

## REX v. LEEUW CHABALALA.

1910. *September 29.* MAASDORP, C.J.*Criminal law.—Review.—Possession of dagga.*

Possession of “dagga” does not raise the presumption of having received it from another person in contravention of sec. 1, sub-sec. (b), of Ordinance 48 of 1903.

The accused had been charged before the special justice of the peace, Memel, of contravening sec. 1, sub-sec. (b), of Ordinance 48 of 1903.

The case came up for review.

MAASDORP, C.J.: The offence provided against by sec. 1 (b) of Ordinance 48 of 1903 is “the accepting, purchasing, taking in exchange, or otherwise receiving from another person” the herb commonly known as “dagga.” In the present case there is no evidence of the accused having accepted, purchased, taken in exchange, or received from any other person the “dagga” found upon him. It follows that the commission of the offence provided against by the section has not been proved. The conviction and sentence are therefore quashed.

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