

PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 11 of 1928.—PROMULGATED 22nd JUNE, 1928.

Amending in certain respects the Bechuanaland Protectorate Special Court Proclamation, 1912, and conferring certain further jurisdiction upon the Special Court.

WHEREAS it is expedient to amend in certain respects the Bechuanaland Protectorate Special Court Proclamation 1912 (herein after referred to as the said Proclamation) and to confer certain further jurisdiction upon the Special Court;

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

1. (1) Sub-section (2) (b) of section *one* of the said Proclamation is hereby repealed and the following substituted therefor:—

(b) Criminal cases in which the accused is charged on indictment with the offence of treason, and criminal cases in which the accused is a European and is charged on indictment with any of the following offences or with an attempt to commit any such offence: murder, culpable homicide, rape, perjury, arson, offences relating to the coinage or currency and any other offence with which such accused may be charged before a Court of Resident Magistrate which that Court may consider to be from its nature or magnitude subject to the jurisdiction or more proper for the cognisance of the Special Court.

(2) Sub-section (2) (c) of section *one* of the said Proclamation is hereby repealed and the following substituted therefor:—

(c) Any case at any time pending in the Court of Resident Commissioner on appeal or in the Court established under section *four* of Proclamation No. 2 of 1896 as amended by Proclamation No. 48 of 1920 which such Courts may on their own mere motion remove to the said Special Court;

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(3) Sub-section (2) of section *one* of the said Proclamation is hereby amended by the addition at the end thereof of a new paragraph as follows:—

(e) Any civil action in which natives only are concerned which may at any time be pending in any Court of Resident Magistrate under the provisions of section *eight* of the Proclamation of 10th June, 1891, which the Court may on its own mere motion remove to the said Special Court by reason either of the magnitude of the issues involved or of considerations affecting the peace and good government of the Protectorate.

2. Notwithstanding anything contained in section *two* of the said Proclamation the Courts referred to in that section shall not have jurisdiction in any case mentioned in sub-section (2) (b) of section *one* of the said Proclamation as amended by this Proclamation except for the purpose of exercising the discretion thereby conferred upon the Court and of conducting a preliminary examination.

3. Notwithstanding anything contained in section *three* of Proclamation No. 2 of 1896 appeals in civil cases from Courts of Resident Magistrates shall be made to the Special Court and not to the Resident Commissioner as therein provided.

4. (1) Whenever any person shall upon conviction in a Court of Resident Magistrate be sentenced to imprisonment with or without hard labour for a period exceeding one month or to a fine exceeding five pounds or to receive lashes or whipping the Magistrate pronouncing such sentence shall not later than fourteen days thereafter forward to the Resident Commissioner for review by the President of the Special Court the record of the proceedings in the case together with such remarks, if any as he may desire to append.

(2) The President of the Special Court shall have and exercise all powers of review and correction in the case of such sentences as are at the date of the taking effect of this Proclamation vested in the Resident Commissioner.

(3) The second proviso to section *five* of the Proclamation No. 2 of 1896 is hereby repealed.

5. This Proclamation may be cited as the Bechuanaland Protectorate Special Court Further Amendment Proclamation, 1928, and shall have force and take effect from a date to be fixed by the High Commissioner by notice in the *Gazette*.¹