be in such form as the Governor shall direct, and shall be covered with stamps of the value of twenty pounds sterling,
- (2) Shall be in force for one year from the date thereof, or for such longer period as the Governor may sanction and as may be specified in such licence,
- (3) Shall authorise the holder thereof to kill, catch, capture, hunt, or shoot at wild ostriches upon unoccupied land belonging to the Crown, and to take and remove any eggs found thereon, being the eggs of any wild ostrich :

Provided that every person who shall at the date of the passing of this Proclamation be a holder of any licence under the Act No. 12 of 1870, shall be during the time specified in such licence entitled to the privileges of the holder of a licence under this Section, but to no other or greater privileges.

3. No person, other than the owner or occupier of any land, not being unoccupied land belonging to the Crown, shall, without the authority or consent of such owner or occupier, kill, catch, capture, hunt or wound any wild ostrich upon such land, or take, remove, interfere with, or disturb the eggs of any such ostrich found in or upon such land, and any person who shall be convicted of a contravention of this Section shall be liable to a fine not exceeding twenty pounds sterling, and in default of payment to imprisonment with or

without hard labour for any term not exceeding six months. Proc. 134

4. The provisions of the last preceding Section shall *mutatis mutandis* apply to every person who shall, without a licence under this Proclamation, kill, catch, capture, hunt, wound, or shoot at any wild ostrich upon any unoccupied land belonging to the Crown, or take, remove, interfere with, or disturb the eggs of any wild ostrich found in or upon such land: Provided, however, that all fines under this Section shall be recovered for the benefit of the Treasury, subject to the payment of an amount not exceeding one-half of such fine to any informer through whose information any offender shall be convicted.

5. For the purposes of this Proclamation, the Secretary of every Divisional Council, acting under the authority of the said Council, shall be deemed to be the occupier of every main and divisional road, and of every public outspan place in each division, and the Secretary of every Board of Management constituted under the Villages Management Act, 1881, as amended by Proclamation in the said Territory, shall when acting under the authority of the said Board, be deemed to be the occupier of all lands to the use or occupation of which the inhabitants within the local limits under the management of such Board have acquired a common right.

6. The Governor may by notice in the *Government Gazette* fix and prescribe within any division of the said Territory a close or fence season within which it shall not be lawful to kill, wound or shoot at any wild ostrich, either with or without a licence under this Proclamation.

7. Any person contravening the provisions of the last Section by killing, wounding or shooting at any wild ostrich during such close or fence season in any division wherein such season shall be fixed and prescribed as aforesaid shall be liable upon conviction to a fine not exceeding twenty pounds sterling, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, unless such fine be sooner paid.

No. 135 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 135 **W**HEREAS it is expedient to prohibit the introduction of rabbits into, and to restrict the breeding of them in, the Territory of British Bechuanaland :

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

1. From and after the passing of this Proclamation no live rabbit shall be introduced into the Territory of British Bechuanaland from any place beyond the boundaries thereof, and no owner, driver or person in charge of any conveyance, or any other person whatever, shall carry or bring, or allow to be carried or brought by any such conveyance, or by any other means, any live rabbit to any place within the said Territory from any place beyond the boundaries thereof.

2. No person shall have in his possession or keep on his premises any live rabbits, unless they are securely confined within such hutches or boxes, to be constructed of such material and in such manner and with such provisions against the escape of the rabbits as may be prescribed by regulations framed by the Governor for the purposes of this Proclamation and proclaimed in the *Gazette*.

3. It shall be lawful for any person to destroy any rabbit found upon his land or premises, or upon any unalienated Crown lands, or any public road or place dedicated to public uses, and the owner of any rabbit so destroyed shall not be entitled to recover any sum by way of compensation for any loss or damage that he may have sustained by the destruction of such rabbit.

4. Any person who turns loose any rabbit, or negligently suffers any rabbit to run loose, shall be liable for all loss and damage occasioned by such rabbit to any

person, as well as to the penalties imposed by this^{Proc. 135} Proclamation, and any person giving information whereby any other person is convicted of allowing any rabbit to run loose, shall be entitled to receive half of the fine inflicted upon such other person.

5. Every person keeping rabbits within the said Territory shall, within one week after the first day of January and July respectively in each year, render to the Civil Commissioner of the division a return of the numbers and descriptions of rabbits bred by him for the six months immediately preceding the said first day of January or July as the case may be, and of the number in his possession at such date.

6. Any person offending against any of the provisions of this proclamation, or of any regulation proclaimed for the purposes of this Proclamation, shall, for every such offence, on a first conviction be liable to a fine not exceeding five pounds, and on every second or subsequent conviction to a fine not exceeding ten pounds. In default of payment of any fine as aforesaid, such offender shall be liable to imprisonment with or without hard labour for any period not exceeding three months unless such fine be sooner paid.

7. So much of the "Game Law Amendment Act, 1886,"^(h) or of any other law as may be inconsistent with the provisions of this Proclamation, shall be and the same is hereby repealed.

No. 136 B.B., 1892.]

[March 15, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to provide for the^{Proc. 136} Regulation of Dairies, Kraals, Cowsheds and Milkshops in the Territory of British Bechuanaland :

^(h) Printed at page 1076 of vol. i of the Cape Statutes, and in Appendix A *infra*.

Proc.126 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, as follows:—

1. The Governor may from time to time frame regulations for the following purposes, or for any of them:—

- (1) The registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk within any area under the operation of the "Villages Management Act, 1881," as amended by Proclamation.
- (2) The inspection of the grazing ground of cattle used for dairy purposes by such persons, and the dealing with and prohibiting, if necessary, the use of such ground for such grazing.
- (3) The inspection of cattle used for dairy purposes by such persons, and the prevention or regulation of the use of the milk of such cattle, if suffering from any disease which would cause their milk to be prejudicial to health.
- (4) The inspection of kraals, cowsheds, dairies, and houses used for dairy purposes by such persons, and the regulation of the lighting, ventilation, drainage, cleansing, and water supply thereof.
- (5) For inspecting and securing the cleanliness of milkstores, milkshops, and vessels used by such persons for holding milk.
- (6) For inspecting milk exposed for sale or deposited in any place for the purpose of sale, and dealing with such milk if found unfit for food, and prescribing precautions to be taken for protecting milk against infection or contamination.
- (7) For providing against the sale or the use of any milk presenting any marked deviation from ordinary appearances as regards colour, odour, taste, or general condition.
- (8) For obtaining from any such dairyman or milk-vendor the names and addresses of persons

supplied by him with milk, if such information^{Proc. 189} is required for preventing the spread of any infectious disease.

2. Every regulation so framed by the Governor, from time to time, shall be published in the *Gazette*.

3. Any local authority may, by resolution carried at any meeting, adopt the regulations so framed by the Governor and published in the *Gazette*; but no such resolution shall be so adopted unless three weeks' notice of an intention to propose such a resolution has been published in some newspaper circulating in the district, and unless a printed copy of the regulations aforesaid shall have been deposited at the office of the local authority, and remained there open to the public inspection at all reasonable times for the period of one week.

4. Upon the adoption of the said regulations so framed and published as aforesaid, the local authority shall, by notice in the *Gazette*, notify such adoption, and from and after the publication of such notice, the said regulations shall have the force of law within the area under the jurisdiction of such local authority.

5. Any regulation framed in pursuance to the provisions of the Proclamation may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches, but no penalty shall exceed twenty-five pounds, and every person guilty of an offence against any regulation framed, published, adopted and proclaimed under the provisions of this Proclamation shall, for every offence, be liable to the penalty expressly imposed by such regulations, and if no other penalty be imposed, to a penalty not exceeding five pounds.

6. The local authority of any place where the said regulations have been duly adopted, and their adoption notified in the manner aforesaid, may order proceedings to be taken for the recovery of any penalties, due under and for the punishment of any person offending against such regulations, and may order the expenses of such prosecution or other pro-

Proceeding to be paid out of any fund at its disposal, and all penalties so recovered shall be paid to the local authority of the place where the offence for the commission of which such penalty so recovered was committed.

7. All penalties payable in respect of any offence under this Proclamation may be recovered in the Court of the Resident Magistrate of the district, or in any Periodical Court having jurisdiction, and when any penalty shall be imposed for any offence under this Proclamation, or the regulations made thereunder, and the person convicted shall not forthwith pay the same, the Court may direct that such person be imprisoned with or without hard labour for a period not exceeding three months, unless he shall sooner pay the penalty.

8. Any regulation framed under the provisions of this Proclamation may be repealed by the Governor.

9. Local authority as used in this Proclamation shall mean the Board of Management of any place where the "Villages Management Act, 1881," as amended by Proclamation is in force.

No. 137 B.B., 1892.]

[March 15, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 137 **W**HEREAS it is expedient to amend the Act No. 14 of 1870, commonly called "The Cattle Removal Act, 1870:"⁽ⁱ⁾

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

1. The words "stock under saddle or pack saddle," in the proviso to Section 13 of the Act No. 14 of 1870, commonly called "The Cattle Removal Act, 1870," are hereby expunged.

(i) Printed at page 157, vol. i, of the Cape Statutes.

2. For the purpose of the "Cattle Removal Act,^{Proc.187} 1870," and of the "Cattle Removal Amendment Act, 1889," (j) any person who is riding or leading any stock, whether under saddle or pack-saddle, or not, shall be deemed to be driving and to be in custody and possession of such stock.

No. 138 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to amend the Law^{Proc.188} relating to Life Assurance with a view to encourage persons to insure and to protecting persons assured:

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

1. The property and interest of every person under any policy of assurance upon his own life, and which shall have endured for not less than three years from the date of the payment of the first premium thereon, or in any moneys payable thereunder, shall not be seized or taken in execution under any process of court, or in the event of the sequestration of the estate of such person as insolvent, shall not vest in the trustee, or otherwise, for the benefit of the creditors of his estate; subject, however, to the conditions or limitations following:—

- (1) If such assurance shall have endured for three years or upwards, it shall be protected as aforesaid to the extent of three hundred pounds; and in addition thereto one hundred pounds for each additional year or part of a year not

Proc. 122

exceeding in any case the sum of two thousand pounds.

- (2) The sums of money aforesaid shall mean sums assured by one policy or several policies, irrespective of any bonus or other additions thereto ;
- (3) If the assured can by the terms of his policy surrender the same to the company, and agrees with the company to surrender the policy, then the money which shall be payable upon such surrender shall not be protected as hereinbefore provided ; but nothing herein contained shall be construed to prevent the assured from agreeing with the company, for the surrender or exchange of his existing policy, for a fully paid up policy, equivalent to its value, which latter policy shall have the protection afforded by this Section.

2. A woman married in community of property may effect a policy of assurance upon her own life, or upon the life of her husband, and every such policy, and every policy effected by any woman upon her own life before marriage in community, and the moneys payable in respect of every such policy, shall be deemed to be her sole and separate property, excluded from community, and shall not be subject to the control of her husband, nor after three years from the date of the payment of the first premium thereon, be liable for his debts ; subject, however, to the provisions, and the conditions and the limitations contained in the last preceding Section.

3. Notwithstanding any law to the contrary, a husband being the holder of a policy of assurance upon his own life, or upon the life of his wife, may lawfully cede such policy to his wife, whether married in community of property or not, or to some person in trust for her, for her benefit, or for the benefit of herself and her children, or some or one of them, subject to the following conditions or limitations :

- (1) Such policy shall have the protection provided by the first Section of this Proclamation to

the extent therein mentioned, but not further^{Proc.138} or otherwise.^(k)

- (2) Any such policy ceded as aforesaid to a woman married in community of property, or in trust for her benefit, shall be deemed to be her sole and separate property excluded from community.

4. A policy of assurance effected or ceded by an intended husband for the benefit of an intended wife, to whom he shall afterwards be married in community of property, shall be deemed to be the sole and separate property of such wife excluded from community.

5. When any policy so protected as aforesaid exceeds the amount for which protection is provided, the person who, but for such protection, would be entitled to the policy, or to the disposal thereof, may require the company by whom such policy was issued to cancel the same, and to issue substituted policies of equal standing with the former policy; and such company shall thereupon issue such substituted policies, at the expense of the persons applying for the same, one for the amount protected for the benefit of the assured, or whoever shall be thereto entitled, and the other for the unprotected residue.

6. The moneys payable in respect of any policy by this Proclamation protected or exempted from execution or sequestration to the extent to which such protection or exemption is granted, during the life of the assured, shall not upon his death be available for the payment of his debts as against the claims of

- (1) The widow of the deceased in respect of any interest acquired by her by virtue of a marriage in community of property, or devolving upon her by testamentary or other lawful disposition.
- (2) Any child of the deceased claiming by succession *ab intestato*, or under any testamentary disposition.

7. Notwithstanding anything contained in this Proclamation, if in any case it shall be proved that any

(k) Printed as amended by Proclamation 166

Proc. 138 policy was effected, or the premiums upon any policy were paid, with intent to defraud the creditors of the assured, or in the case of a policy effected by a husband upon the life of his wife or by a wife upon the life of her husband with intent to defraud the creditors of either of them, the Court of Resident Magistrate having jurisdiction may order a sum equal to the premiums so paid, with interest thereon, to be a charge upon the policy, and to be payable out of the sum assured.

8. If any person who has effected, or who, by marriage settlement or otherwise, has lawfully ceded a policy of assurance for the benefit of his wife, or of his wife and his or her children or some of them, or if any trustee holding any policy under any such settlement or otherwise is unable to continue to provide for the payment of the premiums, such person or trustee may either :

- (1) Agree with the company which granted the policy to surrender the same, and to accept in lieu thereof a paid-up policy for such sum as, according to the rules of the company, may be its equivalent in value, payable at the time and in the manner, and for the benefit of the persons entitled to the sum assured by the original policy ; or
- (2) Borrow such sum as may be necessary to keep the policy in force, and any sum so borrowed and applied for keeping up the policy shall be a first charge upon such policy, and be repaid with interest out of the sum assured ; or
- (3) Agree with the company to apply any accumulated profits in reduction of future premiums.

9. Nothing in this Proclamation contained shall be deemed to affect or prejudice the rights of any creditor whose claim or demand shall exist at the date of the coming into operation thereof, which rights shall be judged and determined as if this Proclamation had not been passed.

No. 139 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to consolidate and amend the law relating to oaths, affidavits, affirmations and solemn declarations in the Territory of British Bechuanaland: Proc. 139

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

1. The Ordinance No. 6, 1845, the seventh Section of Ordinance No. 72 of 1830, the seventh Section of Ordinance No. 14 of 1846, the tenth Section of Act No. 4 of 1861, and so much of any other law as shall be repugnant to or inconsistent with the provisions of this Proclamation, shall be and the same are hereby repealed. (1)

2. It shall not be lawful for any Magistrate, Justice of the Peace, or other person authorised to administer an oath, to administer or cause or allow to be administered any oath, affidavit, or affirmation touching any matter or thing whereof such Magistrate, Justice of the Peace, or other person has not or does not believe himself to have jurisdiction, cognisance, or authority under or by virtue of some law in force at the time being.

3. Any Justice of the Peace may within the district in which jurisdiction is conferred on him, administer an oath or swear any deponent to the truth of an affidavit in any of the cases or proceedings following:—

- (1) In any action or proceeding pending or about to be brought in any Court of Law within this Territory or elsewhere.
- (2) In any proceeding before Arbitrators.
- (3) In any proceeding in the nature of a judicial proceeding under the Insolvent Ordinance No. 6, 1843.

(1) Printed as amended by Proclamation 166.

- Proc. 130 (4) For the proof of the due execution of any will or other document, required by the law, usage, or practice of any other country to be proved or authenticated by affidavit.
- (5) In an enquiry or proceeding in which by this Proclamation or any other law the taking of an oath or affidavit is directed, authorised, or permitted.

4. Wherever by any law or usage it shall be required of any person to take the Oath of Allegiance, such Oath shall be taken as nearly as is material in the form following:—

“I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law.”

5. In all cases where any person who is or may be required to take an oath, shall object to do so, it shall be lawful for such person to make an affirmation in the words following:—“I do truly affirm and declare that” (*here insert the matter to be affirmed or declared*), which affirmation or declaration shall be of the same force and effect as if such person had taken such oath. And every person authorised, required or qualified by law to take or administer an oath shall accept in lieu thereof an affirmation or declaration as aforesaid.

6. The same penalties, punishment, and disability which are respectively in force, and are attached to any neglect, refusal, and false or corrupt taking or subscribing of any such oath as aforesaid shall apply and attach in like manner in respect of the neglect, refusal, and false or corrupt making or subscribing respectively of any such affirmation or declaration as is in the last preceding section mentioned.

7. The third Section of the “Interpretation Act, 1883” (*m*) is hereby amended by the omission of the words, “Ordinance No. 6, 1845,” and the definition therein of “Solemn Declaration” shall read, “Solemn Declaration,—A declaration made under and by virtue

(*m*) Printed at page 394, vol. i, of the Cape Statutes.

of the provisions of Proclamation No. 139 B.B.,^{Proc. 139} 1892.”

8. Whenever by any law now in force a Solemn Declaration is directed, permitted, or authorised to be made, it shall be sufficient in case such declaration be made and subscribed in the form (as nearly as material) to this Proclamation annexed.

9. Any Justice of the Peace may take and receive the declaration of any person voluntarily making the same before him in the form mentioned in the last preceding Section, and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false or untrue declaration shall be guilty of the offence of making a false declaration, and shall upon conviction be liable to a penalty not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding six months, but nothing herein contained shall prevent the prosecution of such person for fraud or any other crime or offence of which he may be chargeable provided that he shall not be liable to a prosecution for making a false declaration, and also for fraud or such other crime or offence.

10. Nothing in this Proclamation contained shall extend or apply to any declaration referred to in, or made under the provisions of the “Transfer Duty Act, 1884.”

SCHEDULE.

SOLEMN DECLARATION.

I, A. B., of do solemnly and sincerely declare (here insert the matter to be declared). And I make this solemn declaration, conscientiously believing the same to be true.

Declared at this
Day of 18.....

Before me.

No. 140 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.140 **W**HEREAS it is expedient to amend the Act 27 of 1889, commonly called the "Vagrancy Law Amendment Act"⁽ⁿ⁾:

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

1. It shall be lawful for the governing body of any area under the operation of the "Villages Management Act, 1881," as amended by Proclamation in the Territory of British Bechuanaland, to appoint some person to be inspector of any native location situated within the jurisdiction of such governing body and not under the inspection and control of any lawfully appointed Government officer.

2. The person so appointed shall have the sole right, subject to the lawful directions of the said governing body, to grant permission to any person to settle in such locations.

3. In regard to any such location as aforesaid, the inspector appointed by the governing body shall have all the rights and powers conferred by the Vagrancy Act, 1879,^(o) or the Vagrancy Law Amendment Act, 1889, upon the owner of a farm in respect of the farm owned by him, and of any hut or building thereon.

No. 141 B.B., 1892.]

[March 15, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.141 **W**HEREAS it is expedient to make provision for the better repression of theft of Stock and

⁽ⁿ⁾ Printed in Appendix A *infra*.

^(o) Printed at page 2763, vol. ii, of the Cape Statutes.

Produce in the Territory of British Bechuanaland :Proc.141

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

1. For the purposes of this Proclamation the word “stock” shall include any horse, gelding, mare, colt, filly, mule, or ass; any bull, ox, cow, heifer, or calf; any sheep or goat, and any ostrich.

The word “produce” shall include all skins, hides, mohair, wool and ostrich feathers.

“Sufficient fence” when applied to wire fences shall mean a fence of four wires and not less than four feet high; in other cases any fence, wall or hedge of the said height, through which no animal could pass without breaking.

2. Any person who shall, by way of purchase, bargain, exchange or gift, acquire or receive into his possession, from any other person, any stolen stock, or stolen produce, without having reasonable cause, proof of which shall lie on such first-mentioned person, for believing at the time of such acquisition or receipt that such stock or produce was the property of the person from whom he received it, or that such person was duly authorised by the rightful owner to part with it, shall be deemed guilty of contravening this section, and shall be liable on conviction to a fine not exceeding one hundred pounds, or to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to both such fine and such imprisonment.

3. The provisions of this proclamation shall not apply to stock or produce purchased—

(a) On any public market.

(b) At any sale held by a duly licensed auctioneer, or held in pursuance of the order of a court of competent jurisdiction.

4. Any person who enters any farm or part of a farm enclosed on all sides with a sufficient fence, and whether such entry shall be effected by breaking through such fence or not, or any kraal, with intent to steal any stock which is in or upon such kraal, farm, or part of a

Proc. 141 farm, 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, or to both such fine and such imprisonment.

5. Any person found within any farm or part of a farm enclosed on all sides with a sufficient fence, or within any kraal, and who when so found was not proceeding along some road or thoroughfare traversing such farm or part of a farm, shall, if charged with a contravention of section four of this Proclamation, have the burden imposed upon him of proving that he did not enter such kraal, farm, or part of a farm, with intent to steal the stock, if any, kept therein.

6. Any person charged with the theft of stock from any such kraal, farm, or part of a farm, may in the same indictment be charged with a contravention of the fourth section of this Proclamation; and upon conviction shall be separately sentenced in regard to each offence.

7. Notwithstanding the provisions of section forty-two of Ordinance No. 40 of 1828,^(p) it shall be lawful for any Justice of the Peace, Field-cornet, Assistant Field-cornet, or for any Police Officer of such rank as the Governor may from time to time designate, 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 or to grant written authority to any person applying for the same, to search such building, hut, kraal or enclosure at any time during the day or night: Provided that any land-owner shall in respect of buildings or huts upon his own land be entitled to exercise all the powers conferred by this section upon the officers hereinbefore mentioned.

8. 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,^{Proc.141} shall be liable to a fine not exceeding twenty pounds, or 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 in occupation of the building, hut, kraal, or enclosure in question, when the same was searched, such sum not exceeding fifty pounds for damages as any competent Court may award.

9. The Resident Magistrate of the district in which any building, hut, kraal or enclosure wrongfully searched as aforesaid is situated, shall have jurisdiction to impose the penalty and to award the damages in the last preceding section provided. But nothing in this Proclamation 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 herein given.

No. 142 B.B., 1892.]

[March 15, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to amend the Act No.^{Proc.142} 36, of 1886, commonly called "The Game Law Amendment Act, 1886:"^(g)

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

1. All the words after "Governor" in the fourth section of the Act No. 36, of 1886, commonly called "The Game Law Amendment Act, 1886," are hereby expunged, and the following inserted in their stead, "under penalty for the first conviction of a fine not exceeding twenty-five pounds or, in default of payment

^(g) Printed at page 1076, vol. i, of the Cape Statutes, and in Appendix A *infra*.

Proc. 142 thereof, imprisonment with or without hard labour, not exceeding three months, and for a second or any subsequent conviction, a fine of £50, or in default of payment thereof to imprisonment with or without hard for a period not exceeding six months.

2. From and after the passing of this Proclamation no person shall, anything to the contrary in the fourth section of the "Game Law Amendment Act, 1886," or any other law, notwithstanding, sell, barter, hawk or expose for sale any game, without having previously taken out a licence, to be duly issued by any Distributor of Stamps or any other authorised officer, which licence shall be in addition to the licence to kill, catch, capture, pursue, hunt, or shoot at game required by the said section of the said Act, and shall be issued subject to the following conditions :

- (a) No such licence shall be issued by any Distributor of Stamps or any other authorised officer, without a certificate from the Resident Magistrate of the district, that the applicant for such licence is to the best of his knowledge a fit and proper person to sell game.
- (b) Every such licence shall, no matter at what period of the year the same be taken out, expire on the 31st December following: Provided that when any such licence shall be taken out from or after the first of July there shall be payable only one half of the sum appointed in respect of such licence.
- (c) The sum of three pounds sterling shall be payable in respect of every such licence.

Every person who shall sell, barter, hawk or expose for sale any game, without having previously taken out such licence, shall be liable to a penalty not exceeding ten pounds, or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month, unless the fine be sooner paid: Provided that nothing in this section contained shall apply to the selling, bartering, hawking or exposing for sale by the

owner or occupier of land of any game killed upon the land owned or occupied by him. Proc. 142

3. After the words "shoot at any game" in the seventh section of the said Act, there shall be inserted the following words, "or with gun or dog trespass." And there shall be added to the said section the following: "For the purposes of this section the word 'owner' shall be taken to include the occupier or the person entitled to the right to shoot game on the lands in question."

4. Nothing in the fifth section of Act No. 36, of 1886, contained shall render it illegal to possess game in any district during the close time of such district if such game shall have been transmitted into such district from some other district in which at the time of such transmission there shall not have been a close season for such game.

5. All fines and penalties under this Proclamation shall be recoverable in the court of the Resident Magistrate of the district in which the offence shall have been committed.

No. 143 B.B., 1892.]

[March 24, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to repeal section 23 of Proclamation No. 93 B.B., 1890, and to make other provision in lieu thereof: Proc. 143

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

1. Section 23 of Proclamation No. 93 B.B., 1890, is hereby repealed.

2. The Collector of Customs shall discharge the duty of Sub-Collector of Customs at Mafeking, and the

Proc.143 Civil Commissioners of Vryburg and Taungs shall discharge the duties of Sub-Collectors of Customs at those places respectively.

No. 144 B.B., 1892.]

[March 28, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.144 **W**HEREAS it is expedient to facilitate the recovery of rates due and payable to Boards of Management for townships in the Territory of British Bechuanaland, established under the provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said Territory :

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

1. Before passing transfer of any immovable property within the limits of any township in the Territory of British Bechuanaland, for which a Board of Management shall have been established under the provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said territory, the Registrar of Deeds shall require the production of a receipt or other voucher, showing that the rates last due to the Board of Management for such township upon such property have been paid.

2. It shall be the duty of every Secretary to a Board of Management established as aforesaid, immediately after the making of rates by such Board of Management, to transmit to the Registrar of Deeds a written notice, showing the date upon which such rates become due. Until the receipt by the Registrar of such notice, the rate of which notice has last been given to him by such Secretary shall be taken to be the rate for the payment of which a receipt or other voucher is required

to be produced under this Proclamation, unless it shall be proved to the Registrar of Deeds that a later rate has been imposed whereof he has not had notice as aforesaid.

No. 145 B.B., 1892.]

[May 2, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient that, as to the several districts of Vryburg, Mafeking, Taungs and Kuruman,^(r) in the Territory of British Bechuanaland, the word "game" in Section 2 of the "Game Law Amendment Act, 1886"^(s) should be taken to include the several birds commonly known as "Wild-duck," "Wild Goose," and "Snipe":

And whereas it is expedient to repeal Proclamations Nos. 21 B.B., 1886, 35 B.B., 1887, and 91 B.B., 1890, and to fix and prescribe in and for the several districts aforesaid, an uniform close time or fence season within which it shall not be lawful to kill, pursue, hunt or shoot at the different kinds of game respectively within such districts, either with or without a game licence, or with or without the land-owner's permission:

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

1. The word "game" in Section 2 of the "Game Law Amendment Act, 1886," shall, as to the several districts of Vryburg, Mafeking, Taungs and Kuruman, in the Territory of British Bechuanaland, be taken and understood to include the several birds commonly known as "Wild-duck," "Wild Goose," and "Snipe."

(r) For district of Gordonia *vide* Proclamation 173.

(s) Printed in Appendix A *infra*.

Proc.145 2. Proclamations Nos. 21 B.B., 1886, 35 B.B., 1887, and 91 B.B., 1890, shall be and the same are hereby repealed.

3. From the 1st September to the 31st December, inclusive, it shall not be lawful within the several districts aforesaid to kill, pursue or shoot at the several birds in Section 1 of this Proclamation mentioned.

4. From the 1st September to the last day of February, inclusive, it shall not be lawful within the several districts aforesaid to kill, pursue, hunt or shoot at the several birds and animals of the said Territory following, not being domesticated, commonly known as paauw, black korhaan, vaal korhaan, bosch korhaan, dikkop, guinea fowl, pheasant, partridge, grouse, hare and buck (including the whole antelope species), with the exception of springbucks actually migrating.

No. 146 B.B., 1892.]

[May 10, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.146 **W**HEREAS it is expedient to repeal the Bye-laws made under "The Regulation of Railways Act, 1861," for the Regulation of Railway Passenger Traffic and proclaimed to be in force in the Territory of British Bechuanaland, and to define the meaning of the term "Railway Department" in any Proclamation, Government Notice or Bye-law :

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

1. The Bye-laws made under "The Regulation of Railways Act, 1861" for the Regulation of Railway Passenger Traffic, and proclaimed to be in force in the Territory of British Bechuanaland by Section 2 of Proclamation No. 105 B.B., 1891, shall be and the same are hereby repealed, except as to offences com-

mitted against, or proceedings commenced or pending^{Proc.146} under any of such repealed Bye-laws, all of which shall be treated as if such Bye-laws still remained in force.

2. The term "Railway Department" in any Proclamation, Government Notice, or Bye-law approved of by the Governor, shall signify the Government Railway Department of the Colony of the Cape of Good Hope.

No. 147 B.B., 1892.]

[June 2, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to provide for the pre-^{Proc.147}vention of the impounding of certain animals, for or in respect of any trespass committed upon certain lands in the District of Kuruman, in the Territory of British Bechuanaland, and the disallowance of trespass money in respect of any such trespass :

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

Notwithstanding anything to the contrary contained in the Twenty-fifth, Thirty-second or Thirty-third Sections of the Ordinance No. 16 of 1847,^(t) entitled "Ordinance for the better Regulation of Pounds and Prevention of Trespasses," no such animal as is therein mentioned, being the property of any person lawfully entitled to graze such animal on the common pasture lands in any Native Reserve in the District of Kuruman, in the Territory of British Bechuanaland, shall be impounded for or in respect of any trespass committed within the limits of such Native Reserve upon any unenclosed Crown Reserve, unenclosed land held by virtue of a Certificate of Ownership or title, or unenclosed cultivated land not being such Crown Reserve or not so held as aforesaid, and on which any crop is growing or

(t) Printed at page 2314, *et seq.* vol. ii, of the Cape Statutes.

Proc.147 cut but not removed, nor shall any trespass money be payable under the Thirty-second or Thirty-third Sections aforesaid in respect of any such trespass: Provided, however, that nothing herein contained shall be deemed or taken to prejudice the right of any person to recover by law from any person the amount of the damage, if any, done by such animal by such trespass.

No. 148 B.B., 1892.]

[June 11, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.148 **W**HEREAS it is expedient to facilitate the recovery of rates due and payable to Divisional Councils in the territory of British Bechuanaland:

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

1. Before passing transfer of any immovable property within any division in the territory of British Bechuanaland for which a Divisional Council shall have been established, the Registrar of Deeds shall require the production of a receipt or other voucher, showing that the rates last due to the Divisional Council of such division upon such property have been paid.

2. It shall be the duty of every Secretary to a Divisional Council in the said Territory, immediately after the making of rates by such Council, to transmit to the Registrar of Deeds a written notice, showing the date upon which such rates become due. Until the receipt by the Registrar of such notice, the rate of which notice has last been given to him by such Secretary shall be taken to be the rate for the payment of which a receipt or other voucher is required to be produced under this Proclamation, unless it shall be proved to the Registrar of Deeds that a later rate had

been imposed whereof he has not had notice as afore-Proc.148 said.

3. Any person who shall for the purpose of obtaining transfer to himself of any immovable property pay the amount of the rate last due in respect of such property shall be entitled, in the absence of agreement to the contrary, to recover the amount so paid from the person who by law was liable to pay the said rate on the due date.

No. 149 B.B., 1892.]

[July 4, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

UNDER and by virtue of the 5th Section of the Proc.149
"Neighbouring States and Colonies Witnesses
Compulsory Attendance Act, 1886"^(u), I do hereby
proclaim and make known that the Orange Free State
has made due provision to compel the attendance as
witnesses before the Courts of this Territory of persons
resident in the said State.

No 150 B.B., 1892.]

[July 12, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to declare that deferred Proc.150
pay due to members of the Bechuanaland
Border Police Force shall not be assignable or execut-
able for debt: and whereas it is expedient more clearly
to define the jurisdiction of Courts of Resident Magis-

(u) Printed in Appendix A *infra*.

Proc. 150. **trates and Boards of Officers in the said Force in certain cases :**

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

1. The deferred pay due to any member of the Bechuanaland Border Police Force for and in respect of any military service in such Force shall not be assignable or transferable, nor shall the same be attached, arrested or levied upon for or in respect of any debt or claim due by such member or his wife.

2. Where any military offence triable by a Court of Resident Magistrate or by a Board of Officers in the said Force, has been committed by any person while a member of the said Force, such person may be taken into and kept in custody and tried and punished for such offence, although he has ceased to be a member of the said Force, in like manner as he might have been taken into and kept in custody, tried or punished if he had continued to be a member of the said Force: Provided that where a person has since the commission of any such offence ceased to be a member of the said Force, he shall not be tried for such offence, except in the case of the offence of mutiny, desertion, or fraudulent enlistment, unless his trial commences within three months after he has ceased to be a member of the said Force.

No. 151 B.B., 1892.]

[July 13, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 151. **W**HEREAS it is expedient to empower the Governor of the Territory of British Bechuanaland to issue to and in favour of the Government of the Colony of the Cape of Good Hope a grant or grants of certain lands in the said Territory not containing a

reservation to the Crown of precious stones and minerals: Proc. 151

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

It shall and may be lawful for the Governor of the Territory of British Bechuanaland to issue to and in favour of the Government of the Colony of the Cape of Good Hope a grant or grants, not containing a reservation to the Crown of precious stones and minerals, conferring title to certain lands in the said Territory to which the British South Africa Company acquired a right by virtue of a certain agreement set forth in the Schedule hereto, entered into between the said Governor and the said Company on the 23rd day of January, 1890, and in which said right the said Government has become interested by virtue of certain agreements entered into between the said Government and the said Company, which agreements constitute the Schedule to Act No. 13 of 1890 of the Parliament of the said Colony.

SCHEDULE.

Agreement, Dated 23rd January, 1890, between His Excellency the High Commissioner and the Honourable Cecil John Rhodes, M.L.A., the representative of the British South Africa Company.

AGREEMENT,

By and between Her Majesty's High Commissioner for South Africa and Governor of British Bechuanaland, of the one part, and the Honourable Cecil John Rhodes, M.L.A., representing the British South Africa Company, of the other part, made at Capetown on the twenty-third day of January, 1890, for the construction of a Railway from the Southern to the Northern Border of British Bechuanaland on the following terms and conditions, to wit:—

1. Railway to be made under certain conditions by the Company from the Southern to the Northern Border of British Bechuanaland *via* Taungs, Vryburg and Mafeking.
2. Land required for the Railway, of a uniform width throughout of 100 yards, and for all junctions, sidings and stations, and for all other works and approaches, and for any

Proc. 151 future extensions or branches, or other lines, to be given by Her Majesty's Government, but the Company to pay compensation for any injury to improvements actually made and existing when the land is taken, whether it is taken from private proprietors or from native reserves, and also to pay compensation in case of the line passing through town or village erven.

3. No parallel or competing line to be constructed on British Territory or Territory under the British influence; and the Company to have the exclusive right of constructing on British Territory or Territory under British influence extensions and branch or other lines, so long as they maintain a reasonably efficient service on the Railway, the subject of this Agreement.

If Her Majesty's Government require a line or lines other than a competing line to be constructed, which in their opinion, would carry a remunerative traffic, and the Company refuse to construct within a reasonable time, then Her Majesty's Government may make such line, or a Concession may be granted to other parties, but not on more favourable terms than offered to the Company, and Her Majesty's Government then to have the right of calling on the Company to permit any other line to cross the line of the Company on terms which shall be reasonable and fair to the Company.

4. Maximum charges for carriage of passengers and goods, if exceeding that in force on the railways under the control of the Cape Government, to be subject to approval of Her Majesty's Government, and tables of charges to be exhibited at places of collection.

5. Company to keep the line in good repair, and to equip it with proper plant and rolling stock for its efficient working. Company to run at least three trains each way in every week.

6. In consideration of the premises, Her Majesty's Government to grant to the said Cecil John Rhodes, in his said capacity as representing the British South Africa Company, six-thousand square miles in British Bechuanaland in consideration of railway construction to Vryburg, and, in case the said Cecil John Rhodes in his said capacity agrees to extend the said line of railway to Mafeking, to further grant six thousand square miles in British Bechuanaland, the selection of the land to be subject to mutual agreement, the title thereto to be in fee simple and free from all mineral reservations in favour of the Crown.

7. In case any arrangement be entered into by the said British South Africa Company for the lease or sale of the said line or any portion thereof, the same shall be submitted for the approval of the High Commissioner.

8. In case the British South Africa Company, or any such purchaser as aforesaid, shall discontinue the working of the said line, the High Commissioner shall have the right to enter

and take and work the portion of the line in British Bechuana-Proc.151 land, and also to enter upon such portion of the land or other concessions or benefits accruing therefrom given to the Company in consideration of railway construction as shall be unsold at the time when the Company or purchaser aforesaid failed to fulfil their part of the contract; Provided that the High Commissioner shall hold and work such line and realise such land or other concession for the benefit of the said Company or purchaser as the case may be; such Company or purchaser always retaining the right to resume the working of the said line with the High Commissioner's approval.

9. The regulations with regard to rates of transit and transport for Government officials and goods to be the same as those in force in the Cape Colony, subject to modification by mutual agreement.

10. The Company to have the right to proclaim, set out, and sell town and village sites on any land of which they may become possessed.

11. In case of any dispute arising as to the terms or construction of this Agreement, the same shall be referred to the decision of the Chief Justice of the Cape Colony; and in the event of the said Chief Justice declining to arbitrate, then the same shall be decided by arbitration in terms of the Lands and Arbitration Clauses Act, No. 6, 1882.

In witness whereof the parties hereto, have hereunto affixed their respective signatures at the place and on the date first above written:—

(Signed) HENRY B. LOCH,

Her Majesty's High Commissioner for South Africa, and Governor of British Bechuanaland.

(Signed) C. J. RHODES,

Representative of the British South Africa Company.

In presence of:

(Signed) SIDNEY SHIPPARD, } Witnesses.
 ,, GRAHAM BOWER, }

No. 152 B.B., 1892.]

[July 14, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
 &c., &c.

WHEREAS it is desirable that, as to Divisions in Proc.152 the Territory of British Bechuanaland in which there shall not be Divisional Councils, the proper width of public roads, and roads over which a right of way

Proc. 152 exists in favour of individuals other than the proprietors of the land over which such roads pass, should be by law defined :

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

1. It shall be the duty of the Civil Commissioner of every Division in the Territory of British Bechuanaland, in which there shall not be a Divisional Council, to fix and determine what shall be the width of every public road within his Division to be constructed for the use of wheeled vehicles, and also the width to be allowed on each side of such roads for the purpose of removing stock in cases where such roads are not enclosed ; and for the purposes of this Proclamation every road over which a right of way shall exist in favour of some person or persons other than the owner or occupier of the land on which such road is situate shall be taken to be a public road : Provided that no alteration shall be made in the width of any road passing through or between any garden, cultivated lands, orchards, or between buildings on homesteads.

2. In determining the width of the several roads the Civil Commissioner shall take into consideration the circumstance of any such road being

- (1) A main road
- (2) A branch road
- (3) A road with the right of way in the first Section of this Proclamation mentioned.
- (4) A mountain pass, or
- (5) An approach to a drift ; and also the nature of the soil over which such road passes and whether the same is used for pastoral or agricultural purposes : Provided that it shall be lawful for every Civil Commissioner as aforesaid to select and appoint upon enclosed public roads resting places (each of which shall not exceed half an acre in extent or be distant less than two miles from each other) for cattle passing along such roads, and such resting places

shall be selected and agreed upon by the Civil Commissioner and the owner of the land upon which the same are to be reserved; and in case of disagreement the selection of such resting places, and the amount of compensation (if any) to be paid for injury to property or other loss, shall be settled or determined by arbitration; and for the purpose of any such arbitration the provisions of the "Lands and Arbitration Clauses Act, 1882,"^(v) are hereby incorporated.

3. Having defined the width of the several roads within his division, the Civil Commissioner shall give notice of the same to the several field-cornets of the division; and shall also publish such notice in the *Government Gazette* and in some one or more newspapers, if any, published or circulating in such division.

4. Within a reasonable time after such notice has been given, the Civil Commissioner shall, if necessary, remove all fences or obstructions which shall in any way encroach upon the roads of which the width has been defined as hereinbefore provided for; but the owners of the fences so removed shall be entitled to receive compensation for such removal, the amount thereof to be agreed upon between such owners and the said Civil Commissioner, and in case of any dispute as to such amount, the question shall be referred to arbitration in manner as provided in the second section of this Proclamation.

5. Any person who shall erect any fence or raise any obstruction which shall encroach upon the width of any road as defined under the provisions of this Proclamation, shall be called upon immediately to remove the same, and in case of his neglect to do so, such fence or other obstruction shall be removed by the Civil Commissioner at the expense of such person, which shall be recoverable at the suit of the Civil Commissioner in the Court of the Resident Magistrate of the district in which such fence or other obstruction shall

(v) Printed at page 1315, vol. i, of the Cape Statutes.

Proc. 152 be situate : Provided that nothing in this Proclamation contained shall interfere with the provisions of Act No. 37, of 1879. (w)

6. All payments which may be necessarily made by any Civil Commissioner for carrying out the provisions of this Proclamation shall be made out of the Public Funds.

7. The provisions of this Proclamation shall come into operation in such of the aforesaid divisions as the Governor shall from time to time by notice in the *Government Gazette* declare to be subject thereto, and from a date to be in such notice stated, and the Governor may in like manner suspend the operation of this Proclamation in any such division for such time as he may deem necessary.

No. 154 B.B., 1892]

[July 28, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 154 **W**HEREAS it is expedient to alter and amend so much of Section 3, of Proclamation No. 25 B.B., 1886, as refers to the number of members forming the Board of Management for the township of Mafeking.

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

1. In Section 3, of Proclamation No. 25 B.B., 1886, the word “six” shall, as regards the township of Mafeking, be substituted for the word “four.”

2. The existing Board of Management, composed of four members, shall, notwithstanding the enactment of this Proclamation, continue to hold office until, as soon as may be after the promulgation hereof, the said

Board shall be supplemented by two members to be^{Proc.154} elected *mutatis mutandis* in a manner provided by the Act No. 29, of 1881,^(x) and from and after the publication in the *Government Gazette* of the names of the said two members so elected the Board shall for all legal purposes be deemed to be constituted of the said four members and the said two members who shall together hold office until a new Board of six members shall be elected in manner provided in the said Act, on the first Wednesday in the month of July, 1893.

No. 155 B.B., 1892.]

[Sept. 26, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS by Act No. 2 of 1881,^(y) entitled^{Proc.155} "Act for preventing the spread of Contagious and Infectious Diseases among Cattle and other Animals," it is enacted that whenever any such disease as is mentioned in the said Act is known to exist among animals in any district, or districts, the Governor may, by Proclamation, declare such district or districts or any area embracing or forming part of such district or districts, to be an infected district or area: and whereas the disease *Lung-Sickness* is known to exist among cattle in the area described in the schedule hereto:

Now, therefore, I do hereby declare the area described in the Schedule to this my Proclamation to be an infected area within the meaning of the aforesaid Act of Parliament.

And I further proclaim, declare and make known that, under and by virtue of the powers vested in me by the said Act, I do hereby order and direct that it shall not be lawful to remove from such area any

(x) Printed at Page 2768, vol. ii, of the Cape Statutes.

(y) Printed at page 59, vol. i, of the Cape Statutes.

Proc.155 horned cattle whether the same are or are not infected with *Lung-Sickness*: Provided, however, that cattle not affected with the disease may be so removed upon the certificate of a Resident Magistrate or Justice of the Peace, issued upon the solemn declaration of the party desiring the removal, that such cattle are actually free from and have never been affected with the disease; and that they have never, to the knowledge of such party, grazed upon ground known to be infected, nor mixed with other cattle known to be infected with the disease.

And I do strictly charge every Resident Magistrate, Field-cornet and Justice of the Peace, within the said area hereby proclaimed, to see that this Proclamation is obeyed, and to bring to justice any person who may contravene the same.

SCHEDULE.

DIVISION OF GORDONIA.
Farm Abikwa Aar.

No. 156 B.B., 1892.]

[Oct. 4, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.156 **W**HEREAS it is expedient to amend and extend the meaning of the word "tree" as defined by Section 8 of the "Forest and Herbage Preservation Act, 1859" (z):

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

The 8th Section of the "Forest and Herbage Preservation Act, 1859," is hereby repealed, and the following Section inserted in the said Act in lieu thereof:

(z) Printed at page 1,066, vol. i, of the Cape Statutes.

“In this Act the term ‘tree’ shall include not only timber trees, but trees, shrubs and bushes of all kinds, seedlings, saplings, and reshoots of all ages, but not any dead wood.”

No. 157 B.B., 1892.]

[Oct. 14, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS the disease known as foot and mouth disease is reported to have appeared among cattle in British Bechuanaland; and whereas it is expedient to make provision for prompt steps for the prevention of the spread of the said disease, or of any infectious or contagious disease or disorder among domestic animals within the said Territory :

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

1. Whenever at any place within British Bechuanaland any animal is found affected or reasonably supposed to be affected by the disease known as foot and mouth disease, any Resident Magistrate, Justice of the Peace, or Field-cornet having jurisdiction may, by summary written order under his hand, direct and authorise that such animal shall be seized and detained at the same place or removed for detention to any other place within his jurisdiction for such period as he may deem necessary for the cure of the disease, or that such animal shall be otherwise dealt with in such manner as he may deem to be necessary for preventing the removal of such animal to other places or the spread of the said disease: Provided that no such animal shall be destroyed without the sanction of the Governor.

2. Any person who shall obstruct or prevent or attempt to obstruct or prevent, or aid any other person in obstructing or preventing the seizure, detention or

Proc.157 removal of or the dealing with any animal under the provisions of this Proclamation, or who shall without lawful authority remove or attempt to remove or aid any other person in removing or attempting to remove any such animal, shall be liable on conviction to a fine not exceeding £50 sterling or to imprisonment with or without hard labour for any term not exceeding three months.

3. No person shall be liable to any suit or action in respect of any act done under lawful direction and authority in respect of the seizure, detention, removal of, or dealing with any animal pursuant to the provisions of section one of this Proclamation: Provided that the owner of any animal destroyed shall be entitled to compensation in case he shall prove to the satisfaction of the Resident Magistrate having jurisdiction that the animal destroyed was either not suffering from the said disease or would in the ordinary course of events have been cured.

4. This Proclamation shall indemnify from liability to any suit or action any person who before the promulgation hereof shall with the authority of the Governor have seized, detained, removed, or otherwise dealt with any animal in the said Territory affected or reasonably supposed to be affected by the said disease.

5. The provisions of this Proclamation may from time to time be extended by further proclamation in respect of domestic animals affected or reasonably supposed to be affected by any other infectious or contagious disease or disorder within the said Territory.

No. 158 B.B., 1892.]

[Oct. 28, 1892.

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c, &c.

Proc.158 **W**HEREAS it is expedient to make provision for the repression and extermination of the disease

of Leprosy in the Territory of British Bechuanaland :Proc.158

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

1. It shall be the duty of every District Surgeon, Field-cornet, Justice of the Peace and Police Constable forthwith to report to the Resident Magistrate of the District the existence of any case of leprosy which may come to his knowledge, and it shall be the duty of such Resident Magistrate thereupon forthwith to forward a statement of such report to the Administrator.

2. Whenever it shall be certified to the Governor by the District Surgeon of any district, or by any other duly qualified medical practitioner, and by a Field-Cornet or Justice of the Peace, that any person is suffering from the disease known as leprosy, and that the fact of such person being at large is likely to spread such disease, the Governor may by warrant under the hand of the Administrator order that such person shall be removed to such asylum or hospital as he shall appoint, to be there detained during the Governor's pleasure, and kept apart from contact with all other inmates of such asylum or hospital who are not afflicted with the same disease: Provided always that every such person, while so detained, shall have the liberty and privilege of seeing his friends and legal advisers at all reasonable times under such regulations in force for the time being as the Governor may provide in that behalf.

3. Every asylum or hospital in which males shall be detained under the provisions of this Proclamation shall be separated entirely from any asylum or hospital in which females shall be detained.

4. It shall be lawful for the Governor with the concurrence of the Government of the Cape of Good Hope to order the removal by warrant as aforesaid of any person certified as aforesaid to be suffering from the disease aforesaid and to be likely to spread the said disease by being at large, to such hospital or asylum in the said Colony as may be mutually agreed upon by the

Proc. 158 Governor and the said Government, there to be detained subject to such laws and regulations as may be in force with reference to the detention of lepers in such hospital or asylum.

5. When any person shall be detained under the provisions of this Proclamation, the maintenance of such person shall, until further provision be made therefor, be defrayed out of the public revenues: Provided always that all sums so paid may be recovered from the estate, if any, of such person, or from any person or persons liable by law to contribute towards the maintenance of such detained person, by the Civil Commissioner of the district in which such estate is situate, or in which the person or persons so liable shall reside.

6. Notwithstanding the provisions of the last preceding Section, it shall be lawful for the superintendent or keeper of any hospital or asylum in the territory, in all cases in which a person detained under the provisions of this Proclamation shall be possessed of sufficient means to defray the expense of maintenance in any such hospital or asylum, to make a special agreement with such person for his maintenance while so detained.

7. All District Surgeons and medical officers shall give any information which may be required in regard to the disease referred to in this Proclamation by the local authority appointed under the "Public Health Act, 1883," or by any Resident Magistrate, and shall be bound to attend to or inspect any case or report on any matter relative to this Proclamation, and every such Surgeon or medical officer shall be entitled to charge and receive from such local authority or otherwise such reasonable fee as the Governor shall by any regulation on that behalf provide for each Certificate required, together with some reasonable amount for travelling expenses as such regulation shall prescribe.

8. The Governor may from time to time, make, alter, and amend such regulations as he may deem to be advisable for the better and more effectually carrying out the provisions of this Proclamation.

No. 159 B.B., 1892.]

[Nov. 18, 1892.]

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c., &c.

WHEREAS it is expedient to regulate the Deeds^{Proc. 159}
Registry Office, and to amend the Law relating
to the Registration of Deeds in the Territory of British
Bechuanaland :

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

1. So much of any law as may be inconsistent with
the provisions of this Proclamation is hereby repealed.

2. The terms "Registrar" and "Master," wher-
ever they occur herein, shall respectively mean the
Registrar of Deeds and the Master of the Court of the
Chief Magistrate of the Territory of British Bechuana-
land.

3. It shall be lawful for the Governor to appoint an
Assistant Registrar, who shall, subject to such directions
as the Governor may from time to time issue, have
power and authority to do any act or thing which may
lawfully be done by the Registrar: Provided that
nothing herein contained shall be taken to prevent the
Governor from appointing an Acting Registrar, when-
ever he shall think fit, in terms of Section two of
Ordinance No. 2 of 1836 (a)

4. It shall be lawful for the Chief Magistrate of the
said Territory from time to time to frame rules and
regulations^(b) for the good order and management of the
Land and Debt Registries, and for better carrying into
effect the object with which those Registries were
established, and generally for the working of the
Registrar's Office and the preservation of the records
therein, and more especially to prescribe :—

(a) Printed at page 595, vol. i, of the Cape Statutes.

(b) For rules framed under this section, *vide* Government
Notice No. 68 of 1892, printed in Appendix B *infra*.

Proc.169

- (1) The fees, if any, to be taken in respect of any act, matter, or thing required to be done in the said office.
- (2) The manner and form in which Deeds of Transfer, Mortgage Bonds and other deeds or documents required to be registered, acted upon or preserved of record in the said office, shall be prepared and executed.
- (3) The manner and form in which any information required by law to be furnished to the Registrar shall be recorded or noted in his office.
- (4) The conditions under which copies of lost deeds may be issued.
- (5) The manner and form in which consent to the cancellation of bonds shall be signified, and the conditions under which lost bonds may be cancelled.
- (6) The manner and form in which powers of attorney executed outside the said Territory are to be authenticated.

But no rules framed under this section shall be of any force or effect unless and until approved by the Governor and published in the *Gazette*.

5. The Registrar may require, and any person may tender, proof by solemn declaration of any fact which he may consider necessary to be established in connection with any act, matter, or thing sought to be done in the Deeds Registry Office.

Every such declaration shall set forth that it is made under the provisions of this section, and it shall be executed before such persons respectively as are or shall be by law authorised to administer oaths; and any person who shall make any such declaration knowing the same to be untrue in any material particular, shall be deemed to be guilty of the crime of perjury, and shall upon conviction thereof suffer such punishment as shall be by law provided for the said crime.

6. When and as often as it shall appear from the liquidation account of any insolvent estate and from the

vouchers annexed thereto, that a payment has been made to any creditor on account of a registered obligation of debt, the Master shall notify such payment to the Registrar who shall thereupon write off the same in the Public Debt Register, and also, if possible, on such obligation of debt. Proc. 159

7. The Master shall furnish the Registrar with returns of all insolvents who may from time to time obtain their discharge or rehabilitation, and such returns shall specify the landed property and registered obligations of debt appearing in the insolvent's schedules or in the liquidation account of his estate; and the Registrar shall, on receipt of such returns, write off in the Debt Register all debts registered against any such insolvent prior to his insolvency.

8. Every general or notarial bond and every deed of kinderbewys which shall hereafter be tendered for registration at the Deeds Registry shall be accompanied by a duplicate or notarial copy to be filed of record.

9. It shall not henceforth be lawful to convey land to two or more persons by one and the same deed of transfer, unless such persons be partners carrying on business under some particular name, firm, or style. In all other cases where land is acquired jointly by two or more persons in undivided shares, the following provisions shall apply—

- (a) A separate deed of transfer shall be necessary in order to convey the share of each owner.
- (b) The Registrar shall require to be affixed to one of such separate deeds stamps of the value which would in law be necessary if the land had been transferred by one and the same deed.
- (c) No further or other stamps or fees shall be payable; but the Registrar shall endorse upon each of the other separate deeds a note that the said deed has been passed in terms of this section. And thereupon each such deed so endorsed shall be regarded as fully and completely stamped according to law.

Proc.169

10. The Registrar may refuse to pass transfer of any fractional part or share of land until solemn declarations made under the provisions of the fifth section of this Proclamation by the seller and purchaser shall be produced, to the effect that no understanding or arrangement exists that the purchaser is to acquire any particular or defined portion of such land, represented in such extent by such fractional part, but that he is actually and *bona-fide* to acquire an undivided or undivided part or share therein.

11. If it shall happen in any case of the partition of immovable property held in undivided shares, that the share of any owner in such property is hypothecated under any mortgage bond, it shall be lawful for the Registrar, upon production of the consent in writing of the legal holder of such bond, to allow transfer to be passed to such owner of the divided share awarded to him on partition, notwithstanding that such bond remains uncanceled; but in every such case the Registrar shall, at the time of allowing such transfer to pass,

- (a) Endorse on such bond that such divided share is in terms of this section substituted for the undivided share previously held by such owner.
- (b) Make an entry of such substitution in the Debt Register.
- (c) Endorse on the transfer of such divided share that in terms of this section it is mortgaged by such bond.

The consent of the bondholder shall set forth that it is given under the provisions of this section.

12. From and after the completion of the entry and endorsements aforesaid, the divided share of such immovable property so transferred shall be deemed to be hypothecated as fully and effectually as if it had been originally hypothecated by such bond instead of such undivided share as aforesaid.

13. Nothing in this Proclamation contained shall be deemed to relieve any such owner as afore-

said from any liability in respect of any duty,^{Proc.159} stamp, or fee which would have been payable upon such partition transfer; and in respect of the making of such entry and endorsements as aforesaid, there shall be payable to the Registrar a fee of one pound sterling, which shall be paid by means of stamps to be affixed to such bond before endorsement.

No. 160 B.B., 1892.]

[Nov. 18, 1892.

By His Excellency Lieutenant-General WILLIAM GORDON CAMERON, &c., &c.

WHEREAS it is expedient to make provision for^{Proc.160} the sale of Food and Drugs in a pure state, and to prevent the Adulteration of Seeds in the Territory of British Bechuanaland :

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

1. For the purposes of this Proclamation the following terms shall, unless the context otherwise requires, have the meaning herein assigned to them, namely :—

“Food” shall include every article used for food or drink by man, other than drugs or water.

“Drug” shall include medicine for internal or external use.

“Butter” shall mean the substances usually known as butter made exclusively from milk or cream, or both, with or without salt or other preservative, and with or without the addition of colouring matter.

“Butterine,” “Margarine,” or other similar article, shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.

“Proof” shall mean the strength of proof as ascertained by Sykes’ Hydrometer.

“To kill seeds” means to destroy by artificial means the vitality or germinating power of such seeds.

Proc.180 "To dye seeds" means to apply to seeds any process of colouring, dyeing, or sulphur smoking.

"Resident Magistrate" means a Resident Magistrate having jurisdiction within the district in which any offence under this Proclamation is committed.

"Schedule" means the Schedule to this Proclamation.

This Proclamation includes any regulations made under the provisions hereinafter contained.

2. No person shall mix, colour, stain, or powder, or order, or cause, or permit, any other person to mix, colour, stain, or powder, any article of food with any ingredient or material, so as to render the article injurious to health, with intent that the same may be sold or offered, exposed, or kept for sale in that state, and no person shall offer, sell, or expose, or keep for sale, any such article so mixed, coloured, stained, or powdered, under a penalty in each case not exceeding twenty pounds for the first offence, and in default of payment he shall be liable to imprisonment, with or without hard labour, for a period not exceeding three months, unless such penalty be sooner paid, and for a second or subsequent offence a penalty not exceeding fifty pounds, and in default of payment he shall be liable to imprisonment, with or without hard labour, for a period not exceeding six months, unless such penalty be sooner paid.

3. No person shall, except for the purpose of compounding as hereinafter described, mix, colour, stain, or powder, or order or cause, or permit any other person, to mix, colour, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with the intent that the same may be sold, offered, exposed, or kept for sale in that state, and no person shall sell, offer, expose, or keep for sale any such drug so mixed, coloured, stained, or powdered, under the same penalty in each case respectively, as in the preceding section for a first and second or subsequent offence.

