

## BECHUANALAND PROTECTORATE.

No. 33 of 1943.

(Promulgated 3rd September, 1943.)

### PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER.

Entitled the Bechuanaland Protectorate Native Courts Proclamation, 1943.

Whereas it is expedient to make better provision for the recognition, constitution, powers and jurisdiction of Native Courts and generally for the administration of justice within the Bechuanaland Protectorate in cases recognisable by Native Courts:

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

1. In this Proclamation, unless the context Definitions. otherwise requires—

“Administrative Officer” means the Administrative Officer in charge of the District concerned and includes any Administrative Officer acting under his directions;

“District” means any Magisterial District established as such by the High Commissioner by Notice in the *Gazette*;

“Law of the Territory” means the common law and statute law from time to time in force in the Territory other than native law or custom;

“Native” means any aboriginal native belonging to any tribe of Africa, and includes persons of mixed race living as members of any native community, tribe, village or location in the Territory;

“Native Authority” means a Native Authority as defined in the Bechuanaland Protectorate Native Administration Proclamation, 1943;

“Native Court” means a Court established or recognised under this Proclamation;

“Native law and custom”, “Native law or custom” and “Native custom” mean in relation to a particular tribe or in relation to any native community outside any tribal area the general law or custom of such tribe or community except so far as the same may be incompatible with the due exercise of His Majesty’s power and juris-

diction or repugnant to morality, humanity or natural justice or injurious to the welfare of the natives;

“ Tribal area ” means the area known as the Barolong Farms as described in Schedule B of Proclamation No. 1 of 1896, the Bamangwato, Batawana, Bakgatla, Bakwena and Bangwaketsi Native Reserves as defined in Proclamations No. 9 of 1899, No. 55 of 1908 and No. 31 of 1933, the Bamalete Native Reserve as defined in Proclamation No. 28 of 1909 and the Batlokwa Native Reserve as defined in Proclamation No. 44 of 1933 or any area which may hereafter be added thereto by law.

Establishment of Native Courts.

2. (1) On the promulgation of this Proclamation it shall be the duty of each Native Authority to submit for the consideration of the Resident Commissioner and approval of the High Commissioner its recommendations regarding the Native Courts which should be recognised or established within its area and the jurisdiction to be assigned to each.

(2) At any time a Native Authority shall have the right to submit for the consideration of the Resident Commissioner and approval of the High Commissioner recommendations for the establishment of further Native Courts or the abolition of existing Courts within its area.

(3) By warrant under his hand, and subject to the approval of the High Commissioner, the Resident Commissioner may recognise or establish within the Territory such Native Courts as he shall think fit which shall exercise over natives such jurisdiction and within such limits as may be defined by such warrant.

(4) With the approval of the High Commissioner, the Resident Commissioner may at any time suspend, cancel or vary any warrant recognising or establishing a Native Court or defining the jurisdiction of any such Court or the limits within which such jurisdiction may be exercised.

Constitution of Court.

3. A Native Court shall be constituted in accordance with the native law or custom of the area in which the Court is to have jurisdiction:

Provided that, if he shall think fit, the Resident Commissioner may, subject to the general or special directions of the High Commissioner, prescribe the constitution of any Native Court, or the order of precedence

among the members thereof, or the powers and duties of any persons acting as assessors to any such Court.

4. The Resident Commissioner may suspend for a period not exceeding three months, or, with the approval of the High Commissioner, may dismiss or may suspend for a period exceeding three months, any member of a Native Court who shall appear to have abused his power or to be unworthy or incapable of exercising the same justly, or for other sufficient reason. On such dismissal or for the period of his suspension the member shall be disqualified from exercising any powers or jurisdiction as a member of the Court unless and until he is expressly reinstated by the Resident Commissioner.

Suspension and dismissal of members.

5. All warrants, appointments and orders issued or made by the Resident Commissioner under this Proclamation which are subject to the approval of the High Commissioner shall be operative and of effect from the date thereof unless and until disallowed by the High Commissioner.

Operation of warrants, etc., issued by Resident Commissioner subject to the approval of the High Commissioner.

6. A Native Court shall hold sessions at such times and places as may be necessary for the convenient and speedy despatch of the business of the Court:

Sessions.

