



# OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR BASUTOLAND, THE  
BECHUANALAND PROTECTORATE, AND SWAZILAND

PUBLISHED BY AUTHORITY OF HIS EXCELLENCY THE HIGH COMMISSIONER.

VOL. CXLVII.]

PRETORIA, FRIDAY, 22 SEPTEMBER, 1939

[No. 2012.]

No. 48 of 1939.]

## PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is desirable further to amend the Basutoland Prisons Proclamation, 1917 (No. 21 of 1917), hereinafter referred to as "the said Proclamation":

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

Amend-  
ment of  
section 16A  
of Procla-  
mation No.  
21 of 1917.

1. Sub-section (1) of section *sixteen A* of the said Proclamation, as enacted by the Basutoland Prisons (Further Amendment) Proclamation, 1937, is hereby amended by deleting the proviso.

Short title  
and com-  
mencement.

2. This Proclamation may be cited as the Basutoland Prisons (Further Amendment) Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Nineteenth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

(Printed by the Government Printer, Pretoria.)

No. 49 of 1939.

## PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to provide for the better control of the property of persons who are enemies or of enemy nationality in Basutoland (hereinafter

referred to as "the Territory") and for the collection of information as to the property of such persons held by persons in the Territory, and as to debts due from persons residing in the Territory to persons in enemy territory; and further to regulate trading with persons or bodies of persons of enemy nationality or association:

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

1. (1) The High Commissioner shall by Appointment, powers and duties of Custodian of enemy property.  
Notice in the *Gazette* appoint an officer in the Territory to act as Custodian of enemy property (hereinafter referred to as "the Custodian") for the purpose of receiving, holding, preserving and dealing with such property as may be paid to or vested in him in pursuance of this Proclamation and of collecting and registering the information referred to in this Proclamation.

(2) The Custodian shall have such powers and duties with respect to the property so paid to or vested in him as may be prescribed by regulations made under this Proclamation.

(3) The Custodian may place on deposit with any bank or invest in any securities approved by the Resident Commissioner any monies paid to him under this Proclamation or received by him from property vested in him under this Proclamation, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Resident Commissioner may direct.

2. Any person residing in the Territory who holds or manages for and on behalf of an enemy or enemy subject any property, or who is indebted to any enemy in an amount of ten pounds or more, shall within one month after the commencement of this Proclamation, or if the property comes into his possession or under his control or the debt becomes due after such date then within one month after the time

Duty of residents to furnish information in certain cases, and penalties for failing to do so.

when it comes into his possession or under his control or the debt becomes due, by notice in writing communicate the fact to the Custodian and shall furnish the Custodian with such particulars in relation thereto as he may require, and if any person fails so to do he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues, and in default of payment of any such fine to a further period of imprisonment not exceeding six months.

Duty of enemy subjects within the Territory to furnish particulars if so required, and penalties for failing to do so.

3. It shall be the duty of every enemy subject who is within the Territory if so required by the Custodian, within one month after being so required, to furnish the Custodian with such particulars as to—

- (a) any stocks, shares, debentures, or other securities issued by any company, Government, municipal or other authority held by him or in which he is interested; and
- (b) any other property of the value of fifty pounds or upwards belonging to him or in which he is pecuniarily interested,

as the Custodian may require, and if he fails to do so he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues.

Powers of High Court to vest property in, and confer powers upon, the Custodian.

4. (1) The High Court of the Territory may, on the application of any person who appears to the Court to be a creditor of any enemy or enemy subject or entitled to recover damages against an enemy or enemy subject, or to be interested in any property belonging to or held or managed for or on behalf of an enemy or enemy subject, or on the application of the Custodian, by order vest in the Custodian any such property, if the Court is satisfied that such vesting is expedient for the purposes of this Proclamation, and may by the order confer upon the Custodian such powers of selling, managing and otherwise dealing with the property as to the Court may seem proper.

(2) The Court before making any order under this section may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the Court may think fit.

(3) Any person acting in pursuance of any order granted under sub-section (1) of this section shall be held perpetually indemnified from all liability to any person whatsoever claiming to have any right, title or interest in respect of any property the subject of such order, and it shall not be necessary for such person to enquire into or to be concerned with the propriety of any such order or to enquire whether the Court had jurisdiction or power to make the same.

Powers of Deputy Resident Commissioner.

(4) Any application made under this section may at any time when the High Court is not sitting be dealt with by the Deputy Resident Commissioner under the provisions of section eleven of the Basutoland High Court Proclamation, 1938.

5. In any case in which it appears to him advisable that any debt due to an enemy be paid to him, the Custodian may demand that it be so paid, and when such demand is made the debtor shall pay the sum so demanded, and the receipt of the Custodian shall be a full acquittance. Failure to comply with any such demand shall render the debtor liable to the penalties provided in section three.

Custodian may demand payment of debts due to enemies.

6. (1) The Custodian shall, except so far as the High Court may otherwise direct, and subject to the provisions of the next succeeding sub-section, hold any money paid to and any property vested in him under this Proclamation until the termination of the present war, and shall thereafter deal with the same in such manner as the High Commissioner may by Proclamation or otherwise direct.

Custodian may hold money and property vested in him until termination of war.

(2) The property held by the Custodian under this Proclamation shall not be liable to be attached or otherwise taken in execution, but the Custodian may, if so authorised by an order of the Court or if for the benefit of the owner of the property or any of his dependants by order of the Resident Commissioner, pay out of the property held by him in respect of any person the whole or any part of the property specified in the order.

Such property not liable to attachment.

Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy or enemy subject in question to satisfy that debt and any other claims against that enemy or enemy subject of which notice verified by affidavit may have been served upon him.

(3) The receipt of the Custodian or any person duly authorised to sign receipts on his behalf for any sum paid to him under this Proclamation shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the Custodian.

(4) The Custodian shall keep a register of all property held by him under this Proclamation.

7. (1) Should the Custodian have reason to believe that any person whose duty it is to supply information under this Proclamation has such information in his possession and has failed to supply it, the Custodian may in writing under his hand appoint any other person to examine the books, papers and premises of such person.

Custodian: further powers.

(2) Any person in any way wilfully obstructing the person appointed by the Custodian to make any search or enquiry, or failing to give reasonable information, shall be liable, on conviction before a Subordinate Court, to a fine of fifty pounds, or to imprisonment for a period of one month or failure to pay any fine imposed.

Penalties.

8. (1) From and after the commencement of this Proclamation every British subject within the Territory who is entitled to any property or interest in property situate in enemy territory, or who has any claim against any person, firm, company or corporation residing or carrying on business in enemy territory, or any Government or public authority therein, shall notify the Custodian thereof and shall within one month after being required to do so by him furnish to him such particulars of the property or claim as he may prescribe.

Property, etc., in enemy territory.



