

# BECHUANALAND PROTECTORATE.

No. 12 of 1925.

[Promulgated 17th April, 1925.]

## PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Entitled the Bechuanaland Protectorate Pounds and Trespasses  
Proclamation, 1925.

Whereas it is expedient to consolidate the laws in regard to pounds in force 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. This Proclamation may be cited as the Bechuanaland Protectorate Pounds and Trespasses Proclamation 1925, and shall have force and take effect from the date of its publication in the *Gazette*.

2. For the purposes of this Proclamation, the following terms shall, unless the context otherwise indicates, have the meanings set against them respectively:—

“Animals” shall include horses, cattle, sheep, goats, ostriches, and pigs, and horses shall include mules and asses.

“Flock,” any number of sheep or goats more than one, which are in one lot, or under the charge of one person.

“Proprietor,” any owner, lessee, or occupier of land, and shall include the principal chief or headman of any proclaimed native reserve or any person authorized to act on his behalf.

“Owner” in relation to any animals shall include any agent of the owner and any person being in charge or control of the animals on behalf of the owner.

“Sufficient fence,” any wall, fence, or barrier at least 4 feet 6 inches high through which no animal could pass without breaking.

“District,” magisterial district as defined by High Commissioner's Notice No. 119 of 1923.

“Police officer,” European inspectors, sub-inspectors, and non-commissioned officers.

3. The magistrate of any district, with the approval of the Resident Commissioner, shall establish therein such pounds as may be deemed necessary and appoint and dismiss poundmasters.

4. The magistrate of any district, with the approval of the Resident Commissioner, may appoint any non-commissioned officer of the Bechuanaland Protectorate Police to be poundmaster, subject to the provisions of section *sixty-three* of this Proclamation.

5. The magistrate of any district, with the approval of the Resident Commissioner, may abolish any pound therein which he shall deem it inexpedient to continue.

6. The costs of publishing the pound notices and other notices in connexion with pounds shall be paid by the Treasury.

7. (1) Every poundmaster shall receive into his charge all animals tendered at his pound between sunrise and sunset by any proprietor, or by the caretaker for any proprietor, or by any person authorized in writing thereto by such proprietor or caretaker, in order to be impounded as having been found trespassing upon the land of such proprietor.

(2) Any poundmaster who refuses or neglects to receive animals tendered as aforesaid shall be liable on each occasion to a fine not exceeding five pounds, and shall, in addition, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or neglect.

(3) Any animal sent to the pound which is suffering from any contagious disease shall be kept separate from all other animals, and the poundmaster shall cause it to be destroyed under the provisions of section *thirteen* of this Proclamation.

8. Every poundmaster shall give to every person delivering animals into his charge a written receipt setting forth the number and description of the animals so delivered, and specifying the trespass for which the said animals are reported to be impounded.

9. Every poundmaster shall maintain in good repair, and as far as possible free from all infection, not less than three separate kraals or enclosures—one for ostriches and horses, one for cattle, and one for sheep, goats and pigs:

Provided that the resident magistrate of any district, with the approval of the Resident Commissioner, may give permission to the poundmaster of any pound within his district to maintain in manner aforesaid a lesser number of such enclosures.

10. Every poundmaster shall take proper care of any animal impounded, and shall be responsible to the owner of any such animal for any damage or injury sustained by reason of any neglect or default on the part of himself or any person acting for him or on his behalf.

11. Any poundmaster who shall ride or otherwise work or use any impounded animal shall be liable on conviction for every such offence to a fine not exceeding five pounds.

12. In case of the death or injury of any impounded animal, the poundmaster shall enter in his pound-book a description of such animal and the cause of its death or injury; and the absence of any such entry, or its falsity in any material respect, shall be held to be *prima facie* proof of the fact that the death or injury in question was due to the default of the poundmaster.

13. (1) It shall be lawful for every poundmaster to destroy, subject to the provisions of this section, any impounded animal suffering from a contagious disease, or likely to prove dangerous to human life, or destructive to other animals impounded.

(2) No such animal shall be destroyed until a justice of the peace, a police officer, or two disinterested landowners shall have examined it and shall agree with the poundmaster as to the necessity for its destruction.

