

PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 7 of 1919.—PROMULGATED 9th MAY, 1919.

Applying the Stock and Produce Theft Repression Amendment Act, 1905,
and the Stock and Produce Theft Repression Amendment Act, 1907, of
the Colony of the Cape of Good Hope to the Bechuanaland Protectorate.

WHEREAS by Proclamation No. 3 of 1912, the Act of the Parliament of the Colony of the Cape of Good Hope known as the Stock and Produce Theft Repression Consolidation Act, 1893 (Act No. 35 of 1893) was declared to be in force and to have effect (except section *thirty-nine* thereof) within the limits of the Bechuanaland Protectorate, and whereas it is expedient to declare certain amending Acts No. 7 of 1905 and No. 3 of 1907 of the Colony of the Cape of Good Hope to be in force and to have effect within the limits of the said Protectorate;

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

1. The Acts of Parliament of the late Colony of the Cape of Good Hope known as the Stock and Produce Theft Repression Amendment Act 1905 (Act No. 7 of 1905) and the Stock and Produce Theft Repression Amendment Act 1907 (No. 3 of 1907) the terms of which are set forth in the Schedule to this Proclamation are hereby declared to be in force and to have effect within the limits of the Bechuanaland Protectorate.

2. In the application of the said Acts to the Bechuanaland Protectorate all powers, authorities, functions, duties, and jurisdiction which under the said Acts were in the Cape of Good Hope at the time of the passing of the Acts exercisable or to be exercised by any officer or by any Court in the said Act mentioned, shall as far as they are capable of being exercised in the Bechuanaland Protectorate be exercisable or performed by the Officer or Court having like powers, authority, functions, duties and jurisdiction in the said Protectorate.

3. This Proclamation shall have force and take effect from the date of its first publication in the *Gazette*.

SCHEDULE.

Act No. 7, 1905.]

[May 12, 1905.]

A C T

TO AMEND THE LAW RELATING TO THE THEFT OF STOCK AND
PRODUCE.

Be it enacted by the Governor, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

1. The *twenty-first* section of the Stock and Produce Theft Repression Consolidation Act, No. 35 of 1893, is hereby repealed.

2. It shall be the duty of any Court empowered to pass sentence on any person for the offence of theft of stock or produce, in addition to such sentence, in every case in which the evidence is sufficient, and in which the stock or produce has not been recovered or in which it has been recovered reduced in value by at least one-half of its market value at the time of the theft, and in which the owner or owners do not proceed under the provisions of section *eight* of Act, 1893, for compensation, to impose on every person convicted in respect of such theft a fine not exceeding the full market value at the time of the theft of such stock or produce, such fine if not paid to be levied on the movable property of the offender under and by virtue of a warrant under the hand of the Judge or Magistrate imposing such fine, together with the costs of levy; and the amount of such fine when paid or levied shall, subject to the provisions herein following, be paid by the Resident Magistrate of the district in which the case is heard to the owner or owners of the stock or produce so stolen: provided that when and as often as any such fine shall be imposed by a Resident Magistrate such Resident Magistrate shall forward the record of the proceedings in the said case to the Registrar of the Supreme Court in order that the sentence may be reviewed by one of the Judges, and such Judge may reduce or disallow the same as shall seem to him to be most in accordance with real and substantial justice; and in every case in which such record shall have been so forwarded as aforesaid the warrant shall be executed by immediately attaching sufficient goods as aforesaid to answer the fine imposed by such Magistrate in the first instance, but such goods shall not be sold to realise the amount of such fine until the sentence shall have been finally approved or amended by such Judge as aforesaid, and then only so much thereof shall be sold as shall probably be necessary to produce the amount of such fine as shall ultimately be imposed together with costs of levy as aforesaid.

3. *Section twenty-four of the said Act No. 35 of 1893 is hereby repealed*

4. It shall be the duty of any Judge or Magistrate passing any sentence and imposing any fine as herein provided at the time of passing such sentence and imposing such fine to order that, if at the expiration of such sentence, such fine shall not have been paid or recovered and shall not have been disallowed on appeal or review as in this Act provided, the person or persons convicted shall be imprisoned for a further period not exceeding twelve months.

5. This Act may be cited for all purposes as "The Stock and Produce Theft Repression Amendment Act, 1905," and shall be read as one with the "Stock and Produce Repression Consolidation Act, 1893."

Act No. 3, 1907.]

[July 12, 1907.]

A C T

TO AMEND THE STOCK AND PRODUCE THEFT REPRESSION

AMENDMENT ACT, No. 7 of 1905.

Assented to 10th July, 1907.

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. From and after the date of promulgation of this Act, the Stock and Produce Theft Repression Amendment Act, No. 7 of 1905, shall be read: and the word "imprisoned" in the *fourth* section of the said Act.

2. This Act may be cited as the "Stock and Produce Theft Repression Amendment Act, 1907."