



British Bechuanaland

PROCLAMATIONS

(Numbers 1 to 185)

TOGETHER WITH

Appendixes containing certain Acts of the Cape
Parliament

AND

THE MORE IMPORTANT
GOVERNMENT NOTICES.

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1885-1893.

Printed by Authority.

GRAHAMSTOWN:

J. SLATER, PRINTER, &c., "THE JOURNAL" OFFICE,
1893.

Provided, further, that nothing herein contained shall be deemed and taken to confer on Special Justices of the Peace any greater or more extensive jurisdiction than is already conferred upon them by law, and that every Special Justice of the Peace shall, when in the course of any trial before him any witness shall in his opinion have been guilty of wilful and corrupt perjury, be bound to transmit the proceedings in the case, with his report thereon, to the Resident Magistrate of the District: and Provided, further, that summary proceedings in respect of perjury in Courts of Resident Magistrate shall be subject to review by the Chief Magistrate; and Provided, further, that nothing herein contained shall be deemed and taken to impair the right of the person so summarily convicted of perjury as aforesaid to appeal against such conviction to the Court of the Chief Magistrate.

No. 69 B.B., 1889.]

[Aug. 14, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

WHEREAS it is expedient to dissolve the Committee of Management (Kommissie van Bestuur) of the Settlement of Gordonia, and to repeal all laws, regulations and resolutions having the force of law passed by the said Committee of Management, and to declare all the laws and regulations of British Bechuanaland to be in force so far as applicable throughout the Division of Gordonia:

And Whereas it is expedient to make better provision for the administration of justice in places distant from the Seat of Magistracy by the abolition of the jurisdiction of Field-cornets and by the appointment of Special Justices of the Peace within certain local limits in the Division of Gordonia:

And Whereas it is expedient to declare the township of Upington, in the Division of Gordonia, to be, with

Proc. 69 certain modifications hereinafter specified, subject to the provisions of the Villages Management Act No. 29, 1881,^(r) the Villages Management Amendment Act, No. 28, 1882,^(s) and the Villages Management Act Amendment Act, No. 7, 1884,^(t) of the Colony of the Cape of Good Hope, save in respect of the water supply of the said township of Upington :

And Whereas it is expedient that the provisions of the first part of the Police Offences Act, No. 27, 1882,^(u) should be made to apply to the township of Upington aforesaid :

And Whereas it is expedient to declare the Cattle Removal Act, No. 14, 1870,^(v) to be in force in the Division of Gordonia aforesaid :

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

1. The Committee of Management of the Settlement of Gordonia shall be, and the same is hereby, dissolved ; and all rights, powers, duties, and functions heretofore enjoyed, exercised or performed by the said Committee of Management shall be deemed and taken to have ceased and determined from and after the 30th day of June, 1889 : Provided, always, that in respect of all proceedings commenced and pending, and all contracts entered into by or on behalf of such Committee of Management, the Resident Magistrate and Civil Commissioner of Gordonia shall to all intents and purposes be deemed and taken to be invested with the rights and powers claimed and exercised as of right, and bound by the duties and obligations recognised, assumed, and admitted, by such Committee of Management.

2. All laws, regulations, and resolutions having, or heretofore recognised as having, the force of law passed

(r) Printed at page 2768, Vol. ii, of the Cape Statutes.

(s) Printed at page 2774, Vol. ii, of the Cape Statutes.

(t) Printed at page 2775, Vol. ii, of the Cape Statutes.

(u) Printed at page 2255, Vol. ii, of the Cape Statutes.

(v) Printed at page 157, Vol. i, of the Cape Statutes.

by the Committee of Management of the Settlement of Proc. 89 Gordonia, save as hereinafter is excepted in respect of the Uington waterworks, shall be, and the same are hereby repealed; and all laws and regulations of British Bechuanaland shall be, and the same are hereby declared to be, in force, as far as applicable, throughout the Division of Gordonia.

3. The jurisdiction heretofore exercised by Field-cornets under the authority of the Committee of Management of the Settlement of Gordonia, shall, from and after the 30th day of June, 1889, cease and determine, save as regards the carrying out of sentences lawfully passed by such Field-cornets prior to that date: Provided that such jurisdiction shall be deemed to have been lawfully exercised up to that date.

