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**PROCLAMATIONS**

By HIS HONOUR DAVID GIDEON CONRADIE,  
ADMINISTRATOR OF SOUTH WEST AFRICA.

No. 9 of 1938.] *Repealed by Act 23/192/1935*

WHEREAS it is desirable to amend the law relating to the control of natives;

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

1. Sub-section (1) of section six of the Native Administration Amendment Proclamation, 1927 (Proclamation No. 11 of 1927), is hereby amended by the deletion of the words "which pass such employer shall demand from him and retain" occurring therein, and the substitution therefor of the words "or, when employing a native provided with a proper pass, does not demand such pass from such native and retain it".

2. This Proclamation shall be called the Native Administration Amendment Proclamation, 1938.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

No. 10 of 1938.]

Under and by virtue of the powers in me vested by section four of the Roads and Outspans Ordinance, 1937 (Ordinance No. 7 of 1937), I do hereby declare that:—

- (a) The roads, in the District of Otjiwarongo, described in Schedule "A" annexed hereto shall be converted into public roads and classified as District Roads;
- (b) District Road No. 58, in the District of Otjiwarongo, be deviated to the extent set forth in Schedule "B" annexed hereto.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

SCHEDULE "A".

(91) From a point on District Road No. 59 on the farm Friesland No. 229 generally eastwards via the farms Friesland No. 229, Vervel No. 226, Altmaar No. 228, Stormberg No. 227, Buffelsjag No. 250, Otjoruharui No. 251, Spytfontein No. 252, Maitland No. 273, Farm No. 272, Woodstock No. 271, Eendrag No. 374, and Otjosondu No. 274 to connect with District Road No. 58 on the lastmentioned farm.

(92) From a point on District Road No. 58 on the farm Saskatchewan No. 232, generally southwards via the farms Saskatchewan No. 232, Hieromtrent No. 231, Felixtowe No. 230 and Friesland No. 229 to connect with District Road No. 59 on the lastmentioned farm.

(93) From a point on District Road No. 58 on the farm Osire Süd No. 217 generally north-eastwards via the farms Osire Süd No. 217, Ombyjonganga No. 235, Ombyjonganga Nord No. 236, Okawitumbika No. 237, Otjurutjondjou No. 238, unsurveyed Crown Lands, thence south-eastwards via the farms Orutjiwa West No. 239, Orutjiwa No. 240, Okamandumba No. 261, unsurveyed Crown Lands, Okatjiwa No. 263, Winkelshutten No. 264, Siegerland No. 268, Hollywood No. 265, Otjepoto No. 266, Otjekongo No. 267, Ouparakane No. 275 and Ongombeihongora No. 276, to connect with District Road No. 58 on the lastmentioned farm.

**PROKLAMASIES**

VAN SY EDELE DAVID GIDEON CONRADIE,  
ADMINISTRATEUR VAN SUIDWES-AFIKA.

No. 9 van 1938.]

NADEMAAL dit wyslik is om die wet met betrekking tot die kontrole oor natuurlike te wysig;

SO IS DIT dat ek, op grond van en kragtens die bevoegdhede my verleen, hiermee proklameer, verklaar en as volg bekendmaak:—

1. Subartikel (1) van artikel ses van die Naturelle Administrasie Wysigingsproklamasie 1927 (Proklamasie No. 11 van 1927) word hiermee gewysig deur die woorde "(wat sodanige werkgewer van hom moet eis en in bewaring hou)" wat daarin voorkom, te skrap en die woorde "of, wanneer hy 'n naturel in diens neem wat met 'n behoorlike pas voorsien is, sodanige pas nie van so 'n naturel eis en in bewaring hou nie," na die woorde "in diens neem" in te voeg.

2. Hierdie Proklamasie heet die Naturelle-administrasie Wysigingsproklamasie 1938.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

No. 10 van 1938.]

Kragtens en ingevolge die magte my verleen deur artikel vier van die Ordonnansie op Paaie en Uitspanplekke 1937 (Ordonnansie No. 7 van 1937) verklaar ek hiermee dat:—

- (a) die paaie in die distrik Otjiwarongo wat in Bylae "A" hiervan omskrywe is, omgeset word in publieke paaie, en dat hulle geklassifiseer sal word as distrikspaaie.
- (b) Distrikspad No. 58, in die distrik Otjiwarongo, verlê word soos uiteengesit in Bylae "B" hiervan.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

BYLAE "A".

(91) Vanaf 'n punt op Distrikspad No. 59 op die plaas Friesland No. 229 in 'n algemene oostelike rigting oor die plase Friesland No. 229, Vervel No. 226, Altmaar No. 228, Stormberg No. 227, Buffelsjag No. 250, Otjoruharui No. 251, Spytfontein No. 252, Maitland No. 273, Farm No. 272, Woodstock No. 271, Eendrag No. 374 en Otjosondu No. 274, tot waar dit Distrikspad No. 58 op laasgenoemde plaas ontmoet.

