

PROCLAMATION.

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 20, 1904.—DATED 6th AUGUST, 1904.

Preamble.

WHEREAS it is expedient to make definite provision as to the compensation of owners of stock killed or injured by trains running over lines of railways 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:—

Compensation to be made to owner of stock killed or injured by trains running by daylight.

1. The undertakers of any railway within the limits of the Bechuanaland Protectorate shall make compensation to the owner of any stock killed or injured by any train running by daylight on any line worked by such undertakers if the part of the line at which such killing or injury takes place is unfenced at that time and if no compensation shall at any time have been paid to any person by such undertakers for or in respect of the right to construct such part of such line; provided that no person shall be entitled to recover any sum of money under this Proclamation for the killing or injury of any stock who shall fail within forty-eight hours after such stock shall have been killed or injured to give notice to the nearest station master of the killing or injury thereof and of the number and kind of stock so killed or injured in respect of which compensation is claimed: and provided also that the carcasses or remains of all stock killed and all injured stock in respect of which any claim is made under this Proclamation shall be diligently and to the best of his ability kept and preserved by the owner making such claim for a period of not less than three full days from the time when such killing or injury took place and shall be shown to any person appointed for the purpose of ascertaining the value of the stock so killed or injured.

Penalty for making claim with intent to defraud.

2. No person who shall fail diligently and to the best of his ability to keep and preserve such carcasses or remains of killed stock or such injured stock as aforesaid or who shall make any claim for compensation under this Proclamation which any Court of competent jurisdiction shall determine to be either fraudulent or grossly excessive shall be entitled to any of the benefits of this Proclamation and any person who shall make any such claim with intent to defraud shall be liable on conviction to all the penalties of the crime of fraud.

PROCLAMATIONS.

Definition of terms.

3. "Undertakers" means any Government company or body of persons working railways within the limits of the Bechuanaland Protectorate under lawful authority; "Stock" shall include horse, gelding, mare, colt, mule, ass, bull, ox, heifer, tolly, cow, calf, sheep, goat, pig, and ostrich; "daylight" means the period between sunrise and sunset.¹

Amount of compensation payable.

4. The amount of compensation payable under the provisions hereof to the owner shall in no case exceed the following rates viz:—¹

For any horse	...	...	...	...	£40	0	0
For any mule	...	...	...	...	20	0	0
For any neat cattle per head	...	...	...	...	20	0	0
For any ass	...	...	...	...	12	0	0
For any ostrich	...	...	...	...	12	0	0
For any sheep or goat	...	...	...	...	2	0	0
For any pig	...	...	...	...	1	10	0

Claims cognisable in any competent Court of the Protectorate.

5. Claims for compensation for stock under the provisions of this Proclamation shall be cognisable in any competent Court of the Bechuanaland Protectorate within the jurisdiction of which Court such stock shall have been killed or injured notwithstanding that the train by which the stock shall have been killed or injured shall belong to an undertaker not domiciled within the Protectorate: and for the purpose of such action service upon any station master of the undertakers resident within the limits of such Court shall be deemed sufficient service on the undertakers.

Commencement of Proclamation.

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