(2) For the purposes of this section "enemy territory" shall include any territory occupied by the forces of His Majesty's enemies.

Definitions.

9. In this Proclamation, unless the context otherwise requires—

"enemy subject" means—

- (a) an individual who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State;

"enemy" means—

- (a) any State, or Sovereign of a State, at war with His Majesty;
- (b) any individual resident in enemy territory;
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty,

but does not include any person by reason only that he is an enemy subject;

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty;

"property" means property movable or immovable and includes any rights whether vested or contingent in or arising out of property movable or immovable and any balances or deposits standing to the credit of any person at any bank.

High Commissioner may make regulations defining the powers and duties of the Custodian.

10. The High Commissioner may by Notice in the *Gazette* from time to time make, alter and revoke regulations not inconsistent with this Proclamation further defining the powers and duties of the Custodian and for the better carrying out of the provisions of this Proclamation.

High Commissioner may publish lists of persons not to be traded with.

11. (1) The High Commissioner may publish in the *Gazette* a list of persons or bodies of persons not resident or carrying on business in enemy territory (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's dominions), whenever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to him expedient so to do and may from time to time add to or vary such list.

Penalties

(2) From and after the publication of any such list all persons or bodies of persons incorporated or unincorporated resident, carrying on business or being in the Territory who shall trade with any persons or bodies of persons mentioned in such list shall be guilty of an offence, and shall be liable on conviction to the penalties prescribed for the offence of trading with the enemy under Basutoland Trading with the Enemy Proclamation, 1939.

(3) The provisions of any Proclamation in force in the Territory relating to trading with the enemy shall, subject to such exceptions and adaptations (if any) as may be prescribed by Notice in the *Gazette*, apply in respect of such persons and bodies of persons as aforesaid, as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and the provisions of this Proclamation shall apply as if for references to enemies there were substituted references to such persons and bodies of persons as aforesaid.

(4) For the purposes of this section, a person shall be deemed to have traded with a person or body of persons included in a list published under the provisions of this section if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of such a person or body of persons, which, if entered into or done with, to, on behalf of, or for the benefit of an enemy would be trading with the enemy within the meaning of the Basutoland Trading with the Enemy Proclamation, 1939.

(5) Nothing in this section contained shall be deemed to prohibit any person or body of persons incorporated or unincorporated resident, carrying on business or being in the Territory from entering into any transaction or doing any act which shall be permitted by licence of the High Commissioner or other authority competent to grant such licence, whether such licence be specially granted to an individual or be announced as applying to classes of persons.

12. The Proclamations mentioned in the <sup>Repeal.</sup> Schedule to this Proclamation and the Notices issued thereunder are hereby repealed.

13. This Proclamation may be cited as the <sup>Short title and commencement.</sup> Basutoland Enemy Property and Trade Regulation Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,

High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

## SCHEDULE.

### PROCLAMATIONS REPEALED.

1916	No. 44	The Basutoland Enemy Property and Trade Regulation Proclamation.
1918	No. 20	The Basutoland Enemy Property and Trade Regulation Amending Proclamation.
1921	No. 14	The Basutoland Enemy Property and Trade Regulation Amending Proclamation.
1922	No. 8	The Basutoland Enemy Property (Custodian Direction) Proclamation.

(Printed by the Government Printer, Pretoria.)

No. 50 of 1939.]

**PROCLAMATION**

By His Excellency The High Commissioner.

Whereas it is expedient to make provision prohibiting persons resident, carrying on business or being in Basutoland (hereinafter referred to as "the Territory") from trading or having commercial, financial or other intercourse with the Enemy:

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

**TRADING WITH THE ENEMY AND MATTERS  
RELATING THERETO.**

Penalties  
for trading  
with the  
enemy.

1. (1) Any person who trades with the enemy within the meaning of this Proclamation shall be guilty of an offence of trading with the enemy, and shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and a fine, or
- (b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine;

and the court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Proclamation a person shall be deemed to have traded with the enemy—

- (a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—
  - (i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or
  - (ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or
  - (iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Proclamation; or
- (b) if he has done anything which, under the following provisions of this Proclamation, is to be treated as trading with the enemy:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

- (i) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the High Commissioner,
- (ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) A prosecution for an offence of trading with the enemy shall not be instituted in the Territory except by or with the consent of the Attorney-General for His Majesty's High Commission Territories:

Provided that this sub-section shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of a prosecution for the offence has not been obtained.

2. (1) Subject to the provisions of this section, the expression "enemy" for the purposes of this Proclamation means—

Definition  
of enemy.

- (a) any State, or Sovereign of a State, at war with His Majesty,
- (b) any individual resident in enemy territory,
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty;

but does not include any person by reason only that he is an enemy subject.

(2) The High Commissioner with the prior approval of the Secretary of State may by Notice in the *Gazette* direct that any person specified in the Notice shall, for the purposes of this Proclamation, be deemed to be, while so specified, an enemy.

3. (1) The Resident Commissioner, if he thinks it expedient for securing compliance with section one of this Proclamation so to do, may by written order authorise a specified person (hereafter in this section referred to as "an inspector") to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

Inspection  
and super-  
vision of  
businesses.

(2) If, on a report made by an inspector as respects any business, it appears to the Resident Commissioner that it is expedient, for securing compliance with section one of this Proclamation, that the business should be subject to supervision, the Resident Commissioner may appoint a person (hereafter in this section referred to as "a supervisor") to supervise the business, with such powers as the Resident Commissioner may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, that person shall be liable, on conviction before a Subordinate Court, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.



(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorised under this section to inspect, that person shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both such imprisonment and a fine, or
- (b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

Transfer of negotiable instruments and choses in action by enemies.

4. (1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the High Commissioner, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the High Commissioner, be effective so as to confer any rights or remedies against any party to the instrument.

(2) The preceding subsection shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy:

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this subsection it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Territory or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the High Court any sum which, but for the provisions of subsection (1) of this section, would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the next following section applies.

5. (1) If—

- (a) any securities to which this section applies are transferred by or on behalf of an enemy, or

(b) any such securities, being securities issued by a joint-stock company within the meaning of the Cape Joint-Stock Companies Limited Liability Act (No. 23 of 1861) are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the High Commissioner;

then, except with the sanction of the High Commissioner, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the securities; and no body corporate by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the High Commissioner.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.

(3) Any person who contravenes the provisions of this section shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) This section applies to the following securities, that is to say, annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the Territory.

6. (1) Purchasing enemy currency shall be treated as trading with the enemy. Purchase of enemy currency.

(2) In this section the expression "enemy currency" means any such notes or coins as circulate as currency in any area under the sovereignty of a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, or any such other notes or coins as are for the time being declared by an order of the Treasury to be enemy currency.