(92) Vanaf 'n punt op Distrikspad No. 58 op die plaas Saskatchewan No. 232, in 'n algemene suidelike rigting oor die plase Saskatchewan No. 232, Hieromtrent No. 231, Felixtowe No. 230 en Friesland No. 229, tot waar dit Distrikspad No. 59 op laasgenoemde plaas ontmoet.

(93) Vanaf 'n punt op Distrikspad No. 58 op die plaas Osire Süd No. 217 in 'n algemene noordoostelike rigting oor die plase Osire Süd No. 217, Ombyjonganga No. 235, Ombyjonganga Nord No. 236, Okawitumbika No. 237, Otjurutjondjou No. 238, onopgemete kroongronde, vandaar in 'n suidoostelike rigting oor die plase Orutjiwa West No. 239, Orutjiwa No. 240, Okamandumba No. 261, onopgemete kroongronde, Okatjiwa No. 263, Winkelshutten No. 264, Siegerland No. 268, Hollywood No. 265, Otjepoto No. 266, Otjekongo No. 267, Ouparakane No. 275 en Ongombeihongora No. 276, tot waar dit Distrikspad No. 58 op laasgenoemde plaas ontmoet.

(94) From a point on District Road No. 58 on Portion A of farm Osire Süd No. 217 at the Police Station, generally eastwards and south-eastwards via Portion A of farm Osire Süd No. 217, Burgkeller No. 234, Ouhave No. 242, Okamutenja No. 241, Okatjise No. 245, Okatjandagi West No. 259, Okatjandagi No. 260, Farm No. 257, Kara No. 269, Eureka No. 375, Eendrag No. 374, to connect with District Road No. 58 on the lastmentioned farm.

(95) From a point on District Road No. 59 on the farm Friesland No. 229 generally westwards via the farms Friesland No. 229, Winterhoek No. 221, Arkansas No. 211, Farm No. 210, Damietta No. 209, Okanjete No. 208, Tuscany No. 203, Otutundu No. 204, to connect with District Road No. 38 on the lastmentioned farm.

SCHEDULE "B".

Description of Road.	Extent of deviation.
The road described in Proclamation No. 39 of 1930 as District Road No. 58.	From a point on Portion A of the farm Osire Süd No. 217 at the Police Station generally southwards and eastwards, via Portion A of Osire Süd No. 217, Saskatchewan No. 232 and Okatjeru No. 233 to reconnect with the said district road on the lastmentioned farm.

(94) Vanaf 'n punt op Distrikspad No. 58, op Gedeelte A van die plaas Osire Süd No. 217, by die Polisiestasie, in 'n algemene oostelike en suidoostelike rigting oor Gedeelte A van die plaas Osire Süd No. 217, Burgkeller No. 234, Ouhave No. 242, Okamutenja No. 241, Okatjise No. 245, Okatjandagi West No. 259, Okatjandagi No. 260, Plaas No. 257, Kara No. 269, Eureka No. 375, Eendrag No. 374, tot waar dit Distrikspad No. 58 op die laasgenoemde plaas ontmoet.

(95) Vanaf 'n punt op Distrikspad No. 59 op die plaas Friesland No. 229 in 'n algemene westelike rigting oor die plase Friesland No. 229, Winterhoek No. 221, Arkansas No. 211, Plaas No. 210, Damietta No. 209, Okanjete No. 208, Tuscany No. 203, Otutundu No. 204, tot waar dit Distrikspad No. 38 op laasgenoemde plaas ontmoet.

BYLAE "B".

Beskrywing van pad.	Omvang van Verlegging.
Die pad wat in Proklamasie No. 39 van 1930 as Distrikspad No. 58 beskryf word.	Vanaf 'n punt op Gedeelte A van die plaas Osire Süd No. 217, by die Polisiestasie, in 'n algemene suidelike en oostelike rigting, oor Gedeelte A van Osire Süd No. 217, Saskatchewan No. 232 en Okatjeru No. 233 tot waar dit weer die gemelde Distrikspad op laasgenoemde plaas ontmoet.

No. 11 of 1938.]

Under and by virtue of the powers in me vested by section four of the Roads and Outspans Ordinance, 1937 (Ordinance No. 7 of 1937), I do hereby declare that:—

- (1) District Road No. 1 in the district of Outjo shall be deviated as described in Schedule "A" annexed hereto.
- (2) The extent of road in the district of Outjo as defined in Schedule "B" annexed hereto be closed.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

SCHEDULE "A".

