

1911

EAST AFR PROT.  
10858

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1033

Book 84

Bankrupt C. B. Clatterbuck.

Date

1911

3 pgs.

Since that Recovery order has been made in  
Eng and agt to Clatterbuck who is now in  
business in the E Africa & requests such  
assistance as will enable the Ct to operate  
in client favour in that

last previous Paper.

MC  
20-159  
10

W. Risley.

James Cal. Order IX of 1910  
& the Provincial Insolvency Act  
1907 (111 of 1907) which that Order  
applies to the Pt.

It seems to me rather extraordinary  
that a debtor should be able to defy  
his creditors like this: but I cannot  
discover in the act quoted anything  
which will help the creditors here  
in connection with the petition which  
they have filed.

Presumably that only thing  
they can do is to start proceedings  
in Cal through some form of  
liquidation in the Pt.  
Would you please advise

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Subsequent Paper

10858

to me reply to this letter  
acc.

5/4

Mr. Cox

The for has in no stable in the present page  
of this letter. I cannot address it to the  
other people and in what the  
proceedings of this, who take in a given  
case.

Let me only call their attention to the local  
orders etc. & leave them to abide, the  
law to the facts

At home

H. B. L.  
E. J.

MORGE W. COOK,  
SOLICITOR  
RESIDENCE FOR 2214  
TELEPHONE 3862 WALL.

3, Broad Street Buildings  
Liverpool Street, E.C.  
(Opposite Broad Street Station)

3rd April 1911.

The Under Secretary for State for the Colonies,

Whitehall,

S. W..

670  
10853

Dear Sir,

I shall be glad if you can kindly give me some assistance in connection with a matter hereinafter mentioned.

I am acting for a firm of colonial Outfitters Messrs. Lawn and Alder, of Nos. 1, and 2, Brackley Street, E. C., and they have for some years past been endeavouring to obtain payment of a debt from a Mr. C. B. Clutterbuck who at one time resided at Portland Place, W. but who is now and has for some time been carrying on business at Lubwa and Njoro, British East Africa.

As my Clients could obtain no satisfaction, or even an answer to their letters it became necessary to issue a Writ, to sign Judgment and to issue a Bankruptcy Notice against the Defendant Clutterbuck but although the documents were personally served upon him he has never attempted to pay to my Clients the amount due to them and at last a Bankruptcy Petition was filed against him here and a Receiving Order made.

prior to the proceedings in Bankruptcy I made enquiries of the Bankruptcy Officials here and was informed that the English

J.R.

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3rd April 1911.

The Under Secretary for State for the Colonies,

Continued 2.

Bankruptcy Law was in force in British East Africa and that the Officials here would be able to proceed against the Debtor in British East Africa by taking possession of his property and assets there, but when the Receiving Order was made and I gave the Official Receiver all the information in my possession concerning the Debtor he stated that he was uncertain as to his powers to take any proceedings in Africa and contented himself with sending the usual printed Notice to the Bankrupt.

I was able to give information to the Bankruptcy Officials here that there was a sum of about £500 lying at a Bank in Mombasa to which the Bankrupt was entitled, but it formed part of a larger sum of money deposited in the name of certain Attornies. The Bankruptcy Officials here, I understand, merely sent the Bankrupt notice of the Receiving Order here and did not lay claim to any monies there belonging to the Debtor.

Under the above circumstances I have asked the Official Receiver to make enquiries of the Colonial Office to ascertain whether he has any power to claim the property and assets of the Debtor in

*G.W.*

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3 Broad Street Buildings  
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3rd April 1911.

The Under Secretary for State for the Colonies,

Continued 2.

British West Africa but I understand he has not been able to obtain the desired information.

I have searched the Library at the Colonial Office and it could appear that the Indian Insolvency Law applies to the British West African Protectorate and such Law does not provide apparently for proceedings to be taken out there upon a Petition filed in England.

I shall be glad if you can kindly see your way to give me such information as will assist my clients and upon which the Official Receiver can act, as it seems a regrettable state of affairs that a man can have a Receiving Order made against him in England and yet be possessed of considerable property in British West Africa which the Bankruptcy Officials here are unable to claim.

I am, Sir,

Yours obediently,

C / 10138 Cal.  
10

DRAFT.

G. W. Cook Esq.

11 April 1924

Recd 2/4  
his Risky 7  
his Brother Read 10/1  
2

Dear Sir,  
I am etc. to ask: the receipt  
of your letter of the 3rd of  
April relating to a debt  
which ~~contains~~ <sup>your</sup> checks, ~~has~~ <sup>been</sup>  
have ~~been~~ <sup>made</sup> are endeavoring  
to recover from ~~the~~  
C. W. Cook

2. The bankruptcy  
law of the Cal. is provided  
by order No IX of 1920,  
which applies the  
had been

3-170  
Indian Provincial Legislature  
Act 1907 to the Protection  
subject and as  
stated in its penultimate

para: of your letter  
the Act as so applied  
~~that~~ does not  
apply to  
proceedings  
to be taken in the O.C.  
upon a petition filed  
in England.

3. Mr. Harcourt regrets  
that he is <sup>unable to</sup> ~~unable to~~  
furnish you with <sup>any</sup> ~~any~~  
other information

2-17  
SH