#### GENERAL AND SUPPLEMENTARY PROVISIONS.

7. (1) If any person, for the purpose of obtaining any authority or sanction under this Proclamation, or in giving any information for the purposes of this Proclamation or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable on conviction before a Subordinate Court to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine. False statements and obstruction.

(2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Proclamation shall be liable on conviction before a Subordinate Court to a fine not exceeding fifty pounds.

8. Where any offence under this Proclamation committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other officer of the Offences by corporation.

Transfer and allotment of securities.

body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Expenses of and exercise of powers by the High Commissioner or Resident Commissioner.

9. (1) The expenses incurred for the purpose of this Proclamation by the High Commissioner shall be defrayed out of the revenues of the Territory.

(2) Anything required or authorised under this Proclamation to be done by, to or before the High Commissioner or Resident Commissioner may be done by, to or before any person authorised in that behalf by the High Commissioner or Resident Commissioner, as the case may be.

Evidence of authority or sanction of Secretary of State, High Commissioner or Resident Commissioner.

10. Any document stating that any authority or sanction is given under any of the provisions of this Proclamation by a Secretary of State or the High Commissioner or Resident Commissioner, and purporting to be signed on behalf of the Secretary of State, the High Commissioner or the Resident Commissioner, or by a person who is empowered by this Proclamation to do anything which may be done thereunder by the High Commissioner or Resident Commissioner, shall be evidence of the facts stated in the document.

Interpretation.

11. (1) In this Proclamation the following expressions have the meanings hereby respectively assigned to them:—

“enemy subject” means—

- (a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

“enemy territory” means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Proclamation, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purposes of any of the provisions of this Proclamation whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Proclamation.

(4) For the purposes of this Proclamation, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Proclamation relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act.

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

(5) Any power conferred by the preceding provisions of this Proclamation to make an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the order.

12. This Proclamation shall be without prejudice to the exercise of any right or prerogative of the Crown. Saving of rights of Crown.

13. (1) This Proclamation may be cited as the Basutoland Trading with the Enemy Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*. Short title, commencement and repeal.

Provided that a person shall not, by virtue of this subsection, be liable to any penalty in respect of anything done by him before the date of commencement of this Proclamation which, if it had been done in England, would not have been unlawful in common law.

(2) The Proclamations mentioned in the Schedule to this Proclamation and the notices issued thereunder are hereby repealed.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

## SCHEDULE.

### PROCLAMATIONS REPEALED.

No.	Subject.
68 of 1914	Basutoland Trading with the Enemy Proclamation, 1914.
22 of 1915	Basutoland Trading with the Enemy Amending Proclamation, 1915.
32 of 1919	Basutoland Trading with the Enemy (No. 1 Amending) Proclamation, 1919.
33 of 1919	Basutoland Trading with the Enemy (No. 2 Amending) Proclamation, 1919.
34 of 1919	Basutoland Trading with the Enemy (No. 3 Amending) Proclamation, 1919.
61 of 1923	Basutoland Trading with the Enemy (Amendment) Proclamation, 1923.

(Printed by the Government Printer, Pretoria.)

No. 51 of 1939.]

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Whereas it is expedient to provide for the better control of the property of persons who are enemies or of enemy nationality in Swaziland (hereinafter referred to as “the Territory”) and for the collection of information as to the property of such persons held by persons in the Territory, and as to debts due from persons residing in the Territory to persons in enemy territory; and further to regulate trading with persons or bodies of persons of enemy nationality or association:



Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

Appointment, powers and duties of Custodian of enemy property.

1. (1) The High Commissioner shall appoint an officer in the Territory to act as Custodian of enemy property (hereinafter referred to as "the Custodian") for the purpose of receiving, holding, preserving and dealing with such property as may be paid to or vested in him in pursuance of this Proclamation and of collecting and registering the information referred to in this Proclamation.

(2) The Custodian shall have such powers and duties with respect to the property so paid to or vested in him as may be prescribed by regulations made under this Proclamation.

(3) The Custodian may place on deposit with any bank or invest in any securities approved by the Resident Commissioner any moneys paid to him under this Proclamation or received by him from property vested in him under this Proclamation, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Resident Commissioner may direct.

Duty of residents to furnish information in certain cases, and penalties for failing to do so.

2. Any person residing in the Territory who holds or manages for and on behalf of an enemy or enemy subject any property, or who is indebted to any enemy in an amount of ten pounds or more, shall within one month after the commencement of this Proclamation, or if the property comes into his possession or under his control or the debt becomes due after such date then within one month after the time when it comes into his possession or under his control or the debt becomes due, by notice in writing communicate the fact to the Custodian and shall furnish the Custodian with such particulars in relation thereto as he may require, and if any person fails so to do he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues, and in default of payment of any such fine to a further period of imprisonment not exceeding six months.

Duty of enemy subjects within the Territory to furnish particulars if so required, and penalties for failing to do so.

3. It shall be the duty of every enemy subject who is within the Territory if so required by the Custodian, within one month after being so required, to furnish the Custodian with such particulars as to—

- (a) any stocks, shares, debentures, or other securities issued by any company, Government, municipal or other authority held by him or in which he is interested and
- (b) any other property of the value of fifty pounds or upwards belonging to him or in which he is pecuniarily interested.

as the Custodian may require, and if he fails to do so he shall, on conviction before a Subordinate Court, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition to a further fine not exceeding five pounds for every day during which the default continues.

4. (1) The High Court of the Territory may, on the application of any person who appears to the Court to be a creditor of an enemy or enemy subject or entitled to recover damages against an enemy or enemy subject, or to be interested in any property belonging to or held or managed for or on behalf of an enemy or enemy subject, or on the application of the Custodian, by order vest in the Custodian any such property if the Court is satisfied that such vesting is expedient for the purposes of this Proclamation, and may by the order confer upon the Custodian such powers of selling, managing and otherwise dealing with the property as to the Court may seem proper.

Powers of High Court to vest property in, and confer powers upon, the Custodian.

(2) The Court before making any order under this section may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the Court may think fit.

(3) Any person acting in pursuance of any order granted under sub-section (1) of this section shall be held perpetually indemnified from all liability to any person whatsoever claiming to have any right, title or interest in respect of any property the subject of such order, and it shall not be necessary for such person to enquire into or to be concerned with the propriety of any such order or to enquire whether the Court had jurisdiction or power to make the same.

(4) Any application made under this section may at any time when the High Court is not sitting be dealt with by the Court of the Resident Commissioner or the Deputy Resident Commissioner under the provisions of section eleven of the Swaziland High Court Proclamation, 1938.

Powers of Resident Commissioner or Deputy Resident Commissioner.

5. In any case in which it appears to him advisable that any debt due to an enemy be paid to him, the Custodian may demand that it be so paid, and when such demand is made the debtor shall pay the sum so demanded, and the receipt of the Custodian shall be a full acquittance. Failure to comply with any such demand shall render the debtor liable to the penalties provided in section three.