Description of Road.	Extent of Deviation.
The Road described as District Road No. 1 in Proclamation No. 5 of 9th February, 1931.	From a point on District Road No. 1 near the homestead on farm Klein Tutara No. 56 deviating in a westerly direction over the farm Klein Tutara No. 56 and the north-western corner of farm Gross Tutara No. 55, thence west over the farms Pamela No. 58, Persephone No. 61, Dameron No. 62, Hilldown No. 63, thence in a south-westerly direction over the farms Dante No. 8, Orpheus No. 9, to the border of the Franzfontein Native Reserve No. 6, thence in a southerly direction via the Franzfontein Native Reserve No. 6, to the Police Station in the said Reserve, where it joins the terminus of District Road No. 5.

SCHEDULE "B".

Description of Road.	Extent of Road Closed.
The Road described as District Road No. 1 in Proclamation No. 5 of 9th February, 1931.	From a point on District Road No. 1 near the homestead on farm Klein Tutara No. 56 westwards over the farms Klein Tutara No. 56, Gross Tutara No. 55, Danube No. 59, Schoenau No. 60, Cypress No. 64, Malta No. 7, Franzfontein Native Reserve No. 6, to connect with the excluded portions of the said Reserve.

No. 11 van 1938.]

Kragtens en ingevolge die magte my verleen deur artikel vier van die Ordonnansie op Paaie en Uitspanplekke 1937 (Ordonnansie No. 7 van 1937) verklaar ek hiermee:—

- (1) dat Distrikspad No. 1 in die distrik Outjo verlé word soos in Bylae "A" hiervan uiteengesit;
- (2) die pad in die Distrik Outjo in Bylae "B" hiervan omskrywe, geslote.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

BYLAE "A".

Beskrywing van pad.	Omvang van Verlegging.
Die pad wat in Proklamasie No. 5 van 9 Februarie 1931 beskrywe word as Distrikspad No. 1.	Vanaf 'n punt op Distrikspad No. 1 naby die woonhuis op die plaas Klein Tutara No. 56 afwykend in 'n westelike rigting oor die plaas Klein Tutara No. 56 en die noordwestelike hoek van die plaas Gross Tutara No. 55, vandaar weswaarts oor die plase Pamela No. 58, Persephone No. 61, Dameron No. 62, Hilldown No. 63, vandaar in 'n suidwestelike rigting oor die plase Dante No. 8, Orpheus No. 9, tot by die grens van die Franzfontein Naturelleserwe No. 6, vandaar suidwaarts oor die Franzfontein Naturelleserwe No. 6, tot by die Polisiestasie in die genoemde reserwe, waar dit die eindpunt van Distrikspad No. 5 ontmoet.

BYLAE "B".

Beskrywing van pad.	Omvang van pad wat gesluit word.
Die pad wat in Proklamasie No. 5 van 9 Februarie 1931 beskrywe word as Distrikspad No. 1.	Vanaf 'n punt op Distrikspad No. 1 naby die woonhuis op die plaas Klein Tutara No. 56, weswaarts oor die plase Klein Tutara No. 56, Gross Tutara No. 55, Danube No. 59, Schoenau No. 60, Cypress No. 64, Malta No. 7, Franzfontein Naturelleserwe No. 6, tot waar dit die uitgeslote gedeeltes van die genoemde Reserwe ontmoet.

No. 12 of 1938.]

Under and by virtue of the powers in me vested by section four of the Roads and Outspans Ordinance, 1937 (Ordinance No. 7 of 1937), I do hereby declare that:—

- (1) The roads, in the District of Grootfontein, as defined in Schedule "A" annexed hereto shall be Public Roads;
- (2) The District Road No. 81 in the District of Grootfontein, be deviated to the extent set forth in Schedule "B" annexed hereto;
- (3) District Roads Nos. 81 and 83 in the District of Grootfontein, be closed to the extent set forth in Schedule "C" annexed hereto.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek, this 8th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

## SCHEDULE "A".

(1) From a point on District Road No. 61 near the homestead of farm Lichtenberg No. 473 in a north-westerly direction via the farm Lichtenberg No. 473 and through the south-western corner of farm Neuhorst No. 474; thence in a straight line through the farm Finsterberg No. 469 to the homestead on the lastmentioned farm.

(2) From the homestead on farm Neuhorst No. 474 in a south-westerly direction over the farms Neuhorst No. 474, Lichtenberg No. 473, Holstein No. 472 and Gabus No. 52 to a point where District Roads Nos. 65 and 66 meet on the lastmentioned farm.

