

3. The said Court shall have power, jurisdiction, and authority from time to time within such period as the Governor shall fix and determine, and at one or more sittings or adjourned sittings at Vrijburg or elsewhere in British Bechuanaland, to inquire into and decide upon the validity and scope of all claims founded upon grants of land or mineral or other concessions alleged to have been before the 5th day of May, 1891, acquired from native chiefs or other persons in respect of any part of the territory over which, on the said date, Her Majesty's Sovereignty was proclaimed by Proclamation No. 106, B.B., 1891, and which now forms portion of British Bechuanaland; and the said Court shall exercise such power, jurisdiction, and authority subject to and in accordance with the provisions of this Proclamation, and with any directions or instructions published in manner provided in Section 28 hereof, and failing such provisions, directions, and instructions, in accordance with the principles of the Roman-Dutch law as administered in British Bechuanaland.

4. The President and the two Assessors aforesaid shall, for the purposes of this Proclamation, in general exercise the powers and functions of the bench of three judges composing the Supreme Court of the Colony of the Cape of Good Hope, sitting in Cape Town, provided that

(a.) the decisions of a majority shall be the decision of the said Court;

(b.) the President and one Assessor shall form a quorum for the purposes of any decision;

(c.) the Governor may for the purposes of any particular matter or matters coming before the said Court, appoint specially by Government Notice as aforesaid, any person to act as either as President or as an Assessor of the said Court during the Governor's pleasure.

5. The Secretary of the said Court shall have and exercise the powers and functions which are by law, rule of Court, or practice, vested in or conferred upon the Registrar of the Supreme Court aforesaid, and shall duly preserve the records of the proceedings of the said Court, constituted by this Proclamation.

6. The procedure before the said Court shall be in accordance with the rules of Court, and practice established and followed in the Supreme Court aforesaid, so far as applicable, subject always to the provisions of this Proclamation, to such rules as may be framed and published in manner provided in Section 10 hereof, and to the decisions of the said Court hereby constituted upon all matters of practice arising in the course of any matter coming before the said Court under this Proclamation.

7. Within a time to be fixed by Government Notice in the Gazette aforesaid, which notice shall likewise be published in the Government Gazette of the Colony of the Cape of Good Hope, all such claims as aforesaid shall be filed with the Secretary of the said Court or any person appointed by the Governor for the purpose, and every claim shall be set forth in a document to be styled the claimant's declaration, to which document shall be annexed such other documents as the claimant relies upon in support of his claim or notarial copies thereof; provided that the filing of such notarial copies shall in no case be deemed to render unnecessary the due production, at the inquiry into or trial of any claim, of the original document or documents so relied upon.

8. No claim not duly filed within the time fixed as aforesaid, or such extended time as may be allowed, by further Government Notice, shall be admitted to be filed, nor shall any such claim be

thereafter entitled in any manner to recognition as of any legal validity in British Bechuanaland or elsewhere; provided that by special authority in writing from the Governor, a claim may be admitted to be filed for inquiry and decision by the said Court, notwithstanding the lapse of the period or periods fixed or allowed as aforesaid.

9. The Government of British Bechuanaland shall be deemed to be a party in respect of every matter coming before the said Court for inquiry and decision, and may, by Counsel or attorney, intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit, but the said Court shall in no case direct that costs of any claimant occasioned by opposition or other proceeding duly authorized by the Government, shall be paid by the Government, unless it shall appear that such opposition or other proceeding is vexatious or frivolous.

10. Any person interested in supporting or opposing any claim in whole or in part may with the leave of the said Court in like manner either in person or by Counsel or attorney intervene, plead, lead evidence, and generally do all such things as would be competent to a party to a civil suit, and the said Court shall in inquiring into or deciding upon any claim afford sufficient opportunity to all such persons to take advantage of the provisions of this section, and for that purpose and generally for the purposes of this Proclamation the said Court may frame such rules of procedure and practice as it may deem expedient, which shall be of full legal force and effect upon approval by the Governor and publication in the British Bechuanaland Government Gazette.

11. Notice of any claim founded upon an alleged grant by or concession from any native chief shall be given to such chief or his successor by the Secretary of the said Court, in full time to permit such chief or his successor to take advantage of the provisions of the last preceding section, and such notice shall be given either by personal service or by publication in the said Government Gazette as the President of the said Court shall direct.

12. At the request of the claimant, any party or any interested native chief or other person, the Secretary with the authority of the said Court or the President, or either assessor thereof, may grant, and the said Court or the President or either assessor thereof may in the interests of justice direct the Secretary to issue subpoenas or summonses, calling upon any person therein named to appear upon a day and at a place therein appointed, and to testify before the Court concerning any matter in issue as the subject of inquiry, and every person shall be bound and obliged to conform to and obey any such subpoena or summons, or any other competent order of the said Court duly served, whether such subpoena, summons or order be granted or issued for the purpose of calling such person to give evidence or for the furtherance of any other purpose within the scope of the power, jurisdiction, and authority conferred upon the said Court; and for default of obedience to any such subpoena, summons or order, the penalty shall be such as the Supreme Court aforesaid might in like case by attachment, fine, imprisonment, or otherwise direct and impose.

13. Evidence in connection with any matter coming before the said Court may be taken before the President, or at least one Assessor with the Secretary, or some person appointed to act as Secretary, and for this purpose the President or such Assessor or Assessors shall form a quorum of the said Court with all the power, jurisdiction,