Provided that the Resident Commissioner may direct sessions to be held at such times and places as he shall think fit.

7. Every Native Court shall have and may exercise civil jurisdiction, to the extent set out in its warrant and subject to the provisions of this Proclamation, over causes and matters in which all the parties are natives and the defendant is ordinarily resident within the area of the jurisdiction of the Court, or in which the cause of action shall have arisen within the said area:

Civil jurisdiction of Native Courts.

Provided that, notwithstanding anything contained in this or any other Proclamation, such jurisdiction shall be deemed to extend to the hearing and determination of suits for the recovery of civil debts due to His Majesty under the provisions of any law, where such jurisdiction has been expressly conferred upon a Native Court under section *eleven*:

Provided further that civil proceedings relating to immovable property shall be taken in the Native Court within the area of whose jurisdiction the property is situated.

Criminal  
jurisdiction  
of Native  
Courts.

8. Every Native Court shall have and may exercise criminal jurisdiction to the extent set out in its warrant and subject to the provisions of this Proclamation. Such jurisdiction shall extend to the hearing, trial and determination of all criminal charges and matters in which the complainant and the accused are natives and the defendant is accused of having, wholly or in part within the jurisdiction of the Court, committed or been accessory to the committing of an offence.

Cases  
excluded  
from the  
ordinary  
jurisdiction  
of Native  
Courts.

9. Subject to any express provision conferring jurisdiction, no Native Court shall have jurisdiction to try—

(a) cases in which a person is charged with an offence in consequence of which death is alleged to have occurred or which is punishable under any law with death or imprisonment for life;

(b) any cause or proceeding whereby, in the case of persons married under the law of the Territory, divorce or a declaration of nullity of marriage or an order for judicial separation is sought;

(c) any cause or proceeding arising in connection with a testamentary disposition of property or the distribution of the estate of a deceased person to which the law of the Territory applies, or arising under the law relating to insolvency, or involving matters or relationships between the parties to which native law and custom are inapplicable;

(d) cases relating to witchcraft, except with the approval of an Administrative Officer who has been authorised generally or specially by the Resident Commissioner to give such approval;

(e) any case in which a non-native is a witness.

Personal  
interest.

10. No member of any Native Court shall adjudicate upon any matter or thing in which he is pecuniarily or personally interested.

Laws to be  
admini-  
stered.

11. Subject to the provisions of this Proclamation a Native Court shall administer—

(a) the native law and custom prevailing in the area of the jurisdiction of the Court so far as it is not inconsistent with the provisions of any law in force in the Territory;

(b) the provisions of all rules or orders made by the Resident Commissioner, an Administrative Officer or Native Authority

under the Native Administration Proclamation, 1943, and in force in the area of the jurisdiction of the Court;

(c) the provisions of any Proclamation which the Court is by or under such Proclamation authorised to administer; and

(d) the provisions of any law which the Court may be authorised to administer by an order of the High Commissioner under section *twelve*.

12. The High Commissioner may by order confer upon all or any Native Courts jurisdiction to enforce all or any of the provisions of any law specified in such order and to impose penalties on natives subject to the jurisdiction of the Court who offend against such provisions, subject to such restrictions and limitations, if any, as the High Commissioner may specify.

High Commissioner may empower a Native Court to enforce specified laws.

13. For offences against native law or custom a Native Court may, subject to the provisions of this Proclamation and subject to the terms of the warrant constituting the Court, impose a fine or may order imprisonment with or without hard labour or both a fine and imprisonment, or may inflict any punishment authorised by native law or custom, provided that such punishment is not repugnant to natural justice and humanity; and the fine or other punishment shall in no case be excessive but shall always be proportioned to the nature and circumstances of the offence and the circumstances of the offender.

Punishments.

14. Every person sentenced by a Native Court to imprisonment or taken in the execution of the process of such Court shall be detained in a place authorised by the Resident Commissioner as a native prison:

Places of imprisonment

Provided that where there is no such authorised native prison in which such person can be detained he may be detained in a prison established under any law of the Territory.