(3) The poundmaster shall summon the owner of such animal, if known, to attend the examination aforesaid. Such summons may be by letter duly sent through the post.

(4) If the owner of the animal object to its destruction he may release it, if he do so forthwith, and if he release at the same time all other animals belonging to him which may have been impounded on the same occasion as the animal proposed to be destroyed.

(5) Every justice of the peace, not in receipt of a salary from the Treasury, or landowner attending for the purpose of the inspection aforesaid, shall be paid by the poundmaster the sum of seven shillings and sixpence for every day or portion of a day exceeding four hours during which he was necessarily absent from his home for the purpose of such inspection, together with travelling expenses as follows, namely:—

(a) If the journey can conveniently be made by rail, the actual cost of the railway ticket.

(b) If the journey can conveniently be made partly by rail and partly by road, one shilling and sixpence per hour in respect of the part of the journey undertaken otherwise than by rail in addition to the cost of the railway ticket.

(c) In other cases, one shilling and sixpence per hour necessarily spent in travelling.

The amount so paid may be recovered by the poundmaster from the owner of the animal if it be destroyed; if the animal be not destroyed, or the owner unknown, or if it be impossible to recover from the owner the whole or any part of such amount, then the said amount, or the portion of it unrecovered (as the case may be), shall be paid to the poundmaster by the Treasury.

(6) Nothing in this section shall apply to sheep or goats suffering merely from scab.

14. No poundmaster who is in charge of a pound situated within a distance of 9 miles from any other pound in the same district shall confine in his own pound any animals found trespassing upon property belonging to himself. He shall send any such animals to such other pound in the same district as may be nearest to his own pound by a practicable road or thoroughfare, and shall enter in his pound-book the number and description of the animals so sent.

Any poundmaster contravening any of the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds.

15. Every poundmaster who knows the name of the owner of any animal impounded in his pound shall forthwith send through the post or otherwise a written notice addressed to such owner at his place of residence, informing him of the fact that the said animal has been impounded.

16. Every poundmaster shall have and preserve at or near his pound a copy of this Proclamation, which shall at all reasonable times be open for reference to the public, and shall erect and maintain at or near the pound a board upon which shall be printed, painted, or written in legible characters the rates of fees and damages fixed by the Schedules A, B, C, D, E, and F to this Proclamation; or such other rates as may be authorized in their place under section *forty-three*.

17. Every poundmaster shall keep a pound-book in which the following particulars shall be legibly entered by him:—

- (1) The date when, and the cause for which, all animals received by him are impounded.
- (2) The number and description of such animals.
- (3) The name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner.
- (4) The date and particulars of the release or sale of the animals, as the case may be.
- (5) Any other matters which he may be directed by the Resident Commissioner to ascertain and record, and the particulars of any notice sent to him in terms of section *twenty-seven*.

The said entries shall be made at the time when the acts in respect of which they are made were done, or so soon thereafter as possible, but not after any dispute concerning them has arisen. In regard to the forms in which entries in the pound-book are to be made, the poundmaster shall follow such directions as he may receive from the Resident Commissioner.

18. (1) Every pound-book shall be kept at the residence of the poundmaster, and shall at all reasonable times be open for the inspection of the magistrate for the district and of any member of the police force free of charge, and shall be similarly open to every other person upon payment of a fee of sixpence for each inspection.

(2) Every poundmaster shall grant extracts, signed by himself, from his pound-book to any person demanding the same upon payment of one shilling for every such extract not exceeding one hundred words, and sixpence for every subsequent hundred or part of one hundred words.

19. Every poundmaster shall, within fourteen days after the date of each pound sale, forward to the magistrate of the district a copy of all entries in the pound-book made since the date of the preceding transmission; provided that the first copy so forwarded shall be a copy of all entries made between the date of the taking effect of this Proclamation and fourteen days after the first pound sale held thereafter by any poundmaster. The magistrate shall preserve all such copies in his office for the inspection of any person desirous of seeing them.