(3) From a point on Main Road No. 2 on the Farm No. 373 near its western boundary south-eastwards via the Farm No. 373 and following along its south-western boundary to its south-western corner beacon, thence continuing south-eastwards via the Farm No. 374 and following along its south-western boundary to its south-western corner beacon, thence continuing south-eastwards via the farm Klein Uitkomst No. 185 to near its homestead, thence continuing south-eastwards via the farms Klein Uitkomst No. 185 and Okamahundju West No. 178 to a point on District Road No. 84 near the homestead on the lastmentioned farm

## SCHEDULE "B".

## Description of Road.

The road described as District Road No. 81 in part II of Schedule II of Proclamation No. 22 of 1929.

## Extent of Deviation.

From a point on Main Road No. 2 on the Farm No. 373 near its western boundary north-westwards via the Farm No. 373 and following along its south-western boundary to its north-western corner beacon, thence through the south-western corner of the farm Polzins No. 368 and proceeding generally north-westwards via the farms York No. 37, Chester No. 38, Geluk No. 39 and Klippbockfontein No. 31 to reconnect with District Road No. 81 on the lastmentioned farm.

## SCHEDULE "C".

## Description of Road.

The road described as District Road No. 81 in part II of Schedule II of Proclamation No. 22 of 1929.

The road described as District Road No. 83 in part II of Schedule II of Proclamation No. 22 of 1929.

## Extent of road closed.

From a point on Main Road No. 2 on farm Uitkomst No. 41 in a north-westerly direction over the farms Chester No. 38, Geluk No. 39, the southern portion of farm Leyboldsruhe No. 377 and the farm Klippbockfontein No. 31 to a point on the lastmentioned farm.

From a point on District Road No. 82 on Farm No. 374 in a southerly direction to the homestead on Klein Uitkomst No. 185.

No. 12 van 1938.]

Kragtens en ingevolge die bevoegdhede my verleen deur artikel vier van die Ordonnansie op Paaie en Uitspanplekke 1937 (Ordonnansie No. 7 van 1937) verklaar ek hiermee dat:—

- (1) Die paaie, in die distrik Grootfontein, soos omskryf in Bylae "A" hiervan, omgeset word in publieke paaie;
- (2) Die Distrikspad No. 81 in die Distrik Grootfontein verlé word op die wyse uiteengesit in Bylae "B" hiervan;
- (3) Distrikspaaie Nos. 81 en 83 in die Distrik Grootfontein gesluit word soos uiteengesit in Bylae "C" hiervan.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

## BYLAE "A".

(1) Vanaf 'n punt op Distrikspad No. 61, digby die woonhuis op plaas Lichtenberg No. 473, in 'n noordwestelike rigting oor die plaas Lichtenberg No. 473 en deur die suidwestelike hoek van plaas Neuhorst No. 474; dan in 'n reguit lyn deur die plaas Finsterberg No. 469 na die woonhuis op laasgenoemde plaas.

(2) Vanaf die woonhuis op die plaas Neuhorst No. 474 in 'n suidwestelike rigting oor die plase Neuhorst No. 474, Lichtenberg No. 473, Holstein No. 472 en Gabus No. 52 na 'n punt waar Distrikspaaie Nos. 65 en 66 op laasgenoemde plaas verenig.

(3) Vanaf 'n punt op hoofpad No. 2 op die plaas No. 373 naby die westelike grens suidooswaarts oor die plaas No. 373 en langs die suidwestelike grens na die suidwestelike hoekbaken van genoemde plaas; dan suidooswaarts voortgaande oor die plaas No. 374 en langs die suidwestelike grens na die suidwestelike hoekbaken van laasgenoemde plaas, dan suidooswaarts voortgaande oor die plaas Klein Uitkoms No. 185 tot naby die woonhuis, dan suidooswaarts voortgaande oor die plase Klein Uitkoms No. 185 en Okamahundju West No. 178 na 'n punt op Distrikspad No. 84 naby die woonhuis op laasgenoemde plaas.

## BYLAE "B".

## Beskrywing van pad.

Die pad wat beskryf word as Distrikspad No. 81 in Deel II van Bylae II van Proklamasie No. 22 van 1929

## Omvang van Afwyking.

Vanaf 'n punt op hoofpad No. 2 op die plaas No. 373 naby die westelike grens noordweswaarts oor die plaas No. 373 en langs die suidwestelike grens na die noordwestelike hoekbaken van genoemde plaas; dan deur die suidwestelike hoek van die plaas Polzins No. 368 en algemeen noordweswaarts voortgaande oor die plaas York No. 37, Chester No. 38, Geluk No. 39 en Klippbockfontein No. 31 om met Distrikspad No. 81 op laasgenoemde plaas te herenig.

