

BECHUANALAND PROTECTORATE.

No. 79 of 1935.

(Promulgated 10th January, 1936.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Amending the Bechuanaland Protectorate Girls' and Mentally Defective Women's Protection Proclamation, 1920.

Whereas it is desirable to amend Proclamation No. 38 of 1920, entitled the Bechuanaland Protectorate Girls' and Mentally Defective Women's Protection Proclamation, 1920 (hereinafter 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. The said Proclamation shall be and is hereby amended by the addition after section *two* of the following new sections to be numbered *three*, *four*, *five*, and *six*, the existing sections *three* and *four* becoming sections *seven* and *eight*.

"3. If it appears to a Magistrate of any District on information on oath laid by any person who, in the opinion of the Magistrate, is acting in good faith in the interests of the girl in question, that any girl under the age of sixteen years is living in circumstances calculated to cause, encourage, or favour the seduction, corruption, or prostitution of the girl, the Magistrate may order the said girl and her parent or guardian to be brought before his Court, and, after hearing the evidence of the girl and her parent or guardian and of such other witnesses as he may deem necessary to hear, may,

- (1) order the said girl to be removed from the custody of her parent or guardian and committed to the care of a relation or other fit person who is willing to undertake the care of such girl;
- (2) order the said girl to be sent to some home, institution or school within or without the Bechuanaland Protectorate approved by the Magistrate until she attains the age of eighteen years.

Provided that if having regard to the best interests of the girl and all the circumstances of the case, the Magistrate considers that an order under sub-section (1) or sub-section (2) is undesirable or unnecessary, he may if he thinks fit, make an order that the parent or guardian of such girl shall enter into his recognizance with or without sureties in such amount as to the Magistrate may appear just, that he the said parent or guardian shall exercise due care and supervision in respect of the girl, and the Magistrate may order the said parent or guardian to be imprisoned until such recognizance with sureties, if so directed are entered into;

Provided further that the imprisonment for not entering into the recognizance shall in no case exceed one month.

"4. On any such order being made, the Magistrate shall report to the Resident Commissioner.

"5. An appeal from any judgment or order under section *three* hereof shall lie to the Special Court, provided that no judgment or order shall be set aside by reason of some irregularity or illegality whereby the parent or guardian was not prejudiced in his defence, or because evidence was improperly admitted or rejected by which no substantial wrong was, in the opinion of the Court of Appeal, done to the accused.

"6. It shall be lawful for the High Commissioner, on behalf of the Government of the Bechuanaland Protectorate, to enter into an Agreement with the Government of the Union of South Africa on such terms and conditions as he may think fit for the reception in the Union and detention in any home, institution or school therein of any girl who has been ordered by a competent Court of the Bechuanaland Protectorate to be detained in such home, institution or school."

2. 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 Thirty-first 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.