Custodian may demand payment of debts due to enemies.

6. (1) The Custodian shall, except so far as the High Court may otherwise direct, and subject to the provisions of the next succeeding sub-section, hold any money paid to and any property vested in him under this Proclamation until the termination of the present war, and shall thereafter deal with the same in such manner as the High Commissioner may by Proclamation or otherwise direct.

Custodian may hold money and property vested in him until termination of war.

(2) The property held by the Custodian under this Proclamation shall not be liable to be attached or otherwise taken in execution, but the Custodian may, if so authorised by an order of the Court or if for the benefit of the owner of the property or any of his dependants by order of the Resident Commissioner, pay out of the property held by him in respect of any person the whole or any part of the property specified in the order:

Such property not liable to attachment.

Provided that before paying any such debt the Custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy or enemy subject in question to satisfy that debt and any other claims against that enemy or enemy subject of which notice verified by affidavit may have been served upon him.

(3) The receipt of the Custodian or any person duly authorised to sign receipts on his behalf for any sum paid to him under this Proclamation shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the Custodian.

(4) The Custodian shall keep a register of all property held by him under this Proclamation.

Custodian:  
further  
powers.

7. (1) Should the Custodian have reason to believe that any person whose duty it is to supply information under this Proclamation has such information in his possession and has failed to supply it, the Custodian may in writing under his hand appoint any other person to examine the books, papers and premises of such person.

(2) Any person in any way wilfully obstructing the person appointed by the Custodian to make any search or enquiry, or failing to give reasonable information, shall be liable, on conviction before a Subordinate Court, to a fine of fifty pounds, or to imprisonment for a period of one month on failure to pay any fine imposed.

Property,  
etc., in  
enemy  
territory.

8. (1) From and after the commencement of this Proclamation every British subject within the Territory who is entitled to any property or interest in property situate in enemy territory, or who has any claim against any person, firm, company, or corporation residing or carrying on business in enemy territory, or any Government or public authority therein, shall notify the Custodian thereof and shall within one month after being required to do so by him furnish to him such particulars of the property or claims as he may prescribe.

(2) For the purposes of this section "enemy territory" shall include any territory occupied by the forces of His Majesty's enemies.

Definitions.

9. In this Proclamation, unless the context otherwise requires—

"enemy subject" means—

- (a) an individual who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State;

"enemy" means—

- (a) any State, or Sovereign of a State, at war with His Majesty;
- (b) any individual resident in enemy territory;
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty,

but does not include any person by reason only that he is an enemy subject;

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty;

"property" means property movable or immovable and includes any rights whether vested or contingent in or arising out of property movable or immovable and any balances or deposits standing to the credit of any person at any bank.

10. The High Commissioner may by Notice in the *Gazette* from time to time make, alter and revoke regulations not inconsistent with this Proclamation further defining the powers and duties of the Custodian and for the better carrying out of the provisions of this Proclamation.

High  
Com-  
missioner  
may make  
regulations  
defining the  
powers and  
duties of  
the  
Custodian.

11. (1) The High Commissioner may publish in the *Gazette* a list of persons or bodies of persons not resident or carrying on business in enemy territory (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's dominions), whenever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated it appears to him expedient so to do and may from time to time add to or vary such list.

High  
Com-  
missioner  
may publish  
lists of  
persons not  
to be  
traded  
with.

(2) From and after the publication of any such list all persons or bodies of persons incorporated or unincorporated resident, carrying on business or being in the Territory who shall trade with any persons or bodies of persons mentioned in such list shall be guilty of an offence, and shall be liable on conviction to the penalties prescribed for the offence of trading with the enemy under the Swaziland Trading with the Enemy Proclamation, 1939.

Penalties.

(3) The provisions of any Proclamation in force in the Territory relating to trading with the enemy shall, subject to such exceptions and adaptations (if any) as may be prescribed by Notice in the *Gazette*, apply in respect of such persons and bodies of persons as aforesaid, as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and the provisions of this Proclamation shall apply as if for references to enemies there were substituted references to such persons and bodies of persons as aforesaid.

(4) For the purposes of this section, a person shall be deemed to have traded with a person or body of persons included in a list published under the provisions of this section if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of such a person or body of persons, which, if entered into or done with, to, on behalf of, or for the benefit of an enemy would be trading with the enemy within the meaning of the Swaziland Trading with the Enemy Proclamation, 1939.



(5) Nothing in this section contained shall be deemed to prohibit any person or body of persons incorporated or unincorporated resident, carrying on business or being in the Territory from entering into any transaction or doing any act which shall be permitted by licence of the High Commissioner or other authority competent to grant such licence, whether such licence be specially granted to an individual or be announced as applying to classes of persons.

Repeal.

12. The Proclamations mentioned in the Schedule to this Proclamation and the Notices issued thereunder are hereby repealed.

Short title and commencement.

13. This Proclamation may be cited as the Swaziland Enemy Property and Trade Regulation Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

#### SCHEDULE.

##### PROCLAMATIONS REPEALED.

No.	Subject.
46 of 1916	The Swaziland Enemy Property and Trade Regulation Proclamation, 1916.
22 of 1918	The Swaziland Enemy Property and Trade Regulation Amending Proclamation.
16 of 1921	The Swaziland Enemy Property and Trade Regulation Amending Proclamation.
10 of 1922	The Swaziland Enemy Property (Custodian Direction) Proclamation, 1922.

(Printed by the Government Printer, Pretoria.)

No. 52 of 1939.]

#### PROCLAMATION

By His Excellency THE HIGH COMMISSIONER.

Whereas it is expedient to make provision prohibiting persons resident, carrying on business or being in Swaziland (hereinafter referred to as "the Territory") from trading or having commercial, financial or other intercourse with the enemy:

Now therefore under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order in Council, 1903, as amended by the Swaziland Order in Council, 1906, and the Swaziland Order in Council, 1909, I do hereby declare, proclaim and make known as follows:—

##### TRADING WITH THE ENEMY AND MATTERS RELATING THERETO.

Penalties for trading with the enemy.

1. (1) Any person who trades with the enemy within the meaning of this Proclamation shall be guilty of an offence of trading with the enemy, and shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine or to both such imprisonment and a fine, or

(b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred pounds, or to both such imprisonment and fine;

and the court may in any case order that any goods or money in respect of which the offence has been committed shall be forfeited.

