

BECHUANALAND PROTECTORATE.

No. 18 of 1942.

(Promulgated 8th May, 1942.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Marriage
(Amendment) Proclamation, 1942.

Whereas it is expedient to amend the Bechuanaland Protectorate Marriage Proclamation, 1917, hereinafter referred to as "the principal law":

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

1. Section *twelve* of the principal law is hereby amended by adding at the end thereof the following proviso:—

Amendment of section 12 of Proclamation No. 1 of 1917.

" Provided however that in every case, before solemnizing the marriage, the marriage officer shall explain to the parties the consequences and implications of the proposed marriage, namely:—

- (a) the fact that the marriage which is proposed to contract will, during its subsistence, be a bar to either party thereto entering into any other marriage;
- (b) that the marriage cannot be dissolved during the lifetime of the spouses except by a valid decree of divorce;
- (c) that if either spouse, before the death of the other, shall contract another marriage whilst the existing marriage remains undissolved, he or she will thereby be guilty of bigamy and liable to punishment for that offence."

2. Section *fifteen* of the principal law is hereby amended by adding thereto the following sub-section, the existing section becoming sub-section (1):—

Amendment of section 15 of Proclamation No. 1 of 1917.

(2) Natives as defined in the Bechuanaland Protectorate Native Administration Proclamation, 1934 (No. 74 of 1934), may not contract a marriage under this

Proclamation unless each party produces to the marriage officer a certificate from his and her Chief to the following effect:—

- (a) that he or she, as the case may be, is not married according to native law and custom to any other person: or
- (b) that any previous union contracted in accordance with native law and custom has been dissolved by death or annulled in accordance with native law and custom by the sentence of a competent Native Tribunal; and
- (c) that where issue of any previous union as mentioned in paragraph (b) of this sub-section exists, adequate provision to the satisfaction of the Chief has been made to safeguard the maintenance of such issue and the due payment to them of any inheritance to which they may be entitled by reason of the aforesaid union."

New section 18A of Proclamation No. 1 of 1917.

3. The following section, numbered *eighteen A*, is hereby inserted immediately after section *eighteen* of the principal law:—

"18A. Subject to the provisions of the Bechuanaland Protectorate Native Marriages Proclamation, 1926 (No. 19 of 1926), notwithstanding the fact that any natives have contracted marriage in accordance with the terms and provisions of this Proclamation, such form of marriage shall not, in the absence of an ante-nuptial contract duly registered in the Deeds Office, affect the property of the spouses which shall be held, may be disposed of, and, unless disposed of by will, shall devolve according to native law and custom."

Amendment of section 22 of Proclamation No. 1 of 1917.

4. Section *twenty-two* of the principal law is hereby amended as follows:—

(a) by inserting the word "or" immediately after the word "thereof" in the last line of paragraph (2);

(b) by inserting, immediately after paragraph (2), the following paragraph:—

„ (3) to explain to the parties to a proposed marriage the consequences and implications of the marriage in terms of the proviso to section *twelve*."

5. This Proclamation may be cited as the ^{short title} Bechuanaaland Protectorate Marriage (Amend- ^{and com-}ment) Proclamation, 1942, and shall have ^{mencement.} force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Thirtieth day of April One thousand Nine hundred and Forty-two.

HARLECH,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.