

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE

No. 45 of 1939.

It is hereby notified for general information that, under the provisions of section *two* of the Bechuanaland Protectorate Prisons Proclamation, 1939 (No. 10 of 1939), His Excellency the High Commissioner has been pleased to make the subjoined Regulations. High Commissioner's Notice No. 57 of 1927, as amended by High Commissioner's Notices No. 87 of 1928, No. 85 of 1930, No. 40 of 1931, No. 52 of 1932, No. 90 of 1932, No. 57 of 1933, No. 48 of 1934, No. 108 of 1934, and No. 179 of 1936 is hereby repealed.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,

Administrative Secretary.

High Commissioner's Office,
Capetown, 24th March, 1939.

BECHUANALAND PROTECTORATE PRISON
REGULATIONS.

Definition Clause.

For the purpose of these regulations the following terms shall, unless the context otherwise requires, have the meanings set against them respectively:—

“ Prison ” includes “ lock-up ”;

“ Prison Officer ” or “ Officer ” includes any person actually employed in any prison;

“ Gaoler ” includes any officer acting in that capacity;

“ Day ” shall mean the period between sunrise and sunset;

“ Night ” shall mean the period between sunset and sunrise.

District Commissioner.

1. The District Commissioner shall be in charge of the prison.

2. He shall visit the prison at least once a week, but may delegate this duty when necessary. At each such visit he, or the person delegated by him, shall be accompanied by the medical officer.

3. At each such visit he shall muster the prisoners and ascertain whether they have any complaints.

4. On the occasion of every escape from custody, he shall hold an enquiry into the circumstances connected therewith, and shall transmit the proceedings, together with his report thereon, to the Resident Commissioner.

5. He shall without delay report to the Resident Commissioner any case of insanity, or apparent insanity, occurring among the prisoners, or any case in which the medical officer is of the opinion that the life of any prisoner will be endangered by further imprisonment, or that any sick prisoner will not survive his sentence, or that any prisoner is totally and permanently unfit to undergo the discipline prescribed.

6. He shall notify in writing to the nearest friend or relative of any prisoner any case in which the life of such prisoner appears to be in danger.

In the case of the death of a prisoner, he shall cause notification to be sent to the nearest friend or relative, and shall also inform the Resident Commissioner. If provision for the burial is not made by the friends or relatives, he shall cause the body to be decently buried.

7. He shall hold an enquiry into the cause of death of every prisoner who dies in prison, and shall send the proceedings of such enquiry to the Resident Commissioner.

8. He may grant any prison officer who is a native such leave of absence as may be authorised in the Leave Regulations applicable to native employees of the Bechuanaland Protectorate Administration.

Medical Officer.

9. The medical officer, if available, shall see every sick prisoner at least once a day, and shall accompany the District Commissioner or his deputy at his weekly inspection of the prison.

10. He shall keep such books as may be prescribed by the Resident Commissioner.

11. He shall keep such statistical records and furnish such returns as may be directed, relative to the health and medical treatment of the prisoners and the sanitary condition of the prison.

12. He shall furnish such reports as may be called for by the Resident Commissioner, and shall advise the District Commissioner on all medical or health matters affecting the prison.

13. He may order the immediate and thorough disinfection and de-verminizing of any prisoner (including awaiting-trial prisoners, detained witnesses, and civil debtors), and also of any such person's clothing and effects.

14. He shall attend the infliction of all corporal punishments. He shall examine the prisoner carefully before he is flogged, and shall give such written orders as he may consider necessary. If he considers the prisoner in a fit state to undergo the punishment, he shall give a certificate to that effect to the gaoler. In cases in which he may direct that the punishment should not be carried out, or only partially carried out, he shall report his reasons for such direction, in writing, to the District Commissioner.

15. He shall by written order direct such modifications of labour, clothing, bedding, diet, or treatment as in any case he may deem necessary, and shall report what he has ordered to the District Commissioner.

16. He shall, whenever he is of opinion—

- (a) that the mind of a prisoner is affected, or
- (b) that the life of any prisoner will be endangered or his health permanently affected by his continuance in prison, or
- (c) that any prisoner will not survive his sentence, or
- (d) that a prisoner is totally and permanently unfit for prison discipline, or
- (e) that the case of any prisoner needs special treatment, or
- (f) that the condition of any prisoner appears to assume an aspect of danger,

report the fact in writing to the District Commissioner, who shall forward such report to the Resident Commissioner.

17. He shall promptly give directions in writing for the segregation of any prisoner whom he may find or suspect to be suffering from any infectious or contagious disease or mental affection, and shall immediately take any necessary steps to prevent the spread of any such infectious or contagious disease, and shall inform the District Commissioner of the steps taken.

18. He shall forthwith on the death of any prisoner enter in the journal the time when the illness was first observed, when it was reported to him, and when it assumed a dangerous character; the nature of the disease, the time of death, and an account of the appearance of the body after death.