20. Every poundmaster who shall—

- (a) refuse to allow his pound-book or copy of this Proclamation to be inspected by any person lawfully entitled to do so; or
  - (b) neglect in any respect to comply with the provisions of sections *forty-five to fifty* inclusive; or
  - (c) neglect or refuse to forward to the magistrate of the district the copies of entries referred to in the preceding section;
- shall be liable on conviction in respect of each such neglect or refusal to a fine not exceeding five pounds.

21. Every poundmaster who shall—

- (a) knowingly make a false entry in his pound-book;
- (b) fraudulently destroy or erase any entry already made, or wilfully deliver to the magistrate a false copy or extract from his pound-book;

shall be liable on conviction for each offence to a fine not exceeding fifty pounds.

22. Every poundmaster shall take his pound-book with him to every sale of animals impounded in his pound, and such book shall be open at the place of sale, free of charge, to all persons desirous of inspecting it.

#### TRESPASS ON PRIVATE PROPERTY.

23. Any proprietor upon whose land any animals are found trespassing may send such animals to that pound which is the nearest, by a practicable road or thoroughfare, to the land trespassed upon, and to no other.

24. (1) All pigs, poultry, or pigeons found trespassing in or upon—

- (a) any garden, vineyard, or orchard;
- (b) any place upon which any species of cultivated crop is growing, or upon which such crop having been gathered is still lying;
- (c) any place containing grain;

may be destroyed by the proprietor or any person acting on his authority.

(2) Any dog found trespassing between the first day of December and the first day of May in any vineyard or raisin floor, and doing damage therein, may be similarly destroyed.

(3) Any dog found trespassing at any time in a fenced camp or enclosed place in which there are game or animals may be destroyed; and the owner of any dog, or any person having a dog in his possession or under his control, shall be liable to make good any damage done by such dog to any game, ostriches, or animals in any fenced camp or enclosed place.

25. The owner of any animals liable to be impounded for trespass may, before the animals have been removed from the property trespassed upon, tender to the proprietor thereof or his caretaker a sum of money to cover the damage suffered by him, or the trespass money lawfully claimable under any section of this Proclamation in connexion with such trespass. If such animals are in course of being conveyed to the pound, then their owner may make a similar tender and also a tender of the mileage to which the proprietor would be entitled under this Proclamation if the animals had actually been impounded. Such tender may be made either to the proprietor or to his servant or agent charged with the duty of conveying the animals to the pound. If any such tender be refused, the proprietor by or on behalf of whom it was refused shall be liable to pay the costs of any legal proceedings which he may thereafter institute in respect of the trespass, and shall be liable for any damages sustained by the owner of the animals by reason of their detention after the date of tender, unless the tender is found to be insufficient by a competent court; or unless, in the opinion of such court, the tender was refused by the proprietor or person in charge of the animals in the bona fide belief that the person making the tender was not the owner or the duly authorized agent of the owner.

26. Any proprietor who shall sell or dispose of any animal found trespassing upon his property shall be liable on conviction to a fine not exceeding ten pounds, and in addition may be ordered by the court by which he is convicted to pay to the owner the value of such animal and any damage sustained by him by reason of its detention or sale.

27. (1) No proprietor shall ride, work, or use any animal found trespassing upon his land, or detain such animal for any time longer than twenty-four hours, or shall knowingly allow any stray animal to remain upon his property for a period longer than two weeks, unless he shall have forwarded to the owner of the animal, if known to him, or to the nearest poundmaster, a notice of the presence of such animal upon his property. Such notice shall be sent by letter delivered or duly posted, and shall set forth, as nearly as possible, the species, marks, and distinguishing peculiarities of the animal in question, and in regard to horses and cattle their colour also.

(2) No person shall furiously drive, worry, or wantonly ill-treat any animal found trespassing, or conduct the same to the pound by any except the shortest available road or thoroughfare, unless some other shall be more desirable for the animal itself, or send any number of animals found trespassing at the same time and place in separate lots to the pound with the object of obtaining additional mileage. Any person contravening this section shall be liable on conviction to a fine not exceeding five pounds; and may be ordered by the court by which he is convicted to make good to the owner of such animal or animals any damage sustained by reason of such contravention.

