

**BECHUANALAND PROTECTORATE.**  
**RESIDENT COMMISSIONER'S ORDER.**

It is hereby notified for general information that, under the powers in me vested by Regulation 29 (c) of the Defence Regulations published under High Commissioner's Notice No. 250 of 1939, I have ordered that no alien, not being an enemy alien, shall proceed from the Bechuanaland Protectorate except under the authority of a written permit granted by me.

**C. N. A. CLARKE,**  
Resident Commissioner.

Resident Commissioner's Office,  
Mafeking, 20th June, 1940.

(iii) Any money paid to the Custodian under this Order and any property in respect of which a Vesting Order has been made shall not be liable to be attached or otherwise taken in execution.

(iv) The receipt of the Custodian or any person duly authorised by him to sign receipts on his behalf for any money paid to him under this Order shall be a good discharge to the person paying the same.

5. No person shall, without the consent of the Resident Commissioner, save as directed by this Order, transfer, part with or otherwise deal with the property of any enemy.

6. (i) Any person who holds or manages for or on behalf of an enemy any property shall, within fourteen days after the coming into force of this Order (or, if the property comes into his possession or under his control after the coming into force of this Order or the person for or on behalf of whom property is held or managed becomes an enemy after that date, then within fourteen days after the time when the property comes into the possession or under the control of the first-mentioned person or the person for or on behalf of whom the property is held or managed becomes an enemy, as the case may be), by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such returns, accounts and other information, and produce for inspection such documents in relation thereto, as the Custodian may require.

(ii) Any enemy subject who holds or manages any property for or on behalf of an enemy subject shall furnish the Custodian with such returns, accounts and other information, and produce for inspection such documents in relation thereto, as the Custodian may require.

(iii) Every company incorporated in the Bechuanaland Protectorate and every company which though not incorporated in the Bechuanaland Protectorate has a share transfer or share registration office in the Bechuanaland Protectorate shall, within fourteen days after the coming into force of this Order, by notice in writing communicate to the Custodian full particulars of all shares, stock, debentures and debenture stock, bonds or other securities issued by the company which are held by or for the benefit of an enemy; and if any shares, stock, debentures or debenture stock, bonds or other securities issued by any such company as aforesaid are held by or for the benefit of any person who becomes an enemy after the coming into force of this Order, the company shall, within fourteen days after the day on which that person becomes an enemy, by like notice communicate to the Custodian the like particulars in regard to that person.

(iv) Every partner of every firm, any partner of which has, at any time before the coming into force of this Order, become an enemy, or to which money has been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within fourteen days after the coming into force of this Order, by notice in writing communicate to the Custodian full particulars as to any share of profits or interest due to such enemy; and every partner of every firm, any partner of which becomes an enemy after the coming into force of this Order, or to which a person who becomes an enemy has lent money for the purpose aforesaid before the day on which that person becomes an enemy, shall, within fourteen days after the day on which the partner or person concerned becomes an enemy, by like notice communicate to the Custodian the like particulars in regard to that partner or person.

7. (i) Where, in exercise of the powers conferred upon him, the Custodian purposes to sell any shares or stock forming part of the capital of any company, or any securities

issued by the company, in respect of which a Vesting Order has been made, then, any law or any regulation of the company to the contrary notwithstanding, the company may, with the consent of the Resident Commissioner, purchase the shares, stock or securities, and any shares, stock or securities so purchased may from time to time be re-issued by the company.

(ii) Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a Vesting Order, the company or other body in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Custodian is not in possession of the certificate, script or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or other body, or to any other lien or charge of which the Custodian has notice.

8. There shall be retained by the Custodian fees equal to 2 per centum of—

- (a) the amount of moneys paid to him, and
- (b) the value at the date of vesting of any property which is vested in him or of which the right of transfer is vested in him.

The value of any property for the purpose of assess in the fees shall be the price which in the opinion of the Resident Commissioner such property would fetch if sold in the open market. The fees in respect of such property may be retained out of any proceeds of the sale or transfer thereof or out of any income accrued therefrom.

9. In this Order the expression "enemy" has the same meaning as that assigned to it in the Proclamation; the expressions "enemy property", "property" and "prescribed" have the same meanings as those assigned to them in section *six* (a) of the Proclamation; and the expression "the Custodian" means the Custodian of enemy property appointed under Article 1 of this Order.

10. This Order may be cited as the Bechuanaland Protectorate Trading with the Enemy (Custodian) Order, 1940, and shall come into force on the date of its publication in the *Gazette*.

C. N. A. CLARKE,  
Resident Commissioner.

Resident Commissioner's Office,  
Mafeking, 21st June, 1940.

(iii) Any money paid to the Custodian under this Order and any property in respect of which a Vesting Order has been made shall not be liable to be attached or otherwise taken in execution.

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5. No person shall, without the consent of the Resident Commissioner, save as directed by this Order, transfer, part with or otherwise deal with the property of any enemy.

6. (i) Any person who holds or manages for or on behalf of an enemy any property shall, within fourteen days after the coming into force of this Order (or, if the property comes into his possession or under his control after the coming into force of this Order or the person for or on behalf of whom property is held or managed becomes an enemy after that date, then within fourteen days after the time when the property comes into the possession or under the control of the first-mentioned person or the person for or on behalf of whom the property is held or managed becomes an enemy, as the case may be), by notice in writing communicate the fact to the Custodian, and shall furnish the Custodian with such returns, accounts and other information, and produce for inspection such documents in relation thereto, as the Custodian may require.

(ii) Any enemy subject who holds or manages any property or any person who holds or manages any property for or on behalf of an enemy subject shall furnish the Custodian with such returns, accounts and other information, and produce for inspection such documents in relation thereto, as the Custodian may require.

(iii) Every company incorporated in the Bechuanaland Protectorate and every company which though not incorporated in the Bechuanaland Protectorate has a share transfer or share registration office in the Bechuanaland Protectorate shall, within fourteen days after the coming into force of this Order, by notice in writing communicate to the Custodian full particulars of all shares, stock, debentures and debenture stock, bonds or other securities issued by the company which are held by or for the benefit of an enemy; and if any shares, stock, debentures or debenture stock, bonds or other securities issued by any such company as aforesaid are held by or for the benefit of any person who becomes an enemy after the coming into force of this Order, the company shall, within fourteen days after the day on which that person becomes an enemy, by like notice communicate to the Custodian the like particulars in regard to that person.

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issued by the company, in respect of which a Vesting Order has been made, then, any law or any regulation of the company to the contrary notwithstanding, the company may, with the consent of the Resident Commissioner, purchase the shares, stock or securities, and any shares, stock or securities so purchased may from time to time be re-issued by the company.

(ii) Where the Custodian executes a transfer of any shares, stock or securities which he is empowered to transfer by a Vesting Order, the company or other body in whose books the shares, stock or securities are registered shall, upon the receipt of the transfer so executed by the Custodian and upon being required by him so to do, register the shares, stock or securities in the name of the Custodian or other transferee notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Custodian is not in possession of the certificate, script or other document of title relating to the shares, stock or securities transferred; but such registration shall be without prejudice to any lien or charge in favour of the company or other body, or to any other lien or charge of which the Custodian has notice.

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9. In this Order the expression "enemy" has the same meaning as that assigned to it in the Proclamation; the expressions "enemy property", "property" and "prescribed" have the same meanings as those assigned to them in section *sic* (a) of the Proclamation; and the expression "the Custodian" means the Custodian of enemy property appointed under Article 1 of this Order.

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