(2) For the purposes of this Proclamation a person shall be deemed to have traded with the enemy—

(a) if he has had any commercial, financial or other intercourse or dealings with, or for the benefit of, an enemy, and, in particular, but without prejudice to the generality of the foregoing provision, if he has—

(i) supplied any goods to or for the benefit of an enemy, or obtained any goods from an enemy, or traded in, or carried, any goods consigned to or from an enemy or destined for or coming from enemy territory, or

(ii) paid or transmitted any money, negotiable instrument or security for money to or for the benefit of an enemy or to a place in enemy territory, or

(iii) performed any obligation to, or discharged any obligation of, an enemy, whether the obligation was undertaken before or after the commencement of this Proclamation; or

(b) if he has done anything which, under the following provisions of this Proclamation, is to be treated as trading with the enemy:

Provided that a person shall not be deemed to have traded with the enemy by reason only that he has—

(i) done anything under an authority given generally or specially by, or by any person authorised in that behalf by, the High Commissioner,

(ii) received payment from an enemy of a sum of money due in respect of a transaction under which all obligations on the part of the person receiving payment had been performed before the commencement of the war by reason of which the person from whom the payment was received became an enemy.

(3) Any reference in this section to an enemy shall be construed as including a reference to a person acting on behalf of an enemy.

(4) A prosecution for an offence of trading with the enemy shall not be instituted in the Territory except by or with the consent of the Attorney General for His Majesty's High Commission Territories:

Provided that this sub-section shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of a prosecution for the offence has not been obtained.

Inter-  
pretation  
of the  
expression  
"enemy"

2. (1) Subject to the provisions of this section, the expression "enemy" for the purposes of this Proclamation means—

- (a) any State, or Sovereign of a State, at war with His Majesty,
- (b) any individual resident in enemy territory,
- (c) any body of persons (whether corporate or unincorporate) carrying on business in any place, if and so long as the body is controlled by a person who, under this section, is an enemy, or
- (d) any body of persons constituted or incorporated in, or under the laws of, a State at war with His Majesty;

but does not include any person by reason only that he is an enemy subject.

(2) The High Commissioner with the prior approval of the Secretary of State may by Notice in the *Gazette* direct that any person specified in the Notice shall, for the purposes of this Proclamation, be deemed to be, while so specified, an enemy.

Inspection  
and super-  
vision of  
businesses.

3. (1) The Resident Commissioner, if he thinks it expedient for securing compliance with section one of this Proclamation so to do, may by written order authorise a specified person (hereafter in this section referred to as "an inspector") to inspect any books or documents belonging to, or under the control of, a person named in the order, and to require that person and any other person to give such information in his possession with respect to any business carried on by the named person as the inspector may demand, and for the purposes aforesaid to enter on any premises used for the purposes of that business.

(2) If, on a report made by an inspector as respects any business, it appears to the Resident Commissioner that it is expedient for securing compliance with section one of this Proclamation, that the business should be subject to supervision, the Resident Commissioner may appoint a person (hereafter in this section referred to as "a supervisor") to supervise the business, with such powers as the Resident Commissioner may determine.

(3) If any person, without reasonable cause, fails to produce for inspection, or furnish, to an inspector or a supervisor any document or information which he is duly requested by the inspector or supervisor so to produce or furnish, that person shall be liable, on conviction before a Subordinate Court, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) If any person, with intent to evade the provisions of this section, destroys, mutilates or defaces any book or other document which an inspector or a supervisor is or may be authorised under this section to inspect, that person shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both such imprisonment and a fine, or

- (b) on conviction before a Subordinate Court, to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

4. (1) No assignment of a chose in action made by or on behalf of an enemy shall, except with the sanction of the High Commissioner, be effective so as to confer on any person any rights or remedies in respect of the chose in action; and neither a transfer of a negotiable instrument by or on behalf of an enemy, nor any subsequent transfer thereof, shall, except with the sanction of the High Commissioner, be effective so as to confer any rights or remedies against any party to the instrument.

Transfer of  
negotiable  
instruments  
and choses  
in action by  
enemies.

(2) The preceding sub-section shall apply in relation to any transfer of any coupon or other security transferable by delivery, not being a negotiable instrument, as it applies in relation to any assignment of a chose in action.

(3) If any person by payment or otherwise purports to discharge any liability from which he is relieved by this section, knowing the facts by virtue of which he is so relieved, he shall be deemed to have thereby traded with the enemy:

Provided that in any proceedings for an offence of trading with the enemy which are taken by virtue of this sub-section it shall be a defence for the defendant to prove that at the time when he purported to discharge the liability in question he had reasonable grounds for believing that the liability was enforceable against him by order of a competent court, not being either a court having jurisdiction in the Territory or a court of a State at war with His Majesty, and would be enforced against him by such an order.

(4) Where a claim in respect of a negotiable instrument or chose in action is made against any person who has reasonable cause to believe that, if he satisfied the claim, he would be thereby committing an offence of trading with the enemy, that person may pay into the High Court any sum which, but for the provisions of sub-section (1) of this section, would be due in respect of the claim, and thereupon that sum shall, subject to rules of court, be dealt with according to any order of the court, and the payment shall for all purposes be a good discharge to that person.

(5) Nothing in this section shall apply to securities to which the next following section applies.

5. (1) If—

- (a) any securities to which this section applies are transferred by or on behalf of an enemy, or
- (b) any such securities, being securities issued by a company within the meaning of The Swaziland Companies Proclamation, 1912, are allotted or transferred to, or for the benefit of, an enemy subject without the consent of the High Commissioner;

Transfer  
and  
allotment  
of  
securities.

then, except with the sanction of the High Commissioner, the transferee or allottee shall not, by virtue of the transfer or allotment, have any rights or remedies in respect of the



securities; and no body corporate by whom the securities were issued or are managed shall take any cognisance of, or otherwise act upon, any such transfer except under the authority of the High Commissioner.

(2) No share warrants, stock certificates or bonds, being warrants, certificates or bonds payable to bearer, shall be issued in respect of any securities to which this section applies, being securities registered or inscribed in the name of an enemy or of a person acting on behalf of, or for the benefit of, an enemy.

(3) Any person who contravenes the provisions of this section shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) This section applies to the following securities, that is to say, annuities, stock, shares, bonds, debentures or debenture stock registered or inscribed in any register, branch register or other book kept in the Territory.

Purchase of enemy currency. 6. (1) Purchasing enemy currency shall be treated as trading with the enemy.

(2) In this section the expression "enemy currency" means any such notes or coins as circulate as currency in any area under the sovereignty of a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty, or any such other notes or coins as are for the time being declared by an order of the Treasury to be enemy currency.

#### GENERAL AND SUPPLEMENTARY PROVISIONS.

False statements and obstructions. 7. (1) If any person, for the purpose of obtaining any authority or sanction under this Proclamation, or in giving any information for the purposes of this Proclamation or of any order made thereunder, knowingly or recklessly makes a statement which is false in a material particular, he shall be liable, on conviction before a Subordinate Court, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Every person who wilfully obstructs any person in the exercise of any powers conferred on him by or under this Proclamation shall be liable, on conviction before a Subordinate Court, to a fine not exceeding fifty pounds.