28. No person shall rescue, or incite or assist any other person to rescue, any animals lawfully impounded or lawfully seized for the purpose of being impounded. Any person contravening the provisions of this section shall be liable on conviction to a fine not exceeding ten pounds for each offence.

29. (1) Every person who delivers any animal to a poundmaster to be impounded shall be entitled to receive from such poundmaster mileage at the rate set forth in Schedule A to this Proclamation.

(2) When the person so delivering animals is not himself the proprietor of the land trespassed upon, or the caretaker for the proprietor, he shall produce a written memorandum signed by such proprietor or caretaker, giving a description of the animals and authorizing the bearer to convey them to the pound, and every such memorandum shall be preserved by the poundmaster as a voucher.

(3) When more persons than one have been employed in conveying animals to the pound, mileage shall only be paid by the poundmaster to one of such persons; but the person impounding the animals may recover from the owner in any competent court similar mileage in respect of every other such person necessarily so employed:

Provided that when ostriches are impounded the poundmaster shall pay mileage for as many drivers as are in his opinion necessarily employed.

30. (1) The owner of any animal lawfully impounded in trespass upon—

(a) any garden, vineyard, or orchard;  
(b) any place upon which a cultivated crop is growing, or upon which such a crop, having been gathered, is still lying;  
(c) any yard, floor, or place containing grain or dried fruits;  
shall, subject to the provisions herein after contained, be liable to pay trespass money to the proprietor of the property trespassed upon, calculated according to the rates set forth in Schedule B to this Proclamation.

(2) Any proprietor, or the caretaker for any proprietor, sending animals to the pound for a trespass under this section shall at the same time send a signed memorandum to the poundmaster setting forth the number and description of the animals and the nature of the place or property upon which they have trespassed.

(3) When the person impounding elects to claim damages calculated according to Schedule B, the memorandum shall state the amount so claimed. If he elects to proceed for damages by action at law, the memorandum shall state such election.

(4) If the memorandum delivered with the animals does not state the nature of the place or property upon which they have trespassed they shall be considered as impounded for trespass under the provisions of section thirty-one.

(5) When animals to which this section applies are taken to the pound by the proprietor or caretaker in person, the verbal statement of such proprietor or caretaker upon the matters referred to in the preceding sub-sections of this section shall be taken and recorded by the poundmaster.

31. The owner of any animals lawfully impounded for trespass upon any uncultivated ground or any place not falling within the provisions of the last preceding section shall be liable to pay trespass money to the proprietor of the property trespassed upon at the rate set forth in Schedule C.

32. In case any property shall be trespassed upon twice within the space of fourteen days by cattle or horses belonging to the same owner, the said owner shall be liable in respect of the second trespass to pay at twice the rate prescribed in Schedules B or C, as the case may be.

33. No poundmaster shall release any impounded animal until there shall have been paid to him, over and above all other fees and charges, the amount of all trespass money due and payable under either of the three last preceding sections, or under sections *thirty-four* and *thirty-seven* in respect of such animals. If any such animals are released without payment of the trespass money, the poundmaster shall be liable to pay such trespass money to the person entitled thereto.

34. (1) The owner of any sheep or goats infected with scab, and found trespassing upon any property, shall, if the said sheep or goats are not found mixed with other sheep or goats belonging to the proprietor, and free from the said disease, be liable to pay to the proprietor trespass money at twice the rate prescribed in the respective Schedules B and C.

(2) If the trespassing sheep or goats infected with scab are found mixed with those of the proprietor being free from the disease, the owner shall be liable to pay to the proprietor trespass money at four times the rate so prescribed.

(3) Any person who shall wilfully drive any sheep or goats infected with scab into or upon the property of another person, upon which property there are at the time any sheep or goats not infected with scab, shall, over and above any trespass money or damages payable under this Proclamation or otherwise, be liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine and imprisonment.

35. For the purposes of this Proclamation, if any sheep or goat found trespassing is infected with scab all sheep or goats in the same flock, and found trespassing at the same time, shall be deemed to be similarly infected, and if any sheep or goat in any flock with which any other flock has become mixed is so infected, then the entire mixed flock shall be deemed to be similarly infected.