19. In any case of the death of a prisoner otherwise than from natural causes, he shall hold a post-mortem examination, and forward his report to the District Commissioner for the information of the Resident Commissioner.

20. He shall attend at every execution of the sentence of capital punishment and shall make a careful examination of the body after sufficient time has elapsed for death to ensue. He shall ascertain the fact of death, and shall certify in writing whether death was due to dislocation of the vertebrae or to some other cause, and he shall transmit his certificate to the District Commissioner.

21. He shall examine every prisoner as soon as possible after admission to the prison, and, should he deem it necessary, shall forward a report of his examination to the District Commissioner.

Gaoler.

22. The gaoler shall reside in the quarters assigned to him by the Resident Commissioner. He shall be responsible for the discipline, safety, and control of the prison and for the carrying out of these regulations.

23. He shall not be absent from his quarters for a night without the permission of the District Commissioner.

24. He shall visit the whole of the prison and, as far as practicable, see every male prisoner once at least in every twenty-four hours. He shall at least once a week go through the prison at an uncertain hour of the night, which visit, and the state of the prison at the time, he shall record in his journal. Where practicable he shall visit all prisoners at work daily. When visiting cells in which female prisoners are kept, he shall be accompanied by the matron. Before lock-up he shall inspect each cell, and any isolation cells which may be occupied, and shall record the result of this inspection in his journal.

25. He shall keep such books and records as may be prescribed by the Resident Commissioner.

26. He shall be responsible for the proper searching of all prisoners on admission, and also on every occasion when prisoners return from labour outside the gaol.

27. He may examine and search, or cause to be examined and searched, all persons and articles going into or out of, or being brought into or out of, the prison, and may exclude any person who refuses to be examined or to permit the examination of any article.

28. He shall search all cells occupied by prisoners every evening when the prisoners are locked up and shall see that no unauthorised implement or article has been introduced.

29. In case he shall become aware of any offence in, or of any violation or neglect by any person of any of the rules of, the prison, he shall forthwith record the particulars in his journal and report the name of such person and the nature of the offence to the District Commissioner.

30. He shall frequently examine the food supplied for the prisoners and shall issue it. He shall report to the District Commissioner if it is in any way defective. If any prisoner complains as to the quantity or quality of the food, he shall report such complaint to the District Commissioner.

31. He shall see that the prescribed diet scale is observed, and that the necessary supplies are obtained, and of proper quantity and quality.

32. He shall prepare and sign all requisitions for rations daily, and shall present the counterfoils for the countersignature of the District Commissioner once a week.

33. He shall see that nothing is allowed to grow against the outer walls of the prison, and that nothing likely to be used to facilitate escape is left within reach of prisoners or kept without proper safeguards against such use.

34. He shall take every precaution to prevent the escape of prisoners and to secure the recapture of any who may have escaped.

35. He shall notify to the medical officer, without delay, the illness of any prisoner, or any accident occurring to any prisoner, and shall, where possible, parade before him daily prisoners who are ill, or who complain of illness, and shall furnish to him a list of all prisoners in solitary confinement.

36. He shall obey the directions of the medical officer respecting labour, clothing, bedding, diet, or treatment of any prisoner.

37. He shall without delay call the attention of the medical officer to any prisoner whose state of mind or body specially appears to require attention.

38. He shall take such steps as may be necessary to prevent the spread of any contagious or infectious disease according to the directions of the medical officer.

39. Upon the death of any prisoner otherwise than pursuant to judicial sentence, he shall inform the District Commissioner and the medical officer. Burial of the body shall not take place until authorised by the medical officer.

40. He shall see that the prison is kept in a cleanly state and that all cells are washed or cleaned once a week, or oftener if necessary, and properly ventilated every day.

41. He shall see that all guards are armed with a rifle and cartridges when detailed to guard prisoners.

42. He shall see that the guards are distributed in such a manner as to minimize the risk of escape, and shall assign to the officers of the prison such duties as he may deem necessary.

43. Before any gang leaves the prison he shall parade it, and shall inspect the guards for duty and see that they are properly armed. He shall see that the night guard assumes duty at the proper time.

44. He shall see that a guard is placed on duty in the prison at night.

45. He shall see that the prisoners rise, and are closed in at night, at the proper times, and that their conversation is properly restrained and controlled, and that every care is taken to preserve the health and cleanliness of the prisoners, and that the hours of labour are properly observed.

46. He shall see that the prison is locked each night at such hour as the District Commissioner shall direct, and that it is only opened when necessary.

47. He shall allow no stranger to remain in the prison during the day or night without permission of the District Commissioner.

48. He shall enter the names of all visitors in his journal.

49. He shall read every letter written to or by a prisoner and shall submit it to the District Commissioner for his decision as to the forwarding of it.