## BYLAE "C".

## Beskrywing van pad.

Die pad wat beskryf word as Distrikspad No. 81 in Deel II van Bylae II van Proklamasie No. 22 van 1929.

Die pad wat beskryf word as Distrikspad No. 83 in Deel II van Bylae II van Proklamasie No. 22 van 1929.

## Omvang van pad wat gesluit word.

Vanaf 'n punt op hoofpad No. 2 op plaas Uitkoms No. 41 in 'n noordwestelike rigting oor die plase Chester No. 38, Geluk No. 39, die suidelike deel van plaas Leyboldsruhe No. 377 en die plaas Klippbockfontein No. 31 na 'n punt op laasgenoemde plaas.

Vanaf 'n punt op Distrikspad No. 82 op plaas No. 374 in 'n suidelike rigting na die woonhuis op Klein Uitkomst No. 185.

No. 13 of 1938.]

Under and by virtue of the powers in me vested by section four of the Roads and Outspans Ordinance, 1937 (Ordinance No. 7 of 1937), I do hereby declare that the road, in the District of Omaruru, as defined in the Schedule annexed hereto shall be a District Road, and shall be known as District Road No. 24.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

SCHEDULE.

DISTRICT ROAD.

From a point on the Omaruru—Okahandja Main Road (Main Road No. 1), approximately one mile westwards from the motor gate on the boundary of farms Ombambi No. 114 and Omenje No. 119, proceeding generally southwards across farms Ombambi No. 114 and Ombuinja No. 116 to join Karibib District Road No. 5 on the boundary of the last-mentioned farm.

No. 13 van 1938.]

Kragtens en ingevolge die magte my verleen deur artikel vier van die Ordonnansie op Paaie en Uitspanplekke, 1937 (Ordonnansie No. 7 van 1937), verklaar ek hiermee die pad in die distrik van Omaruru, soos dit in die Bylae hiervan omskryf is, tot 'n Distrikspad, en dit sal bekend wees as Distrikspad No. 24.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

BYLAE.

DISTRIKSPAD.

Vanaf 'n punt op die Omaruru—Okahandja Hoofpad (Hoofpad No. 1) ongeveer een myl wes van die motorhek op die grens tussen die plase Ombambi No. 114 en Omenje No. 119, in 'n algemene suidelike rigting oor die plase Ombambi No. 114 en Ombuinja No. 116 tot waar dit Karibib Distrikspad No. 5 op die grens van laasgenoemde plaas ontmoet.

No. 14 of 1938.]

WHEREAS it is desirable to amend the law relating to the protection of the diamond industry and the illegal entry into prohibited areas, and to provide for matters incidental thereto;

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

1. In this proclamation the expression "the principal proclamation" shall mean the Diamond Industry Protection Proclamation, 1922 (Proclamation No. 26 of 1922), as amended from time to time.

2. Sub-section (1) of section seven of the principal proclamation is hereby amended:—

- (1) by the deletion of the words "or package" occurring in the third line thereof, and the substitution therefor of the words "package or enclosure";
- (2) by the insertion of the words "in so far as transmission within the Territory and to a place within the Territory is concerned", after the words "or with the special authority" occurring therein.

3. Section nine of the principal proclamation is hereby amended —

- (1) by the deletion of the word "constable" occurring in the first line of sub-section (1) thereof, and the substitution therefor of the words "member of the Diamond Detective Department (hereinafter called 'diamond detective').";
- (2) by the deletion of the words "in any highway, street or public place", occurring in sub-section (1) thereof;
- (3) by the deletion of the word "constable" occurring in sub-section (2) thereof, and the substitution therefor of the words "diamond detective".

4. Section ten of the principal proclamation is hereby amended by the deletion of the words "and Swakopmund" occurring therein and the substitution therefor of the words "Maltahohe, Rehoboth, Swakopmund and Warmbad".

5. Sub-section (1) of section sixteen of the principal proclamation is hereby amended by the insertion of the words "native or" before the words "coloured person" wherever they occur therein.

6. Section eighteen of the principal proclamation is hereby deleted and the following new section substituted therefor:—

"18. The Head of the Diamond Detective Department shall have and possess all and singular the powers that are assigned in this proclamation to any Magistrate."

No. 14 van 1938.]

NADEMAAL dit wenslik is om die wet met betrekking tot die beskerming van die diamantnywerheid en die onwettige betreding van verbode gebiede te wysig, en om voorsiening te maak vir aangeleenthede in verband daarmee;

SO IS DIT dat ek, op grond van en kragtens die bevoegdhede my verleen, hiermee proklameer, verklaar en as volg bekendmaak:—

1. In hierdie Proklamasie beteken die uitdrukking "die hoofproklamasie" die "Bescherming van die Diamantindustrie Proklamasie 1922" (Proklamasie No. 26 van 1922), soos van tyd tot tyd gewysig.

