

BECHUANALAND PROTECTORATE.

No. 42 of 1934.

(Promulgated 5th October, 1934.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Amending the Bechuanaland Protectorate Assistant Resident Magistrate and Special Justice of the Peace (Review) Proclamation, 1934.

Whereas it is deemed expedient to amend the law relating to the review of convictions and sentences passed by Courts of Assistant Resident Magistrates and by Special Justices of the Peace 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. (1) Whenever any person shall upon conviction in a Court of an Assistant 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 a whipping, the Assistant Resident Magistrate pronouncing such sentence shall not later than fourteen days thereafter forward the record of the proceedings in the case to the Magistrate of the district in which the Court of Assistant Resident Magistrate was held for review by such Magistrate, who may affirm, alter or reverse the conviction or confirm, reduce or vary the sentence.

(2) If at any time there shall be no Magistrate acting in the district in which the Court of Assistant Resident Magistrate was held the record of proceedings in any such case shall be forwarded to and be reviewed by a Magistrate of such other district as may from time to time be designated by the Resident Commissioner for that purpose.

2. Section *nine* of Act No. 10 of 1876 of the Colony of the Cape of Good Hope as of force in the Bechuanaland Protectorate is hereby repealed and the following section substituted in place thereof:—

“ 9. (1) When and as often as any Special Justice of the Peace shall exercise summary judgment under and by virtue of this Act he shall forthwith, after having disposed of the case, forward the record of the proceedings with such remarks, if any, he may desire to append to the record and with any written statement or arguments which the accused may desire to have so appended, to the Clerk of the Magistrate's Court of the district in which the Court of the Special Justice of the Peace was held. Such Clerk shall forthwith place such record including the remarks, statements and arguments aforesaid, if any, before the Magistrate of his district for his consideration.

"(2) Such Magistrate shall thereupon if the conviction and sentence appear to be in accordance with justice endorse his certificate to that effect upon the said record and the record shall then be returned to the Special Justice of the Peace.

"(3) If, upon considering the said record, it appears to the said Magistrate that the conviction or sentence is not in accordance with justice he shall set aside or correct the proceedings and may reduce or vary the sentence and transmit the record with his instructions thereon to the said Special Justice of the Peace."

3. This Proclamation may be cited as the Bechuanaland Protectorate Assistant Resident Magistrate and Special Justice of the Peace (Review) Proclamation, 1934, and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twentieth day of September One thousand Nine hundred and Thirty-four.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

H. LESTER SMITH,
for Administrative Secretary.