50. He shall prevent the bringing into or taking out of the prison to or from any prisoner, of any letter, writing, food, fermented liquor, or any other article the introduction of which has not been authorised by law, and such prohibited article may be confiscated by the District Commissioner and destroyed or sold.

51. He shall take care that proper precautions against fire are adopted, and that any appliances supplied for the extinction of fire are at all times kept in good order and ready for use.

52. He shall be responsible for the safe custody of all Government property in his charge.

53. He shall see that the register of private effects belonging to prisoners brought to the prison is correctly kept, and that all money, valuables, and other effects belonging to prisoners are disposed of in such a manner as may be prescribed by the regulations.

54. He shall see that all punishments imposed on prisoners are properly carried into effect and that all orders and regulations as to exercise are duly observed. He shall visit, at least once in every day, every isolation cell in which a prisoner is confined.

55. He shall receive all prisoners on arrival at the gaol in daytime, and shall be responsible for their personal cleanliness before they are assigned to their cells.

56. He shall be responsible that orders affecting the prison are communicated to all subordinate officers, and duly attended to.

57. He shall enter in his journal all particulars of leave granted to a prison officer.

58. He may, whenever he thinks fit, separate any prisoner from any other prisoner, either by day or night.

Matron.

59. The matron shall reside in the quarters assigned to her.

60. She shall be held responsible for the due observance of the prison rules and regulations in respect of all female prisoners.

61. She shall daily inspect the cells occupied by females and shall see each female prisoner at least once in twenty-four hours.

62. She shall accompany every male visitor to a female prisoner.

63. She shall bring before the District Commissioner any wardress or female prisoner charged with a breach of discipline or disobedience of prison rules.

64. She shall search all female prisoners on entering the prison, and at such other times as she may consider it to be necessary.

65. She shall be responsible for the due cleanliness of the female cells and of female prisoners.

66. She shall see that any female prisoner sent outside the prison is accompanied by a female escort.

Subordinate Officers.

67. Subordinate prison officers shall be under the authority of the gaoler.

68. Wardresses shall take their orders from the matron and shall perform such duties as may be assigned to them.

69. Subordinate prison officers shall reside in the quarters allotted to them.

70. Under no circumstances shall a coloured guard be placed in charge of European prisoners.

71. Subordinate prison officers shall immediately report to the gaoler any offence or irregularity on the part of any visitor or prisoner.

72. They shall not receive visitors within the prison without the permission of the gaoler.

73. They shall be held responsible for the strict carrying out of the rules to be observed by them in respect to prisoners.

74. They shall hold no communication with prisoners except such as is necessary to the execution of their duties, and shall not use any unnecessary violence towards prisoners.

75. They shall under no circumstances allow any of the prisoners in their charge to move out of their sight, nor, when in an open place, to a greater distance than 15 yards. Should a prisoner receive permission to retire for purposes of nature, some portion of his body must be in sight of the officer during the whole time of the former's absence from work.

76. No officer shall smoke or sit down when on duty except during the recognised rest intervals, neither shall he turn his back on the prisoners. He shall not lay aside his arms for a single moment.

77. When on duty with gangs outside the prison, officers shall exercise a constant supervision over the prisoners, and shall not allow any one of them to idle, loiter, straggle, or work at a distance from the gang.

78. They may be permitted to resign from the service upon the giving of one month's notice.

79. On dismissal or resignation from the service they shall deliver up all articles of dress, arms, and other articles of equipment which have been supplied to them.

80. They may be discharged from the service by the Resident Commissioner after thirty days' notice should they prove to be unsuitable or medically unfit.

81. They shall not permit any portion of their uniforms to be worn or used by any other person.

82. They shall be armed with rifles and shall carry so many cartridges and in such a manner as may be directed by the District Commissioner, and shall keep such rifles in proper order.

83. If a prisoner effects his escape, the remaining prisoners shall at once be concentrated, and the party immediately marched back to the prison and the matter reported.

84. Fire-arms shall not be used in the case of a prisoner who is seen to run away or to make an attempt to escape if there appears to be a reasonable chance of recapturing him without their use; but, whenever it is necessary to prevent the escape, an officer may fire at the prisoner in such a way as to disable and not to kill, but if he kills him he shall not be liable.

85. Officers shall give immediate notice to the gaoler of any prisoner who may report himself sick, or who may appear to be out of health.

86. The gaol guard on night duty shall prevent prisoners from making a disturbance.

87. No subordinate prison officer shall—

- (a) disobey any lawful order of his superior officer;
- (b) negligently perform his duty;
- (c) be absent from his quarters or from the prison without leave, when it is his duty to be present at such quarters or prison;
- (d) conduct himself in a manner prejudicial to the good order and discipline of the prison;
- (e) use insubordinate, threatening or insolent language to his superior officer.