15. (1) A Native Court may order that any fine, damages or other payment which it shall impose shall be paid at such time or times and by such instalments, and in kind or otherwise, as it shall think just; and in default of payment of any fine or of any instalment of the same when due, the Court may order that the amount of the fine or of the imprisonment, as the case may be, shall be levied by the sale of any property belonging to the offender and situate within the area of the jurisdiction of the Court.

Recovery of fines, damages other money penalties.

(2) Notwithstanding anything contained in sub-section (1), the Resident Commissioner may, on application by a Native Authority, order that fines, damages or other payments imposed or awarded by all or any of the Native Courts in the tribal area of the Native Authority concerned shall be paid in cash.

Compensation to aggrieved persons.

16. A Native Court may direct any fine, or such part thereof as it shall deem fit, to be paid to the person injured or aggrieved by the act or omission in respect of which such fine has been imposed, on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.

Contempt of Court.

17. Any native subject to the jurisdiction of a Native Court who shall omit to produce or deliver up a document on the lawful order of such Court, or who shall refuse to answer any question lawfully asked by the Court or to sign any statement lawfully required by the Court, or who intentionally insults the Court or any member thereof, or who intentionally interrupts the proceedings thereof at any stage, shall be guilty of a contempt of court and shall be liable to a fine not exceeding five pounds or to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and imprisonment.

Power to summon witnesses.

18. (1) Every Native Court shall have power to summon before the Court any native within the jurisdiction of the Court for the purpose of giving evidence:

Provided that if such native is an employee of Government he shall not be summoned without the concurrence of an Administrative Officer.

(2) Any native who without reasonable excuse shall fail to obey any summons lawfully issued under this section may be arrested and brought before the Court and shall be liable to a fine not exceeding five pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

High Commissioner may make provision for the summoning of witnesses or parties outside the area of the jurisdiction of a Native Court.

19. The High Commissioner may by order confer upon Native Courts such powers as he may think necessary to secure the appearance before any such Court of any native outside the area of the jurisdiction of such Court, when the appearance of any such native shall be required as a defendant in any proceeding within the jurisdiction of such Court or as a witness in any such proceeding.

20. Subject to such rules as may be made under section *thirty-nine*, the practice and procedure of Native Courts shall be regulated in accordance with native law and custom.

Practice and procedure.

21. At such times and in such form as the Resident Commissioner shall direct, every Native Court shall submit to the Resident Commissioner or to an Administrative Officer in writing, or, if so directed, orally, a report of all cases tried in such Court.

Reports of cases to be submitted to the Resident Commissioner or Administrative Officer.

22. Notwithstanding anything contained in any other law no advocate or legal practitioner may appear or act for any party (a) before a Native Court or (b) except with the special leave of the Resident Commissioner in any proceedings taken under the provisions of sections *twenty-seven*, *twenty-nine* and *thirty-two* before a Subordinate Court:

Parties to appear in person.

Provided that a Subordinate Court may permit the husband or wife, or guardian, or any servant, or the master, if a native, or any inmate of the household of any plaintiff or defendant, who shall give satisfactory proof that he or she has authority in that behalf, to appear and to act for such plaintiff or defendant.

23. Any person who shall exercise or attempt to exercise judicial powers within the area of the jurisdiction of a duly constituted Native Court, except in accordance with the provisions of this Proclamation or any other law in force in the Territory, or who shall sit as a member of such Court without due authority, shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment:

Adjudication without authority.

Provided that nothing contained in this section shall apply to members of a tribe or community who in accordance with native custom shall attend the proceedings before a Native Court and assist such Court in any civil or criminal case.

24. Whoever, being or expecting to be a member of a Native Court, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification other than legal remuneration as a motive or reward for doing or forbearing to do any act as a member of such Court, or for showing or forbearing to show,

Members of Native Courts taking rewards.

as a member of such Court, favour or disfavour to any person, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Taking  
reward for  
influencing  
Native  
Courts.

25. Whoever accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification or reward whatever, whether in money or otherwise, for inducing by corrupt or illegal means or by personal influence any Native Court, or any member thereof, to do or to forbear to do any act which such Court or member is authorised or required to do in the exercise of lawful jurisdiction, or to show favour or disfavour to any person, shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Penalty for  
false  
evidence.

