

BECHUANALAND PROTECTORATE.

No. 9 of 1922.

[Promulgated 3rd February, 1922.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Entitled "The Bechuanaland Protectorate Enemy Property (Custodian Direction) Proclamation, 1922."

Whereas by section *six* sub-section (1) of the Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation 1916 it is provided that the Custodian of Enemy Property shall except so far as the Court of the Resident Commissioner may otherwise direct and subject to the provisions of sub-section (2) of the said section hold any money paid to and any property vested in him under the said Proclamation until the termination of the present war, and shall thereafter deal with the same in such manner as His Majesty may by Order-in-Council direct:

And whereas by the Bechuanaland Protectorate Termination of the Present War (Definition) Proclamation 1921 it has been declared that the 31st day of August 1921 shall be treated as the date of the termination of the present war:

And whereas certain directions have been given by His Majesty-in-Council in the Trading with the Enemy (Custodian Direction) Order 1921 as to dealing with money paid to and property vested in the Custodian of Enemy Property under the Trading with the Enemy Acts 1914 to 1918 of the United Kingdom:

And whereas it is expedient to amend section *six* of the Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation 1916 and to give by proclamation directions as to dealing with money paid to and property vested in the Custodian of Enemy Property in the Bechuanaland Protectorate similar to the directions given by the said Trading with the Enemy (Custodian Direction) Order 1921:

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

1. Sub-section (1) of section *six* of the Bechuanaland Protectorate Enemy Property and Trade Regulation Proclamation 1916 (herein after referred to as "the said Proclamation") shall be and is hereby amended by the deletion therefrom of the words "as His Majesty may by Order-in-Council direct" and the substitution therefor of the words "as the High Commissioner may by proclamation or otherwise direct."

2. The expression "enemy property" in this Proclamation means all moneys paid or to be paid to and all property vested in or transferred or to be transferred to the Custodian of Enemy Property under the said Proclamation and the proceeds of liquidation of such property, and the investments (if any) representing the same, or the residue of such moneys, property, proceeds of liquidation and investments remaining in the hands or under the control of the Custodian after the carrying out by him of any order, direction, decision or instruction made or given by any Court of the Bechuanaland Protectorate, and the exercise or purported exercise by him of his duties under the said Proclamation; except such part thereof respectively as has been or shall be paid to, vested in or transferred to or is now held by the Custodian by reason of the owner or former owner thereof being or being deemed to be a subject of or resident or carrying on business in the former Ottoman Empire, which excepted property is herein after called "excepted enemy property."

3. Except so far as may have been otherwise directed by the Court of the Resident Commissioner enemy property shall be and become subject as from the date of the coming into force of this Proclamation to the provisions of the Orders-in-Council made or to be made under the Treaty of Peace Act 1919, the Treaty of Peace (Austria and Bulgaria) Act 1920, or the Treaty of Peace

(Hungary) Act 1921, as applying, with or without modifications, to the Bechuanaland Protectorate and to the charges created thereunder in the same way and to the same extent as it would be so subject if it had been held at the dates of the coming into force of the respective Treaties of Peace with Germany, Austria, Bulgaria and Hungary, on behalf of the persons who were or would but for the same having been paid or transferred to or vested in the Custodian, have been then entitled thereto.

Provided that nothing in those Orders or herein shall operate to require any enemy property which has been or shall be released from the charges thereby respectively established to be credited or accounted for to an ex-enemy Government.

4. All enemy property shall be subject to deduction of the costs, charges and expenses of the Custodian including any statutory fee.

5. Nothing herein contained shall prejudice or affect the execution and carrying out of any order, direction, decision or instruction made or given by any Court of the Bechuanaland Protectorate in respect of any enemy property so far as the same shall not have been fully executed or carried out or the continuance of any legal or other proceedings to which in consequence of any such order, direction, decision or instruction or in the exercise or purported exercise of his duties under the said Proclamation the Custodian is a party.

6. Nothing herein contained shall prejudice or affect any claim on behalf of the Bechuanaland Protectorate Administration in respect of any tax or other revenue charge on or impost against enemy property or the owners or former owners thereof, and the Custodian or the Controller of Austrian, Bulgarian or Hungarian property as the case may be shall have power to settle agree and out of the appropriate enemy property and the proceeds thereof pay or provide for any such claim.

7. Excepted enemy property shall be held by the Custodian subject to the same direction as the same is now held until the High Commissioner shall otherwise direct.

8. This Proclamation shall be read as one with the said Proclamation and may be cited as the Bechuanaland Protectorate Enemy Property (Custodian Direction) Proclamation 1922 and shall be deemed to have come into force at midnight on the said 31st day of August, 1921.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-seventh day of January One thousand Nine hundred and Twenty-two.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.