Any officer contravening any provision of this regulation shall be liable upon conviction to penalties not exceeding those set forth in section *four* of the Bechuanaland Protectorate Prisons Proclamation, 1939 (No. 10 of 1939).

Condemned Prisoners.

88. Prisoners under sentence of death shall be confined in special cells and be subject to the following rules:—

- (a) They shall be specially guarded day and night;
- (b) The diet of such prisoners shall be that provided for European prisoners under sentence of hard labour: Provided that the medical officer may permit necessary stimulants to be supplied, and that the Resident Commissioner may permit any departure from prison diet which he may deem fit.
- (c) They shall be allowed all reasonable facilities for seeing such relatives, friends, and spiritual and legal advisers as may be permitted by the District Commissioner;
- (d) When taking exercise they shall not be allowed to communicate with other prisoners;
- (e) They shall occupy special cells.

89. During the preparation of an execution, and at the time of the execution, no person shall enter the prison unless legally entitled to do so.

90. The gaoler shall ascertain what religious faith a condemned prisoner professes, and shall, at the request of such prisoner, arrange, if possible, for a spiritual adviser of that faith to have access to him.

91. Executions shall be carried out at such places as may be prescribed by the Resident Commissioner. As soon as possible after sentence, condemned prisoners shall be removed to the place of execution.

92. If the body of a prisoner who has been executed is not claimed for burial by the relations of such prisoner, the District Commissioner shall cause it to be decently buried.

Prisoners.

93. Prisoners shall obey all orders of the gaoler and prison officers.

94. When employed at hard labour outside the prison, they shall not speak to persons other than those having authority over them or connected with the labour party.

95. They shall not whistle, sing, or make any unnecessary noise, or talk or call to prisoners in any other cell.

96. No prisoner shall be allowed to give, barter, or sell any portion of his food to any other prisoner.

97. No prisoner shall be allowed to enter any cell except his own, and no prisoner shall be in a latrine at the same time as any other prisoner.

98. They shall obey such directions as regards washing as may be issued by the District Commissioner.

99. They shall be required to keep their cells clean and themselves clean and decent in their persons, and shall conform to such orders as the gaoler may issue for that purpose.

100. They may make complaints to the District Commissioner or gaoler.

101. Prisoners awaiting trial shall be allowed to do any work within or without the precincts of the prison for which they may voluntarily offer.

102. Prisoners shall rise in the morning in the summer at 5.30 and in the winter at 6.30.

103. ~~Hard labour gangs shall leave the prison for labour daily (weather permitting) in summer at 6 a.m. and in winter at 7.15 a.m., and shall return for the night at 5 p.m. One hour shall be allowed at 8 a.m. and 1 p.m. daily for food.~~

104. If a prisoner shall—

- (a) use language tending to cause discontent, excitement, or insubordination among his fellow-prisoners;
- (b) make false, frivolous, or malicious reports or complaints, including repeated complaints of a groundless nature regarding his diet;
- (c) be found in possession of, or have concealed in his cell, any article not authorised;
- (d) commit any nuisance, or neglect his duty or fail to keep himself clean;
- (e) evade work by any means;

- (f) malingering by feigning any malady whatever;
- (g) hold communication by any means or of any kind with any person with whom such communication is not authorised;
- (h) violate any rule of the prison, or defeat or evade the operation thereof;
- (i) wilfully disobey any lawful order;
- (j) make any unnecessary noise or give any unnecessary trouble;
- (k) leave his cell or place of work without permission;
- (l) use any abusive, insolent, threatening, or other improper language;
- (m) in any other way offend against good order and discipline;

he shall be deemed guilty of a breach of these regulations, and upon conviction shall be liable to penalties not exceeding those set forth in section *four* of the Bechuanaland Protectorate Prisons Proclamation, 1939 (No. 10 of 1939).

Photographs of Prisoners.

105. On admission to any prison, or at any time during detention in such prison, such photographs may be taken of each convicted prisoner as are necessary for purposes of record, but no copy of any portion of this record shall be given to any person unless he is officially authorised to receive it.

106. A prisoner shall be deemed guilty of a breach of these regulations if he at any time after admission refuses to allow himself to be photographed or wilfully obstructs any person whose duty it is to take his photograph.

Mental Condition of Prisoners.

107. A prisoner awaiting trial shall, if necessary for the purpose of his defence, be allowed to see a registered medical practitioner appointed by himself or by his friends or legal advisers, on any week-day at any reasonable hour, in the sight but not in the hearing of a prison officer.

108. A prisoner charged with a capital offence shall be kept under special observation at all times, and the medical officer shall keep a written record of the physical and mental condition of the prisoner, in which entries shall be made from time to time, daily if necessary. If deemed advisable, application may be made to the Attorney-General for a copy of the depositions taken before the District Commissioner, in order to assist the medical officer in forming an opinion as to the mental condition of the prisoner, but he should bear in mind that the depositions are furnished only so that he may be in possession of important and true particulars of the prisoner's recent history, in so far as it has a bearing upon his mental state while under observation in prison.