4. It shall be lawful for the Administrator of British Bechuanaland, to appoint any persons whom he may think proper to act as Special Justices of the Peace within such local limits as are defined in the first, second, and third schedules hereto respectively, and to cause to be paid to such Special Justices of the Peace the salaries heretofore paid to such Field-cornets as aforesaid respectively, or such other remuneration as the Governor may from time to time appoint; and such Special Justices of the Peace shall have the jurisdiction conferred by the second section of the Better Administration of Justice in Criminal Cases Act, No. 10, 1876(*w*); the second and seventh sections of the Masters' and Servants' Law Amendment Act, No. 18, 1873(*x*); the twenty-second and twenty-third sections of the Administration of Justice Act, No. 40, 1882(*y*); the twentieth section of the Police Offences Act, No. 27, 1882(*z*); and the eighty-sixth section of the Liquor Licensing Act, No. 28, 1883(*a*); and all other jurisdiction heretofore conferred, or hereafter to be conferred on

(*w*) Printed at page 1308, vol. i, of the Cape Statutes.

(*x*) Printed at page 1614, vol. ii, of the Cape Statutes.

(*y*) Printed at page 36, vol. i, of the Cape Statutes.

(*z*) Printed at page 2255, vol. ii, of the Cape Statutes.

(*a*) Printed at page 1408, vol. i, of the Cape Statutes.

Proc. 69 Special Justices of the Peace in British Bechuanaland.

5. The ninth section of the Better Administration of Justice in Criminal Cases Act, No. 10, 1876, (b) shall, so far as relates to the Division of Gordonia, be repealed, and the following section shall be substituted for the same, to wit:—

When and as often as any Special Justice of the Peace in the Division of Gordonia, shall exercise summary jurisdiction, he shall forthwith, after having disposed of the case, forward to the Resident Magistrate of the District of Gordonia the record of the proceedings in the case, together with such remarks, if any, as he may desire to append, and thereupon, all and singular, the provisions of the twenty-third section of the Schedule to Proclamation No. 2 B.B., shall, *mutatis mutandis*, and as far as the same are applicable, extend and apply to such record, the Justice of the Peace being considered as substituted in the said twenty-third section for the convicting Resident Magistrate, and the Resident Magistrate of Gordonia being considered as substituted for the Chief Magistrate: Provided, always, that any person deeming himself aggrieved by the decision of such Resident Magistrate upon such record, shall have a right of appeal as from a judgment of such Resident Magistrate to the Chief Magistrate.

6. The provisions of the Villages Management Act, No. 29, 1881 (save as hereinafter is excepted), the Villages Management Amendment Act No. 28, 1882, and the Villages Management Act Amendment Act, 7, 1884, of the Colony of the Cape of Good Hope, shall, *mutatis mutandis*, and as far as applicable, apply to the township of Upington, in the Division of Gordonia, in the Territory of British Bechuanaland, within the local limits fixed and determined in the Fourth Schedule hereto.

7. In the Township of Upington aforesaid, all registered Erfholders, and all lessees of registered Erfholders, shall be qualified to vote for the election of a

(b) Printed at page 1308, Vol. i, of the Cape Statutes.

Board of Management for the said township, and shall Proc. 69 be entitled to one vote for each of the six members of such Board of Management.

8. The twelfth section of the Villages Management Act, No. 29, 1881, and in the thirteenth section thereof, all the words from the word "But," to the end of the section, shall be, and the same are hereby, repealed as regards the said township of Upington; and in the seventh and tenth sections of the said Act respectively the word "six" shall be substituted for the word "three" wherever the same occurs; and the Resident Magistrate, or in his absence the Acting or Assistant Resident Magistrate, as the case may be, shall be a seventh member and Chairman of the said Board, and shall preside and vote at the meetings of the Board, of which four members, including such chairman, shall form a quorum: Provided, always, that in the event of an equality of votes, such Chairman shall have a casting vote.

9. The sixteenth section of the said Act shall be, and the same is hereby, repealed as regards the said Township of Upington, and in lieu thereof the following shall be substituted, to wit:—

It shall be lawful for the Board of Management to levy a rate upon all the rateable property within the limits of the township of Upington, as defined in the Fourth Schedule hereto—save that no rate shall be levied or leviabie within or upon the Crown Reserve at Upington, in the said Fourth Schedule described—but no such rate shall exceed threepence in the pound sterling, for one year; and the amount so received shall be held by the said Board of Management, and devoted to the carrying out of the purposes of the Act.

10. The provisions of Proclamation No. 37 B.B., 1887, shall be deemed and taken to apply to the Board of Management of the township of Upington aforesaid.