26. Whoever in any proceeding before a Native Court gives evidence, whether upon oath or otherwise, which he knows to be false, or believes to be false, or does not believe to be true, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Transfer of  
cases.

27. (1) Notwithstanding anything contained in this Proclamation, any native who is a party to a dispute which would in accordance with this Proclamation be heard and determined by a Native Court who has reason to believe that the matter cannot be equitably adjudicated upon by the Court by which it would ordinarily be heard, or that by reason of neglect or want of due diligence the adjudication of such Native Court is being unreasonably delayed, or that the Native Court has unreasonably refused to hear and adjudicate upon such matter, may report the matter to the Native Court of Appeal or the Higher Native Court of Appeal having jurisdiction

and make application to that Native Court of Appeal or Higher Native Court of Appeal, as the case may be, to hear and determine the matter.

(2) Where the Native Court concerned is a Higher Native Court of Appeal, or where there is no Native Court of Appeal or Higher Native Court of Appeal, or where in the case to which sub-section (1) applies the native concerned has reason to believe that the circumstances mentioned in sub-section (1) exist in the Native Court of Appeal or the Higher Native Court of Appeal concerned, such native may make application to the Subordinate Court of competent jurisdiction to hear and determine the matter.

(3) The Subordinate Court to which application is made under sub-section (2) shall inform the Native Court, the Native Court of Appeal or the Higher Native Court of Appeal concerned, as the case may be, that such application has been made and afford it an opportunity of showing cause why the application should not be granted. If the Subordinate Court is satisfied that the application should be granted it shall proceed to hear and determine the matter or otherwise deal with it as the interests of justice may require.

28. (1) When a case is transferred from a Native Court to a Subordinate Court, whether for trial or re-trial, by an order under section *twenty-seven* or section *twenty-nine (c)* or section *thirty-four (b)*, the Native Court shall report the proceedings to the Subordinate Court, and thereupon the Subordinate Court shall proceed to the trial or re-trial of the case as though, in a criminal proceeding, a complaint of facts constituting the offence had been made to the Court and, in a civil proceeding, as though a plaint therein had been made or filed in the Court.

Procedure  
on transfer  
from  
Native  
Court to  
Subordi-  
nate Court.

(2) In any case heard by a Subordinate Court under sub-section (1) of this section or under section *thirty-two* the Subordinate Court concerned may summon to its assistance one or more persons to sit and act as assessors in an advisory capacity. It shall be the duty of such assessor or assessors to give, either in open court or otherwise, such assistance and advice as the officer presiding over such Subordinate Court may require, but the decision shall be vested exclusively in the presiding officer. The agreement or disagreement of such assessor or assessors with the decision of the presiding officer shall be noted on the record.

Revisory  
powers of  
Sub-  
ordinate  
Courts.

29. (1) Every Administrative Officer, in his capacity as a holder of a Subordinate Court, shall at all times have access to all Native Courts within his jurisdiction and to the records of such Courts, and on the application of the Native Court or of any person concerned or of his own motion may, for reasons which he shall record in writing—

(a) revise any of the proceedings of a Native Court, whether of first instance or appellate and whether civil or criminal, and make such order or pass such sentence therein as the Native Court could itself have made or passed:

Provided that an Administrative Officer shall not alter an acquittal to a conviction or increase any sentence of fine or imprisonment or other sentence in any criminal proceeding, or make any order in any civil proceeding to the prejudice of any party in such proceeding, without first giving the accused or such party, as the case may be, an opportunity to be heard:

Provided further that if an acquittal be altered to a conviction, or if any sentence shall be increased, or if, in a civil proceeding, an order to the prejudice of any party in such proceeding shall be made under the provisions of this section, the accused or such party may within thirty days from the date of such order or sentence appeal therefrom to the High Court;

(b) order any case to be re-tried either before the same Native Court or before any other Native Court of competent jurisdiction;

(c) transfer any cause or matter, whether civil or criminal, either before trial or at any stage of the proceedings, whether before or after sentence passed or judgment given, to any Subordinate Court of competent jurisdiction.