109. (1) A report shall be submitted to the Attorney-General on the mental condition of the prisoner a few days at least before the date of the trial, stating whether or not any indication of insanity has been exhibited and whether or not the prisoner is fit to plead.

(2) This report should not express any opinion as to the prisoner's degree of responsibility at the time the offence was committed, this being a matter for the finding of the Court on the evidence submitted, but if, from symptoms exhibited while under observation in the prison, it is quite clear that definite insanity exists and has done so for some time previous to the offence, or if the medical officer is of opinion that there is a distinct history of periodical attacks of insanity, followed by intervals of mental clearness, and that the prisoner has been enjoying a lucid interval while under observation in the prison, his report should embody this opinion.

Periodical Reports.

110. (1) (a) On the first day of each month, every prisoner who, during the preceding month, has completed 4, 8, 12, or 16 years of his sentence shall be reported to the Resident Commissioner.

(b) Each periodical report shall contain full reports as follows:—

- (i) by the medical officer on the prisoner's mental and physical health;
- (ii) by the Chaplain (if any) on his demeanour and attitude towards his offence and towards crime generally;
- (iii) by the District Commissioner on his conduct, industry, etc., training for outside life, relations with family or with injured parties, and any other material points.

(2) In no case shall it be made known to a prisoner that such a submission has been made.

Classification.

111. All prisoners shall be classified primarily according to sex, and secondly according to race. White and coloured races shall be kept apart at work, at eating, and at rest.

112. Female prisoners shall at all times be kept entirely apart from males. They shall invariably be attended to by persons of their own sex, and shall be absolutely prevented from holding any communication with a male prisoner. No gaoler or other male officer shall enter a cell in which a female is imprisoned unless accompanied by the matron.

Clothing.

113. Every prisoner shall be provided with a complete prison dress, properly marked, and shall wear it at all times during the day, and during severe weather or in special cases shall be supplied with such additional clothing as the District Commissioner or medical officer, as the case may be, may deem requisite.

Bedding.

114. Prisoners on rising in the morning shall put their blankets out in the yard to air, and before proceeding to work after breakfast the blankets shall be properly folded up and placed in the cells.

115. No bedding in addition to what is prescribed by the Resident Commissioner shall be supplied save on the written order of the medical officer.

116. No prisoner shall be allowed to use bedding in the daytime except in the case of sickness.

Diet.

117. Save as is allowed under the regulations, prisoners shall receive only the ration authorised by the Resident Commissioner except by the order in writing of the medical officer.

118. Smoking or the supply of tobacco to prisoners may be allowed as a special indulgence under such circumstances and conditions as the District Commissioner may prescribe.

119. All food shall be consumed at the proper meal times, and uneaten food shall be returned to the kitchen.

120. A prisoner who has any complaint to make regarding the diet furnished to him, or who wishes his ration to be weighed or measured for the purpose of ascertaining whether he is supplied with the proper quantity, shall make his request immediately after the food is handed to him, and before any portion of it is consumed, and it shall be weighed or measured in his presence by the gaoler.

121. Fermented liquor shall not be admitted for the use of a prisoner save on the written order of the medical officer.

122. All contracts for rations shall be made by the District Commissioner, subject to the Resident Commissioner's approval.

Labour.

123. Every prisoner shall be employed every day in such work as the District Commissioner may direct. The hours of work in each day shall not be less than seven.

124. On public holidays the employment of prisoners shall be confined to what is strictly necessary for the service of the prison.

125. Government officials shall not employ prison labour for private purposes. Prisoners shall not be hired to or placed at the disposal of private individuals, companies or associations.

Health and Cleanliness.

126. Prisoners shall obey such directions as regards washing and hair-cutting as may from time to time be issued.

127. If any prisoner is found to have any cutaneous disease or to be infested with vermin, means shall be taken effectively to eradicate the same.

Corporal Punishment.

128. Every sentence of corporal punishment shall be carried out as soon as possible after it has been confirmed.

129. Corporal punishment shall be inflicted by the gaoler or by such person as the court imposing the sentence may appoint. No private person shall be allowed to be present during such infliction without an order from the District Commissioner.

130. (1) Where, under the sentence of any court, punishment by whipping with the cat is to be inflicted, the instrument used shall be of a pattern which has been approved of by the Resident Commissioner. The whipping shall be inflicted upon the bare back, across the shoulders of the convict.

(2) Where the court imposing any sentence of corporal punishment by whipping has not indicated the character of the instrument with which the whipping is to be inflicted, such punishment shall be inflicted by caning in manner hereafter described.