Offences by corporations. 8. Where any offence under this Proclamation committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

Expenses of and exercise of powers by the High Commissioner or Resident Commissioner. 9. (1) The expenses incurred for the purposes of this Proclamation by the High Commissioner shall be defrayed out of the revenues of the Territory.

(2) Anything required or authorised under this Proclamation to be done by, to or before the High Commissioner or Resident Commissioner may be done by, to or before any person

authorised in that behalf by the High Commissioner or Resident Commissioner, as the case may be.

10. Any documents stating that any authority or sanction is given under any of the provisions of this Proclamation by a Secretary of State or the High Commissioner or Resident Commissioner, and purporting to be signed on behalf of the Secretary of State, the High Commissioner or the Resident Commissioner, or by a person who is empowered by this Proclamation to do anything which may be done thereunder by the High Commissioner or Resident Commissioner, shall be evidence of the facts stated in the document. Evidence of authority or sanction of Secretary of State, High Commissioner or Resident Commissioner.

11. (1) In this Proclamation the following expressions have the meanings hereby respectively assigned to them:— Interpretation.

"enemy subject" means—

- (a) an individual who, not being either a British subject or a British protected person, possesses the nationality of a State at war with His Majesty, or
- (b) a body of persons constituted or incorporated in, or under the laws of, any such State; and

"enemy territory" means any area which is under the sovereignty of, or in the occupation of, a Power with whom His Majesty is at war, not being an area in the occupation of His Majesty or of a Power allied with His Majesty.

(2) A certificate of a Secretary of State that any area is or was under the sovereignty of, or in the occupation of any Power, or as to the time at which any area became or ceased to be under such sovereignty or in such occupation shall, for the purposes of any proceedings under or arising out of this Proclamation, be conclusive evidence of the facts stated in the certificate.

(3) In considering for the purposes of any of the provisions of this Proclamation whether any person has been an enemy or an enemy subject, no account shall be taken of any state of affairs existing before the commencement of this Proclamation.

(4) For the purposes of this Proclamation, a person shall be deemed to be a director of a body corporate if he occupies in relation thereto the position of a director, by whatever name called; and, for the purposes of the provisions of this Proclamation relating to offences by bodies corporate, a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body act:

Provided that a person shall not, by reason only that the directors of a body corporate act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

(5) Any power conferred by the preceding provisions of this Proclamation to make an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the order.

Saving of  
rights of  
Crown.

12. This Proclamation shall be without prejudice to the exercise of any right or prerogative of the Crown.

Short title,  
commence-  
ment and  
repeal.

13. (1) This Proclamation may be cited as the Swaziland Trading with the Enemy Proclamation, 1939, and shall have force and take effect from the date of its publication in the *Gazette*.

Provided that a person shall not, by virtue of this subsection, be liable to any penalty in respect of anything done by him before the date of commencement of this Proclamation which, if it had been done in England, would not have been unlawful in common law.

(2) The Proclamations mentioned in the Schedule to this Proclamation and the Notices issued thereunder are hereby repealed.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of September, One thousand Nine hundred and Thirty-nine.

W. H. CLARK,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.  
H. E. PRIESTMAN,  
Administrative Secretary.

#### SCHEDULE.

##### PROCLAMATIONS REPEALED.

No.	Subject.
70 of 1914	The Swaziland Trading with the Enemy Proclamation, 1914
89 of 1914	Extending the Swaziland Trading with the Enemy Proclamation 1914 so as to include Turkey.
13 of 1915	The Swaziland Trading with the Enemy (Occupied Territory) Proclamation, 1915.
24 of 1915	Amending the Swaziland Trading with the Enemy Proclamation, 1914.
36 of 1915	Amending the Swaziland Trading with the Enemy Proclamation, 1914.
49 of 1915	Extending the Swaziland Trading with the Enemy Proclamation, 1914, as amended so as to include Bulgaria.
38 of 1919	The Swaziland Trading with the Enemy (No. 1 Amending) Proclamation, 1919.
39 of 1919	The Swaziland Trading with the Enemy (No. 2 Amending) Proclamation, 1919.
40 of 1919	The Swaziland Trading with the Enemy (No. 3 Amending) Proclamation, 1919.
63 of 1923	The Swaziland Trading with the Enemy (Amendment) Proclamation, 1923.

(Printed by the Government Printer, Pretoria.)

#### BECHUANALAND PROTECTORATE.

##### HIGH COMMISSIONER'S NOTICE

No. 160 OF 1939.

It is hereby notified for general information that, in terms of section *three* of the Order in Council dated the 9th May, 1891, His Excellency the High Commissioner has been pleased to appoint John Walter Joyce, Esquire, Assistant District Commis-

sioner, to the Lobatsi District of the Bechuanaland Protectorate with effect from the 4th September, 1939.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,

Pretoria, 16th September, 1939.

#### BECHUANALAND PROTECTORATE.

##### HIGH COMMISSIONER'S NOTICE

No. 161 OF 1939.

It is hereby notified for general information that, in terms of section *three* of the Order in Council dated the 9th May, 1891, His Excellency the High Commissioner has been pleased to appoint Rowland Alan Robertson Bent, Esquire, Cadet Assistant District Commissioner, to act as Assistant District Commissioner with jurisdiction in the Ngamiland and Chobe District of the Bechuanaland Protectorate with effect from the 11th September, 1939.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,

Pretoria, 16th September, 1939.

#### BASUTOLAND.

##### HIGH COMMISSIONER'S NOTICE

No. 162 OF 1939.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve the subjoined amendments to the Basutoland Prisons Regulations made by the Resident Commissioner of Basutoland under the provisions of section *fourteen* of the Basutoland Prisons Proclamation, 1917.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,

Pretoria, 19th September, 1939.

1. Regulation 63 (published under High Commissioner's Notice No. 179 of 1937) is hereby amended by deleting the word "or" in the first line of paragraph (3) thereof.

2. Regulation 83 (published under High Commissioner's Notice No. 47 of 1934 and amended by High Commissioner's Notice No. 107 of 1934) is hereby further amended by deleting the words "to solitary confinement" and substituting therefor the word "thereto".

3. Regulation 101 (published under High Commissioner's Notice No. 179 of 1937) is hereby amended by deleting the words "or be without visible means of earning an honest livelihood" in paragraph (d) thereof.

(Printed by the Government Printer, Pretoria.)



## BASUTOLAND.

HIGH COMMISSIONER'S NOTICE  
No. 163 OF 1939.

It is hereby notified for general information that in terms of section one of the Basutoland Enemy Property and Trade Regulation Proclamation, 1939 (No. 49 of 1939), His Excellency the High Commissioner has been pleased to appoint the Master of the High Court in Basutoland for the time being to act as Custodian of enemy property for that Territory.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,  
Pretoria, 22nd September, 1939.

