

PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 19, 1908.—DATED 11th MARCH, 1908.

Preamble.

WHEREAS in the year 1898 a verbal agreement was entered into between the Rhodesia Railways, Limited (hereinafter called the "Company") and Khama, Chief of the Bamangwato Tribe (hereinafter called the "Chief"), whereby

the Chief undertook to transfer to the Company certain areas of land within his territory which lands are more particularly described in the Schedule to this Proclamation:

And whereas diagrams of the areas to be transferred as aforesaid were submitted to the Chief in the year aforesaid and signed by him, and such areas have been recently beaconed off, and the Chief has in the present year confirmed his signature to the said diagrams and the verbal agreement aforesaid entered into by him with the Company:

And whereas it is expedient that special provision should be made to give effect to such agreement by enabling the Company to obtain registered title of the said areas inasmuch as the execution of deeds of transfer by the Chief cannot conveniently be obtained;

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

Vesting certain areas in the Rhodesia Railways, Ltd.

1. The areas of land which, prior to the date of the taking effect of this Proclamation, were the property of the Chief and are more particularly described in the Schedule hereto and delineated on diagrams signed by the Chief in the year 1898 in the presence of the Assistant Commissioner at Palapye and filed in the office of the Resident Commissioner of the Bechuanaland Protectorate, shall from and after the date of the taking effect of this Proclamation be transferred to and vested in the Company for railway purposes, and the officer charged with the duty of registering titles to land within the Bechuanaland Protectorate shall, notwithstanding anything contained in any law or regulation in force in the Protectorate relative to registration of title to land, cause the said areas to be transferred in his register into the name of the Company, subject however to the payment of transfer duty, stamp duty and other registration charges payable under the laws of the Protectorate on transfers or registration of title to land, and subject also to the provisions of the next succeeding section.

High Commissioner may give notice to company to retransfer should land no longer be required for railway purposes.

2. If at any time the Company or its successor shall cease to hold for railway purposes any portion of either of the said areas the High Commissioner may give notice to the Company or its successor to retransfer according to law within the time fixed by such notice, any such portion to the Chief or his successor, and to pay any transfer, stamp duty or other registration charges payable under the laws of the Protectorate on transfers or registration of title to land; and if the Company or its successor shall make default in complying with such notice, the registration officer aforesaid shall upon the certificate of the Resident Commissioner that such notice has not been complied with, retransfer any such portion to the Chief and recover from the Company or its successor by action in a competent court, the transfer duty, stamp duty or registration charges which are payable by the transferee of title to land under the laws of the Protectorate, but which in accordance with this section are made payable by the transferor.

Defining "railway purposes."

3. The term "railway purposes" as used in the Proclamation shall mean any purposes connected with the construction, maintenance, or working of a railway and shall include the obtaining of a supply of water for the use of a railway or any locomotive engine or rolling stock used upon or in connection with a railway.

4. This Proclamation shall have force and take effect from the date of its first publication in the *Gazette*.

SCHEDULE.

1. An area situate on either side of the hundred yards railway-strip at 'alapye Siding in extent fifty-eight morgen and four hundred and forty-four quare roods as at present indicated by beacons on the ground.
 2. An area situate on either side of the hundred yards railway-strip at Tagalapye Station in extent seventy-one morgen, and four hundred and eventy-six square roods as at present indicated by beacons on the ground.
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