4. No person shall be liable to be convicted under Proc. 160 either of the two last preceding sections of this Proclamation if he shows to the satisfaction of the Court before whom he is charged that he did not know of the article of food or drug, in respect of which he is charged being so mixed, coloured, stained, or powdered, as in either of these sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

5. No person shall sell or attempt to sell to the prejudice of the purchaser, any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser under the penalties provided by the second section of this Proclamation: Provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say:

- (1) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage, or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quality thereof.
- (2) When the drug or food is a proprietary medicine, or is the subject of a patent in force, and is supplied in the state required by the specification of the patent.
- (3) When the food or drug is compounded as in this Proclamation mentioned.
- (4) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

6. No person shall sell or attempt to sell any compounded article or food, or compounded drug which is not compounded of ingredients in accordance with the demand of the purchaser under the penalties provided by the second section of this Proclamation: Provided that no person shall be guilty of any such offence as aforesaid in respect of the sale of an article of food or a

Proc. 1860 drug mixed with any matter or ingredient not injurious to health, and not intended fraudulently to increase its bulk, weight or measure, or conceal its inferior quality, if at the time of delivering such article or drug, he shall supply to the person receiving the same a notice by a label, distinctly and legibly written or printed, on or with the article or drug, to the effect that the same is mixed.

7. No person shall with the intent that the same may be sold, offered, exposed, or kept for sale in its altered state without notice abstract from an article of food any part of it, so as to affect injuriously its quality, substance, or nature, and no person shall sell, offer, expose, or keep for sale any article so altered without making disclosure of the alteration under the penalties provided by the second section of this Proclamation.

8. If any person selling, offering, exposing or keeping for sale any spirits, wine, malt, or other liquor, shall have upon his premises or in his possession any vitriol, coculus indicus, nux vomica, tobacco, or tobacco juice, pepper, chillies, opium, aloes, salts of zinc or lead, copperas, faba amara, logwood or any extract or preparation thereof respectively, or any other poisonous or deleterious substance whatsoever, otherwise than for some innocent purpose, the proof of which shall lie on such person, he shall be liable to the penalties by the second section of this Proclamation provided, and all such vitriol, coculus, indicus, nux vomica, tobacco or tobacco juice, pepper, chillies, opium, aloes, salts of zinc or lead, copperas, faba amara, logwood, or such extract or preparation thereof, or any such other poisonous or deleterious substance as aforesaid, shall be forfeited to the Crown and may be seized without warrant by any Justice of the Peace, Field-Cornet, Police Constable, or any person authorised to carry out the provisions of this Proclamation.

9. In any prosecution under the provisions of this Proclamation for selling or attempting to sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality

of the article demanded by such purchaser, it shall be no defence to any such prosecution to allege that the purchaser having bought only for analysis or any proceeding at law, was not prejudiced by such sale. Proc. 160

Neither shall it be a good defence to prove that the article of food or drug in question, though defective in nature, or in substance, or in quality, was not defective in all three respects.

10. The Governor may appoint one or more persons, whether resident in British Bechuanaland or not, possessing competent knowledge, skill, and experience as analysts of all articles of food and drugs, and seeds sold within this Territory, and may from time to time remove him or them, as he shall deem proper, and such analysts shall discharge such duties as may from time to time be imposed upon them by the Governor: Provided that no person shall be appointed an analyst under this section, who shall be engaged directly or indirectly in any trade or business connected with the sale of food or drugs, or seeds, within this Territory.

11. Any purchaser of an article of food, or of a drug, or of seeds shall be entitled to obtain from any analyst appointed under this Proclamation, on payment to such analyst of a sum not exceeding twenty-one shillings, an analysis of such article by such analyst; and to receive from him a certificate of the result of such analysis:

Provided that nothing herein contained shall be taken to impose upon any such purchaser, the necessity to obtain such analysis and certificate before instituting any complaint or proceeding under this Proclamation if he shall have sufficient evidence otherwise.

12. Any Resident Magistrate or person appointed by him in that behalf, and any Justice of the Peace, Field-Cornet, or Police Constable, may enter with or without warrant any shop, store or other premises, or any place or vehicle wherein he shall have reasonable grounds to suspect that any food, or drugs, or seeds, are kept for the purpose of contravening the provisions of this Proclamation, and he may search for and demand to have delivered to him, samples of any such

Proc. 160 food or drugs or seeds which he shall find therein, and on refusal or neglect to supply such samples he may seize and carry away a sufficient quantity for the purpose of investigation, and every person so refusing or resisting or declining entrance as aforesaid shall be liable to the penalties in the second section of this Proclamation mentioned, in addition to any other penalties by law provided.

13. If any authorised official, as in the last section mentioned, shall apply to purchase any article of food or any drugs or seeds exposed for sale or on sale in any shop, or store, or premises, place, or vehicle, and shall tender the price of the quantity which he shall require for the purpose of analysis not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such authorised official as aforesaid, such person shall be liable to a penalty not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour, for a period not exceeding three months unless such penalty be sooner paid.

14. The person purchasing or otherwise obtaining any article with the intention of submitting the same to analysis shall forthwith notify to the seller or his agent selling the article, his intention to have the same analysed by an analyst under this Proclamation, and shall offer to divide the article into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so proceed accordingly and shall deliver one of the parts to the seller or his agent. He shall afterwards retain one of the said parts for future comparison and submit the third part, if he deem it right to have the article analysed, to the analyst as aforesaid.

15. If the seller or his agent do not accept the offer to divide the said article in his presence, the analyst receiving the article for analysis shall, if informed accordingly, divide the same into two parts, and shall seal or fasten up one of those parts and shall cause it to

be delivered when he supplies his certificate to the person applying for the analysis, who shall retain the same for production in case proceedings shall afterwards be taken in the matter. Proc. 160

16. If the analyst do not reside within two miles of the residence of the person requiring the article to be analysed, such article may be forwarded to the analyst through the post office as a registered parcel or letter subject to any regulations which the Postmaster-General may make in reference to the carrying and delivery of such article, and the charge for postage of such article shall be deemed one of the charges of the prosecution.

17. In any case in which an article may be of so perishable a nature or so composed that it cannot safely be sent to an analyst appointed under this Proclamation, and further in case any Resident Magistrate upon application made to him, of which he shall keep a record, shall be of opinion that for the purposes of any prosecution or proceeding under this Proclamation a sufficient analysis can be conveniently obtained within his district, he may take the evidence of such qualified person or expert as he may select in lieu of the certificate of an analyst appointed under this Proclamation as aforesaid.

18. The certificate of the analysis shall be in the form set forth in the schedule hereto, or to the like effect.

19. From and after the taking effect of this Proclamation, all articles of food imported as merchandise into this Territory may be subject to examination by the Customs or other officers appointed in that behalf, and samples may, when deemed necessary by such officers, be taken and with all convenient speed be examined by an analyst as aforesaid; and if upon such analysis, the same shall be found to be in contravention of this Proclamation, the same shall be forfeited and destroyed, or otherwise disposed of as the Administrator of the Territory may direct.

Proc.160 20. Where an employer is charged with an offence against this Proclamation, he shall be entitled to have any other person whom he charges as the actual offender brought before the Resident Magistrate before whom such employer is charged, and if after the commission of the offence has been proved, the employer proves to the satisfaction of the Magistrate that he had used due diligence to enforce the execution of this Proclamation, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be convicted for such offence, and the employer shall be exempt from the penalty.

SPECIAL PROVISIONS AS TO BUTTER.

21. Every person importing into this Territory any Butter, Butterine, Margarine, or similar article shall conform to the following regulations:—

- (1) Every package, whether open or closed, and containing butter, butterine, margarine, or similar article, shall be branded or durably marked "Butter," "Margarine" (or other article as the case may be), on the top, bottom and sides, in printed capital letters.
- (2) If such article be exposed for sale, there shall be attached to each parcel thereof so exposed, and in such manner as to be clearly visible to the purchaser, a label marked in printed capital letters, containing the word "Butter," "Margarine" (or other article as the case may be).
- (3) Every person selling any such article, save in a packet duly branded or durably marked as aforesaid, shall in every case deliver the same to the purchaser in or with a paper wrapper, on which shall be printed in capital letters, clearly visible to the purchaser, the word "Butter," "Margarine" (or other article as the case may be). Any person contravening this section shall be liable to the penalties provided by the second section of this Proclamation.

SPECIAL PROVISIONS AS TO SEEDS.

Proc. 160

22. Every person who, with intent to defraud or to enable another person to defraud, sells, or causes to be sold any killed or dyed seeds shall be punished as follows: that is to say,

- (1) For the first offence he shall be liable to a penalty not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months unless such penalty be sooner paid.
- (2) For a second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three months, unless such penalty be sooner paid.

PROCEEDINGS AGAINST OFFENDERS.

23. In any proceeding for any offence under this Proclamation it shall be sufficient to allege that the person accused did the act charged with intent to defraud, or to enable some other person to defraud without alleging an intent to defraud any particular person or an intent to enable any particular person to defraud any particular person, and on the trial of such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the person accused did the act charged with an intent to defraud or with intent to enable some other person to defraud, or with the intent that any other person might be enabled to defraud.

24. All proceedings against the person charged with violating the provisions of this Proclamation shall be commenced within a reasonable time, and in the case of a perishable article not more than thirty days from the time of purchase from such person for test purposes of the food or drug for the sale of which in contravention to the terms of this Proclamation the seller is rendered liable to prosecution.

Proc. 160 25. In such proceedings the production of the certificate of the analyst shall be evidence of the facts therein stated, unless the defendant shall at his expense require that the analyst shall be called as a witness, and the parts of the articles retained by the person who purchased or obtained the same shall be produced: Provided that the defendant, instead of requiring the attendance of the analyst as a witness, shall be entitled to put interrogatories approved of by the Resident Magistrate to such analyst, and such interrogatories and the answers thereto shall be received in evidence in any such proceeding.

26. In any prosecution under this Proclamation when the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any exception or provision contained in this Proclamation, it shall be incumbent upon him to prove the same.

27. If the defendant in any prosecution under this Proclamation prove to the satisfaction of the Court before whom he is charged that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect, that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution, but shall be liable to pay the charges and costs incurred by the prosecutor unless he shall have given due notice to him that he will rely on the above defence.

28. Nothing in this Proclamation contained shall in any way interfere with contracts and bargains between individuals and the rights and remedies belonging thereto: Provided that in any action brought by any person for a breach of contract on the sale of any article of food, or of any drug, or of any seed, such person may recover alone or in addition to any other damages recoverable by him the amount of penalty in which he may have been convicted under this Procla-

mation, together with the costs paid by him upon conviction, and those incurred by him in and about his defence thereto, if he prove that the article, or drug, or seed the subject of such conviction was sold to him as and for an article or drug, or seed, of the same nature, substance and quality, as that which was demanded of him, and that he purchased it not knowing it to be otherwise, and afterwards sold it in the same state in which he purchased it; the defendant in such action being nevertheless at liberty to prove that the conviction was wrongful or that the amount of costs awarded or claimed was unreasonable.

29. (1) Every person who shall forge, or shall utter knowing it to be forged for the purposes of this Proclamation any certificate or any writing or signature, shall be guilty of the crime of forgery or uttering a forged instrument as the case may be and punishable accordingly.

(2) Every person who shall wilfully apply to any article of food or a drug, or seed in any proceedings under this Proclamation a certificate, or invoice, or warranty given in relation to any other article or drug, or seed, shall be guilty of an offence under this Proclamation and be liable to imprisonment with or without hard labour for a period not exceeding twelve months.

(3) Every person who shall give a false warranty or invoice in writing to any purchaser of an article of food or drug, or seed sold by him as principal or agent shall be guilty of an offence under this Proclamation and shall be liable to the penalties provided by the second section of this Proclamation.

(4) Every person who shall give a label with any article sold by him which shall falsely describe the article sold by him as principal or agent, shall be guilty of an offence under this Proclamation and be liable to the penalties provided by the second section of this Proclamation.

Proc.160 30. In determining whether an offence has been committed under the fifth section of this Proclamation by selling to the prejudice of the purchaser, spirits not adulterated otherwise than by the admixture of water, it shall be a good defence to prove that such admixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin, or any other spirits.

31. The Governor shall have power to make rules and regulations for the guidance and conduct of officers and persons employed in carrying this Proclamation into effect, and for prescribing all things necessary to be done for effectually carrying the provisions of this Proclamation into effect and such regulations shall have the force of law.

SCHEDULE.

FORM OF CERTIFICATE.

To (1)
 I, the undersigned Public Analyst for the
 the day of 18
 from (2) of
 a sample of for analysis
 (which then weighed (3)), and have
 analysed the same, and declare the result of my analysis to be as
 follows:—

I am of opinion that the same is a sample of genuine
 or

I am of opinion that
 the said sample contained the parts as under, or the per
 centages of foreign ingredients as under:—

Observations (4)

As witness my hand, this day of 18
 at

A.B.

(1) Here insert the name of the person submitting the article for analysis.

(2) Here insert the name of the person delivering the sample.

(3) When the article cannot be conveniently weighed, this passage may be erased or the blank may be left unfilled.

(4) Here the analyst may insert at his discretion his opinion as to whether the mixture (if any) was for the purpose of

rendering the article portable, or palatable, or of preserving it, Proc. 160 or for improving its appearance, or was unavoidable, and may state whether in excess of what is ordinary or otherwise, and whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

No. 161 B.B., 1892.]

[Nov. 15, 1892.]

PROCLAMATION

By His Excellency Lieutenant-General WILLIAM
GORDON CAMERON, &c., &c.

WHEREAS it is expedient to repeal the "Extra-Proc. 161
dition Act, 1882," and to make provision in terms of a Convention^(c) entered into between the Orange Free State and the Territory of British Bechuanaland for the surrender to the said State of persons accused or convicted of the commission of certain crimes within the jurisdiction of the said State :

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

1. "The Extradition Act, 1882," is hereby repealed.
2. This Proclamation shall apply to the offences specified in the first Schedule hereto.
3. Where a person accused or convicted of having committed an offence (to which this Proclamation applies) in the Orange Free State has left such State, such person (in this Proclamation referred to as a fugitive criminal) if found in the Territory of British Bechuanaland shall be liable to be apprehended and returned to the said State in manner provided by this Proclamation, whether the offence in respect of which the surrender is sought was committed before or after the date of this Proclamation.

(c) *Vide* Government Notice No. 69 of 1892, printed in Appendix B *infra*.

Proc.161 4. The following restrictions shall be observed in respect to the surrender of fugitive criminals to the said State :

- (1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of a Resident Magistrate or to the Governor that the requisition for surrender has in fact been made with a view to try or punish him for an offence of a political character.
- (2) A fugitive criminal shall not be surrendered if he have already been tried and discharged or punished in the said Territory or is still under trial in the said Territory for the crime for which his extradition is asked.
- (3) A fugitive criminal who has been accused of some offence within the said Territory not being the offence for which his surrender is asked, or who is undergoing sentence under any conviction in the said Territory for any offence not being the offence for which the surrender is asked, shall not be surrendered until he shall have been discharged, whether by acquittal or on expiration of his sentence or otherwise.
- (4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his committal to prison.
- (5) A fugitive criminal shall not be surrendered if, subsequently to the commission of the crime or the institution of penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time according to the laws of the said Territory.

5. A requisition for the surrender of a fugitive criminal shall be made to the Governor by the President of the said State, and shall be accompanied by a warrant of arrest issued by the competent authority of such

State and by such evidence as according to the laws of Proc. 161 the said Territory would justify the arrest of such criminal if the crime had been committed in the said Territory. If the requisition relates to a person already convicted, it shall be accompanied by the sentence of condemnation passed against such person by the competent Court of such State.

A sentence passed *in contumaciam* shall not be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

6. Upon receipt of such requisition the Governor may by order under his hand and seal signify to a Resident Magistrate or Justice of the Peace that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

7. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, may be issued

- (1) By a Resident Magistrate or Justice of the Peace on the receipt or upon publication in the *Government Gazette* of the said order of the Governor, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in the said Territory.
- (2) By a Resident Magistrate or Justice of the Peace on such information or complaint and on such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the said Territory in which he exercises jurisdiction. Any person issuing a warrant under this section without an order from the Governor shall forthwith send a report of the fact of such issue together with the evidence and information or complaint or certified copies thereof to the Governor, who may if he think fit order the warrant to be cancelled and the person who

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has been apprehended on the warrant to be discharged.

Every warrant for the apprehension of any fugitive criminal shall command that he be brought before some Resident Magistrate.

A fugitive criminal apprehended on a warrant issued without the order of the Governor shall be discharged unless the Resident Magistrate receives from the Governor within thirty days of the date on which such person shall have been brought before him an order signifying that a requisition has been made for the surrender of such criminal.

8. When a fugitive criminal is brought before a Resident Magistrate, such Resident Magistrate shall hear the case in the same manner and have the same jurisdiction and powers as near as may be as if the prisoner were brought before him charged with an offence committed in the said Territory. The Resident Magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is not a crime for which extradition can be granted.

9. If the evidence adduced before the Resident Magistrate be found sufficient according to the laws of the said Territory, either to justify the committal of the fugitive criminal for trial in case the crime had been committed in the said Territory, or to prove that the fugitive criminal is the identical person convicted by the Court of the said State and that the crime of which he has been convicted is one in respect of which extradition could at the time of such conviction have been granted by the said Territory, the Resident Magistrate shall commit the fugitive criminal to prison, but shall otherwise order him to be discharged. If the Resident Magistrate commit such criminal to prison, he shall forthwith send a certificate of the committal to the Governor with such report thereon as he may think fit.

10. Upon the expiration of fifteen days after such committal, it shall be lawful for the Governor by

warrant under his hand and seal to order the fugitive^{Proo. 161} criminal to be delivered to such person or persons as may in his opinion be duly authorised to receive the fugitive criminal by such State, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person or persons to whom such warrant is directed and for the person or persons so authorised as aforesaid to receive, hold in custody, and convey within the jurisdiction of such State, the criminal mentioned in the warrant, and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of the like crime within the said Territory may be retaken upon an escape.

11. If sufficient evidence for the extradition of a fugitive criminal shall not be produced within two months from the date of his apprehension, it shall be lawful for the Chief Magistrate upon application made to him by or on behalf of such fugitive, and upon proof produced to the Chief Magistrate that reasonable notice of the intention to make such application has been given to the Crown Prosecutor, to order such fugitive to be discharged out of custody unless sufficient cause shall be shewn to the Chief Magistrate why such discharge ought not to be ordered.

12. Depositions or statements of witnesses taken in the said State under oath or under solemn affirmation to tell the truth, or copies of such depositions, or statements and warrant issued and sentences pronounced in the said State, the certificates stating the fact of conviction, or the judicial documents which prove it, shall be received in evidence in proceedings under this Proclamation, provided the same are authenticated as follows:—

- (1) A warrant shall purport to be signed by a Judge, Magistrate, or Officer of the said State.
- (2) Depositions or affirmations or the copies thereof shall purport to be certified under the hand of a Judge, Magistrate, or Officer of the said

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State to be the original depositions or affirmations or to be true copies thereof as the case may require.

- (3) A certificate of or a judicial document stating the fact of a conviction shall purport to be signed by a Judge, Magistrate or Officer of the said State.
- (4) In every case such warrant, deposition, affirmation, copy of certificate or judicial document shall be authenticated either by the oath of some witness or by being sealed under the official seal of some Officer of the Government of the said State, but any other mode of authentication for the time being permitted by law in the said Territory, may be substituted for the foregoing.

13. If the fugitive criminal claimed by the said State shall also be claimed by one or several other Governments on account of other crimes or offences committed upon their respective territories, his surrender shall be granted to that State or Territory whose demand is earliest in date.

14. Every article found in the possession of any fugitive criminal at the time of his arrest shall, if the competent authority so decide, be seized in order to be delivered up when such criminal shall be surrendered. Such delivery shall not be limited to the property obtained by theft or fraud, but shall extend to everything that may serve as proof of the crime.

15. The forms set forth in the Second Schedule to this Proclamation, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and when used shall be deemed to be valid and sufficient in law.

16. This Proclamation shall commence and take effect ten days after the publication in the *Government Gazette* of the Convention aforesaid.

FIRST SCHEDULE.

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1. Abduction.
2. Abortion, administering drugs or using instruments with intent to procure the miscarriage of women.
3. Assault with intent to commit any crime,
4. Assault occasioning grievous bodily harm or maliciously wounding.
5. Indecent assault.
6. Rape.
7. Bigamy.
8. Incest.
9. Child-stealing, kidnapping, and false imprisonment.
10. Culpable homicide.
11. Murder, or attempt or conspiracy to commit murder (including infanticide).
12. Arson.
13. Burglary or housebreaking (including the breaking into any office, store, or hut with intent to commit any crime).
14. Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
15. Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of any coin or money.
16. Deserting from any police or defensive force.
17. Offences against any law relating to the dealing in diamonds or gold.
18. Falsity, forgery, or counterfeiting or uttering what is forged, counterfeited, or altered.
19. Fraud, including fraud by a bailee, banker, agent, factor, trustee, director, or member or public officer of any company.
20. Offences against any law relating to the dealing in gunpowder, lead, or firearms.
21. Offences against insolvency laws.
22. Malicious injury to property.
23. Perjury or subornation of perjury.
24. Any malicious act done with intent to do injury to person or property on any railway, or to endanger the safety of any person travelling or being upon a railway.
25. Public violence.
26. Robbery.
27. Theft, including theft by means of false pretences and theft by means of embezzlement.
28. Receiving any money, valuable security, or other property knowing the same to have been stolen or unlawfully obtained.
29. Threats by letter or otherwise with intent to extort money or other things of value.

- Proc. 161 30. Being accessory to the commission of any of the aforesaid crimes or offences.
31. Participation in any of the aforesaid crimes provided such participation be punishable by the laws of the Orange Free State and the Territory of British Bechnaland.
32. At the discretion of the Governor of the said Territory, for any other crime for which, according to the laws of both such State and Territory for the time in force, extradition can be made.

SECOND SCHEDULE.

FORM OF ORDER FOR ISSUE OF WARRANT OF APPREHENSION.

To the Resident Magistrate (or
Esquire, Justice of the Peace)
for the district of

WHEREAS a requisition has been made to the Government of the Territory of British Bechnaland by the Government of the Orange Free State for the surrender of
late of

accused (or convicted) of the commission of the crime of
within the jurisdiction of the said State.

Now I hereby by this my order signify to you that such requisition has been made and require you to issue your warrant for the apprehension of the said
provided that the conditions of Proclamation No. 161 B.B., 1892, relating to the issue of such warrant are in your judgment complied with.

Given under my hand and seal this
day of
Governor of Bechnaland.

FORM OF WARRANT OF APPREHENSION BY ORDER OF THE GOVERNOR.

To the Field-Cornets, Police officers and other officers of the law proper to the execution of Criminal Warrants.

WHEREAS His Excellency the Governor by order under his hand has signified to me (or has notified) that requisition has been duly made for the surrender of
late of
accused

(or convicted) of the commission of the crime of
within the jurisdiction of the Orange Free State. This is therefore to command you in Her Majesty's name forthwith to apprehend the said

pursuant to Proclamation No. 161 B.B., 1892, wherever he may be found within the limits of the Territory of British Bechnaland, and bring him or cause

him to be brought before the Resident Magistrate for the ^{Proc. 161} district of _____ to shew cause why he should not be surrendered in pursuance of the said Proclamation, for which this shall be your warrant.

Given under my hand at this _____ day of _____ 18
 Resident Magistrate
 (or Justice of the Peace) for the District of _____

FORM OF WARRANT OF APPREHENSION WITHOUT ORDER OF THE GOVERNOR.

To the Field-Cornets, Constables, Police Officers, and other Officers of the law proper to the execution of Criminal Warrants.

WHEREAS it has been shown to the undersigned _____ Resident Magistrate (or Justice of the Peace) for the district of _____ that

_____ late of _____ is accused (or convicted) of the commission of the crime of _____ within the jurisdiction of the Orange Free State. This is therefore to command you in Her Majesty's name forthwith to apprehend the said _____ and to bring him or cause him to be brought before the Resident Magistrate, for the district of _____ to be further dealt with according to law, for which this shall be your warrant.

Given under my hand at this _____ day of _____ 18
 Resident Magistrate,
 (or Justice of the Peace) for the district of _____

FORM OF WARRANT OF COMMITTAL.

To the Gaoler of the _____ Gaol.

Be it remembered that on this _____ day of _____ 18
 _____ late of _____

is brought before me _____ Resident Magistrate for the district of _____ to show cause why he should not be surrendered in pursuance of Proclamation No. 161 B.B., 1892, on the ground of his being accused (or convicted) of the commission of the crime of _____ within the jurisdiction of the Orange Free State, and forasmuch as no such sufficient cause has been shown to me why he

Proc. 161 should not be surrendered in pursuance of the said Proclamation.

This is therefore to command you the said Gaoler to receive the said _____ into your custody and him there safely to keep until he is thence delivered pursuant to the provisions of the said Proclamation, for which this shall be your warrant.

Given under my hand at _____ day of _____ 18 _____
Resident Magistrate
for the district of _____

FORM OF WARRANT OF THE GOVERNOR FOR SURRENDER OF
FUGITIVE CRIMINAL.

WARRANT.

By His Excellency, &c.

To the Gaoler of the _____ Gaol
and to _____ (a)

Whereas _____ late of _____
accused (or convicted) of the commission of the crime of _____
within the jurisdiction of the Orange
Free State was delivered into the custody of you (b)
the said Gaoler by warrant dated (c)
pursuant to Proclamation No. 161 B.B., 1892.

Now therefore I the Governor aforesaid do hereby in pursuance of the said Proclamation, order you the said Gaoler to deliver the body of the said _____ into the custody of the said (a) _____ and I command you the said (a) _____ and I command the said _____ to receive the said _____ into your custody and to carry him within the jurisdiction of the said State and there to place him in the custody of any person or persons appointed by the said State to receive him, for which this shall be your warrant.

Given under my hand and seal this _____ day of _____ 18 _____

Governor.

(a). Insert name of person authorised by the Orange Free State to receive the criminal.

(b). Insert name of Gaoler.

(c). Date of warrant of committal.

No. 162 B.B., 1892.]

[Dec. 15, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make further pro-^{Proc. 162}visions for preventing the disease known as Foot and Mouth Disease spreading into the District of Gordonia, in the Territory of British Bechuanaland, and for that purpose to prevent the introduction into the said district of any animals coming from any country or area infected with the said disease :

And whereas the said disease is prevalent in the district of Kuruman in the said Territory, and in the Colony of the Cape of Good Hope :

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

1. From and after the date hereof it shall not be lawful to introduce into the District of Gordonia, in the Territory of British Bechuanaland, any cattle, sheep, goats, or pigs which come from or have passed through any portion of the district of Kuruman in the said Territory, or of the Colony of the Cape of Good Hope.

2. Any person who shall bring or cause or order to be brought into the district of Gordonia aforesaid, any cattle, sheep, goats, or pigs which come from or have passed through any portion of the said district of Kuruman or of the Colony aforesaid, shall be guilty of a contravention of this Proclamation, and shall on conviction be liable for every animal so introduced to a penalty not exceeding one hundred pounds sterling, or in default of payment thereof to imprisonment with or without hard labour for any period not exceeding twelve months, unless such penalty be sooner paid.

3. It shall be the duty of the Resident Magistrate of the district of Gordonia aforesaid and of every Justice of the Peace, Field-Cornet, or Police Officer in such district, or of any other person duly authorised for that

Proc. 162 purpose by such Resident Magistrate, to seize and arrest every animal which shall be found affected or reasonably supposed to be affected by the disease aforesaid, and which shall be found entering the district of Gordonia aforesaid from the district of Kuruman aforesaid or from the said Colony, and to isolate or cause such animal to be isolated at such places and for such period as he may deem fit, or to otherwise deal with or cause such animal to be otherwise dealt with in such manner as he may deem to be necessary for preventing the removal of such animal to other places or the spread of the said disease: Provided that no such animal shall be destroyed without the sanction of the Governor.

4. Any person who shall obstruct or prevent or attempt to obstruct or prevent, or aid any other person in obstructing or preventing the seizure, isolation, or the dealing with any animal under the provisions of this Proclamation, or who shall without lawful authority remove or attempt to remove or aid any other person in removing or attempting to remove any such animal, shall be liable on conviction to a penalty not exceeding £50 sterling or to imprisonment with or without hard labour for any period not exceeding three months, unless such penalty be sooner paid.

5. No person shall be liable to any suit or action in respect of any act done in respect of the seizure, isolation, or dealing with any animal pursuant to the provisions of this Proclamation.

No. 163 B.B., 1892.]

[Dec. 15, 1892.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 163 **W**HEREAS it is expedient to make provision for the punishment of persons convicted of contravening Section 14, of Proclamation No. 62 B.B., 1889:

Now, therefore, under and by virtue of the powers^{Proc.163} in me vested, I do hereby proclaim, declare, and make known, as follows:—

Any person who shall, in contravention of Section 14, of Proclamation No. 62 B.B., 1889, cut upon any Native Reserve in the Territory of British Bechuanaland any wood for sale or for any other than domestic purposes, without having previously obtained the licence by the said Section required, shall upon conviction be liable to a fine not exceeding £100 sterling, and in default of payment thereof to imprisonment with or without hard labour for any period not exceeding six months.^(d)

No. 164 B.B., 1892.]

[Dec. 22, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient for the purposes of^{Proc.164} Proclamations Nos. 64 B.B., 1889, and 113 B.B., 1891, to extend the meaning of "spirituous liquor" so as to include "Eau de Cologne:"

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

The term "spirituous liquor" in Proclamation No. 64 B.B., 1889, shall, for the purposes of the said Proclamation and of Proclamation No. 113 B.B., 1891, be deemed and taken to include "Eau de Cologne."

(d) Printed as amended by Proclamation 177.

No. 165 B.B., 1892.]

[Dec. 22, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.165 **W**HEREAS it is expedient in certain respects to amend Act No. 11, of 1871.

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

The first section of Act No. 11, of 1871,^(e) shall be read as if the words "or the Colony of the Cape of Good Hope" were inserted after the word "Colony" in the said section.

No. 166 B.B., 1892.]

[Dec. 29, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.166 **W**HEREAS it is expedient to make verbal amendments in certain Laws in force in the Territory of British Bechuanaland.

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

The Laws enumerated in the first column of the Schedule hereto shall be and the same are hereby amended to the extent set forth opposite each such law in the second column of the said Schedule.

(e) Printed at page 2666, vol. ii, of the Cape Statutes.

SCHEDULE OF LAWS AMENDED.

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LAWS.	AMENDMENTS.
Act 25, of 1891.	In Section 26 for the word "it" substitute "he," and omit the words "at any licensing meeting."
Proclamation 2 B.B., 1885.	In Section 22 of the Laws and Regulations for the word "difinite" substitute "definitive;" in Section 46 for the words "Resident Magistrate and Civil Commissioner of Vrijburg," substitute "Master of the Court of the Chief Magistrate of British Bechuanaland;" in Section 54 for the words "60 of these Regulations" substitute "2 of Proclamation 64 B.B., 1889;" in Section 64 omit the words "the amount payable for liquor licences shall be the same as in the Cape Colony," and insert the words "on or" between the words "out" and "before;" in the note appended to Charges by Messenger, Schedule B, for the words "included in" substitute the word "include;" in rule 4(a) Defendant's Attorneys' Charges omit the words "or Agent."
Proclamation 7 B.B., 1886.	In Section 2 for the words "is under" wherever they occur, substitute the words "does not exceed;" in Section 3 for the words "amounts to" wherever they occur, substitute the word "exceeds," and omit the words "and upwards" wherever they occur.
Proc. 13 B.B., 1886.	In the Schedule, Regulations 1 and 14, as amended by Government Notice of the 14th August, 1891, insert "the" before "Board of Management" and for the word "he" insert "the said Board." In Regulation 16 for the words "Resident Magistrate" substitute the words "Chairman of the Board" throughout.
Proc. 25 B.B., 1886.	In the first lines of Sections 3 and 4, and last line of Section 5, insert the words "first mentioned" between the word "said" and "Act."
Proc. 26 B.B., 1886.	In Section 2 for the word "aforesaid" substitute the words "for the Government of British Bechuanaland," and in Section 3 for "19" substitute "20."

LAWS.	AMENDMENTS.
Proc. 48 B.B., 1888.	In Section 4 omit the word " sheep " where it first occurs.
Proc. 63 B.B., 1889.	In Section 13 for " 9 " substitute " 10. "
Proc. 138 B.B., 1892.	In Sub-Section 1 of Section 3 for the word " sixteenth " substitute " first. "
Proc. 139 B.B., 1892.	In Section 1 for the word " Act " substitute " Proclamation. "

No. 167 B.B., 1892.]

[Dec. 29, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.167 **W**HEREAS the High Commissioner for South Africa did, by Proclamation dated the 2nd day of December, 1892, declare that the duplicate original register, or original registers as the case may be, of every marriage legally celebrated within the limits of the Territories as defined in section 3 of the Proclamation of the said High Commissioner dated the 27th day of September, 1892, shall be transmitted to the Colonial Secretary of the Territory of British Bechuanaland :

And whereas it is expedient to impose on the said Colonial Secretary upon payment to him of certain fees, the duty of filing and safely preserving in his office all duplicate original register and original registers so transmitted to him as aforesaid, and to authorise all persons upon payment to such Colonial Secretary of certain fees, to search the file or files of such duplicate original register or original registers in the said office preserved, and to obtain from the said Colonial Secretary certified Copies of such duplicate original register or original registers :

Now, therefore, under and by virtue of the powers^{Proc. 167} in me vested, I do hereby proclaim, declare, and make known as follows:—

1. It shall be the duty of the Colonial Secretary of the Territory of British Bechuanaland upon the receipt by him from any person legally empowered to solemnise marriages within the limits of the Territory as defined in section 3 of the Proclamation of the High Commissioner for South Africa dated the 27th day of September, 1892, of the duplicate original register, or original registers as the case may be, of any marriage solemnised by such person within the said limits, and upon payment to such Colonial Secretary by such person of a fee of half a crown to be denoted by stamps to be affixed to such duplicate original register or original registers as the case may be, and to be cancelled by such Colonial Secretary, to file and safely preserve the same in his office, and every such duplicate original register or original registers and also every copy of such duplicate original register or original registers certified under the hand of such Colonial Secretary to be a true copy shall respectively be good evidence of the facts therein recorded in and before all Courts and proceedings whatsoever in which it shall be necessary to give evidence of the marriage to which the same shall relate.

2. It shall be lawful for all persons at all reasonable times in the day except Sundays to search the file or files as the case may be of such duplicate original register or original registers in the said Office preserved in the presence of the person for the time being having the care of the same, and to have a true copy or true copies of any such duplicate original register or registers which true copy or copies such Colonial Secretary is hereby required to make and certify under his hand to be a true copy or copies in the form of the duplicate original register or registers as the case may be, except that the same shall be headed "Certified copy or copies of duplicate original marriage register," or "Certified copy or copies of marriage register" as the case may

Proc.167 be, and shall be dated on the day, month and year when the same shall be delivered.

3. The following fees shall be demandable by and payable to the said Colonial Secretary before the performance of the act to which the same respectively relate, that is to say :

- (a) For every general search of any such file or files as aforesaid not directed to any particular entry, four shillings.
- (b) For every search of any such file or files for a particular entry, two shillings.
- (c) For every search of any such file or files for two or more particular entries and not exceeding four entries, one shilling each.
- (d) For every search of any such file or files for any number of particular entries exceeding four, four shillings.
- (e) For every certified copy as aforesaid, two shillings.

No. 168 B.B., 1893.]

[Jan. 5, 1893.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.168 **W**HEREAS it is expedient to regulate the admission of land surveyors in the Territory of British Bechuanaland :

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

1. So much of the regulations published by Government Notice of September 18th, 1886, (f) and of any law or usage inconsistent with or repugnant to the provisions of this Proclamation, are hereby repealed.

2. Every person who, previous to the publication of this Proclamation, shall be in the Territory of British Bechuanaland duly admitted to practise as a land surveyor shall, notwithstanding this Proclamation, be entitled to continue to practise as aforesaid without paying any further fees: Provided, however, that every such land surveyor shall forthwith after the publication hereof take and subscribe before a Justice of the Peace a solemn declaration in the form of the schedule hereunto annexed, and shall forward the same to the Surveyor-General to be by him filed in his office.

3. From and after the publication of this Proclamation no person shall be admitted to practise as a land surveyor in this Territory without having previously obtained a licence signed by the Administrator of the said Territory, and no such licence shall be granted unless such person shall possess a certificate of admission by the Government of the Colony of the Cape of Good Hope at any time to practise as a land surveyor, together with a report under the hand of the Surveyor-General of the said territory, recommending the admission of such person. And any person desirous to be admitted as aforesaid shall send a written application to that effect, together with his qualifications, to the Surveyor-General aforesaid, who shall, if satisfied that the said applicant is a fit and proper person to be admitted as a surveyor, forthwith forward the said qualifications, together with the report under his hand recommending the admission of such person, to the said Administrator who is hereby empowered, if satisfied as to the identity and qualifications of such person, and on payment of the fees as in that behalf required by law, to admit such person as a land surveyor: Provided, however, that no such admission shall entitle such person to practise until the same shall have been notified in the next issue of the *Government Gazette*, and until such person shall have signed the solemn declaration in the last preceding section mentioned and forwarded the same to the said Surveyor-General to be by him filed in his office, and the said Surveyor-General shall forthwith inform the

Proc. 1688 said Administrator of the signature of the said declaration.

4. It shall be the duty of the said Surveyor-General, in case he shall refuse to grant to any applicant for admission as a surveyor the said report recommending his admission, to give notice to such applicant of such refusal within thirty days after receipt of such application.

5. If the Surveyor-General aforesaid shall refuse to grant to any person applying for admission to practise as a land surveyor in the said Territory the report of recommendation aforesaid, it shall be lawful for such applicant by notice in writing to call upon the said Surveyor-General to appear before the Court of the Chief Magistrate on a day not less than seven days after the date of such notice, and there to show cause why he should not be ordered by the said Court to grant the report aforesaid, and the Surveyor-General aforesaid shall be bound to appear before the Court aforesaid on the day aforesaid and to assign his reasons for such refusal, and thereupon the Chief Magistrate shall be empowered to make such order as to him shall seem fit and proper: Provided that the Chief Magistrate shall not be bound to assign any reasons for his decision if he shall refuse to grant such applicant any relief.

6. If the Surveyor-General aforesaid shall become cognizant of any professional misconduct or alleged professional misconduct of any surveyor, such as gross negligence, dishonesty, or inefficiency, the Surveyor-General shall, after due examination into the circumstances, and in case there is in his opinion a *prima facie* case against such surveyor, bring the circumstances to the notice of the Chief Magistrate by application to him for the cancellation of the licence of such surveyor, or for the suspension of such surveyor from practice, of which not less than thirty days' notice shall be given to such surveyor, and it shall be lawful for the Chief Magistrate, upon proof being produced of such professional misconduct as aforesaid, to cancel the licence of such surveyor or to suspend such surveyor from

practice for such period as to him may seem fit, Proc. 168 subject always to the right of appeal by such surveyor to the Governor, whose decision shall be final, and provided that no such cancellation or suspension be made unless due notice shall have been given by the said Chief Magistrate to such surveyor of the charges brought against him, and of the time and place when and where every reasonable opportunity for defending himself will be given, such trial to take place not less than six weeks from the date of receipt of such notice by such surveyor.

7. The Surveyor-General aforesaid in the *bona fide* exercise of his duty and discretion, either in giving his reasons for refusing to grant the report of recommendation for admission aforesaid, or in stating his reasons for applying for the cancellation of the licence of a surveyor or for the suspension of such surveyor from practice, shall not be liable to any action or suit for damages for defamation of character, libel, or any other cause at the instance of any party against whom such reasons for refusing the said report of recommendation shall have been unsuccessfully stated, or against whom the said application for cancellation or suspension shall have been unsuccessfully made.

8. It shall not be lawful for the Registrar of Deeds to enregister in the public Land Register the result of the survey of any person who shall not be entitled to practise in the said Territory as a land surveyor in accordance with this Proclamation.

9. It may be lawful for the said Surveyor-General, in the case of an application for admission to practise as a land surveyor in the said Territory, by any person who shall produce proof of admission to practise in the Colony of the Cape of Good Hope, before granting the report of recommendation mentioned in Section 3, to require such applicant to submit to an examination on the practical knowledge of his profession, subject to rules and regulations similar to those generally observed in the Colony of the Cape of Good Hope with regard to such practical examinations.

SCHEDULE.

DECLARATION.

I,.....do solemnly and sincerely promise to discharge the duties of a Land Surveyor carefully, and without partiality, fear, favour, or affection, and to conform to all regulations defining those duties which are now in force, or shall hereafter be established by competent authority.

2. If at any time I shall receive notice in writing from the Surveyor-General, that, having reason to regard my survey of any land as incorrect, he requires me either to admit or deny by some writing addressed to him the incorrectness of the said survey, I promise within a reasonable time (not being less than two months after notice) to comply with such requirement.

3. If in any case I shall refuse or neglect so to comply, or shall admit the incorrectness of the said survey, the Surveyor-General shall have the right of requiring from me, at his discretion, either that I shall refund all money received by me for such survey, or that I shall, at my own cost, rectify it, and the diagrams and plans thereof, with which requirement I promise to comply.

4. If, however, in any case I shall deny the incorrectness of my survey of any land, I hereby agree that the question of its correctness shall be determined in the following manner:

The Surveyor-General shall name a Surveyor for the purpose of re-surveying the land in question, and shall communicate his name to me, whereupon I shall be entitled to name a Surveyor and to communicate his name to the Surveyor-General. Having done this, the two Surveyors so named shall together perform a re-survey in order to test the accuracy of my work, and upon its completion, they, together with the Surveyor-General (or either of his Assistants) shall form a Commission of Inquiry, which Commission shall, upon the evidence obtained by the re-survey, and upon such other evidence as either the Surveyor-General or myself may have supplied, decide whether my survey was incorrect or otherwise. In the former case this Commission shall likewise determine: *first*, whether I shall refund the money received by me for my survey, or shall, at my own cost, rectify the errors thereof, and *secondly*, if any and how much of the cost of the re-survey, and of the cost of the Commission of Inquiry shall be paid by me.

5. Provided that if, upon my being informed of the name of the Surveyor named by the Surveyor-General, I shall elect to waive my right of likewise naming a Surveyor, I shall at once inform the Surveyor-General thereof, and thereupon the re-survey shall be made solely by the Surveyor named by the Surveyor-General, and provided also that in any case, in which I shall have named a Surveyor, it shall be competent for the Surveyor-General to agree to the performance of the re-survey

by the said Surveyor alone, instead of by the Surveyor previously named by himself.

6. In either of the two cases mentioned in the preceding paragraph, the Commission of Inquiry shall consist of only two persons, namely, the Surveyor-General (or either of his Assistants) and the Surveyor who has performed the re-survey, but it shall have the same powers as the Commission constituted as provided in the fourth paragraph of this declaration. Provided that, in the event of its two members being unable to agree as to their decision, a third Surveyor shall be added to the Commission, such third Surveyor to be named by myself or by the Surveyor-General, according as the re-survey was performed by the Surveyor-General's nominee, or by my nominee.

7. Further, I promise in every case to recognise the decisions of the Commission of Inquiry as final and binding upon me, and to conduct myself accordingly.

8. Lastly, I agree that nothing contained in this declaration shall prejudice the right of the Government, or of any person interested in any survey proved to be incorrect, to recover damages from me for any loss, direct or indirect, resulting from such erroneous survey.

Declared before me
 this _____ day of _____ at _____, 18____
 Justice of the Peace.

No. 169 B.B., 1893.]

[Feb. 1, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
 &c., &c.

WHEREAS it is expedient to constitute and establish a Court, to be styled "The British Bechuanaland Concession Court," to exercise jurisdiction for the purpose of enquiring into and deciding upon the validity and scope of claims founded upon grants of land or mineral or other concessions alleged to have been before the 5th day of May, 1891, acquired from native chiefs or other persons in respect of any part of the territory over which on the said date Her Majesty's Sovereignty was proclaimed by Proclamation No. 106

Proc.169

Proc. 189 B.B., 1891, and which now forms portion of British Bechuanaland: And whereas, in furtherance of the object aforesaid, it is desirable to proclaim the powers, jurisdictions and authorities, and in general to regulate the proceedings of the said Court :

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

1. A Court shall be and is hereby constituted and established, to be styled “The British Bechuanaland Concession Court,” and hereinafter referred to as “the said Court,” which shall be composed of a President and two Assessors, with a Secretary, each of whom shall be appointed by the Governor by Government Notice in the British Bechuanaland *Government Gazette*, and shall hold office during the pleasure of the Governor.

2. Any change in the person of the President, either Assessor, or Secretary, shall be notified in like manner, but the functions of the Secretary may be performed by any person temporarily appointed for that purpose at any time by the said Court or the Governor.

3. The said Court shall have power, jurisdiction and authority from time to time within such period as the Governor shall fix and determine, and at one or more sittings or adjourned sittings at Vryburg or elsewhere in British Bechuanaland, to inquire into and decide upon the validity and scope of all claims founded upon grants of land or mineral or other concessions alleged to have been before the 5th day of May, 1891, acquired from native chiefs or other persons in respect of any part of the territory over which, on the said date, Her Majesty's Sovereignty was proclaimed by Proclamation No. 106 B.B., 1891, and which now forms portion of British Bechuanaland; and the said Court shall exercise such power, jurisdiction and authority subject to and in accordance with the provisions of this Proclamation, and with any directions or instructions published in manner provided in section 28 hereof, and failing such provisions, directions and instructions, in accordance with the principles of the

Roman-Dutch law as administered in British Bechuana-Proc. 109
land.

4. The President and the two Assessors aforesaid, shall, for the purposes of this Proclamation in general exercise the powers and functions of the bench of three judges composing the Supreme Court of the Colony of the Cape of Good Hope, sitting in Capetown: Provided that

- (a) The decision of a majority shall be the decision of the said Court;
- (b) The President and one Assessor shall form a quorum for the purposes of any decision; and
- (c) The Governor may for the purposes of any particular matter or matters coming before the said Court, appoint specially by Government Notice as aforesaid, any person to act either as President or as an Assessor of the said Court during the Governor's pleasure.

5. The Secretary of the said Court shall have and exercise the powers and functions which are by law, rule of Court or practice vested in or conferred upon the Registrar of the Supreme Court aforesaid, and shall duly preserve the records of the proceedings of the said Court constituted by this Proclamation.

6 The procedure before the said Court shall be in accordance with the rules of the Court, and practice established and followed in the Supreme Court aforesaid, so far as applicable, subject always to the provisions of this Proclamation, to such rules as may be framed and published in manner provided in Section 10 hereof, and to the decisions of the said Court hereby constituted upon all matters of practice arising in the course of any matter coming before the said Court under this Proclamation.

7. Within a time to be fixed by Government Notice in the *Gazette* aforesaid, which notice shall likewise be published in the *Government Gazette* of the Colony of the Cape of Good Hope, all such claims as aforesaid shall be filed with the Secretary of the said Court or any person appointed by the Governor for the purpose,

Proc. 1899 and every claim shall be set forth in a document to be styled the claimant's declaration, to which document shall be annexed such other documents as the claimant relies upon in support of his claim or notarial copies thereof: Provided that the filing of such notarial copies shall in no case be deemed to render unnecessary the due production, at the inquiry into or trial of any claim, of the original document or documents so relied upon.

8. No claim not duly filed within the time fixed as aforesaid, or such extended time as may be allowed by further Government Notice, shall be admitted to be filed, nor shall any such claim be thereafter entitled in any manner to recognition as of any legal validity in British Bechuanaland or elsewhere: Provided that by special authority in writing from the Governor, a claim may be admitted to be filed for inquiry and decision by the said Court, notwithstanding the lapse of the period or periods fixed or allowed as aforesaid.

9. The Government of British Bechuanaland shall be deemed to be a party in respect of every matter coming before the said Court for inquiry and decision, and may, by counsel or attorney, intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit, but the said Court shall in no case direct that costs of any claimant occasioned by opposition or other proceeding duly authorised by the Government shall be paid by the Government, unless it shall appear that such opposition or other proceeding is vexatious or frivolous.

10. Any person interested in supporting or opposing any claim in whole or in part may with the leave of the said Court in like manner either in person or by counsel or attorney intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit, and the said Court shall in inquiring into or deciding upon any claim afford sufficient opportunity to all such persons to take advantage of the provisions of this section, and for that purpose and generally for the purposes of this Proclamation the said

Court may frame such rules of procedure and practice^{Proc. 188} as it may deem expedient, which shall be of full legal force and effect upon approval by the Governor and publication in the *British Bechuanaland Government Gazette*.

11. Notice of any claim founded upon an alleged grant by or concession from any native chief shall be given to such chief or his successor by the Secretary of the said Court, in full time to permit such chief or his successor to take advantage of the provisions of the last preceding section, and such notice shall be given either by personal service or by publication in the said *Government Gazette* as the President of the said Court shall direct.

12. At the request of the claimant, any party or any interested native chief or other person, the Secretary, with the authority of the said Court or the President, or either Assessor thereof, may grant, and the said Court or the President, or either Assessor thereof, may in the interests of justice direct the Secretary to issue subpoenas or summonses, calling upon any person therein named to appear upon a day and at the place therein appointed, and to testify before the Court concerning any matter in issue as the subject of inquiry, and every person shall be bound and obliged to conform to and obey any such subpoena or summons, or any other competent order of the said Court duly served, whether such subpoena, summons, or order be granted or issued for the purpose of calling such person to give evidence or for the furtherance of any other purpose within the scope of the power, jurisdiction and authority conferred upon the said Court; and for default of obedience to any such subpoena, summons, or order, the penalty shall be such as the Supreme Court aforesaid might in like case by attachment, fine, imprisonment, or otherwise direct and impose.

13. Evidence in connection with any matter coming before the said Court may be taken before the President or at least one Assessor with the Secretary, or some person appointed to act as Secretary, and for this pur-

Proc. 169 pose the President or such Assessor or Assessors shall form a quorum of the said Court with all the power, jurisdiction and authority hereby conferred, save and except that of finally deciding upon such matter otherwise than in accordance with Section 4 hereof.

14. The said Court shall have power to administer an oath to any witness, but may in its discretion admit affidavits or take oral statements in lieu of evidence upon oath from any witness, but all witnesses whether testifying upon oath or not shall be liable for false testimony to prosecution before any competent Court in British Bechuanaland, and on conviction to the punishment provided for the crime of perjury.

15. The proceedings of the said Court shall be open to the public unless the said Court shall otherwise direct, and notes of the evidence given in connection with any claim shall be duly recorded and preserved.

16. The said Court shall have power to punish summarily any person who shall commit contempt of Court, and to issue a warrant for the arrest of any person whom the said Court may suspect of having committed the crime of perjury as aforesaid, or of being guilty of any fraud, forgery, conspiracy, or attempt to commit any of the said crimes, or generally of any crime, in connection with any matter coming before the said Court; and any person so arrested may be brought to trial or otherwise dealt with according to law by any Court of competent jurisdiction in British Bechuanaland.

17. Appeals shall lie from final judgments or orders of the said Court to Her Majesty's Privy Council in like case and manner, and subject to the like legal provisions, rules of Court and practice which are in force and observed in connection with appeals from the final judgments or orders of the Supreme Court aforesaid: Provided that no leave to appeal shall be granted—

(a) Unless within one fortnight from the date of any judgment or order a petition for leave to appeal be filed with the Secretary of the said Court;

- (b) Save with the concurrence of the President of the said Court, who shall have jurisdiction to determine in every such petition without any Assessor :

And provided, further, that

- (1) If within three calendar months from the date of any final judgment or order no leave to appeal shall have been obtained either from the said Court, with the concurrence of the President, from the President thereof, or from Her Majesty's Privy Council ; or
- (2) If, in case leave to appeal shall have been obtained, such appeal be either withdrawn, lapse by default at any stage, or be determined otherwise than by the final judgment or order of Her Majesty's Privy Council ;

Every final judgment or order shall be deemed and taken to be and become *ipso facto* absolute, and titles or rights recognised or conferred thereby shall be and become indefeasible subject to the provisions of this Proclamation.

18. The decision of the said Court shall not affect any land lying beyond the boundaries of British Bechuanaland to which any claim founded on an alleged grant or concession may extend.

19. The said Court shall have special power to adjudicate upon

- (a) The alleged rights of Sovereignty of Willem Chrestian or Christian, Chief of the Bondelswartz Natives, and his alleged rights and powers to grant land or make concessions, in respect of any portion of the district of Mier ;
- (b) The alleged rights of Sovereignty of David Philander, and his alleged rights and powers to grant land and make concessions, in respect of the country occupied by him and the people under him ;
- (c) The alleged rights of Sovereignty and the alleged rights and powers of the Bakalahari Chief Depullho, of Lohututu, to grant land or

Proc. 160

make concessions in any part of the district of Mier.

20. No grants of land or concessions shall be valid
- (1) If found to have been made by any Chief without the express consent or concurrence of his Council ;
 - (2) If made by any Chief with relation to land in the possession of another Chief or his people without the express consent or concurrence of the latter Chief and his Council ;
 - (3) If found to have been obtained by fraudulent or other improper means, or without adequate valuable consideration ;
 - (4) If the said Court shall find that any of the terms or conditions upon which such grant or concession was made has not been duly and satisfactorily performed ;
 - (5) If the said Court shall not be satisfied of the authenticity of the document or documents of grant or concession relied upon, or that the grantee or cedent chief or person well understood the nature and terms of the grant or concession ;
 - (6) If the said Court shall find that the recognition of its validity would render impossible the establishment at any place of a suitable reserve for natives in accordance with the law of British Bechuanaland.

21. No condition in any grant or concession shall be valid

- (1) Which purports to confer exemption from taxation or from the law now or hereafter in force in British Bechuanaland ; or
- (2) Which is found by the said Court to be calculated to confer or create
 - (a) Any monopoly, or
 - (b) Any sole and exclusive right of trading or carrying on any commercial operation or undertaking, or

- (c) Any sole and exclusive right of carrying^{Proc. 189} on any industrial or manufacturing operation, or any chemical operation concerning the winning or recovery of precious metals, or the reduction of refractory ores; or

- (3) Which beyond reasonable or within vague or ill-defined limits confers sole or exclusive rights to precious stones or minerals :

Provided that the said Court may in its judgment and discretion define reasonable limits within which any such last mentioned condition may be recognised as valid.

22. Any land, a grant or concession of which in ownership is found to be valid by the said Court, shall be deemed to be acquired subject to

- (a) An annual quitrent, being not less than the amount which would be payable if such land were situated within the district of Gordonia, redeemable at 20 years' purchase ;
- (b) Such terms, conditions or servitudes as are usually inserted in grants on perpetual quitrent in accordance with the law and practice prevailing in British Bechuanaland :

Provided that the reservation of the right to the Crown of precious stones and minerals shall not be included in the title of any land which the said Court may by its decision under this Proclamation award in ownership to any claimant who shall establish a sole and exclusive right to precious stones or minerals within such reasonable limits as aforesaid as may be defined by such decision.

23. The said Court in its discretion shall have full power to reduce claims founded on alleged grants or concessions, which shall be found to be immoderate or unreasonable, and may by its decisions modify the terms, conditions, or scope of any grant or concession, or may impose equitable limitations, restrictions or conditions upon the exercise of any grant or concession: Provided that the powers conferred by this section shall

Proc. 10080 far as possible be exercised in any manner not inconsistent with the law of British Bechuanaland.

24. Before any title be issued to any land a grant of which is affirmed by any judgment of the said Court, and before any rights of possession can be claimed under any judgment in respect of any land affected by any grant or concession whether of ownership or of any lesser right to such land, such land shall be surveyed by some duly qualified surveyor, whose work must be submitted for the approval of the Surveyor-General, and the cost of such survey shall be paid by the person, persons or company claiming to be entitled under such judgment.

25. No decision affirming any right or privilege in respect of land short of a right of ownership shall be deemed to exempt the holder at any time of such right or privilege from such laws as may be made hereafter regulating the exercise thereof.

26. The fees of office and Court fees to be taken from claimants or other parties interested and appearing in connection with any matter coming before the said Court shall be the same as those which would in like case or matter be taken in the Supreme Court aforesaid: Provided that the said Court hereby constituted may, in any case not provided for, decide the fee to be taken in such and all similar cases.

27. The costs of proceedings before the said Court shall be liable to taxation in manner provided by the rules and practice of the Supreme Court aforesaid, and upon the same scale or tariff, unless the said Court hereby constituted shall otherwise decide or determine by rules framed under the powers conferred upon it by section 10 hereof; and the Secretary of the said Court shall be the Taxing Officer.

28. The Governor may from time to time, by Government Notice in the British Bechuanaland *Government Gazette* issue directions or instructions to the said Court as occasion may require, and every such direction or instruction shall, from the date of such publication, be of like force and effect as though here enacted, and

may relate as well to claims then already filed, or Proc. 169 inquiries or matters then already proceeding as to claims filed, or inquiries or matters proceeding subsequent to the date of such notice.

No. 170 B. B., 1893.]

[Feb. 6, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make an additional Proc. 170 Regulation to be in force and to be observed in all prisons in the Territory of British Bechuanaland:

Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known, that the Regulation in the Schedule hereto shall be in force and to be observed in all prisons in the Territory of British Bechuanaland.

SCHEDULE.

PRISON REGULATION.

The Resident Magistrate or Assistant Resident Magistrate may place in chains any convict

- (a) Who has escaped, or attempted to escape, or whose violent, insubordinate or refractory conduct demands such restraint; or
- (b) Whom he may have grounds for suspecting of meditating an escape or violence; or
- (c) Who has been convicted of inciting other convicts to insubordinate conduct.

The circumstances under which the chains have been put on the convict shall be reported to the Administrator for his consideration and decision as to the length of time they may be kept on the convict: Provided that no convict shall be kept in chains for a longer period than three months without the written approval of the Governor.(g)

(g) Vide Proclamation 104, Section 27.

No. 171 B.B., 1893.]

[Feb. 10, 1893.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.171 **W**HEREAS it is expedient to declare that all moneys arising from fines, penalties and forfeitures incurred under Parts 1 and 2 of the "Police Offences Act, 1882," within the limits of any Township in the Territory of British Bechuanaland subject to the control of a Board of Management under the provisions of the Villages Management Act of the Colony of the Cape of Good Hope as amended by Proclamation in the said Territory shall, when recovered, be paid to such Board of Management :

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

Notwithstanding anything to the contrary contained in Section 19 of the Laws and Regulations for the Government of British Bechuanaland under Proclamation No. 2 B.B., 1885, all moneys arising from fines, penalties and forfeitures incurred under Parts 1 and 2 of "The Police Offences Act, 1882," within the limits of any Township in the Territory of British Bechuanaland, subject to the control of a Board of Management under the provisions of the Villages Management Acts of the Colony of the Cape of Good Hope, as amended by Proclamation in the said Territory shall, when recovered, be paid to such Board of Management: Provided, however, that it shall be competent for the Court before which any person shall be convicted to award an amount not exceeding one-half of the amount of any such money recovered to any informer or person prosecuting.

