

BECHUANALAND PROTECTORATE.

No. 3 of 1923.

[Promulgated 26th January, 1923.]

PROCLAMATION

By HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Amending Proclamation No. 2 of 1896 regarding the compulsory sequestration of insolvent estates in the Bechuanaland Protectorate.

Whereas it is expedient to amend Proclamation No. 2 of 1896 by providing that the Court of the Resident Commissioner of the Bechuanaland Protectorate shall have jurisdiction to hear applications for orders of compulsory sequestration and to grant provisional orders for the compulsory sequestration of estates as insolvent and to appoint a *curator bonis* or provisional trustee in any insolvent estate;

And whereas it is expedient also to empower Assistant Commissioners and Resident Magistrates whose courts are held at places situate more than fifty miles from the railway line to grant provisional orders of sequestration and to appoint a *curator bonis* or provisional trustee;

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

1. Notwithstanding anything contained in Proclamation No. 2 of 1896, or in another law, the Court of the Resident Commissioner of the Bechuanaland Protectorate shall have jurisdiction to hear in the first instance applications for orders of compulsory sequestration and in cases where sufficient cause therefor shall be shown to grant a provisional order of compulsory sequestration and to appoint a *curator bonis* or provisional trustee, such order to be returnable in the Court of the Assistant Commissioner or Resident Magistrate of the area or district in which the party against whom the order is sought ordinarily resides, and such Court of Assistant Commissioner or Resident Magistrate shall on the return day take such sworn evidence in support of or against such application as may be submitted to it and forward the same with a report thereon for the consideration of the Resident Commissioner who alone shall have the power to confirm or set aside such order.

2. Notwithstanding anything contained in section *six* of Proclamation No. 2 of 1896 where the place appointed for the holding of the Court of an Assistant Commissioner or Resident Magistrate is fifty miles or more from the railway line, the Assistant Commissioner or Resident Magistrate holding his Court at such place shall have the power on sufficient cause being shown to grant a provisional order of compulsory sequestration returnable in his own Court against any person ordinarily resident in his area or district and to appoint a *curator bonis* or provisional trustee, and after taking such evidence in support of or against such application as may be submitted on the return of such order he shall forward the same with a report thereon for the consideration of the Resident Commissioner who alone shall have the power to confirm or set aside such order.

3. This Proclamation shall be read as one with Proclamation No. 2 of 1896 and shall take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Twentieth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.