

HIS EXCELLENCY SIR ALFRED MILNER, &c., &c.

No. 16, 1897.—DATED 9th DECEMBER, 1897.

Preamble.

WHEREAS it is expedient to provide for proper inquiry to be made into the cause of death of persons who may have died suddenly, or be found dead or be supposed or suspected to have come by their death by violence or otherwise than in a natural way within the limits of the Bechuanaland Protectorate:

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

Duties of Fieldcornets as regards Inquests to be performed by certain Police Officers.

1. All the powers and duties conferred or imposed by the provisions of sections thirteen to sixteen, inclusive, of the "Inquests Act," No. 22 of 1875, of the Colony of the Cape of Good Hope upon Field-cornets are hereby conferred and imposed upon Officers and Non-commissioned Officers, being of European origin, of the Police Force, within the limits of the Bechuana-land Protectorate.

Duties of Resident Magistrates under the "Inquests Act, 1875," to be performed by Assistant Commissioners and Magistrates.

2. All the powers and duties conferred or imposed upon Resident Magistrates within the said Colony under the said Act upon receipt of reports by Field-Cornets are hereby conferred and imposed, *mutatis mutandis*, upon Assistant Commissioners and Magistrates within the said Protectorate, with regard to reports received from the Officers in the preceding section mentioned.

Date of taking effect of Proclamation.

3. This Proclamation shall take effect from the date of its publication in the *Gazette*.

ANNEXURE.

Extract from Act No. 22 of 1875.

13. As often as it shall come to the knowledge of any Field-cornet that there is at any spot within his ward the dead body of any person who died suddenly, or was found dead, or is supposed or suspected to have come by his death by violence or otherwise than in a natural way, such field-cornet shall forthwith, if such spot be at a distance of six miles or less from the seat of any Magistrate, report the fact to the Resident Magistrate of the district, but if such spot shall be more than six miles distant from the seat of any Magistrate, such field-cornet shall himself, with all convenient speed, proceed to the spot where the dead body is, and shall inspect the same, and if necessary shall cause the same, if interred to be disinterred, for the purpose of such inspection, and shall obtain all such information as shall be procurable for the purpose of ascertaining the cause of death.

14. In viewing the dead body the Field-cornet shall take careful note of all appearances, marks and traces presented by it, and about it, which shall tend to show whether the deceased did or did not come by his death from violence, and if from violence, whether the same was used by himself or some other, and if by some other, who such other was, or how he may be discovered.

15. It shall be the duty of the Field-cornet, where practicable, to cause the dead body to be examined as soon as possible by a regularly admitted medical man, if such can be procured, and if not, then by the best qualified person or persons that can be obtained, and such medical man or other qualified person shall be entitled to receive from the Civil Commissioner of the division his expenses, precisely as if he had been summoned to give evidence at a criminal trial held at a place where he made such examination as aforesaid.

16. The Field-cornet shall, without delay, report to the Resident Magistrate, in detail, the circumstances of the case, in order that such Magistrate, or the Clerk of the Peace (should there be such an officer), may take such further steps, if any, as may be needful, either to ascertain

the cause of death, or to bring to justice such person or persons as shall appear to have unlawfully caused such death.

17. Upon receiving such report as is in the last preceding section mentioned, it shall be lawful for the Resident Magistrate, if in his opinion the circumstances of the case require it, to hold an inquest for the purpose of ascertaining the cause of death, and thereupon it shall be competent for the said Magistrate to exercise all such power and functions, and to perform all such duties in regard to the summoning and examination of witnesses and the inspection of the dead body, as are hereinbefore provided in regard to cases occurring at or within a distance of six miles from the seat of his Magistracy.

18. As often as any case investigated by any Field-cornet shall be reported by him to any Resident Magistrate, and no inquest shall be held by such Magistrate, and no preparatory examination shall be instituted against any person upon any charge arising from or connected with the death of the deceased person, the Resident Magistrate shall transmit to the Attorney-General, or (as to cases within any of the districts in or over which the Court of the Eastern Districts has jurisdiction) to the Solicitor General, the report of the Field-cornet, or a copy of it, together with such remarks upon the case, if any, as the Resident Magistrate shall think fit.