(2) Notwithstanding anything contained in sub-section (1), an Administrative Officer in a tribal area in which a Chief has been granted supervisory powers in terms of section *thirty* shall not act under paragraphs (a) or (c) of sub-section (1) of this section until the case has been re-tried in terms of paragraph (b) thereof, unless such re-trial is likely on account of delay, expense or any other good and sufficient reason to be prejudicial to the interests of any of the parties concerned.

30. (1) Any Chief or other officer who is authorised by the Resident Commissioner in that behalf in writing may have access to the Native Courts in the area of his jurisdiction and may send for and examine the record of any proceedings before a Court for the purpose of satisfying himself as to the correctness, legality or propriety of any judgment, sentence or order, recorded or passed, or as to the regularity of any proceedings in any such Court.

Super-  
visory  
powers  
by  
Chiefs.

(2) If any Chief acting under sub-section (1) of this section considers that any finding, sentence or order of a Native Court is illegal or improper he shall forward the record with such remarks thereon as he thinks fit to the Court to which an appeal lies from such Native Court.

(3) A Court to which a record has been forwarded under sub-section (2) of this section shall forthwith examine the record with a view to satisfying itself as to the correctness, legality or propriety of the proceedings and may make any such order thereon by way of revision as such Court would be empowered to make if the proceedings came before the Court on appeal.

31. (1) The Resident Commissioner may, with the approval of the High Commissioner, by warrant under his hand, recognise or establish any Native Court or a single Chief or a body of Chiefs or any other native or natives or a combination of any such Chief and other natives, and sitting with or without assessors, to be a Native Court of Appeal or Higher Native Court of Appeal from all or any specified Native Courts within a specified area in respect of all or any of the cases arising therein.

Courts of  
Appeal.

In this sub-section the term " Chief " means Chief, Sub-Chief or Headman as defined in the Bechuanaland Protectorate Native Administration Proclamation, 1943.

(2) If there be no Native Court of Appeal recognised under the preceding sub-section, an appeal shall lie from the Native Court of first instance to the Subordinate Court of competent jurisdiction.

32. (1) Any person aggrieved by any order or decision of a Native Court of first instance may within thirty days from the date of such order or decision appeal therefrom to a Native Court of Appeal or, if there be no such Native Court of Appeal, to a Subordinate Court of competent jurisdiction.

Appeals.

(2) Any person aggrieved by any order or decision of a Native Court of Appeal may within thirty days from the date of such order or decision appeal therefrom to a Higher Native Court of Appeal or, if there be no Higher Native Court of Appeal, to a Subordinate Court of the First Class.

(3) Any person aggrieved by any order or decision of a Higher Native Court of Appeal may within thirty days from the date of such order or decision appeal therefrom to a Subordinate Court of the First Class:

Provided that the High Commissioner may by order direct that in the case of any specified Higher Native Court of Appeal an appeal to a Subordinate Court of the First Class in terms of this sub-section shall lie only in cases where the amount of the judgment exceeds fifty pounds or where sentence of imprisonment for a period exceeding three months or of corporal punishment exceeding four strokes has been imposed:

Provided, however, that notwithstanding the provisions of the preceding proviso a Subordinate Court of the First Class may on the application of any Court or person concerned grant special leave to appeal against any order or decision made or given by such Higher Native Court of Appeal under this Proclamation.

(4) Any person aggrieved by any order or decision of a Subordinate Court made or given under this Proclamation upon appeal or otherwise may within thirty days from the date of such order or decision appeal therefrom to the High Court:

Provided that an appeal to the High Court under this sub-section shall lie only in cases where the amount of the judgment exceeds one hundred pounds or where sentence of imprisonment for a period exceeding six months or of corporal punishment exceeding eight strokes has been imposed:

Provided further that notwithstanding anything in this Proclamation contained the Judge of the High Court sitting in Chambers may on the application of any Court or person concerned grant special leave to appeal against any order or decision made or given by a Subordinate Court under this Proclamation.

33. Leave to appeal out of time to any Court prescribed by the last preceding section may be given by such Court upon such terms as to such Court shall seem just.

Appeals  
out of  
time.

34. A Native Court of Appeal, a Subordinate Court or the High Court in the exercise of appellate jurisdiction in any cause or matter under this Proclamation may require the aid of such persons as assessors as the Court shall think fit, and may—

Power on  
appeal.