No. 172 B.B., 1893.]

[Feb. 23, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to remove doubts as to ^{Proc. 172} the existence of a set of Standard Weights and Measures in the Territory of British Bechuanaland: And whereas it is inconvenient to provide sets of Standard Weights and Measures to be in use in all the districts of the said Territory in manner contemplated by Section 6, of the Act No. 11, of 1858, and for the purposes contemplated by that Act, and by the Act No. 15, of 1876:

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

1. The copies, models, or standards of Standard Weights and Measures now in the custody of the Resident Magistrate for the district of Vryburg, in the Territory of British Bechuanaland, shall be for all legal purposes deemed and taken to satisfy the requirements of Sections 2, 3, and 4 of the Act No. 11, of 1858, and to be the original and genuine standards for the said Territory for the purposes of Section 71 of the Laws and Regulations for the Government of British Bechuanaland enacted by Proclamation No. 2 B.B., 1885, subject always to the replacement of lost, destroyed, or injured copies, models or standards, and to the inspection of the abovementioned copies, models, or standards in accordance with the provisions of the Acts aforesaid.

2. The original and genuine standards aforesaid may from time to time, with the authority of the Administrator of the said Territory, be conveyed from Vryburg to any other place in the said Territory, and there be used by the Resident Magistrate, or any person appointed by the Resident Magistrate, under Section 4 of the Act No. 15, of 1876, for the purposes of the

Proc.172 provisions of the Act No. 11 of 1858, and of the Act No. 15 of 1876, in order to effect the examination, comparison, and assizing of Weights and Measures provided for by the said Acts.

3. Nothing in this Proclamation contained shall be deemed to limit the powers of the Governor under Section 6 of the Act No. 11 of 1858, and any sets of Standard Weights and Measures which may at any time be provided under that section, shall thereafter be used for the purposes of that Act and of the Act No. 15, of 1876, within the districts for which such sets have been provided.

4. No further or other Proclamation under Section 18 of the Act No 11 of 1858, shall be deemed to be required.

No. 173 B.B., 1893]

[Feb. 23, 1893.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.173 **W**HEREAS it is expedient that, as to the District of Gordonia, in the Territory of British Bechuanaland, the word "game" in Section 2 of the "Game Law Amendment Act, 1886," should be taken to include the several birds commonly known as "Wild Duck," "Wild Goose," and "Snipe": And whereas it is expedient to repeal Proclamation No. 77 B.B., 1890, and to make other provision in lieu thereof:

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

1. The word "game" in Section 2 of the "Game Law Amendment Act, 1886," (*h*) shall, as to the District of Gordonia, in the Territory of British Bechuanaland, be taken to include the several birds commonly known as "Wild Duck," "Wild Goose," and "Snipe."

2. Proclamation No. 77 B.B., 1890, shall be and Proc.173 the same is hereby repealed.

3. From the 1st September to the 31st December inclusive, it shall not be lawful within the District aforesaid to kill, pursue, or shoot at the several birds in Section 1 of this Proclamation mentioned.

4. From the 1st September to the last day of February inclusive, it shall not be lawful within the District aforesaid to kill, pursue, hunt, or shoot at the several birds and animals, not being domesticated, commonly known as Pauw, Black Korhaan, Vaal Korhaan, Bosch Korhaan, Dikkop, Guinea Fowl, Pheasant, Partridge, Grouse, Hare, and Buck (including the whole Antelope species), with the exception of Springbucks actually migrating.

No. 174 B.B., 1893.]

[April 1, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to repeal Section 2 of Proc.174 the "Brands Registration Act, 1890," (i) and to make other provision in lieu thereof:

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

Section 2 of the "Brands Registration Act, 1890," is hereby repealed, and the following Section inserted in the said Act in lieu thereof:—"The operation of this Act shall be in force in the Division of Vryburg, in the Territory of British Bechuanaland, and may hereafter be extended to and throughout any other division in the said Territory by the Governor, by notice to be published in the *Government Gazette*: Provided, however, that no such extension as aforesaid shall be made to

(i) Printed in Appendix A *infra*.

Proc.174 and throughout any such last-mentioned division in which there shall be a Divisional Council, unless and until

- (a) Such Divisional Council shall have passed, by a majority of the elected members of such Council, a resolution requesting the Governor to make such extension; and
- (b) It shall be proved to the satisfaction of the Governor that at least six weeks before the date of such resolution notice has been given in some newspaper circulating in such division of the proposal to pass such a resolution at some meeting referred to in such notice.

No. 175 B.B., 1893.]

[April 11, 1893

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc.175 UNDER and by virtue of the powers and authorities vested in me by section 24 of the "Brands Registration Act" No. 12 of 1890, (j) I do hereby proclaim, declare, and make known, that the Regulations in the Schedule hereunto annexed shall from this date be Regulations in pursuance of and for the proper carrying out of the provisions of the said "Brands Registration Act."

SCHEDULE TO THE FOREGOING PROCLAMATION.

REGULATIONS IN TERMS OF ACT NO. 12 OF 1890.

1. Position and order of Brand on :
 - (a) Horses.
 - First portion, near quarter
 - Second portion, off quarter
 - Third " near shoulder or neck
 - Fourth " off shoulder or neck
 - Fifth " near saddle or ribs
 - Sixth " off saddle or ribs

(j) Printed in Appendix A *infra*.

(b) Cattle.

- First portion, off rump hip or thigh
 Second portion, near rump, hip or thigh
 Third „ off shoulder, neck or head
 Fourth „ near shoulder, neck or head
 Fifth „ off ribs
 Sixth „ near ribs

(c) Ostriches.

- First portion, off leg
 Second portion, near leg.

The Breeder or Proprietor imprinting the first Brand on any Stock may brand on any portion he may think fit, and the portions shall follow in consecutive order, portion one succeeding portion six.

Every second or subsequent Brand intended to be imprinted on any Stock shall, when there is space, be imprinted on the same portion, directly under the preceding Brand; and where there is not space, such second or subsequent Brand shall be imprinted on the portion next in order, and so on.

2. The following fees shall be paid to the Registrar or Deputy Registrar, viz:—

(a) Application for Registration, 10s.

(b) Transfer of Brand, 10s.

3. Every Brand registered shall consist of not more than two letters and one numeral, or of two signs or characters and one numeral, or of not more than two numerals and one sign or character.

4. No Branding Iron for Horses shall be less than one-and-a-half inches in length, and for Cattle and Ostriches less than two inches in length.

No. 176 B.B., 1893.]

[May 2, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
 &c., &c.

WHEREAS it is expedient to establish certain Proc.176 rules and regulations concerning the granting of pensions and of superannuation and other allowances to persons employed in the service of the Government of British Bechuanaland:

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

Proc. 176

1. The Fixed Establishment of the Civil Service of British Bechuanaland shall comprise all persons holding, or who may hereafter be permanently appointed to any Office mentioned in Schedule A of this Proclamation or hereafter added to that Schedule by Proclamation, so long as any such person shall hold such office.

2. Persons permanently appointed to the Fixed Establishment may not retire or be placed on pension unless they are over 60 years of age, or are disabled by permanent infirmity of body or mind, or are found to be unfit to discharge efficiently the duties of their respective offices, or unless their offices are abolished.

3. No pension or gratuity to be granted for services rendered :

(1) By any person under 17 years of age.

(2) To any person who not being of sufficient age voluntarily retires from the service.

(3) To any person engaged in duties of a temporary character, or to anyone dismissed for misconduct.

4. Subject to these conditions and limitations, a gratuity not exceeding one month's pay for each year of service may be granted to any person who has been permanently appointed to the Fixed Establishment, and who, before the completion of ten years' continuous service, may be compelled to leave the service from permanent infirmity of body or mind, or is found unfit to discharge efficiently the duties of his office.

5. If the holder of an office in respect of which a pension or gratuity may be granted is compelled to quit the service before the completion of ten years' continuous service, through severe bodily injury occasioned without his own default in the discharge of his public duty, a gratuity of three months' pay for each year of service or a pension not exceeding one-sixth of his annual salary and emoluments, may be granted to him : and if irrespective of the length of his service his death results from such bodily injury a gratuity not exceeding one month's pay for each year of service may be granted to his widow or minor children, or to his

parents if dependent on him for their maintenance, or Proc. 178 if such gratuity shall appear to be inadequate to meet the circumstances of any particular case, such sum not exceeding a year's pay, as may be considered reasonable.

6. The privileges conferred by sections 4 and 5 may be extended to any officer mentioned in Schedule B to this Proclamation, or hereafter added to that Schedule by Proclamation, or his wife or relatives named in section 5 if he shall be specially recommended to the Governor for the time being by the head of such Officer's department and by the Administrator as a fit and proper person to enjoy such privileges.

7. In the case of continuous service of ten years and upwards, a pension of one-sixtieth (1-60th) of the average salary and emoluments received during the last three years of service may be granted to anyone entitled or required to retire on pension for every year of service which may lawfully be counted, not exceeding forty in any case.

8. The term "average salary and emoluments" means the average for the preceding three years of salary (less local allowance) with fees, house-rent or allowance, rations and other remuneration for personal service added. But all allowances for horse-keep, travelling, &c., do not count for pension, nor may fees exceed one-fourth of the salary, or house allowance one-sixth of the salary and other emoluments.

9. A pension not exceeding his average yearly pay may be granted to a Police Officer disabled by a wound or injury received in the actual execution of his duty.

10. No person shall be deemed under and by virtue of this Proclamation to be absolutely entitled to claim any pension or compensation for past services, or any allowance as a superannuation allowance, and all pensions, compensations, or allowances shall be granted by the Governor for the time being, with the approval of her Majesty's Secretary of State for the Colonies, nor shall any pension, compensation, or allowance be granted at the maximum rates provided in this Pro-

Proc. 1766 Proclamation, save in cases where the service in respect of which such pension, compensation or allowance is granted, shall be proved to the Governor to have been thoroughly satisfactory: Provided that

- (a) Where the testimony as to fidelity, diligence or merit is defective, a reduced pension, compensation or allowance may be granted, and
- (b) in all cases full particulars shall be submitted to Her Majesty's Secretary of State for the Colonies as to the conduct, age, and length of service of the applicant for any pension, compensation, or allowance, and as to the circumstances under which the application is made.

11. If any applicant for a pension, compensation, or an allowance shall be at the time of his application unfit for the efficient discharge of the duties of his office by reason of causes other than ill-health or by reason of ill-health attributable to the misconduct or fault of the applicant, it shall be lawful for the Governor either to grant no pension, compensation, or allowance, or such reduced pension, compensation or allowance as he shall deem appropriate to the circumstances of the case.

12. The period during which any officer referred to in or hereafter added by Proclamation to Schedule A or Schedule B to this Proclamation may have served the Government of British Bechuanaland before the date hereof may be taken into consideration in computing the length of service of such officer and the amount of pension or other allowance to be granted to him.

13. Any person now holding, or who may hereafter hold any office referred to in, or hereafter added by Proclamation to Schedule B to this Proclamation, and who after eight years of continuous good service under the Government of British Bechuanaland may be specially recommended by the head of his department and the Administrator to the Governor for the time being, as a fit and proper person to receive a pension or other allowance, may receive a grant from the Governor

with the approval of Her Majesty's Secretary of State^{Proc. 176} for the Colonies, of such pension or other allowance as the Governor shall think fit, not being greater in amount than the maximum pension or allowance which such person might have received had his office been one on the Fixed Establishment as defined in this Proclamation.

14. For the purposes of this Proclamation the term "Clerks to the Colonial Secretary" in Schedule A to this Proclamation shall be taken to include any officer employed in the office of the High Commissioner for South Africa and receiving his salary from the Government of British Bechuanaland.

15. The final decision of all disputes or questions which may arise under this Proclamation, or in respect of the true meaning and construction thereof, shall rest with the Governor for the time being, subject to the approval of Her Majesty's Secretary of State for the Colonies.

SCHEDULE A.

Secretary to the Administrator.
 Clerks to the Administrator.
 Colonial Secretary.
 Clerks to the Colonial Secretary.
 Receiver-General.
 Clerks to the Receiver-General.
 Collector of Customs.
 Clerks to Collector of Customs.
 Local Auditor.
 Clerks to Local Auditor.
 Crown Prosecutor.
 Civil Commissioners and Resident Magistrates.
 Assistant Resident Magistrates.
 Clerks to Civil Commissioners and Resident Magistrates
 Surveyor-General.
 Clerks to Surveyor-General.
 Draughtsmen in the Surveyor-General's Office.
 Registrar of Deeds.
 Clerks to Registrar of Deeds.
 Inspector of Native Reserves.
 Assistant Inspector of Native Reserves.
 Postmasters.
 Assistant Postmasters.

Proc.176 Clerks in Postal and Telegraph Department.
 Civilian Paymaster of Bechuanaland Border Police Force.
 Collectors of Hut Tax.
 Clerks to the Master of the Chief Magistrate's Court,
 The Ordnance and Commissariat Officer to the Bechuana
 land Border Police Force.
 The Matron of the Vryburg Government Hospital.
 The Foreman of Works.

SCHEDULE B.

Linemen.
 Interpreters.
 Constables.
 Gaolers.
 Warders.
 Matron of Vryburg Gaol.

No. 177 B.B., 1893.]

[May 4, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
 &c., &c.

Proc.177 **W**HEREAS it is expedient to amend the provisions of Proclamation No. 163 B.B., 1892:
 Now, therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known, as follows:—

Proclamation No. 163 B.B., 1892, shall be read as if the words "or in addition to such fine or imprisonment, or in lieu thereof to corporal punishment in any number of lashes or cuts with a cane or rod not exceeding twenty-five," were omitted therefrom.

No. 178 B.B., 1893.]

[May 19, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
 &c., &c.

Proc.178 **W**HEREAS it is expedient to impose certain dues on vehicles conveying wood, the produce of

the Territory of British Bechuanaland, within the limits of the Township of Vryburg, in the said Territory, from places outside such limits for any purpose other than that of sale of such wood on the Public Market in the said Township, and to declare in what manner such dues shall be collected and appropriated :

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

1. From and after the publication of this Proclamation there shall be levied on vehicles conveying wood, the produce of the Territory of British Bechuanaland, within the limits of the Township of Vryburg, in the said Territory, from places outside the said limits for any purpose other than that of sale of such wood on the Public Market in the said Township, the following dues, viz. :—On each buck wagon the sum of two shillings and sixpence sterling ; on each tent or half-tent wagon the sum of one shilling and sixpence sterling ; and on each vehicle not being a buck wagon, or tent, or half-tent wagon, the sum of ninepence sterling.

2. The dues aforesaid shall be payable by the owners or persons in charge of such vehicles as aforesaid, to the Market Master of the said Township at the Market Office, and the said Market Master shall duly register in a book to be kept by him for that purpose the names of the persons paying such dues, the classes of vehicles on which such dues shall be paid, together with the amounts of dues received by him, and shall grant receipts for such dues, and shall pay such dues to the Board of Management for the said Township at such times as the said Board shall from time to time determine.

3. The driver or other person in charge or possession of any such wagon or other vehicle as aforesaid shall be the person liable for the dues in the first instance, but the amount may be recovered from the owner of the wagon or other vehicle if not duly paid ; and if the driver or other person liable as aforesaid shall fail to pay to the Market Master the amount due within

Proc. 178 two hours from the time of the entrance of the wagon within the limits of the Township, or shall fail or refuse on demand forthwith to pay the same, he shall be liable to a fine not exceeding five pounds sterling, or to be imprisoned with or without hard labour for any period not exceeding one calendar month, unless such fine be sooner paid.

4. All fines recovered for contraventions of the last preceding section shall be paid to the Board of Management aforesaid.

No 179 B.B., 1893.]

[June 16, 1892.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 179 **W**HEREAS under Article X of the Customs Union Convention entered into by the Governments of the Colony of the Cape of Good Hope and the Orange Free State, application has been made by the Government of the Bechuanaland Protectorate for that portion of the said Protectorate which is under the direct administrative control of the High Commissioner to be admitted as a party to the Union subsisting between the said Colony and State, and the Territories of British Bechuanaland and Basutoland, upon terms and conditions duly assented to and mutually agreed upon, and whereas the Government of the said Protectorate has passed the requisite legislation to give effect to the terms of such admission :

Now, therefore, I, by virtue of the power vested in me under Section 2 of Proclamation No. 93 B.B., 1890, do hereby proclaim, declare, and make known the admission to the South African Customs Union of that portion of the Bechuanaland Protectorate which is under the direct administrative control of the High Commissioner, as from the 1st day of July, 1893.

No. 180 B.B., 1893.]

[June 21, 1893.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make further pro-^{Proc.180}vision for the repression of thefts of Ostrich Feathers, Skins, Mohair and Wool in the District of Gordonia, in the territory of British Bechuanaland :

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

1. It shall not be lawful within the district of Gordonia, in the territory of British Bechuanaland, for any person to purchase or sell for purposes of trade any Ostrich Feathers, Skins, Hides, Mohair or Wool between the hours of sunset and sunrise : Provided, however, that this prohibition shall not apply to any person purchasing or selling Ostrich Feathers, Skins, Hides, Mohair or Wool at any public sale.

2. Any person contravening the first section of this Proclamation shall, upon conviction, be liable to a penalty of not exceeding twenty pounds, or to imprisonment with or without hard labour not exceeding three months.

3. The provisions of this Proclamation shall not apply to any contract for the purchase and sale of any of the articles in this Proclamation mentioned, where the purchase price paid or agreed to be paid for the said articles shall amount in value to the sum of one hundred pounds sterling, or upwards.

No. 182 B.B., 1893.]

[July 5, 1893.

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient that a Deeds Registry^{Proc.182} Office should be established in British Bechu-

Proc. 1892
analand for the Territories defined by § 3, of the Proclamation of the High Commissioner for South Africa, dated September 27th, 1892, and that the Registrar of Deeds for British Bechuanaland should be appointed the Registrar of Deeds for the said Territories :

Now, therefore, under and by virtue of the powers, authorities, and jurisdiction conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows :—

1. The Deeds Registry Office at Vryburg shall be the Office for Registering Deeds and all other instruments which by the laws now or hereafter in force within the Territories defined by § 3 of the Proclamation of the High Commissioner for South Africa, dated September 27th, 1892, may be registered.

2. All the powers, functions and duties at present conferred upon the Registrar of Deeds of British Bechuanaland with regard to the Registration of Deeds and other instruments which by law may be Registered, shall be, and the same are hereby conferred upon the said Registrar in respect of all Deeds and other instruments which under and by virtue of the provisions of the Proclamation of the High Commissioner for South Africa, dated 4th July, 1893, or of any other law in force within the said Territory, may be tendered for registration.

APPENDIX A.

Acts of the Cape Parliament for the year
1886, and subsequent years, in force
in British Bechuanaland.

No. 12—1886.]

[July 6, 1886.

ACT

To Compel the attendance, as Witnesses, of
Persons residing in this Colony before
the Courts of Neighbouring States and
Colonies.^(k)

WHEREAS the testimony of persons residing in Act 12,
1886. this Colony is frequently required in the
Courts of neighbouring States and Colonies: And
whereas there exists no power to compel the attendance
of such persons before the said Courts, in consequence
whereof the ends of justice are sometimes defeated:
And whereas it is desirable to make the attendance of
such persons before such Courts compulsory: Be it
therefore enacted by the Governor of the Cape of Good
Hope, with the advice and consent of the Legislative
Council and the House of Assembly thereof, as follows:

1. Whenever a subpoena, purporting to be issued by
the proper officer of any competent court in any neigh-
bouring State or Colony to which this Act shall apply
for the purpose of securing the attendance of any person
resident in this Colony as a witness before such Court,
shall be transmitted by such officer to the Resident
Magistrate of the District within which the person
whose attendance is so required shall be residing, it shall

(k) Extended to British Bechuanaland by Proclamation 19 B.B.

Act 12,
1888. be the duty of the said Resident Magistrate to endorse on such subpoena his order that the same shall be served on the person therein named; and the subpoena so endorsed shall thereupon be handed to the messenger of the said Magistrate's Court, or such other person as the said Magistrate shall specially appoint for the purpose, whose duty it shall be to serve the same as soon as practicable on the person designated therein: Provided always that the necessary expenses of such service, and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the Court named in such subpoena and to be incurred during his detention at the place where his evidence has to be given, according to such tariff as may from time to time be framed by the Governor, shall be transmitted to the said Resident Magistrate together with the said subpoena, and the portion of said expenses assigned to the person named in the said subpoena shall be paid to him by the officer serving the same. (1)

2. Every person who shall have been served with a subpoena as in the previous section mentioned, shall be bound to attend on the day and at the place therein named; and in case he shall fail so to do and shall also fail to prove any lawful and valid excuse for such non-attendance, he shall be liable to a penalty not exceeding one hundred pounds sterling, which shall be recoverable in the Court of the Resident Magistrate of the District in which he shall be residing at the instance of the Attorney-General of the Colony, or the Solicitor-General and Crown Prosecutor for Griqualand West within their respective jurisdictions.

3. The return of the person authorised to serve such subpoena, as in the first section of this Act provided, showing that such service has been duly made, and a certificate under the hand and seal of the presiding Judge or Magistrate of the Court from which the said subpoena was issued, that the person so served did not attend

(1) For Tariff of Allowances to Witnesses under this Act, see Government Notice of 11th May, 1888, printed in Appendix B *infra*.

when called thereon and did not establish any valid or legal excuse for his default, shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned. Act 12,
1886.

4. No person resident in any neighbouring State or Colony to which this Act shall apply who may be summoned as a witness before any Court of this Colony and whose attendance before such Court shall be enforced by any legislative enactment of such State or Colony, shall be liable, while so attending, to be arrested upon any civil or criminal process for any debt formerly due or any offence formerly committed by him in this Colony.

5. This Act shall take effect so far as concerns any such State or Colony as soon as the Governor shall by proclamation in the *Gazette*, declare and make known that such State or Colony has made due provision to compel the attendance as witnesses before the Courts of this Colony of persons resident in such State or Colony. *(m)*

6. This Act may be cited as the "Neighbouring States and Colonies Witnesses Compulsory Attendance Act, 1886."

No. 13—1886.]

[June 18, 1886

ACT

To Amend in certain respects the Criminal Law and the Law of Evidence. *(n)*

WHEREAS it is expedient to amend in some respects the criminal law and the law of evidence: Be it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Act 13,
1886.

(m) In force as regards Cape Colony, *Vide* Proclamation No. 51 B.B., and Orange Free State *Vide*, Proclamation 149 B.B.

(n) Extended to British Bechuanaland by Proclamation 19 B.B.

Act 18, Legislative Council and House of Assembly thereof, as
1896. follows:—

1. "The Police Offences Act, 1882,"(o) shall be read and construed as if the words "person or" in the first sub-section of the seventh section thereof were omitted.

2. Any driver or other person having the charge of any carriage or vehicle injuring any person by negligence shall upon conviction be liable to a fine not exceeding one hundred pounds sterling, or, in default of payment, to imprisonment, with or without hard labour, and with or without spare diet, for any period not exceeding two years, or to both such fine and such imprisonment.

3. The word "imprisonment," where the same occurs for the last time in the ninth section of "The Police Offences Act, 1882," shall be taken to mean imprisonment with or without hard labour, and with or without spare diet.

4. The "Ostrich Feathers and Skins Theft Repression Act, 1883," shall be read as if all the words in the third section(p) which follow the words "penalty of not exceeding" were omitted, and "one hundred pounds or to imprisonment with or without hard labour for any period not exceeding twelve months, or to both such fine and such imprisonment" were inserted; and as if all the words in the fourth section which follow the words "first section of this Act mentioned" were omitted.

5. The resident magistrate of the district in which any offence against the provisions of "The Ostrich Feathers and Skins Theft Repression Act, 1883," or of "The Ostrich Feathers and Skins Theft Further Repression Act, 1885,"(q) is committed shall have jurisdiction to impose the penalty provided in respect of such offence.

(o) Printed as amended by this Act at page 2259, vol. ii, of the Cape Statutes.

(p) Printed as amended by this Act at page 171, vol. i, of the Cape Statutes.

(q) Printed at page 173, vol. i, of the Cape Statutes.

6. In any proceeding against any person for any crime or offence, such person and the wife or husband, as the case may be, of such person may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case. Act 18,
1886.

7. No witness who shall be examined or cross-examined in any proceeding under the last preceding section shall be excused from answering any question relevant to the issue in such proceeding on the ground that the answer thereto may criminate or tend to criminate himself.

8. As often as it shall appear at any preparatory examination that the prisoner has been previously convicted of some crime or offence, the presiding magistrate shall inform the prisoner of the particulars of such alleged previous conviction, and shall call upon him to admit or deny that he was so previously convicted; and if the prisoner shall admit that he was so previously convicted, his admission shall be reduced to writing and subscribed by him and also by the magistrate; and any such written admission purporting to be so made and subscribed shall be received in evidence as proof of such previous conviction before any court or tribunal upon its mere production, unless it shall be proved that such admission was not in fact duly made, or that the signatures or marks thereto are not in fact the signatures or marks of the persons whose signatures or marks they purport to be.

9. [Repealed by Proclamation No. 104 B.B., Schedule A.]

10. If it shall appear from information on oath that any person against whom any criminal proceeding has been instituted is in possession of any books of account or documents which are necessarily required in evidence in such proceeding, it shall be lawful for any Judge of the Supreme Court or the Magistrate presiding at such proceeding to issue an order, directing the officer to whom such order is addressed, to take possession of such books or documents, and to hand them over to such person as may be named in such order; and there-

Act 13,
1886. upon such officer may lawfully execute such order; and any person who shall resist or hinder, or shall aid, incite, or encourage any other person to resist or hinder such officer in executing the same shall, upon conviction, be liable to imprisonment with or without hard labour for any period not exceeding twelve months.

11. This Act may be cited as "The Administration of Justice Act, 1886."

No. 17, 1886.]

[June 29, 1886.]

ACT

To amend the Law relating to Appeals and the Duties of the Sheriff, and to make more convenient provision regarding Legal Process in certain cases.(r)

Act 17,
1886. 6. The Sheriff of the Colony or his deputy shall not be bound to accept the indemnity offered to him by any plaintiff under and by virtue of the last proviso of the eighth Section of Ordinance No. 37, of 1828, unless he shall be reasonably satisfied as to the sufficiency of such indemnity, failing which he shall be entitled, before seizing the property in the said proviso mentioned, to require sufficient security from the plaintiff or his attorney.

7. The tenth Section of Ordinance No. 37, of 1828, is hereby repealed, and in lieu thereof it is enacted that where any movable property shall be taken by the said Sheriff or his deputy, in execution of any process of the Supreme Court, Eastern Districts' Court, High Court of Griqualand, or any Circuit Court, such property shall be sold by public auction by or in the presence of the Sheriff or his deputy, after the advertisement thereof shall have been twice made in some local newspaper or in the *Government Gazette*, and after the expiration of fourteen days from the time of seizure thereof.

(r) The sections here printed declared in force in British Bechuanaland, by Proclamation 19 B.B.

8. No action shall be brought against the Sheriff or ^{Act 17, 1886.} any Deputy Sheriff for anything done or omitted to be done in the execution of his office unless commenced within six calendar months after the act committed or omitted to be done.

9. The Sheriff of the Colony, the Deputy Sheriff for Albany, or the Deputy Sheriff for Kimberley, shall, forthwith, upon receiving any moneys as and for the proceeds of any immovable property sold in execution of the judgment of any competent court, lodge such moneys with the Civil Commissioner of the Cape, Albany, or Kimberley, as the case may be. Whenever such moneys lodged as aforesaid shall be required for distribution, the Sheriff or his deputy aforesaid shall pay the same to those entitled thereto by a written order addressed to such Civil Commissioner, requesting him to pay the sum therein mentioned to the person or persons thus entitled, or his or their order, and such Civil Commissioner shall thereupon make such payment accordingly.

11. Unless by order of any Judge to whom application shall be made by any petitioner for the surrender of his estate, execution against his property shall not be stayed under and by virtue of the second Section of Act No. 38, of 1884, for a longer period than fourteen days from the date of the publication of the notice in the said section mentioned.

12. The process mentioned in the tenth Section of Schedule B, of Act No. 20, of 1856, may, in case neither the defendant nor any one of his household can be found after diligent search, be served by leaving the same at his usual or last known dwelling house or place of business.

14. The following shall be added as a proviso to the second Section of Act No. 21, of 1884:—"Provided, however, that if it shall appear to the officer issuing any such process as aforesaid, either from his personal knowledge or otherwise, that the person upon whom the same is intended to be served is sufficiently acquainted with the English language to understand the

Act 17,
1886. purport of such process, or is not sufficiently acquainted with the Dutch language to understand the purport of such process if it be drawn in the Dutch language, then it shall not be necessary to issue such process in the Dutch language as well as the English language.”(s).

No. 30—1886.]

[July 6, 1886.

ACT

To Alter and amend the fifty-ninth Section of the
“Pounds and Trespasses Ordinance” No.
16 of 1847.(t)

Act 30,
1886.

WHEREAS it is desirable that cattle found trespassing should in all cases be sent to the pound which is nearest to the place of trespass, whether the same be situated or not within the limits of any Municipality; and for that purpose it is necessary to amend in certain respects the fifty-ninth Section of the Ordinance No. 16 of 1847,(u) being the “Pounds and Trespasses Ordinance:” Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:—

1. The proviso in the fifty-ninth Clause of the Ordinance mentioned in the preamble to this Act is hereby repealed and the following shall be substituted and read in lieu thereof: “Provided always that animals seized or detained for or on account of any trespass committed beyond the limits of a Municipality shall be sent to any Pound within the said limits if the same shall be the Pound nearest to the place of trespass, and the Poundmaster of such Pound shall be bound to

(s) Printed as amended by this Act at page 762, vol. i, of the Cape Statutes.

(t) Extended to British Bechuanaland by Proclamation 37 B.B., Section 3.

(u) Printed as amended by this Act at page 2323, vol. ii, of the Cape Statutes.

receive the animals so sent; and all animals impounded in any Pound within a Municipality shall be subject in all respects to the regulations of such Pound; but all questions respecting trespasses committed beyond the limits of any Municipality shall be determined and the damages claimable therefrom shall be regulated by the provisions of this Ordinance.” Act 30,
1886.

2. This Act may be cited as the “Pounds and Trespasses Ordinance Amendment Act, 1886.”

No. 36—1886.]

[July 6, 1886.

ACT

For the Better Preservation of Game.(v)

WHEREAS it is expedient to consolidate and amend the laws relating to game: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof:— Act 36,
1886.

1. The following Game Law Proclamations are hereby repealed; that is to say, the Proclamation dated 21st March, 1822, entitled “Game Law Proclamation;” the Proclamation dated 23rd August, 1822, entitled “Amendment of Game Law—Elephants;” and the Proclamation dated 14th March, 1823, entitled “Amendment of Game Law—Elands.”

2. The word “game”(w) shall for the purposes of this Act, be taken and understood to mean and comprehend the several birds and animals of this Colony following, not being domesticated, commonly known as paauw, korhaan, guinea-fowl, pheasant, partridge, grouse, and dikkop, elephant, camelopard, seacow (hipopotamus), buffalo, zebra, quagga, Burchell zebra, buck (comprising the whole antelope species, with the

(v) Not in force as regards Rabbits, *Vide* Proclamation No. 155 B.B.

(w) Includes “wild duck,” “wild goose,” and “snipe,” *vide* Proclamations 155 B.B. and 173 B.B.

Act 36,
1886. exception of springbucks actually migrating, but including the gnu or wildebeest), hare and rabbit (not being coney); and the words "game licence" shall for the purposes of this Act be taken and understood to mean a game licence duly issued by Government.

3. It shall be lawful for the Governor, by proclamation to be by him issued, to fix and prescribe for each district in this Colony, the close time or fence seasons within which it shall not be lawful to kill, pursue, hunt, or shoot at, the different kinds of game respectively within such district either with or without a game licence respectively, or with or without the landowner's permission.(x)

4. No person shall, save as is hereinafter provided, kill, catch, capture, pursue, hunt or shoot at, sell, hawk, or expose for sale, game in any part of this Colony, without having previously obtained a game licence,(y) under the penalty of not exceeding thirty shillings for the first offence, and not exceeding five pounds sterling, for every subsequent offence, excepting herefrom any game found injuring crops in cultivated lands or gardens. No person, however, shall be at liberty to pursue, shoot, kill, destroy, or capture any elephant, hippopotamus, buffalo, eland, koodoo, hartebeest, bontebok, blesbok, gemsbok, rietbok, zebra, quagga, Burchell zebra, or any gnu or wildebeest of either variety, without having obtained a special permission to that effect from the Governor, under penalty for the first conviction of a fine not exceeding twenty-five pounds, or, in default of payment thereof, imprisonment with or without hard labour not exceeding three months, and for a second or any subsequent conviction a fine of £50, or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding six months.(z)

(x) *Vide* Proclamation No. 173 B.B., as regards Gordonia, and Proclamation No. 145 B.B., as regards the other Districts of British Bechuanaland.

(y) As regards licence to sell game *vide* Proclamation No. 142 B.B., § 2.

(z) Printed as amended by Proclamation No. 142, § 1.

5. No person shall kill, pursue, or shoot at game in any district in the Colony during the close time, or shall possess, (a) sell, hawk, or expose for sale game in such district after the expiration of one week from the commencement of the close time which shall be proclaimed for any such district, under a penalty of four pounds sterling for the first offence, and eight pounds sterling for every subsequent offence. Act 36,
1886.

6. No person shall, without special permission of the Governor, for purposes to be mentioned in such permission as hereinafter is provided, at any time wilfully take away, disturb or destroy eggs, or sell, hawk, or expose for sale, or shall purchase eggs of any game birds in any part of this Colony, under the penalty of any sum not exceeding four pounds sterling for the first offence, and not less than eight pounds sterling, nor exceeding ten pounds sterling for every subsequent offence: and the said eggs shall be confiscated to Government in whose custody soever the same may be at any time be found, and may be seized *brevi manu* by any landowner, occupier of land, justice of the peace, field-cornet, constable, or police officer: Provided, always, that it shall be lawful for the Governor to permit under his hand any fit or proper person or persons to take, or carry away the eggs of any game bird, or the young of any game, whether bird or other game, for the purpose of rearing or breeding the same, or for the purpose of acclimatisation or scientific investigation; and any person so obtaining the Governor's written permission as aforesaid may himself obtain or take the said eggs, birds, or animals: Provided, always, that such writing shall distinctly state the number and denomination of such eggs, birds, or animals which the holders are employed to obtain or take, which shall collectively not exceed the number specified by the Governor's permission aforesaid. And any person obtaining or taking a greater number or other kind of such eggs, birds, or animals than those specified in the

(a) *Vide* Proclamation No. 142 B.B., § 4.

Act 96.
1896. Governor's permission as aforesaid, or giving or affecting to give any person or persons authority to take or obtain, together with what he shall himself take or obtain in the whole, more than the number or other than the kinds specified in such permission as aforesaid, shall be held guilty of wilfully taking all such young or eggs as he shall have taken or obtained, or shall have given or affected to give authority in the whole to take or obtain.

7. No person shall at any time, either with or without a game licence, kill, catch, capture pursue, hunt or shoot at any game, or with gun or dog trespass on any lands within this Colony, without the permission of the owner of such lands, if private property, under the penalty of any sum not exceeding five pounds sterling for the first offence, and not exceeding ten pounds sterling for every subsequent offence, in addition to any penalty, if any, to which he may be liable under any other section of this Act, the penalty provided by this section to be paid to the owner of the land; but any permission given by such owner after the event with reference to the offence shall be as valid as if given before the offence. But no penalty under this section shall in any case be enforced unless notice and warning shall have been given, either personally or by letter, or in the *Gazette*, or in a local newspaper, by the owner that he is desirous to preserve the game thereon.

For the purposes of this section the word "owner" shall be taken to include the occupier or the person entitled to the right to shoot game on the lands in question.(b)

8. Whenever any person shall be charged with killing, capturing, pursuing, hunting, or shooting at, selling, hawking or exposing for sale game in any part of the Colony without a licence, and shall allege in defence that such game was injuring crops in cultivated lands or gardens, the proof of the truth of such allegation shall be with the person charged.

(b) Printed as amended by Proclamation No. 142 B.B., § 3.

9. In any case prosecuted under this Act every ^{Act 36,} game animal shall be presumed to have been wild until ^{1884.} shown to have been domesticated.

10. The several fines above mentioned may be recovered by any person, on behalf as well of himself as of the Crown, in all cases where the fine shall not exceed twenty-five pounds sterling, in the Court of the Resident Magistrate of the District where the offence may have been committed, and in other cases in the Supreme Court, the Court of the Eastern Districts, or the High Court of Griqualand, as the case may be, or the Circuit Court for the District where the offence may have been committed; and a moiety of any fine imposed upon any offender, on conviction, for contravening any of the provisions of this Act, shall, save as is hereinbefore otherwise specially provided, be paid to the person on whose information such conviction shall have taken place, provided such person be not an accessory.

11. It shall be lawful for the Governor, by proclamation in the *Gazette*, to proclaim and declare as to any parts of this Colony that any bird or animal, to be specified in such proclamation, shall be protected and not destroyed for any number of years not exceeding three, to be mentioned in such proclamation, and also to extend to any such bird or other animal the protection of this Act, as if the same were included among the game animals in this Act defined, or to extend to any such bird or other animal the protection of such of the provisions of this Act as may be specified in such proclamation, as if such bird or other animal were expressly protected by name in such provisions respectively; and also from time to time to revoke, alter, or amend such proclamation.

12. It shall be lawful for the Governor, on good cause shown by the Divisional Council of any of the divisions of the Colony, to suspend, by proclamation in the *Gazette*, in whole or in part, as may seem right, the operation of this Act, or any part or parts thereof, in the said division, for any time or with regard to any animal, or both for any time and with regard to any animal to be specified in the said proclamation.

Act 26,
1886.

13. Any offender being convicted for contravention of any of the provisions of this Act, in default of payment of the fine imposed upon him, and in default of other provision in that behalf in this Act specially provided, shall be liable to imprisonment for any period not exceeding one month, with or without hard labour, unless the fine be sooner paid.

14. In any prosecution for infringement of any section of this Act, by doing anything without licence, it shall be *prima facie* sufficient for the prosecutor to show that the accused does not appear as the holder of a licence in the list of persons to whom the requisite licence in such case shall have been issued, respectively, kept in the office of the resident magistrate before whom or in whose district such case shall be brought for trial in any court; but it shall be lawful for such accused person to rebut such evidence by proof that he was in fact, at the time of the commission of the offence charged, the lawful holder of such a licence.

15. Until otherwise proclaimed by the Governor, under the provisions of this Act, the fence or close season at present established by law shall continue to be such fence or close season.

16. No landowner shall require a game licence for the purpose of shooting game on his own land.

17. This Act may be cited as the "Game Law Amendment Act, 1886."

No. 3, 1887.]

[July 8, 1887.

ACT

To Authorise the Expropriation of Land, the Property of Private Persons, for Defence Purposes.(c)

Act 3,
1887.

WHEREAS it is desirable that power should be granted to Government to expropriate, for

(c) Extended to British Bechuanaland by Proclamation 44 B.B.

defence purposes, land the property of private persons : Act 3,
1887.
Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

1. Whenever it shall appear to the Governor that any land, the property of a private owner, or land to the unobstructed use of which any neighbouring owner of land, or other person or persons, have a prescriptive right, is required for defence purposes, it shall be lawful for the Commissioner of Crown Lands and Public Works, on being authorised by the Governor so to do, to take possession of such land on payment to the proprietor thereof of such sum of money in compensation as may be mutually agreed upon between the parties concerned : Provided that failing such agreement the matter shall be determined by arbitration, one arbitrator to be appointed by the proprietor of the land and one by the Government, with power to such arbitrators to appoint a third as umpire ; and in case of difference of opinion between the original arbitrators, the decision of such umpire shall be final.

2. In all other respects, the provisions of the "Lands and Arbitrations Clauses Act, 1882," (d) shall apply to arbitrations under this Act.

3. This Act may be cited as the "Lands Expropriation Act, 1887."

No. 4, 1887.]

[8th July, 1887.]

ACT

To make provision with respect to manufacturing, keeping, selling, carrying, and importing Explosive Substances.(e)

WHEREAS it is expedient to make provision with Act 4,
1887.
respect to manufacturing, keeping, selling,

(d) Printed at page 1315, vol. i, of the Cape Statutes.

(e) Extended to British Bechuanaland by Proclamation 44 B.B.

Act 4,
1887. carrying, and importing explosive substances: Be it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

PRELIMINARY.

1. This Act may be cited as the Explosives Act, 1887.

2. The term "explosive" or "explosives" in this Act—

(1) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting-powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(2) Includes fuses, rockets, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

LAW RELATING TO MANUFACTURE OF EXPLOSIVES.

3. The manufacture of explosives shall not, nor shall any process of such manufacture, be carried on except at a factory for explosives licensed for the same under this Act.

Provided that nothing in this section shall apply to the making of a small quantity of explosives for the purpose of chemical experiment and not for practical use or for sale.

If any person manufactures explosives or carries on any process of such manufacture at any place at which he is not allowed by this section so to do, he shall be deemed to manufacture explosives at an unauthorised place.

Where explosives are manufactured at an unauthorised place—

(1) All or any part of the explosives or the ingredients thereof which may be found either

in or about such place or in the possession or under the control of any person convicted under this section, may be forfeited; and Act 4,
1887.

- (2) The person so manufacturing shall be liable to a penalty not exceeding one hundred pounds a day for every day during which he so manufactures.

LICENSING OF FACTORIES AND MAGAZINES IN CONNECTION WITH FACTORIES FOR EXPLOSIVES.

4. A factory for explosives or magazine in connection therewith (hereinafter called a factory magazine) shall not be established except on the site and in the manner specified in a licence for the same granted under this Act.

The licence shall specify such of the following matters as are applicable, namely—

- (a) The boundaries of the land forming the site of the factory or factory magazine and either any belt of land surrounding the site which is to be kept clear, and the buildings and works from which it is to be kept clear, or the distances to be maintained between the factory or factory magazine, or any part thereof, and other buildings and works; and
- (b) The situation, character, and construction of all the mounds, buildings, and works on or connected with the factory or factory magazine, and the distances thereof from each other; and
- (c) The nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory or factory magazine, is to be carried on, and the places therein at which explosives and any ingredients of explosives, and any articles liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept; and

Act 4,
1887.

- (d) The amount of explosives and of ingredients thereof wholly or partly mixed to be allowed at the same time in any building or machine or any process of the manufacture or within a limited distance from such building or machine, having regard to the situation and construction of such building, and to the distance thereof from any other building or any works; and
- (e) The situation of each factory magazine, and the maximum amount of explosives to be kept in each factory magazine; and
- (f) The maximum number of persons to be employed in each building in the factory; and
- (g) Any special terms which the Governor may deem fit by reason of any special circumstances arising from the locality, the situation or construction of any buildings or works, or the nature of any process or otherwise.

5. Every application for a licence shall set forth fully the requirements of the applicant in regard to the matters specified in the sub-sections of the preceding section, and upon receipt of any application for a licence the Governor may reject the application, or cause a copy thereof to be transmitted to the local authority, who shall cause notice to be published by the applicant in manner directed by this Act of the application and of the time and place at which they will be prepared to hear the applicant, and any persons objecting to such establishment.

Upon the hearing of the application, or any adjournment thereof, the local authority may dissent altogether from the establishment of such factory or factory magazine on the proposed site, or assent thereto, either absolutely or on any conditions requiring additional restrictions or precautions.

6. Where the site of the proposed factory or factory magazine is situate within or within one mile of the limits of the jurisdiction of any urban sanitary authority, or of any harbour authority, the applicant shall serve on such authority, if they are not the local authority,

notice of the application and of the time and place of hearing fixed by the local authority. Act 4,
1887.

The said notices shall be published and served by the applicant not less than one month before the hearing.

The local authority shall fix the time and place of hearing as soon as practicable after the application made to them, and the time so fixed shall be as soon as practicable after the expiration of the said month from the publication and service of the notices by the applicant, and their final decision shall be given as soon as practicable after the expiration of the said month.

7. Where the site of the proposed factory or factory magazine is situate partly within the jurisdiction of one local authority and partly within the jurisdiction of another, the assent of both local authorities shall be applied for in manner provided by this Act.

8. If on the hearing of the application for the establishment of a factory or factory magazine the local authority assent thereto either absolutely or on conditions submitted to by the applicant, they shall report the result to the Colonial Secretary, with the addition (if the assent was on conditions) of the additional restrictions and precautions required by those conditions.

If the local authority assent on any conditions not submitted to by the applicant, or dissent, the applicant may lodge an appeal with the Colonial Secretary, giving notice of such appeal to the local authority, and requiring them to state in writing their reasons for such conditions or dissent; and the Governor, after considering the reasons (if any) so stated, and after such inquiry, local or other, as he may think necessary, may, if the local authority dissented, refuse the licence, or may in either case grant the licence applied for in or with such modifications and additions as he may consider required to meet the reasons (if any) so stated by the local authority.

9. As soon as the Governor is satisfied that the factory or factory magazine is sufficiently completed to justify the use thereof the said licence shall issue, but until then the licence shall not come into force.

Act 4,
1867. 10. The land forming the site bounded as described in the licence shall with every mound, building, and work thereon for whatever purpose, be deemed, for the purposes of this Act, to be the factory or factory magazine referred to in the licence.

REGULATION OF FACTORIES AND FACTORY MAGAZINES
FOR EXPLOSIVES.

11. In every factory and factory magazine for explosives—

- (1) The factory or factory magazine, or any part thereof, shall not be used for any purpose not in accordance with the licence; and
- (2) The terms of the licence shall be duly observed, and the manufacture or keeping or any process in or work connected with the manufacture or keeping of explosives shall not be carried on except in accordance with those terms; and
- (3) The factory or factory magazine and every part thereof shall be maintained in accordance with the licence; and any material alteration in the factory or factory magazine by enlarging or adding to the site, or by externally enlarging or adding to any building, or by altering any mound otherwise than by enlargement, or by making any new work, shall not be made except in pursuance of an amended licence granted under this Act.

In the event of any breach (by any act or default) of this section in any factory or factory magazine—

- (a) All or any part of the explosives or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and
- (b) The occupier shall be liable to a penalty not exceeding in the case of the first offence fifty pounds, and in the case of a second or any subsequent offence one hundred pounds, and

in addition fifty pounds for every day during which such breach continues. Act 4,
1887.

The occupier of a factory shall not be deemed guilty of a breach of this section for using in a case of emergency, or temporarily, one building or part of a building in which any process of the manufacture is, under the terms of the licence, carried on, for another process of the manufacture, if he do not carry on in such building or part more than one process at the same time, and if the quantity of explosives or ingredients thereof in such building or part do not exceed the quantity allowed to be therein, or any less quantity allowed to be in the building or part of a building in which such other process is usually carried on: and if upon such use being continued after the lapse of twenty-eight days from the first beginning of such use he send notice of such use to the Civil Commissioner of the Division and the said Civil Commissioner do not require the discontinuance of such use.

12. In every factory and factory magazine for explosives the following general rules shall be observed:

- (1) In a factory every factory magazine shall be used only for the keeping of explosives and receptacles for or tools or implements for work connected with the keeping of such explosives; and
- (2) Every factory magazine and expense magazine in a factory shall have attached thereto a sufficient lightning conductor, unless by reason of the construction by excavation or the position of such magazine or building, or otherwise, the Colonial Secretary considers a conductor unnecessary, and every danger building in a factory shall, if so required by the Colonial Secretary, have attached thereto a sufficient lightning conductor; and
- (3) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any articles whatever liable to spontaneous ignition, shall not be taken into any danger

Act 4,
1897.

building, except for the purpose of immediate supply and work or immediate use in such building, and upon the cessation of such work or use shall be forthwith removed; and

- (4) There shall be constantly kept affixed in every danger building, either outside or inside, in such manner to be easily read, a statement of the quantities of explosives or ingredients allowed to be in the building, and a copy of these rules, and of any other part of this Act required by the Colonial Secretary to be affixed, and of such part of the licence and special rules made under this Act as apply to the building; and with the addition in a factory of the name of the building, or words indicating the purpose for which it is used; and
- (5) All tools and implements used in any repairs to or in a danger building shall be made of safe and suitable material; and
- (6) Due provision shall be made, by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into any danger building of fire, lucifer matches, or any substance or article likely to cause explosion or fire, but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion; and
- (7) No person shall smoke in any part of the factory or factory magazine, except in such part (if any) as may be allowed by the special rules; and
- (8) Any carriage, boat, or other receptacle in which explosives, or the wholly or partly mixed ingredients thereof, are conveyed from one building to another in a factory or factory magazine, or from any such building to any

place outside of such factory or factory magazine, shall be safely and suitably constructed and shall contain only the explosives and ingredients, and shall be closed or otherwise properly covered over; and the explosives and ingredients shall be so conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition; and

- (9) A person under the age of sixteen years shall not be employed in or enter any danger building, except in the presence and under the supervision of some grown-up person; and
- (10) In a factory the ingredients in course of manufacture shall be removed with all due diligence from each working building so soon as the process connected with those ingredients which is carried on in such building is completed, and all finished explosives shall with all due diligence either be removed to a factory magazine, or sent away immediately from the factory, and such ingredients and explosives shall be loaded and unloaded with all due diligence; and
- (11) In a factory all ingredients to be made or mixed into explosives shall, before being so made or mixed, be carefully sifted, for the purpose of removing therefrom, as far as practicable, all dangerous foreign matter.

The Governor may, from time to time make, and when made rescind and alter, such other general rules as may appear to him to be necessary.

In the event of any breach (by any act or default) of the general rules in any factory or factory magazine,—

- (a) All or any part of the explosives or ingredients thereof in respect to which, or being in any building or machine in respect to which, the offence was committed, may be forfeited; and

Act 4,
1887.

(b) The occupier shall be liable to a penalty not exceeding ten pounds, and in addition (in the case of a second offence) ten pounds for every day during which such breach continues.

13. Where the occupier of any factory or factory magazine for explosives desires that any alterations should be made in the terms of his licence, or any material alteration made in the factory or factory magazine, by enlarging or adding to the site, or by externally enlarging or adding to any building or by altering otherwise than by enlargement, or by making any new work, he may apply for an amending licence.

If he satisfy the Colonial Secretary that the alteration may be properly permitted, having regard to the safety of the persons employed in the factory or factory magazine, and will not materially either increase the danger to the public from fire or explosion, or diminish the distance of any danger building in the factory or factory magazine from any building or work outside, and in the neighbourhood of the factory or factory magazine, or increase the amount of explosives allowed to be kept in the factory magazine, or in any building in such magazine, the Colonial Secretary may grant the amending licence of his own authority, but, save as aforesaid, the provisions of this Act with respect to the application for and grant of a new licence shall apply to such amending licence.

14. A factory or factory magazine licence shall not be avoided by any change in the occupier of the factory or factory magazine; but notice of the name, address, and calling of the new occupier shall be sent to the Colonial Secretary within one month after the change, and in default such new occupier shall be liable to a penalty not exceeding twenty shillings for every week during which such default continues.

A factory or factory magazine licence may be revoked by the Governor, and such licence shall be determined by a discontinuance of the business carried on in pursuance of any such licence if such discontinuance continues for a period of _____, or

if the factory or factory magazine is used for any purpose not authorised by the licence. Act 4,
1887.

15. The occupier of every factory, and factory magazine for explosives, and every person employed in or about the same, shall take all due precaution for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the factory, or factory magazine, or to the explosives therein, and shall abstain from any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purpose of the work in such factory or factory magazine.

Any breach (by any act or default) of this section in any factory, or factory magazine, shall be deemed to be a breach of the general rules applying thereto.

LICENSING OF OTHER MAGAZINES OR STORES FOR KEEP- ING EXPLOSIVES.

16. Explosives shall not be kept at any place except as follows; that is to say,

- (1) Except in the factory licensed for the same under this Act in which they are manufactured; or
- (2) Except in any magazine or store now licensed for the storage of gunpowder, or any other magazine or store for explosives for the keeping of which the Colonial Secretary shall have issued a licence to be renewed or otherwise dealt with at his discretion on the 1st day of January in each year.

Provided that this section shall not apply—

- (1) To gunpowder or blasting powder, percussion caps, or ammunition of any description, or to any other explosive regarding the keeping of which provision is now made by law, the intent of this section being not to interfere with the existing law in that behalf.
- (2) To fuses ordinarily known as "safety fuses," or to detonators in case the detonators do not exceed in number ten thousand.

Act 4,
1887.

- (3) To a person keeping for his private use and not for sale explosives other than those in the preceding sub-section of the proviso mentioned to an amount not exceeding on the same premises five pounds; or
- (4) To the keeping of any explosives by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Act with respect to the conveyance of explosives.

Any explosives kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorised place.

Where any explosive is kept in an unauthorised place—

- (1) All or any part of the explosives found in such place may be forfeited; and
- (2) The occupier of such place, and also the owner of, or other person guilty of keeping the explosives, shall each be liable to a penalty not exceeding two shillings for every pound so kept.

SALE OF EXPLOSIVES.

17. Explosives shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

If any explosive is hawked, sold, or exposed for sale in contravention of this section—

- (1) The person hawking, selling, or exposing for sale the same shall be liable to a penalty not exceeding forty shillings; and
- (2) All or any part of the explosive which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section may be forfeited.

Explosives shall not be sold to any child apparently under the age of thirteen years; and any persons selling explosives in contravention of this section shall be liable to a penalty not exceeding five pounds.

CONVEYANCE OF EXPLOSIVES.

Act 4,
1887.

18. The following general rules shall be observed with respect to the packing of explosives for conveyance:

- (1) The explosives, if not exceeding five pounds in amount, shall be contained in a substantial case, box, or other receptacle made and closed; and
- (2) The explosives, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel, or case of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed. If the explosive is packed in a double package the inner package shall be a substantial case, or other receptacle made and closed, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed; and
- (3) Every package, whether single or double, when actually used for the package of explosives, shall not be used for any other purpose; and
- (4) On every package there shall be affixed the word "explosives," together with the name of the explosive, in conspicuous characters by means of a brand or securely attached label or other mark.

In the event of any breach (by any act or default) of any general rule in this section, the explosives in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding twenty pounds.

The Governor may from time to time make, and, when made, repeal, alter, and add to, rules for the pur-

Act 4,
1887. pose of rescinding, altering, or adding to the general rules contained in this section.

19. Every harbour authority shall, with the sanction of the Governor, make bye-laws for regulating the conveyance, loading, and unloading of explosives within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

- (1) Determining the notice to be given by ships and boats conveying, loading, or unloading explosives as merchandise within the said jurisdiction; and
- (2) Regulating the navigation and place of mooring of such ships and boats; and
- (3) Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping explosives on board any such ship or boat, and of giving notice by brands, labels, or otherwise, of the nature of the package containing explosives; and
- (4) Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of explosives, and the licensing and dress of the persons having charge thereof; and
- (5) Prohibiting in cases where the loading or unloading of explosives within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the explosives are to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
- (6) Regulating the mode of and the precautions to be observed in conveying any explosives, and in the loading or unloading any ship, boat, or carriage, conveying explosives as merchandise,

and the time during which explosives may be kept during such conveyance, loading, or unloading; and

- (7) Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
- (8) Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such bye-laws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the explosives in respect of which, or found in the ship, boat or carriage in respect of which, the breach of bye-law has taken place.

In the event of any breach of a bye-law under this section in the case of any ship, boat, carriage, or explosives whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the bye-laws, or any person acting under the orders of the harbour authority to cause such ship, boat, carriage, or explosive, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the bye-laws, and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

Act 4,
1887.

On any part of the coast or in any tidal water for which there is no harbour authority, the Governor may make bye-laws under this section for that part or water as if it were a harbour and by such bye-laws define the area within which such bye-laws are to be observed, and the authorities and officers by whom such bye-laws are to be enforced and carried into effect within such area, and every such authority and officer shall for the purposes of this Act, other than making bye-laws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

20. The Governor may in case of the Government railways, and, in the case of other railways, the railway company or body or the person owning such railway, may with the sanction of the Governor make bye-laws for regulating the conveyance, loading, and unloading of explosives on the railway, and in particular for declaring and regulating all or any of the following matters in the case of such railway; that is to say:

- (1) Determining the notice to be given of the intention to send explosives for conveyance as merchandise on the railway, and
- (2) Regulating, subject to the general rules with respect to packing in this Act contained the mode of stowing and keeping explosives for conveyance and of giving notice by brands, labels or otherwise of the nature of the package containing the explosives, and
- (3) Regulating the description and construction of carriages to be used in the conveyance of explosives; and
- (4) Prohibiting or subjecting to conditions and restrictions the conveyance of explosives with any articles or substances, or in passenger trains, carriages, ships, or boats; and
- (5) Fixing the places and times at which the explosive is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed

- at one time, and
- (6) Determining the precautions to be observed in conveying explosives and in loading and unloading the carriages used in such conveyance, and
- (7) Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

Act 4,
1887.

Such bye-laws, when confirmed by the Governor, shall apply to the railway, agents, and servants of the company making the same, and to the persons using such railway or the premises connected therewith and occupied by or under the control of such company.

The penalties to be annexed to any breach or attempt to commit any breach of any such bye-laws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the explosive in respect of which, or being in the carriage or train of carriages in respect of which, the breach of bye-law has taken place.

21. The Governor may from time to time make, and when made, rescind, alter, or add to, bye-laws for regulating the conveyance, loading, and unloading of explosives in any case in which bye-laws made under any other provision of this Act do not apply, and in particular for declaring or regulating all or any of the following matters; that is to say,

- (1) Regulating the description and construction of carriages to be used in the conveyance of explosives as merchandise; and
- (2) Prohibiting or subjecting to conditions and restrictions the conveyance of any explosive with any articles or substances, or in passenger carriages; and

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- (3) Fixing the places and times at which the explosive is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one carriage; and
- (4) Determining the precautions to be observed in conveying explosives, and in loading and unloading the carriages used in such conveyance, and the time during which the explosives may be kept during such conveyance, loading and unloading; and
- (5) Generally for protecting, whether by means similar to those above mentioned or not, persons or property from danger; and
- (6) Adapting, on good cause being shown, the bye-laws in force under this section to the circumstances of any particular locality.