(Printed by the Government Printer, Pretoria.)

## SWAZILAND.

## GOVERNMENT NOTICE.

It is hereby notified for general information that, with reference to Government Notice, dated the 1st August, 1939, publishing a list of certain lapsed mining claims on Crown Mineral Area No. 7 (Forbes Reef), I do hereby declare under and by virtue of the powers in me vested by section five (2) of the Crown Mineral Areas Proclamation No. 25 of 1912, that the ground over which the rights have been held within the claims detailed in the subjoined schedule, shall be open after 10 o'clock a.m. on Wednesday, the 27th September, 1939, for prospecting and mining for precious and base metals under the provisions of the said Proclamation.

C. L. BRUTON,  
Resident Commissioner.

Resident Commissioner's Office,  
Mbabane,  
Swaziland, 14th September, 1939.

## SCHEDULE.

Name of Last Registered Holder.	Date of Pegging.	Number of Claims.
Rose Hill Gold Mines, Limited.....	14/4/32	9 (1-9)
	14/4/32	11 (10-20)
	10/6/33	14 (224-237)
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	19/4/34	7 (258-264)

## SWAZILAND.

## GOVERNMENT NOTICE.

It is hereby notified for general information that, in terms of section seven of the Swaziland High Court Proclamation 1938 (No. 65 of 1938), the under-mentioned Administrative Officers are hereby appointed to aid the Judge of the High Court of Swaziland in any trial civil or criminal, that may be held and any appeal or application heard during the Second Session of the said Court established under the said Proclamation, the date of which has been fixed for Thursday the fifth day of October, 1939:—

1. Harry Bertram Adair McCarter, Esquire, O.B.E., Deputy Resident Commissioner and District Commissioner, Northern District.
2. Sidney Bruce Williams, Esquire, District Commissioner, Southern District.
3. Robert Armstrong, Esquire, District Commissioner, Central District.

C. L. BRUTON,  
Resident Commissioner.

Resident Commissioner's Office,  
Mbabane,  
Swaziland, 18th September, 1939.

## SWAZILAND.

## GOVERNMENT NOTICE.

It is hereby notified for general information that, in terms of section nine of the Swaziland High Court Proclamation, 1938 (No. 65 of 1938), Thursday the fifth day of October, 1939, or so soon thereafter as the Court can assemble, has been fixed as the date of the opening of the Second Session of the High Court of Swaziland, established under the said Proclamation.

C. L. BRUTON,  
Resident Commissioner.

Resident Commissioner's Office,  
Mbabane,  
Swaziland, 16th September, 1939.

Insolvent Estate EDWIN ROBERT CLEMENT ORCHARD  
(No. I E 23), trader of Butha Buthe, Basutoland.

Notice is hereby given that the undersigned have been appointed Trustees in the above Insolvent Estate; that their addresses are as stated below; and that the persons indebted to the Estate are required to pay their debts at either of the said addresses forthwith. Further, that a Meeting of Creditors (being the second Meeting), will be held at the office of the District Commissioner at Leribe on Wednesday, 4th October, 1939, at 10.30 a.m., for the proof of claims against the Estate, for the purpose of receiving the Trustees' report as to the affairs and conditions of the Estate, and of giving the Trustees directions concerning the sale and recovery of any part of the Estate, or concerning any matter relating to the administration thereof.

G. M. VAN DER MERWE,  
P.O. Box 12, Ficksburg,

K. FROST,  
P.O. Box 1, Fouriesburg,  
Joint Trustees.

## SWAZILAND.

Estate of the late EMILIE ONDRA, formerly BANA (born HOFFMAN).

Creditors and Debtors of the above deceased Estate are hereby required to file their claims with and to pay their debts to the undersigned within thirty (30) days from the date of publication of this Notice.

A. MILLIN,  
Attorney for Executor Testamentary.

P.O. Box 24,  
Mbabane, Swaziland.

Notice is hereby given that an application by P. R. MUNRO of Stegi, Swaziland, for a general dealer's licence, Chief Nkonjane's Area, will be heard at the Stegi Court-house at 10 a.m., Thursday, 5th October, 1939.

Any objections must be lodged in writing at the office of the undersigned, as well as with the applicant, not later than Friday, 29th September, 1939.

J. F. B. PURCELL,  
Assistant District Commissioner,  
Central District, Stegi.

Stegi, Swaziland,  
12th September, 1939.

## NOTICE.

Notice is hereby given that the undersigned will hear an application by R. H. POVALL of Stegi, Swaziland, for a general dealer's licence with Stegi Township, at 10 a.m. on Thursday, 12th October, 1939, at the Stegi Court-house. Any objections must be lodged with me and the applicant in writing not later than 10 a.m. Monday, 9th October, 1939.

J. F. B. PURCELL,  
Assistant District Commissioner,  
Central District, Stegi.

Stegi, Swaziland,  
18th September, 1939.

NOTICE.

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Notice is hereby given that an application by REGINALD MAVIMBELA and SIKONYANE MAVIMBELA of Pigg's Peak, trading as Mavimbela Bros., for a butcher's licence on the Government Reserve at Pigg's Peak will be heard at the Court-house, Pigg's Peak, at 10 a.m. on Friday, 13th October, 1939.

Any objections must be lodged in writing at the Office of the undersigned, as well as with the applicant, not later than the 8th October, 1939.

H. J. STEWARD,  
Assistant District Commissioner.

Pigg's Peak, Swaziland,  
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# Staatskoerant

VAN DIE

UNIE VAN SUID-AFRIKA

(Verskyn elke Vrydag.)

## ADVERTENSIE-TARIEWE.

**WETLIKE KENNISGEWINGS, Verlore Aktes, Sertifikate, Polisse, ens., Kennisgewings van Geregsbodes, en in verband met Handelsmerke, Orders van die Hof, Boedel-oorgawes, Tenders en Verkopings, Maatskappye, ens.**

Die advertensietarief is as volg:—

5s. per duim, enkele kolom; herhalings, 3s.

10s. per duim, dubbele kolom; herhalings, 6s.

15s. per duim, driedubbele kolom; herhalings, 9s.

Om die ruimte wat 'n advertensie sal beslaan, by benadering te bereken, moet adverteerders die woorde in die advertensie tel en reken—

Vir enkele kolom, 6 woorde per reël;

Vir dubbele kolom, 14 woorde per reël;

Vir driedubbele kolom, 21 woorde per reël;

en 8 reëls per duim.

