

BECHUANALAND PROTECTORATE.

No. 26 of 1930.

(Promulgated 12th September, 1930.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER

Amending the Bechuanaland Protectorate Pounds and Trespasses Proclamation, No. 12 of 1925, in respect of fees payable on bulls impounded thereunder.

Whereas it is desirable to amend the Bechuanaland Protectorate Pounds and Trespasses Proclamation, No. 12 of 1925 (hereinafter called the principal law) in respect of the fees payable on bulls impounded thereunder.

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

1. In addition to the fees prescribed by the principal law there shall be payable in respect of any bull of the age of one year or upwards a special fee of five pounds to be paid or recovered in the same manner as the fees prescribed under the principal law.

2. All fees paid or recovered under section *one* shall be paid by the pound master to the Treasury and credited to a fund to be administered as hereinafter provided.

3. (1) In the case of any bull in respect of which the special fee prescribed in section *one* has been paid or recovered the owner of the property on which such bull was trespassing when removed to the pound may within three months of the date of the impounding thereof make application to the Resident Commissioner for the payment to him out of the said special fee of compensation for damage caused by the bull to his stock in the course of such trespass.

(2) The Resident Commissioner shall cause inquiry to be made into any application made under this section and if he is satisfied that damage has been sustained by the applicant by reason of the said trespass shall cause payment to be made to him of such sum by way of compensation as he shall consider just not exceeding the amount of the special fee paid or recovered in respect of such trespass.

4. Where no application is made within the period prescribed in section *three* or where upon any such application no compensation or a sum less than the amount of the special fee is awarded, the amount of the fee or the balance thereof as the case may be shall be paid to the owner of the trespassing animal.

5. Nothing in this Proclamation contained shall be deemed to deprive any person of any right of action in respect of damage caused by reason of the trespass of any bull notwithstanding that a special fee may have been paid or recovered in respect of such trespass under section *one* or that any payment may have been made to such person under section *three* but any Court before which such action may be heard shall in estimating the damage caused by the trespass complained of have regard to any sum which may have been paid under section *three*.

6. This Proclamation shall be read as one with the Principal Law and shall have force and take effect from the date of publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Fourth day of September One thousand Nine hundred and Thirty.

ATHLONE,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
Acting Imperial Secretary