The penalties to be annexed to any breach, or attempt to commit any breach, of any such bye-laws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first, second, or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the breach continues, and forfeiture of all or any part of the explosives in respect of which, or being in the carriage in respect of which, the breach of bye-law has taken place.

For the purpose of any mode of conveyance which is not a conveyance by land this section shall be construed as if ship and boat were included in the term carriage.

22. With respect to the importation from any place out of the Colony of any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any explosive prescribed by the Governor by Proclamation), the following provisions shall have effect; that is to say,

- (a) The owner and master of any ship having on board any such explosive shall not permit the

same to be unloaded and delivered to any person who does not hold a licence from the local authority to import such explosive. Act 4,
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- (b) Such licence shall be granted by the local authority to any person owning or in occupation of a magazine for the receipt of such explosives, whether duty paid or in bond.
- (c) The licence shall bind the person licensed to comply with the regulations of the local authority or authorities.
- (d) The holder of such licence may cause to be landed, transhipped, or delivered on arrival all explosives consigned to him in any vessel, provided he immediately give notice to the local authority of the quantities and descriptions of such explosives and the place where they are to be stored, transhipped, or delivered.
- (e) Should any case or package containing such explosives be found on the vessels breaking bulk to be leaky or in any way damaged, such case or package shall not be landed until due authority be obtained by the master of the vessel from the harbour or other local authority.
- (f) In the event of such explosives arriving consigned to unlicensed persons, such person or persons shall not be allowed to receive, land, or in any way dispose of, the said explosives, until they shall have taken out a licence and in all respects complied and engaged to comply with the regulations of the local authority.
- (g) Customs officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the Customs, and the ship containing the same, and the enactments for the time being in

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force relating to the Customs or any such article or ship shall apply accordingly.

SPECIALLY DANGEROUS EXPLOSIVES.

23. Notwithstanding anything in this Act the Governor may, from time to time, by proclamation to be published in the *Gazette*, prohibit, either absolutely, or except in pursuance of a licence of the Colonial Secretary, or may subject to conditions or restrictions, the manufacture, keeping, importation from any place out of the Colony, conveyance, and sale, or any of them, of any explosive which is of so dangerous a character, that, in the judgment of the Governor, it is expedient for the public safety to issue such Proclamation.

Any explosive manufactured or kept in contravention of any such Proclamation shall be deemed to be manufactured or kept, as the case may be, in an unauthorised place.

Any explosive conveyed in contravention of any such Proclamation shall be deemed to be conveyed in contravention of a bye-law made under this Act with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such Proclamation,—

- (1) All or any part of such explosive may be forfeited; and
- (2) The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding ten shillings for every pound of such explosive brought in the ship; and
- (3) The person to whom it was delivered and the person selling the same shall be liable to a penalty not exceeding ten shillings for every pound of such explosive delivered or sold or found in his possession.

Customs officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article prohibited to be imported by the law relating to the Customs, and the ship containing the same,

and the enactments for the time being in force relating to the Customs, and any such article or ship shall apply accordingly. Act 4,
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PROVISIONS IN FAVOUR OF CERTAIN MANUFACTURERS AND DEALERS.

24. The occupier of a factory for any explosive who manufactures a new explosive or new form of explosive similar to the one specified in his licence, shall not be deemed to have manufactured the same in an unauthorised place if he manufacture the same on a small scale, and exclusively for the purpose of trial and not for sale, and he send notice of the same, as soon as he has manufactured it, to the Colonial Secretary, and if he observe the provisions of this Act, so far as they are applicable.

25. No gunmaker, gun or ammunition merchant, or occupier of a magazine, or store, for any explosive shall be required by this Act to take out a factory licence by reason that in connection with his magazine, or business premises or store, he fills for sale or otherwise any cartridge for small arms with the said explosive, so that he observe the following regulations; namely,

- (1) There shall not be in the room in which such filling is being carried on more than ten pounds of gunpowder, or the prescribed amount of any other explosive, except it is made up into safety cartridges; and
- (2) Any work unconnected with the making of the cartridges being of a dangerous nature shall not be carried on in the room while such filling is being carried on; and
- (3) There shall not be in the room while such filling is being carried on any fire nor any artificial light, except a light of such construction, position or character as not to cause any danger of fire or explosion; and
- (4) In the case of a magazine or store, the room in which the filling is carried on shall be detached from the magazine or store, but in the

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immediate neighbourhood thereof, and at such distance therefrom as may be specified in the case of a magazine by the licence, and in the case of a store by any Proclamation relating to stores; and

- (5) The occupier shall give notice in the case of a magazine to the Colonial Secretary, and in the case of a store or business premises to the local authority that he intends to carry on such filling of cartridges as is allowed by this section.

The regulations in this section and any conditions so made by the Colonial Secretary as last aforesaid, shall be deemed to be general rules under this Act relating to the magazine, store, and business premises respectively, and the breach of them shall be punished accordingly.

26. The occupier of any magazine or store for any explosive shall not be required by this Act to take out a factory licence by reason that, in connection with such magazine or store, he, by filling cartridges, making charges, drying, shifting, fitting, or otherwise, adapts or prepares the said explosive for use exclusively in his mine or quarry, or in some excavation or work carried on by him or under his control, so that he observes the following regulations; namely,

- (1) There shall not be in the workshop in which such adaptation or preparation is carried on more than one hundred pounds of gunpowder, or the prescribed amount of any other explosive; and
- (2) Any work unconnected with such adaptation or preparation shall not be carried on in the said workshop while such adaptation or preparation is being carried on; and
- (3) The said workshop shall be detached from the magazine or store, but in the immediate neighbourhood thereof;
- (4) The occupier shall give notice in the case of a magazine to the Colonial Secretary, and in

the case of a store to the local authority, that he intends to carry on such adaptation or preparation as is allowed by this section. Act 4,
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27. A firework factory shall not be deemed to be a factory for explosives for the purposes of this Act if there is not upon the same factory at the same time—

- (a) More than one hundred pounds of any explosive other than manufactured fireworks and coloured fires and stars; or
- (b) More than five hundred pounds of manufactured fireworks, either finished or partly finished; or
- (c) More than twenty-five pounds of coloured fires or stars not made up into manufactured fireworks.

The occupier of such firework factory or of any place for storing or keeping fireworks not exceeding the above limit, shall not be subject to this Act.

28. The Civil Commissioner of the division or any officer authorised by him shall have power to make such examination and enquiry as may be necessary to ascertain whether this Act is complied with, and for that purpose,—

- (1) He may enter, inspect, and examine any factory, magazine, or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such factory, magazine, or store, and may make inquiries as to the observance of this Act and all matters and things relating to the safety of the public or of the persons employed in or about such factory, magazine, or store; and
- (2) He may enter, inspect, and examine any premises and every part thereof, in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day; and
- (3) He may require the occupier of any factory, magazine, store, or premises which he is entitled, under this section, to enter, or a person employed by such occupier therein, to

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give him samples of any explosive or ingredients of an explosive therein, or of any substance therein, the keeping of which is restricted or regulated by this Act, or of any substance therein which he believes to be an explosive, or such ingredients or substance.

The occupier of every such factory, magazine, store, and premises, his agents and servants, shall furnish the means required for every such entry, inspection, examination, and enquiry.

Any person who fails to permit such Civil Commissioner or officer to enter, inspect, examine, or make enquiries in pursuance of this section, or to comply with any requisition in pursuance of this section, or who in any manner obstructs such Civil Commissioner or officer in the execution of his duties under this Act, shall be liable to a penalty not exceeding one hundred pounds for each offence.

LOCAL SUPERVISION.

DEFINITION AND POWERS OF LOCAL AUTHORITY.

29. The local authority, for the purposes of this Act, shall be—

- (1) In any municipality or borough, the Town Council or Commissioners;
- (2) In any village under management, the Board of Management;
- (3) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority; and
- (4) In any place in which there is no local authority as before in this section defined, the Divisional Council.

GENERAL POWER OF SEARCH.

30. Where any of the following officers,—namely, any justice of the peace, field-cornet, or any constable,

or any officer of the local authority, if such constable or officer is specially authorised either (a) by a warrant of a justice of the peace (which warrant such justice may grant upon reasonable ground being assigned on oath), or (b) (where it appears to a commissioner or other officer of police of equal or superior rank, that the case is one of emergency, and that the delay in obtaining a warrant would be likely to endanger life), by a written order from such commissioner or officer,—has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every part thereof, and examine the same, and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty, under this section, shall be liable to penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report in writing of every act done by such constable or officer in pursuance of that authority, and of the grounds on which it was done, shall be forthwith sent by the person by whom or under whose authority it was done to the Civil Commissioner of the division.

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1887.

31. Where any of the following officers, namely, any justice of the peace, field-cornet, or any constable, or any officer of the local authority, has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect :

- (1) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, or may remove it in such manner and to such place as will, in his opinion, least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious public danger, and he is authorised by an order from the Colonial Secretary, cause the same to be destroyed or otherwise rendered harmless ; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the time of the seizure ; and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives and ingredients thereof, which are at the time of the offence

in his possession or under his control at the said place ; Act 4,
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- (2) The proceedings before a court for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure ; and
- (3) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof ; and
- (4) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements, belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined in case of dispute by the Civil Commissioner, and to be recovered in like manner as penalties under this Act ; and
- (5) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages for keeping or conveying the same, so that he use all such due precaution as aforesaid ; and
- (6) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

32. Any of the following officers, namely, any justice of the peace, field-cornet, or any officer of police,

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and any officer appointed by the local authority, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and as well on Sundays as on other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship, or boat he has reasonable cause to suppose an explosive to be for the purpose of or in course of conveyance, but so as not to unnecessarily obstruct the work or business of any such carrier, person, occupier or importer.

Any such officer, if he find any offence being committed under this Act in any such wharf, carriage, ship, or boat or on any public wharf, may seize and detain or remove the said carriage, ship, or boat, or the explosive, in such manner and with such precautions as appear to him to be necessary to remove any danger to the public, and may seize and detain the said explosive, as if it were liable to forfeiture.

Any officer above mentioned in this section, who has reasonable cause to suppose that any offence against this Act is being committed in respect of any carriage (not being on a railway) or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine, such carriage or boat, and by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for removing such danger, in like manner as if such explosive were liable to forfeiture.

Every officer shall for the purpose of this section have the same powers and be in the same position as if he were authorised by a search warrant, and any person failing to admit or obstructing such officer shall be liable to the same penalty.

LEGAL PROCEEDINGS.

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1887.

33. Where any offence under this Act for which the occupier of any factory, magazine, store, or registered premises is liable to a penalty or forfeiture has in fact been committed by some other person, such other person shall be liable to a penalty not exceeding twenty pounds.

Where such occupier is charged with an offence so committed by some other person, the occupier shall be exempt from any penalty and forfeiture upon proving that he had supplied proper means and issued proper orders for the observance and used due diligence to enforce the observance of this Act, and that the offence in question was actually committed by some other person without his connivance, and if the actual offender be alive, that he has taken all practicable means in his power to prosecute such offender to conviction.

Where any officer of the law or an officer of the local authority, is satisfied, before instituting a proceeding for any offence under this Act against an occupier, that such occupier, if such proceeding were instituted against him, would under the foregoing provisions of this section, upon taking all practicable means in his power to prosecute the actual offender to conviction, be exempt from any penalty and forfeiture, and the occupier gives all facilities in his power proceeding against and convicting the person whom the inspector, officer, or local authority believes actually to have committed the offence, the inspector, officer or local authority shall proceed against that person in the first instance, without first proceeding against the occupier.

Where any offence under this Act for which any warehouseman, carrier, occupier of a wharf or dock, or owner or master of any ship, boat, or carriage, is liable to a penalty or forfeiture, has in fact been committed by some other person, this section shall apply in like manner as if the warehouseman, carrier, occupier of a wharf or dock, owner, or master were such an occupier as above in this Section mentioned.

34. Where a carrier or owner or master of a ship or boat is prevented from complying with this Act, by the

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1887. wilful act, neglect or default of the consignor or consignee of the explosive, or other person or by the improper refusal of the consignee or other person to accept delivery of the explosive, such consignor, consignee, or other person who is guilty of such wilful act, neglect, default, or refusal shall be liable to the same penalty to which the carrier, owner, or master is liable for a breach of this Act, and his conviction shall exempt the carrier, owner, or master from any penalty or forfeiture under this Act.

35. Where a court before whom a person is convicted of an offence against this Act has power to forfeit any explosive owned by or found in the possession or under the control of such person, the court may, if it think it just and expedient, in lieu of forfeiting such explosive, impose upon such person, in addition to any other penalty or punishment, a penalty not exceeding such sum as appears to the Court to be the value of the explosive so liable to be forfeited.

Where any explosive, or ingredient of an explosive, is alleged to be liable under this Act to be forfeited, any indictment, information, or complaint may be laid against the owner of such explosive or ingredient, for the purpose only of enforcing such forfeiture, and where the owner is unknown, or cannot be found, a court may cause a notice to be advertised, stating that unless cause is shown to the contrary at the time and place named in the notice, such explosive will be forfeited, and at such time and place the court, after hearing the owner or any person on his behalf (who may be present), may order all or any part of such explosive or ingredient to be forfeited.

36. For all the purposes of this Act—

- (1) Any harbour, tidal water, or inland water which runs between or abuts on or forms the boundary of the jurisdiction of two or more divisions shall be deemed to be wholly within the jurisdiction of each of such courts; and
- (2) Any tidal water not included in the foregoing descriptions, and within the territorial juris-

diction of and adjacent to or surrounding any part of the shore of the Colony, and any pier, jetty, mole or work extending into the same, shall be deemed to form part of the shore to which such water or part of the sea is adjacent, or which it surrounds. Act 4,
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37. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered, and all explosives and ingredients liable to be forfeited under this Act may be forfeited, either on indictment or before a Court of Resident Magistrate.

Provided that the penalty imposed by a Court of Resident Magistrate shall not exceed one hundred pounds exclusive of costs, and exclusive of any forfeiture or penalty in lieu of forfeiture, and the term of imprisonment imposed by any such court shall not exceed one month.

38. Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to such ship or boat, the court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship or boat and her tackle.

39. Any explosive or ingredient forfeited in pursuance of this Act may be sold, destroyed, or otherwise disposed of, in such manner as the court declaring the forfeiture or the Colonial Secretary may direct.

The receptacle containing any such explosive or ingredient may be forfeited, sold, destroyed, or otherwise disposed of, in like manner as the contents thereof.

The provisions of this Act with respect to an explosive, or ingredient of an explosive, seized in pursuance of this Act, and to the officer seizing, removing, detaining, keeping, or conveying, or otherwise dealing with the same, shall apply to any explosive and ingredient declared by any court to be forfeited, and to the officer removing, detaining, keeping, conveying, selling, destroying, or otherwise disposing of the same.

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The Court declaring the forfeiture, or the Colonial Secretary directing the sale or other disposal of any forfeited explosive or ingredient, and the receptacles thereof, may require the owner of such explosive or ingredient to permit the use of any ship, boat, or carriage, containing such explosive or ingredient for the purpose of such sale or disposal, upon payment of a reasonable compensation for the same, to be determined in case of dispute by the Civil Commissioner of the Division; and where the explosive or ingredient is directed to be destroyed, the owner and the person having possession of such explosive or ingredient, and the owner and master of the ship, boat, or carriage containing the same, or some or one of them, shall destroy the same accordingly, and if the Court or Colonial Secretary so order, the ship, boat, or carriage may be detained until the same is so destroyed; and if the Colonial Secretary is satisfied that default has been made in complying with any such direction by him or by a Court, and that the detention of the ship, boat, or carriage will not secure the safety of the public, and that it is impracticable, having regard to the safety of the public or of the persons employed in such destruction, to effect the same without using such ship, boat, or carriage, or otherwise dealing with such ship, boat, or carriage, in like manner as if it were a receptacle for an explosive forfeited under this Act, the Colonial Secretary may direct such ship, boat, and carriage, or any of them, to be, and the same may accordingly be, so used or dealt with.

EXEMPTIONS AND SAVINGS.

40. This Act shall not apply—

- (1) To any factory, magazine, store, premises, wharf, place, or explosive under the control of a department of the Government or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or
- (2) To any of Her Majesty's ships, boats, or carriages; or

- (3) To the keeping or making up, or adapting for use of any explosive issued by or by the authority of, the Governor for the use of any volunteer corps or administrative regiment; or
- (4) To the conveyance of any explosive under the control of the Governor, or to the conveyance of any explosive otherwise held for the service of the Crown :

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Provided that every person who enters without permission or otherwise trespasses upon any fortification, battery, factory, magazine, or storehouse or the land immediately adjoining thereto in the occupation of the Crown or a department of the Government, or if it adjoin such a storehouse in the occupation of the officer or person in whom such storehouse is vested, and any person found committing any act tending to cause explosion or fire in or about such fortification, battery, factory, magazine, or storehouse, shall be liable to the like penalty, and may be removed and arrested in like manner as if this section had not been enacted and this Act applied to such fortification, battery, factory, magazine, or storehouse, as above in this section mentioned.

41. This Act shall not apply —

- (1) To the keeping of any rockets for use in any apparatus for saving life; or
- (2) To the keeping of any explosive kept for the purpose of signalling at or near a station on the sea coast.

42. Nothing in this Act shall render liable to any penalty or forfeiture the owner or master of any ship or boat, or any carrier or warehouseman, or the person having charge of any carriage, for any act done in breach of this Act, if he prove that by reason of stress of weather, inevitable accident, or other emergency, the doing of such act was, under the circumstances, necessary and proper.

43. This Act shall not, save as is herein expressly provided, exempt any person from any action or suit in respect of any nuisance, tort, or otherwise, which might,

Act 4,
1887. but for the provisions of this Act, have been brought against him.

44. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local authority by Act of Parliament.

DEFINITIONS.

45. The Governor may, by Proclamation, declare that any substance which appears to him to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the Proclamation) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

46. Any person who carries on any of the following processes, namely, the process of dividing into its component parts or otherwise breaking up or unmaking any explosive, or making fit for use any damaged explosive, or the process of re-making, altering, or repairing any explosive, shall be subject to the provisions of this Act as if he manufactured an explosive, and the expression "manufacture" shall in this Act be construed accordingly.

No. 11—1887.]

[July 26, 1887.

ACT

To amend the "Divisional Councils Act, 1865."^(f)

Act 11,
1887. **W**HEREAS it is expedient to amend the "Divisional Councils Act, 1865," in regard to the taking of polls at the election of members of the Divi-

^(f) Extended to British Bechuanaland by Proclamation 44 B.B.

sional Council : Be it therefore enacted by the Governor ^{Act 11, 1887.} of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. So much of the "Divisional Councils Act, 1865," (*g*) as may be repugnant to or inconsistent with this Act, is hereby repealed.

2. Whenever it shall be made to appear to the Governor that by reason of the extent of any field-cornetcy, the voters cannot with ease and convenience repair to the residence of the field-cornet or to the Court-room of the Resident Magistrate, as the case may be, for the purpose of voting at the election of any member for the Divisional Council of any division, it shall be lawful for the Governor to appoint one or more additional polling places in such field-cornetcy : And as often as any such additional polling places shall have been appointed by the Governor, the Civil Commissioner of the division shall appoint such polling officers as may be required for taking the polls therein.

3. This Act may be cited as the "Divisional Councils Act Amendment Act, 1887."

No. 12—1887.]

[July 26, 1887.]

ACT

To Alter and Amend a certain Section in the "Dog Tax Amendment Act, 1885." (*h*)

WHEREAS it is desirable that persons convicted ^{Act 12, 1887.} of offences against the "Dog Tax Act, 1884," (*i*) and the "Dog Tax Amendment Act, 1885," (*j*) should be compelled to pay the costs incurred in prosecuting them : Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the

(*g*) Printed at page 684, vol. i, of the Cape Statutes.

(*h*) Extended to British Bechuanaland by Proclamation 44 B.B.

(*i*) Printed at page 758, vol. i, of the Cape Statutes.

(*j*) Printed at page 762, vol. i, of the Cape Statutes.

Act 12,
1887. Legislative Council and House of Assembly thereof, as follows :—

1. The last two concluding words of Section 9 of Act 15(*k*) of 1885, being the words "such Council," shall be expunged, and the following words substituted, "the person convicted, and the Court before which such person has been tried and convicted, is hereby authorised to make the payment of costs by such person a part of the sentence against him."

2. This Act may be cited as the "Dog Tax Further Amendment Act, 1887."

No. 22—1887.]

[August 5, 1887.]

ACT

To Repeal Section 132 of Ordinance No. 6 of 1843, and Section 37 of Ordinance No. 105, and to make other Provisions in lieu thereof.(*l*)

Act 22,
1887. WHEREAS it is expedient to amend the law relating to the publication of certain notices by the Master of the Supreme Court: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows :—

1. The 132nd Section of Ordinance No. 6 of 1843(*m*) is hereby repealed, and the following substituted in lieu thereof :

"The Master of the Supreme Court shall, as soon as may be after the 31st day of March, and the 30th day of September in each year, cause to be published in the *Gazette* two lists, showing respectively

(1) The name and residence of any uncertificated insolvent whose estate shall have been placed

(*k*) Printed at page 762, vol. i, of the Cape Statutes.

(*l*) Extended to British Bechuanaland by Proclamation 44 B.B.

(*m*) Printed at page 936, vol. i, of the Cape Statutes.

under sequestration during the preceding six months, and in whose estate the account and plan of distribution shall not have been confirmed, together with the date of the order for the sequestration of the estate of such insolvent :

- (2) The name and residence of every uncertificated insolvent in whose estate the account and plan of distribution shall have been confirmed during the preceding six months, together with the date of the decree confirming the same :

And the cost of publishing such lists as well as of inserting all such notices required by the said Ordinance to be given by the said master by advertisement in the *Gazette*, shall be defrayed by Government."

2. The 37th Section of the Ordinance No. 105(n) is hereby repealed, and the following substituted in lieu thereof:—"The Master of the Supreme shall, in the month of April in each year cause to be drawn up a full and exact account of the amount of all estates or property which shall be entered in the wards' book and shall belong to any persons unknown, and not residing and not having any known legal representative in this Colony, with a statement of the names and designations of the persons so far as known who are supposed to be interested therein, and shall cause the same to be inserted in the *Gazette* of this Colony, and shall forthwith deliver two or more copies thereof to the Attorney-General who may cause the same or any portion thereof to be published in such manner as shall be deemed most expedient in any country or countries to which any person or persons interested in such estate or property may be supposed to belong; and in the said advertisements all persons shall be required to submit their claims to the Master of the Supreme Court, and the expenses of such advertisements shall be borne proportionately by the estates to which they relate."

(n) Printed at page 996, vol. i, of the Cape Statutes.

No. 24—1887.]

[August 5, 1887.]

ACT

To amend the Law for the Disposal of Derelict Lands.(o)

Act 24,
1887. **W**HEREAS it is expedient to amend the law relating to the disposal of Derelict Lands: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. The first and second Sections of the Derelict Lands Act, No. 3 of 1879,(p) and the fourth Section of Act No. 28 of 1881,(q) shall be read as if the words “ten years” therein appearing were omitted therefrom and the words “five years” inserted in lieu of the words so omitted.

2. This Act may be cited as the “Derelict Lands Act Amendment Act, 1887.”

No. 32—1887.]

[August 9th, 1887.]

ACT

To Repeal a certain Section in the “Roads Act, 1877,” and to substitute another in lieu of it.(r)

Act 32,
1887. **W**HEREAS it is desirable to amend the third Section of the Act No. 11 of 1877, by repealing the same and substituting a new section in its stead: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

(o) Extended to British Bechuanaland by Proclamation 44 B.B.

(p) Printed at page 512, vol. i, of the Cape Statutes.

(q) Printed at page 1364, vol. i., of the Cape Statutes.

(r) Extended to British Bechuanaland by Proclamation 44 B.B.

1. The third section of the " Road Act " No. 11 of ^{Act 32,} 1877^(s) is hereby repealed, and the following substituted in lieu thereof : " It shall be lawful for the Governor, at the request of any Divisional Council as aforesaid from time to time to declare that any main road, or part of a main road, or any divisional road, or part of a divisional road, in the division of such Divisional Council, now in existence, or which may hereafter be in existence, shall cease to be a main road, or a divisional road, as the case may be ; and such road, or part of a road, shall thereupon cease to be a main road, or a divisional road, accordingly : Provided that as often as any such Divisional Council shall desire that any main road, or part of any main road, shall upon ceasing to be a main road, become a divisional road of such division, it shall be lawful for the Governor to declare the same a divisional road."

2. Upon such road as is in the last preceding section mentioned ceasing to be a main road or divisional road as aforesaid, the right of the public to travel over the said road shall remain undisturbed, unless such road shall thereafter be closed under the provisions of the fourth section of Act No. 11 of 1877.

No. 36—1887.

[August 9th, 1887.]

ACT

To make better Provision with regard to Returning Officers at Municipal and other Elections. (t)

WHEREAS it is expedient to make provisions to ^{Act 36,} meet any difficulty which may arise in case the ^{1887.} Returning Officer at any municipal or other election should be a candidate at such election, or unable or unwilling to act as such Returning Officer : Be it enacted by the Governor of the Cape of Good Hope, by and

(s) Printed at page 2580, vol. i., of the Cape Statutes.

(t) Extended to British Bechuanaland by Proclamation 44 B.B.

Act 36,
1887. with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

1. In case the person directed by any Act or law to fill the office of Returning Officer at any election shall be a candidate at such election, or unwilling or unable through illness, absence, or otherwise, to act as such Returning Officer, it shall and may be lawful for the Governor, on application of not less than twenty-five of the persons qualified to vote at such election, to appoint some other person to be Returning Officer for the purposes of such election.

No. 38—1887.]

[August 9, 1887.

ACT

To Amend and Explain the Law relating to Stamp Duties and Licences.(u)

Act 38,
1887.

WHEREAS it is expedient to amend and explain in certain respects the law relating to Stamp Duties and Licences : Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

1. The several laws mentioned in the first schedule to this Act, and so much of any other law as may be repugnant to or inconsistent with the provisions of this Act, shall be and the same are hereby repealed, except as to things done, offences committed, penalties incurred, or proceedings instituted, or licences granted previously to the commencement of this Act.

2. All and singular, the stamp duties and licences set forth in the second schedule hereto, shall from and after the thirty-first day of December, 1887, become due and payable for and in respect of the several acts, matters and things mentioned and enumerated in the said schedule, and all and singular the several explana-

(u) Extended to British Bechuanaland by Proclamation 44 B.B.

tions, directions and provisions contained in the said schedule shall be of the same force and effect as if the same had been contained herein, and the provisions of the 6th Section of Act No. 13 of 1870^(v) shall *mutatis mutandis* apply to all persons who should, under the provisions of this Act, or the Schedule II hereof, take out and possess a licence. Act 38,
1887.

3. For the purposes of this Act and all other Acts relating to Stamp Duties or Licences, the following terms shall, unless the context otherwise requires, have the meaning herein assigned to them, namely:

“Auctioneer” means any person who sells any article or thing at any public sale where the highest bidder, whether the bidding be by the rise or by the fall, becomes the purchaser.

“Pawnbroker” means any person who carries on the trade or business of taking movable property in pawn or pledge.

“Dealer in gunpowder” means any person who sells gunpowder, explosives, and explosive substances.

“General dealer” means any person who carries on the trade or business of selling, or offering or exposing for sale, barter or exchange any goods, wares or merchandise, not being the growth, produce, or manufacture of South Africa.

“Importer” means every person who imports any goods other than the produce of South Africa for the purpose of trade or barter: Provided that such importation shall be of the value of at least one thousand two hundred pounds sterling during the year ending the 31st day of December.

“Agent of a foreign firm” means any person other than an importer, who sells or offers for sale by sample or otherwise goods of a firm whose place of business is not in this Colony; but shall not include a person who sells or offers for sale goods consigned to him by a foreign firm.

“Broker” means every person (other than an importer or an agent for a foreign firm), who shall in this Colony

(v) Printed at page 2642, vol ii, of the Cape Statutes.

Act 38,
1857. carry on the trade or business of making bargains and contracts between other persons in matters of trade, commerce and navigation, for a remuneration commonly called a brokerage.

4. Under the provisions of this Act no licensed hawker as such, no licensed dealer in intoxicating liquor as such, no licensed apothecary, chemist or druggist as such, no licensed baker as such, no licensed butcher as such, and no licensed buyer of ostrich feathers who shall sell such feathers, shall be bound and required to take out a licence as a general dealer, and no licensed apothecary, chemist or druggist shall be bound or required to take out a licence as an importer of such goods as are now customarily used or sold in the ordinary course of business of an apothecary, chemist or druggist; and nothing in the last preceding section contained shall be taken to authorise any person to do any act or thing for the performance of which any special licence is by law required without having first obtained such special licence; nor shall anything in this Act contained be taken to affect the provisions of any of the following laws, namely: Ordinance No. 44 of 1828, (w) Ordinance No. 92 of 1832, (x) Section 8 of Ordinance No. 11 of 1846, (y) Section 21 of Ordinance No. 16 of 1847, (z) Ordinance No. 6 of 1848, (a) Act No. 10 of 1869, (b) and Act No. 11 of 1871. (c)

(w) Printed at page 101, vol. i, of the Cape Statutes (Messengers of Resident Magistrates' Courts may sell without Auctioneer's Licence).

(x) Printed at page 102, vol. i, of the Cape Statutes (Sheriff's Officers, Master's Messengers and Marketmasters may sell without a licence).

(y) Printed at page 2665, vol. ii, of the Cape Statutes (fruit, &c., may be sold without a licence).

(z) Printed at page 102, vol. i, of the Cape Statutes (Poundmasters may act as auctioneers without a licence).

(a) Printed at page 103, vol. i, of the Cape Statutes (Sales at Agricultural Fairs without an auctioneer's licence).

(b) Printed at page 2665, vol. ii, of the Cape Statutes (Hawking fish, fruit, &c., without a licence).

(c) Printed at page 2666, vol. ii, of the Cape Statutes (Hawking Colonial Produce without a licence).

5. The licence for "manufacturing jams, preserves ^{Act 38,} and confectionery for purposes of trade or sale," shall ^{1887.} not be required to be taken out by any person who does not propose to apply for a rebate of Customs duty under the provisions of the eighth section of tariff 15 of schedule 2 of Act No. 20 of 1884.

6. The holder of any licence for the sale of wines and spirits or of any licence for dealing by retail in any place not being within a municipality or not being within any town or village under the Village Management Act of 1881 may without any other licence sell meat or bread to supply travellers.

7. Every broker who shall execute, grant, deliver, or in any way make use of any broker's note, whether bought or sold, not written on duly stamped paper, shall be liable to a fine not exceeding ten pounds sterling.

8. It shall be lawful for the Governor to direct, in such cases as he may deem fit, that when two or more receipts for the payment of money, required by law to be stamped, are given on one and the same document, one or more stamps representing in value the total amount of stamp duty payable in respect of the receipts so given may be affixed to such document, in lieu of a separate stamp for each receipt.

9. All "ostrich feather buyers' licences" then current shall cease and determine upon the 31st day of December, 1887, and in case of licences issued for a longer period there shall be refunded to licensees a proportionate amount of the sums paid for such licences. All "ostrich feather buyers' licences" issued at any time after the 31st day of December, 1887, shall expire on the 31st day of December then next. If any such licence is issued on or after the 1st day of July in any year there shall be payable only one-half of the appointed sum.

10. All "wholesale licences" under Acts Nos. 28 of 1883 and 44 of 1885 then current shall cease and determine on the 31st day of March, 1888, and in case of licences issued for a longer period there shall be refunded to the licensees a proportionate amount of the

Act 38,
1887. sum paid. All such wholesale licences issued at any time after the 31st day of March, 1888, shall expire on the 31st day of March then next. If any such licence is issued on or after the 1st day of October in any year there shall be payable only one-half of the appointed sum.

11.(d) Every insurance company, society, or association, not being such a Joint Stock Company as is described in Section 1 of Tariff 17 of the Schedule to Act No. 3 of 1864, as amended by Act No. 20 of 1884, and not being such a mutual assurance company as is referred to in section ten of the said tariff, and not now existing and carrying on business in this Colony, shall, before commencing business, take out a licence for the then current year ending the thirty-first day of December, on which licence the sum of thirty pounds sterling shall be payable; and each such company, society, or association, in respect of the second and every subsequent year during the whole or any part of which it shall carry on business, and also every such company, society, or association, which shall either now be in existence and carrying on business in this Colony, or shall be in existence, but shall have ceased to carry on or discontinued business in this Colony, in respect of every year after the 31st day of December, 1887, may commence, continue, or carry on such business, as the case may be, upon taking out a licence on which there shall be payable the sum of sixpence for every pound sterling or fraction of a pound sterling on the premiums received in this Colony, by such Company, society, or association, during the preceding year ending the thirty-first day of December: Provided that, when the amount so calculated payable in respect of any such licence shall not amount to thirty pounds, the sum of thirty pounds and not less shall be payable in respect of every second or subsequent year, or year after the thirty-first day of December, 1887, as the case may be; and provided, further, that in no case shall a greater sum than five

(d) *Vide* section 1 of Proclamation 88 B.B.

hundred pounds sterling be payable for the licence for ^{Act 38,} any one year; and provided, further, that no such ^{1887.} assurance company as is referred to in the tenth section of Tariff Seventeen of the Schedule to Act No. 3 of 1864, shall in any case in any one year, be bound or obliged to pay any sum by way of licence, exceeding the sum of Five Hundred Pounds Sterling.

12. For the purpose of ascertaining the amount of licence duty chargeable for the second and every subsequent year under the provisions of the last preceding section, every insurance company, society, and association shall, by its manager, secretary, or agent, make a return in writing, in such form as the Governor may prescribe, setting forth the amount of premiums received by such company, society, or association at its head office and at all its branch offices, in the Colony during the year ending the 31st day of December preceding such return, and such return shall be made to the officer appointed by the Governor in that behalf on or before the 15th January in each year. Any company, society, or association making a false return, or neglecting or refusing to make a return, shall be liable to a penalty not exceeding one hundred pounds, and such penalty shall be recoverable from the manager, secretary, or agent of any such company, society, or association in any competent court: Provided that the affixing of any signboard or doorplate at the place of business of the said manager, secretary, or agent of any such company, society, or association, or the issue of any advertisement in a public print, or of any prospectus advertising business for such company, society, or association shall be considered sufficient proof that business is being carried on by the said manager, secretary, or agent on behalf of such company, society, or association: Provided also that any company, society, or association which shall tender the sum of five hundred pounds for its licence for any one year shall not be required to make any such return in respect of that year.

13. Notwithstanding anything contained in the Act No. 3 of 1864, as amended by this Act, no Steam

Act 38,
1887. Navigation Company shall be bound or required to take out any licence for or in respect of its carrying trade between this Colony and any place beyond seas, or between any ports of this Colony.

14. [Repealed by Proclamation No. 88 B.B.]

15. [Repealed by Proclamation No. 88 B.B.]

16. [Repealed by Proclamation No. 88 B.B.]

17. This Act shall be read as one with the existing Stamp Acts, and may be cited as "The Stamp Acts Amendment Act, 1887."

SCHEDULE I.

ENACTMENTS REPEALED.

No. and Year.	Title.	Extent of Repeal.
Act No. 3 of 1864	"The Stamp Act, 1864."	Section 22, Tariff 6, and Sections 5, 7 and 9 of Tariff 17 of the Schedule.
Act No. 20 of 1884	"The Stamp and Office Fees Act, 1884."	In Tariff 15 of Schedule 2, the items "For Dealing by Wholesale, £15," "For Dealing by Retail, £3," and Section 7.
Act No. 28 of 1883	"The Liquor Licensing Act, 1883."	In the Second Schedule, the words "to endure for one year from the date of issue thereof," occurring between the words "For a Wholesale Licence," and the words "Thirty Pounds."

SCHEDULE II.

TARIFF OF LICENCES.(e)

Annual.

For every General Dealer	£3 0 0
" " Importer (over and above his licence as a General Dealer, Auctioneer, Pawnbroker, or Dealer in Gunpowder, or any other licence he may hold)	12 0 0

(e) Printed as amended by Proclamation No. 84 B.B.

For every Licensed Retailer of Wines and Spirits, not being licensed as a General Dealer, for the sale of Aerated Waters and Tobacco and Cigars	£1 10 0
„ „ Dealer in Aerated Waters, not being licensed as a General Dealer or as a Re- tailer of Wines and Spirits	1 10 0

1. All of the above licences shall, no matter at what period of the year they may be taken out, expire on the 31st of December then next. When any such licence shall be issued upon or after the first of July there shall be payable only one-half of the appointed sum. If taken out at any time before the first of July there shall be no deduction.

2. A General Dealer's Licence shall cover all sales heretofore covered by Wholesale and Retail Licences.

3. Every bought and every sold note executed, granted, delivered, or made use of by any broker shall be written on paper duly stamped with a stamp of the value of threepence.

No. 40, 1887.]

[August 9, 1887.

ACT

To Amend in certain respects the Act No. 4 of 1883, commonly called the "Public Health Act, 1883."^(f)

WHEREAS it is expedient to amend the definition of "local authority" contained in Section 2 of the "Public Health Act, 1883," and in some respects to amend and add to the provisions of that Act: Be it enacted by the Governor of the Cape of Good Hope, by and with the consent of the Legislative Council and House of Assembly thereof, as follows:—

Act 40,
1887.

1. Whenever any area within this Colony shall be fixed by the Governor by proclamation under the provisions of the "Public Health Act, 1883,"^(g) if the whole or any portion of such area shall not be situated within the local limits of any municipality, of any community in which the "Villages Management Act, 1881," is in operation, or of any town or village wherein

^(f) Extended to British Bechuanaland by Proclamation No. 44 B.B.

^(g) Printed at page 2357, vol. ii, of the Cape Statutes.

Act 40,
1887. any Resident Magistrate or Special Justice of the Peace is resident and has jurisdiction, the Divisional Council of the division wherein is included the whole or any portion of such area not so situated within such local limits, shall, for the purposes and within the meaning of the Act No. 4 of 1883,^(h) and the Act No. 41 of 1885,⁽ⁱ⁾ especially Section 2 of the first mentioned Act, be deemed and taken, in respect of such whole or portion of such area so included as aforesaid, to be the "local authority," and no board shall after the passing of this Act be nominated by the Governor under the said section within any such area.

2. The Divisional Council of every division is hereby empowered as occasion may require to levy special rates upon all property situated within such division, exclusive of any municipality or community under the Villages Management Act, and liable to be rated by Divisional Council, for the purpose of defraying any expenses incurred or to be incurred under the provisions of the aforesaid Act or of this Act, and such special rate shall be levied and collected in all respects as if such rate were levied and collected for the ordinary purposes of such Divisional Council.

3. This Act shall be read as one with the Acts abovementioned, and may be cited as the "Public Health Act, 1887."

No. 8, 1888.]

[27th July, 1888.

ACT

To Provide for the Recognition in this Colony of Letters of Administration granted in other States.^(j)

Act 8,
1888. **W**HEREAS it is expedient to make provision for the recognition in this Colony of Letters of

^(h) Printed at page 2357, vol. ii, of the Cape Statutes.

⁽ⁱ⁾ Printed at page 2377, vol. ii, of the Cape Statutes.

^(j) The sections here printed declared to be in force in British Bechuanaland by Proclamation No. 65 B.B.

Administration granted in other States: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Act 8,
1888.

1. In this Act the following terms shall bear the following meanings:

“State” shall include England, Scotland, Ireland, every British Colony and British Possession wherever situate, and the Orange Free State, and South African Republic.

“Letters of Administration” shall include every document issued and delivered, or a copy of every such document duly certified, by any lawful and competent judicial or other public authority in any State, under and by which document any person or body corporate shall be authorised and empowered to act as the personal representative of any deceased person or as executor or administrator, either testamentary or dative, either of the whole estate of any deceased person which shall be legally situate in such State, or of so much of such estate so situate as consists of immovable, movable, real, or personal property, as the case may be.

“British Consular Court” means any British Court having jurisdiction under an Order in Council made in pursuance of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them.

3 Whenever letters of administration granted in any State shall be produced to, and a copy thereof deposited with, the Master of the Chief Magistrate's Court of this Colony, such letters may be sealed with his seal of office and signed by the Master, and shall thereupon be of like force and effect and have as full operation in this Colony, with respect to the entire estate of the deceased here situate, as though the said letters had been letters dative granted by the said Master: Provided, however,

- (1) That the Master shall not seal and sign any such letters so produced in case any letters of administration shall have been already granted by him in respect of the estate of any

Act 8,
1888.

deceased person which shall be situate in this Colony ;

- (2) That, before any such letters are sealed and signed, the same stamps, fees of office, duties, and security shall, in the absence of any rule of court to the contrary, be paid, discharged, and given by the person authorised and empowered to act by the produced letters of administration, which would be required if the said letters had been granted by the Master ;
- (3) That in case the Master shall refuse to seal and sign any such letters of administration so produced, it shall be lawful for the person thereby authorised and empowered to act, after notice to the Master, to make application to the Chief Magistrate's Court for relief, and thereupon the Chief Magistrate's Court shall make such order as to justice shall appertain, but no such order shall be inconsistent with the provisions of this Act or with rules of court framed hereunder. (k)

4. The Chief Magistrate's Court may from time to time make, revoke, amend, and vary rules of court regulating the procedure and practice, including rules as to fees and costs, to be observed in and about the carrying out of the provisions of this Act, and all such rules shall come into operation from the date of their proclamation in the *Gazette*.

5. Letters of administration lawfully granted by any British Consular Court shall be deemed and taken to be granted in a State, to which all the provisions of this Act apply.

6. A copy certified by the Master of the Chief Magistrate's Court of the copy of any letters of administration, deposited with him under the third section of this Act, shall be admitted in evidence in all legal proceedings in this Colony, as though such certified copy were the original letters, and a certificate under

the hand of the Master to the effect that he has, in accordance with the said section, sealed and signed any letters of administration, authorising and empowering any person to act thereunder, shall be admitted in all legal proceedings in this Colony as *primâ facie* proof of the legal right and title of such person to administer so much of the estate of the deceased person named in such certificate as is situate in this Colony. (l)

Act 8,
1889.

No. 16—1889.]

[August 9, 1889.

ACT

To Repeal the 31st Section of the Regulation of Railways Act, 1861, and to make other provisions in lieu thereof. (m)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Act 16,
1889.

1. The thirty-first section of the Act No. 19 of 1861, (n) commonly called "The Regulation of Railways Act, 1861," shall be and is hereby repealed.

2. Where any railway in the Colony crosses any public road on a level adjoining a station, the company owning or working such railway shall comply with and be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Governor, and every such company shall be liable to the penalties provided by the twenty-eighth section of the aforesaid Act for every contravention of any such rule or regulation.

3. This Act may be cited as "The Regulation of Railways Amendment Act, 1861."

(l) Printed as amended by Proclamation No. 65 B.B.

(m) Extended to British Bechuanaland by Proclamation No. 105 B.B.

(n) Printed at page 2407, vol. ii, of the Cape Statutes.

Act 20,
1889. No. 20—1889.]

[August 9, 1889.

ACT

To Amend "The Cattle Removal Act, 1870."^(o)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. The several sections hereinafter mentioned of Act No 14 of 1870,^(p) commonly called "The Cattle Removal Act, 1870," shall be amended in the following way, to wit:

- (1) From the second section shall be expunged the words "distant therefrom more than ten miles;"
- (2) From the fifth section shall be expunged the words "and if he shall know that such stock have been removed ten miles or more from the place from which the same were removed;"
- (3) From the ninth section shall be expunged the words "or if the stock so driven shall not have been removed ten miles," and the words "or that such stock have been removed ten miles or more."

2. Any field-cornet, police officer, justice of the peace, or landed proprietor on his own land, or any road adjoining such land, authorised under the provisions of the fifth section of the said Act, as amended by this Act, to take possession of any stock, shall be and is hereby further authorised and empowered without warrant to arrest the person who shall be driving the said stock, or in whose custody or possession the said stock may be found, and to bring or cause to be brought such person to the nearest gaol, there to be detained and dealt with, subject to the provisions of this Act, as

^(o) Extended to British Bechuanaland by Proclamation 117 B.B., and *vide* Proclamation No. 137 B.B.

^(p) Printed at page 157, vol. i, of the Cape Statutes.

though such arrest had been effected upon a charge of some criminal offence duly made against such person. Act 20,
1889.

3. The resident magistrate of the district wherein the gaol is situate in which such person as aforesaid may be detained, shall forthwith cause inquiry to be made in order to ascertain the owner of or other person interested in the stock in respect of driving, or of the custody or possession of which such person has been arrested, and unless such magistrate shall be sooner satisfied as the result of such inquiry that such person at the time of arrest had the authority of the owner of the said stock or of some person having an interest therein, in driving, or in being in custody or possession of the said stock, such magistrate may either cause such person to be so detained as aforesaid until the expiration of four weeks from the date of arrest, or admit such person to bail.

4. After the expiration of four weeks as aforesaid, the said Magistrate shall order and direct the release of such person, unless there shall have been laid information against such person charging him with some crime or offence in respect of which his detention is by law warranted : Provided that every such person so detained as aforesaid shall, notwithstanding that such period of four weeks shall not have expired, be entitled to claim his release so soon as the said magistrate shall be satisfied that in driving, or in being in custody or possession of the said stock, such person was acting with the authority of the owner of the said stock or of some person having an interest therein.

5. The provisions of the tenth section of the said Act shall *mutatis mutandis* apply to every person who shall wilfully and maliciously and without probable cause, arrest or detain, or cause to be arrested or detained, any other person under colour of the provisions of this Act.

6. No stock shall be deemed to be removed within the meaning of the said Act or of this Act merely by reason that such stock shall be found moving from place to place within the limits of any land or immovable

Act 20,
1889. property to the occupation whereof, or to the use whereof for the purposes of grazing stock or allowing them to drink water, the landholder or other person owning or interested in the said stock is entitled.

7. This Act shall be read as one with the "Cattle Removal Act, 1870," and may be cited for all purposes as "The Cattle Removal Amendment Act, 1889."

No. 21—1889.]

[August 13, 1889.]

ACT

To provide for the Payment of Costs by persons convicted of Breach of Regulations framed by Village Boards of Management, to prevent or impose restrictions upon the keeping of Ferocious or Troublesome Dogs or other Animals.(g)

Act 21,
1889. **B**E it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

1. From and after the passing of this Act it shall be lawful for any Resident Magistrate or Special Justice of the Peace, before whom any person shall be lawfully convicted of a contravention of any lawful regulation framed under the provisions of the Act No. 29 of 1881, for the purpose of preventing or imposing restrictions upon the keeping of ferocious or troublesome dogs or other animals, to make the payment of costs by such person a part of the sentence against him.

(g) Extended to British Bechuanaland by Proclamation No. 73 B.B.

No. 27, 1889.]

[August 13, 1889. Act 27,
1889.]

ACT -

To Amend the Law for the Prevention of
Vagrancy and Squatting.(r)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. For the purposes of the Act No. 23 of 1879,(s) commonly called the "Vagrancy Act, 1879," and of this Act, the following terms shall bear the following meanings:—

"Farm" means any land not situated within the local limits of any municipality or corporate town, or of any area within which the "Villages Management Act, 1881," is or hereafter may be in force;

"Squatter" means any person who, not being a servant or apprentice of the owner of any farm, and not being himself the owner or lawful occupier of such farm, is notwithstanding permitted by such owner or lawful occupier to possess or occupy any hut, house, or other building in or upon such farm;

"Owner" includes

- (a) The registered owner or person entitled to the beneficial ownership of any land;
- (b) The lessee of any Crown land or private land;
- (c) The lawful occupier of any land;
- (d) Any person placed in lawful possession or occupation of any land as the duly authorised representative agent, or manager, for and on behalf of the registered owner or person entitled to the beneficial ownership of such land, or for and on behalf of any lessee thereof;

(r) Extended to British Bechuanaland by Proclamation 117 B.B., amended by Proclamation No. 140 B.B.

(s) Printed at page 2763, vol. ii, of the Cape Statutes.

Act 27,
1889. but does not include, in respect of the hut, house, or other building possessed or occupied by him,

(c) Any person who, either as a servant or apprentice of the owner or occupier of any land, or as a squatter, is in possession or occupation of any hut, house, or building upon such land.

2. The words "without lawful excuse (the proof of which excuse shall lie on such person)," shall be and are hereby expunged from the fourth section of the "Vagrancy Act, 1879," and in their place and stead shall be read the following words, to wit, "without the permission of the owner (the proof of which permission shall lie on such person)," and no servant or apprentice of any owner of any land, and no squatter upon the land of any owner shall for the purposes of the said section be deemed to be qualified merely by the possession or occupation of any hut, house, or building on such land to give permission for and on behalf of such owner.

3. After the words "shall be liable," where they first occur in the said section, shall be inserted the words "to a fine not exceeding one pound, with the alternative of imprisonment with or without hard labour for a period not exceeding fourteen days unless such fine be sooner paid or;" and after the words "shall be liable" where they next occur in the said section, the words "to a fine not exceeding two pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding one month, unless such fine be sooner paid, or;" and after the words "in the case of the first conviction, and" in the said section the words "to a fine not exceeding five pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding three months unless such fine be sooner paid, or."

4. Every person shall be deemed to be an idle and disorderly person within the meaning and for all the purposes of the aforesaid Act and of this Act, and shall upon conviction be liable to the penalties provided by

the fourth section of the aforesaid Act, who shall be found without the permission of the owner of any farm (the proof of which permission shall lie on such person) Act 27,
1889.

- (a) loitering upon any road crossing such farm : or
- (b) in or loitering at or near any hut, house, or other building upon any farm, whether such hut, house, or other building shall or shall not be in the possession or occupation of any servant or apprentice of the owner of such farm, or in the possession or occupation of any squatter.

5. Every owner of a farm shall be and is hereby authorised, for the purpose of searching for any idle and disorderly person, to enter without warrant and make search in any hut, house or other building upon such farm, which shall be in the possession or occupation of any servant or apprentice of such owner, or in the possession or occupation of any squatter, and any idle and disorderly person found by such owner in any such hut, house, or other building, may be apprehended without warrant and dealt with in manner provided in the fifth section of the aforesaid Act.

6. This Act shall be read and construed as one with the "Vagrancy Act, 1879," and may be cited for all purposes as the "Vagrancy Law Amendment Act, 1889."

No. 29, 1889.]

[August 13, 1889.

ACT

To Amend the Pounds Ordinance No. 16 of
1847.(t)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :— Act 29,
1889.

1. From the thirty-sixth section of the Ordinance No. 16 of 1847,(u) commonly called the "Pounds

(t) Extended to British Bechuanaland by Proclamation 73 B.B.
(u) Printed at page 2317, vol. ii, of the Cape Statutes.

Act 29,
1880. Ordinance," shall be expunged the words "either of the three last preceding sections," and instead thereof shall be inserted the words "the thirty-second, thirty-third, and thirty-fourth sections."

2. In the forty-first section of the said Ordinance the words "thirty-second or" shall be inserted before the word "thirty-third."

3. Notwithstanding anything to the contrary contained in the forty-fifth section of the said Ordinance, it shall be lawful for any person entitled to claim damages under the said section in respect of the trespass of any infected sheep or goats upon any property, to require that the amount of damages shall be assessed and determined according to the award of a field-cornet and two landholders: Provided that

- (1) The provisions of the forty-first, forty-second, forty-third, and forty-fourth sections of the said Ordinance shall apply to every reference to award under this section:
 - (2) "field-cornet" shall include "assistant field-cornet;"
 - (3) the field-cornet and landholders shall before awarding any damages be satisfied that the trespassing sheep or goats are infected with brandziekte, scab, or scurvy, and shall ascertain whether or not the trespassing sheep or goats were found mixed with sheep not trespassing and free from such diseases;
 - (4) if any of the sheep or goats found trespassing are so infected, all of them shall be deemed to be similarly infected;
 - (5) if the award shall not be for a sum greater than would be claimable by way of damages under the forty-fifth section, the field-cornet and landholders shall in their award order the person requiring the same to pay the costs of the reference;
- and (6) no person who shall claim damages under this section shall be entitled to claim any sum by way of special damage under the provisions

of the eighth section of "The Scab Act, ^{Act 29,} 1886." (r) 1889.

4. The provisions of the thirty-sixth section of the said Ordinance shall *mutatis mutandis* apply to all sheep or goats impounded, in respect of which damages are claimed either under the forty-fifth section of the said Ordinance or under the third section of this Act.

5. Any road inspector in the service of a Divisional Council, or other person specially authorised by resolution of such Council, may exercise the powers conferred by the twenty-seventh section of the said Ordinance upon magistrates, justices of the peace, field-cornets, assistant field-cornets, and other persons therein referred to, for impounding animals found trespassing upon outspan places.

6. This Act shall be read as one with the aforesaid Ordinance, and may be cited for all purposes as "The Pounds Ordinance Amendment Act, 1889."

No. 30—1889.]

[August 13, 1889.

ACT

To amend the Law relating to Masters, Servants, and Apprentices.(w)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:— ^{Act 30,} 1889.

1. Every Special Justice of the Peace, shall, within the local limits by law fixed and determined for his jurisdiction, have and be entitled to exercise over and in respect of any person with regard to any offence wherewith such person shall be charged against any provision of any of the Acts commonly called the

(v) This Act has not been declared in force in British Bechuanaland.

(w) Extended to British Bechuanaland by Proclamation 73 B.B.

Act 30,
1869. "Masters and Servants Acts, 1856 to 1875,(x) as amended by this Act, the same jurisdiction, power and authority, as if he were a Resident Magistrate: Provided that it shall not be lawful for any such Special Justice of the Peace to punish any offender, subject to the provisions of the said Acts, in any higher or more severe manner than by fine, not exceeding two pounds, or by imprisonment, with or without hard labour, and with or without spare diet, and with or without solitary confinement, or either of them, for any period not exceeding one month: Provided, further, that the provisions of the third to the eleventh sections inclusive, and of the thirteenth section of the Act No. 10 of 1876(y) shall *mutatis mutandis* apply to, regulate, limit, and define the jurisdiction of and the procedure to be adopted by every Special Justice of the Peace under the authority of this section.

2. Notwithstanding anything to the contrary contained in the seventh section of the Act No. 18 of 1873,(x) as amended by the third section of the Act No. 7 of 1875,(a) the provisions of the second to the sixth sections inclusive and the ninth sections respectively of the said Act No. 18, 1873 (as the last-mentioned section is amended by this Act) shall extend and apply to any man-servant employed as a domestic servant or to perform any bodily labour in manufactures, or as a boatman, porter, groom, stable-keeper, gardener, or other occupation of a like nature.

3. Notwithstanding anything to the contrary contained in the ninth section of the Act No. 18 of 1873, or in the first section of the Act No. 7 of 1875, it shall be lawful for the master of any servant or apprentice, if he shall have reasonable and probable cause to sus-

(x) For list of these Acts *vide* page 1595, vol. ii, of the Cape Statutes.

(y) Printed at page 1308, vol. i, of the Cape Acts, and note that section 9 of the Act No. 10, 1876, is superseded as regards *Gordonia* by section 5 of Proclamation No. 69 B.B.

(z) Printed at page 1614, vol. ii, of the Cape Statutes.

(a) Printed at page 1623, vol. ii, of the Cape Statutes.

pect such servant or apprentice of having committed any offence against any provision of any of the Acts commonly called the "Masters and Servants Acts, 1856 to 1875," as amended by this Act, to order and require such servant or apprentice forthwith to proceed in his, the said master's, company before the nearest Resident Magistrate or Special Justice of the Peace having jurisdiction in the district or place where such master so suspects that such offence has been committed, there to answer a charge of having committed such offence; and any servant or apprentice who shall neglect or refuse to obey any such order made by his master, having such reasonable and probable cause of suspicion as aforesaid, shall be liable to be arrested by his master without warrant, and conveyed in custody before such Resident Magistrate or Special Justice of the Peace as aforesaid, to be by him dealt with according to law: Provided that no servant or apprentice shall be bound or obliged to obey such order as aforesaid, unless or until he shall be informed of the nature of the charge which his master intends to prefer against him

4. This Act may be cited for all purposes as the "Masters and Servants Act, 1889," and shall be construed as one with the "Masters and Servants Act, 1856 to 1875," which, with this Act, may be cited collectively as the "Masters and Servants Acts, 1856 to 1889."

No. 12 of 1890.]

[Aug. 22, 1890.]

ACT

To Provide for the Registration of Brands, and to facilitate the identification and recovery of Lost or Stolen Horses, Cattle, and Ostriches.(b)

BE it enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the

Act 12,
1890.

(b) Extended to British Bechuanaland by Proclamation 117 B.B.

Act 12, 1890. Legislative Council and House of Assembly thereof, as follows :—

1. This Act may be cited as the “Brands Registration Act, 1890.”

2. The operation of this Act shall be in force in the Division of Vryburg, in the Territory of British Bechuanaland, and may hereafter be extended to and throughout any other division in the said Territory by the Governor, by notice to be published in the *Government Gazette*; Provided, however, that no such extension as aforesaid shall be made to and throughout any such last-mentioned division in which there shall be a Divisional Council, unless and until

(a) Such Divisional Council shall have passed, by a majority of the elected members of such Council, a resolution requesting the Governor to make such extension; and

(b) It shall be proved to the satisfaction of the Governor that at least six weeks before the date of such resolution notice has been given in some newspaper circulating in such division of the proposal to pass such a resolution at some meeting referred to in such notice. (c)

3. In this Act the following terms shall have the following meanings :—

“Horse.”—Any horse, mare, gelding, colt, filly, ass, or mule.

“Cattle.”—Any bull, cow, ox, heifer, steer or calf.

“Registrar.”—The Registrar of Brands appointed under this Act.

“Register.”—A Register Book containing a list of the brands of horses, cattle, or ostriches, registered with the Registrar.

“Proprietor.”—The registered proprietor of any brand.

“Brand.”—The impression of any letter, sign, or character branded upon any horse, cattle, or ostrich.

“Similar Brand.”—A brand so like another brand as to be likely to be mistaken for it.

(c) Printed as amended by Proclamation 174 B.B.

“Brand Directory.”—The list of the brands of ^{Act 12,} horses, cattle or ostriches, compiled by the Registrar ^{1890.} and published by the Government printers, whether in the shape of a book or of quarterly lists in the *Gazette*.

“Fees.”—Any fees, rates, or charges which any person may be liable to pay under this Act or the Regulations made in pursuance thereof.