#### TRESPASS ON OUTSPANS AND GOVERNMENT PROPERTY.

36. Every magistrate, police officer, justice of the peace, and also any person authorized in writing by any of the said persons, may impound any animals found upon any outspan place or vacant Crown land in any district which are not in the possession of travellers who have outspanned for not more than twenty-four hours, or for any period during which they may be detained by stress of weather or other sufficient cause upon the outspan place.

37. All animals impounded under the preceding section shall be sent to the same pound as would have been the case had the out-span or vacant Crown land been private property and they had trespassed thereon; and the same mileage and trespass money shall be payable in respect of them. The mileage shall be paid to the person taking the animals to the pound, and the trespass money shall be paid to the Treasury.

#### FEEs RECEIVABLE BY POUNDMASTER.

38. Every poundmaster shall be entitled to demand or retain (as the case may be) in respect of every animal impounded with him under this Proclamation the fees enumerated in Schedule D, and no animal shall be considered to be impounded until it shall have been actually placed within the pound kraal.

39. Every poundmaster shall be entitled, over and above the fees in the last preceding section mentioned, to demand or retain (as the case may be) a further fee for every day during which any such animal shall be herded, grazed, and fed by him, as prescribed in Schedule E.

40. Every stallion or bull above the age of two years, every sheep ram, goat ram, or boar above the age of nine months, and every animal which, from contagious disease, dangerous vice, or other reason, shall be unfit to run with other animals, shall be kept and fed separately; and the fees to be received or retained (as the case may be) by the poundmaster for the keeping and feeding of such animals shall be those prescribed in Schedule F.

41. (1) The fees mentioned in the three last preceding sections shall be paid to the poundmaster for his own use by the owner of the animals impounded; and, together with any sum paid by the poundmaster by way of mileage in terms of this Proclamation, shall be a charge upon such animals; and such animals may be detained by the poundmaster in security of the said fees and mileage.

(2) If the value of any animals belonging to the same owner impounded together is in excess of the total charges due in respect thereof under this Proclamation, and if the owner is unable to pay the said charges, the poundmaster shall detain so many of the animals as may be reasonably sufficient to secure the total charges due in respect of all the animals, and shall deliver the remainder of the animals to the owner.

(3) Any poundmaster who shall retain, after demand, any greater number of such animals than is reasonably necessary to secure such charges as aforesaid, shall be liable to the owner thereof for any damages sustained by him on account of such retention.

42. Subject to the provisions of section *sixty-three* of this Proclamation, every poundmaster shall, for his attendance at every pound sale, as herein after provided, be allowed a fee of ten shillings, to be paid proportionately out of the proceeds of the animals sold at such sale. If such proceeds be insufficient, then the Treasury shall pay to the poundmaster such amount as, together with the sum received by him from the proceeds, shall amount to ten shillings.

#### ALTERATION OF RATES OF POUND FEES, MILEAGE AND TRESPASS MONEY.

43. It shall be lawful for the Resident Commissioner, with the approval of the High Commissioner, from time to time, by notice in the *Gazette*, to alter the tariff of fees and rates fixed in any of the Schedules A, B, C, D, E, and F in respect of any pound situated in any district.

44. Every such alteration or amendment of any of the said Schedules, when published in the *Gazette*, shall have the same force and effect as if it had formed part of the original Schedule, and shall be taken to be included in any reference made in this Proclamation to such Schedule.

#### SALE OF IMPOUNDED STOCK.

45. Whenever any impounded animals shall not be released within ten days from the date of being impounded, the poundmaster shall forward to the magistrate of the district in which the pound is situated an advertisement setting forth the species, marks, and distinguishing peculiarities (if any) of such animals; and in regard to horses and cattle their colour also. Such advertisement shall notify that the animals therein mentioned will be sold at the next sale of impounded animals, and shall set forth the time and place of such sale.

46. Every advertisement of notice of sale of impounded animals shall be published by the magistrate in such manner and form as the Resident Commissioner may from time to time approve and direct.

47. Every poundmaster, upon sending such advertisement to the magistrate of the district as aforesaid, shall post a copy of it in some conspicuous place at or near his pound, there to remain until the day of sale.