2. Subartikel (1) van artikel sewe van die hoofproklamasie word hiermee gewysig:—

- (1) deur die woorde "of pak" wat in die derde lyn daarvan voorkom, te skrap, en hulle te vervang deur die woorde "pak of insluitel";
- (2) deur die woorde "voor zoo ver als verzending binnen het Gebied en tot een plaats binnen het Gebied betrokke is", in te voeg na die woorde "anders als met die machtiging" wat daarin voorkom.

3. Artikel nege van die hoofproklamasie word hiermee gewysig:—

- (1) deur die woord "politie-konstabel" wat in die eerste lyn van subartikel (1) daarvan voorkom, te skrap, en dit te vervang deur die woorde "lid van het diamant-politie departement (hierna genoem "diamant-politie")";
- (2) deur die woorde "op enige publieke weg of in een publieke plaats", wat in subartikel (1) daarvan voorkom, te skrap;
- (3) deur die woord "politie-konstabel" wat in subartikel (2) daarvan voorkom, te skrap en dit te vervang deur die woord "diamant-politie".

4. Artikel tien van die hoofproklamasie word hiermee gewysig deur die woorde "en Swakopmund" wat daarin voorkom, te skrap en hulle te vervang deur die woorde "Maltahohe, Rehoboth, Swakopmund en Warmbad".

5. Subartikel (1) van artikel sestien van die hoofproklamasie word hiermee gewysig deur die woorde "naturel of" voor die woord "kleurling" in te voeg, waar dit daarin voorkom.

6. Artikel agtien van die hoofproklamasie word hiermee geskrap en deur die volgende nuwe artikel vervang:—

"18. Het hoofd van het diamant-politie departement heeft en bezit alle en bijzondere bevoegdheden welke in deze Proklamasie aan een Magistraat toegekend zijn."

7. Sub-section (4) of section *twenty* of the principal proclamation is hereby amended by the addition of the following words at the end thereof:—

“but shall make use only of transport provided or approved by the Head of the Diamond Detective Department.”

8. Section *twenty-two* of the principal proclamation is hereby amended by the insertion of the words “any diamond detective or” after the words “so to do by” occurring in the fifth line thereof.

9. Section *twenty-nine* of the principal proclamation is hereby amended:—

(1) by the addition of the following definition:—

“The diamond detective department” shall mean a department hereby authorised to be established by the Diamond Board for South West Africa for the detection of offences against the provisions of this proclamation, or against any of the other laws of the Territory relating to the control and protection of the Diamond Industry.”;

(2) by the deletion in the definition of the word “claim” of the words “the rights to which have been legally acquired”, and the substitution therefor of the words “the rights to which have been acquired by virtue of lease or grant from the Administration of the Territory”.

10. Nothing in this proclamation contained shall be deemed to affect the provisions of the Diamond Board Proclamation, 1932 (Proclamation No. 10 of 1932).

11. Any map of the Territory, or of any portion of the Territory, purporting on its face to be a map drawn in the office of the Surveyor-General of the Territory from Cadastral and Topographical Surveys, or purporting to be certified by the said Surveyor-General to be drawn from official records, shall on its mere production be *prima facie* evidence in all Courts of law in the Territory of the particulars set forth therein, and the topography of such map shall be deemed to be correct, and any boundary line delineated thereon shall be deemed to be correctly placed, until the contrary is proved.

12. This Proclamation shall be called the Diamond Industry Protection Amendment Proclamation, 1938.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of April, 1938.

D. G. CONRADIE,  
Administrator.

No. 15 of 1938.]

WHEREAS it is desirable to amend the law relating to retiring pensions of Teachers;

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

1. In this Proclamation the expression “the principal proclamation” means the Teachers’ Pensions Proclamation, 1931 (Proclamation No. 39 of 1931), as amended from time to time.

2. Section *two* of the principal proclamation is hereby amended as follows:—

by the deletion of the words “If any such investment” occurring in sub-section (4) thereof and the substitution therefor of the words “If in any financial year the total of such investments”.

3. Sub-section (1) of section *three* of the principal proclamation is hereby amended by the deletion of the table annexed thereto and the substitution therefor of the following new table:—

7. Subartikel (4) van artikel *twintig* van die hoofproklamasie word hiermee gewysig deur die volgende woorde aan die end daarvan te voeg:—

“maar zullen alleenlik transport gebruiken door het hoofd van het diamant-politie departement voorzien of goedgekeurd”.

8. Artikel *twée-en-twintig* van die hoofproklamasie word hiermee gewysig deur die woorde “enige diamant-politie of” in te voeg na die woorde “daartoe verzoekt door” wat in die sesde lyn daarvan voorkom.