4. The Governor may from time to time appoint, and as occasion may require remove, some officer or officers in the service of the Colonial Government to exercise under this Act the functions of

- (a) The Registrar of Brands for all parts of this Colony wherein this Act shall be in force.
- (b) Deputy-Registrars, for different districts or divisions wherein this Act shall be in force, who shall be subordinate to the Registrar for the purpose of this Act.

and the Governor may from time to time by notice in the *Gazette* determine the place or places at which shall be situated the office or offices of the Registrar or Deputy-Registrars.

5. The Registrar shall keep three registers for the registration of the brands of horses, cattle or ostriches respectively.

6. Every owner of any horse, cattle, or ostrich, running in any part of any district or division in which this Act shall be in force, may deposit the prescribed fees and make application in writing to the Registrar, or to the Deputy-Registrar of such district or division, to be registered as the proprietor of one brand for horses or one brand for cattle, or one brand for ostriches, running in such district or division, or of all such brands, and all such applications made to any Deputy-Registrar shall forthwith be forwarded by him to the Registrar, together with the fees deposited.

7. Upon receiving any such application and fees, every Deputy-Registrar, and the Registrar, upon receiving any such application and fees direct from the applicant, shall send to the applicant a certificate of such receipt in the form hereinafter provided for.

Act 12,
1890.

8. If at the time when the Registrar shall receive either directly from any applicant, or through any Deputy-Registrar, any such application in respect of any district or division in which this Act shall be in force, there shall already be in the appropriate register a registered proprietor for the same district or division of the brand, the registration of which is applied for, or any brand which the Registrar shall deem to be similar thereto, or if the registration of any brand is applied for, the registration of which is prohibited by any provision of this Act, or any regulation made as hereinafter provided, the Registrar shall forthwith return to the applicant the fees deposited, and give notice, in writing, to the applicant of the reason why his application cannot be entertained, and shall proceed no further on such application, but shall keep a record thereof.

9. Whenever the Registrar shall receive any application in respect of which it shall not be necessary to give the notice prescribed by the last preceding section of this Act, and in respect of which the prescribed fees shall be deposited, such application shall be numbered and entered by the Registrar in a book to be kept for the purpose, and shall without delay cause the name and residence of the applicant and the description of his brand to be published three times in the *Gazette*.

10. If, within two months from the date of the first publication in the *Gazette*, no application shall be made by any other person for the registration of the same or a similar brand in the same register for the same district or division, the brand notified shall be deemed to be the brand of the applicant, and he shall be registered accordingly as the proprietor thereof.

11. If at the expiry of the aforesaid period of two months, one or more other applications shall have been received and entertained for the registration of the same or a similar brand, in the same register for the same district or division, the Registrar shall cause notice, in writing, to be given to every applicant, setting forth every other application, and calling upon the applicants within two months from the date of such notice to

arrange such modifications of their proposed brands that they shall no longer be the same as or similar to each other; and unless the applicants shall, within the said two months or such further time as the Registrar may by regulations be authorised to allow, agree upon and by common consent communicate in writing to the Registrar modifications approved by him, the Registrar shall and may make such modifications as may be necessary in all or any of the proposed brands, and shall give notice of such modification to the several applicants; and forthwith after any modification shall be approved of or made and notified by the Registrar under the provisions of this section, he shall register the several applicants as proprietors of the respective brands determined by him after such modification.

Act 12,
1890.

12. The Registrar shall send to every applicant a certificate of registration so soon as such applicant shall be registered under this Act as the proprietor of any registered brand.

13. The letter, sign, or character prescribed by regulations under this Act for any district or division shall form part of every brand to be registered for the district or division to which such letter, sign or character refers.

14. If any brand shall contain any sign or character other than letters or numerals, such brand shall not be registered until the applicant shall have defrayed the cost of preparing a type or block of such brand for the purpose of advertisement in the *Gazette*.

15. At the end of each quarter of every year after this Act shall come into force, the Registrar shall prepare alphabetical lists of the brands of horses, cattle and ostriches, and of the names and residences of the proprietors of brands registered under this Act in each district or division during such quarter, and such list shall be published in the *Gazette*.

16. As soon as may be after the 31st day of December in each year after this Act shall come into force, the Registrar, or such other officer as the Governor shall appoint, shall compile and publish a Brand

Act 12,
1890. Directory containing a correct and complete list of all registered brands and of names and of residences of all proprietors registered for every district or division up to that date.

17. Any registered proprietor may cede and transfer his right to any registered brand to any person, provided that such cession and transfer shall only take place in the prescribed form, and be of validity when registered by the Registrar upon payment of the prescribed fee; and every person receiving such cession and transfer shall be entitled to a certificate thereof under the hand of the Registrar.

18. Any person, not being the registered proprietor of any brand in any district or division, and not acting with the authority of such registered proprietor, who shall within any district or division wherein this Act shall be in force, impose or cause to be imposed upon any horse, cattle, or ostrich as the case may be, any such registered brand, shall be liable upon conviction to a fine not exceeding ten pounds, and in default of payment to imprisonment with or without hard labour for any term not exceeding one month.

19. On the trial of any person for the theft of any horse, cattle, or ostrich, or for receiving such horse, cattle, or ostrich, or any part or portion thereof, knowing the same to have been stolen, it shall be competent for the prosecution to give evidence that the brand upon the animal or ostrich alleged to have been stolen is the registered brand of the person alleged to be the owner of such animal or ostrich, or of some person through or from whom such owner, derived his right to such animal or ostrich, and a certificate purporting to be under the hand of the Registrar shall constitute *prima facie* proof of the facts therein alleged.

20. On the trial of any such person as aforesaid who shall have been apprehended in possession of any horse, cattle or ostrich branded with any registered brand upon proof being given of the ownership of such horse, cattle or ostrich, and that a theft thereof has been committed, the onus of proving that such horse,

cattle or ostrich was or were lawfully or innocently in his possession shall rest upon the accused person. Act 12,
1890.

21. Every poundmaster in any district or division wherein this Act shall be in force shall keep a copy of the latest edition of the Brand Directory, and a file of the *Gazettes* containing the alphabetical lists required to be published quarterly as aforesaid, and on receipt of a fee of one shilling shall at all reasonable hours permit a search in the Brand Directory and such *Gazettes*, and copies of any entries to be made by any person. Every poundmaster contravening this section shall be liable to a fine of two pounds sterling.

22. Whenever any horse, cattle, or ostrich shall be impounded within any district or division wherein this Act is in force, the poundmaster shall forthwith give notice, verbally or by letter, to the registered proprietor or proprietors of any brand or brands which shall appear on such horse, cattle, or ostrich, and every such poundmaster contravening this section shall be liable to a fine of one pound sterling.

23. The council of every division in which this Act shall be in force may fix and determine a pound fee to which every poundmaster in such division shall be entitled, to wit, an additional pound fee not exceeding three pence for and in respect of any horse, head of cattle, or ostrich, above the age of one year, which shall be impounded in his pound, if such horse, cattle, or ostrich shall bear no registered brand.

24. The Governor may from time to time, by Proclamation(d) in the *Gazette*, make, amend, alter, or repeal such regulations as may be necessary in pursuance and for the proper carrying out of the provisions of this Act, and specially for the following purposes:—

- (1) To prescribe, in detail, the duties of the Registrar and Deputy-Registrar;
- (2) To provide the forms in which applications for registration shall be made;

(d) *Vide* Proclamation 175 B.B.

Act 19,
1890.

- (3) To prescribe the forms in which any certificates provided for by this Act shall be given by the Registrar or Deputy-Registrars;
- (4) To prescribe the form and manner of giving any notice required but not specially provided for by this Act;
- (5) To prescribe the manner in which the registers, alphabetical lists, brand directory, books, and records required by this Act shall be kept and made;
- (6) To prescribe the letters, numerals, signs, or characters by which districts or divisions shall be known for the purposes of this Act;
- (7) To prescribe the fees to be paid to the Registrar or Deputy-Registrars under the provisions of this Act;
- (8) To prescribe the form in which any cession or transfer of the right to any registered brand shall be effected;
- (9) To prescribe the size of any brands entitled to registration, the portions of the body on which horses, cattle, or ostriches shall respectively be branded, and the order in which different brands shall be imposed;
- (10) To prescribe a penalty not exceeding a fine of two pounds sterling for any breach of any regulation made in accordance with any provision of this Act.

25. All fees, other than pound fees, received, and all penalties recovered under the provisions of this Act, shall be paid into the Colonial Treasury.

No. 25—1891.]

[August 21, 1891

ACT

To Amend the Law regulating the Sale of Intoxicating Liquors (*e*)

Act 25,
1891.

5. The following portions of the Liquor Licensing Act, 1883, are hereby repealed:—

- (*e*) The sections here printed declared to be in force in British Bechuanaland by Proclamation 124 B.B.

(a) Sections forty-two, in the fifth paragraph, the words, "other than a licence in respect of which notice is not by this Act required to be given." Act 25,
1891.

(b) Sections fifty and fifty-one, the whole.

MISCELLANEOUS.

16. No importer or general dealer or trader who is not also the holder of a wholesale or a bottle licence shall give or supply any liquor to any customer or other person in the room or rooms in which he carries on his business, as such importer or general dealer or trader. (f)

17. No holder of a retail liquor licence, who is at the same time an importer or general dealer or trader, shall sell, deal in, or dispose of any liquor in any room or place which is not entirely separated by substantial walls or partitions from the room or rooms in which such person carries on his importer's or general dealer's or trader's business, such walls or partitions to contain no door or other opening. (f)

18. Any contravention of the provisions of either of the two preceding sections of this Act shall subject the offender to the penalties provided by law, in the case of persons selling, dealing in, or disposing of intoxicating liquor without a licence.

19. In sub-section six of section seventy-three of the Liquor Licensing Act, 1883, the word "spirits" wherever it occurs shall be expunged, and the word "liquor" substituted.

20. Any master or other person employing workmen, servants, or labourers, who pays or causes any payment to be made to any such workman, servant, or labourer in or at any premises licensed for the sale of liquor, or where liquor is sold, shall for every such offence be liable to a penalty not exceeding ten pounds. But nothing herein contained shall extend to any holder of any liquor licence who pays upon his own licensed premises the workmen, servants, or labourers employed in his licensed business.

Act 25,
1891.

21. If any person, other than the licence holder, his agent or servant, or a person lodging in the licensed house, be found in any bar on the premises of the holder of a retail licence during the hours in which the sale or disposal of liquor to the public is prohibited, it shall be taken to be *prima facie* evidence of a sale of liquor during such hours. The licence holder on whose premises any such person is found during such hours shall be liable to a penalty of not more than five pounds; but nothing in this section contained shall apply in the case of persons passing through any bar in any licensed premises for the sole purpose of obtaining access to any other part of such premises.

23. Nothing in this Act contained shall preclude any person who is licensed to sell liquor to be consumed on the premises from selling such liquor at any time to any person lodging in his house.

24. The fifth sub-section of section seventeen of the Liquor Licensing Act, 1883, is hereby repealed. With regard to retail licences for the sale of liquor at railway station refreshment rooms, the following provisions shall apply:—

- (1) Upon week days, liquor shall be sold only within a reasonable time before and after the arrival or departure of any passenger or mixed train at a station, such time to be fixed by the Commissioner in the certificate authorising the grant of the licence.
- (2) Upon Sunday, Christmas Day, or Good Friday, liquor shall be sold at any station which is not a terminal station only during the time that a passenger or mixed train is drawn up at such station.
- (3) No liquor shall be sold on Sunday, Christmas Day, or Good Friday, at any terminal station.
- (4) It shall be lawful for the Commissioner to insert in any certificate authorising the grant of such licence such conditions with regard to the class of persons to be supplied with liquor on Sundays, Christmas Day, or Good Friday, as

to him may seem fit; and all such conditions ^{Act 25,} may be incorporated in any licence granted ^{1891.} by virtue of such certificate and shall be deemed to be conditions legally inserted therein.

25. Every person who, by falsely representing himself to be a lodger, buys or obtains or attempts to buy or obtain at any premises any liquor during the period for which such premises are to be closed under this Act or otherwise, shall upon conviction be liable to a penalty not exceeding five pounds.

26. The Administrator, on the written recommendation of the Resident Magistrate of the District, under the provisions of Proclamation No. 58 B.B., 1889, may, if he shall be satisfied of its being for the benefit and convenience of the public so to do, grant authority to the holder of any retail licence to supply on Sunday to any person who takes and pays for a *bona fide* lunch or dinner a reasonable quantity of liquor to be consumed at such meal. (g)

28. If it shall be proved to the satisfaction of any Resident Magistrate that any person charged before him and found guilty of contravening section nine of the "Police Offences Act, 1882," has been during the twelve months preceding the date of such finding, four times convicted of drunkenness by a competent court, then it shall be lawful for such magistrate to inflict a punishment of imprisonment with hard labour for any period not exceeding twelve months.

(g) Printed as amended by Proclamations Nos. 124 B.B. and 166 B.B.

APPENDIX B.

GOVERNMENT NOTICES.

ACTS OF THE IMPERIAL PARLIAMENT.

Oct. 29,
1889. **B**Y direction of the Right Honourable the Secretary of State for the Colonies, the following Sections, 18 and 19, of the Imperial Revenue Act 52 and 53 Victoria, Chapter 42, are published for general information.

J. ANCHITEL ASHBURNHAM,

Secretary.

Vryburg, 29th October, 1889.

Oct. 16,
1890. Section 18. Notwithstanding provision in section seven of the Companies (Colonial Registers) Act, 1883, the share or other interest of a deceased member, registered in a Colonial register under that Act, who shall have died domiciled elsewhere than in the United Kingdom, shall, so far as relates to British duties, not be deemed to be part of his estate and effects situated in the United Kingdom, for or in respect of which probate or letters of administration is or are to be granted, or whereof an inventory is to be exhibited and recorded.

Section 19. The proviso to section eleven of the Revenue Act, 1884, is hereby repealed, and that section shall be read as if the following proviso were therein inserted in lieu of the repealed proviso:—

Provided that where a policy of life assurance has been effected with any insurance company by a person who shall die domiciled elsewhere than in the United Kingdom, the production of a grant of representation from a Court in the United Kingdom shall not be necessary to establish the right to receive the money payable in respect of such policy.

BY direction of the Right Honourable the Secretary of State for the Colonies, the following Imperial Act, entitled the Foreign Jurisdiction Act, 1890 (53 and 54 Vict., chap. 37), is published for general information.

J. ANCHITEL ASHBURNHAM,

Secretary.

Vryburg, 16th October, 1890.

AN ACT TO CONSOLIDATE THE FOREIGN JURISDICTION ACTS.

4th August, 1890.

Whereas by treaty, capitulation, grant, usage, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

1. It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory.

2. Where a foreign country is not subject to any Government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act.

3. Every Act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country.

4.—(1.) If in any proceedings, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty, any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable time his decision on the question, and his decision shall for the purposes of the proceeding be final.

(2.) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

5.—(1.) It shall be lawful for Her Majesty the Queen in Council, if She thinks fit, by order to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend with or without any exceptions,

53 & 54 adaptations, or modifications in the Order mentioned, to any
 Vic., c. foreign country to which for the time being Her Majesty has
 37. jurisdiction.

(2.) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the Legislature of that possession.

6.—(1.) Where a person is charged with an offence cognisable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court.

Provided that—

- (a) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed, any competent witness whose evidence he deems material for his defence, and whom he alleges himself unable to produce at the trial in the British possession :
- (b) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence, certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court :
- (c) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial.
- (d) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign

country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

53 & 54
Vic., c.
81.

(2.) Nothing in this section shall alter or repeal any law, statute or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined and punished within Her Majesty's dominions or any part thereof.

7. Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place.

8. Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorised to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the Court were to have effect wholly within that country.

9. It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any Court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred and respecting the enforcement and execution of the judgments, decrees, orders and sentences of any such court, and respecting appeals therefrom.

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

53 & 54
Vic, c.
87. 12.—(1.) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

(2.) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England, unless it is repugnant to the provisions of some such Act of Parliament, order or regulation as aforesaid.

13.—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in Council, or jurisdiction as aforesaid, shall not lie or be instituted—

(a) In any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted; nor

(b) In any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to

costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding. 53 & 54
Vic., c.
87.

14. It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

15. Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

16. In this Act,—

The expression "foreign country" means any country or place out of Her Majesty's dominions:

The expression "British court in a foreign country" means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise:

The expression "jurisdiction" includes power.

17. The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council.

18. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that Schedule mentioned: Provided that,—

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act shall, if in force at the passing of this Act, continue in force until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

19.—(1.) This Act may be cited as the Foreign Jurisdiction Act, 1890.

(2.) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

SCHEDULES.

FIRST SCHEDULE.

SESSION AND CHAPTER.	TITLE.	ENACTMENTS WHICH MAY BE EXTENDED BY ORDER IN COUNCIL.	SHORT TITLE.
53 & 54 Vic., c. 37.	12 & 13 Vict. c. 96	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.	The whole Act. Admiralty Offences (Colonial) Act, 1849.
	14 & 15 Vict. c. 99	An Act to amend the law of evidence.	Sections seven and eleven. Evidence Act, 1851.
	17 & 18 Vict. c. 104	The Merchant Shipping Act, 1854.	Part X.
	19 & 20 Vict. c. 113	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign Tribunals.	The whole Act. Foreign Tribunals Evidence Act, 1856.
	22 Vict. c. 20	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such tribunals.	The whole Act. Evidence by Commission Act, 1859.
	22 & 23 Vict. c. 63	An act to afford Facilities for the more certain Ascertainment of the	The whole Act. British Law Ascertainment Act, 1859.

FIRST SCHEDULE.—Continued.

SESSION AND CHAPTER.	TITLE.	ENACTMENTS WHICH MAY BE EXTENDED BY ORDER IN COUNCIL.	SHORT TITLE.
	Law administered in one part of Her Majesty's Dominions when pleaded in the Courts of another part thereof.		53 & 54 Vic., c. 37.
23 & 24 Vict. c. 122	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	The whole Act.	Admiralty Offences (Colonial) Act, 1860.
24 & 25 Vict. c. 11	An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	The whole Act.	Foreign Law Ascertain- ment Act, 1861.
30 & 31 Vict. c. 124	The Merchant Shipping Act, 1867.	Section eleven.	
37 & 38 Vict. c. 94	The Conveyancing (Scotland) Act, 1874.	Section fifty-one.	
44 & 45 Vict. c. 69	The Fugitive Offenders Act, 1881.	The whole Act.	
48 & 49 Vict. c. 74	The Evidence by Commission Act, 1885.	The whole Act.	

SECOND SCHEDULE.

Acts which may be revoked or varied by Order in Council.

SESSION AND CHAPTER.	TITLE.	EXTENT OF REPEAL.	
53 & 54 Vic., c. 37.	24 & 25 Vict. c. 31	An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the Colony of Sierra Leone.	The whole Act.
	26 & 27 Vict. c. 35	An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa.	The whole Act.

THIRD SCHEDULE.

Enactments Repealed.

SESSION AND CHAPTER.	TITLE OR SHORT TITLE.	EXTENT OF REPEAL.
6 & 7 Vict. c. 94	The Foreign Jurisdiction Act, 1843.	The whole Act.
20 & 21 Vict. c. 75	An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam.	The whole Act.
28 & 29 Vict. c. 116	The Foreign Jurisdiction Act Amendment Act, 1865.	The whole Act.
29 & 30 Vict. c. 87	The Foreign Jurisdiction Act Amendment Act, 1866.	The whole Act.
33 & 34 Vict. c. 55	The Siam and Straits Settlements Jurisdiction Act, 1870.	The whole Act.
38 & 39 Vict. c. 85	The Foreign Jurisdiction Act, 1875.	The whole Act.
39 & 40 Vict. c. 46	An Act for more effectually punishing offences against the laws relating to the slave trade.	Sections four and six.
41 & 42 Vict. c. 67	The Foreign Jurisdiction Act, 1878.	The whole Act.

CUSTOMS NOTICES.

GOVERNMENT NOTICE.

THE following Customs Union Convention and Protocols Dec. 5, 1890.
 are by direction of His Excellency the Governor, published for general information.

J. ANCHITEL ASHBURNHAM,
 Secretary to Administrator.

Vryburg, 5th December, 1890.

CONVENTION.

His Excellency the Governor of the Colony of the Cape of Good Hope, and His Honour the President of the Orange Free State, mutually, on behalf of their respective Governments, admitting that the said Colony and the said State are respectively entitled to a share in duties of Customs collected on goods imported through either and consumed in the other Colony or State, and that it is desirable that there should be a general Customs Union between all the Colonies and States of South Africa on the basis—firstly, of a uniform tariff on all imported goods consumed within such Union, and of an equitable distribution of the duties collected on such goods amongst the parties to such Union; and, secondly of free trade between the Colonies and States in respect of all South African products imported overland; and being desirous, pending the establishment of such a general Customs Union, of entering into a preparatory Customs Union between the said Colony and State, have agreed on behalf of their respective Governments upon the following articles:—

ARTICLE I.

The following and none other shall be the duties of Customs upon goods imported into any place within the said Colony or State, and the Governments thereof respectively shall be bound to levy and collect within their respective jurisdictions the said duties upon all goods so imported from outside the limits of the said Union:—(h)

Notwithstanding the provisions of this Article, and in lieu of the duty upon other spirits thereby imposed, the said State shall, by way of import duty, collect upon all spirits distilled from the produce of and in the South African Republic which may be imported into the said State overland from the said

(h) The duties are printed in Schedule A to Proclamation 93 B.B., p. 196 *supra*. The list of free goods is printed in Schedule B to the same Proclamation, p. 199.

G. N., Republic a duty equal to the duty imposed by the said Republic
 Dec. 5, upon any spirits distilled from the produce of and in any part of
 1890. the Union, which may be imported into the said Republic; and
 Conv. the said Republic; and
 Ap. 5, if any such spirits so imported into the said State shall be
 1889. therefrom exported into the said Colony, the said State shall
 collect a further duty thereon equal to the difference between
 the duty of 10s. 6d. (ten shillings and sixpence) established by
 this Article and the duty levied as aforesaid by the South African
 Republic; provided that if at any time the Government of the
 South African Republic shall have reduced the duty of Customs
 chargeable on spirits distilled from the produce of and in the
 said Colony and the said State to the rate of 2s. (two shil-
 lings) per gallon, the said Colony and the said State, or either
 of them, shall be at liberty similarly to reduce its duty of
 Customs on spirits distilled from the produce of and in the said
 Republic or of and in any part of South Africa and imported
 overland to 2s. (two shillings) per gallon; and provided also
 that if the said Colony or the said State shall avail itself of this
 liberty it shall at the same time reduce to 2s. (two shillings) per
 gallon its duty of Customs on spirits distilled from the produce
 of and in any part of the Union.

ARTICLE II.

The above-named Colony and State shall be bound to collect the duties of Customs payable on all goods within the borders of one of them from outside of the limits of the Union for exportation from such collecting State or Colony into the other of them, and to recover for and pay over to the Government of such other State or Colony as aforesaid three-fourths of the duty so collected by it on goods imported into and passing through one of them for export to and consumption in the other of them, unless such goods are under the tariff provided by Article 1 duty free.

ARTICLE III.

All goods upon which three-fourths of the duties of Customs have to be paid over by either of the parties hereto to the other shall be subject to such Customs regulations as may be mutually agreed upon by the Governor of the Cape Colony and the President of the Orange Free State for the purpose of securing their respective interests.

ARTICLE IV.

Every Colony and State belonging to the Union shall be at liberty to pass through any part thereof, under such regulations as may be agreed upon, goods intended for consumption outside the Union, duty free, or at such rate as the interests of the forwarding State may demand.

ARTICLE V.

All accounts as between the said Colony and State shall be made up to the last day of each quarter of the calendar year,

and all such accounts shall be adjusted and settled within two months from that date.

G. N.,
Dec. 5,
1890.
Conv.
Ap. 5,
1889.

ARTICLE VI.

Under such local regulations as may be prescribed on that behalf by either of such Colony or State as aforesaid, a rebate of duty of Customs may be allowed to the wholesale consumers of sugars for the manufacture of jams, preserves and confectionery.

ARTICLE VII.

All articles the importation whereof shall, at the date of the execution of this Convention, be, by law, prohibited in either State or Colony, shall remain so prohibited in that State or Colony, unless the prohibition be repealed by its legislature, and such prohibition may be extended to the other State or Colony by the legislature of such other.

The Governments of the said State and Colony may by agreement cause to be prohibited the importation into the Union or any part thereof of any articles the importation whereof shall, at the date of the execution of this Convention, be prohibited by either State or Colony, or of any other articles not already so prohibited, and such prohibition shall thereupon remain in force until repealed by joint consent.

Articles the importation whereof is prohibited in either State or Colony and not in the other shall be allowed to pass through the prohibiting Colony or State to the other not so prohibiting, subject to payment of the *ad valorem* rate of 12 per cent. imposed under this Convention, and to such regulations as may be agreed upon between the respective Governments.

ARTICLE VIII.

The principles laid down in this Convention are acknowledged as being of lasting force and effect, and its provisions shall come into operation on the 1st day of July, 1889, and shall continue until the 30th day of June, 1893; and thereafter until the expiration of twelve months from the date of notice given by either party hereto to the other of its wish to terminate this Convention.

ARTICLE IX.

Except in cases of duty paid in excess or error no rebate or refund of any sum in respect of duty paid, or bounty or gratuity in respect of any dutiable article, shall be allowed or granted by either the said Colony or the said State, except upon grounds contained in the Articles of this Convention, or by mutual agreement.

ARTICLE X.

It shall be competent at any time during the existence of the Union for any other South African State, Colony or Territory, having a civilised Government, to apply to be included

G. N., as a party thereto; and upon the parties hereto signifying their joint assent to such admission and mutually agreeing to the terms of such admission, such South African State, Colony or Territory shall be admitted, provided it pass the requisite legislation to give effect to the terms of such admission: Provided, further, that such application, unless made on or before the 1st day of June, 1889, shall be made six clear months before the admission to the Union of any such State, Colony or Territory can take effect, and that no such admission can operate prior to the first day of January, or July, in any year, as the case may be.

ARTICLE XI.

Should the provisions of this Convention be found in practice to require amendment, it may be effected with the joint assent of the Governments of the said Colony and State; and in the event of any Conference being hereafter convened for the discussion of any matters or questions arising out of this Convention, each of the said Governments shall, if it nominate more than one delegate, designate to the Conference the delegate through whom its vote shall be cast.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this Fifth day of April, One Thousand Eight Hundred and Eighty-nine.

HERCULES ROBINSON,

Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 28th day of March, One Thousand Eight Hundred and Eighty-nine.

F. W. REITZ,

State President.

PROTOCOL

TO

G. N. The Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, and given under their hands and Public Seals of the said Colony and State on the 5th day of April, 1889, and the 28th day of March, 1889, respectively.

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State have agreed to the following clauses, which shall be read and construed together with the said Convention as though the effect of the said clauses were therein embodied.

I. In the Tariff of Duties of Customs contained in Article I. of the said Convention shall be inserted the following item, to

wit:—"Spirits distilled from the produce of and in either the said Colony or State (other than spirits distilled from the produce of vines grown in the said Colony or State), and imported over any of its borders into the other, not exceeding the strength of proof by Sykes' hydrometer, and so on in proportion for any greater strength per imperial gallon £0 2s. 0d.

II. At the end of the second paragraph in the list set forth in Article I. of the said Convention of Articles to be imported free of duty, after the word "wheat" shall be added the words "and excepting spirits upon which the duty of 2s. (two shillings) per imperial gallon is imposed by the above Tariff."

III. The concluding proviso set forth in the last paragraph of Article I. of the said Convention shall be omitted.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this 30th day of April, One Thousand Eight Hundred and Eighty-nine.

HERCULES ROBINSON,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this 24th day of April, One Thousand Eight Hundred and Eighty-nine.

F. W. RETTZ,
State President.

PROTOCOL TO THE CUSTOMS UNION CONVENTION.

PROTOCOL

TO

The Customs Union Convention, made and entered into by and between the Governments of the Colony of the Cape of Good Hope and of the Orange Free State, and given under the hand of His Excellency the Governor, and under the Public Seal of the said Colony, at Capetown, on the 5th day of April, 1889, and under the hand of His Honour the President, and under the Public Seal of the said State, at Bloemfontein, on the 28th day of March, 1889, on behalf of the said Governments respectively:—

Whereas, under Article XI. of the Customs Union Convention, subsisting between the Governments of the Colony of the Cape of Good Hope and of the Orange Free State, the provisions of the said Convention may be amended with the joint assent of the said Governments:

And whereas it has been found in practice expedient so to amend or add to the provisions of the said Convention as to authorise under proper regulations and restrictions the removal

G. N. in bond from any Colony or State, at any time a party to the
 Dec. 5, said Convention, to any other Colony or State, also a party
 1890. thereto, of goods to be entered in bond in such last-mentioned
 Pr tocol Colony or State either for consumption in such last-mentioned
 July 3, Colony or State or for further removal therefrom under rebate
 1890. to places beyond the limits of the Union :

Now, therefore, His Excellency the Governor of the Colony of the Cape of Good Hope, on behalf of the Government of the said Colony, and His Honour the President of the Orange Free State, on behalf of the Government of the said State, have given their joint assent to the following Articles of a Protocol, which shall be of equal force with and shall be read and construed as part of the aforesaid Customs Union Convention :—

ARTICLE I.

Notwithstanding anything to the contrary contained in Articles I., II. and IX. of the Customs Union Convention, but subject to provisions of Article VII. thereof, every Colony or State belonging to the Union shall permit goods, imported thereinto from any place beyond the limits of the Union, and duly warehoused in such Colony or State in accordance with the laws of Customs and regulations in force therein, to be removed overland under bond, without payment of duty to, and to be re-warehoused in bonded warehouses hereafter duly appointed and mutually agreed upon in any other Colony or State belonging to the Union, subject, however, to the laws of Customs in force in such first-mentioned Colony or State with regard to the removal of goods in bond, and subject to such regulations with regard thereto as may be mutually agreed upon.

ARTICLE II.

Every Colony or State belonging to the Union to which any goods are removed under Article I. of this Protocol shall be bound to require that all such goods so removed in bond shall be duly re-warehoused in some such bonded warehouse as is in the said Article defined according to the quantities and values of the said goods as advised after their first warehousing within the Union, and shall grant and forward to the Collector or other principal Officer of Customs in the Colony or State from which the said goods were so removed, certificates under the hand of a duly appointed officer of Customs of the Colony or State to which the said goods are so removed, setting forth that the said goods have been there so duly warehoused.

ARTICLE III.

Every Colony or State belonging to the Union to which any goods may be removed under Article I. of this Protocol shall as soon as the said goods shall be re-warehoused therein collect the duties thereon according to the quantities and values of the

said goods as advised after their first warehousing within the Union, and to pay over to the Colony or State from which the said goods were so removed its share of such duties in manner following :—

G. N.
Dec. 5,
1890.
Protocol
July 3,
1890.

- (a) On all goods which may be delivered from any bonded warehouse in such first-mentioned Colony or State for consumption, such Colony or State shall collect the full Customs Union duties, and shall be accountable for and pay over to the Colony or State from which the said goods were removed one-fourth of such duties.
- (b) On all goods which may be delivered from any bonded warehouse in such first-mentioned Colony or State for removal to places beyond the limits of the Union, such Colony or State shall collect and be accountable for and pay over to the Colony or State from which the said goods were removed the full Customs Union duties less only such rebate of duties as may be granted on such goods on account of such removal under the regulations which may be from time to time agreed upon by and between the Colonies and States belonging to the Union.

ARTICLE IV.

Every Colony or State belonging to the Union which shall collect the duties on any goods which have been removed out of one State into another in terms of Article I. of this Protocol, and which shall in terms of Article III. pay over such duties to the Colony or State from which the said goods were so removed, shall, in consideration of such collection and paying over, be entitled to receive from the Colony or State to which such duties are paid over in manner aforesaid, repayment of whatever expenses or costs such Colony or State so collecting and paying over shall incur by the employment of one or more officials solely and exclusively charged with the collecting of the aforesaid duties.

The amount of such expenses and costs shall from time to time be mutually agreed upon between the States or Colonies which are parties to the collecting and receiving of the duties as aforesaid.

ARTICLE V.

Every Colony or State belonging to the Union to which any goods may be removed under Article I. of this Protocol, and from any bonded warehouse in which the said goods may be again delivered for further removal to any place beyond the limits of the Union, shall at the time of delivery, and subject to such regulations as may be mutually agreed upon, take bond from the persons removing such goods for the due removal thereof to some place beyond the limits of the Union.

ARTICLE VI.

G. N.
Dec. 5,
1890.
Protocol
July 3,
1890.

The Government of every Colony or State belonging to the Union to which any goods may be removed under Article I. of this Protocol shall render to the Government of the Colony or State from which such goods were so removed a quarterly statement, which shall set forth under suitable and distinct heads the quantities and values as advised after their first warehousing, within the Union, of all goods liable to the various rates of duties of Customs under the Customs Union Convention, which have been delivered from any bonded warehouse in the Colony or State rendering such statement, either for consumption within such Colony or State or for removal beyond the limits of the Union, and shall, when requested, render, in addition to such statement, duly certified copies of all warrants on which any such goods have been delivered from any such warehouse, and from which the duties accruing to any Colony or State belonging to the Union may be determined.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, on this Third day of July, One Thousand Eight Hundred and Ninety.

HENRY B. LOCH,
Governor,

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, on this Twelfth day of July, One Thousand Eight Hundred and Ninety.

F. W. REITZ,
President.

ADMISSION OF BRITISH BECHUANALAND INTO
THE UNION.

FURTHER PROTOCOL

TO

The Customs Union Convention entered into between His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 5th day of April, 1889, and the 28th day of March, 1889, respectively:—

G. N.
Dec. 5,
1890.
Protocol
June 4,
1890.

His Excellency the Governor of the Colony of the Cape of Good Hope and His Honour the President of the Orange Free State, mutually on behalf of their respective Governments, having regard to the application made by, or on behalf of, the Government of the Territory of British Bechuanaland to be included as a party to the subsisting Customs Union between the said

Colony and State, and having regard to the Articles of the sub-
 sisting Customs Union Convention entered into in the year 1889
 between His Excellency the Governor of the Colony of the Cape
 of Good Hope and His Honour the President of the Orange Free
 State, on behalf of their respective Governments, do hereby
 signify their joint assent, in terms of Article X of the said
 Convention, to the admission of the aforesaid Territory of
 British Bechuanaland as a party to the said Customs Union,
 subject to the terms and conditions following, that is to say:—

G. N.
 Dec. 5,
 1890.
 Protocol
 June 4,
 1890.

1. The admission of the said territory to the said Customs Union shall take effect and operate on and after the first day of July, 1890, provided that the Government of the said Territory shall, before that date, have passed the legislation requisite to give effect to the terms and conditions of this Protocol relative to its admission as a party to the said Customs Union.

2. His Excellency the Governor of British Bechuanaland shall, at the foot or end of this Protocol, signify, on behalf of Her Majesty's Government, his assent to this Protocol, and to the terms and conditions herein contained relative to the admission of the aforesaid territory as a party to the said Customs Union.

3. So soon as the aforesaid territory shall be admitted as a party to the said Customs Union, the Government of the said territory shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though the said territory were a third party thereto, the Government thereof having all the rights, and being bound by all the obligations with regard to the respective Governments of the Colony of the Cape of Good Hope and the Orange Free State, to which the said Governments are mutually entitled, and by which they are mutually bound under the said Convention with regard to each other.

Provided always that:—

- (a) With regard to Articles III., IV., VII., X. and XI. of the said Convention, the mutual agreement or joint assent of the two Governments last mentioned shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time.
- (b) The Government of the said territory shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on, in terms of any of the said Articles, by the mutual agreement or joint assent of the aforesaid two Governments.
- (c) No amendment of the provisions of the said Convention shall be made under Article XI. thereof before consultation with the Government of the said territory.

G. N.
Dec. 5,
1890.
Protocol
June 4,
1890.

(d) No agreement, rule or regulation made by the mutual agreement or joint assent, in terms of paragraph (a) of this Proviso, of the two Governments therein referred to shall at any time be deemed or taken to be applicable to and binding upon the said territory, or the Government thereof, unless such agreement, rule or regulation shall be also applicable to and binding upon the Orange Free State and the Government thereof, or unless the Government of the said territory shall directly express to the said two Governments its assent to such agreement, rule or regulation.

4. The Protocol to the said Customs Union Convention entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed, for the purposes of this Protocol, to form portion of the said Customs Union Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this Fourth day of June, One Thousand Eight Hundred and Ninety.

HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Nineteenth day of June, One Thousand Eight Hundred and Ninety.

F. W. REITZ,
State President.

On behalf of Her Majesty's Government of the Territory of British Bechuanaland, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission to the said territory as a party to the Customs Union subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Capetown, this Fourth day of June, One Thousand Eight Hundred and Ninety.

HENRY B. LOCH,
Governor.

SUPPLEMENT TO THE FOREGOING PROTOCOL TO THE CUSTOMS UNION CONVENTION.

G. N.
Dec 5,
1890.
Protocol
Sep. 22,
1890.

The contracting parties to the foregoing Protocol to the Customs Union Convention, acting for and on behalf of the respective Governments of the Colony of the Cape of Good Hope, the Territory of British Bechuanaland, and the Orange

Free State, hereby consent and agree that the admission of the said territory to the said Customs Union shall take effect and operate, in terms of the aforesaid Protocol, on and after the First day of January, 1891, and not on the First day of July, 1890, as provided in the said Protocol.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this Twenty-second day of September, 1890.

HENRY B. LOCH,
Governor of the Colony of the Cape of Good Hope.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Capetown, this Twenty-second day of September, 1890.

HENRY B. LOCH,
Governor of the Territory of British Bechuanaland.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Eleventh day of September, 1890.

F. W. REITZ,
State President.

PROTOCOL

TO

The Customs Union Convention between the Governments of the Colony of the Cape of Good Hope and the Orange Free State, given under the hands of His Excellency the Governor of the said Colony and His Honour the President of the said State, and the Public Seals of the said Colony and State on the 5th April, 1889, and 28th March, 1889, respectively, and to the Further Protocol and Supplement thereto, the said Protocol being signed and sealed as aforesaid by His Excellency the Governor of the said Colony and His Honour the President of the said State on the 4th day of June, 1890, and the 19th day of June, 1890, and assented to by His Excellency the Governor of British Bechuanaland on the 4th day of June, 1890, and the said Supplement being signed and sealed by His Excellency the Governor of the said Colony and His Excellency the Governor of British Bechuanaland on the 22nd day of September, 1890, and by His Honour the President of the Orange Free State on the 11th day of September, 1890.

Whereas, in terms of the further Protocol and Supplement thereto hereinbefore mentioned it was agreed between His Excellency the Governor of the Colony of the Cape of Good

G. N. Hope and His Honour the President of the Orange Free State, Dec. 5, 1890, and assented to by His Excellency the Governor of British Bechuanaland, that the Territory, of British Bechuanaland Protocol Nov 21, 1890, should, on and after the 1st day of January, 1891, be admitted as a party to the Customs Union then subsisting between the said Colony and the said State, upon certain terms and conditions in the said Protocol and Supplement contained :

And whereas thereafter the said Governor of the said Colony and the said President of the said State did agree under their hands and the Seals of the said Colony and State on the 3rd July, 1890, and the 12th July, 1890, respectively, to another Protocol providing for the removal under certain conditions of goods in bond from any Colony or State belonging to the Union to any other such Colony or State, and for the re-warehousing of such goods in bonded warehouses within such other Colony or State, and for the collection and apportionment of duties upon such goods when taken out of bond and for other purposes :

And whereas it is expedient that the provisions of the Protocol last mentioned should apply to the territory of British Bechuanaland :

Now, therefore, His Excellency the Governor of the Colony of the Cape of Good Hope on behalf of the Government of the said Colony, and His Honour the President of the Orange Free State on behalf of the Government of the said State, and His Excellency the Governor of British Bechuanaland on behalf of the said territory, have given their joint assent to the following Protocol, which shall be of equal force with, and shall be read and construed as part of, the aforesaid Customs Union Convention and of the other Protocols and Supplements hereinbefore mentioned.

The terms and conditions contained in the Protocol signed and sealed as aforesaid on the 3rd July, 1890, and 12th July, 1890, shall in all respects be applicable and in force in regard to the territory of British Bechuanaland, from the date of the admission of the said territory into the Customs Union, as fully as if the said territory had been an original party to the said Protocol.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this 21st day of November, 1890.

HENRY B. LOCH,
Governor of the Colony of the Cape of Good Hope.

Given under my hand and the Public Seal of the Territory of British Bechuanaland, at Capetown, this 21st day of November, 1890.

HENRY B. LOCH,
Governor of the Territory of British Bechuanaland.

Given under my hand and the Public Seal of the Orange G. N.
Free State, at Bloemfontein, this 26th day of Dec. 5,
November, 1890, 1890.
Protocol
Nov. 21,
1890.

F. W. REITZ,
State President.

GOVERNMENT NOTICE.

THE subjoined Protocol, providing for the admission of G. N.,
Basutoland into the Customs Union between the July 10,
Governments of the Colony of the Cape of Good Hope and 1891.
Orange Free State, is hereby published for general information.

J. ANCHITEL ASHBURNHAM,
Secretary.

Vryburg, 10th July, 1891.

ADMISSION OF BASUTOLAND INTO THE UNION.

PROTOCOL TO

The Customs Union Convention entered into between His
Excellency the Governor of the Colony of the Cape of Good Jan. 10,
Hope and His Honour the President of the Orange Free State, 1891.
on behalf of their respective Governments, and given under
their hands and the Public Seals of the said Colony and State
on the 5th day of April, 1889, and the 28th day of March, 1889,
respectively, and to the Further Protocol and Supplement
thereto, the said Protocol being signed and sealed as aforesaid
by His Excellency the Governor of the said Colony and His
Honour the President of the said State on the 4th day of June,
1890, and on the 19th day of June, 1890, and assented to by
His Excellency the Governor of British Bechuanaland on the
4th day of June, 1890, and the said Supplement being signed
by His Excellency the Governor of the said Colony and His
Excellency the Governor of British Bechuanaland on the
22nd day of September, 1890, and by His Honour the President
of the Orange Free State on the 11th day of September, 1890.

His Excellency the Governor of the Colony of the Cape of
Good Hope and His Honour the President of the Orange Free
State, mutually on behalf of their respective Governments,
having regard to the application made by, or on behalf of, the
Government of Basutoland to be included as a party to the
subsisting Customs Union between the said Colony and State,
and having regard to the articles of the subsisting Customs
Union Convention entered into in the year 1889 between His
Excellency the Governor of the Colony of the Cape of Good
Hope and His Honour the President of the Orange Free State

Protocol on behalf of their respective Governments, do hereby signify
 Jan. 10, 1891. their joint assent, in terms of Article X. of the said Convention,
 to the admission of Basutoland as a party to the said Customs
 Union, subject to the terms and conditions following, that is to
 say:—

1. The admission of Basutoland to the said Customs Union shall take effect and operate on and after the 1st July, 1891, provided that the Government of Basutoland shall before that date have passed the legislation requisite to give effect to the terms and conditions of this Protocol, relative to its admission as a party to the said Customs Union.

2. His Excellency the High Commissioner shall at the foot or end of this Protocol signify on behalf of Her Majesty's Government his assent to this Protocol and to the terms and conditions herein contained relative to the admission of Basutoland as a party to the said Customs Union.

3. So soon as Basutoland shall be admitted as a party to the said Customs Union, the Government thereof shall become, be, and continue bound by the provisions of the aforesaid Customs Union Convention and of this Protocol thereto, and the terms of the said Convention shall, *mutatis mutandis*, be read and construed as though Basutoland were a fourth party thereto, the Governments thereof having all the rights and being bound by all the obligations with regard to the respective Governments of the Colony of the Cape of Good Hope, the Orange Free State, and the Territory of British Bechuanaland, to which the said Governments are mutually entitled, and by which they are mutually bound under the said Convention with regard to each other. Provided always that

- (a) With regard to Articles III, IV, VII, X, and XI of the said Convention, the mutual agreement or joint assent of the two Governments of the Colony of the Cape of Good Hope and of the Orange Free State shall be required and shall be sufficient to carry out the several purposes of the said Articles from time to time;
- (b) The Government of Basutoland shall be deemed to have agreed and consented to any proposal, matter or thing approved or resolved on in terms of any of the said articles by the mutual agreement or joint assent of the aforesaid two Governments;
- (c) No amendment of the provisions of the said Convention shall be made under Article XI thereof, before consultation with the Government of Basutoland.
- (d) No agreement, rule or regulation made by the mutual agreement or joint assent in terms of paragraph (a) of this proviso of the two Governments therein referred to shall at any time be deemed or taken to be applicable to

and binding upon Basutoland or the Government thereof, unless such agreement, rule or regulation shall be also applicable to and binding upon the Orange Free State, and the Government thereof, or unless the Government of Basutoland shall directly express to the said two Governments its assent to such agreement, rule or regulation.

4. The Protocol to the said Customs Union Convention, entered into between the Governor of the Colony of the Cape of Good Hope and the President of the Orange Free State, on behalf of their respective Governments, and given under their hands and the Public Seals of the said Colony and State, on the 30th day of April, 1889, and the 24th day of April, 1889, respectively, shall be deemed for the purposes of this Protocol to form portion of the said Customs Union Convention.

Given under my hand and the Public Seal of the Colony of the Cape of Good Hope, at Capetown, this Tenth day of January, One Thousand Eight Hundred and Ninety-One.

HENRY B. LOCH,
Governor.

Given under my hand and the Public Seal of the Orange Free State, at Bloemfontein, this Twenty-eighth day of February, One Thousand Eight Hundred and Ninety-One.

F. W. REITZ,
State President.

On behalf of Her Majesty's Government of Basutoland, I hereby signify my assent to the above Protocol and to the terms and conditions therein contained, relative to the admission of Basutoland as a party to the Customs Union subsisting between the Colony of the Cape of Good Hope and the Orange Free State.

Given under my hand and the Public Seal of Basutoland, at Capetown, this Tenth day of January, One Thousand Eight Hundred and Ninety-One.

HENRY B. LOCH,
High Commissioner.

GOVERNMENT NOTICE.

Under and by virtue of Section 9 of Proclamation No. 93 B.B. 1890, His Excellency the Governor has been pleased to make the following regulations for the importation into and for the removal to and across the borders of this territory, of all goods, wares or merchandise, except the Raw Produce of

G. N.,
Dec. 5,
1890.

G. N. Africa, and the produce or manufacture of any Colony, State
 Dec. 5, or Territory belonging to the South African Customs Union.
 1890.

By order,

J. ANCHITEL ASHBURNHAM,
 Secretary to Administrator.

Vryburg, 5th Dec., 1890.

CUSTOMS REGULATIONS.

Regu'a- 1. No goods, wares or merchandise shall be imported or
 tions. brought into the territory of British Bechuanaland for consump-
 tion therein, from any place outside the Customs Union, or for
 removal to places beyond the borders thereof, and no goods
 shall be exported from or taken beyond the borders of this
 territory, except at such places as may be declared by the
 Governor by proclamation to be ports for that purpose; and if
 any goods, &c., shall be imported into or exported from this
 territory at any other places than such duly proclaimed ports,
 all such goods, &c., shall be forfeited.

2. Upon the arrival at any port in the territory of British
 Bechuanaland from any Colony or State not in the South
 African Customs Union, of any conveyance, animal or person
 laden with goods, &c., to be imported into this territory,
 whether for consumption therein or for removal there through
 to any place beyond the limits thereof, the person in charge or
 possession of such conveyance, &c., or goods, &c., shall come
 at once to the Custom House at such port and there make
 report in writing in duplicate (in the form "A" in the Schedule
 hereunto annexed) concerning such conveyance, &c., and goods,
 &c., in his charge or possession and relating to the journey,
 and shall make and subscribe, before the proper officer of
 Customs, the declaration at the foot of such report as to the
 truth of the same, and also the application for permission to
 import the goods described in such report; and he shall at the
 same time produce to such officer all way-bills and other docu-
 ments relating to the conveyance, &c., goods, or journey; and
 he shall also answer all such questions concerning the con-
 veyance of goods and journey as shall be demanded of him by
 such officer.

3. No conveyance, animal or person laden with goods, wares
 or merchandise imported from any place beyond the Union for
 consumption in this territory or within the Union, shall be
 removed from the port of importation until due entry of and
 payment of duty on the goods at the Custom House at such
 port, in the manner prescribed in No. 5 of these regulations, or
 until the person in charge of such conveyance, &c., and goods
 shall have undertaken in writing that he will not unload,

diminish or in any way tamper with, nor allow to be unloaded, ^{Regula-} diminished or tampered with, the goods until due entry thereof ^{tions.} and payment of duty thereon in the manner prescribed in No. 5 of these regulations at the Customs House to which he may be directed in writing by the officer of Customs at the port of importation, for the purpose of such entry and payment of duty: Provided that in every case such person shall first obtain from the officer of Customs a Delivery Order (in the form "C" in the schedule hereunto annexed) for the removal, unloading and delivery of the goods, or a Permit (in the form "D" in the schedule hereunto annexed) for the removal of the goods from the Custom House at the port of importation to the Custom House where entry and payment of duty are to be made.

4. No goods shall be brought into any declared port in this territory from any place beyond the Customs Union before sunrise or after sunset.(i)

5. Before any goods imported *from beyond the Union* for consumption in this territory, or within the Union, shall be unloaded or delivered to any consignee, due entry thereof and payment of the duty thereon shall be made at the Custom House at the port of importation or at the Custom House to which the goods may be permitted to be removed for the purpose of entry and payment of duty in the manner following, viz.:—The importer or his agent shall deliver to the proper officer of Customs at the Customs House a bill of entry in triplicate (in the form "B" in the schedule hereunto annexed), wherein shall be set forth full particulars of the goods, sufficient to enable the duties payable on them to be assessed, and such particulars shall be arranged on the Bill of Entry in such manner as the officer may require; and the importer or his agent shall at the same time pay down all the duties payable on the goods, and he shall hand to the officer all invoices and other documents relating to the goods; and the importer or his agent shall, at his own risk and expense, open and unpack, re-pack and close up, such packages as may be required to be examined by the Officer of Customs.(j)

6. All goods imported for conveyance through this territory to any Colony, State or Territory within the Union, or beyond the limits thereof, shall be conspicuously marked in large letters with the name of the Colony, State or Territory to which they are to be removed.

7. All goods imported to be removed through or entered for removal from this territory under rebate of Customs Duty to any place outside the Customs Union shall be conveyed only

(i) Printed as amended by Government Notice No. 39, 1893.

(j) Printed as amended by Government Notice, 24th December, 1891.

Regulations. by a duly proclaimed Transit Road, or in the absence of such proclaimed Transit road, then by the most direct practicable route, having regard to the destination of the goods; and no such goods whilst within the limits of the Customs Union shall be delivered, diminished, altered, or in any way tampered with, nor shall they be unloaded except in such circumstances as may be elsewhere in these Regulations provided for; nor shall the person having control over such goods, by himself or by his agent, take any portion thereof into consumption within the Union, except upon permission first obtained from and after payment of the rebate allowed to the principal officer of Customs at the port or place within the Customs Union at which the goods may have been so entered for removal.^(k)

8. Before any conveyance, animal, or person with goods imported to be conveyed through this territory to any place beyond the limits of the Union shall be removed from any Custom House, Railway Station, or Warehouse in this territory, the person in charge of the goods shall undertake in writing to follow only the duly proclaimed transit road, or most direct practicable route having regard to the destination of the goods, and that none of the goods in his charge shall be, or shall be allowed to be, delivered, diminished, or tampered with, or unloaded, except as elsewhere in these Regulations provided for, whilst within the limits of the Customs Union; and in every case the person in charge of the goods shall, before removing the same, obtain from the Officer of Customs at the Custom House, Railway Station, or Warehouse, permission in the form of a Pass (in the form "E" in the schedule hereunto annexed) to convey the goods through the territories comprised in the Customs Union on the terms laid down in his undertaking given: Provided that in the case of accident or repairs necessary to the conveyance, the goods may be unloaded by permission to be obtained from the nearest Customs Officer, Magistrate, or Justice of the Peace, who shall, however, require that the goods be properly secured at the expense of the person conveying the same.^(k)

9. The Customs duty leviable on goods imported into this territory from or through any place beyond the Union becomes due and is payable immediately the goods are brought across the borders thereof, and may be lawfully demanded forthwith when the owner or consignee or his agent accompanies the goods; but in the case of the goods conveyed across the border by a duly proclaimed road and not being accompanied by the owner, consignee or agent, entry and payment of duty may be deferred, as in regulations 3 and 5 hereof provided, until the arrival of the goods at the Custom House at Taungs, Vryburg or Mafeking, beyond which places, however, it shall not be

^(k) Printed as amended by Government Notice No. 39, 1893.

lawful to convey the goods without payment of duty first made. ^{Regulations.} Importers should therefore make due provision for entry and payment of duty on goods on arrival at the Custom House either at the port of importation or at one of the towns above mentioned.

10. With respect to goods imported into this territory from any place outside the Union to be removed to any place beyond the Union, and being conveyed not in ordinary transport wagons laden solely with "transit goods," but by means of carts, pack-oxen or horses, or persons such as pedlars (togtgangers) or others accompanying the goods, the officers of Customs, should they consider that there be any risk to the revenue to permit removal through the territory under regulation 8 hereof, may refuse to grant such permission until the full Customs Union Duties on the goods shall have been deposited, which deposits may be refunded on production of sufficient evidence of the due delivery undiminished of the goods at their destination beyond the limits of the Union.

11. Goods imported to be removed through this territory may, for the purpose of waiting further carriage to be procured for their conveyance to their destination beyond the Union, be off-loaded with the sanction of the Officers of Customs, and may be temporarily stored at any Custom House, railway goods station, or other warehouse duly approved of by such officer. Such warehouse, however, shall be a general one provided by forwarding agents, who shall give bond with two sufficient sureties to the satisfaction of the Officer of Customs, in such sum as may be fixed upon by the said officer, for the safe deposit in such warehouse of the transit goods, and with condition for the observance of all rules and regulations of Customs for the control of such warehouse; and such warehouse shall be centrally and conveniently situated, and shall be sufficiently secure for its purpose; and the doors shall be fitted with appliances for affixing the Customs locks, of which the officers shall hold the keys. None but transit goods shall be received into such warehouse, and no deliveries shall take place therefrom except on an order in writing from the Officers of Customs. No such warehouse shall be opened or kept open before sunrise or after sunset, and no lights shall be used therein. The proprietor of the warehouse shall, as long as there may be room therein, provide for the accommodation of the goods of any consignee at a reasonable uniform charge, and shall keep a book in which shall be entered particulars of all goods received into or delivered from the warehouse, such book to be at all times open to the inspection of the Officers of Customs.

12. In the case of goods imported into this territory, from any place not in the Union, to be removed to any other Territory, State or Colony in the Union for consumption therein,

Regulations. the importer or his agent shall write at the head of the Bill of Entry referred to in No. 5 of these regulations, or across the face thereof, in red ink, a statement indicating the name of the place to which such goods are to be removed and the mode of carriage to be employed, which shall be by rail as far as practicable, having regard to the situation of such place. And no such goods shall be removed from this Territory to any other Territory, State or Colony in the Union, unless the Customs Union duties shall have been first paid.(l)

13. All goods imported or brought into this territory, or exported or removed therefrom, contrary to these regulations, may be seized by any Officer of Customs or member of the Police Force, Magistrate, Justice of the Peace, Chief Constable, Field-cornet, or person empowered to act for any one of such officers.

14. These regulations shall not apply to any goods being the growth, produce, or manufacture of any Colony, State or Territory belonging to the South African Customs Union which have not *in transitu* been conveyed beyond the limits of the said Customs Union, or to the raw produce of South Africa.(m)

15. In the case of goods imported into this Territory and arriving at the Custom House at Mafeking, in accordance with the Regulation No. 9 hereof, whenever the Importer may elect to warehouse such goods without payment of the duties, all such goods shall be forthwith carried to and deposited in a warehouse duly appointed for the free warehousing and securing of goods under bond. And the Importer or his agent shall within 24 hours of the arrival of the goods (not including Sundays or Public Holidays), deliver to the proper Officer of Customs, at the Custom House, Mafeking, a Bill of Entry Warehousing in duplicate (in the form "F" in the Schedule hereunto annexed), wherein shall be set forth, in such manner as such officer shall require, full particulars of the goods sufficient to enable the duties payable thereon to be assessed; and the Importer or his agent shall at the same time produce, for the inspection of the officer, all the invoices and other documents relating to the goods, and shall, at his own risk and expense, open and unpack, repack and close up, such of the packages as may be required to be examined by the Officer of Customs. And the Officer of Customs shall grant to the Locker in charge of the warehouse in which the goods are to be deposited a "Warehousing Order" (in the form "N" in the Schedule hereunto annexed) giving particulars of the goods as

(l) N.B.—See also Regulations 31 and 32, relating to such goods.

(m) Printed as amended by Government Notice of 24th December, 1891.

shown on the entry, which particulars shall be entered in the Locker's book.⁽ⁿ⁾ Regulations.

16. Whenever any goods warehoused upon importation at any place within the Customs Union shall be removed to any place in this Territory to be re-warehoused without payment of the Customs Union duties of importation, all such goods shall be carried to and deposited in a warehouse duly appointed for the free warehousing and securing of goods under bond. And the Importer or his agent shall, within 24 hours of the arrival of the goods (not including Sundays or Public Holidays), deliver to the Proper Officer of Customs, at the Custom House, a Bill of Entry Re-warehousing in duplicate (in the form "G" in the Schedule hereunto annexed), wherein shall be set forth in such manner as such officer shall require, full particulars of the goods, according to the account taken thereof at their first warehousing within the Union, and as advised by the principal Officer of Customs, from the place within the Union whence the goods may be removed: and the officer shall grant to the Locker in charge of the warehouse a Warehousing Order (Form "N") giving particulars of the goods as shown on the entry, which particulars shall be entered in the Locker's book.