11. In the Nineteenth Section of the Villages Management Act, No. 29, 1881, the words "furrows, watercourses," and likewise the words "and to construct

Proc. 69 such works and to take such lawful measures as to them shall appear necessary for the purpose of providing a proper supply of water for the inhabitants residing within such limits," and further the words "or to provide for the distribution of water among such inhabitants for purposes of irrigation or for domestic use or otherwise," shall, as regards the Board of Management of the said township of Upington, be expunged.

12. It shall be lawful to incorporate as a Joint Stock Company with Limited Liability the Water Works Company originally formed with the sanction of the Committee of Management in August, 1883, with the following rights and powers:—

- a. To maintain, alter, enlarge, repair, divert, and lead water from the water furrow already made for a distance of fourteen miles or thereabouts along the right bank of the Orange River at Upington aforesaid.
- b. To make other furrows and watercourses and from time to time to alter and enlarge the same for the purpose of leading water from the Orange River for irrigating land within the township of Upington aforesaid and for other purposes.
- c. To frame bye-laws subject to the approval of the Administrator for the management of the Company, the election of directors, the conduct of business, the audit of accounts, the rights of the shareholders in respect to the supply of water for irrigable lands and otherwise; such bye-laws to have legal force and effect from and after their publication in the *Government Gazette* of British Bechuanaland.
- d. To sue and be sued in the name of the Chairman for the time being.
- e. To prosecute in the name of such Chairman in respect of all contraventions of approved bye-laws before the Court of the Resident Magistrate for the District of Gordonia.

f. To own in freehold all land heretofore granted by ^{Proc. 69} the late Committee of Management to such Water Works Company, always excepting a certain piece of ground known as the Police Reserve, bounded on the east by two erven now the property of E. Fahrenheit and C. Bam respectively, south by the Orange River, west by a certain ravine running from the Police Barracks to its junction with the so-called "Great Ravine," and from there along its course into the Orange River: Provided that the said company shall be bound by and conform to all bye-laws which may from time to time be proclaimed by the Governor in the interests of the inhabitants of the township of Upington and the neighbourhood thereof.

13. The provisions of the first part of the Police Offences Act No. 27, 1882, of the Colony of the Cape of Good Hope, shall apply to the town of Upington aforesaid from and after the 30th day of June, 1889.

14. The Cattle Removal Act, No. 14, 1870, of the Colony of the Cape of Good Hope, shall, from and after the 30th day of June, 1889, be in force in the District of Gordonia aforesaid.

FIRST SCHEDULE.

Farms No. 1A to 24A inclusive; Mierhoophote; Kareeboomvlakte; Diepklip.

SECOND SCHEDULE.

Farms 10B to 28B inclusive; Biesiepoort; Brakboschkolk; Cnydas; Toeslaan; Smalvisch; Rooidam.

THIRD SCHEDULE.

Bloemfontein; Zoutputs; Zwartmodder; Koegekeb; Steenkampspuits; Rooiputs, No. 1; Rooiputs, No. 2; Gous; Gam, No. 2; Norokei; Goms.

FOURTH SCHEDULE,

LIMITS OF THE TOWNSHIP OF UPINGTON.

The township of Upington in the Division of Gordonia in the Territory of British Bechuanaland, is bounded on the north by vacant Crown Land; on the east by the Crown Reserve of Upington and Farm No. 30A; on the south by the Orange River; and on the west by Farm No. 1B.

LIMITS OF THE CROWN RESERVE OF UPINGTON.

The Crown Reserve of Upington is bounded on the north by the Farm called "Jansen's Dam;" on the east by the Farm No. 30A; on the south by the Upington Water Furrow; and on the west by the Upington Commonage.

No. 70 B.B., 1889.]

[Aug. 23, 1889.

PROCLAMATION

By His Excellency Lieutenant-General HENRY AUGUSTUS SMYTH, &c., &c.

Proc. 70

WHEREAS it is expedient that the Boards of Management for townships in British Bechuanaland established under the provisions of the Villages Management Acts of the Cape Colony, as amended by Proclamation in the said Territory, should, subject to certain restrictions and reservations, be invested with the rights and powers of Municipalities with respect to Native Locations and native huts, and with certain rights and powers for the leasing of land within the limits of the Commonage of such townships respectively:

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

1. So much of Proclamations No. 25 B.B., 1886; No. 32, B.B. 1887; and No. 41, B.B. 1887(c); and of the Villages Management Act No. 29, 1881,(d) as

(c) Proclamation 41 repealed by Proclamation 86.

(d) Printed at page 2768, vol. ii, of the Cape Statutes.