48. The sales of animals impounded in the several pounds of each district shall take place as nearly as may be at intervals of one month, and be held at such place as the magistrate of the district shall appoint.

49. Every sale of impounded stock shall be held at the hour of ten in the morning on the day fixed, and at every such sale the poundmaster shall act as auctioneer. No auctioneer's licence shall be required in the case of a poundmaster so acting, nor shall auction duty be payable in respect of purchases at any such sale. No poundmaster shall be directly or indirectly interested in any purchase at any sale so held by himself.

50. No animal shall be put up at any such sale unless it has been impounded for at least three weeks, except with the consent of the owner.

51. At every such sale all animals, except sheep and goats, shall be sold singly. Sheep and goats shall be sold in lots of not more than ten, but in no case shall sheep and goats, or sheep or goats with different brands or marks, be sold together in the same lot.

52. At every sale the animals shall be sold for cash, and the proceeds, less the amount of pound fees and other fees and charges payable in respect of such animals under this Proclamation, shall be forthwith handed by the poundmaster to the magistrate of the district, to be by him paid to the owners of the animals sold according to their respective rights:

Provided that—

- (1) if any animal or any number of animals belonging to one owner shall not when sold realize sufficient to satisfy all such fees and charges as aforesaid, the proceeds shall be first applied to the payment of any mileage due to the poundmaster; and if the said proceeds be insufficient to satisfy such mileage, then the balance of mileage shall be paid to the poundmaster by the Treasury, and the balance of other fees or charges shall be recoverable from the owner by action in any competent court;
- (2) any money being the proceeds of the sale of any impounded animal sold as aforesaid, which shall not be claimed by the owner of such animal or other person entitled thereto within twelve months from the date of the sale, shall become the property of the Treasury.

#### GENERAL.

53. Any person who illegally impounds any animal shall be liable to make good to the owner all damages, costs, and charges arising out of such proceeding.

54. In case any property trespassed upon is situated in a different district from that in which the pound proper for the receipt of trespassing animals is situated, and in case the rates of mileage and trespass money in the two districts shall be different, then mileage and trespass money shall be payable according to the rate for the district in which the property trespassed upon is situated, but all rates payable upon the delivery of such animals to the poundmaster and for herding, grazing, and feeding the same, shall be payable according to the rate for the district in which the pound is situated.

55. Every person who shall wrongfully molest, drive, or scatter the animals of another person when upon the property of such last-mentioned person, or take away such animals from off the land of their owner, shall be liable upon conviction to a fine not exceeding ten pounds.

56. (1) Nothing in this Proclamation contained shall be construed so as to prevent any proprietor on whose property animals have trespassed from instituting legal proceedings in any competent court for recovery of any damage caused by such trespass; provided that no person who has claimed trespass money under this Proclamation shall be competent afterwards to institute legal proceedings in respect of the same trespass except in the case mentioned in the first proviso to section *fifty-two*.

(2) Whenever any proprietor has instituted proceedings at law for the recovery of damages for any alleged trespass, the owner of the animals impounded for such alleged trespass shall be entitled to release the same upon the payment of all such charges as shall be payable under this Proclamation other than trespass money, upon giving security to the satisfaction of any resident magistrate or justice of the peace for the payment of any damage and costs which the proprietor may recover by such proceedings.

57. All fines and penalties imposed by any of the provisions of this Proclamation shall be recoverable in the court of the resident magistrate of the district in which the offence shall have been committed.

58. Any person contravening any of the provisions of this Proclamation in regard to which no penalty is expressly herein provided shall be liable on conviction to a fine not exceeding five pounds.

59. When any person has been convicted of an offence against any provision of this Proclamation he may as an alternative or in addition to the fine imposed, or in default of payment thereof, be sentenced to imprisonment with or without hard labour for any period not exceeding six months, unless any other term of imprisonment is specially herein provided.