17. Upon the entry for warehousing or re-warehousing in accordance with the foregoing Regulations Nos. 15 and 16 hereof, of any goods in this territory, the importer or his agent shall at the same time give a Special Warehousing Bond (in the form "H" in the Schedule hereunto annexed), with one sufficient security to be approved of by the principal Officer of Customs, in double the Customs Union duties of importation payable on the goods, with condition for the safe keeping of the goods in the warehouse mentioned in the Warehousing Entry, and for the payment, within two years from the date of such entry, of all the proper duties on the whole of the goods—according to account taken at their first warehousing in the Union—either for consumption within the Union or for exportation under rebate to places beyond the Union, or for the entry of such goods for removal, under bond, without payment of the duty, to places within the Customs Union, and with further condition that no part of the goods shall be taken out of the warehouse except upon an order in writing from the proper Officer of Customs after due entry for consumption in the Union, for exportation to places beyond the Union or for removal in bond to places within the Union. Provided, however, that whenever the proprietor or occupier of the warehouse in which the goods are to be deposited, or the importer, shall have given a General Warehousing Bond (in the form "I" in the Schedule hereunto annexed), with two sufficient sureties to the satisfaction of the

(n) Printed as amended by Government Notice of 24th December, 1891.

Regulations. principal Officer of Customs, in such amount as such officer shall fix upon and determine, for the safe keeping and securing payment of duty on and due entry of all such goods as may from time to time be deposited in such warehouse, and generally for the compliance with all requirements of the Customs Laws and Regulations with respect to the warehouse and the goods deposited therein, and upon like terms and conditions further as contained in the Special Warehousing Bond aforementioned, then it shall not be necessary to give such Special Warehousing Bond otherwise required in respect of the particular goods warehoused. And when the goods shall have been duly re-warehoused according to law the Officer of Customs shall grant a certificate to that effect on one copy of the advice of goods in bond received by him for the goods, and shall return it by post to the Officer of Customs from whom such advice was received.^(o)

18. No warehoused goods shall be taken out of or delivered from the warehouse except upon an order in writing from the proper Officer of Customs and after due entry in the manner prescribed in the regulations next following Nos. 20 and 21 hereof.

19. Upon the entry of goods for delivery from the warehouse for consumption within the Union, the Importer, or his Agent, shall deliver to the proper Officer of Customs at the Custom House a "Bill of Entry for payment of duty on goods to be delivered from the warehouse for Union consumption," in triplicate (in the form "J" in the Schedule hereto annexed), wherein shall be set forth, in such manner as such Officer shall require, full particulars of the goods according to the account taken (and as may have been advised from the Officers of Customs) at the first warehousing of the goods and sufficient to enable the proper duties thereon to be assessed, and the Importer or his Agent shall at the same time pay down all the Customs Union duties on the goods to be delivered, and the Officer shall grant a Union Consumption Order (form "O") for the delivery of the goods by the Locker.

20. Upon the entry of goods for delivery from the warehouse for exportation under rebate of Customs duties to places beyond the Customs Union, the Exporter or his Agent shall deliver to the proper Officer of Customs at the Custom House a "Bill of Entry for payment of duty less rebate on goods for exportation from the warehouse to places beyond the Customs Union," in triplicate (in the form "K" in the Schedule hereto annexed) wherein shall be set forth, in such manner as such Officer shall direct, full particulars of the goods according to the account

(o) Certain words inserted in this Regulation by Government Notice of 24th December, 1891, were expunged by Government Notice No. 16, 1892.

taken (and as may have been advised from the Officer of Regulations Customs) at the first warehousing of the goods in the Union, and sufficient to enable the proper duties thereon to be assessed, and the Exporter or his Agent shall at the same time pay down all the Customs Union duties on such goods, less only such rebate of duties as may be granted, on account of the exportation of such goods to places beyond the Union, and such Exporter or his Agent shall also deliver to the proper Officer of Customs a "Requisition" (in the form AA hereto annexed) for removal of the goods to their destination. The Exporter shall also give a Rebate Bond (form "BB") with one surety to the satisfaction of the Collector of Customs in double the amount of rebate allowed on the goods proposed to be removed with condition for the removal of such goods by the line of road and by the mode of carriage described in the "Requisition," and with further condition that the said Exporter shall produce within such reasonable time as may be fixed by the Collector of Customs a certificate under the hand of the Officer in charge of the Customs Station at the port of exit mentioned in the "Requisition" aforesaid that the goods have been duly produced, and that without alteration or diminution of their contents according to the account taken thereof prior to their removal they have duly passed through such port for removal beyond the Union, and also that the said Exporter shall, within such further reasonable time as may be fixed by the Collector of Customs, produce to him a "Declaration" made by the Consignee before a Customs Officer at the place of destination beyond the Union that the goods have been duly produced to and examined by such officer, or if there be no Customs Officer in the country of destination, then before such official or other person as may be approved by the proper Officer of Customs at Mafeking. Upon the due execution of such bond the proper Officer of Customs shall grant a Rebate Export Order (form "P") for the delivery of the goods by the Locker, on which order the Carrier or Railway Officer receiving the goods to be conveyed shall sign a receipt for the same, and the Locker or other Officer of Customs giving delivery of the goods shall require the Carrier or Railway Officer receiving the goods to produce the waybills or forwarding notes for the same, on which shall be inserted the number and date of the Requisition relating to the goods. All such goods shall be marked in large letters with the word "Rebate" and with the name of the country beyond the Union to which they are to be exported.(p)

21. Upon the entry of goods for delivery from the warehouse for removal to another warehouse within the Union without payment of the duties of importation, the remover or his agent shall deliver to the proper Officer of Customs, at the Customs

Regulations. House, a "Sufferance for removal in bond of warehouse goods" and an "Advice of goods removed in bond," each in duplicate (in the forms "L" and "M" respectively in the Schedule hereunto annexed), in which "Sufferance" and in which "Advice" shall be set forth, in the manner required by such Officer, full particulars of the goods to be removed according to the account taken at the warehousing of the same, and also the name of the original importer, with the place from which imported, the mode and date of importation, the name of the consignee, and the place to which the goods are to be removed, and the mode of conveyance—which shall be by rail as far as practicable—and the remover shall give bond (in the form "T" in the Schedule hereunto annexed) with one sufficient surety to the satisfaction of the principal Officer of Customs, in double the amount of the Customs Union duties of importation on the goods to be removed, with condition for their safe removal to and due re-warehousing under bond at the place to which they are to be removed, and with further condition that, within a reasonable period to be fixed upon by such officer, a certificate shall be returned from the principal Officer of Customs at the place to which the goods are to be removed, that they have been duly re-warehoused there according to law; and the Officer of Customs shall grant one copy of such "Sufferance for removal" to the Locker for the delivery of the goods from the warehouse, and on such copy of the sufferance the carrier or the Officer of the Railway Department shall sign a receipt for the goods to be removed; and the Officer of Customs shall despatch the "Advice of goods removed in bond" in duplicate by post to the Officer of Customs at the place to which the goods are to be removed to be re-warehoused. All such goods shall be marked with the word "Bond." Provided that no goods warehoused on importation in this territory shall be delivered from the warehouse, or be permitted to be entered to be delivered from the warehouse, to be removed without payment of duty under bond to any place within the Union until the principal Officer of Customs shall be satisfied that there exist at the place to which the goods are to be removed a warehouse duly appointed for the deposit of goods under bond.

22. Every warehouse for the free warehousing or deposit and securing of goods under bond without payment of the duties of importation into the Union, shall be duly appointed for the purpose by notice to that effect by the Governor in the *Government Gazette*, and no goods shall be warehoused, deposited or secured in any such warehouse until such appointment shall have been made and until such notice shall have been given; and none other goods than goods entered for warehousing under bond without payment of the duties of importation shall be deposited or secured in any warehouse so appointed and notified.

23. Before any warehouse shall be appointed for the freeRegula-
 warehousing of goods under bond without payment of the tions.
 duties of importation into the Union, application in writing
 shall be made to the principal Officer of Customs by the proprietor
 or occupier thereof (in the form "Q" in the Schedule hereunto
 annexed), in which application the particulars of the warehouse
 shall be correctly set forth. And such officer shall inspect, and,
 if approving, give a certificate of inspection and approval in
 writing under his hand on such application: Provided that no
 such approval shall be given unless the warehouse be centrally
 and conveniently situated; its door or doors for the receipt and
 delivery of goods to abut on a public thoroughfare and to be
 fitted with appliances for affixing the proprietor's or occupier's
 and the Customs' locks; its windows or other apertures to be
 secured with iron bars, bolted and clenched on the inside, all to
 the satisfaction of such officer; and the proprietor or occupier
 shall undertake, in writing, to give accommodation, as long as
 there may be room in the warehouse, and at a reasonable and
 uniform charge, for the goods of any and every importer on
 application, and he shall also give, in writing, an undertaking
 to abide by the Customs Laws and Regulations with regard to
 such warehouse and all the goods which may at any time be
 deposited therein.

24. All goods warehoused in any bonding or bonded ware-
 house, shall be so stowed as to render them readily accessible
 for the purpose of inspection or stock-taking, and the name of
 the importer and date of warehousing shall be legibly noted on
 each particular description of goods.

25. The proprietor or occupier of every bonding or bonded
 warehouse shall cause to be recorded in a book to be kept for
 the purpose, in such manner as the principal Officer of Customs
 shall direct, full particulars of all receipts into or deliveries
 from the warehouse, and shall grant to the proper Officer of
 Customs a Proprietor's Receipt (in the form "V" in the
 Schedule hereunto annexed) for all goods warehoused therein.

26. Goods of an inflammable, dangerous or inconvenient
 nature shall not be stored in the same warehouse with general
 merchandise.

27. No public sale shall take place in a bonded or bonding
 warehouse.

28. No samples shall be taken from any goods warehoused
 (nor shall any packages be opened) except on an order in
 writing from the principal Officer of Customs and in the
 presence of an Officer of Customs, and after the duty on the
 samples to be taken shall have been deposited with such
 principal officer.

29. No bonding or bonded warehouse shall be opened or
 remain open except with the constant attendance of a Customs'
 Locker, nor before 8 a.m. or after 5 p.m., except on special

Regulations. sanction of the principal Officer of Customs and on payment of a charge of 1s. per hour; such warehouse, when closed, shall be secured with the Customs' as well as with the proprietor's lock.

30. No lamps, candles, or lights of any description are to be used in any warehouses, nor shall they be open before sunrise or after sunset.

31. Whenever any duty paid goods, wares or merchandise (not being the growth, produce or manufacture of any Colony, State or Territory belonging to the Union, and not being the raw produce of South Africa) shall be removed overland from this Territory to and for consumption in any other Territory, State, or Colony in the Union, the consignor of such goods shall frame a "Notice" (in the form "R" in the Schedule hereunto annexed) wherein shall be set forth the name of the Consignee and of the place in the State, Colony or Territory to which such removal is to take place, and the mode of conveyance, the marks, numbers and description of the packages; description qualities and *net* quantities of the contents, with the current market values thereof, at the place beyond the Union whence originally imported into the Union—sufficient to enable the Customs duties paid thereon on importation to be assessed with accuracy, and also an Advice (in the form "S" in the Schedule hereunto annexed), and the Consignor shall sign a declaration on such Notice and on such Advice as to the truth of the particulars given thereon before a Justice of the Peace or an Officer of Customs. And the Consignor shall obtain on such Notice and on such Advice a receipt for the goods from the Railway Officer or Carrier, according as the goods are to be conveyed by rail or other mode of carriage—which receipts shall be granted by the Railway Officer or Carrier to whom the goods may be delivered for removal. And within 24 hours after the delivery of the goods at any Railway Station in this Territory, or after the loading up of such goods on any other conveyance, the Consignor shall despatch the completed and receipted Notice to the Collector of Customs at Mafeking, and shall despatch the advice to the Consignee of the goods at the place in the Colony, Territory or State in the Union to which the same are being removed for consumption therein.*^(g)

32. Whenever any duty paid goods, wares or merchandise (not being the growth, produce or manufacture of any Colony, State or Territory belonging to the Union, and not being the raw produce of South Africa) shall be brought into this Territory for consumption therein from any other Territory, Colony

*N.B.—The Notice may be sent to the Collector of Customs, as above, by the Consignor, free through the post, marked "on the public service."

(g) Printed as amended by Government Notice No. 16, 1892.

or State in the Union—before the Consignee of such goods shall take delivery thereof from any Railway Station or from any Carrier, such Consignee shall first have in his possession an Advice similar to that in the form "S" (described in Regulation 31 hereof) from the Consignor; and within 24 hours after the delivery of all the goods, the Consignee shall dispatch such "Advice" with the delivery to him of the goods noted thereon, to the Collector of Customs at Mafeking. In the event of no such "Advice" having reached the Consignee in this territory, he shall, before taking delivery of the goods, report their arrival to the nearest Officer of Customs, Magistrate, or Justice of the Peace, so that steps may be taken through Government to require the Consignor of the goods to comply with the regulations of his Government.*^(r)

[Forms not printed.]

GOVERNMENT NOTICE.

UNDER and by virtue of Section 7 of Proclamation No. 93 G.N. B.B. His Excellency the Governor has directed it to be notified that, from and after the 1st September, 1891, Government Notice of 5th December, 1890, respecting Rebate of Customs Duty, shall be cancelled, and Rebate, to the extent shown in the Schedule hereunto annexed, shall be granted in respect of such articles as are in the said schedule specified, whenever any such articles shall be removed overland to any Colony, State or Territory outside the Customs Union: Provided that such articles shall only be removed in accordance with such Regulations as the Governor may from time to time prescribe.

By order,

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, British Bechuanaland,
21st August, 1891.

*N.B.—The Advice may be sent to the Collector of Customs, as above, by the Consignee, through the post free, marked "on the public service."

(r) Printed as amended by Government Notice No. 16, 1892.

**THE SCHEDULE REFERRED TO IN THE ABOVE
NOTICE.**

ARTICLES.		Rebate to be granted.	Dutyless Rebate to be paid
		£ s. d.	£ s. d.
Rebate Agricultural Implements (Kafir Hoes and Picks excepted)	for every £100 value.	5 0 0	5 0 0
Ale and Beer, in the wood	per Imperial gall.	0 1 0	0 0 3
Do. not in the wood	do.	0 0 6	0 0 9
Axles, Bushes, Springs and Lamps for Carts, Car- riages & other wheeled Vehicles	for every £100 value.	5 0 0	5 0 0
Bags, viz.: Grain and Wool	do.	5 0 0	Nil.
Do. Sugar Pockets	do.	12 0 0	Nil.
Blankets and Rugs, Cotton and Woollen, the single Article, in pairs or in the piece	do.	9 0 0	3 0 0
Brass in Bars	do.	12 0 0	Nil.
Candles	per pound	0 0 1½	0 0 1
Carriages, Carts, Wagons and other wheeled Vehicles, including Wheelbarrows	for every £100 value	15 0 0	5 0 0
Cheese	per pound	0 0 1	0 0 2
Chicory	per 100 lbs.	0 11 8	0 5 0
Cider	per Imperial gall.	0 0 3	0 0 9
Coals	per ton of 2,000 lbs	0 1 0	0 1 0
Cocoa and Chocolate	per pound	0 0 1	0 0 1
Coffee	per 100 lbs.	0 8 4	0 4 2
Confectionery, including Jellies, but not includ- ing Jams	per pound	0 0 1	0 0 1
Corks and Bungs	for every £100 val.	5 0 0	5 0 0
Copper Bars, Ingots, Pigs and Sheets	do.	12 0 0	Nil.
Corn and Grain (not Maize)	per 100 lbs.	0 1 4	0 0 8
Cotton Sheets (known as Kafir Sheets) in pairs, or in the piece	for every £100 value.	9 0 0	3 0 0
Dynamite	per pound	0 0 2	0 0 1
Fish, preserved or pressed in pots, bottles, tins or wood	do.	0 0 1	0 0 1

SCHEDULE.—Continued.

ARTICLES.		Rebate to be granted.			Duty less Rebate to be paid		
		£	s.	d.	£	s.	d.
Flour, wheaten or wheaten meal	per 100 lbs.	0	4	4	0	0	8
Fruit, dried, bottled or tinned	per pound	0	0	1	0	0	1
Ginger, dry	do.	0	0	2	0	0	1
Do. Chow-Chow and similar preserves	do.	0	0	2	0	0	1
Gums of all descriptions ..	for every £100 val.	12	0	0	Nil.		
Hops	do.	5	0	0	5	0	0
India Rubber, unmanufactured	do.	12	0	0	Nil.		
Iron, Bar, Bolt and Rod ..	do.	10	0	0	Nil.		
Do., Sheet (not corrugated)	do.	12	0	0	Nil.		
Lead (Tea)	do.	12	0	0	Nil.		
Marble	do.	5	0	0	5	0	0
Matches, Wooden, in boxes or other packages containing not more than 100 matches	per gross of boxes	0	1	10	0	0	2
Do., do., do., containing more than 100 and not more than 200	do.	0	3	8	0	0	4
Do., Wax Vestas and Fuzees in boxes or other packages containing up to 50 Vestas or Fuzees ..	do.	0	1	10	0	0	2
Do., do., do., in boxes or other packages containing up to 100 (and at the same rate for every additional 50 Vestas or Fuzees)	do.	0	3	10	0	0	2
Mealies or Maize	per 100 lbs.	0	0	8	0	1	4
Meats, salt and preserved, in tins, cases or otherwise	per pound	0	0	1	0	0	1
Metal, composition and sheathing	for every £100 value	10	0	0	Nil.		
Do., Yellow Nails for sheathing	do.	12	0	0	Nil.		
Mules	each	1	0	0	Nil.		

SCHEDULE.—Continued.

ARTICLES.		Rebate to be granted.			Dutyless Rebate to be paid		
		£	s.	d.	£	s.	d.
Rebate Oil, Paraffine and Linseed	per Imperial gall.	0	0	9	0	0	3
Do., other than the preceding (not Chemical, Essential, Perfumed) . .	do.	0	0	6	0	0	6
Do., Chemical, Essential, and Perfumed	for every £100 value	10	0	0	5	0	0
Ores and Minerals, crude . .	do.	12	0	0	Nil.		
Paddy (known in Natal as Coolie Rice)	per 100 lbs.	0	0	6	0	1	0
Pickles and Sauces	per pound	0	0	1	0	0	1
Picks and Hoes (commonly known as Kafir Picks and Hoes)	each	0	0	4	0	0	2
Plates of Iron and Steel combined	for every £100 value	12	0	0	Nil.		
Rice	per 100 lbs.	0	2	6	0	1	0
Rosin	for every £100 val.	5	0	0	5	0	0
Salt	per ton of 2,000 lbs	0	3	6	0	1	6
Soap, Common, Brown, Blue, Yellow or Mottled	per 100 lbs.	0	3	5	0	0	9
Soda Caustic	for every £100 val.	5	0	0	5	0	0
Spirits, all sorts (other than Hollands Gin), not exceeding the strength of proof by Sikes' Hydrometer, and so on in proportion for any greater strength	per Imperial gal.	0	10	0	0	0	6
Spirits commonly known as Hollands Gin, not exceeding the strength of proof by Sikes' Hydrometer, and so on in proportion for any greater strength . .	do.	0	10	3	0	0	3
Spirits, sweetened or perfumed, Liqueurs and Cordials	do.	0	10	0	0	0	6
Steel, Bars, Ingots, Pigs, Plates	for every £100 value.	12	0	0	Nil.		

SCHEDULE.—Continued.

ARTICLES.		Rebate to be granted.			Duty less Rebate to be paid		
		£	s.	d.	£	s.	d.
Sugar, Unrefined, including Molasses and Concrete	per 100 lbs.	0	3	0	0	3	3
Tallow	do.	0	2	8	0	1	6
Tamarinds	do.	0	16	2	0	0	6
Tea	per pound	0	0	5	0	0	3
Tin—Block and Ingots	for every £100 val.	12	0	0	Nil.		
Do. Plate or Sheet	do.	5	0	0	Nil.		
Tobacco, not manufactured	per pound	0	0	6	0	0	6
Do., manufactured (not Cigars or Snuff)	do.	0	1	6	0	0	6
Do., Cigars	do.	0	3	6	0	0	6
Do.,	and for every £100 value	10	0	0	Nil.		
Do., Cigarettes	per pound	0	1	6	0	0	6
Do., Snuff	do.	0	3	6	0	0	6
Turmeric	per 100 lbs.	1	4	0	0	1	0
Turpentine	per Imperial gal.	0	0	10	0	0	2
Varnish	do.	0	0	6	0	0	6
Vegetables, Fresh	for every £100 val.	12	0	0	Nil.		
Do., Preserved or Pressed	per pound	0	0	1	0	0	1
Vinegar	per Imperial gal.	0	0	5	0	0	1
Wire Rope	for every £100 val.	12	0	0	Nil.		
Wine, in bottles, each of not greater content than 6 to the Imperial gallon	per doz. bottles	0	11	0	0	1	0
Do., in bottles, each of not greater content than 12 to the Imperial gallon	do.	0	5	6	0	0	6
Do., in other bottles, or in wood	per Imperial gal.	0	5	6	0	0	6
Wood, unmanufactured, other than Teak	per cubic foot	0	0	2	Nil.		
Do., other than Teak, planed or grooved	do.	0	0	2	0	0	1
Wood, Teak, unmanufactured	do.	0	0	4	Nil.		
Goods not being enumerated or described, nor							

SCHEDULE.—Continued.

ARTICLES.		Rebate to be granted.	Dutyless Rebate to be paid
		£ s. d.	£ s. d.
Rebate	otherwise charged with duty in the Schedule attached to the Customs Union Tariff of 1889, and not prohibited to be imported or used in the Colony of the Cape of Good Hope (except Mealie Meal, Butterine, or other substances imported to be used as Butter, and Coats, and Jackets of Blanketing or Baize).....		
	for every £100 val.	7 0 0	5 0 0
On all goods, articles and things of every description, liable to Customs Duty in this Colony, and imported for the use of the Government of the South African Republic, provided the duty payable on such goods, &c., would be paid or borne directly by the Treasury of the Republic, and provided that, whenever Rebate is claimed hereunder, a declaration shall be made on behalf of the Government of the Republic that the goods, &c., are <i>bona fide</i> intended for the sole and exclusive use of such Government, and not for sale.	The whole Customs Union Duties.		} Nil.

GOVERNMENT NOTICE.

UNDER and by virtue of Section 9 Proclamation No. 93 ^{G. N.,} B.B., 1890, His Excellency the Governor has directed it ^{Dec. 24,} to be notified that the following alterations in and additions to the Customs Regulations Nos. 5, 14, 15, and 17, published under Government Notice of 5th December, 1890, shall be made and come into and be in force from and after the 1st day of January, 1892, viz. :—

1. In Regulation No. 5, the words "In triplicate" shall be substituted for the words "In duplicate."

2. In Regulation No. 14, between the words "Customs Union" and "Or to" there shall be inserted the words "Which have not *in transitu* been conveyed beyond the limits of the said Customs Union."

3. In Regulation No. 15 the word "Mafeking" shall be substituted for the word "Vryburg" wherever the same occurs.

4. [Superseded, *vide* Government Notice No. 16, 1892.]

By command of His Excellency the Governor of British Bechuanaland.

J. ANCHITEL ASHBURNHAM,

Secretary.

Administrator's Office,

Vryburg, 24th December, 1891.

GOVERNMENT NOTICE.

No. 16, OF 1892.

UNDER and by virtue of section 9 of Proclamation No. 93 ^{G. N.,} B.B. 1890, His Excellency the Governor has directed it ^{No. 16,} to be notified that the following alterations of the under-mentioned Customs Regulations shall be made and come into force from and after the date of the publication hereof, viz. :—

1. The words "Through the Collector of Customs at Vryburg," added by paragraph 4 of Government Notice of December 24th, 1891, to the Customs Regulation No. 17, published under Government Notice of 5th December, 1890, shall be and the same are hereby expunged from the said Regulation.

2. In the Customs Regulations Nos. 31 and 32, published under Government Notice of 5th December, 1890, the word "Mafeking" shall be substituted for the word "Vryburg" wherever the same occurs.

J. A. ASHBURNHAM,

Secretary.

Administrator's Office,

Vryburg, 29th March, 1892.

MISCELLANEOUS.

GOVERNOR'S COMMISSION.

G. N.,
No. 40,
1893. HIS Excellency the Governor has directed the publication of the subjoined Commission, under Her Majesty's Royal Sign Manual and Signet, bearing date at Windsor, the 1st day of July, 1891, appointing the Governor or the Officer Administering the Government of the Cape of Good Hope to be Governor of British Bechuanaland, including the adjacent Territory over which Her Majesty's Sovereignty was declared by Proclamation No. 107 B.B., 1891.

J. A. ASHBURNHAM,
Secretary.

Vryburg, 21st August, 1893.

CAPE OF GOOD HOPE
(BRITISH BECHUANALAND.)

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Governor, or the Officer Administering the Government of the Cape of Good Hope, to be Governor of certain British Possessions or Territories in South Africa herein described as British Bechuanaland, and providing for the Government thereof.

VICTORIA R.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To Our Governor and Commander-in-Chief or the Officer for the time being administering the Government of Our Colony of the Cape of Good Hope, in South Africa, with its Territories and Dependencies,

GREETING.

WHEREAS by Our Commission under Our Sign Manual and Signet, dated the 29th Day of September, 1885, we did appoint you, Our Governor and Commander-in-Chief, or the Officer for the time being administering the Government, of our Colony of the Cape of Good Hope, to be our Governor of British Bechuanaland, comprising certain territories situated in South Africa, and bounded to the eastward by the South African Republic, to the South by our Colony of the Cape of Good Hope, to the westward by the Molopo River, and to the northward by that river to its junction with the Ramath Labana Spruit, and thence by that river to the frontier of the South African Republic:

And whereas certain adjacent Territory, which is bounded on the east by British Bechuanaland as above described, on the south by Our Colony of the Cape Good Hope, on the west by the twentieth meridian east of Greenwich to the point where it intersects the Nosop or Oup River, and on the north by that river to its junction with the Molopo River, is now part of Our Dominions, and it is expedient to provide for the Government of the said Territory :

G. N.,
No 40,
1893.

And whereas it is expedient that the said Territory, together with British Bechuanaland as above described, should be administered as one Government :

Now know you that We do, by this Our Commission under Our Sign Manual and Signet, nominate and appoint you, Our Governor and Commander-in-Chief in and over Our said Colony of the Cape of Good Hope, or the Officer for the time being administering the Government thereof, to be Our Governor of all the aforesaid Territories under the name of British Bechuanaland.

II. And We do hereby empower, require, and enjoin you in Our name and on Our behalf, to make by proclamation such laws as may to you appear necessary for the peace, order and good Government of British Bechuanaland aforesaid, and to appoint such Officers and Magistrates, and generally to take all such measures and to do all such matters and things as you think expedient for the like peace, order, and good government.

III. And We do hereby appoint that this Our present Commission shall supersede, but without prejudice to anything lawfully done thereunder, Our above recited Commission of the Twenty-ninth day of September, 1885.

Given at Our Court at Windsor, this First day of July, 1891, in the Fifty-fifth year of Our Reign.

By Her Majesty's Command,

KNUTSFORD.

THE ADMINISTRATOR'S COMMISSION.

HIS Honour the Administrator has directed the publication of the Subjoined Commission appointing him to be Administrator and Chief Magistrate of British Bechuanaland, including the adjacent territory over which Her Majesty's sovereignty was declared by Proclamation No. 106 B.B., 1891.

Aug. 13,
1891.

J. ANCHITEL ASHBURNHAM,
Secretary.

Vryburg, 13th August, 1891.

Aug. 13,
1891.

COMMISSION by His Excellency Sir Henry Brougham Loch, Knight Grand Cross of the Most Distinguished Order of S. Michael and S. George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, Governor of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c.

To His Honour Sir SIDNEY GODOLPHIN ALEXANDER SHIPPARD, Knight Commander of the Most Distinguished Order of S. Michael and S. George,

GREETING.

WHEREAS by a Commission under the Royal Sign Manual and Signet, bearing date the 1st July, 1891, Her Majesty did appoint me, the Governor and Commander-in-Chief, or the Officer for the time being administering the Government of the Colony of the Cape of Good Hope, to be Governor of British Bechuanaland:

And whereas Her Majesty did, by the said Commission, among other things empower and require me to appoint Officers and Magistrates, and generally to take all such measures and to do all such matters and things as I may think expedient for the peace, order and good government of the said territory of British Bechuanaland:

Now, therefore, I do hereby appoint you, the said SIDNEY GODOLPHIN ALEXANDER SHIPPARD, to be Administrator and Chief Magistrate in and for the territory of British Bechuanaland, and I do authorise and empower you to take all such measures and to do all such matters and things in British Bechuanaland as are lawful and may appear to you expedient for promoting peace, order and good government within the said territory, subject to such instructions and directions as I may from time to time give you in the premises.

Given under my hand and seal at Capetown, this 7th day of August, 1891.

(Signed) HENRY B. LOCH,
Governor of British Bechuanaland.

Seal.

Mar. 20,
1889.
Arms,
&c.

IT is hereby notified for general information that from and after the 1st April, 1889, the provisions of Sections 5, 6, 7, 8, 9, and 10 of Proclamation No. 59 B.B., 1889, shall come into and be in force in the territory of British Bechuanaland, and shall hereafter continue in force until further notice or Proclamation, pending which notice or Proclamation exportation

of the articles named in the schedule to the Proclamation is prohibited.

By order of His Honour the Administrator,

J. ANCHITEL ASHBURNHAM,
Secretary.

Vryburg,
20th March, 1889.

is Mar. 20,
1889,
Arms,
&c.

DEEDS REGISTRY.

GOVERNMENT NOTICE.

No. 68 OF 1892.

HIS Excellency the Governor has been pleased to approve of the Regulations hereto appended, framed under the provisions of Proclamation No. 159 B.B., 1892.

J. A. ASHBURNHAM,
Secretary.

G. N.,
No. 68,
1892.
Deeds
Registry.

Vryburg, 21st November, 1892.

The following Regulations shall come into operation in the Deeds Registry Office at Vryburg on the 1st day of December, 1892, from and after which date the Rules published under Government Notice of the 3rd July, 1890, shall be of no force and effect:—

SECTION I.—GENERAL.

1. In these Regulations, unless the context shows otherwise, the word "Registrar" means the Registrar of Deeds for the Territory; the word "deeds" or "deed" means and includes Deeds of Transfer and Mortgage Bonds; and the word "powers" or "power" means and includes Powers of Attorney to pass Deeds of Transfer, to pass, cede or cancel Mortgage Bonds, to register servitudes, or to perform any act of a similar nature in the Deeds Registry Office.

2. Deeds must be executed and handed in between the hours of 10 a.m. and 1 p.m. on Saturdays, and 10 a.m. and 1 p.m., and 2 p.m. and 4 p.m. on other working days. It shall, however, be competent for the Registrar, on sufficient cause shown to him, to permit deeds to be executed or handed in at any other time. The Registrar, or any clerk authorised by him, shall note on each deed the hour and minute when it was received.

3. Deeds and powers executed within the Territory must be printed or written on hand-made paper of good quality, cream-laid, and weighing not less than 18 lbs. per ream of 480 sheets foolscap.

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4. All deeds, powers, and other documents tendered for registration or record must be neatly and plainly written. Alterations and interlineations should not be made: if unavoidable, they must be initialled by the person executing the deed or document, and also by the attesting witnesses, if any. A sufficient margin for binding must be allowed.

5. If a deed has been once rejected for any defect, an additional fee of six shillings shall be paid each time that it is again tendered for registration without such defect having been cured.

6. If reference has to be made to any document already filed in the Deeds Registry Office, the Conveyancer must quote the number and date of the deed with which such document is filed. In the case of appointments of executors and trustees the index letter and number must be quoted.

7. Deeds executed by or in favour of women must state their condition, whether unmarried, married or widows, and in the case of a married woman must contain the full name of her husband, and must set forth whether she is married to him with or without community of property. Married women must be assisted by their husbands in executing deeds or powers, unless an antenuptial contract be produced showing that the husband has renounced the *ius mariti*.

8. Deeds and powers must contain the *full* names of the transferor, transferee, mortgagor and mortgagee, as the case may be.

9. Business with the Deeds Registry Offices should be conducted in person or through an agent, and *not* by correspondence.

SECTION II.—DEEDS OF TRANSFER.

10. No deed shall convey more than one grant of land.

11. A separate deed is required to convey land from each registered owner, except

(a) Where the land is owned by two or more persons constituting a firm;

(b) Where the same purchaser acquires undivided shares in the same piece of land, in which case the different sellers may jointly give transfer of the aggregate of the shares held by them.

12. Deeds in favour of a firm must contain the full names of the partners constituting the firm, and so long as the firm consists of these same partners the property may be transferred on a power signed by the firm, provided the names of the partners are fully set forth in such power. Should any such partner leave the firm, then transfer of his share in the property should be given in the ordinary form to the other partners; and similarly if a new partner be admitted he should receive transfer of his share.

13. Land registered in the name of a minor cannot be subdivided without an Order of Court: but the Registrar need not

demand such order where the land, although bequeathed to a minor, is still registered in the name of the testator or his estate.

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14. Where land is acquired under special conditions limiting the rights of the owner (as for example, that he may not mortgage it, or alienate it *extra familiam* or without the consent of the Government) such conditions must be embodied in every conveyance of such land.

15. Land which has been specially hypothecated may be transferred, notwithstanding the existence of such mortgage,

- (a) In execution of the judgment of any competent court, by the officer appointed by law or by such court;
- (b) By the Trustee of the Insolvent Estate to which such land belongs.

16. No transfer under the provisions of "The Titles Registration and Derelict Lands Act, 1881," shall be passed until a Conveyancer has given a certificate that he has searched the Register of Transfers, and that it contains no record of a transfer of the property in question by the person from whom it is proposed to be alienated.

17. Transfers in execution of the judgment of a competent court may be passed on a certified copy of the last transfer, although such copy has been issued "for judicial purposes only:" Provided the officer carrying out such judgment certifies that he has been unable to recover the original deed, and provided also that a Conveyancer's certificate as in the last preceding regulation set forth is lodged with the Registrar.

18. No transfer shall be passed on a certified copy of a title deed issued by the Surveyor-General until a Conveyancer has lodged with the Registrar a certificate as in the sixteenth clause hereof described.

19. Every deed must quote the date and registered number of the grant or transfer by which the transferor holds, and also the date and registered number of the grant or transfer to which the diagram of the land is attached, as well as the name of the person in whose favour such last-mentioned grant or transfer was made.

20. In describing the property, the Field-cornetcy within which it is situated need not be named, but the folio and registered number (if any) under which it is registered in the Audit Office should be given.

21. Where property is transferred in pursuance of the provisions of a will, a certified copy of such will shall be filed with the deed. If a copy is already lodged in the Registrar's Office, a note is to be made on the deed indicating the number and date of the deed with which such copy is filed. The Registrar may also, in the exercise of his discretion, require any executor who seeks to transfer any land belonging to the estate under

G. N., his administration to file a certified copy of the will under which No. 68, he acts.

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SECTION III.—COPIES OF TRANSFER DEEDS.

22. Copies of transfer deeds required for information only will be issued on application by any person, and the words "issued for information only" shall be endorsed on every copy so issued.

23. Copies of Transfer Deeds required for judicial purposes will be issued only on receipt of a written application signed by an Attorney of the Court of the Chief Magistrate, and the words "issued for judicial purposes only" shall be written across every copy so issued.

24. Should a copy of a Transfer Deed be required for any other purpose, the person in whose name the property conveyed by such Deed stands registered must make a Solemn Declaration under the provisions of Section 5 of describing the said Deed, and stating that it has not been pledged nor is it detained by any one as security for debt or otherwise, but that it has been actually lost or mislaid and cannot be found though diligent search has been made, and further setting forth, where possible, the circumstances under which it was lost.

If the declarant is unable to give the circumstances, he should state the fact in his declaration.

25. Should such person be no longer alive or be an Insolvent, then the Declaration may be made by his legal representative.

26. The Applicant shall also insert once in the *Government Gazette* and once in a Newspaper published in the Division in which the property conveyed by the transfer is situated (and if there be no such Newspaper then in a Newspaper circulating in such Division), a Notice to the following effect:—

LOST TRANSFER.

Notice is hereby given that I intend applying for a certified copy of the Deed of Transfer made on the day of by (*here insert full name of transferor*) in favour of (*here insert full name of transferee*) whereby certain (*here insert description of the property*) was conveyed: and all persons claiming to have any objection to the issue of such copy are hereby required to lodge the same, in writing, with the Registrar of Deeds in within fourteen days from the publication of this Notice.

Dated at, this day of

.....
(Applicant's Signature.)

27. The Applicant shall lodge with the Registrar the Solemn Declaration aforesaid and a copy of the Newspaper in which such notice appeared, and shall also acquaint him with the date of the *Gazette* in which it was published.

28. After the expiry of the time mentioned in such notice the Registrar will, if he be satisfied that no good reason to the contrary exists, grant the certified copy asked for: Provided, however, that no such copy shall be issued until the Registrar has caused the Register of Transfers to be searched by one of his officers and has so ascertained that the property has not been alienated by the person by whom or by whose representative the application is made.

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Registry.

29. A fee of two shillings shall be payable to the Government for making such last mentioned search.

SECTION IV.—MORTGAGE BONDS.

30. Every bond must contain a clear description of the property mortgaged, and its extent, and the date and registered number of the last transfer must be given.

31. A bond cannot be passed in favour of any person as the agent of an undisclosed principal.

32. Consent to the cancellation of a bond in favour of one or more persons trading as a firm shall be deemed sufficient if signified under the signature of such firm.

33. Underhand cessions of bonds may be registered if written on the bond ceded. Where a balance owing on a bond is ceded, the part payment must be written off in the Debt Register in the usual manner before the cession can be registered.

SECTION V.—CANCELLATION OF LOST MORTGAGE BONDS.

34. The person who was the legal holder of the bond when it was lost must make a Solemn Declaration under the provisions of section 5 of giving a full description of the bond, and setting forth that it has been lost or mislaid, that at the time it was so lost or mislaid he was the legal holder of it, that it was not then pledged or ceded to any one, that he is desirous to have it cancelled, that diligent search has been made but it cannot be found, and that if it should be found he will forthwith transmit it to the Registrar.

35. The circumstances connected with the loss and payment (if it has been paid) of the bond must be given in detail.

36. Should the person who was the legal holder of the bond when it was lost be no longer alive, then the declaration may be made by his legal representative.

37. The declaration must be lodged with the Registrar, together with a certified extract from the Debt Register giving particulars of the registration of the said Bond.

38. The Registrar will thereupon (unless the matter shall appear to him to be one which ought to be dealt with by a competent Court of Law) issue a notice calling upon all persons claiming to have any right or title in or to the said Bond to lodge their objections to its cancellation on or before a date to be specified.

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39. The said Notice shall be prepared by the Applicant or his Attorney, and shall be inserted at his cost once in the *Government Gazette* and once in a Newspaper published in the Division in which the property mortgaged by the bond is situated, and if there be no such Newspaper, then in a Newspaper circulating in such Division.

40. After the expiry of the time fixed by such Notice the Applicant shall lodge with the Registrar a copy of the Newspaper in which it appeared, and shall also acquaint him with the date of the *Gazette* in which it was published: and the Registrar will thereupon, if no objections have been lodged, and if he be satisfied that no good reason to the contrary exists, cancel the said Bond.

41. The Notice mentioned in paragraph No. 40 shall be substantially as follows:—

LOST MORTGAGE BOND.

Application having been made for the cancellation of a bond for £... passed on the..... day of..... by (here insert full name and residence of the Mortgagor) in favour of (here insert full name and residence of the Mortgagee) hypothecating certain (here describe the property mortgaged).—All persons claiming to have any right or title in or to the said Bond, which is stated to be lost or mislaid, are hereby required to lodge their objections, in writing, at my office, within thirty days from the date of publication of this Notice, failing when the said Bond will be cancelled.

Dated at..... this..... day of.....

.....
Registrar of Deeds.

SECTION VI.—POWERS OF ATTORNEY.

42. Any person seeking to pass, cede or cancel a deed or to perform any act of a similar nature on behalf of any other person, must file with the Registrar the *original* power under which he claims to act: Provided, however, that this Regulation shall not apply to any power which may, before the date hereof, have been enrolled in the protocol of a Notary Public practising in this Territory, in which case the Registrar may accept a Notarial copy of such power.

43. Powers must specify the date as well as the place of their execution, the latter being described sufficiently to enable the Registrar to judge whether it is situated within the Territory or not.

The land to be transferred, mortgaged, or otherwise dealt with, should be clearly and sufficiently described.

44. If a married woman applies to the Registrar to pass transfer of land belonging to the Estate of which she is executrix, the Registrar may allow the transfer if he is satisfied that

the husband has received notice of the application: but when the husband has given notice of his intention to apply to the Court to prevent the transfer, the Registrar may refuse to allow the transfer until the Court has given its consent.

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No. 68,
1892.
Deeds
Registry.

45. Powers of Attorney to pass Mortgage Bonds or Deeds of Transfer, or to do any other act in connection with the Deeds Registry, will, if executed within this Territory, be accepted if attested—

- (a) By the signature of two witnesses who shall be above the age of fourteen years and competent to give evidence in a Court of Justice, and who shall affix their signatures as near as conveniently may be to the signature or mark of the person making the Power of Attorney; or
- (b) By the declaration of one such witness as aforesaid who shall make a Solemn Declaration that he was present and saw the person making such power sign the same or affix his mark thereto, or that such person acknowledge his signature or mark in the presence or hearing of a witness; or
- (c) By the Certificate of the Justice of the Peace or Notary Public that such Power was on the day and date thereof duly executed by the person therein named who acknowledged himself to be perfectly acquainted with its true intent and object.

Nothing herein contained shall, however, be taken to affect or interfere with the provisions of the Act No. 10 of 1879.

46. If such powers be executed in any British Colony or Territory in South Africa other than the Territory of British Bechuanaland, or in the Orange Free State or South African Republic, they should be attested by the signature and Seal of Office of a Resident Magistrate or Landdrost, as the case may be; but if such seal be not affixed, or if the power be attested by a Justice of the Peace or other official, or by a Notary, then the signature of such Magistrate, Landdrost, Justice of the Peace, official or Notary must be authenticated by the Colonial Secretary, State Secretary, or other proper Executive Officer of the Government of such Colony, Territory, or State.

47. Powers executed elsewhere within Her Majesty's dominions must be authenticated by the signature and seal of office of a Mayor or of a Notary Public: Provided that in the latter case the appointment of such Notary must be certified under the hand and seal of a Mayor or proper Government officer.

48. Powers executed out of Her Majesty's dominions must be attested by the signature and seal of office of a British consular officer, or of a Magistrate or Mayor: Provided that in the latter case the appointment of such Mayor or Magistrate must be authenticated under the hand and seal of

- G. N.,
No. 68,
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Deeds
Registry.
- (1) A British Consular officer, or
 - (2) The consular representative in London of the country in which the power was executed, or
 - (3) The proper executive officer of the Government of such last mentioned country.

49. Signatures to Powers of Attorney must not not be written across stamps: and all alterations or interlineations must be initialled by the person executing the power and also by the Attesting Witnesses, Magistrate, Notary, or Landdrost, as the case may be.

PROVISIONAL REGISTRATION OF GRANTS OF UN- ASCERTAINED OR UNSURVEYED LAND.

G. N.,
Nov. 13,
1896.

IT is hereby notified for the information of those whom it may concern, that the purchasers of the personal right of grantees or of the heirs and assigns of grantees of unascertained or unsurveyed lands, or of lands in respect of which no title or certificate of ownership has yet been issued, in the Batlapin Country or elsewhere in British Bechuanaland, may secure all rights legally belonging to them as such purchaser by means of a notarial instrument; provided that one copy of such notarial instrument be lodged with the Registrar of Deeds at Vryburg, to be specially noted for future registration on issue of title after survey, and meanwhile recorded in a book to be kept for that purpose by the said Registrar of Deeds, that all transfer and other dues thereupon be paid by, through or on behalf of the applicant before such provisional registration, and that another copy of such notarial instrument be at the same time furnished to the Surveyor-General.

It is further notified for general information that, pending survey and grant of title, creditors in respect of moneys either advanced or to be advanced on hypothecation of such personal right to such lands as aforesaid, or otherwise due—whether such creditors shall have obtained any interdict or not, may with the debtor's concurrence secure themselves as far as lawfully practicable, either by means of a general mortgage bond duly registered or by the preferable course of such purchase and provisional registration as aforesaid.

By command of His Excellency the Governor of British
Bechuanaland,

GRAHAM BOWER,
Imperial Secretary.

Government House,
Capetown, 13th November, 1886.

GOVERNMENT NOTICE.

No. 69 of 1892.

The following Convention entered into between His Excellency the Governor of British Bechuanaland and His Honour the President of the Orange Free State for the mutual extradition of criminal offenders is published for general information.

G. N.,
No. 69,
1892.
Extra-
dition,
O.F.S.

J. A. ASHBURNHAM,

Secretary.

Vryburg, 22nd November, 1892.

CONVENTION.

HIS Excellency the Governor of the Territory of British Bechuanaland, and His Honour the State President of the Orange Free State, in the name of the Government of that State, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up;

His Excellency Sir Henry Brougham Loch, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, Governor of British Bechuanaland and Her Majesty's High Commissioner for South Africa, &c., acting on behalf and in the name of the Government of the Territory of British Bechuanaland; and His Honour Francis William Reitz, State President of the Orange Free State, acting on behalf and in the name of the Government of the said State:

Have agreed upon and concluded the following Articles:

ARTICLE I.

The Contracting Parties engage to deliver up to each other, under the circumstances and conditions stated in the present Convention, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II., committed in the territory of the one Party shall be found within the territory of the other Party.

ARTICLE II.

Extradition shall be reciprocally granted for the following crimes or offences:—

1. Abduction.

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tion.

2. Abortion; administering drugs or using instruments with intent to procure the miscarriage of women.
3. Assault with intent to commit any crime.
4. Assault occasioning grievous bodily harm, or maliciously wounding.
5. Indecent assault.
6. Rape.
7. Bigamy.
8. Incest.
9. Child stealing, kidnapping, and false imprisonment.
10. Culpable homicide.
11. Murder or attempt or conspiracy to commit murder (including infanticide).
12. Arson.
13. Burglary or housebreaking (including the breaking into any office, store, or hut, with intent to commit any crime).
14. Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
15. Knowingly making without lawful authority any instrument, tool, or engine adapted and intended for the counterfeiting of any coin or money.
16. Deserting from any Police or defensive Force.
17. Offences against any law relating to the dealing in diamonds or gold.
18. Falsity, forgery, or counterfeiting, or altering or uttering what is forged, counterfeited or altered.
19. Fraud, including fraud by a bailee, banker, agent, factor, trustee, director, or member or public officer of any Company.
20. Offences against any law relating to the dealing in gunpowder, lead, or firearms.
21. Offences against insolvency laws.
22. Malicious injury to property.
23. Perjury or subornation of perjury.
24. Any malicious act done with intent to do injury to person or property on any railway, or to endanger the safety of any person travelling or being upon a railway.
25. Public violence.
26. Robbery.
27. Theft, including theft by means of false pretences and theft by means of embezzlement.
28. Receiving any money, valuable security or other property, knowing the same to have been stolen or unlawfully obtained.
29. Threats by letter or otherwise with intent to extort money or other things of value.

30. Being accessory to the commission of any of the afore-^{Conven-}
said crimes or offences. ^{tion.}

The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State or Territory applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

ARTICLE III.

The Government of the said State may in its absolute discretion refuse in any case to deliver up its own subjects to the Government of the said Territory, and the Government of the said Territory may similarly refuse to deliver up any British subject to the Government of the said State.

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of the Government of British Bechuanaland or the person claimed on the part of the Government of the Orange Free State has already been tried and discharged or punished, or is still under trial in the Orange Free State or in British Bechuanaland respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Government of British Bechuanaland or on the part of the Government of the Orange Free State, should be under examination for any other crime in the Orange Free State or in British Bechuanaland respectively, his extradition shall be deferred until the conclusion of the trial and full execution of any punishment awarded to him.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State or Territory applied to.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State or Territory to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken

Convention. place, until he has been restored or has had an opportunity of returning to the State or Territory by which he has been surrendered. This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Governor of the Territory of British Bechuanaland, on behalf of the Government of British Bechuanaland, and through the State President of the Orange Free State, on behalf of the Government of the said State.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State or Territory requiring the extradition and by such evidence as according to the laws of the place where the accused is found would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State or Territory that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State or Territory applied to shall proceed to the arrest of the fugitive.

ARTICLE X.

A fugitive criminal may be apprehended under a warrant issued by any Judge, Magistrate, Justice of the Peace, or other competent authority in either country, on such information or complaint, and such evidence, or after such proceedings as would, in the opinion of the authority issuing the warrant, justify the issue of the warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Judge, Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction. The criminal shall, in accordance with this Article, be discharged, as well in British Bechuanaland as in the Orange Free State, if within the term of thirty days a requisition for extradition shall not have been made in accordance with the stipulations of this Convention.

ARTICLE XI.

The extradition shall take place only if the evidence be found sufficient, according to the laws of the State or Territory applied to, either to justify the committal of the prisoner for trial, in case the crime has been committed in the territory of

the same State or Territory, or to prove that the prisoner is the identical person convicted by the Courts of the State or Territory which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State or Territory applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

ARTICLE XII.

In the examinations which they will have to make in accordance with the foregoing stipulations, the authorities of the State or Territory applied to for the said extradition shall admit as valid evidence the depositions or statements of witnesses taken in the other State or Territory under oath or under solemn affirmation to tell the truth, according as its legislation may provide, or the copies of these depositions or statements, and likewise the warrants issued and the sentences pronounced in the State or Territory which demands the extradition, the certificates of the fact of the condemnation, or the judicial documents which prove it, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State or Territory.
2. Depositions or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State or Territory, to be the original depositions or affirmations, or to be true copies thereof, as the case may require.
3. A certificate of, or a judicial document stating the fact of, a conviction, must purport to be certified by a Judge, Magistrate, or officer of the other State or Territory.
4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness or by being sealed with the official seal of some officer of the Government of the State or Territory from which the requisition for surrender proceeded; but any other mode of authentication for the time being permitted by law in the State or Territory where the examination is taken may be substituted for the foregoing.

ARTICLE XIII.

If the individual claimed by one of the two Contracting Parties, in pursuance of the present Convention, should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State or Territory whose demand is earliest in date.

Conven-
tion.

ARTICLE XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State or Territory applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

ARTICLE XV.

All articles seized which were in the possession of the person to be surrendered at the time of the apprehension shall, if the competent authority of the State or Territory applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

ARTICLE XVI.

All expenses connected with extradition shall be borne by the demanding State or Territory.

ARTICLE XVII.

The present Convention shall apply to crimes and offences committed prior to the signature of the Convention.

ARTICLE XVIII.

The present Convention shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the Contracting Parties. It may be terminated by either of the Contracting Parties by a notice not exceeding one year and not less than six months.

Given under my hand and seal at Capetown this 20th day of August one thousand eight hundred and ninety-two.

HENRY B. LOCH,

Governor of the Territory of British Bechualand.

Given under my hand and the public seal of the Orange Free State at Bloemfontein this 30th day of August, one thousand eight hundred and ninety-two.

F. W. REITZ,

State President of the Orange Free State.

GOVERNMENT NOTICE.

No. 58 OF 1892.

G. N.
No. 50,
1892.
Foreign
Desert-
ers.

BY direction of the Right Honourable the Secretary of State for the Colonies, the following copy of a Treaty between the Governments of Great Britain and the United States of America relative to Merchant Seamen Deserters, together with a copy of an Order of the Queen in Council, dated the 18th of

August, extending the provisions of the "Foreign Deserters Act, 1852," to the United States, are published for general information.

G. N.,
No. 60,
1892.
Foreign
Desert-
ers.

J. A. ASHBURNHAM,
Secretary.

Vryburg, 8th October, 1892.

ORDER IN COUNCIL.

SEAMEN DESERTERS (UNITED STATES).

Osborne House, Isle of Wight,
18th August, 1892.

AT the Court at Osborne House, Isle of Wight, the 18th day of August, 1892. Order
in
Council.

PRESENT,

The QUEEN'S Most Excellent Majesty.

Lord Chancellor.

Lord President.

Lord Privy Seal.

Marquess of Salisbury.

Marquess of Lothian.

Lord George Hamilton.

Viscount Cross

Secretary Lord Knutsford.

Mr. Secretary Stanhope.

Mr. Goschen.

Mr. Balfour.

Sir J. Parker Deane.

WHEREAS by "The Foreign Deserters Act, 1852," it is provided that, whenever it is made to appear to Her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, Her Majesty may, by Order in Council, stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power when within Her Majesty's dominions, shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such Order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient:

And whereas it hath been made to appear to Her Majesty that due facilities for recovering and apprehending seamen (not being citizens of the United States) who desert from British merchant ships in the territories belonging to the said United States will be given under a treaty between Her Majesty and

Order in Council. the President of the United States, signed at Washington on the third day of June, one thousand eight hundred and ninety-two, the ratifications of which were exchanged on the first day of August, one thousand eight hundred and ninety-two :

Now, therefore, Her Majesty, by virtue of the power vested in her by the said "Foreign Deserters Act, 1852," and by and with the advice of her Privy Council, is pleased to order and declare, and it is hereby ordered and declared, that from and after publication hereof in the *London Gazette*, seamen, not being slaves, and not being British subjects, who, within Her Majesty's dominions, desert from merchant ships belonging to citizens of the United States, shall be liable to be apprehended and carried on board their respective ships: Provided, always, that if any such deserter has committed any crime in Her Majesty's dominions he may be detained till he has been tried by a competent Court, and until his sentence, if any, has been carried into effect :

And the Secretary of State for the Home Department, the Secretary of State for the Colonies, and the Secretary of State for India in Council, are to give the necessary directions herein accordingly.

C. L. PEEL.

(*Extract from the London "Gazette" of Tuesday, August 23, 1892.*)

TREATY BETWEEN GREAT BRITAIN AND THE
UNITED STATES RESPECTING MERCHANT
SEAMEN DESERTERS.

Signed at Washington, June 3, 1892.

[*Ratifications exchanged at Washington, August 1, 1892.*]

Treaty. **W**HEREAS the Governments of Great Britain and the United States of America are desirous to make provision for the apprehension, recovery, and restoration of persons who may desert from merchant vessels of their respective countries while in the ports of the other country, and to conclude a Treaty for the above purpose, the High Contracting Parties have accordingly appointed as their Plenipotentiaries to conclude the said Treaty, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, G.C.M.G., K.C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; and

The President of the United States of America, James G. Blaine, Secretary of State of the United States;

Who, after having communicated to each other their respective full powers found in due and good form, have agreed upon the following Articles:—

ARTICLE I.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of either of the High Contracting Parties, residing in the dominions, possessions, or Colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery, and restoration of seamen who may desert from any ship belonging to a subject or citizen of their respective countries while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper Tribunal before which the case shall be pending, or may be cognizable, shall have pronounced its sentence, and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the subjects or citizens of the country where the desertion shall take place.

ARTICLE II.

The present treaty shall be ratified, and the ratifications shall be exchanged at London or Washington without delay.

ARTICLE III.

The present Treaty shall come into operation at the expiration of thirty days from the date of the exchange of ratifications. It shall remain in force for five years after that date, and thereafter until terminated by a twelve months' notice to be given by either High Contracting Party to the other.

In faith whereof we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate at Washington, this third day of June, one thousand eight hundred and ninety-two.

(L.S.) JULIAN PAUNCEFOTE.

(L.S.) JAMES G. BLAINE.

FUGITIVE OFFENDERS.

HIS HONOUR the Administrator has directed the publication of the following Order in Council, applying Part II of the Fugitive Offenders Act, 1881, to British possessions in South Africa. G. N.,
January 1889.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, British Bechuanaland,
January, 1889.

AT THE COURT AT WINDSOR,

The 17th Day of November, 1888.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT, SIR HENRY PONSONBY,
MARQUESS OF LOTHIAN, MR. ROBERTSON.

O. in C.,
Nov. 17,
1888.

WHEREAS by reason of the contiguity of the undermentioned Colonies and Possessions of Her Majesty in South Africa, and the frequent intercommunication among them, it seems expedient to Her Majesty and conducive to the better administration of justice therein that Part II of the Fugitive Offenders Act, 1881, should apply to the said Colonies and Possessions :

NOW THEREFORE, Her Majesty, by virtue of the powers in this behalf by the Fugitive Offenders Act, 1881, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. On and after the 1st day of January, 1889, Part II of the Fugitive Offenders Act, 1881, shall apply to the group of British Possessions hereinafter mentioned, that is to say :—

The Colony of the Cape of Good Hope.

The Colony of Natal.

British Bechuanaland.

Basutoland.

Zululand.

2. The Governor of each of the said Possessions, or Her Majesty's High Commissioner in South Africa, as the case may require, shall cause this Order to be proclaimed in the Colony or Possession under his Government.

3. The Order of Her Majesty in Council bearing date the 12th day of December, 1883, applying Part II of the said Act to the group of British Possessions in South Africa therein mentioned is hereby repealed as from the 1st day of January, 1889.

C. L. PEEL.

GUARDIANS FUND.

GOVERNMENT NOTICE.

G. N.,
Feb. 18,
1890.

IT is hereby notified for general information that His Excellency the Governor has been pleased to approve of the appointment of the Receiver-General and the Registrar of Deeds to perform the functions vested by Section 32 of Ordinance

No. 105 of the Colony of the Cape of Good Hope in the G. N.,
 Treasurer-General and the Auditor-General of the said Colony^{Feb. 16,}
 of the Cape of Good Hope. 1890.

J. ANCHITEL ASHBURNHAM,
 Secretary.

Vryburg, 18th February, 1890.

INSURANCE COMPANIES.

IT is hereby notified for general information that the Governor^{G. N.,}
 has directed that for the purpose of carrying into effect the^{Nov. 20,}
 provisions of Section 1 of Proclamation No. 88 B.B., 1890, and 1891.
 of Section 12 of Act 38 of 1887, every Assurance Company,
 Society or Association now carrying on business of Fire,
 Accident or Life Assurance in this Territory, and every such
 Assurance Company or Association as shall hereafter commence
 business in this Territory, shall make a return in writing by its
 Secretary, Manager or Agent in the Form No. 1 prescribed in
 the Schedule hereto annexed, setting forth the amount of
 premiums received on behalf of such Company, Society or
 Association at its head office and at all its branches in this
 Territory during the year ending 31st day of December pre-
 ceding such return, and shall also furnish similar returns in
 writing, in the Form No. 2 of the Schedule hereto annexed, for
 all its Branch Offices in the Territory. All such returns shall
 be certified as correct under the solemn declaration of the
 Secretary, Manager or Agent of such Company, Society or
 Association and by its Branch Agents. These returns shall be
 rendered not later than the 15th day of January in each year to
 the Receiver-General at Vryburg.

