

## PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 4, 1905.—DATED 7th FEBRUARY, 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 Commis-

sioner, or for any 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 outspans.**

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 and filed in the Office of the Resident Commissioner.]

The Western Boundary is along the eastern boundary of the Bangwaketsi Reserve as defined in the High Commissioner's Proclamation No. 9 of 1899 from the beacon (ad) to a beacon on a kopje known as Noga.

The Northern Boundary commences at the last-mentioned beacon and passes thence in a direct line to a beacon (AKS) on the southernmost point of Aasvogel Kop; from thence in a direct line south to a beacon (MC) on the north-western extremity of a low ridge called Marapo-a-Chwene; thence in a south-easterly direction 325 Cape rods along the said ridge to a beacon

(LH); thence 235 Cape roods in a north-easterly direction across a break in the said ridge to a beacon (MC<sup>2</sup>); thence 243 Cape roods in an easterly direction to a beacon called Bend; thence 46 Cape roods in a south-easterly direction to a beacon (Ext.); thence 204 Cape roods in a south-easterly direction to a beacon (Pz) on the Transvaal border.

The Eastern Boundary is along the Western boundary of the Transvaal from the beacon (Pz) last named to a beacon Dibatoulo (sometimes called Sibatoulo).

The Southern Boundary commences at the beacon last mentioned and passes thence 2253 Cape roods in a westerly direction through Goode Siding to a beacon (BG) on the north side of a laagte which runs east and west; thence 2697 Cape roods in a south-westerly direction to a beacon (Uo) in the northern boundary of the Baralong Territory as defined in Schedule B to the High Commissioner's Proclamation No. 10 of 1895; thence west 1267 Cape roods along the last-mentioned boundary to the beacon (ad) on the eastern boundary of the Bangwaketsi Reserve.

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