(3) Corporal punishment by caning shall be inflicted in the case of adults with a rattan-cane four feet long and one-half inch in diameter, and in the case of juveniles under eighteen years with a cane three feet long and three-eighths of an inch in diameter, the canes to be of a pattern approved by the Resident Commissioner. The strokes shall on no account be administered upon the back, but upon the bare buttocks.

131. All inflictions of corporal punishment shall be attended by the medical officer after the prisoner has been certified by him to be fit for punishment.

132. The date of the carrying out of the sentence shall be endorsed on the warrant and an entry shall be made by the gaoler in his journal stating the number of lashes and any order of the medical officer.

Spare Diet and Solitary Confinement.

133. Every person sentenced to spare diet or solitary confinement shall be examined by the medical officer prior to the taking effect of the sentence, and such medical officer shall certify whether or not he is fit for punishment.

134. No prisoner shall be kept on spare diet for more than three days without an interval of seven clear days on ordinary diet, nor on the day immediately preceding his release when the sentence exceeds six days, nor shall he be kept on spart diet if the medical officer certifies that more nourishment is necessary.

135. Spare diet shall consist of a daily ration of 8 ounces of rice boiled in 2 quarts of water without salt for males and 6 ounces of rice boiled in 3 pints of water without salt for females.

136. Prisoners while undergoing sentence of spare diet must be strictly secluded. They should therefore be kept in solitary confinement on the days on which they are to be kept on spare diet, and the gaoler must enforce the sentence strictly.

137. Solitary confinement shall not be imposed as a sentence for a longer period than twenty-eight days in the case of prisoners of and over the age of eighteen years, nor for a longer period than ten days in the case of prisoners under the age of eighteen years: Provided that no prisoner, whatever the length of the sentence, shall be kept in solitary confinement for more than seven consecutive days at a time. After every such period of seven days there shall be a break of at least seven days before the prisoner is subjected to such further corrective punishment.

138. A prisoner sentenced to solitary confinement for more than three days shall be made to take such exercise as the medical officer may prescribe.

Mechanical Restraint.

139. (1) As often and as long as it is urgently and absolutely necessary to secure or restrain any prisoner—

(a) who has displayed or is threatening violence;
or

(b) who has been recaptured after escape or who there is good reason to believe is meditating escape,

a District Commissioner or gaoler may order that prisoner to be confined in an isolation cell, and in addition or in the alternative, if necessary, to be placed in irons, or subjected to some other approved means of mechanical restraint, for such definite period as may be considered absolutely necessary, but not exceeding one month.

(2) The powers conferred upon a District Commissioner or gaoler under sub-section (1) may likewise be exercised by him upon the written order of the medical officer of the prison recommending any such restraint or isolation for medical reasons.

(3) A District Commissioner or gaoler may cause to be isolated, and if necessary subjected to mechanical restraint, any prisoner, if the isolation or restraint is requested by the police authorities in the interests of justice, but the period of any such isolation or restraint shall not be longer than is necessary for the purpose required.

(4) When any order under this regulation has been issued by a gaoler he shall immediately make an entry in a book to be kept for the purpose recording the particulars thereof, and shall, without loss of time, send notice of his action to the District Commissioner of the district who shall, as soon as may be, visit the prison and confirm or set aside the gaoler's order. When such an order has been issued by a District Commissioner he shall in like manner make an entry in a book to be kept for the purpose, and that entry shall be exhibited to the Resident Commissioner or Assistant Resident Commissioner on the occasion of his next visit.

(5) If it be considered absolutely necessary to continue the period of mechanical restraint or isolation for a period exceeding one month, the District Commissioner shall report to the Resident Commissioner stating the facts and making his recommendation; and upon the receipt of his recommendation the Resident Commissioner may order the extension of the period of restraint or isolation for two additional months. The Resident Commissioner may renew any such order on the expiration thereof for such further period not exceeding three months at any one time if he shall be satisfied, after consideration of a report and a recommendation to that effect by the District Commissioner, that such renewal is absolutely necessary. A report upon any renewal by the Resident Commissioner of such order extending the period of mechanical restraint or isolation, together with a statement of the reason therefor, shall be immediately transmitted by the Resident Commissioner to the High Commissioner.

(6) Save as in this regulation provided, no prisoner, other than a person under sentence of death or in the course of transfer or while temporarily outside the precincts of the prison, shall, unless sentenced to solitary confinement by a court of law, be confined in any isolation cell or placed in irons or subjected to any other means of mechanical restraint.

140. The weight of irons or other mechanical restraint shall not exceed five pounds. Every precaution shall be taken to prevent any injury from their use.

Private Effects of Prisoners.

141. Except as hereinafter provided, all moneys brought into a prison by any prisoner for his use, and which he is not allowed to retain, shall be handed to the District Commissioner who shall account for it as directed by the Resident Commissioner. The gaoler shall take into his custody all other articles and shall deal with them as directed. Valuables and money shall be handed to any person indicated by the prisoner and a receipt obtained; but should such valuables or money form the subject of a charge or be required for judicial purposes, they shall be handed to the District Commissioner for preservation. The gaoler will only receive and store the effects which a prisoner carries on his person, and all such effects shall be entered in a book kept for that purpose. When the property is returned to the prisoner his receipt therefor shall be obtained and filed.