In elke geval moet 'n ekstra half-duim aan die bo- en onderkant bereken word vir die titel en ondertekening respektiewelik. **Gedeeltes van 'n duim moet as een volle duim gereken word.**

### KENNISGEWING IN SAKE UITGESTORWE BOEDEL.

Kennisgewings aan krediteure en debiteure in die boedels van oorlede persone en kennisgewings van eksekuteurs betreffende likwidasierekenings wat ter insae lê, word gepubliseer in skedulevorm teen 8s. per boedel.

### KENNISGEWINGS IN SAKE DIE INSOLVENSIEWET.

'n Vaste bedrag van 12s. per boedel word bereken vir die publikasie in skedulevorm van kennisgewings voorgeskrywe deur die regulasies opgestel ingevolge die Insolvensiewet, 1916 en 1936.

**LET WEL.**—In die geval van vorms 3 en 4 moet adverteerders die woorde in die advertensie tel en reken: 12s. vir die eerste 36 woorde (of gedeelte daarvan) en 2s. vir elke addisionele 12 woorde (of gedeelte daarvan).

### KENNISGEWINGS IN SAKE PATENTE.

Kennisgewings van aanneming van volledige spesifikasies met betrekking tot aansoeke om octrooibriewe word vir 10s. in drie agtereenvolgende uitgawes geplaas.

### KENNISGEWINGS IN SAKE NATURALISASIE.

Aansoeke om naturalisasie word vir 13s. geplaas, watter bedrag 'n eksemplaar van die Staatskoerant insluit.

### SLUITINGSUUR.

Adverteerders dien daarop te let dat die sluitingsuur vir die aanneming van kopie vir die Unie-Staatskoerant 4 uur n.m. op Woensdag van elke week voor verskyning is. Wanneer openbare feesdae verskyning raak, sal daar 'n spesiale kennisgewing in die Staatskoerant geplaas word wat eventuele veranderinge van die sluitingsuur aankondig.

**Alleen wetlike advertensies word vir publikasie in die Staatskoerant aangeneem en is onderworpe aan die goedkeuring van die Staatsdrukker wat kan weier om advertensies aan te neem of verder te publiseer.**

Die Staatsdrukker behou hom die reg voor om kopie te redigeer.

Geen aanspreeklikheid kan aanvaar word vir verliese wat deur uitlatinge of tipografiese of ander foute ontstaan nie.

Die manuskrip van advertensies moet slegs op een kant van die papier geskrywe word en nie op die begeleidende brief nie. **Alle eiename moet duidelik geskrywe word;** ingeval enige naam verkeerd gedruk word tengevolge van onduidelike skrif, kan die advertensie alleen na betaling van die koste van 'n tweede plasing weer gepubliseer word.

• **Geen advertensie kan geplaas word nie, tensy dit vooruitbetaal is.**

Alle tjeks, bankwissels, posorders of poswissels moet uitgemaak word op naam van die Staatsdrukker, Pretoria, en gekruis wees „Suid-Afrikaanse Reserwebank”. **Alleen tjeks wat deur die Bank geparafeer is, sal aangeneem word.**

### INTEKENGELD.

Die intekengeld vir die Unie-Staatskoerant (insluitende die Offisiële Koerant van die Hoë Kommissaris, Buitengewone Staatskoerante en Byvoegsels, met Kwartaal-indeks) is as volg:—

£1 per ses maande (posvry).

£2 per twaalf maande (posvry).

Prys per los eksemplaar, 6d.

Intekengelde moet vooruitbetaal word aan die Staatsdrukker, Pretoria, en kan ingaan van die 1ste van enige maand, maar kan nie vir 'n korter tydperk as ses maande aangeneem word nie.

J. J. KRUGER,  
Staatsdrukker.

# Government Gazette

OF THE

UNION OF SOUTH AFRICA

(Published on Fridays.)

## ADVERTISEMENT RATES.

**LEGAL NOTICES, Lost Deeds, Certificates, Policies, etc., Messengers' Notices, Trade Marks, Orders of Court, Surrenders, Tenders and Sales, Company Notices, etc.**

Rates of advertising are as follows:—

5s. per inch single column; repeats 3s.

10s. per inch double column; repeats 6s.

15s. per inch treble column; repeats 9s.

In order to arrive at the approximate space which an advertisement will occupy, advertisers should count the words in the body of the advertisement, and reckon—

For single column, 6 words to the line;

For double column, 14 words to the line;

For treble column, 21 words to the line;

and 8 lines to the inch.

In each case an additional half-inch at top and bottom should be allowed for heading and signature respectively. **Fractions of an inch to be reckoned an inch.**

### DECEASED ESTATE NOTICES.

Notices to Creditors and Debtors in the Estates of Deceased Persons and Notices by Executors concerning Liquidation Accounts lying for inspection are published in schedule form at 8s. per Estate.

### INSOLVENCY ACT NOTICES.

A fixed charge of 12s. per Estate is made for publishing notices in the schedule forms prescribed in the Regulations made under the Insolvency Act, 1916 and 1936.

**N.B.**—In the case of forms 3 and 4, advertisers should count the words in the advertisement and reckon: 12s. for the first 36 words (or portion thereof) and 2s. for every additional 12 words (or portion thereof).

### PATENT NOTICES.

Notices of acceptance of complete specifications in respect of Applications for Letters Patent are inserted in three consecutive issues for 10s.

### NATURALIZATION NOTICES.

Applications for Naturalization are inserted for 13s. (which includes a copy of the Gazette).

### CLOSING HOUR.

Advertisers should observe that the closing hour for the acceptance of "copy" for the Union Gazette is 4 p.m. on Wednesday of each week preceding publication. When Public Holidays affect publication, a special notice will appear in the Gazette notifying any change in the closing hour.

**Only Legal Advertisements are accepted for publication in the Gazette, and are subject to the approval of the Government Printer, who can refuse to accept or decline further publication of any advertisement.**

The Government Printer reserves to himself the right to edit "copy".

No responsibility can be accepted for losses arising from omissions or typographical errors.

Manuscript of advertisements should be written on one side of the paper only and not as part of the covering letter. **All proper names must be plainly inscribed;** in the event of any name being incorrectly printed as a result of indistinct writing, the advertisement can be republished only on payment of the cost of another insertion.

**No Advertisement can be inserted unless it is Prepaid.**

All cheques, bank drafts, postal orders, or money orders must be made payable to the Government Printer, Pretoria, and crossed "South African Reserve Bank". **Cheques will only be accepted when initialed by the Bank.**

### SUBSCRIPTION RATES.

The subscription rates to the Union Gazette (including Official Gazette of the High Commissioner, Gazettes Extraordinary, and Supplements, with Quarterly Index) are as follows:—

£1 for six months (post free).

£2 for twelve months (post free).

Price per single copy, 6d.

Subscriptions are payable in advance to the Government Printer, Pretoria, and may commence from the 1st of any month, but cannot be accepted for a shorter period than six months.

J. J. KRUGER,  
Government Printer.