

BECHUANALAND PROTECTORATE.

No. 78 of 1935.

(Promulgated 3rd January, 1936.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Amending further the Bechuanaland Protectorate Native Tribunals Proclamation, 1934 (No. 75 of 1934).

Whereas it is expedient further to amend the Bechuanaland Protectorate Native Tribunals Proclamation, 1934 (No. 75 of 1934) (herein after referred to as the "said Proclamation")

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

1. Section *two* of the said Proclamation shall be and is hereby amended—

(a) by the insertion after the definition "Law of the territory" of the following new definition:—

"Magistrate" shall mean any magistrate or assistant magistrate and shall include any officer duly appointed to act in either of those capacities."

(b) by the addition to the definition of "Tribal area" of the words "and shall include the area known as the Barolong Farms as described in Schedule B of Proclamation No. 1 of 1896".

2. Section *seven* of the said Proclamation shall be and is hereby amended by the repeal of sub-section (1) thereof and the substitution of the following sub-section:—

"(1) In each tribal area there shall be one or more tribunals, which shall be known as senior tribal tribunals, the members of which shall be nominated by the chief from amongst the members of the tribal council constituted under section *five* of the Bechuanaland Protectorate Native Administration Proclamation, 1934. The senior tribal tribunal in a tribal area, which shall be presided over by the chief, or his deputy duly authorized to act in that capacity, shall be known as the chief's tribunal.

Every other senior tribunal shall be presided over by a headman appointed by the chief.

The names of the persons constituting the tribunal in each case dealt with by it shall be duly recorded."

3. Section *eleven* of the said Proclamation shall be and is hereby amended by the addition at the end of that section of the words:—

"The costs of service of such order shall be payable on the same basis as would be applicable if the case in question were being heard before a court of Resident Magistrate."

4. Section *twenty-one* of the said Proclamation shall be and is hereby amended—

(a) by the repeal of the first paragraph of sub-section (1) thereof and the substitution of the following paragraph:—

“(1) Any native who is aggrieved by the decision of any native tribunal may, on giving such notice as is herein after prescribed, appeal from the decision of a junior native tribunal to the senior tribal tribunal having jurisdiction and from a decision of the senior tribal tribunal to the chief’s tribunal as defined by sub-section (1) of section *seven* of this Proclamation, and from the decision of the chief’s tribunal to the court of resident magistrate, who shall have the right to call for evidence. If in any tribal area there shall be only one senior tribal tribunal, such tribunal shall be presided over by the chief or his deputy duly authorized to act as such, and the appeal shall lie from the junior native tribunal to such chief’s tribunal. The native tribunal against whose judgment the appeal is lodged shall have the right and may be required by the magistrate to furnish reasons for its judgment. An appeal shall lie from the court of the resident magistrate to the special court only in cases where the amount of the judgment exceeds one hundred pounds or where the combined value of the fine and compensation exceeds fifty pounds or where sentence of imprisonment for a period exceeding six months or of corporal punishment exceeding five strokes has been imposed.”

(b) by the addition of the following new sub-section—

“(4) Any native who is aggrieved by the decision of any junior native tribunal outside a tribal area shall have the same rights of appeal in the first instance to the court of resident magistrate and thereafter to the special court as is set out in sub-section (1) hereof.”

5. This Proclamation shall be read as one with the said Proclamation 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 Capetown this Twenty-third day of December One Thousand Nine hundred and Thirty-five.

CECIL FFORDE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.