142. On the occasion of the transfer of any prisoner to another prison, all private property belonging to such prisoner and in the custody of the gaoler shall be transferred to the custody of the gaoler of the prison to which such prisoner is being transferred.

143. On admission to prison the private effects, including clothes, of any prisoner may be disinfected, if such disinfection is considered necessary by the medical officer. The Resident Commissioner may order the destruction of such effects and clothes if it is reported that they are in such a condition as to render it inexpedient to retain them.

144. The effects of any prisoner who has escaped and has not been recaptured, or who has died, may be sold by public auction after the expiration of six months; and the proceeds shall be dealt with as directed by the Resident Commissioner. Such sale shall be conducted by the gaoler, and no licence shall be required therefor.

Privileges and Indulgences.

145. Prisoners undergoing sentence, if their conduct be good, shall be allowed on one day a month to receive visits from friends, and to receive and write one letter a month.

146. Male prisoners shall be visited in the presence of a male officer, and female prisoners in the presence of a female officer.

147. The privilege of receiving visits and writing and receiving letters may be forfeited at any time for misconduct or breach of these regulations.

148. If at any interview there is reasonable suspicion that the visitor is there for the purpose of making communications or bringing in or taking out articles contrary to these regulations, or to the

discipline of the prison, the interview may be stopped and the visitor removed by the gaoler, who may have such visitor searched, but only with the authority of the District Commissioner.

149. The legal adviser of a prisoner shall be allowed to see him in the sight, but not within the hearing, of the gaoler, on legal business, after a pledge has been given that all communication shall be confined to such business.

150. All letters to or from a prisoner shall be submitted to the District Commissioner for perusal; and should any letter contain any improper matter, it may be detained by him or returned to the sender. Such prisoner must be informed of such action.

151. When about to be transferred, prisoners shall be allowed to see friends in the prison before being transferred.

152. An officer of the prison shall be present and within hearing at any interview save as excepted in regulation 149, and every visitor's name shall be entered by the gaoler in his journal.

Mitigation of Sentences.

153. (1) Every prisoner who is sentenced to imprisonment, whether by one sentence or by consecutive sentences, for a period exceeding one month but not exceeding six months shall, according to his conduct and industry and subject to these regulations, be allowed an ordinary or earned remission not exceeding one-sixth of his sentence.

(2) Every prisoner who is sentenced to imprisonment, whether by one sentence or by consecutive sentences, for a period exceeding six months shall, according to his conduct and industry and subject to these regulations, be allowed an ordinary or earned remission not exceeding one-fourth (or in the case of a woman one-third) of his sentence.

(3) Provided that every conviction for a breach of discipline or other irregularity while undergoing sentence shall, in addition to such punishment as may be inflicted, cause a loss of as many days towards remission as the District Commissioner or Assistant District Commissioner who deals with the offence may determine: Provided further that the decision of the District Commissioner or Assistant District Commissioner shall be subject to review by the Resident Commissioner, who shall have power to confirm, increase or reduce the period of loss of earned remission ordered by the District Commissioner or Assistant District Commissioner. *shall*

(4) In cases where a special remission is sought or recommended in respect of any sentence whatever, representation shall be made to the High Commissioner.

154. No prisoner shall be entitled to the mitigation referred to in the last preceding regulation in respect of any sentence, if it be passed for a second conviction for the same class of crime.

155. Except when otherwise directed, where a prisoner has received a special remission of a sentence, his ordinary regulated remission will be the appropriate proportion of the original sentence, and not of the balance after deducting the special remission.

156. The District Commissioner shall forward to the Resident Commissioner the petition of any prisoner for mitigation of sentence or any application in the nature of an appeal, and shall report thereon giving, *inter alia*, full particulars regarding such prisoner.

157. The prisoner shall be informed by the District Commissioner as to the result of his petition.

158. No prisoner shall be allowed to make a fresh petition within six months of the refusal of his previous one, except upon entirely fresh grounds.

Discharge.

159. A term of imprisonment shall be regarded for purposes of discharge as commencing from the first moment of the day on which the sentence commenced to run and terminating at 1 p.m. on the last day of the sentence.

160. A prisoner whose due date of discharge falls on a Sunday shall be discharged at 1 p.m. on the previous Saturday, unless there be good reason in any special case for adopting a later hour.

161. On the occasion of a prisoner's discharge the District Commissioner is authorised to issue to him a sufficient ration, according to the scale he received while undergoing sentence, for his necessities on the road to his destination within the Bechuanaland Protectorate, and in addition, if that point be distant, to assist him with a third class railway warrant to the nearest station to it. No such warrant shall be issued for a railway journey of under forty miles.

