

BECHUANALAND PROTECTORATE.

No. 20 of 1919.

[Promulgated 19th September, 1919.]

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate Herbage Preservation
Proclamation, 1919.

Whereas it is expedient to make further and better provision to prevent the destruction of herbage, trees and shrubs by fire in the Bechuanaland Protectorate;

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

1. (1) This Proclamation shall, from the date of its publication in the *Gazette*, be of force and effect within the Tati District of the Bechuanaland Protectorate, excepting so much of the said district as is set aside as a reserve for the occupation of natives in terms of Proclamation No. 2 of 1911, First Schedule.

(2) The High Commissioner may by notice in the *Gazette* from time to time specify other areas within the Protectorate to which the provisions of this Proclamation shall apply and the said provisions shall apply accordingly within each such area from the date of the respective notice.

2. So much of the "Forest and Herbage Preservation Act, 1859" of the Colony of the Cape of Good Hope and of any amendment thereof as may be inconsistent with the provisions of this Proclamation is hereby repealed.

3. (1) Any person who shall, without lawful authority so to do, wilfully set fire to or kindle any fire which by spreading shall set fire to any tree, shrub, bush, brushwood, undergrowth or grass not his property, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding £100 or in default to imprisonment with or without hard labour for a period not exceeding one year or to corporal punishment in any number of lashes or cuts with a cane or rod not exceeding ten, or to the above imprisonment without the option of a fine, or to any two of the above-mentioned punishments.

(2) Any person who shall negligently set fire to or kindle any fire which by spreading shall set fire to any tree, shrub, bush, brushwood, undergrowth or grass not his property shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding £50 or in default to imprisonment with or without hard labour for a period not exceeding six months or to the above imprisonment without the option of a fine or to both such imprisonment and fine.

4. The Court before which any conviction for a contravention of section *three* of this Proclamation takes place may, if thereto requested by any person or persons aggrieved, during or immediately after the trial take and hear evidence as to the amount of damage caused by any contravention of the section, and may assess such damage to an amount within the civil jurisdiction of such Court and give judgment against the offender in favour of any person or persons aggrieved for the amount of the damage so assessed; provided always that such proceedings shall not be taken unless the offender has had reasonable notice that the amount of damage caused will be inquired into.

5. Nothing in this Proclamation shall be taken to affect the right of any person aggrieved to recover damages by civil action for any loss sustained by himself unless he shall have obtained a judgment in his favour under section *four* hereof.

6. Any person who is upon the land of another or upon any road, outspan or vacant land shall carefully and properly extinguish any fire kindled or used by him and until he has so done shall not proceed such a distance from any such fire as to be unable to control it by himself or his servants.

7. Every person before proceeding to burn growing or standing herbage, grass or bush upon his own land shall give reasonable notice to adjoining occupiers of his intention so to do. Such notice shall state as nearly as may be done the time at which such burning will take place.

8. Nothing in this Proclamation shall be taken to prevent a person, when life, person or property is in danger from an approaching fire, from setting alight to and burning grass, herbage, or bush, in the manner commonly known as counter-firing, in order to prevent such injury or loss; provided that reasonable care is taken that a fire kindled does not spread beyond the limits necessary to secure safety from injury and loss.

9. If any servant when acting under the personal direction or command of his employer by omission or by act of commission shall contravene any of the provisions of this Proclamation then such employer and the servant may both or either of them be prosecuted and if convicted punished under this Proclamation.

10. The penalty for any act or omission in contravention of the provisions of this Proclamation shall be, unless otherwise specifically provided, a fine not exceeding £10 or, in default, imprisonment with or without hard labour for a period not exceeding two months.

11. This Proclamation may be cited for all purposes as the Bechuanaland Protectorate Herbage Preservation Proclamation, 1919.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Third day of September One thousand Nine hundred and Nineteen.

BUXTON,

High Commissioner.

By Command of His Excellency
the High Commissioner.

H. J. STANLEY,

Imperial Secretary.