

PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 12, 1905.—DATED 7th JUNE, 1905.

Preamble.

WHEREAS by an Order in Council dated the 16th day of May, 1904, certain lands situate within the Bechuanaland Protectorate are vested in the High Commissioner:

And whereas it is expedient to grant to the British South Africa Company Limited (hereinafter called "the Company") the title to certain of the aforesaid lands:

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

Lands described in Schedule vested in the B.S.A. Co.

1. The property of and in all lands within the boundaries described in the Schedule to this Proclamation shall, subject to the provisions and reservations in this Proclamation contained, be vested in the Company absolutely.

Company may dispose of land.

2. The Company is hereby empowered to grant such lands or any portion thereof for terms of years or in perpetuity and either absolutely or by way of mortgage or otherwise, provided always that no occupation or ownership of any such lands shall be recognised as valid or legal unless or until a title has been granted to the owner or occupier in such form and by such person as the High Commissioner shall appoint.

Prior rights unaffected.

3. Nothing in this Proclamation shall be construed to affect any rights duly conferred or recognised prior to the taking effect of this Proclamation to any portion of the said lands or any minerals.

Existing roads and thoroughfares to remain.

4. All roads and thoroughfares existing at the date of this Proclamation over the said lands shall remain free and uninterrupted unless or until the same shall be closed or altered by lawful authority.

Resident Commissioner may grant roads or right of way.

5. If at any time it shall be made to appear to the Resident Commissioner that any owner or occupier of land requires a way or road of necessity over any part of the said lands, it shall be lawful for the Resident Commissioner, or for any such person authorised by him, to grant such way or road, and to point out the width and direction thereof, provided that the person upon whose application such way or road is granted shall pay to the owner or occupier of the land over which such way or road is granted such compensation as the Resident Commissioner may determine.

Resident Commissioner may establish outspan.

6. It shall be lawful for the Resident Commissioner to establish from time to time such public outspans as may appear to him to be necessary, and to point out the areas and boundaries thereof.

High Commissioner may take land required for public purposes; impose taxes in respect of ownership or occupation.

7. Notwithstanding anything contained in this Proclamation, it shall be lawful for the High Commissioner at any time by Proclamation:—

- (a) To take such portion of the said lands as may appear to the High Commissioner to be required for any public purpose and to grant titles to the same to any person or corporation;
- (b) To impose such taxes in respect of the ownership or occupation of the said lands as may appear to the High Commissioner to be necessary for purposes of good order and government, provided that no such tax shall be imposed which is not also imposed in respect of the ownership or occupation of all other lands within the Bechuanaland Protectorate which are or may be held on the same or a similar tenure.

Resident Commissioner has power of entry upon lands.

8. It shall be lawful for the Resident Commissioner or for any person authorised by him at all reasonable times to enter upon the said lands for the purpose of:—

- (a) conducting inspections or surveys;
- (b) making or repairing roads, railways, telegraphs, aqueducts, dams, or drains for the benefit of the public;
- (c) obtaining materials for the purposes named in the last previous sub-section;
- (d) generally conducting the duties of administration.

No compensation payable for land expropriated for public purposes or for materials taken.

9. No compensation shall be payable for any land taken under Section 7, Sub-section (a) hereof, unless such land shall have been improved by cultivation, irrigation, or otherwise, and no compensation shall be payable for any materials taken under Section 8, Sub-section (c) hereof, unless such materials be taken from land so improved.

SCHEDULE.

[The letters used in defining certain beacons are taken from a plan endorsed by the High Commissioner and the British South Africa Company, Limited, and filed in the Office of the Resident Commissioner.]

Commencing at a beacon on Dikokong or Wildebeest Kop, being one of the beacons on the Transvaal Boundary, the boundary runs along the boundary of the Transvaal to a beacon 5 Cape roads east of the beacon at

be liable to a penalty not exceeding ten pounds, and in default of payment thereof, to imprisonment with or without hard labour for any period not exceeding one month, unless such fine be sooner paid.

5. Every person passing through any gate erected on either side of any Railway for the accommodation of the owners or occupiers of any adjoining lands shall shut and fasten such gates as soon as the said person, together with any vehicle or animals in his care, shall have passed through the same.

Any person contravening this section shall be liable to a penalty not exceeding two pounds, and in default of payment thereof to imprisonment with or without hard labour for any period not exceeding seven days unless such fine be sooner paid.

6. Where any offence against the "Regulations of Railways Act 1861" or any Bye-laws or Regulations made thereunder or against this Act shall be committed on any line of Railway within this Colony, such offence may be dealt with, tried and punished by the Resident Magistrate of any district through any part whereof such line of Railway passes in the same manner as if such offence had been actually committed in such district.

7. It shall be lawful for the Governor to make regulations for prohibiting the throwing from trains, of stones, bottles or other articles likely to be a source of danger to, or to cause injury to any person, and any person who shall contravene any such bye-law shall be liable to a penalty not exceeding two pounds, or in default of payment, not exceeding seven days' imprisonment with or without hard labour.

8. (a) Any person who without reasonable excuse shall fail or refuse on demand by any duly authorised officer to pay forthwith the amount due by him in respect of railway fare, difference in railway fare, or booking fee, as provided by Section 2 of this Act, may be removed from the train at any station by the Station Master or person in charge, or may be allowed to proceed at the discretion of the Station Master or person in charge of the station.

(b) Any person committing an offence against this Act may be detained by any such Station Master or person in charge of a station and all constables or other officers of the law proper for the execution of criminal warrants may lawfully detain such person until he can conveniently be taken before a Magistrate having jurisdiction.

9. This Act may be cited as the "Railway Regulations Act 1905," and shall be read as one with the "Railway Regulations Act, 1861."