(a) make any such order or pass any such sentence as the Court of first instance could have made or passed in such cause or matter;

(b) order any such cause or matter to be re-heard before the Court of first instance or before any other Native Court or before any Subordinate Court of competent jurisdiction.

35. In the exercise of the powers conferred upon him by sections *two, three, four, six, twenty-one*, and sub-section (1) of section *thirty-one* of this Proclamation the Resident Commissioner shall act only after consultation with the Native Authority concerned, and every Native Authority shall have the right whether of its own motion or otherwise at any time to make representations to the Resident Commissioner regarding the matters dealt with therein.

Consulta-  
tion with  
Native  
Authorities.

36. A Native Court shall carry into execution any decree or order of the High Court or of any Subordinate Court or of any other Native Court directed to the Court, and shall execute all warrants and serve all process issued by any such Courts as aforesaid and directed to the Court for execution or service, and shall generally give such assistance to any of the aforesaid Courts as may be required.

Execution  
of orders of  
High  
Court, Sub-  
ordinate  
Courts  
or other  
Native  
Courts.

37. No person shall be liable to be punished in any Court for any act done or ordered to be done by him in the exercise of jurisdiction conferred by this Proclamation, whether or not within the limits of his jurisdiction, if at the time of such act or order he believed in good faith that he had jurisdiction to do such act or to make such order; and no officer of any Court or other person bound to execute lawful warrants or orders issued or made in

Indemnity  
of officers  
acting  
judicially,  
for official  
acts done in  
good faith,  
and of  
officers  
executing  
warrants  
and orders.

the exercise of jurisdiction conferred by this Proclamation shall be liable to be punished in any Court for the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

Preservation of jurisdiction of Court concerned in the issues of orders and rules.

38. No Court shall be precluded from trying an offence under the Bechuanaland Protectorate Native Administration Proclamation, 1943, by reason of the fact that such offence, if committed, was a breach of an order, direction or rule issued by the Court as a Native Authority, or under the powers given by section *twenty-seven* of the said Proclamation, or by any member of the Court as a Native Authority or member of a Native Authority.

Power to make rules.

39. The High Commissioner after consultation with the Native Authorities concerned may by rule make provision for the following matters:—

- (1) the fees to be charged in Native Courts;
- (2) the disposal and application of fines and fees received by Native Courts;
- (3) the practice and procedure of Native Courts;
- (4) the establishment and government of native prisons;
- (5) generally for the carrying into effect of the provisions of this Proclamation.

Provisions inapplicable to certain proceedings under this Proclamation.

40. The provisions of Proclamation No. 2 of 1896 and the Bechuanaland Protectorate Criminal Procedure and Evidence Proclamation, 1938 (No. 52 of 1938), shall not have any application to the proceedings of any Native Court or to appeals therefrom to a Subordinate Court under section *thirty-two* or to the revision of the proceedings thereof under section *twenty-nine*.

Repeals.

41. The laws mentioned in the Schedule to this Proclamation are hereby repealed to the extent indicated in the third column of the Schedule:

Provided that any Native Tribunal established or constituted under the Bechuanaland Protectorate Native Tribunals Proclamation, 1934, shall be deemed to be recognised under this Proclamation until other provision therefor is made by warrant under this Proclamation.

42. This Proclamation may be cited as the <sup>Short title</sup> Bechuanaland Protectorate Native Courts <sup>and commencement.</sup> Proclamation, 1943, and shall have force and take effect as from the first day of January, 1944.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-eighth day of August, One thousand Nine hundred and Forty-three.

HARLECH,  
High Commissioner.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

SCHEDULE.

LAWS REPEALED.

Number and Year of Law.	Subject.	Extent of Repeal.
Proclamation of 10th June, 1891	—	Section 10.
Proclamation No. 75 of 1934	Bechuanaland Protectorate Native Tribunals Proclamation	Whole.
Proclamation No. 35 of 1935	Amending Bechuanaland Protectorate Native Tribunals Proclamation	Whole.
Proclamation No. 78 of 1935	Amending Bechuanaland Protectorate Native Tribunals Proclamation	Whole.