

PROCLAMATION.¹

BY

HIS EXCELLENCY SIR ALFRED MILNER, &c., &c.

No. 13, 1897.—DATED 30th SEPTEMBER, 1897.

Preamble.

WHEREAS it is expedient, in terms of the Foreign Letters of Administration Act, No. 8 of 1888, of the Cape Colony, to make provision for the recognition in the Territory of the Bechuanaland Protectorate of Letters of Administration granted in the Colony of the Cape of Good Hope and in other States:

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

Interpretation of terms.

1. The terms "State," "Letters of Administration," "British Consular Court," shall bear the meanings assigned to those terms respectively in the first Section of the Foreign Letters of Administration Act No. 8 of 1888.

Certain sections of the "Foreign Letters of Administration Act, 1888," to be in force in the Protectorate.

2. The provisions of the third, fourth, fifth and sixth sections of the said Foreign Letters of Administration Act, No. 8 of 1888, shall, *mutatis mutandis*, be and the same are hereby declared to be in force in the territory of the Bechuanaland Protectorate, so far as applicable; provided always that the words "Resident Commissioner's Court" shall be deemed and taken to be substituted for the words "Supreme Court" wherever the same occur in the said sections.

Commencement of the Proclamation.

3. This Proclamation shall take effect from the date of its publication in the *Gazette*.

ANNEXURE.

Sections of Act No. 8 of 1888 as applied to the Bechuanaland Protectorate by Proclamation No. 13 of 1897.

3. Whenever letters of administration granted in any State shall be produced to, and a copy thereof deposited with, the Master of the Resident Commissioner's Court, such letters may be sealed with his seal of office and signed by the Master, and shall thereupon be of like force and effect and have as full operation in this Colony, with respect to the entire estate of the deceased here situate, as though the said letters had been letters dative granted by the said Master: Provided, however,

- (1) That the Master shall not seal and sign any such letters so produced in case any letters of administration shall have been already granted by him in respect of the estate of any deceased person which shall be situate in this Colony.
- (2) That, before any such letters are sealed and signed the same stamps, fees of office, duties, and security shall, in the absence of any rule of court to the contrary, be paid, discharged, and given

¹ See Proclamation No. 2 (Administration) of 1914.

by the person authorised and empowered to act by the produced letters of administration, which would be required if the said letters had been granted by the Master.

- (3) That in case the Master shall refuse to seal and sign any such letters of administration so produced, it shall be lawful for the person thereby authorised and empowered to act, after notice to the Master, to make application to the Resident Commissioner's Court for relief, and thereupon the Resident Commissioner's Court shall make such order as to justice shall appertain, but no such order shall be inconsistent with the provisions of this Act or with rules of Court framed hereunder.

4. The Resident Commissioner's Court may from time to time make, revoke, amend, and vary rules of court regulating the procedure and practice, including rules as to fees and costs to be observed in and about the carrying out of the provisions of this Act, and all such rules shall come into operation from the date of their proclamation in the "Gazette."

5. Letters of administration lawfully granted by any British Consular Court shall be deemed and taken to be granted in a State to which all the provisions of this Act apply.

6. A copy certified by the Master of the Resident Commissioner's Court of the copy of any letters of administration, deposited with him under the 3rd Section of this Act, shall be admitted in evidence in all legal proceedings in this Colony, as though such certified copy were the original letters, and a certificate under the hand of the Master to the effect that he has, in accordance with the said section, sealed and signed any letters of administration, authorising and empowering any person to act thereunder, shall be admitted in all legal proceedings in this Colony as *prima facie* proof of the legal right and title of such person to administer so much of the estate of the deceased person named in such certificate as is situate in this Colony.
