

shall be liable to give full compensation to the person or persons damnified by the offence, not only for the damage so done to any of the subjects hereinbefore enumerated, but also for any damage which may at the same time be done by any such offenders to any fixture, furniture or goods whatever, in any such church, chapel, house, or other of the buildings or erections aforesaid."

By the 3rd section it is enacted "that no action or summary proceeding as herein-after mentioned, shall be maintainable by virtue of the act for the damage caused by any of the said offences, unless the person or persons damnified, or such of them as shall have knowledge of the circumstances of the offence, or the servant or servants who had the care of the property damaged, shall, within seven days after the commission of the offence, go before some justice of the peace residing near and having jurisdiction over the place where the offence shall have been committed, and shall state upon oath before such justice the names of the offenders, if known, and shall submit to the examination of such justice touching the circumstances of the offence, and become bound by recognizance before him, to prosecute the offenders when apprehended; provided also, that no person shall be enabled to bring any such action unless he shall commence the same within three calendar months after the commission of the offence."

The following sections prescribe the process against the hundred.

The 30th section of the statute states what it is that constitutes a felonious demolishing, pulling down or destroying, which entitles the sufferer to his remedy against the hundred.

"If any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down or destroy, or begin to demolish, pull down or destroy (any of the subjects before mentioned), every such offender shall be guilty of felony, and, being convicted thereof, shall suffer death as a felon."

The words of the statute appear, therefore, to indicate that mere damage to a house (for example, breaking windows), even by per-

sons riotously and tumultuously assembled, will not give the remedy against the hundred, but there must be either a demolition, pulling down or destruction, or such a beginning as would intimate an intention on the part of the riotors to demolish, pull down or destroy.

#### MHLAKWAPALWA AT COURT.

*The narrative of an uncivilised native  
(translated.)*

You ask me, Sir, to relate my experiences at the Circuit Court last week, where I was summoned to appear before the Judge to give evidence in a case against Vamsinya, who was charged with burning the hut of my wife, Nowayiti.

To begin with I must tell you that although "smelling-out" (a) is not permitted by Government, we still firmly believe in the existence of witchcraft, and further that the witch-doctor or *Sanuse* has the power of divining these who are guilty of practising it. It is therefore only natural when a person is accused of the offence by the *Sanuse* that the injured party should take steps to punish him. In these days of the Government we find burning the hut is the safest punishment to adopt, and if the guilty party is in the hut at the time so much the better.

In this particular case three of Vamsinya's children had died one after the other at short intervals, and when the *Sanuse* was applied to he accused my wife, Nowayiti, of having killed them by means of witchcraft. This was doubtless because some time before Nowayiti had a quarrel with their mother at a beer party given by one Matambeka. Nowayiti's hut was burnt a few nights after; we were both in at the time, and when I rushed out I identified a man I saw running away in the distance as being Vamsinya. The case was, of course, reported to the Magistrate, who, after hearing what we had to say, informed us that it was one of importance, and

(a) Smelling-out is a ceremony in which supposed witchcraft is believed to be brought home to some person, who is then either killed or banished after being cruelly treated, and his property confiscated by his chief, in territories not subject to a civilized Government.