By order,

J. ANCHITEL ASHBURNHAM,
 Secretary.

Vryburg, 30th November, 1891.

SCHEDULE.

FORM No. 1.

Return of the amount of Premiums received by the.....
 at the Head Office at and all its

G. N. Branch Offices in this Territory, during the year ending 31st
 Nov. 30, December, 18...
 1891.

Town or place at which Head Office and Branch Offices are situated.	Amount of Premiums received from 1st January to 31st December, 18....

I, (Secretary, Manager or Head Agent) of the at do hereby solemnly declare that the sum of has been received as premiums by such Company in this Territory in the year ending 31st December, 18..., and that such sum of includes all the premiums received at the Head Office of such Company and at all its Branch Offices in the Territory, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Ordinance No. 6 of 1845, entitled "An Ordinance for substituting Declarations in the place of certain oaths and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

Declared before me this
 day of 18....

J.P.

FORM No. 2.

Return of the amount of Premiums received by the..... G. N.,
 at its Branch Office at Nov. 30,
 during the year ending 31st December, 18... 1891.

Town or place at which Branch Office is situated.	Amount of Premiums received from 1st January, 18.., to 31st December, 18..

I, Agent
 of the.....
 at do hereby solemnly declare
 that the Sum of
 has been received as premiums on behalf of such Company at
 this..... Branch Office of such Company, in the
 year ending the 31st day of December, 18...., and I make this
 solemn declaration conscientiously believing the same to be
 true, and by virtue of the provisions of the Ordinance No. 6 of
 1845, entitled "An Ordinance for substituting Declarations in
 the place of certain oaths and for the suppression of voluntary
 and extra-judicial Oaths and Affidavits."

Declared before me this
 day of....., 18....

J.P.

LAND SPECULATIONS.

IT is hereby notified that no public servant and no member G. N.,
 of the immediate family of any public servant can be July 18,
 allowed to accept a grant of land from any native chief in 1888.
 British Bechuanaland, or in any part of the British Protectorate
 over Bechuanaland and the Kalahari as defined in Proclamation
 No. 1 B.B., 1885.

G. N.,
July 18,
1888. All officers in the Government service are strictly forbidden to engage in speculations in land, or to acquire any immovable property for other than occupation purposes.

By order of His Honour the Administrator of British Bechuanaland,

J. ANCHITEL ASHBURNHAM,
Secretary.

Vryburg, July 18th, 1888.

MARRIAGE REGISTRY.

G. N.,
Sept. 3,
1888. **I**T is hereby notified for general information, that in future all duplicate original registers of marriages solemnised in the Colony of British Bechuanaland, should be addressed to the **Register** Secretary to His Honour the Administrator.

2. That to all such duplicate original registers should be attached a stamp of 2s. 6d., being the registration fee fixed by Section 45 of the laws and Regulations for British Bechuanaland.

By command of His Excellency the Governor of British Bechuanaland,

GRAHAM BOWER,
Imperial Secretary.

Government House,
Cape Town, 3rd September, 1886.

NOTARIES' PROTOCOLS.

G. N.,
May 3,
1891. **H**IS Honour the Administrator has been pleased to direct it to be notified that every notary practising in this territory is required to keep a book in the form hereunto **Notaries** Protocolsannexed, to be called "The Protocol and Register," which shall contain an entry of every instrument made by and passed before such notary; which entry, and the numbering of the

instrument, shall be made at the time of the execution thereof; G. N., and all instruments, when they amount in number to one hundred, shall be neatly and securely bound together and sub-^{May 8,}mitted half-yearly to the inspection of the Commissioners from ^{1891.}Notaries time to time appointed to examine the protocols and registers of the said notaries, and the Commissioners, in examining the same, shall ascertain that every instrument has been written upon stamped paper of the full value required by law, properly executed by the notary and witnesses, and all blank spaces, erasures, or interlineations duly verified in the margin by the notary.

Every notary shall subscribe the following declaration under the last entry in the protocol and register prior to each half-yearly examination:—

“ I, A.B., notary public, residing at, do hereby declare that the acts and deeds to which this protocol and register refers have been enregistered in the precise order of time in which they were made and passed by me.

“ A.B.”

And the Commissioners are required to certify thereunder the result of their examination, and to report all deviations from these directions to the Secretary.

His Honour has been pleased to appoint Resident Magistrates and their Chief Clerks to be Commissioners for the above purpose.

And His Honour is further pleased to direct that no such Commissioner shall read any minute or draft, except with the approbation and concurrence of his co-Commissioner, and when there is reason to believe that the stamp duties by law required have been evaded, or that such minute or draft is otherwise irregular or improper.

And all notaries public admitted to practice in this territory, are hereby required and directed to produce their protocols and register to such of the Commissioners as are hereby authorised to inspect the same at such time and places as the said Commissioners shall appoint, on pain of being struck off the roll of notaries, and being for ever incapacitated from being again admitted to practice as such.

By His Honour's order,

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 8th May, 1889.

G. N., Protocol and Register of all Acts, Deeds, and Instruments
 May 3, 1891, made and passed by and before the Notary Public, residing
 Notaries at.....
 Protocols

No. of Act or Deed	Date of the Execution.	Nature and Designation thereof	Name of the Party executing the same.	In whose favour.	Value or Consideration.	Stamps.		Nature and Particulars of Mortgage when Bond or Kinderbewys.
						For Minute.	For Gross	

G. N., Feb. 24, 1890. **H**IS HONOUR the Administrator has directed the publication of the following Order in Council dated 13th December, 1889, embodying regulations as to the removal and return of prisoners and criminal lunatics under the provisions of the Colonial Prisoners Removal Act, 1884 (47 and 48 Vict., ch. 31).
 Removal.

J. ANCHITEL ASHBURNHAM,
 Secretary

Vryburg, 24th February, 1890.

AT THE COURT AT WINDSOR,

The 13th day of December, 1889,

PRESENT,

The QUEEN'S Most Excellent Majesty.

Lord President.

Earl of Coventry.

Lord Morris.

Sir William Hart Dyke, Bart.

Mr. Ritchie.

HER MAJESTY, by virtue and in exercise of the powers G. N., Feb. 24, 1890.
 in this behalf vested in Her by the Colonial Prisoners O. in C. Dec. 13, 1889.
 Removal Act, 1884, is pleased, by and with the advice of Her
 Privy Council, to order, and it is hereby ordered, as follows:—

The following Regulations are hereby made as to the removal and return of prisoners and criminal lunatics under the said Act:

1. Every prisoner removed under the said Act from a British Possession to the United Kingdom for the purpose of undergoing the residue of a sentence involving confinement in a prison combined with hard labour, shall, in the United Kingdom, be dealt with as follows, that is to say,

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period:

And if the original period of his sentence exceeded two years, in the same manner, as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

2. Every prisoner removed under the said Act from one British Possession to another British Possession for the purpose of undergoing the residue of a sentence shall in such last mentioned British Possession be dealt with in the same manner as if he had there been sentenced to such punishment authorised by the law thereof as in the opinion of the Secretary of State signing the Order of Removal shall most nearly correspond to the punishment to which he was sentenced in the first mentioned British Possession, and for the same period.
3. The forms in the Schedule to this Order or forms to the like effect varied as circumstances may require may be used under the said Act.

C. L. PEEL.

SCHEDULE REFERRED TO IN THE FOREGOING
ORDER IN COUNCIL.

I.—ORDER OF REMOVAL.

Colonial Prisoners Removal Act, 1884.

G. N.,
Feb 24,
1890,
O. in C.
Dec. 13,
1889,
Forms

WHEREAS *A.B.* was on the _____ day of _____ convicted before the _____ Court of _____ of the crime [or offence] of _____ and sentenced to penal servitude [or imprisonment, or, as the case may be] for the term of _____ years [or for life], and is now undergoing the said sentence in the Colony [or Presidency, or _____] of _____

And whereas it is likely that the life [or health] of the said *A.B.* will be endangered [or permanently injured] by further imprisonment in the said Colony [or Presidency, or _____].

[Or the said *A.B.* belonged at the time of committing the said offence to the Royal Navy [or Her Majesty's regular military forces].

[Or the said offence was committed wholly [or partly] beyond the limits of the said Colony [or Presidency, or _____].

[Or by reason of there being no prison in the said Colony [or Presidency, or _____] in which the said *A.B.* can properly undergo his sentence [or, for other reasons to be stated] the removal of the said *A.B.* is expedient for the safe custody [or for more efficiently carrying his sentence into effect].

[Or the said *A.B.* belongs to a class of persons who under the law of the said Colony [or Presidency, or _____] are subject to removal under the Colonial Prisoners Removal Act, 1884.

Now I do hereby, in pursuance of the Colonial Prisoners Removal Act, 1884, with the concurrence of the Government of the said Colony [or Presidency, or _____] [and the Government of the Colony (or Presidency, or _____) of _____], order that the said *A.B.* be removed to the United Kingdom [or to the Colony (or Presidency, or _____) of _____], there to undergo the residue of his said sentence [with such variations of the conditions thereof as are or shall be provided by any regulations in force for the time being under the said Act] in accordance with the said Act.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State, this _____ day of _____ 18 _____.

I, _____, the Governor [or Lieutenant-Governor, or the Officer Administering the Government] of the Colony [or Presidency, or _____] of _____, with the advice of the Executive Council of the said Colony [or Presidency, or _____].

[And I, _____, the Governor [or Lieutenant-Governor, or Officer Administering the Government] of the Colony [or Presidency, or _____], of _____, with the advice of the

Executive Council of the said Colony [or Presidency, G. N. or], hereby concur in the foregoing order of removal].
 As witness my hand [our hands] this day of 18 1890.
 C. in C.
 Dec. 18, 1889.

II.—ORDER FOR THE RETURN OF A PRISONER TO A BRITISH POSSESSION.

Colonial Prisoners Removal Act, 1884.

WHEREAS *A.B.* was on the day of convicted before the Court of of the crime [or offence] of , and sentenced to penal servitude [or imprisonment, or, as the case may be,] for the term of years [or for life].

And whereas the said *A.B.* has been removed, under the Colonial Prisoners Removal Act, 1884, from the Colony (or Presidency, or) of to , and is now undergoing his said sentence in the United Kingdom [or the Colony (or Presidency, or) of].

Now I, [with the advice of the Executive Council of the said Colony (or Presidency, or) of] hereby, in pursuance of the said Act, order that the said *A.B.* shall be returned to the said Colony [or Presidency, or] of , there to undergo the residue [or for the purpose of being there discharged at the expiration] of his said sentence.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State [or Governor (or Lieutenant-Governor, or Officer Administering the Government) of the Colony (or Presidency, or) of] this day of , 18 .

III.—WARRANT FOR REMOVAL OF A PRISONER.

Colonial Prisoners Removal Act, 1884.

To *C.D.*, the keeper of the Prison, and to *E.F.* and *G.H.*

WHEREAS an order has been made, under the Colonial Prisoners Removal Act, 1884, by one of Her Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony [or Presidency, or] of [and the Government of the Colony (or Presidency, or) of], for the removal of *A.B.*, a prisoner now in the custody of you, the said *C.D.*, under a sentence of penal servitude [or imprisonment, or, as the case may be,] for the term of years from the day of [or for life], to the United Kingdom [or to the Colony (or Presidency, or) of], there to undergo the residue of the said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said *C.D.*, to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; and I do hereby, in further pur-

G. N.,
 Feb. 24,
 1880.
 O. in C.
 Dec. 13,
 1889.
 Forms.

suance of the said Act, authorise you, the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the United Kingdom [or to the Colony (or Presidency, or) of], and to deliver him to such person or persons as shall be empowered by one of Her Majesty's Principal Secretaries of State [or of the Governor of the said Colony (or Presidency, or)] to receive him for the purpose of giving effect to the said order of removal.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State [or Governor of], this day of , 18 .

IV.—WARRANT FOR RETURN OF A PRISONER TO A BRITISH POSSESSION.

Colonial Prisoners Removal Act, 1884.

To *C.D.*, the Governor [or] of the Prison, and to *E.F.* and *G.H.*

WHEREAS *A.B.*, having been sentenced by the Court of to penal servitude [or imprisonment, or, as the case may be,] for the term of years from the day of [or for life] has under an order duly made under the Colonial Prisoners Removal Act, 1884, been removed to the United Kingdom [or to the Colony (or Presidency, or) of], and is now in the custody of the said *C.D.*, undergoing his said sentence.

And whereas an order has been made under the said Act by one of Her Majesty's Principal Secretaries of State [or by the Government of the said Colony (or Presidency, or) of], for the return of the said *A.B.* to the said Colony [or Presidency, or] of there to undergo the residue [or for the purpose of being there discharged at the expiration] of his said sentence.

Now I do hereby, in pursuance of the said Act, order you the said *C.D.* to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.*, or one of them; And I do hereby, in further pursuance of the said Act, authorise you the said *E.F.* and *G.H.*, or either of you, to receive the said *A.B.* into your custody, and to convey him to the Colony [or Presidency, or] of , and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony [or Presidency, or] to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State [or Governor of], this day of 18 .

V.—ORDER OF REMOVAL OF A CRIMINAL LUNATIC.

• *Colonial Prisoners Removal Act, 1884.*

WHEREAS *A.B.* is in custody in the Colony [*or* Presidency, G. N.,
or] of as a criminal lunatic, having been ^{Feb. 24,}
 charged with the offence of , and found to have been ^{1890,}
 insane at the time of such offence [*or* to be unfit on the ground ^{in C.}
 of insanity to be tried for such offence] [*or* having been convicted ^{Dec. 13,}
 of the offence of (and sentenced to penal servitude ^{1889,}
 (*or* imprisonment, *or*) for the term of years ^{Forms.}
 from the day of 18 (*or* for life), and after-
 wards certified (*or* lawfully proved) to be insane].

And whereas it is likely that the life [*or* health] of the said
A.B. will be endangered [*or* permanently injured] by further
 detention in custody in the said Colony [*or* Presidency,
or].

[*Or* the said *A.B.* belonged at the time of the said offence to
 the Royal Navy (*or* to Her Majesty's regular military forces).]

[*Or* the said offence was committed wholly (*or* partly) beyond
 the limits of the said Colony (*or* Presidency, *or*).]

[*Or* by reason of there being no asylum in the said Colony
 (*or* Presidency, *or*) in which the said *A.B.* can be properly
 or conveniently detained and dealt with as a criminal
 lunatic, his removal to the United Kingdom [*or* to the Colony
 (*or* Presidency, *or*) of is expedient.]

(*Or* the said *A.B.* belongs to a class of persons who, under
 the law of the said Colony (*or* Presidency, *or*) are
 subject to removal under the Colonial Prisoners Removal Act,
 1884.)

Now I do hereby, in pursuance of the Colonial Prisoners
 Removal Act, 1884, with the concurrence of the Government of
 the said Colony (*or* Presidency, *or*) (and the Govern-
 ment of the Colony (*or* Presidency, *or*) of)
 order that the said *A.B.* be removed to the United Kingdom
 (*or* of the Colony (*or* Presidency, *or*) of) there
 to be detained in custody as a criminal lunatic, and dealt with
 in the same manner as if he had become a criminal lunatic.

Given under the hand of the undersigned, one of Her
 Majesty's Principal Secretaries of State, this
 day of 18 .

I, , the Governor (*or* Lieutenant-Governor, *or*
 Officer Administering the Government) of the Colony (*or*
 Presidency, *or*) of , with the advice of
 the Executive Council of the said Colony (*or* Presidency,
or).

And I , Governor (*or* Lieutenant-Governor, *or*
 Officer Administering the Government) of the Colony (*or* Presi-
 dency, *or*) of , with the advice of the

G. N., Executive Council of the said Colony (or Presidency, or)
 Feb. 24, 1890. hereby concur in the foregoing order of removal.
 O. in C. As witness my hand (our hands) this day of .
 Dec 13, 18 .
 1889.
 Forms.

VI.—ORDER FOR THE RETURN OF A CRIMINAL LUNATIC TO A
 BRITISH POSSESSION.

Colonial Prisoners Removal Act, 1884.

WHEREAS *A.B.* having been in custody in the Colony (or
 Presidency, or) of as a criminal lunatic,
 has been removed, under the Colonial Prisoners Removal Act,
 1884, to, and is now in custody as a criminal lunatic in, the
 United Kingdom (or the Colony (or Presidency, or)
 of).

And whereas I (or the Government of the said Colony (or
 Presidency, or) of) consider that the said
A.B. has become sufficiently sane to be tried for the offence with
 which he was charged in the said Colony (or Presidency, or
) of .

Now I (with the advice of the Executive Council of the said
 Colony (or Presidency, or) of) hereby, in
 pursuance of the said Act, order that the said *A.B.* be returned
 to the said Colony (or Presidency, or) of
 there to be dealt with in the same manner as if he had not been
 removed therefrom.

Given under the hand of the undersigned, one of Her
 Majesty's Principal Secretaries of State (or the Governor
 (or Lieutenant-Governor, or Officer Administering the
 Government) of the Colony (or Presidency, or)
 of), this day of 18 .

VII.—WARRANT FOR REMOVAL OF A CRIMINAL LUNATIC.

Colonial Prisoners Removal Act, 1884.

To *C.D.*, the keeper of Lunatic Asylum, and to
E.F. and *G.H.*

WHEREAS an order has been made under the Colonial
 Prisoners Removal Act, 1884, by one of Her Majesty's Principal
 Secretaries of State, with the concurrence of the Government
 of the Colony (or Presidency, or) of (and
 the Government of the Colony (or Presidency, or)
 of), for the removal of *A.B.*, a criminal lunatic now
 in the custody of you, the said *C.D.*, to the United Kingdom
 (or the Colony (or Presidency, or) of), to
 be there dealt with in the same manner as if he had become a
 criminal lunatic in the United Kingdom (or the said Colony (or
 Presidency, or) of).

Now I do hereby in pursuance of the said Act, order you, G. N., the said C.D., to deliver the body of the said A.B. into the custody of the said E.F. and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorise you, said E.F. and G.H., or either of you, to receive the said A.B. into your custody, and to convey him to the United Kingdom (or to the Colony (or Presidency, or) of), and to deliver him to such person or persons as shall be empowered by one of Her Majesty's Principal Secretaries of State (or the Governor of the said Colony (or Presidency, or)) to receive him for the purpose of giving effect to the said order of removal.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State (or the Governor of), this day of 18 .

VIII.—WARRANT FOR THE RETURN OF A CRIMINAL LUNATIC TO A BRITISH POSSESSION.

Criminal Prisoners Removal Act, 1884.

To C.D., the of the Lunatic Asylum, and to E.F. and G.H.

WHEREAS A.B., having been in custody as a criminal lunatic in the Colony (or Presidency, or) of , has under an order duly made under the Colonial Prisoners Removal Act, 1884, been removed to the United Kingdom (or to the Colony (or Presidency, or) of), and is now in the custody of you, the said C.D., as a criminal lunatic.

And whereas an order has been made under the said Act by one of Her Majesty's Principal Secretaries of State (or by the Government of the said Colony (or Presidency, or) of) for the return of the said A.B. to the said Colony (or Presidency, or) of .

Now I do hereby, in pursuance of the said Act order you, the said C.D., to deliver the body of the said A.B. into the custody of the said E.F. and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorise you, the said E.F. and G.H., or either of you, to receive the said A.B. into your custody, and to convey him to the Colony (or Presidency, or) of , and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony (or Presidency, or) to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State (or Governor of), this day of 18 .

GOVERNMENT NOTICE.

G. N.,
Oct. 17,
1889. IT is hereby notified for general information that every bond or recognizance, entered into by or on behalf of any licensed prospector in this territory, under Section 5 of Proclamation No. 63 B.B., 1889, in the form in the second schedule to the said Proclamation provided, will be deemed and taken to be an Act of Suretyship, and must bear a stamp of 2s., in terms of Tariff 16 of the Stamp and Office Fees Act, No. 20, of 1884.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 17th October, 1889.

No. 30 of 1892.

G. N.,
No. 30,
1892. IT is hereby notified for public information that His Excellency the Governor has been pleased to approve of the Railway subjoined Bye-laws for the Regulation of Railway Passenger Traffic framed under the provisions of "The Regulation of Railways Act, 1861," as amended by Proclamation No. 105 B.B., 1891.

J. A. ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 17th May, 1892.

BYE-LAWS FOR THE REGULATION OF RAILWAY
PASSENGER TRAFFIC.

Byelaws 1. No passenger will be allowed to enter any carriage used on the railways, or to travel therein upon the railways, unless furnished by the Railway Department with a ticket specifying the class of carriage, and the stations for conveyance between which such ticket is issued. Every passenger shall show and deliver up his ticket (whether a contract or season ticket, or otherwise) to any duly authorised railway servant whenever required to do so for any purpose. Any passenger travelling without a ticket, or failing or refusing to show or deliver up his ticket as aforesaid, shall be required to pay the fare from the station whence the train originally started to the end of his journey, and in default of payment thereof is hereby subjected to a penalty not exceeding forty shillings.

2. Any passenger using or attempting to use a ticket on any date for which such ticket is not available, or using a ticket which had already been used on a previous journey, is hereby subjected to a penalty not exceeding forty shillings.

3. Any passenger using or attempting to use a ticket for any other station than that for which it is available, will be required to pay the difference between the sum actually paid and the fare between the stations from and to which the passenger has travelled, and in default of such payment, is hereby subjected to a penalty not exceeding forty shillings.

4. Any passenger wilfully altering or defacing his ticket so as to render the date, number, or any material portion thereof illegible, is hereby subjected to a penalty not exceeding forty shillings.

5. A return ticket is granted solely for the purpose of enabling the person for whom the same is issued to travel therewith to and from the stations marked thereon, and is not transferable. Any person who sells, or attempts to sell, or parts or attempts to part with, the possession of the return half of any return ticket in order to enable any other person to travel therewith, is hereby subjected to a penalty not exceeding forty shillings, and any person purchasing such half of a return ticket, or travelling or attempting to travel therewith, shall be liable to pay the fare which he would have been liable to pay for the single journey, and shall, in addition thereto, be subjected, and shall, in addition thereto, be subjected to a penalty not exceeding forty shillings.

6. At the intermediate stations the fares will only be accepted and the tickets furnished conditionally; that is to say, in case there shall be room in the train in that class of carriage for which tickets shall have been furnished. In case there shall not be room for all the passengers to whom tickets have been issued, then in so far as it may be found to be reasonably practicable, those to whom tickets have been furnished for the longer distance shall have the preference, and those to whom tickets have been furnished for the same distance shall have priority according to the order in which tickets have been furnished as denoted by the consecutive numbers stamped thereon.

The Department will not, however, hold itself responsible for such order of preference or priority being adhered to, but the fare or difference of fare, if the passenger travel by an ordinary train in a class of carriage inferior to that for which he has a ticket shall be immediately returned on application, to any passenger for whom there is not room as aforesaid, if the application be made before the departure of the train.

7. Any person knowingly travelling without special permission of some duly authorised servant, in a carriage or by a train of a superior class to that for which he had obtained a ticket, is hereby subjected to a penalty not exceeding forty shillings, and shall in addition be liable to pay the fare according to the class of carriage in which he is travelling from the station whence the train originally started unless he proves that he had no intention to defraud.

Byelaws 8. Smoking (except in a carriage or compartment expressly provided for that purpose) and gaming or games of chance are strictly prohibited both in the carriages and on the railway premises. Every person infringing either of these regulations will be subjected to a penalty not exceeding forty shillings, and every person persisting in so doing after being warned to desist by the guard in charge of the train, or any railway officer, shall, in addition to incurring a penalty not exceeding forty shillings, be immediately, or if travelling, at the first opportunity, removed from the railway premises.

9. Any person found in a carriage or elsewhere upon the railway premises in a state of intoxication, using obscene or abusive language, or writing obscene or offensive words on any portion of the station or carriages, or committing any nuisance, or otherwise wilfully interfering with the comfort of other passengers, is hereby subjected to a penalty not exceeding forty shillings, and shall immediately, or if travelling, at the first opportunity, be removed from the railway premises.

10. Any person wilfully damaging or injuring the stations or other property of the Railway Department, or cutting the linings, removing or defacing the number plates, breaking or scratching the windows, or otherwise wilfully damaging or injuring any carriage or any station or other property used on the railway, is hereby subjected to a penalty not exceeding ten pounds in addition to the amount of any damage for which he may be liable.

11. No passenger shall be permitted to ride on the roof, steps or platform or foot-board or buffer of any carriage, or on the engine, or the guard's van, or on any portion of any carriage not intended for the conveyance of passengers, and any person persisting in doing so after being warned to desist by the guard in charge of the train, or by any railway officer, is hereby subjected to a penalty not exceeding forty shillings, and is liable to be summarily removed from any railway vehicle in which he may be riding and from the railway premises.

12. Any passenger entering or leaving or attempting to enter or leave any of the carriages while the train is in motion, or elsewhere than at the side of the carriage adjoining the platform, or other place appointed by the department for passengers to enter or leave the carriages, is hereby subjected to a penalty not exceeding forty shillings.

13. Any person persisting in entering a carriage or compartment of a carriage containing the full number of persons which it is constructed to convey, when any such persons object to his so entering the carriage or compartment, is hereby subjected to a penalty not exceeding forty shillings.

14. Dogs and other animals will not be suffered to accompany passengers in the carriages, but will be conveyed separately, and charged for, and any person taking a dog or

other animal with him into any passenger carriage is hereby ^{Byelaws} subjected to a penalty not exceeding forty shillings.

15. Loaded firearms, except with the express permission of some officer of the Railway Department, are on no account to be taken into or placed upon any carriage, wagon, truck or other vehicle, forming or intended to form a train or any portion of a train on the railways, or be brought to the station or into the premises of the Department, and every person so offending is hereby subjected to a penalty not exceeding five pounds.

16. Every driver or conductor of an omnibus, cab, carriage, cart, or other vehicle, shall, while in or upon any station, yard, or other premises of the Railway Department, obey the reasonable directions of the railway officers and servants duly authorised in that behalf, and every person offending against this regulation is hereby subjected to a penalty not exceeding forty shillings.

17. Any person wilfully trespassing upon the railways, or upon any of the stations, or other works connected therewith, or found in any carriage or truck, without permission of the Railway Department, is hereby subjected to a penalty not exceeding forty shillings.

18. Any person passing through any gate erected at either side of the railway, for the accommodation of the owners or occupiers of adjoining lands, and omitting to shut and fasten such gate as soon as the said person, together with any vehicle or animals in his or her care, shall have passed through the same, shall be subjected to a penalty not exceeding forty shillings for each such offence.

19. The Department may refuse to carry any person who has any infectious disorder. If any person who has any such disorder is found upon the railway premises or attempts to travel on the railway without the special permission first had and obtained of the railway authorities, he shall be liable to a penalty not exceeding forty shillings in addition to the forfeiture of any fare which he may have paid, and he may be removed at the first opportunity from the railway premises. Any person who has charge of any person suffering from any infectious disorder while upon the railway premises, or travelling or attempting to travel on the railway, or who aids any person suffering from such disorders in being upon the railway premises, or travelling or attempting to travel on the railway, shall be liable to a penalty not exceeding forty shillings, unless the person suffering from such disorder be travelling with the special permission, first obtained of the railway authorities as hereinbefore provided.

20. Any person finding any article or articles in any railway carriage or upon the railway premises, must hand over the same

Byelaws to an officer of the Department before leaving the railway premises, failing which, such person shall be subjected to a fine not exceeding forty shillings.

G. N.,
Aug. 7,
1889.
Stamp
Distri-
bution.

IT is hereby notified for general information that the following officers are Distributors of Stamps in this territory:—

The Civil Commissioner and Resident Magistrate at Gordinia;
The Accounting Clerk, Vryburg;
The Clerk to the Civil Commissioner and Resident Magistrate at Mafeking;
The Clerk to the Civil Commissioner and Resident Magistrate at Taungs;
The Clerk to the Civil Commissioner and Resident Magistrate at Kuruman.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 7th August, 1889.

No. 51 of 1892.

G. N.,
No. 51,
1883.
Stock
Theft.

HIS Excellency the Governor has been pleased, in terms of section 7 of Proclamation No. 141 B.B., 1892, to authorise and empower the following officers to search or grant written authority to any person applying for the same to search any building, hut, kraal, or enclosure in which there is reason to suspect that any stolen stock or stolen produce is concealed, namely:—

Commissioned Officers of the Bechuanaland Border Police.
Chief Constables.
Non-Commissioned officers of Bechuanaland Border Police in charge of out stations.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 30th August, 1892.

SURVEYOR-GENERAL'S NOTICES.

Government House,
Capetown, 29th July, 1886.

G. N.,
July 29,
1886.
Survey
Expenses

IT is hereby notified for general information that payment for all Surveys of Crown Lands, and for Re-surveys in connection with the Land Beacons Act, will be allowed at the

rates here undermentioned, except in cases in which special G. N.,
agreements or contracts may be made. July 29,
1886.

By command of His Excellency the Governor of British Bechuanaland,
Survey Expenses

GRAHAM BOWER,
Imperial Secretary.

TARIFF.

A.

Rectilineal Figures of Four (4) or Fewer Sides.

An isolated figure, less than 10 morgen.....	£3	0	0
For the subdivision of any piece of ground into allotments, less than 10 morgen:			
for 2 allotments, together.....	3	15	0
for 3 allotments, together.....	4	10	0
for 4 allotments, together.....	5	5	0
for 5 allotments, together.....	6	0	0
for every additional lot, not being a parallelo- gram.....	0	10	0
for every additional lot, being a parallelogram:			
above 5, up to 50.....	0	9	0
above 50, up to 100.....	0	7	6
above 100, up to 200.....	0	6	0
above 200.....	0	5	0

N.B.—All allotments less than ten morgen, having a right to the same commonage, and lying either within its limits or adjacent thereto, are to be considered as forming, for the purpose of this Tariff, one piece of ground for subdivision.

For any estate from 10 to 25 morgen.....	£4	0	0
For any estate from 25 to 75 morgen.....	5	0	0
For 100 morgen	£5	4	0
125	5	8	0
150	5	12	0
175	5	16	0
200	6	0	0
225	6	4	0
250	6	7	0
275	6	10	0
300	6	13	0
325	6	16	0
350	6	19	0
375	7	2	0
400	7	5	0
425	7	8	0
450	7	11	0
475	7	14	0
For 500 morgen	7	17	0
525	8	1	0
550	8	4	0
575	8	8	0
600	8	12	0
625	8	15	0
650	8	19	0
675	9	2	0
700	9	5	0
725	9	9	0
750	9	12	0
775	9	15	0
800	9	18	0
825	10	1	0
850	10	4	0
875	10	7	0

G. N., July 29, 1886. Survey Expnses	For 900 morgen	£10 10 0	For 3600 morgen	£21 1 0
	925	10 13 0	3700	21 6 0
	950	10 16 0	3800	21 12 0
	975	10 19 0	3900	21 18 0
	1000	11 2 0	4000	22 3 0
	1050	11 7 0	4100	22 9 0
	1100	11 12 0	4200	22 14 0
	1150	11 18 0	4300	23 0 0
	1200	12 3 0	4400	23 5 0
	1250	12 8 0	4500	23 10 0
	1300	12 13 0	4600	23 15 0
	1350	12 18 0	4700	24 1 0
	1400	13 2 0	4800	24 6 0
	1450	13 7 0	4900	24 11 0
	1500	13 11 0	5000	24 16 0
	1550	13 16 0	5100	25 1 0
	1600	14 0 0	5200	25 6 0
	1650	14 5 0	5300	25 10 0
	1700	14 9 0	5400	25 15 0
	1750	14 13 0	5500	26 0 0
	1800	14 17 0	5600	26 5 0
	1850	15 2 0	5700	26 9 0
	1900	15 6 0	5800	26 14 0
	1950	15 10 0	5900	26 18 0
	2000	15 13 0	6000	27 3 0
	2050	15 17 0	6100	27 8 0
	2100	16 1 0	6200	27 12 0
	2150	16 5 0	6300	27 16 0
	2200	16 9 0	6400	28 1 0
	2250	16 13 0	6500	28 5 0
	2300	16 16 0	6600	28 10 0
	2350	17 0 0	6700	28 14 0
	2400	17 3 0	6800	28 18 0
	2450	17 7 0	6900	29 2 0
	2500	17 11 0	7000	29 7 0
	2550	17 14 0	7100	29 11 0
	2600	17 17 0	7200	29 15 0
	2650	18 1 0	7300	29 19 0
	2700	18 4 0	7400	30 3 0
	2750	18 8 0	7500	30 7 0
	2800	18 11 0	7600	30 11 0
	2850	18 14 0	7700	30 15 0
	2900	18 18 0	7800	30 19 0
	2950	19 1 0	7900	31 3 0
	3000	19 4 0	8000	31 7 0
	3100	19 10 0	8100	31 11 0
	3200	19 17 0	8200	31 15 0
	3300	20 3 0	8300	31 19 0
	3400	20 9 0	8400	32 2 0
	3500	20 15 0	8500	32 6 0

For 8600 morgen	£32 10 0	For 9400 morgen	£34 0 0	G. N.,
8700	32 14 0	9500	34 3 0	July 29,
8800	32 18 0	9600	34 7 0	1886.
8900	33 1 0	9700	34 10 0	survey
9000	33 5 0	9800	34 14 0	Expenses
9100	33 9 0	9900	34 17 0	
9200	33 12 0	10000	35 1 0	
9300	33 16 0			

For any number of morgen between 75 and 10,000, not given in the above scale, the amount for the nearest number of morgen in the scale is to be taken.

For any number of morgen above 10,000, multiply the square root of the number of morgen by 0.3505; the product will be the remuneration in pounds sterling.

B.

Rectilinear Figures of more than Four (4) Sides.

The remuneration for four-sided figures, as above, is, in the case of figures of more than four sides, to be increased by one-twelfth thereof for every additional side; provided that in counting the sides of any figure every side which is in common with any adjacent figure, surveyed at the same time and by the same surveyor, shall be reckoned as half a side.

This increase is to be subject to disallowance by the Government if it should appear that the number of beacons has been unnecessarily increased.

In the case of a figure having a curvilinear boundary, the imaginary line referred to in Government Notice, Cape of Good Hope, No. 112, 1886, as joining the two beacons nearest to the boundary, is to be treated as a side of the figure.

C.

Additional Allowance for Curvilinear Boundaries.

For figures less than 10 morgen, at the rate of 2s. per 100 feet contained in the imaginary line or lines referred to in the Government Notice, Cape of Good Hope, No. 112, 1886.

For figures of 10 morgen and upwards at the rate of £1 per 100 roods, contained in the same imaginary line or lines.

When an imaginary line is common to two figures surveyed at the same time and by the same surveyor, one-half of the above allowance is to be charged to each figure.

When part of the curvilinear boundary of one figure is common to another figure, surveyed at the same time and by the same surveyor, the allowance is to be regulated by the imaginary lines joining in succession the several beacons nearest to such curvilinear boundary, and in the charge for any imagi-

G. N., July 29, 1886.
 Survey Expenses

nary line subtending a common portion of boundary, one-half the allowance for such imaginary line is to be charged to each figure.

D.

Allowances for Diagrams and General Plans.

For every diagram of a figure less than 10 morgen . .	£0	6	0
For every diagram of a figure of 10 morgen to 75 morgen	0	15	0
For every diagram of a figure exceeding 75 morgen	1	1	0
For a general plan of figures less than 10 morgen : for any number of figures up to 10	2	2	0
additional allowance for every figure above 10 up to 50	0	3	0
above 50, up to 100	0	2	0
above 100, up to 200	0	1	6
above 200	0	1	0
For a general plan of figures of 10 morgen and upwards :			
For every figure not exceeding 75 morgen	0	5	0
For every figure exceeding 75 morgen	0	7	0

E.

Travelling Allowance, Transport, and Remuneration for Inspection.

At the rate proposed from time to time by the Divisional Councils in the several Divisions, and approved of by Government.

If no such rate has been fixed, then at the following rates :

Remuneration per day	£2	2	0
Hire of 2 horses per day	0	15	0

These allowances are to be paid to the surveyor, while he is actually engaged in inspection, and also while he is travelling, whether for the purpose of inspection or of survey, from his place of residence in the Division, or from the place where last employed, to the ground to be surveyed, and back again, or onwards to other work ; but allowances under this head are only to be charged for distances actually and necessarily travelled in economically arranged tours of inspection and survey.

G. N., Sep. 18, 1886.
 Survey-OR.
 THE following regulations for the guidance of Surveyors and others concerned, are published for general information :—


1. The rules laid down in Government Notice, Cape of Good Hope, No. 112*, 1886, dated 11th February, 1886, shall be observed for the present, so far as they are applicable to surveys in British Bechuanaland.

2. When co-ordinates are given upon a diagram the numerical values of the rectangular co-ordinates of two of the nearest trigonometrical piles shall also be stated.

3. When co-ordinates are not given upon a diagram connections by numerical data between two beacons of the property represented and two adjacent beacons which shall have been connected directly or indirectly to the trigonometrical piles shall be furnished.

4. On sub-division diagrams it will not be necessary to give the position of trigonometrical piles situated beyond the limits of the property represented.

5. When a trigonometrical pile falls within the boundaries of a diagram it shall invariably be represented on the diagram

by the centre of a circle inscribed in a triangle thus:— 

and its position relative to at least three of the angular points of the diagram shall be given by co-ordinates or otherwise.

6. All diagrams must be furnished in triplicate.

7. All Surveyors, whether employed upon the survey of Crown Land, or of farms to which Title Deeds are claimed or intended to be issued, or upon private surveys for the purpose of sale or sub-division, shall be guided in the performance of such surveys by the regulations, except in so far as the said regulations may from time to time be changed or modified by the Surveyor-General on behalf of the Government, and no Surveyor shall engage in any survey the result of which is to be enregistered in the Public Land Register unless he shall previously have received an appointment from the Surveyor-General.(s)

GRAHAM BOWER,
Imperial Secretary.

Government House, Capetown,
18th September, 1886.

WITH reference to the survey of farms in the District of Stellaland, the following is hereby notified for general information:—

1. It will be the duty of the Surveyor or Surveyors employed upon such survey, when and as often as he or they shall find any farm or number of farms of which the beacons are all standing, and are admitted as correct by the owners of all the adjoining or other farms interested in or affected by such beacons, or any of them, to obtain proof of such admission by some writing signed by such owners, and thereafter to frame an accurate diagram of every such farm upon the survey of which he or they may be employed, taking the same to be the

(s) As to the present Regulations for admission of Surveyors *vide* Proclamation 168.

G. N.,
Sept. 18,
1886.
Surveys.

area represented by such admitted beacons, whether the said beacons shall or shall not coincide with the extent of land which shall by the certificate of ownership of such farm purport to have been granted.

2. Any person who shall know that his beacons or any of them are questioned or objected to may at once apply to the Divisional Council or Officer invested with the powers of such Council for the time being, stating the circumstances, and requesting such Council or Officer to have the correctness of such beacons investigated and determined according to law.

By command of His Excellency the Governor of British Bechuanaland,

GRAHAM BOWER,
Imperial Secretary.

18th September, 1886.

WITNESSES EXPENSES.

Government House, Capetown,
11th May, 1888.

G. N.,
May 11,
1888.
Witnesses
Expenses

HIS Excellency the Governor has been pleased to approve of the subjoined Tariff of Allowances to Witnesses under the provisions of Section 1 of Act No 12 of 1886.

By order,

GRAHAM BOWER,
Imperial Secretary.

Tariff of Allowances to Witnesses under the provisions of Section 1 of Act No. 12 of 1886.

1. Witnesses shall be paid for their attendance at the following rates per diem, over and above their expenses of conveyance, as hereinafter mentioned, that is to say:—

	£	s.	d.
(a) Physicians, Surgeons, Advocates, Attorneys, Government Land Surveyors, Civil Engineers, Public Notaries, and Conveyancers	3	0	0
(b) Ministers of the Gospel, Members of the Legislature, Heads of Departments in the Public Service, Commissioned Officers in the Army and Navy, Commissioned Permanent Officers of Defensive Forces, Architects, Importing Merchants, Bank Managers	2	10	0
(c) Divisional Councillors, Municipal Councillors, Farmers, Auctioneers, Enrolled Agents, Apothecaries, Master Mariners, Mates, Master Tradesmen, Accountants, Brokers, Clerks			

	£	s.	d.	G. N., May 11, 1888. Witness Expnaes
in the Public Service, Inspectors and Sub-Inspectors of Police, General Dealers, Licensed Dealers in Wines and Spirits, Secretaries of Divisional Councils and Municipalities.....	2	0	0	
(d) Any person not previously enumerated whose station in life is, in the judgment of the Resident Magistrate who endorses the subpoena, superior to that of the persons mentioned in paragraph (e).....	1	10	0	
(e) Labourers and others of a similar station in life	0	10	0	

2. The foregoing fees for attendance shall be payable in respect of every day necessarily occupied in travelling to, remaining at, and returning from the Court.

3. In the case of witnesses who do not travel to the Court upon horseback, or by vehicle, a day's journey shall be taken to be eighteen miles.

4. No witness shall be considered as a master tradesman for the purpose of this tariff unless he shall have not fewer than two journeymen in his employment.

5. Females who come under any of the foregoing heads of classification shall be paid like males.

6. For the purpose of this tariff a day's journey on horseback or by vehicle shall be taken to be thirty-six miles, and as often as the residence of the witness shall be at such a distance from the Court-house that more than thirty-six miles must be travelled in going and returning, then the witness shall be entitled to, for every day's journey, and for every fraction of a day's journey, expenses of conveyance at the rate of 25s. a day. Provided that no witness shall be entitled to demand any larger sum for expenses of conveyance than he shall have reasonably and actually expended. Provided, further, that in case a witness could have travelled by sea, by railway train, or by any other public conveyance at less expense than, by private conveyance, he will only be allowed to charge for the expenses of conveyance which would be incurred in thus travelling by sea, by railway train, or by such public conveyance, and for the time which would be so occupied, unless it be proved by the affidavit of a duly qualified medical practitioner that travelling by sea, by railway train, or by a public conveyance, would have been injurious to the health of the witness.

7. No witness, except a witness who shall have travelled to the Court on horseback or by vehicle, shall be allowed expenses of conveyance.

8. When the same person shall be a witness in more cases than one heard on the same day, he shall be entitled to no more than one fee for personal attendance, and one allowance for expenses of conveyance.

VILLAGE MANAGEMENT BOARDS.

MAFEKING REGULATIONS.

NOTICE.

G. N.,
Oct. 10,
1887. **I**T is hereby notified that the following Regulations framed by the Village Management Board of Mafeking under the provisions of the Villages Management Act of 1881, have been approved by His Excellency the Governor, and will henceforth have the force of law under Section 20 of the said Act.

C. G. H. MANN, Secretary.

Administrator's Office,
Vryburg, 10th October, 1887.

GENERAL REGULATIONS.

1. Any person who shall, without the permission of the Board of Management, cut, root up, set fire to, burn, break, destroy or carry away any trees, which are or may hereafter be planted in any public street, roadway, plantation or avenue, whether such trees be planted by the Board or private persons, shall forfeit any sum of money not exceeding five pounds, and shall also make full satisfaction for the damage done.

2. All wagons found in any street or thoroughfare of the Township shall have the name of the owner, his residence and district, written or painted in legible characters on the off-side of the forepart of the wagon in a conspicuous place, under a penalty to be paid by the owner of the wagon, for each offence not exceeding twenty shillings.

3. It shall be lawful for the owner or occupier of any property to destroy any poultry found trespassing thereon, provided that the means of destruction be not used so as to endanger the personal safety of the inhabitants, and that the poultry so destroyed be delivered up to the owner thereof or buried.

4. The owner of, or other person keeping any dog over three months old within the Town shall annually, on or before the second day of January, register every such dog at the Town Office, with the Town Collector, and shall thereupon pay for the registration of every such dog the sum of five shillings sterling.(t)

A. Upon every such registration and payment as aforesaid a stamp with a number impressed upon thereon, and which shall be supplied by the Board, shall be attached to the collar of every dog so registered as aforesaid.

(t) Printed as amended by Government Notice No. 8, 1892.

B. Every person being the owner of, or keeping any dog within the Township, who shall not on the 30th day of January^(u) in any year have so registered every such dog, shall be liable to a penalty of ten shillings sterling: Provided, always, however, that any person who shall after the 30th day of January^(u) in any year become the owner of or keep any dog within the Township, shall and may enregister every such dog in manner aforesaid, within ten days after becoming the owner of or commencing to keep the same, unless such dog shall have been registered by its former owner.

G. N.,
Oct. 10,
1887.

c. Every dog found in the streets without a collar bearing the aforesaid stamp shall be impounded in a kennel, to be provided for that purpose, and there kept for forty-eight hours after such impounding, and if not claimed within that time such dog may be destroyed or otherwise disposed of by the Board.

D. Any dog so impounded as aforesaid may be released within the abovenamed period of forty-eight hours upon payment of the sum of ten shillings sterling, in addition to cost of maintenance.

E. The foregoing Regulations, Nos. 4 to 4D, shall not apply to dogs travelling with their owners through the Township from parts beyond it.

5. The owner of any bitch in heat allowing the same to roam at large within the limits of the Township shall be liable upon conviction to a penalty not exceeding one pound.^(v)

STREETS AND THOROUGHFARES.

1. Any person causing any obstruction in any street or pathway shall be liable to a fine not exceeding two pounds: Provided, however, that any person may, after leave shall have been obtained from the Board, use a portion of such street or pathway for the purpose of laying down building materials while building operations are actually in progress.^(w)

2. No horses, mules, donkeys, swine, goats, sheep, cattle, or ostriches shall be permitted to stray in the streets or thoroughfares of the Township. Any person finding such animals so straying shall be authorised to impound them, and any attempt to rescue such animals whilst being taken to the pound shall subject the offender to a fine not exceeding five pounds. The owners of such animals aforesaid which may be impounded in

^(u) Printed as amended by Government Notice No. 8, 1892.

^(v) For additional Regulations *vide* No. 17, 1892, *infra*.

^(w) Printed as amended by Government Notice of 4th March, 1891.

G. N., accordance with this regulation, shall pay in addition to Pound
 Oct. 10, 1887. fees, the following:—

For swine	five shillings per head.
„ horses, mules or donkeys..	one shilling „
„ sheep	one shilling „
„ goats	two shillings „
„ cattle, one shilling per head, if the number does not exceed six; if above that number, sixpence per head.	
„ ostriches	two shillings per head.

3. No wagon, cart, carriage, or other vehicle, with animals harnessed thereto, shall be allowed to stand in any street, or in the intersections of any street or road, without a person to take due and proper care thereof; nor shall any wagon, cart, carriage, or other vehicle remain in any street or thoroughfare without draught animals harnessed to them during the day, after notice has been given to owners or persons in charge of them that they must be removed; and, after dark, all such vehicles shall be taken to and shall stand during the night at such places as shall be by the Board appointed for that purpose. All ox-wagons passing through the streets or roads of the Town shall be provided with a leader in front of the oxen, and a driver.

4. The owner of any ferocious dog permitting it to run loose, or any person setting such an animal at liberty, so as to endanger any person, shall incur a fine not exceeding two pounds.

Any person riding or driving furiously through the streets or thoroughfares of the Town shall incur a penalty of not more than five pounds.

5. The owner of any wild beast who shall allow the same at any time to run at large in any public street or thoroughfare, or who shall keep such wild beast in any manner that may be dangerous or annoying to the public, shall subject himself for such offence to a penalty not exceeding five pounds, and it shall be lawful to any inhabitant to destroy any such animal, and to have it removed without delay, at the expense of the owner, to such nearest place of interment as may be set aside for all dead animals.(x)

SANITARY REGULATIONS.

1. No cattle, sheep or goats intended for sale under any circumstances, and no swine intended to be offered for sale by licensed dealers in meat, shall on any pretence whatever be

(x) For Additional Regulations *vide* Government Notice, 1st December, 1891, *infra*.

slaughtered within the town, except at such place or places as shall have been fixed on or approved of by the Board. G. N.,
Oct. 10,
1887.

Any person who shall infringe this regulation shall incur a fine of not more than Five Pounds for every such offence.

2. No kraals for cattle or sheds for sheep or goats, where the number kept shall be more than six head of horned cattle, including calves, or ten sheep or goats, shall be allowed except at such places as the Board shall approve; and, in all cases approved of, the Board shall have the power to limit the number of cattle, sheep or goats that may be kept therein.(y)

Any person refusing or neglecting to comply with the directions of the Board in this respect, shall be liable to a fine of not more than Five Pounds: Provided that if a week after the infliction of the fine the offender shall continue to refuse or neglect to comply with the directions of the Board, he shall be liable to a further fine of not less than One Pound per diem for every day that he so neglects to comply with the directions of the Board.

3. For preserving the health and cleanliness of the Town, it shall be lawful for the Board to appoint some person or persons to inspect all tanyards, kraals, sheds for cattle, sheep and goats, pig-styes, slaughter-houses and butchers' shops within the Town, as often as they may think necessary; and such inspector or inspectors shall have the power to give such reasonable directions concerning the disposal of the refuse, and the cleansing of the slaughter-houses and shops, both within or without, and of the aforesaid tanyards, kraals, sheds and pig-styes, as they may see needful; all such directions to be reported to the Board every week. And any such person who shall neglect to comply with such directions within forty-eight hours after receiving such notice or directions so given as aforesaid, shall for every such offence incur a penalty not exceeding Five Pounds.

The Board shall also have the power to appoint some person or persons to examine meat and other provisions exposed for sale, who, in case such provisions be found unfit for human food, shall cause the same to be destroyed. All persons offering such meat, provisions or food for sale shall be liable to a fine not exceeding Five Pounds.

4. The Board shall provide and set apart certain places where filth, soil, stable litter or rubbish may be deposited; and notice shall be given, from time to time, of the places so set apart. No person shall deposit, or cause to be deposited, any filth, soil, earth, stable litter or rubbish in any street or public place or waste ground within the Town, except in such places as the Board shall appoint from time to time. Any person contravening this regulation shall be liable to a penalty not exceeding Five Pounds for every such offence.

(y) Printed as amended by Government Notice No. 17, 1892.

G. N.,
Oct. 10,
1887.

5. No lime or bricks shall be burned, nor shall any lime-kiln or brick-kiln, pottery or furnace for manufacturing purposes be erected in any part of the Town, except by permission of the Board, obtained in writing; and the Board shall consider it its duty not to permit any such kilns, potteries or furnaces to be erected, or lime or bricks burned, except in such situations or under such conditions as will prevent the said kilns, potteries, furnaces, lime and brick burning from becoming nuisances.

Offenders against this regulation shall be liable to a penalty of not more than Five Pounds for every offence.

6. Any person sweeping or throwing into any street any paper or rubbish shall be subject to a fine of not more than Ten Shillings for every offence.

7. No person shall keep swine so as to be a nuisance to any adjoining occupier, nor horses, swine, or other animals anywhere within the Town so as to be a common nuisance, under a penalty not exceeding Five Pounds.

8. The proprietor or person having charge of any dead horse, ox, or other animal, not intended to be used as food, shall cause the same to be buried, at such places as the Board shall appoint, within twelve hours after death, at a depth below the surface of not less than three feet, under a penalty of not more than Two Pounds, in addition to the expense of burying the said animal.(z)

Any horse which shall have died of horse-sickness or of any contagious disease, must be dragged by the head, which must be carefully enveloped in a bag, such bag to be buried with such horse.(z)

9. The Board shall license and appoint as it shall see fit, a night-man or night-men, for the purpose of removing and disposing of night-soil.

Any person acting as public night-man by the removal of night-soil without the licence of the Board, and all persons employing any such unlicensed person in the capacity of night-man, knowing him to be unlicensed, shall be liable, on conviction, to a penalty not exceeding Five Pounds.

10. The removal of night-soil by licensed night-men shall be performed under such regulations as the Board may from time to time appoint; and in no case shall any night-soil be carried through the streets of the Town between the hours of six a.m. and eleven p.m.; and the night-soil shall be deposited only in such places as the Board shall appoint.

No licensed night-man shall refuse to remove night-soil when required to do so in accordance with the regulation of the Board.

For every breach of this regulation a penalty of not more than Five Pounds shall be enforced.

The Board to have power to deprive any night-man breaking this regulation of his licence.

G. N.,
Oct. 10
1887.

11. [Repealed by Government Notice No. 17, 1892.]

12. No dwelling-house or any other tenement shall be occupied by more inmates than may be presumed to be fair and reasonable, so that the health of the community be not endangered, nor shall any house or tenement be kept in a notoriously filthy and unwholesome state.

13. The Board shall have the power to appoint an officer, to be called the Sanitary Inspector, whose duty it shall be to inspect the various parts of the Town and to report on all contraventions of the Sanitary Regulations which he may discover.

The said Sanitary Inspector (accompanied by the District Surgeon, or some other duly qualified medical man in the town) shall have the power, on a report being made to him by two or more persons that infectious, epidemic, or contagious fever, cholera, or other fatal disease, is present in any dwelling-house, to demand an entrance to such dwelling-house; and in case entrance should not be afforded, to use, or cause to be used, all necessary force to effect such entrance, and to visit every room, closet, or apartment therein; and if they shall find in any such house any person labouring under any such contagious or infectious disease as aforesaid, and who shall not be under medical treatment by some medical practitioner, they shall, if they deem it necessary, cause such person to be removed with all possible care and all proper speed to any hospital or building open for the reception of such patients in order that such person may be properly treated for the disease, and may not communicate it to others.

And on any such duly qualified medical man giving a certificate that any house requires cleansing by fumigation or in any other way, in consequence of cases of infectious disease having occurred therein, the Board shall order such fumigation to be performed by the owner or occupier at his expense, and if such owner or occupier shall neglect or refuse to comply with such order, the Board shall cause such fumigation to be performed, and the cost of the same shall be due by such owner or occupier to the Board, and shall be recoverable by suit in any competent Court, and such owner or occupier shall further be liable to a fine not exceeding £5, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month, unless such fine be sooner paid.(a)

COMMON LANDS.

1. No person shall turn loose upon the common lands or any public place any horse or other animal affected with

(a) Printed as amended by Government Notice No 17, 1892.

G. N., glanders, or any other contagious disease, under a penalty not exceeding Five Pounds.

Oct. 10,
1887.

2. Any animals found in the streets or on the commonage, suspected to be suffering from contagious disease, shall be submitted to the inspection of a farrier, with two inhabitant householders; and on their report that the disease is contagious, it shall be lawful for the Board to cause such animal to be destroyed and buried; and if the owner be found, he shall be bound to pay all expenses of inspection and burial.

3. Every stallion or bull found on the common lands or streets not in charge of a herd shall be impounded, and the owner thereof shall be liable to a fine of One Pound over and above the pound fees, and shall further pay any damages that may have been the result of such animal being at large.

4. Every inhabitant householder shall be allowed to graze twenty-five head of horned cattle or horses, and fifty goats or sheep, on the common lands within the limits of or belonging to the Town.(b)

5. It shall be lawful for the Board to grant a special licence to any person or persons to keep and graze any number of sheep and cattle on the said lands for such periods and under such regulations and rent as the Board may deem necessary and expedient: Provided that nothing herein contained shall apply to any person or persons passing to and from the public market, or to carriers or travellers, who may remain with their cattle on the town lands ninety-six hours and no longer, except with permission of the Board.

The charges for such special licence abovementioned for grazing, shall be as follows:—Cattle, horses, and mules, 6d per head per month; sheep and goats up to 100, 1½d per head per month; do., over 100, 1d per head per month; cattle, horses, mules, sheep and goats, if for per day, 1d per head per diem.(c)

6. All horses, cattle, sheep or goats found grazing or straying on any part of the said common lands not being the property of any resident householder, or exceeding the number which such resident householder shall be allowed to keep on the said lands by virtue of these regulations, or without having permission as aforesaid, be the same in charge of herdsmen or not, and all ostriches found grazing or straying on such lands, may be lawfully impounded by any person finding the same, and the owner thereof shall become liable to a fine of one shilling for each head of ostriches, cattle and horses, and sixpence per head for sheep and goats, in addition to the usual pound fees.

(b) Printed as amended by Government Notice No. 17, 1892.

(c) Printed as amended by Government Notices of 4th March, 1891, and No. 50, 1892.

7. No person shall make bricks, quarry stone, or dig or remove gravel, turf, earth, clay or sand from any land belonging to the town without first obtaining a licence from the Board, under a penalty of not more than Five Pounds.

8. No person or persons shall cut down or destroy any bush or tree upon the town lands, under a penalty of not exceeding Five Pounds, half the fine to go to the informer.

9. All pigs, whether the property of householders or others, shall, if found on the common lands or streets, be liable to be destroyed.

10. All horses, mules, donkeys, cattle, ostriches, sheep and goats found in any of the plantations made on the commonage, shall be liable to impoundment by any person finding them there.(d)

PENALTY CLAUSE,

APPERTAINING TO ALL SECTIONS OF THE REGULATIONS IN WHICH NO PENALTY IS MENTIONED.

For and in respect of any contravention of any of the foregoing regulations in regard to which no penalty shall have been hereinbefore expressly provided, every person so contravening the law shall incur and become liable to a penalty not exceeding Five Pounds, or, in default, to imprisonment for any period not exceeding one calendar month; and in any clause where a penalty may have been mentioned, but no provision made for default of payment, it is hereby provided that such defaulters shall be liable to imprisonment for any period not exceeding one calendar month, and the convicting Magistrate shall have the power to award to the informer any proportion of the fine inflicted, not exceeding one half.

GOVERNMENT NOTICE.

IT is hereby notified for general information that His Excellency the Governor has been pleased to approve of the following Regulations for the township of Mafeking, to be added to those published under Government Notice of 10th October, 1887.

By order of His Honour the Administrator,

J. ANCHITEL ASHBURNHAM,

Secretary.

Vryburg, British Bechuanaland,
4th March, 1891.

(d) For further Regulations *vide* Government Notice of the 4th March, 1891, *infra*.

STREETS AND THOROUGHFARES.

G. N.,
March 4,
1881.

At end of Section 1 there shall be added the following words:—“ Provided, however, that any person may, after leave shall have been obtained from the Board, use a portion of such street or pathway for the purpose of laying down building materials while building operations are actually in progress.”

COMMON LANDS.

Section 11. There shall be payable to the Board on the 1st day of January in each year, by the occupier of every hut or tenement on the portion of the Town Commonage known as the “ Zulu Location,” the sum of ten shillings sterling, as hut-tax.

