pondent, being at the time absent from home, the applicant served upon respondent's wife, at respondent's home, notice that on the 1st February application would be made for an order against the respondent of personal attachment for contempt of Court.

There was no appearance for the respondent.

P. U. Fischer moved.

[FAWKES, J.: Is constructive notice sufficient? Contempt of Court practically amounts to a criminal offence. Should there not be affirmative proof that respondent is aware of this motion?]

The rule was served personally and also the order to restore. Notice left at respondent's home and with his wife is sufficient. *Ex facie* the documents there is a contempt.

THE COURT granted the order for personal attachment and four weeks' imprisonment, but reserved to the respondent leave, on sufficient cause shown, to have the order varied or set aside in view of the fact that notice was not served personally.

Applicant's Attorneys: *Marais & De Villiers.*

[Reported by *C. A. Beck*, Esq., Advocate.]

Ex Parte ABELMAN.

1913. *February* 1. FAWKES, J.

Insolvency.—Sequestration.—Discharge.—Inherent power of Court

The Court has an inherent power to grant a discharge from insolvency apart from the provisions of the Insolvency Law (Chapter civ. of the Law Book).

Application for discharge from insolvency and reinstatement in estate. Applicant's estate had been compulsory sequestrated in January, 1912. First and second meetings of creditors were duly convened by the Master, but no creditors appeared at either meeting and no further steps were taken in the matter. Petitioner now applied to have his estate discharged from the sequestration.

C. A. Beck moved.

THE COURT held that it had no power to deal with the case as a rehabilitation nor as a release from insolvency under sec. 107 of

chapter civ. of the Law Book (the Insolvency Act of 1904), as that section does not apply where no third meeting of creditors has taken place, but that it had inherent power to discharge the order of sequestration and to reinstate petitioner in his estate, and made such order accordingly.

Applicant's Attorney: *C. J. Reitz.*

[Reported by *C. A. Beck*, Esq., Advocate.]

Ex Parte BREWIS'S CURATOR.

1913. *February* 1. FAWKES, J.

Lunacy.—Foreign curator.—Local assets.—Recognition.

A curator duly appointed by a foreign Court to a lunatic within its jurisdiction will be recognised by the Court and authorised to deal with the lunatic's property situate within its jurisdiction subject to the rights of local creditors.

Application for the recognition of petitioner as curator *bonis* to his son who, in November, 1905, had been declared of unsound mind by an English Court. The petition alleged that applicant had been appointed "curator to the person and the property" of the said lunatic. By order of a Master in Lunacy in England petitioner was authorised to deal with the property of the lunatic in the Free State, a certain farm situated in the Boshof district. The curator contemplated bringing an action in this Court with reference to the said farm and he now applied for the recognition by this Court of his English appointment.

C. A. Beck, for petitioner, moved. See *Ex parte Sewell's Curator* (1906, T.S. 195); *Ex parte Pearce's Curator* (1907, T.S. 887).

THE COURT granted an order recognising petitioner within this Province as the curator *bonis* of the lunatic and authorising him to deal with the property of the lunatic situated in the Free State, subject to the rights of local creditors.

Applicant's Attorneys: *Botha & Goodrick.*

[Reported by *C. A. Beck*, Esq., Advocate.]