9. Artikel *nege-en-twintig* van die hoofproklamasie word hiermee gewysig:—

(1) deur die volgende woordskrywing by te voeg:—

“Het diamant-politie departement” betekent een departement tot de instelling waarvan de Diamant Raad voor Zuidwest-Afrika hierbij gemachtigd word teneinde overtredingen tegen de bepalingen van deze Proklamasie of tegen enige andere wetten van het Gebied betreffende het beheer en de bescherming van de Diamantindustrie, op te sporen.”;

(2) deur in die woordskrywing van die woord “claim” die woorde “waarover de rechten wettelik verkregen werden:” te skrap en hulle te vervang deur die woorde “waarover de rechten verkregen werden krachtens een huurkontraakt of toekenningsakte van de Administratie van het Gebied”.

10. Niks in hierdie Proklamasie vervat word gegag die bepalinge van die Diamantraad Proklamasie 1932 (Proklamasie No. 10 van 1932) aan te tas nie.

11. Enige kaart van die Gebied, of van ’n deel van die Gebied, wat klaarblyklik voorgee ’n kaart te wees wat in die kantoor van die Landmeter-generaal van die Gebied geteken is van kadaster- en topografiese opmetings, of wat voorgee deur bedoelde Landmeter-generaal gesertifiseer te wees dat dit van offisiële rekords geteken is, is op blote vertoning *prima facie* bewys in alle geregshoue in die Gebied van die besonderhede wat daarop verskyn, en die topografie van so ’n kaart word gegag juis te wees, en enige grenslyn daarop geteken word gegag juis geplaas te wees, totdat die teenoorgestelde bewys word.

12. Hierdie Proklamasie heet die Wysigingsproklamasie op die Beskerming van die Diamantnywerheid 1938.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek, hierdie 8ste dag van April 1938.

D. G. CONRADIE,  
Administrateur.

No. 15 van 1938.]

NADEMAAL dit wenslik is om die wet met betrekking tot aftredingspensioene van onderwysers te wysig;

SO IS DIT dat ek, op grond van en kragtens die bevoegdhede my verleen, hiermee proklameer, verklaar en as volg bekendmaak:—

1. In hierdie Proklamasie beteken die uitdrukking “die hoofproklamasie” die Proklamasie van 1931 betreffende Pensioene van Onderwysers (Proklamasie No. 39 van 1931), soos van tyd tot tyd gewysig.

2. Artikel *twée* van die hoofproklamasie word hiermee as volg gewysig:—

deur die woorde “As enige sodanige belegging” wat in subartikel (4) daarvan voorkom te skrap en hulle te vervang deur die woorde “Indien in enige boekjaar die totaal van sodanige belegging”.

3. Subartikel (1) van artikel *drie* van die hoofproklamasie word hiermee gewysig deur die daaraangehegte tabel te skrap en te vervang deur die volgende nuwe tabel:—

MEN.		WOMEN.		MANNE.		VROUE.	
Age at the anniversary of his birth last preceding the date of his appointment.	Rate of contribution (per cent of his pensionable emoluments).	Age at the anniversary of her birth last preceding the date of her appointment.	Rate of contribution (per cent of her pensionable emoluments).	Leeftyd op sy Verjaarsdag, wat die datum van sy aanstelling laaste voorafgegaan het.	Tarief van bydrae (persent van sy op pensioen reggewende emolumente).	Leeftyd op haar Verjaarsdag, wat die datum van haar aanstelling laaste voorafgegaan het.	Tarief van bydrae (persent van haar op pensioen reggewende emolumente).
Not exceeding 43 years	6	Not exceeding 35 years	6	Nie hoër as 43 jare nie	6	Nie hoër as 35 jare nie	6
Exceeding 43 years but not exceeding 46 years	7	Exceeding 35 years but not exceeding 37 years	7	Hoër as 43 maar nie hoër as 46 jare nie	7	Hoër as 35 maar nie hoër as 37 jare nie	7
Exceeding 46 years	8	Exceeding 37 years but not exceeding 40 years	8	Hoër as 46 jare	8	Hoër as 37 maar nie hoër as 40 jare nie	8
		Exceeding 40 years but not exceeding 42 years	9			Hoër as 40 maar nie hoër as 42 jare nie	9
		Exceeding 42 years	10			Hoër as 42 jare	10

4. Sub-section (a) of section *sixty* of the Education Proclamation, 1921 (Proclamation No. 55 of 1921), as read with section *one hundred and fifty-seven* of the Education Proclamation, 1926 (Proclamation No. 16 of 1926), is hereby amended by the deletion of the word "five" occurring in the fourth line thereof and the substitution therefor of the word "six".

