

PROCLAMATION.

BY

HIS EXCELLENCY SIR HENRY BROUGHAM LOCH, &c., &c.

DATED 18th NOVEMBER, 1891.

Preamble.

WHEREAS it is expedient to provide for the exercise by Her Majesty's High Commissioner for South Africa, of the power to commute any sentence of any Court of criminal jurisdiction now or hereafter established, in any part of the territories within the limits of Her Majesty's Order in Council, dated the 9th day of May, 1891, and to enact that no sentence of death passed by any such Court shall be carried into effect without special warrant from the High Commissioner:

Now, therefore, under and by virtue of the powers, authorities, and jurisdictions conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

High Commissioner may commute criminal sentences.

1. The power at any time to commute or remit any sentence of any Court of criminal jurisdiction now or hereafter established in any part of the territories within the limits of Her Majesty's Order in Council, dated the 9th of May, 1891, or to grant a pardon either free or subject to lawful conditions to any offender convicted by any such Court is vested in the High Commissioner, and may be exercised by written or telegraphic order addressed to the proper officer of such Court or to any officer charged with the duty of executing or enforcing such sentence.¹

Death sentences only to be carried out upon special warrant of High Commissioner.

2. No sentence of death passed by any such Court as aforesaid shall be carried into effect except upon the special warrant of the High Commissioner, to whom a record of all proceedings in the case shall be forwarded as soon as may be after sentence, together with a report upon the case from the Resident Commissioner presiding at the trial.²

PROCLAMATIONS.

Protectorate of the Office of a Master in relation to the aforesaid jurisdiction of the said Resident Commissioner:

Now, therefore, under and by virtue of the powers, authorities, and jurisdiction conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

Law of the Cape Colony as to insolvency, estates of minors, lunatics, and deceased or absent persons to be in force.

1. The law of the Colony of the Cape of Good Hope relative to insolvency, and concerning the estates of minors, lunatics, deceased or absent persons, including the law with regard to the appointment of tutors or curators, shall, *mutatis mutandis*, be observed throughout the Bechuanaland Protectorate, and the Resident Commissioner in applying the said law shall have like jurisdiction to that which is by law vested in the Supreme Court of the said Colony, or any judge of the said Court.¹

Jurisdiction of Resident Commissioner, Appointment and powers of Master.

2. The powers, functions, and duties of the Master as defined by the law of the said Colony in relation to the Master of the said Court, shall *mutatis mutandis*, be vested in, conferred upon, and discharged by the officer appointed by the High Commissioner to be Master for the Bechuanaland Protectorate.²

Assistant Commissioners and Magistrates to have powers of Resident Magistrates.

3. Every Assistant Commissioner or Magistrate of any District in the Bechuanaland Protectorate shall, *mutatis mutandis*, have, exercise, and discharge the powers, functions and duties, for the purposes of this Proclamation, which are by the law of the said Colony vested in, conferred upon, and discharged by Resident Magistrates.²

PROCLAMATION.³

BY

HIS EXCELLENCY SIR HENRY BROUGHAM LOCH, &c., &c.

DATED 24th DECEMBER, 1891.

Preamble.

WHEREAS it is expedient for the prosecution of crimes and offences to make provisions for the establishment within the Bechuanaland Protectorate of the office of a Crown Prosecutor, and to define the duties, powers and functions of such officer:

Now, therefore, under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by Her Majesty, I do hereby proclaim, declare, and make known as follows:—

Appointment and powers of Crown Prosecutor.

1. For the prosecution of crimes and offences which may have been or may be committed within the Bechuanaland Protectorate, all and singular the rights, powers, functions, and duties conferred or imposed by the law of the Colony of the Cape of Good Hope upon the Attorney-General of the said Colony, shall, *mutatis mutandis*, be conferred and imposed upon an officer called the Crown Prosecutor for the Bechuanaland Protectorate, such officer to be appointed by the High Commissioner.

¹Repealed in so far as this section relates to insolvency by Proclamation No. 25 of 1929.

² See Proclamation No. 2, 1896.

³Printed as amended by Proclamation No. 23, 1914.