

## BECHUANALAND PROTECTORATE.

No. 41 of 1944.

(Promulgated 29th September, 1944.)

### PROCLAMATION

By His Excellency the High Commissioner  
Entitled the Bechuanaland Protectorate Unwrought  
Precious Metals Proclamation, 1944.

Whereas it is expedient to make provision for the control of dealings in unwrought precious metals 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. In this Proclamation, unless the con-<sup>Inter-</sup>text otherwise requires—<sup>pretation.</sup>

“ mining right ” means any right to work precious metals granted or acquired either directly or indirectly;

“ precious metal ” means gold and silver and their ores, and any other metal declared by the High Commissioner by notice in the *Gazette* to be a precious metal for the purposes of this Proclamation;

“ unwrought precious metal ” includes any precious metal in any form whatsoever which, though smelted, is not manufactured or made up into any article of commerce, and includes also amalgam, slimes, slags, black sands, pots, battery chips, sweepings of reduction works and scrapings and by-products of unrefined precious metals.

2. (1) No person shall have in his possession any unwrought precious metal unless—<sup>Unlawful possession of unwrought precious metal.</sup>

(a) such unwrought precious metal has been won by him or his servants or agents acting on his behalf from ground held by him under any mining right, or on which he is lawfully entitled to prospect; or

(b) he is in possession of such unwrought precious metal in fulfilment of a contract of service with a person mentioned in the last preceding paragraph; or

(c) such unwrought precious metal does not exceed twenty pennyweights in quantity and, not being a person mentioned in paragraph (a), he has obtained a certificate from the Resident Commissioner authorising him to be in possession of such quantity of unwrought precious metal.

(2) Any person who shall have in his possession any unwrought precious metal, unless—

(a) he is a person excepted under sub-section (1); or

(b) he is able to satisfy the court that he came into possession of such metal in a lawful manner,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment; and, in case of a second or subsequent conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Delivery of unwrought precious metal in payment of debt.

3. Any person who delivers or causes to be delivered any unwrought precious metal in payment of any debt due from him or from another person, or in consideration of any service rendered or to be rendered to him or to another person, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Maliciously placing unwrought precious metal in possession of another.

4. Any person who maliciously places any unwrought precious metal in the possession of or on the premises of any other person, with intent that such other person shall be convicted of an offence under any provision of this Proclamation, shall be guilty of an offence and shall be liable on conviction to the penalties mentioned in sub-section (2) of section two.

Onus of proof.

5. Whenever in any proceedings against any person under this Proclamation, it is necessary to ascertain whether he is lawfully entitled to be in possession of any unwrought precious metal, the burden of proving that he was so lawfully entitled shall lie upon such person.

Return of unwrought precious metal to owner or forfeiture to Crown.

6. On the conviction of any person of an offence under this Proclamation, it shall be in the discretion of the court which passes sentence to order any unwrought precious metal in respect of which such conviction has been obtained to be delivered up to the owner thereof, if the court be satisfied of the ownership, or, if not so satisfied, to order the said metal to be forfeited to the Crown.

7. Any person who is an accessory either <sup>Accessories.</sup> before or after the fact to an offence under this Proclamation shall be liable to be charged and dealt with in all respects as if he were a principal offender; and any person who attempts to commit any such offence shall be deemed to have actually committed the same, and shall be liable to the penalties herein provided for the particular offence which he has attempted to commit.

8. This Proclamation may be cited as the <sup>Short</sup> Bechuanaland Protectorate Unwrought <sup>title.</sup> Precious Metals Proclamation, 1944.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-third day of September, One thousand Nine hundred and Forty-four.

WALTER C. HUGGARD,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.