

REX v. RAMATONI MOSINA.

1910. August 31. WARD, J.

Criminal law.—Review.—Issue of forged pass.

It is no offence to issue a forged pass which, if genuine, would not have been valid.

WARD, J. : The accused was convicted by the detached Assistant Resident Magistrate, Viljoen's Drift, of contravening sec. 3 of Ordinance 9 of 1906 in uttering a counterfeit pass, and sentenced to pay a fine of £7, 10s., and in default of payment two months' imprisonment with hard labour. The pass in respect of which the accused is charged was a pass purporting to be issued by the master of the accused, who lives in the district of Heidelberg in the Transvaal, and authorised accused to travel to Vereeniging. It was consequently of no validity in the Orange Free State, whether it was genuine or forged. The section (3 of Ordinance 9 of 1906) under which the accused is charged refers to passes, "the issue of which is authorised by law." That would, unless there is something to the contrary in the Ordinance, seem to refer to the law of the Orange Free State. In this case the pass was of no value whatever in the Orange Free State, and the accused cannot be convicted of any offence for issuing it. The conviction and sentence are quashed.
