

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.

Resident Commissioner, &c., may call upon owner of house or wagon to state whether there is any liquor therein.

Penalty for giving a false answer.

7. Any Assistant Commissioner, Magistrate, or police officer may require any person in charge of or found on, near, or in any wagon or other vehicle, or any house, building or other place within the Protectorate, to state whether there is any liquor in or upon such wagon or other vehicle, or in such house, building or other place, and what is the quantity, description and destination and proposed use of such liquor. and if any such person shall refuse to answer such question, or either falsely deny that he is able to answer such question or give wilfully a false answer thereto, he shall be liable on conviction to a fine not exceeding ten pounds sterling, and in default of payment to imprisonment with or without hard labour for any term not exceeding one month.

Resident Commissioner, &c., may cause suspected premises to be searched.

Penalty for searching without reasonable grounds.

8. Any Assistant Commissioner, Magistrate, or police officer who shall reasonably suspect that there is any liquor not intended for private consumption or use in or upon any wagon or other vehicle, or in any house, building or place not licensed for the sale of liquor, may without warrant enter and search and authorize other persons to aid him in entering and searching such wagon or other vehicle, or house, building, or place, and may so enter and search, notwithstanding that any person shall have answered any question put to him under the last preceding section; provided that if any person shall enter and search without such reasonable grounds of suspicion as aforesaid, and no liquor shall be found, such person shall be liable to a fine not exceeding ten pounds sterling.

Seizure of liquor found in the Protectorate contrary to law.

Forfeiture.

Proviso.

9. If any liquor shall be found within the Protectorate which shall not be proved to be

(a) In course of transit from place to place within the time specified in a document of permission relating to such liquor; or

(b) In any premises where the sale of liquor is licensed; or

(c) In the possession, custody or control of any person for bona fide and lawful private consumption or use and not for purposes of trade, such liquor may be forthwith seized and removed to a place of safe custody by or by the authority of any Assistant Commissioner or Magistrate, or by any police officer, and unless any person shall within thirty days after such seizure and removal, produce such proof to the satisfaction of an Assistant Commissioner or Magistrate having jurisdiction, the liquor seized shall be declared forfeited; provided that if it shall be proved that any liquor seized while in transit from place to place under a document of permission, has been unavoidably delayed in transit beyond the time specified in such document, such liquor may be released from forfeiture unless otherwise liable thereto.

Permits to be in duplicate, and one copy to be sent to Magistrate of place of destination.

10. All documents of permission shall be made and signed in duplicate, and one copy shall be forthwith forwarded by the person granting the same to the Magistrate having jurisdiction at the place of destination of the liquor, or to such person or officer there as the High Commissioner shall direct.

PROCLAMATIONS.

High Commissioner may remit penalties and forfeitures.

11. The High Commissioner may at any time remit any forfeiture or fine incurred under any provision of this Proclamation or of the aforesaid Proclamation dated the 4th day of April, 1892, subject to such conditions or stipulations as he may think fit.