60. Any magistrate or assistant magistrate may send to any pound in the district within his jurisdiction any animals alleged or proved to have been stolen, and may remove or authorize the removal of the same at his discretion on payment of any sums due in respect thereof under this section. It shall be the duty of the poundmaster to receive any animals so sent to his pound, and they shall not be subject to the provisions of this Proclamation in respect of the sale of impounded animals, but shall be dealt with in such manner as the magistrate of the district may direct. No mileage shall be payable in respect of the said animals, and in the absence of any special agreement as to the charge to be made for keeping them, the poundmaster may charge only the fees prescribed in Schedule E. Any sum due in terms of this section for keeping or sustaining such animals shall be a first charge upon the said animals, and shall be paid before the poundmaster is required to deliver the animals.

61. The provisions of this Proclamation shall not extend to the impounding of native stock according to native custom within any proclaimed native reserve.

62. For the purpose of the foregoing section native stock shall include all animals found trespassing or straying within any native reserve other than stock branded in accordance with law in cases where—

- (a) the proprietor of such brand is a European; or.
- (b) the proprietor of such brand is a native who does not reside within such reserve.

63. Every non-commissioned police officer appointed to be a poundmaster in terms of section *four* of this Proclamation shall pay into the Treasury all fees which would otherwise under this Proclamation, and except for this section, have been received by him and retained for his own use, and the cost of providing kraals and grazing or any other expense which is required of the poundmaster under this Proclamation shall be defrayed by the Treasury.

64. The laws mentioned in Schedule G to this Proclamation shall be and are hereby repealed in so far as they are of force in the Bechuanaland Protectorate.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Seventh day of April One thousand Nine hundred and Twenty-five.

ATHLONE,  
High Commissioner.

By Command of His Excellency the  
High Commissioner.

B. E. H. CLIFFORD,  
Imperial Secretary.

SCHEDULE A.

RATE OF MILEAGE.

For all animals, whether one or more, per mile, going to the pound..... s. d.  
0 6

SCHEDULE B.

TRESPASS ON CULTIVATED LANDS.

Description of Animal.	If land enclosed with sufficient fence.	If land not so enclosed.
	s. d.	s. d.
Horses, cattle, ostriches, and pigs, per head...	1 6	0 9
Goats, per head.....	0 6	0 3
Sheep, per head.....	0 3	0 1

SCHEDULE C.

TRESPASS ON UNCULTIVATED LAND.

Description of Animal.	If land enclosed with sufficient fence.	If land not so enclosed.
	s. d.	s. d.
Horses, cattle, ostriches, and pigs, per head...	0 6	0 3
Goats and sheep, per head, if under 300 in number.....	0 1	0 0½
If over 300 in number, per head, for every goat or sheep in excess of 300.....	0 0½	0 0¼

SCHEDULE D.

POUND FEES.

	s.	d.
Horses, cattle, pigs, and ostriches, per head.....	0	6
Sheep and Goats, per head.....	0	0½

SCHEDULE E.

SUSTENANCE FEES.

	s.	d.
Ostriches, per head, per diem.....	0	4½
Horses, cattle, and pigs, per head, per diem.....	0	4½
Sheep and goats, per head, per diem.....	0	0½

SCHEDULE F.

FEES FOR ANIMALS TO BE SEPARATELY HERDED.

	s.	d.
For every stallion, per diem.....	1	6
For every ostrich, per diem.....	1	6
For every bull, per diem.....	1	0
For every boar, per diem.....	0	9
For every sheep, ram, goat ram, or other separated animal, per diem..	0	3

SCHEDULE G.

LAWS REPEALED.

<i>Number and Year.</i>	<i>Title.</i>
Ordinance 16 of 1847 of the Cape of Good Hope	Ordinance for the better regulation of Pounds and prevention of trespass.
Act No. 1 of 1869 of the Cape of Good Hope	Act to amend the Ordinance No. 16 of 1847
Act No. 31 of 1875 of the Cape of Good Hope	The Pounds Act, 1875.
Act No. 30 of 1886 of the Cape of Good Hope	The Pounds and Trespass Amendment Act, 1886.
Act No. 29 of 1889 of the Cape of Good Hope	The Pounds Ordinance Amendment Act, 1889.
Proclamation No. 37 of 1923 of the Bechuanaland Protectorate	