Searching of Prisoners.

162. All prisoners shall be thoroughly searched on admission to prison by persons of their own sex, and all money, effects and other articles except necessary clothing shall be taken from them. When a prisoner's clothes are taken from him they must be carefully packed and labelled with his name.

163. Female prisoners shall be searched by female officers.

164. Prisoners sent outside the prison to work shall be thoroughly searched on returning to prison.

General.

165. It is the duty of every officer to make himself acquainted with the rules and orders relating to his duties.

166. Proper scales and weights shall be kept in each prison.

167. Officers will not be permitted to keep live stock, birds, or fowls on prison premises or so near thereto as to be a source of infection from tampsans.

168. Female prisoners shall in all cases be attended by female officers. A male officer shall not enter a cell in which a female prisoner is confined except on duty, and shall be accompanied by a female officer. Female prisoners if transferred from one prison to another shall be accompanied by a female officer.

169. A prisoner due for release, or whose discharge has been ordered, and if in the opinion of the medical officer his release is likely immediately to result in his death or grave injury to his health or to prove at any time a grave source of infection to others, may be further detained until the medical officer certifies him to be fit for discharge: Provided that a prisoner suffering from a venereal disease which originated before his reception into prison shall not be detained by virtue of this regulation.

170. An officer shall not strike a prisoner unless compelled to do so in self-defence.

171. Any unauthorised article found within the precincts of a prison or in the possession of a prisoner may be forfeited or destroyed.

172. No persons other than those legally entitled to do so shall be allowed to enter a prison or leave it between the hours of 10 p.m. and 6 a.m. without a written order from the District Commissioner.

173. A pauper sick person may be admitted for treatment to the prison hospital on an order from the District Commissioner, provided he is not suffering from an infectious or contagious disease.

174. Every attention shall be shown to clergymen and ministers attending the prison to give religious instruction, and all facilities afforded them in the performance of their duties. A prison officer shall attend to keep order and maintain discipline at such times.

175. All leave of absence granted to any prison officer will be governed by regulations made under section *seven* of the Bechuanaland Protectorate Public Service Proclamation, 1924 (No. 32 of 1924).

*Civil Debtors, Detained Witnesses, and
Unconvicted Prisoners.*

176. No personal description, photographs, or measurements shall be taken of any civil debtor admitted to prison.

177. Prisoners detained under an order, writ, or judgment of any court made or given in civil proceedings, prisoners awaiting trial, and witnesses committed, shall be allowed all reasonable opportunities of communicating with their friends or legal advisers either in writing or verbally. Interviews with legal advisers shall be out of hearing but within view of the gaoler. They may write and receive letters daily, but friends shall not be permitted to visit them oftener than twice a week, except by order of the District Commissioner.

178. Prisoners in the last preceding regulation mentioned shall be allowed to receive visitors at such hours as may be prescribed by written order of the District Commissioner, which order shall be posted in the prison. Such interviews shall take place within view of the gaoler.

179. The prisoners mentioned in regulation 177 may wear their own clothes in prison unless the same shall be insufficient, unclean, or required for the purposes of justice. They may also be allowed to provide their own bedding and receive changes of their clothing, if clean and free from vermin. All clothing and bedding shall be washed or disinfected as often as may be prescribed by the medical officer.

180. The prisoners mentioned in regulation 177 may be permitted by the gaoler the use of paper and writing materials, to be provided at their own cost. All letters must be posted stamped or unstamped.

181. Persons imprisoned for debt may be permitted by the gaoler to smoke under proper restrictions as to time and place, provided adequate arrangements can be made.

182. Civil debtors shall be permitted to receive reputable newspapers and magazines.

183. Civil debtors shall be allowed to procure for themselves, and to receive at hours fixed for the purpose, food or other necessaries subject to such restrictions as shall prevent extravagance and luxury, but wine, beer, and spirits shall not be permitted save when specially ordered by the medical officer as necessary on the ground of ill-health.

184. The prisoners mentioned in regulation 177 shall be thoroughly searched on admission and from time to time, but nothing shall be taken from them save dangerous weapons, articles calculated to facilitate escape, money, and generally unauthorised articles.

185. Prisoners awaiting trial may be allowed to perform labour outside the gaol on their volunteering to do so.

186. If found guilty of a breach of prison discipline, the prisoners mentioned in regulation 177 shall, in addition to any other penalty, be debarred from writing letters to or receiving letters from their friends and from receiving visits from their friends during the period of punishment, or otherwise for a week.

187. Any request from the lawyer, wife, or relative of a civil debtor to visit such prisoner shall be granted at any reasonable hour of any weekday, and such visit shall take place in the sight but not in the hearing of the gaoler.

*Reg 188 re labour of short
sentence prisoners See HCIV 2/41*