

PROCLAMATIONS.

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BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

No. 38 of 1916.—PROMULGATED 22nd SEPTEMBER, 1916.

Entitled the "Bechuanaland Protectorate Authentication of Documents Proclamation, 1916."

WHEREAS it is expedient to declare the circumstances in which documents executed outside the Bechuanaland Protectorate (herein after referred to as "the Territory") and intended for use in any Court or public office in the Territory shall be deemed to be sufficiently authenticated or legalised;

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

1. In this Proclamation unless inconsistent with the context "document" shall mean any deed, contract, power of attorney, affidavit or other writing not of a public nature;

"authentication" shall mean when applied to a document the verification of any signature thereon.

2. Any document executed outside the Territory shall be deemed to be sufficiently authenticated for the purpose of use therein if

(a) in the case of a document executed in the United Kingdom it be duly authenticated by a notary public under his signature and seal of office;

(b) in the case of a document executed in any part of His Majesty's Dominions outside South Africa and the United Kingdom it be duly authenticated by the signature and seal of office of the mayor of any town or of a notary public or, of the permanent head of any Government Department in any such part of His Majesty's Dominions;

(c) in the case of a document executed in the Union of South Africa or in any of His Majesty's Territories or Protectorates in South Africa it be duly authenticated by the signature or seal of office of any notary, resident magistrate, permanent head of a Government Department, resident commissioner or assistant commissioner in or of the Union or any such Territory or Protectorate;

(d) in the case of a document executed in any place outside His Majesty's Dominions (in this section described as a foreign place) it be duly authenticated by the signature and seal of office

(i) of a British Consul or Vice-Consul in such foreign place;

(ii) of any Secretary of State, Under-Secretary of State, Governor or Colonial Secretary or of any other person in such foreign place who shall be shown by the certificate of a Consul or Vice-Consul in the territory of such foreign place to be duly authorised under the law of such foreign place to authenticate such document.

3. Notwithstanding anything in the last preceding section contained it shall be sufficient authentication of a document executed in any part of His Majesty's Dominions for use in the Territory which affects or relates to property not exceeding in amount or value two hundred pounds sterling if there be appended to or endorsed on such document a statement signed by a magistrate or a justice of the peace of the part of His Majesty's Dominions in which such document is executed

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- (a) that the person executing such document is a person known to him, or
- (b) that two other persons (known to him) have severally testified before him that the person executing such document is a person known to each of them.

4. No power of attorney executed in the Union or any of His Majesty's Territories or Protectorates in South Africa and intended as an authority to any person to take, defend or intervene in legal proceedings in any court of assistant commissioner or magistrate in the Territory shall require authentication provided any such power of attorney shall appear to have been duly signed and the signature thereto attested by two competent witnesses.

5. Nothing in this Proclamation contained shall affect the law of evidence in force in the Territory as to the proof of any document in legal proceedings or the special provisions of any other law as to authentication of any document.

6. This Proclamation may be cited as the Bechuanaland Protectorate Authentication of Documents Proclamation 1916 and shall have force and effect from the date of its publication in the *Gazette*.