

BECHUANALAND PROTECTORATE.

No. 3 of 1921.

[Promulgated 21st January, 1921.]

PROCLAMATION

By HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Providing for the protection of natives of the Bechuanaland Protectorate in cases where they are sued on negotiable instruments or written acknowledgment of debt.

Whereas it is expedient for the protection of natives of the Bechuanaland Protectorate (herein after referred to as "the territory") to enable the Courts in certain cases where such natives are sued on negotiable instruments or written acknowledgment of debt to reopen the transactions to which such instruments or documents relate:

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

1. Where any action is brought against any native of the territory upon any bill of exchange, promissory note, good for, I.O.U., or other acknowledgment of debt, and the defendant's signature or mark thereon was made subsequent to the date of the taking effect of this Proclamation the defendant may apply to have the transaction to which such instrument or document relates reopened on the ground that the consideration received by him in connection therewith was inadequate, and the Court may upon such application if it thinks fit reopen the transaction and hear evidence with regard thereto, and may give judgment on the instrument or document against the defendant for such amount as seems just, having regard to the consideration actually received by the defendant in connection with the transaction instead of for the full amount thereof.

2. Nothing in this Proclamation shall relieve from any liability any party to a bill or note who is not a native of the territory and the holder of a bill or note who by reason of the provisions of the preceding section has failed to recover the full amount from a defendant who is a native of the territory shall have the same right to recover the balance thereof from any other party thereto who is not a native of the territory as he would have had if such defendant had failed to satisfy a judgment for the amount of such balance.

3. For the purposes of this Proclamation, "native of the territory" shall mean any aboriginal native belonging to any native tribe of the territory, and includes half-castes and all persons of mixed race living in the territory as members of any native community, tribe, kraal, or location.

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

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg, this Eleventh day of January One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.