Section 12. The term “ inhabitant householder ” mentioned in the Regulations published on the 10th October, 1887, shall be taken to include persons paying the hut-tax as in the last preceding section mentioned, and all regulations in force respecting the grazing of the stock of such inhabitant householder shall be, and the same are hereby, made applicable to the stock of the persons paying hut-tax as aforesaid: Provided, however, that no person as aforesaid paying hut-tax shall be entitled to graze on the Common Lands, free of charge, more than (10) ten large stock and ten (10) sheep or goats.

Section 13. The Collector to the Board shall keep a register of the huts in the said Location, showing the names of the occupiers and the number and description of the stock (if any) in their possession.

14. Any person residing in the said Location who shall create a disturbance in the said Location, or who may be of notoriously bad character, and who may be reported to the Board for such misconduct, may, at the discretion of the Board, be ordered to remove from the said Location, within one month of notice being given in writing; and any person who may have been so ordered to remove as aforesaid, who shall disobey such order, shall be liable to be summarily removed from such Location, and shall, in addition thereto, be liable to a penalty not exceeding Five Pounds (£5) or in default to imprisonment with or without hard labour for any period not exceeding one calendar month.

At the end of Section 5 there shall be added the following words:—“ The charges for such special licence abovementioned, for grazing, shall be as follows:—

“ Cattle, Horses and Mules 6d. per head per month. Sheep and Goats up to 100, 1½d. per head per month. Do., over 100 head, 1d. per head per month. Cattle, Horses, Mules, Sheep, and Goats, if for per day, 1d. per head per diem.”

GOVERNMENT NOTICE.

HIS Excellency the Governor has been pleased to approve G. N.,
of the following Regulations for the Township of Dec. 1,
Mafeking. 1891.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office, Vryburg,
1st December, 1891.

REGULATIONS.

1. No person shall allow any building or structure to be or remain in a dangerous condition, under a penalty not exceeding Five Pounds sterling, and should any person after receiving a notice signed by the Secretary of the Board or some other duly authorised officer to repair, make safe, or remove the same, fail to do so within four days after the receipt of such notice, it shall be lawful for the Board to repair, make safe or remove the same at the expense of such person.

2. In order that the health of the community may not be endangered, no dwelling-house, out-building or any other tenement or premises shall be occupied by more inmates than the Sanitary Inspector, or some duly qualified medical man appointed by the Board to examine, may pronounce to be fit and proper, and it shall be lawful for such Sanitary Inspector or medical man to give 24 hours' notice to the owner or occupier of such house or tenement to cause such number of persons as he or they may think it expedient to remove, to quit such house or tenement, and in case such notice be not complied with, the owner or occupier shall be liable to a fine not exceeding Five Pounds, and to a further fine of ten shillings for every day on which such person or persons shall remain upon the premises.

Moreover, any person refusing to quit such premises or tenement after the service of such notice upon the owner or occupier, shall be liable to each and every of the aforesaid fines, and the onus of showing that he was unaware of such notice having been given shall lie upon such person.

3. No person shall use barbed wire for fencing any ground abutting on any street or thoroughfare, under a penalty not exceeding five pounds, and should any person after receiving a notice from the Secretary of the Board to remove such barbed wire neglect or refuse to do so within 24 hours of the receipt of such notice, he shall be liable to a penalty not exceeding Ten Shillings for every day in which he shall make default, and the Board may remove such barbed wire at the expense of such person.

G. N.,
Dec. 1,
1891. 4. For and in respect of any contravention of any of the foregoing Regulations in regard to which a penalty has been mentioned, but no provision made for default of payment, it is hereby provided that any person so making default shall be liable to imprisonment, with or without hard labour, for any period not exceeding one month.

GOVERNMENT NOTICE.

G. N.,
Dec. 1,
1891. HIS Excellency the Governor has been pleased to approve of the following additional Regulation for the Town of Mafeking.

J. ANCHITEL ASHBURNHAM,
Secretary.

Administrator's Office, Vryburg,
1st December, 1891.

REGULATION.

No person shall be allowed to wash clothes, wash or swim horses or cattle in or otherwise defile or pollute the water of the Molopo River within the boundaries of the proclaimed area of Mafeking at any place or places above the drift on the road leading out of Robinson Street to Rooi Grond, and any person contravening this Regulation shall be liable upon conviction to a fine not exceeding £5 or in default of payment to imprisonment, with or without hard labour, for any period not exceeding thirty days, unless such fine be sooner paid.

GOVERNMENT NOTICE.

No. 8, 1892.

G. N.,
No. 8,
1892. HIS Excellency the Governor has been pleased to approve of the following alterations in the General Regulations published under the Government Notice of the 10th October, 1887, viz. :—

1. The word "January" shall be substituted for the word "July" in the third line of Regulation No. 4, and in the second and fifth lines of sub-section B of the same Regulation.

2. After the word "office" in the third line of Regulation No. 4, the words "with the Town Collector" shall be inserted.

J. A. ASHBURNHAM,
Secretary.

Administrator's Office, Vryburg,
10th February, 1892.

GOVERNMENT NOTICE.

No. 17 of 1892.

IT is hereby notified for general information that His Excellency the Governor has been pleased to approve of the following regulations for the Township of Mafeking.

J. A. ASHBURNHAM,
Secretary.

Vryburg, 11th April, 1892.

REGULATIONS.

1. The following paragraphs shall be added to section 5 of the "General Regulations" published under Government Notice of October 10th, 1887:—

"And every such bitch so found roaming, may be impounded by any person in a kennel, to be provided for that purpose by the Board, and there kept for twenty-four hours after such impounding, and if not claimed within that time, such bitch may be sold, destroyed or otherwise disposed of by the Board.

Any bitch so impounded as aforesaid may be released within the abovementioned period of twenty-four hours upon payment of the sum of ten shillings, in addition to all expenses by reason of such impounding. It shall be the duty of all constables to impound such bitches."

2. For the word "twelve" in line 2 of section 2 of Sanitary Regulations published under the Government Notice aforesaid, there shall be substituted the word "six," and for the words "or thirty" in line 3 of the said section, there shall be substituted the words "and ten."

3. Immediately after the word "proprietor" in paragraph 1 of section 8 of the Sanitary Regulations aforesaid, there shall be inserted the words "or person having charge," and immediately after the word "bag," in paragraph 2 of the last-mentioned section, there shall be inserted the words "such bag to be buried with such horse."

4. Section 11 of the Sanitary Regulations aforesaid shall be and the same is hereby repealed.

5. The removal of night soil shall be performed under the following regulations:—

- (a). No cesspools shall be allowed within the limits of the Township, and any person allowing any cesspool to be open upon his premises, shall be liable to a penalty not exceeding Five Pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month, unless such fine be sooner paid, and

G. N.,
No. 17,
1892.

upon receipt of a notice signed by any Sanitary Inspector requiring him forthwith or within a reasonable time to cover up or fill in the same, such person shall be liable to a penalty of one pound for every day in which he shall make default, and such Sanitary Inspector may if it shall appear expedient, fill in and close up the said cesspool, and the expenses incurred in performing such work may be recovered from the person in occupation of the premises, in any competent Court.

- (b). Every owner or occupier of any house, building or premises, inhabited or intended to be inhabited, shall provide the same with pails, in the proportion of one pail to every five persons on the premises, as well as the same number of spare pails for exchange: Provided, however, that in the cases of hotels and lodging houses the number of pails to be provided shall be such as the Board may direct.
- (c). Before any pail is replaced for use in any closet, the same shall be properly cleansed, purified and disinfected by the licensed night-man.
- (d). Suitable closets with seats for the requisite number of pails, must be provided by the owner or occupier on their premises.
- (e). The Board will enter into a contract or make such other arrangements as it may deem fit, for the removal of night soil; and such night soil shall be removed once in every 48 hours, Sundays excepted.
- (f). Any person who shall refuse to have his night soil removed, or who shall dispose of his night soil in a manner not approved of by the Board, shall upon conviction be liable to a fine not exceeding £5, and in default of payment to be imprisoned with or without hard labour for any period not exceeding one month, unless such fine be sooner paid.
- (g). If any licensed night-man shall be unable to recover the fees due to him by any tenant for the removal of night soil, the landlord of such tenant shall be liable for such fees: Provided, however, that such landlord shall not be liable for more than one month's fees.
- (h). Any person failing to comply, within a reasonable time after the publication of these regulations, with the provisions of the above subsections (b) and (c) and (d), shall be liable to a penalty not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month, unless such fine be sooner paid.

6. The Board shall have the power to appoint an additional officer or officers as Sanitary Inspectors, whose powers and duties shall be similar to those conferred and imposed upon the

Sanitary Inspector by any regulation already in force or which may hereafter be put in force. G. N.,
No. 17,
1892.

7. All the words after "performed" in line 4 of paragraph 3 of section 13 of the Sanitary regulations aforesaid, are hereby expunged, and the following inserted in their stead:—"by the owner or occupier at his expense, and if such owner or occupier shall neglect or refuse to comply with such order, the Board shall cause such fumigation to be performed, and the cost of the same shall be due by such owner or occupier to the Board, and shall be recoverable by suit in any competent court, and such owner or occupier shall further be liable to a fine not exceeding five pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month, unless such fine be sooner paid."

8. For the words "or in lieu thereof" in section 4 of "Common Lands" regulations, published under Government Notice of the date aforesaid, the word "and" is hereby substituted.

GOVERNMENT NOTICE.

No. 18, 1892.

IT is hereby notified for public information that His Excellency the Governor has been pleased to approve the following regulations for the Township of Mafeking. G. N.,
No. 18,
1892.

J. A. ASHBURNHAM,
Secretary.

Administrator's Office,
Vryburg, 11th April, 1892.

1. It shall not be lawful for any person to convey, by barrel, cart or other vehicle, water obtained from any well under the control and management of the Board, without having previously obtained from the Board a licence for that purpose for such barrel, cart or other vehicle, and any person contravening this regulation shall be liable to a fine not exceeding £5, and in default of payment to imprisonment with or without hard labour for a period not exceeding thirty days, unless such fine be sooner paid.

2. Every such licence as aforesaid shall remain in force for a period of three months from the date thereof, and shall be paid for in full at the time of issue.

3. For and in respect of every such licence there shall be paid by the undermentioned persons the following amounts:—

By Licensed Victuallers, Manufacturers of Aerated Waters, Masons, Bricklayers, and Blacksmiths	£0 15 0
By Vendors of Water	1 10 0
By persons not above mentioned	0 7 6

G. N.,
No. 18,
1892. 4. It shall be the duty of the Secretary of the Board to deliver to the person paying for such licence a badge, which shall be affixed to the barrel, cart, or other vehicle, for and in respect of which such licence shall have been issued.

Any person who shall affix any such badge to any unlicensed barrel, cart or other vehicle, shall, upon conviction, be liable to a fine not exceeding £5, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding thirty days, unless such fine be sooner paid.

GOVERNMENT NOTICE.

No. 50 of 1892.

G. N.,
No. 60,
1892. HIS Excellency the Governor has been pleased to approve the following alteration in the undermentioned Regulation for the Township of Mafeking, viz. :—

COMMON LANDS.

In Regulation No. 5—Common Lands—for the Township of Mafeking, published under Government Notice of October 10th, 1887, the words “*ninety-six*” shall be substituted for the words “*forty-eight*.”

J. A. ASHBURNHAM,
Secretary.

Vryburg, 30th August, 1892.

GOVERNMENT NOTICE.

G. N.,
Nov. 22,
1889. IT is hereby notified for general information that His Excellency the Governor has been pleased to approve the following regulations for the Township of Upington, in the Division of Gordonia.

J. ANCHITEL ASHBURNHAM,
Secretary.

Vryburg, 22nd November, 1889.

REGULATIONS.

1. The owner of, or other person keeping, any dog over three months old within the town shall annually on or before the 31st day of December, register every such dog at the office

of the Resident Magistrate, and shall thereupon pay for the registration of every such dog the sum of two shillings and sixpence sterling : G. N.
Nov. 22,
1889.

a. Upon every such registration and payment as aforesaid, a stamp, with a number impressed thereon, which shall be supplied by the Board, shall be attached to the collar of every dog so registered as aforesaid.

b. Every person being the owner of or keeping any dog within the township who shall not, on the 31st day of December in any year, have so registered every such dog, shall be liable to a penalty of five shillings sterling : Provided, always, however, that any person who shall, after the 31st day of December in any year, become the owner of, or keep, any dog within the township, shall and may enregister every such dog in manner aforesaid within ten days after becoming the owner of or commencing to keep the same, unless such dog shall have been enregistered by its former owner.

c. Every dog found in the streets without a collar bearing the aforesaid stamp shall be impounded in a kennel to be provided for that purpose, and there kept for forty-eight hours after such impounding, and if not claimed within that time may be destroyed or otherwise disposed of by the Board.

d. Any dog so impounded as aforesaid may be released within the abovementioned period of forty-eight hours upon payment of the sum of one shilling sterling, in addition to the cost of maintenance.

2. The owner of any bitch in heat allowing the same to roam at large within the limits of the township, shall be liable on conviction to a penalty not exceeding one pound.

3. Any person who shall use any such stamp as aforesaid for the protection of any dog other than the dog for and in protection of which such stamp shall have been issued, shall upon conviction be liable to a fine not exceeding five pounds, or, in default of payment, to imprisonment with or without hard labour for any period not exceeding thirty days, unless such fine be sooner paid.

4. The Board shall provide and set apart certain places where filth, soil, stable-litter or rubbish may be deposited, and notice shall be given from time to time of the places so set apart, and no person shall deposit, or cause to be deposited, any filth, soil, stable-litter or rubbish in any street, or public place, or waste ground within the town except in such places as the Board shall appoint from time to time. Any person contravening this regulation shall be liable to a penalty not exceeding two pounds for every such offence.

G. N.,
Nov. 27,
1889.

5. The owner of any dead horse, ox, or other animal not intended to be used as food, shall cause the same to be buried at such places as the Board shall appoint, within twelve hours after death, at a depth below the surface of not less than three feet, under a penalty of not more than two pounds sterling in addition to the expense of burying the said animal.

COMMON LANDS.

1. Every resident householder, that is to say, proprietor or occupier of any erf or erven within the proclaimed limits of the town, shall have the right of grazing on the common pasturage seventeen (17) large animals, such as cows, oxen, horses, mules or donkeys, and twenty-five (25) sheep or goats, his *bon a-fide* property, and every householder as aforesaid, carrying on the trade of a butcher shall be allowed to graze on the common pasturage, in addition to the number of large animals aforesaid, not more than fifty (50) sheep or goats, on payment by every such householder or butcher, for the benefit of the Village Board funds, the sum of five shillings for every year or part of a year ending the 31st day of December, and all large animals, sheep or goats, belonging to any such person as aforesaid, who shall not have paid the grazing money as aforesaid, found on the commonage, shall be considered as trespassing, and may be impounded.

2. It shall be lawful for the Board to grant a special licence to any person or persons to keep and graze any number of large animals, sheep and goats on the common lands for such periods and under such regulations and rents as the Board may deem necessary and expedient.

3. The Board shall have the power to appoint an overseer who shall superintend the grazing on the common lands.

4. All horses, mules, donkeys, oxen, cows, goats or sheep not being the property of any householder as aforesaid, or of any person possessed of a special licence as aforesaid, or exceeding the number which any such person shall be allowed to keep on the said lands, which shall be found grazing or straying on any part of the said common lands, be the same in charge of a herd or not, may be lawfully impounded by the overseer aforesaid, or by any person finding the same, and the owner thereof shall be liable to a fine of fourpence for each horse, mule, donkey, ox or cow, and one half-penny for each sheep or goat, and such animal shall not be released until the fine and all pound charges thereon shall have been paid. This regulation shall, however, not extend to the horses, oxen, mules, or donkeys of travellers visiting or passing through the town, or of any person who may have come to the town with produce for sale, or for the transaction of business, or of such resident householders who may be about to proceed on a journey, and who may require

such animals to be delayed on the pasture lands of the Board for such purposes, or to the horses, oxen, cows, mules, donkeys, sheep or goats of farmers or traders passing through the area of the Board: Provided, always, that no such persons shall graze such animals on any part of the pasture lands longer than forty-eight hours, except with permission of the Board. Nor shall the regulation extend to the draught animals of any person or persons entering the area of the Board for the purpose of attending divine service on occasions of "Nachtmaal," who may graze such animals on the pasture lands for ninety-six hours and no longer, except with permission of the Board.

G. N.,
Nov. 22,
1889.

5. No substitution of one kind of stock for another shall be allowed or permitted, neither shall it be lawful for any occupier of any erf or erven to sell, let or otherwise dispose of such right of grazing to any other person on any consideration whatever, except as arising out of the sale or lease of such ground, and provided that lease or sale of a building erf be *bona fide* for the purpose of residing in the town, and not merely in order to procure the grazing right.

6. Without the special permission of the Board first had and obtained, no bull above the age of twelve months, and no horse or donkey stallion above the age of two years, shall be allowed to be at large in any place within the area of the Board, and any such bull or stallion so found at large may be lawfully impounded, and shall not be released until a fine of ten shillings and all pound fees thereon shall have been paid.

For and in respect of any contravention of any of the foregoing regulations in regard to which a penalty has been mentioned, but no provision made for default of payment, it is hereby provided that any person so making default shall be liable to imprisonment for any period not exceeding one calendar month.

The following alterations in the 32nd section of Ordinance No. 16 of 1847, shall be and the same are made and shall have effect in the township of Upington, from and after the 31st of December, 1889, viz. :—

- a. The word "enclosed" shall be and the same is hereby inserted before and shall immediately precede each and all of the words garden, vineyard, and "cultivated" occurring in the 32nd section of Ordinance No. 16 of 1847, and by the word "enclosed" shall be meant a wall or fence not being less than four feet in height.
- b. The trespass money payable in respect of goats found on such enclosed lands shall be at the rate of sixpence for every such goat, exclusive of all pound fees and other charges.
- c. The trespass money payable in respect of horses, mules, donkeys, cattle, pigs, goats or sheep found trespassing

G. N.,
Nov. 22,
1889.

on any gardens, vineyards, or cultivated lands in which any crop is growing or cut but not removed, not enclosed as aforesaid, shall be at the same rate as provided for such animals by the 33rd section of the said Ordinance.

- d.* When and as often as any dispute shall arise regarding the sufficiency of any such fence or wall as aforesaid, such dispute shall be referred to the arbitration of three persons, one of whom shall be a member of the Board to be nominated by such Board, and two landowners, one to be nominated by the complainant, and the other by the owner of, or person occupying, the land trespassed on: Provided always that in case the latter person shall neglect or fail to nominate such landowner, the member of the Board aforesaid shall nominate a landowner in his stead.
- e.* The award of the majority of the arbitrators aforesaid shall be final, and such arbitrators shall each be entitled to demand from the party against whom they shall have given their award the sum of five shillings for their trouble.

GOVERNMENT NOTICE.

G. N.,
July 28,
1891. **I**T is hereby notified for general information that His Excellency the Governor has been pleased to approve of the following regulations for the township of Vryburg.

J. ANCHITEL ASHBURNHAM,

Secretary.

Vryburg, 28th July, 1891.

CAB REGULATIONS.

1. Every omnibus, hackney carriage, cab, or other vehicle for the conveyance of passengers, plying for hire within the limits of the township, before being so employed, must be exhibited at the office of the Secretary to the Board for the purpose of being examined by the Secretary or other officer appointed by the Board, in order to ascertain whether such vehicle is in good order and repair and affords sufficient room for the number of passengers it is intended to carry, and to be duly registered and numbered, and the proprietor of such omnibus, hackney carriage, cab or vehicle as aforesaid shall annually pay on receiving a copy of such register for every such vehicle the sum of three pounds sterling, or half-yearly the sum of thirty-shillings sterling: Provided, always, that such regis-

ter may be transferred with the consent of the Secretary aforesaid upon payment of five shillings for such transfer. All licences shall expire on the 31st December of each year. G. N.,
July 28,
1891.

2. All vehicles described in the foregoing section must have the registered number affixed to some conspicuous place on the outside of the vehicle on the left side in legible characters, the number to be in black on white ground in figures not less than two inches in height; and each driver or conductor shall be obliged to wear, in some position where it can be easily seen, a badge to be obtained at the office of the Secretary aforesaid, upon which shall be represented the number of his licence.

3. No cab or hackney carriage shall carry more than six passengers, and no omnibus shall be allowed to carry more than twelve passengers without a licence specially granted by the Board.

4. No omnibus or other vehicle plying for hire within the limits of the township shall be allowed, under any pretext whatever, to carry a greater number of passengers than the number registered in the books of the Board. All omnibuses and vehicles shall have the number so registered together with a table of fares affixed conspicuously within the said vehicle.

5. Every registered hackney carriage, cab, or vehicle standing or being in the public streets, shall be deemed as plying for hire, and the driver thereof shall not refuse to accept an offer of engagement except actually hired, in which case a placard bearing the word "Engaged" must be exhibited on either side of the driver's seat.

Any driver falsely representing himself to be hired, or who, on being hailed, shall neglect or refuse to convey any person desiring to engage his vehicle, shall be liable on conviction to a penalty not exceeding five pounds.

6. In winter (that is from the 1st of April to the 30th of September) after seven o'clock p.m. and in summer (that is from the 1st of October to the 31st of March) after eight o'clock p.m. the cab driver shall be entitled to charge at the rate of a fare and a half for each adult.

At all times of the year after nine o'clock p.m. the cab-driver shall be entitled to charge double fare.

7. Every passenger shall be allowed twenty pounds of luggage; over that weight a charge of one shilling for every twenty pounds may be made.

8. Every driver of a hackney carriage, cab, or other vehicle, if requested to do so, shall on being hired deliver to the hirer a card whereon the registered number of his licence is printed.

9. No driver of any licensed vehicle shall be obliged to carry any person in a state of intoxication or filth, nor shall he be permitted to carry any person suffering from any contagious disease, or being in such a condition as to deter other persons

G. N., from occupying or hiring his omnibus, carriage, cab, or other vehicle.
July 23, 1891.

Any such driver contravening this section shall be liable to a fine not exceeding five pounds.

10. All property left in omnibuses, hackney carriages, cabs or other vehicles is to be sent within twenty-four hours to the office of the Secretary of the Board, if not sooner claimed by the owner, and in default thereof the driver shall be liable to prosecution and further to a penalty not exceeding five pounds.

11. No omnibus, cab, or hackney carriage plying for hire shall be allowed to stand in any public streets, except at such places and in such order as the Board of Management shall from time to time make known by an advertisement in the newspaper in which the Board's advertisements are for the time being usually inserted. And no driver shall ply for hire unless upon some stand to be pointed out by the Board.

12. The proprietors of all vehicles as aforesaid shall be bound to keep them clean and in a state of good and efficient repair.

The animals employed shall at all times be kept in good working condition, and the harness sufficient and in good repair.

13. The driver of a licensed vehicle, after taking up a passenger or passengers, shall convey him or them to any place as described within the limits of the township, Crown Reserve or Railway area.

14. All drivers plying for hire after sunset are required to affix one lamp or more to their licensed vehicles within thirty minutes after sundown, and to keep the same brightly burning until they reach home for the night.

15. Drivers of licensed vehicles are bound to drive at all times at a proper speed, that is not more than seven miles an hour, nor less than five miles an hour, unless requested to drive at a slower rate.

16. Any person using or hiring any omnibus, carriage or other vehicle licensed under these regulations, and standing or plying for hire within the limits of the township, shall become liable for the due payment of fares as per Schedule of fares at the end of this regulation, and in default of payment the Magistrate may order such payment to be made, and may further impose a penalty not exceeding five pounds.

TARIFF OF CHARGES FOR VEHICLES PLYING FOR HIRE BY TIME PER HOUR.

For every omnibus, 12s. 6d.

For every hackney carriage, cab, or other vehicle, 7s. 6d. for the first hour and 5s. for every additional hour, and for every extra fifteen minutes or portion of fifteen minutes, 2s. 6d.

Fares payable by time must be expressed by the hirer at the time of hiring, if not, the hirer to be charged by distance.

FARES.

G. N.,
July 28,
1891.

The fares by distance are as follows:—

Between De La Rey Street (next to Wesleyan Chapel) and the Railway Station, 1s.

From any spot in the township to the westward of De La Rey Street to the Railway Station and *vice versa*, 2s.

Any other distances as follows:—

For half-a-mile, 1s.

For a mile, 2s.

And for every additional mile after the first mile, 1s. 6d.

MARKET REGULATIONS.

1. A Market shall be held in the town of Vryburg at such hours as the Village Board of Management shall from time to time appoint, on every day of the year with the exception of ^{Market} Sundays, Christmas Day, New Year's Day, and Good Friday. _{Regulations.}

2. The Village Board of Management shall appoint a Marketmaster, who shall before entering on his duties give security to the amount of £500, and who shall hold office during the Board's pleasure.

3. No article shall be sold on the market which is not the produce of South Africa or of Colonial manufacture.

4. All market sales shall be by public auction to the highest bidder, and in case any dispute shall arise between two or more bidders for any article, such article shall forthwith be put up again for sale.

5. All sales on the market shall be for cash, unless the terms of credit be publicly declared and entered into the book of the Marketmaster before the commencement of the sale.

6. The Marketmaster shall deliver a sale note to every person who shall sell articles on the market, which note shall specify the name of the purchaser, the quantity and description of the articles sold, the prices of the different articles and the date of sale, and shall render account sales to the sellers. The signing of the sale note by the purchaser shall be an acknowledgment of delivery.

7. The Marketmaster shall be responsible to the seller when the sale is for cash for the payment of the money for which the articles shall be sold, and all cash purchases shall be paid for by the buyer to the Marketmaster, either on the spot at the time of purchase or at the market office before 3 o'clock on the day of sale.

8. The Marketmaster shall pay to the seller the proceeds of cash sales on the Market less the charges and fees as hereinafter provided within a reasonable time after the seller shall have delivered the sale note received by the purchaser to the Marketmaster.

Market Regulations. 9. In cases where the seller shall declare to sell upon credit, the charges and fees receivable by the Marketmaster shall be paid forthwith, and in all cases where the seller shall agree to sell upon credit, the Marketmaster shall not be held responsible for the solvency of the purchaser or for the payment by him of the purchase price.

10. The buyer or seller of an article requiring it to be weighed may call upon the Marketmaster to weigh the same and to give a certificate of the weight.

11. The seller on the public market shall within a reasonable time deliver to the buyer at any place, at the option of the purchaser (provided the same be within the limits of the township) the articles sold on the market, without making any charge whatever for so doing; and any person neglecting or refusing to deliver to the purchaser shall be liable to a penalty not exceeding £5, except when the seller at the time of sale publicly states that he will not deliver: Provided, always, anything herein contained to the contrary notwithstanding, sellers of the following quantities of produce shall in all cases be bound to deliver to the purchaser as above stated, that is to say full loads of forage, grain, meal, chaff, wood, and other produce, and also bales or bags of the above or either of them.

12. Any owner of produce or his agent knowingly making false statements as to the quantity of produce so brought by them for sale with a view to evade the market dues, shall for every such offence be subject to a penalty not exceeding £5 sterling.

13. All persons offering forage, grain, butter, meal, potatoes, wool, brandy, or any Colonial produce, for sale on the market shall be bound before sale to deliver to the Marketmaster a sample of such produce or specified article for comparison with the article to be sold on the market, and the Marketmaster shall retain such sample for twenty-four hours, and shall thereafter, if no dispute as to the quality of the article sold shall have arisen, on the application of the seller return such sample to him. Any person placing on the market for sale and delivering or attempting to deliver any article not in accordance with the article exposed or the samples delivered by him to the Marketmaster, shall be liable to a penalty not exceeding £5, and the buyer shall not be compelled to take such article.

14. Any person selling any articles on the market, whether publicly or privately, and neglecting to pay the market dues for and in respect of such sale, shall be subject to a penalty not exceeding £5 for each offence.

15. If any diseased meat or any fruit, vegetables, or other comestibles unfit for food be brought to the market for sale, the Marketmaster shall decide if the article be fit for use or not, and if condemned may refuse to sell the same, and the person

offering such articles for sale shall be liable to a penalty not exceeding £5. Market
Regula-
tions.

16. The Marketmaster shall keep a correct account of all monies received and paid by him, and of all produce he may have sold. All fees received by him shall be paid to the Village Board of Management at such times as the said Board shall from time to time determine, and the correctness of the account shall be certified and signed by the Marketmaster.

17. The Marketmaster shall not be permitted to purchase articles on the market for the purpose of trade, but he may purchase such as he may require for his own consumption.

18. The Board of Management shall have the power to order and fix through the Marketmaster or other officer appointed for that purpose, the several places where wagons or other vehicles bringing goods for sale, as also any article or articles which may be brought for sale, shall stand upon the public market, to make such rules for the conduct of sales as may seem from time to time requisite and necessary, such rules to be publicly notified in such manner as the Board may think expedient.

19. The Marketmaster shall be authorised and required to collect and receive the following fees:—

	£	s.	d.
Registry of any wagon entering the market with produce, and for every load of wood	0	1	6
Registry of every cart entering the market with produce	0	0	6
Registering any produce otherwise brought to market	0	0	3

FOR ALL PRODUCE SOLD.

Upon all amounts not exceeding £5 at the rate per centum of	5	0	0
Upon all amounts exceeding £5 at the rate per centum of	3	0	0

Provided that the fees upon amounts exceeding £5 shall in no case be less than five shillings.

When articles are offered to competition and not sold:—

	s.	d.
For every ostrich, horse, mule or donkey	1	0
For every head of cattle not exceeding three	0	6
For all cattle exceeding three	0	3

Provided that the lowest fee in the said case shall be 1s. 6d.

On every sheep, goat, or pig, if less than 100	0	1
If more than 100	0	0½

Provided that the lowest fee in such case shall be 8s. 4d.

Upon other property, upon the highest amount bid per centum	5	0
When the amount cannot be so calculated	0	3

20. All grain, meal and potatoes shall be sold by the bag, except in such cases where the total quantity of any such article brought for sale shall amount to less than a bag.

Market
Regula-
tions. 21. The following shall be the scale of weights of produce offered for sale on the market, viz. :—

Meal, at per bag of	203	lbs.	gross.
Wheat	"	203	" "
Oats	"	133	" "
Barley	"	153	" "
Mealies	"	203	" "
Potatoes	"	163	" "

GENERAL.

For and in respect of any contravention of any of the foregoing Cab and Market Regulations in regard to which no penalty shall have been expressly provided, every person so contravening any of such regulations shall be liable to a penalty not exceeding five pounds, or in default to imprisonment with or without hard labour for any period not exceeding one calendar month, unless such fine be sooner paid. And in any regulation aforesaid where a penalty may have been mentioned, but no provision made for imprisonment in default of payment, it is hereby provided that such defaulters shall be liable to imprisonment with or without hard labour for any period not exceeding one calendar month, unless the fine imposed be sooner paid.

GOVERNMENT NOTICE.

No. 44, 1893.

G. N.,
No. 44,
1893. IT is hereby notified for general information that His Excellency the Governor has been pleased to approve the subjoined amended regulations for the Township of Vryburg.

J. A. ASHBURNHAM,
Secretary.

Vryburg, 30th August, 1893.

REGULATIONS FOR THE VRYBURG VILLAGE MANAGEMENT BOARD.

SANITARY REGULATIONS.

Sanitary
Regula-
tions. 1. For the purpose of enforcing and giving effect to the regulations hereafter set forth, the Board of Management may appoint such officer and assistant officers at such salary as they may think advisable; such officer to be styled the Sanitary Inspector and to hold office during pleasure.

2. Every householder shall provide proper pails to be approved of by the Sanitary Inspector, and a sufficient supply of dry earth for use in any privy or latrine upon his premises. Such pails shall be periodically removed, emptied and replaced at the expense of the householder by some person licensed or approved by the Board of Management. Any person contravening this regulation shall be liable to a penalty not exceeding Five Pounds (£5).

3. Any person allowing any cesspool to be open upon his premises shall be liable to a penalty not exceeding five pounds, and upon receipt of a notice signed by the Sanitary Inspector requiring him forthwith, or within a reasonable time, to cover up or fill in the same, such person shall be liable to a penalty of one pound for every day in which he shall make default, and the Sanitary Inspector may if it shall appear expedient fill in and close up the said cesspool, and the expenses incurred in performing such work may be recovered from the person in occupation of the premises, in any competent Court.

4. All night soil shall be deposited in proper pits to be approved of by the Sanitary Inspector for such purpose, and such pit or trench shall be dug in such places, and in a manner as the Sanitary Inspector shall direct.

5. All latrines and closets shall be subject to inspection at any time by the Sanitary Inspector and his authorised assistant; and such means shall be adopted for cleansing and deoderising them as shall from time to time be by him or them directed. Should the owner fail to comply with such directions the Sanitary Inspector is hereby empowered to direct such means to be used, and the owner shall be liable for the costs incurred, and in addition to a penalty not exceeding £5.

6. Any occupier or owner of any building, domicile or tent shall be liable for the removal of any refuse deposited upon his premises or ground to a place to be pointed out by the Sanitary Inspector, and should he neglect to remove the same within twenty-four hours after being served with a written order to do so, signed by the Sanitary Inspector, shall be liable to a penalty not exceeding £5.

7. No interment of bodies whether of white or coloured persons shall be permitted except within the limits of a duly authorised graveyard, under a penalty not exceeding £5 for each offence, and all deaths must be reported by the owner or occupier of the house or other place in which such death may occur, to the Secretary of the Board, who thereupon may grant the necessary authority for interment on being satisfied of the cause of death, verified if possible by the certificate of a duly qualified practitioner, and any keeper of a graveyard who shall permit any interment to take place without the production of such authority shall, on conviction thereof, be liable to a penalty not exceeding £5 for such offence.

Sanitary
Regula-
tions.

8. In case of the death of any animal the owner shall cause the remains thereof to be buried in such place as shall be directed by the Sanitary Inspector, within twenty-four hours after death, and should the owner neglect or refuse to bury it as aforesaid he shall be liable to a penalty not exceeding £5, in addition to expenses incurred in removing and burying such carcase by the Inspector or his Assistant.

9. It shall be lawful for the Sanitary Inspector to forbid the kraaling of cattle, sheep, pigs, or other animals in any portion of the town, where he may consider such kraaling detrimental to the health and convenience of the public.

10. All cattle kraals in the township of Vryburg must be cleared out down to the soil at least once a week.

11. No person or persons shall be allowed to slaughter animals intended for sale within the limits of the township except in such place as may be pointed out by the Sanitary Inspector, under a penalty of £5 for each offence.

12. Every pig found straying in any public street or thoroughfare to which these rules apply, may be impounded by any person finding the same, and the owner of such pig shall be liable to a penalty of £1 for every pig straying as aforesaid.

13. No person shall keep swine or any other animals so as to be a nuisance to any adjoining occupier, nor horses, swine or other animals anywhere within the Town so as to be a nuisance, under a penalty not exceeding £5.

14. No hides or skins having an offensive smell and being a nuisance shall be exposed to dry in any place within the limits of the Town of Vryburg, and any person exposing the same shall be liable to a fine of £1.

15. The Sanitary Inspector, or other person appointed by the Board of Management for the purpose, may at all times inspect all meat and vegetables exposed for sale in the township of Vryburg, and if in his opinion such meat and vegetables are unfit for human food, he shall after reporting to, and obtaining the authority of, the Medical Officer as hereafter provided, seize the same and summon the person so exposing such meat or vegetables before the Resident Magistrate, and on conviction such person shall be liable to a penalty not exceeding £5.

16. For the purpose of carrying out the provisions of the last preceding regulation, the Chairman of the Board may appoint such duly qualified Medical Officer, on such terms as he may think fit, to examine meat and vegetables when requested to do so by the Sanitary Inspector, and to give the authority provided for in the last preceding section, when after examination he is satisfied that the meat or vegetables exposed for sale are unfit for human food.

17. The Sanitary Inspector or his authorised Assistant may at all convenient times enter in and upon any premises or land

for the purpose of ascertaining whether any nuisance may exist on such premises or land, and for giving directions and taking steps to abate and remove any such nuisance. Sanitary
Regula-
tions.

18. No lime or bricks shall be burned, nor shall any lime kiln or brick kiln, pottery or furnace for manufacturing purposes, nor any soap or tallow boiling manufactories, be erected, nor any charcoal works or hide-curing establishment, nor any trade or calling producing noisome or offensive smells, be permitted in any part of the township of Vryburg, except by permission of the Chairman of the Board obtained in writing, and he shall consider it his duty not to permit any such kilns, potteries or furnaces to be erected or lime or bricks burned except in such situation or under such condition as will prevent the said kilns, potteries and brick-burning from becoming nuisances.

Offenders against this regulation shall be liable to a penalty of not more than Five Pounds, and if the offence be not discontinued after the recovery of such penalty as may be imposed the additional penalty of Five Pounds may be inflicted for every week or portion of such week during which the said offence is continued, in addition to such steps as the Resident Magistrate may think fit to take to cause the abatement and discontinuance of any nuisances so caused.

19. In order that the health of the community may not be endangered, no dwelling-house, outbuilding, or any other tenement or premises shall be occupied by more inmates than the Sanitary Inspector, or some duly qualified medical man appointed by the Board to examine, may pronounce to be fit and proper, and it shall be lawful for such Sanitary Inspector or medical man to give twenty-four hours' notice to the owner or occupier of such house or tenement, to cause such number of persons as he or they may think it expedient to remove, to quit such house or tenement, and in case such notice be not complied with, the owner or occupier shall be liable to a fine not exceeding Five Pounds, and to a further fine of ten shillings for every day on which such person or persons shall remain upon the premises. Moreover, any person refusing to quit such premises or tenement after the service of such notice upon the owner or occupier, shall be liable to each and every of the aforesaid fines, and the onus of showing that he was unaware of such notice having been given shall lie upon such person.

20. Any person living in any tent wagon or other like domicile for a period longer than one week shall be bound to make such provision for the disposal of night soil as the Sanitary Inspector shall direct, and any such person who shall neglect to act in accordance with such directions shall be liable to a fine not exceeding One Pound sterling, and in default of payment to imprisonment with or without hard labour for any

Sanitary
Regula-
tions. period not exceeding fourteen days, unless such fine be sooner paid.

21. Any person who shall disregard any directions lawfully given by the Sanitary Inspector or any of his duly authorised assistants may be summoned before the Resident Magistrate of the District, and on conviction shall be liable to a penalty not exceeding £5.

22. The proprietor of every occupied house situated within the Township shall provide every such house with a properly appointed privy to be approved of by the Sanitary Inspector, and every such proprietor failing to provide such privy shall on conviction be liable to a penalty not exceeding five pounds sterling or to imprisonment with or without hard labour for a period not exceeding thirty days unless such fine be sooner paid: Provided that when and as often as the proprietor of any such house as aforesaid shall not reside in the District of Vryburg, the occupier thereof shall for the purposes of this regulation be regarded as the proprietor, and shall be bound upon the receipt of a notice in writing, signed by the Sanitary Inspector, calling upon him to provide a privy for such house, to provide such privy, and on failure to do so shall be liable to the penalty hereinbefore mentioned.

23. The Board of Management shall have the power to appoint such place or places along the stream as may be expedient for bathing, washing clothes, &c.

24. All fines and penalties in the foregoing regulations may be enforced by summary process before the Resident Magistrate at the instance of the Sanitary Inspector without power from the Crown Prosecutor.

DOGS.

Dogs. 25. All dogs shall be registered by the owner, with a register to be obtained at the office of the Board; for each dog so registered an annual payment of five (5s.) shall be paid to the Board.

26. Any dog found without a ticket, or that any Officer of the Board presumes has not been duly registered, may be detained until the owner shall have paid the necessary expenses: Provided, however, that the Board may cause any dog that may have been in its possession unclaimed 48 hours, to be sold or destroyed.

Any person who shall use any dog ticket, issued by the Board of Management, for the protection of any dog other than the dog for and in protection of which such ticket shall have been issued, shall upon conviction be liable to a fine not exceeding five pounds sterling, or in default of payment to imprisonment with or without hard labour for any period not exceeding thirty days, unless such fine shall be sooner paid.

27. The owner of any bitch in heat allowing the same to roam at large within the limits of the township shall be liable upon conviction to a penalty not exceeding one pound. Dogs.

BRICKS AND QUARRIES.

28. No one shall be allowed to mould bricks, quarry stone, or to use and remove material from any place or ground belonging to the Board without first obtaining permission from the Board and paying a licence fee as follows:—

To mould bricks 10s. per month,

„ quarry stones 10s. „

and the sum of 5s. shall be paid for every month or part of a month during which no moulding or quarrying shall be carried on, but the bricks or quarried stones shall remain in the field or in the quarry.

29. If the sum of 5s. shall be not paid all bricks on the field and all quarried stones in the quarry shall become the property of the Board.

30. For removing gravel or sand from any place or ground belonging to the Board there shall be paid the sum of 5s. per month, or such sum per load as the Board may determine, not being more than 3d. per load.

WELLS.

31. Any person having any open well on his premises shall be bound to fence the same, upon receiving written notice thereof from the Sanitary Inspector within 48 hours after the receipt thereof, such fence to be of a substantial character and at least three (3) feet high. Wells.

32. Any resident householder, that is to say proprietor, agent for any proprietor, or occupier of any unenclosed erf or erven within the Township, shall be bound to cover any well situate on such erf or erven in a safe and secure manner, and keep the cover in order to the satisfaction of the Sanitary Inspector, and should such householder as aforesaid after having received written notice from the Sanitary Inspector to that effect, and within four (4) days after the receipt of such notice fail so to do, then it shall be lawful for the Sanitary Inspector to have the work done at the expense of such householder as aforesaid, and in the case of any absentee Proprietor of any erf or erven having any unenclosed well upon it or them, then it shall be lawful for the Sanitary Inspector to have the necessary work done at the expense of such absentee, and after publication in the *Government Gazette* for three consecutive weeks, then such charges and expenses as may have been

Wells, incurred shall become a charge against any such erf on which such well exists and registered as such at the Deeds Registry Office of this Territory.

Any person contravening any of the foregoing regulations Nos. 25, 28, 31 shall be subject to a penalty not exceeding Five Pounds Sterling, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month for each offence.

COMMONAGE.

33. All strange or trespassing cattle that may be found within the limits of the Village commonage shall be impounded.

34. Each resident householder, that is to say proprietor or occupier of any erf or erven of ground within the proclaimed limits of the town on which rateable property stands and none other, shall have the right of grazing on the common pasturage 31 (thirty-one) large animals such as oxen, cows, horses, mules, or donkeys, and 20 (twenty) sheep or goats, his *bona fide* property, and every householder as aforementioned carrying on the trade of a butcher shall be allowed to depasture on the said lands one hundred (100) sheep and 2 goats as leaders in addition to the aforesaid number.

35. Any such householder desiring to graze a greater number of such animals must apply to the Board for a licence, who shall have the power to grant the same on being paid, for the benefit of the Village Board funds, such sum as may be determined by the Board but not to exceed the rate of sixpence (6d.) sterling per month for each herd of cattle, and one shilling (1s.) per month for every twenty (20) sheep, the Board reserving to itself the right to determine the number of cattle each resident householder shall be allowed to keep over and above the prescribed number: Provided, however, that without the previous special permission of the Board, no bull above the age of twelve (12) months shall be allowed to graze on the said pasturage, or to be let at large at any place within the area of the Board not being the property or in the occupation of the proprietor of such bull, and any such bull so found grazing, or at large without special permission, may be lawfully impounded by any resident householder or any one appointed by the Board, and the proprietor thereof shall forfeit 10s. (ten shillings sterling), and such bull shall not be released until the fine and all pound charges thereon are paid.

The provisions of this section apply to all stallions over two (2) years equally with bulls. No substitution of one kind of stock for another shall be allowed or permitted, neither shall it be lawful for any occupier of any erf or erven to sell, let, or otherwise dispose of such right of grazing to any other party

on any consideration whatever, except as arising out of the sale or lease of such ground. Commonage.

36. All horses, mules, donkeys, oxen, cows, goats, or sheep not being the property of any householder (as in the previous resolution provided) in the town, or of any persons licensed by the Board as aforesaid, or being the property of any such householder or licensed person and being in excess of the number which he is entitled to depasture, which shall be found grazing on any part of the pasturage of the Board, be the same in charge of a herd or not, may be lawfully impounded by any resident householder or anyone appointed by the Board finding the same; and the owner thereof shall be liable to a fine of one penny (1d.) for each sheep, two shillings (2s.) for each goat; and sixpence (6d.) sterling for each horse, mule, donkey, ox or cow so unlawfully grazed thereon, and such animal shall not be released until the fine and all pound charges thereon shall have been paid. This regulation shall, however, not extend to the oxen, horses, mules, or donkeys of travellers visiting or passing through the town, or any person who may have come to the market with produce for sale, or of such resident householders (as aforesaid) who may be about to proceed on a journey, and who may require his or her cattle to be delayed on the pasture lands of the Board for such purposes; nor shall the regulation extend to the cattle or sheep of traders passing through the village area: Provided, always, that no such trader shall graze his drove of cattle or sheep, nor shall any person as aforesaid graze his horses, mules, oxen or donkeys longer than forty-eight hours, on any part of the pasture lands of the Board without the consent of the Board.

LOCATIONS.

37. There shall be payable to the Board on the 30th day of June in each year by the occupier of every hut or by the person using or claiming such hut, situate on the portion of the said Commonage known as "The Location," the sum of Ten Shillings sterling as hut tax. Locations.

38. The term resident householder occurring in the above regulations under the heading "Commonage" shall be taken to include persons paying rent or hut tax as in the last preceding section mentioned, and all regulations in force respecting the grazing of stock of such resident householders shall be and the same are hereby made applicable to the stock of persons paying rent or hut tax as aforesaid: Provided, however, that no person as aforesaid paying hut tax shall be entitled to graze on the common lands, free of charge, more than 10 (ten) large animals and 10 (ten) sheep or goats.

Locations.

39. The Secretary to the Board or some other duly appointed person shall superintend the said location, and carry out all instructions he may from time to time receive from the Board.

40. The Secretary or other officer aforesaid shall number each hut in the said location, and shall keep a true and correct register of the number of huts therein, together with the names and occupations of the occupants of such huts, and the number mark and other description of the horses, horned cattle, sheep and cattle belonging to every such occupier, and such register shall be open to inspection at all reasonable times. All strangers shall report themselves on arrival to the said Secretary or officer.

41. For the purpose of enabling the Secretary or officer aforesaid to keep such register as aforesaid, it shall be the duty of every inhabitant of the said location to give the Secretary or officer aforesaid such information as he may require for the purpose, and every such person who shall, upon being required so to do by such Secretary or other officer, neglect or refuse to give any such information, shall be liable to a fine not exceeding Five Pounds sterling, and in default of payment thereof to be imprisoned with or without hard labour for a period not exceeding thirty days.

42. Every hut-holder or resident in the said location shall be obliged to satisfy the Secretary or officer aforesaid of the manner in which he obtains his livelihood.

43. No strangers shall be allowed to remain in the location or on the common lands for more than two days without a licence from the Secretary or officer appointed aforesaid.

44. It shall be the duty of every such inhabitant as aforesaid, without any request so to do, forthwith to give notice to the Secretary aforesaid of any new hut or building erected by him or her in the said location, of any horses, horned cattle, sheep or goats which from time to time have come into the possession of such inhabitant, and of the way by which they came into his or her possession, and of the death of any person in the hut or dwelling of such inhabitant, and any such person who shall neglect to give any such notice as aforesaid shall be liable to the same penalties as in section 5 provided.

45. All horses, horned cattle, sheep or goats which may be found in the said location and which have not been so registered as aforesaid, or of whose arrival there no notice has been given to the said Secretary, and of the right to or ownership of which no satisfactory account shall be given to such Secretary, may be seized or taken possession of by him and impounded in the nearest accessible pound, and shall thereupon be dealt with and treated as other impounded animals in the said pound: Provided that no animals so impounded as aforesaid by the said Secretary shall be delivered up by the Poundmaster to any

such inhabitant of any such location without a written order for such delivery signed by the said Secretary. Locations.

46. It shall be lawful for any person who may feel himself or herself aggrieved by any seizure so made by the Secretary or by his refusal to grant any such written order as aforesaid to complain to the Resident Magistrate of the District, who shall inquire into and summarily adjudicate upon the matter of such complaint and make such order as to him shall seem proper.

47. Any person who shall obstruct the Secretary aforesaid in the execution of his duty shall on conviction be liable to a fine of not exceeding Five Pounds Sterling, and in default of payment thereof to imprisonment with or without hard labour for a period not exceeding thirty days.

48. Any person having right or authority to be in the said location may be directed to remove therefrom by order in writing signed by the Secretary aforesaid, unless such person shall show cause why he should not remove from such location, and no sufficient cause to the contrary having been proved to the satisfaction of the Secretary aforesaid; and any person who may have been so ordered to remove as aforesaid, who shall disobey such order, shall be liable to be summarily removed from such Location by the said Secretary.

GENERAL.

49. No person shall allow any building or other structure to be or remain in a dangerous condition, under a penalty not exceeding Five Pounds sterling, and should any person after receiving a notice signed by the Secretary of the Board or some other duly authorised officer, to repair, make safe, or remove the same, fail to do so within four days after the receipt of such notice, it shall be lawful for the Board to repair, make safe or remove the same at the expense of such person. General

50. No person shall use barbed wire for fencing any ground abutting on any street or thoroughfare under a penalty not exceeding Five Pounds, and should any person after receiving a notice from the Secretary of the Board to remove such barbed wire neglect or refuse to do so within 24 hours of the receipt of such notice, he shall be liable to a penalty not exceeding ten shillings for every day in which he shall make default, and the Board may remove such barbed wire at the expense of such person.

51. No target shall be erected on the common land except at such spot as may be pointed out by the Secretary of the Board.

52. Every native shall be compelled to be in his location or place provided for him by his master from 9 p.m. to 4 a.m.,

General unless he is provided with a special pass from the Resident Magistrate, or other officer authorised by the Board to grant such passes, or from his master, setting forth the object of his absence. Any person offending against the provisions of this regulation may be arrested by the Police and shall on conviction thereof be liable to a fine of £5, or to be imprisoned with or without hard labour for a period not exceeding one week unless such fine be sooner paid.

The word "Native" for the purposes of this regulation shall have the meaning attached to it by Section 2 of Proclamation No. 64 B.B., 1889.

53. For and in respect of any contravention of any of the foregoing regulations in regard to which a penalty has been mentioned but no provision made for default of payment, it is hereby provided that any person so making default shall be liable to imprisonment with or without hard labour for any period not exceeding one calendar month.

54. All fines recovered for contravention of any of the foregoing regulations shall be paid over to the Board of Management.

55. In these rules the masculine gender includes the feminine, and the singular number, the plural.

BRANDS REGISTRATION.

GOVERNMENT NOTICE.

No. 51 of 1893.(e)

G. N.,
No. 51,
1893. **I**T is hereby notified for general information that His Excellency the Governor has, in pursuance of Proclamation No. 174 B.B., 1893, been pleased to extend the operation of the Brands Registration Act, 1890, to and throughout the divisions of Mafeking, Tauung, Kuruman, and Gordonia, in the Territory of British Bechuanaland.

J. A. ASHBURNHAM,
Secretary.

Vryburg, 25th September, 1893.

(e) Received too late for insertion in its proper place.

No. 184 B.B., 1893.]

[July 26, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

WHEREAS it is expedient to make better provision for the eradication of the noxious plant known as *Xanthium Spinosum* or Burr Weed found growing on unoccupied lands within the territory of British Bechuanaland : Proc. 184

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

1. When, and as often as notice has been given to a Divisional Council under Section 2 of the Burr Weed Extirpation Act, being Act No. 27 of 1864 of the Colony of the Cape of Good Hope, that *Xanthium Spinosum* is growing on any lands within the division for which such Council has been appointed, and the requirements of Section 3 of the said Act cannot be observed in consequence of the lands in respect to which notice has been so given being abandoned, deserted, or left derelict by the owners or occupiers thereof, it shall be lawful for such Council to call upon the registered owner or owners of such lands, by notice published in the *Government Gazette*, to eradicate and burn all the said Weed so growing as aforesaid within the time specified in such notice, and in case such registered owner or owners shall neglect, refuse, or otherwise fail to comply with the terms of such notice, then it shall be lawful for such Council, and it is hereby required, to employ all labourers necessary for eradicating and burning the said Weed so growing as aforesaid, and all charges thereby incurred, together with interest upon the same at the rate of ten per cent. per annum, shall be a charge upon the lands in respect of which such charges have been incurred, and shall, when duly certified to by the Chairman of the Council, be registered

Proc. 1848^a such by the Registrar of Deeds for the Territory of British Bechuanaland.

2. Nothing in this Proclamation contained shall be deemed or taken to affect in any way lands being the property, or in possession of the Crown, or to diminish the powers of Divisional Councils under the said Act No. 27 of 1864.

No. 185 B.B., (1893.)

[July 25, 1893.]

PROCLAMATION

By His Excellency Sir HENRY BROUGHAM LOCH,
&c., &c.

Proc. 185 **W**HEREAS it is expedient to make provision for regulating the sale of Kafir Beer within areas under the control of Village Boards of Management in the Territory of British Bechuanaland :

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

1. Within the area under the control of any Village Board of Management by law established in the Territory of British Bechuanaland, Kafir Beer shall, for the purposes of the Liquor Licensing Act, 1883, as amended by Proclamation 124 B.B., 1891, the Liquor Licensing Act Amendment Act, 1885, so much of the Liquor Act, 1891, as is in force in this Territory ; and Proclamation 58 B.B., 1889, in all cases be regarded as and taken to be an intoxicating liquor.

2. It shall be lawful for the Administrator upon application in the manner laid down in Proclamation 58 B.B., 1889, to grant licences for the sale of Kafir Beer only on premises situated within any of the areas aforesaid, and the conditions and restrictions attached to such licences shall as far as possible be similar to those attached to retail liquor licences now granted in the Territory aforesaid.

3. The amount payable to Her Majesty in British Bechuanaland in respect of a licence issued under this Proclamation shall be five pounds for one year ending the 31st day of December, but if such licence be taken out after the 30th day of June in any year only two pounds and ten shillings shall be payable in respect of that year.

4. In this Proclamation the term Kafir Beer means any liquid brewed from any cereals, prickly pear, aloes or honey, and every drink with which any such liquid shall have been mixed.

5. If any person licensed to sell Kafir Beer only under the provisions of this Proclamation shall have upon his premises or in his possession any intoxicating liquor not being such Kafir Beer as aforesaid, or any Kafir Beer mixed with any other intoxicating liquor, he shall be liable upon conviction to a penalty not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months, unless such fine be sooner paid, and his licence shall in virtue of such conviction be cancelled.

6. So much of Section 59 of the Laws and Regulations for the Government of British Bechuanaland appended to Proclamation 2 B.B., 1885, as permits the sale of Kafir Beer without a licence shall be and the same is hereby repealed as regards any area under the control of a Village Board of Management in the Territory of British Bechuanaland.

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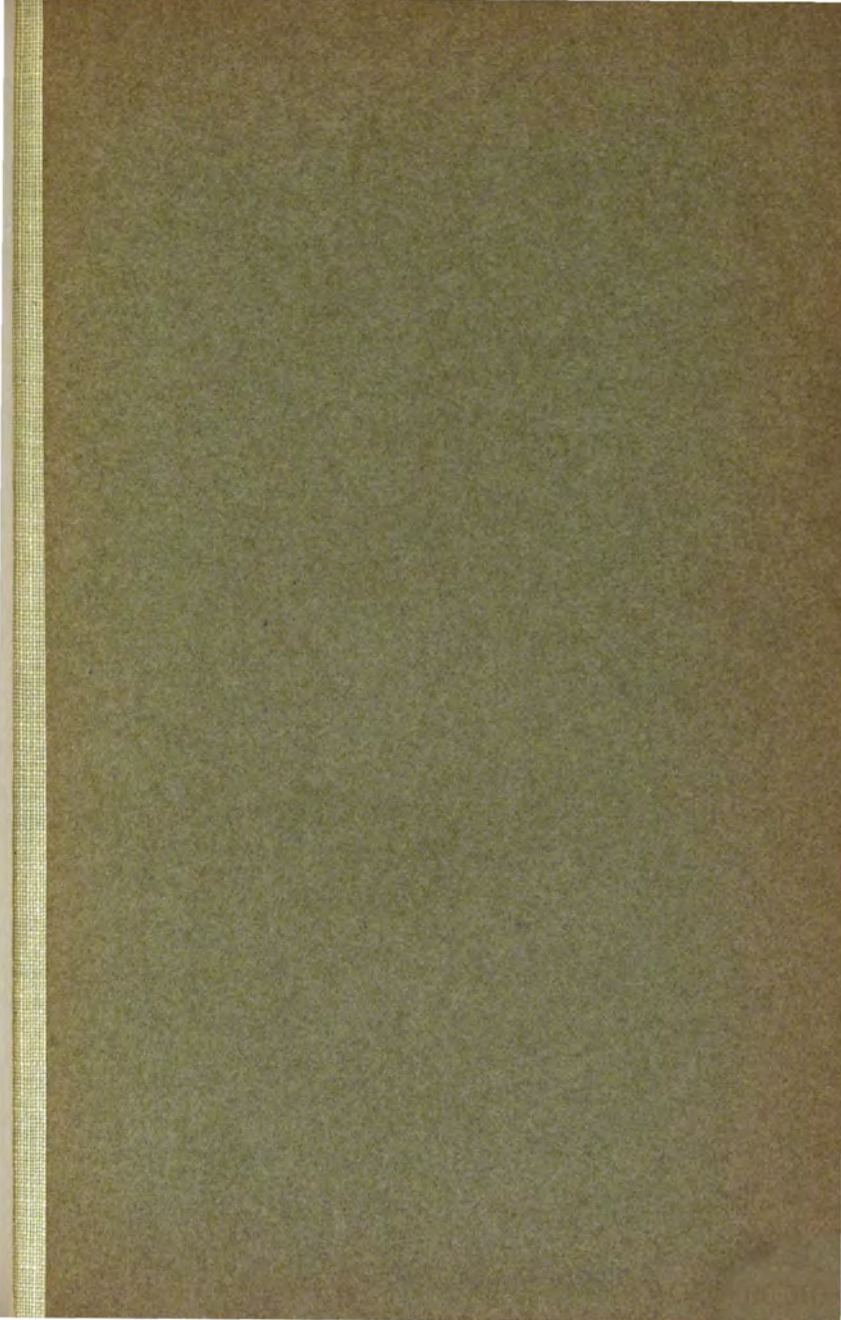
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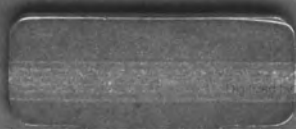
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