5. This Proclamation may be cited for all purposes as the Teachers' Pensions Amendment Proclamation, 1938, and shall be deemed to have come into operation on the first day of April, 1938.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 22nd day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

4. Subartikel (a) van artikel *sestig* van "De Onderwijs Proklamatie 1921" (Proklamasie No. 55 van 1921), soos met artikel *eenhonderd sewen-en-veertig* van die Onderwys Proklamasie 1926 (Proklamasie No. 16 van 1926) gelees, word hiermee gewysig deur die woord "vyf" wat in die derde lyn daarvan voorkom te skrap en dit te vervang deur die woord "ses".

5. Hierdie Proklamasie kan vir alle doeleindes aangehaal word as die Wysigingsproklamasie van 1938 betreffende Pensioene van Onderwysers en word geag in werking getree te hê op die eerste dag van April 1938.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 22ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

No. 16 of 1938.]

WHEREAS by paragraph *four* of the Agreement concluded between the Administrator of South West Africa and the Kapitein of the Rehoboth Community and the members of the Raad of the said Community, which said Agreement was ratified and confirmed by Proclamation of the Administrator dated the twenty-eighth day of September, 1923 (Proclamation No. 28 of 1923), it was agreed *inter alia* that the Administrator, after consultation with the Raad of the aforesaid Rehoboth Community, should possess the power to legislate for the territory referred to in the Agreement as the *Gebiet*, if he considered such legislation expedient or desirable in the interests of either the Territory of South West Africa or the *Gebiet*;

AND WHEREAS by section *one* of the Rehoboth Affairs Proclamation, 1924 (Proclamation No. 31 of 1924), it was provided that from and after the taking effect thereof the Raad should cease to function within the *Gebiet* and that all and several the powers, functions and duties vested by law in the Raad should vest in the Magistrate of the District of Rehoboth;

AND WHEREAS after consultation with the Magistrate of the District of Rehoboth, the Administrator considers it expedient in the interests of the *Gebiet*, to amend the law providing for the election of an Advisory Board to advise the said Magistrate in the exercise and performance of the powers, functions and duties vested in and conferred and imposed upon him by section *one* of the Rehoboth Affairs Proclamation, 1924, aforesaid;

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

1. The expression "the principal law", when used in this Proclamation, shall mean the Rehoboth *Gebiet* Affairs Proclamation, 1928 (Proclamation No. 9 of 1928), as amended from time to time.

No. 16 van 1938.]

NADEMAAL deur paragraaf *vier* van die Ooreenkoms tussen die Administrateur van Suidwes-Afrika en die Kapitein van die Rehoboth-Gemeente en die lede van die Raad van die voormelde Gemeente gesluit, watter ooreenkoms deur Proklamasie van die Administrateur, gedagteken die agt-en-twintigste dag van September 1923 (Proklamasie No. 28 van 1923) bevestig en bekragtig is, dit *inter alia* ooreengekom is dat die Administrateur, na rugspraak met die Raad van die voormelde Rehoboth-Gemeente, die bevoegdheid sou besit om wetgewing vir die landstreek, wat in die Ooreenkoms die *Gebiet* genoem word, uit te vaardig, as hy sodanige wetgewing in die belange of van die Gebied Suidwes-Afrika of van die *Gebiet* raadsaam of wenslik ag;

EN NADEMAAL deur artikel *een* van "De Rehoboth Aangelegenheden Proklamatie, 1924" (Proklamasie No. 31 van 1924), bepaal is, dat vanaf en na die inwerkingtreding daarvan die Raad sou ophou om binne die *Gebiet* te funksioneer en dat al die bevoegdhede, funksies en pligte, deur wet aan die Raad verleen, by die Magistrat van die distrik Rehoboth sou berus;

EN NADEMAAL die Administrateur, na rugspraak met die Magistraat van die distrik Rehoboth, dit raadsaam ag, in die belange van die *Gebiet* om die Wet wat voorsiening maak vir die kiesing van 'n Adviserende Raad te wysig, om die Magistraat in die uitoefening en verrigting van sy bevoegdhede, funksies en pligte deur artikel *een* van die Rehoboth-Aangeleenthede Proklamasie 1924 aan hom verleen, oorgedra en op hom gelê, met raad by te staan;

SO IS DIT dat ek, onder en kragtens die bevoegdhede my verleen, hiermee proklameer, verklaar en as volg bekendmaak:—

1. Die uitdrukking "die hoofwet", wat in hierdie Proklamasie gebruik word, beteken die Rehoboth *Gebiet* Aangeleenthede Proklamasie, 1928 (Proklamasie No. 9 van 1928), soos van tyd tot tyd gewysig:—

2. Sub-section (8) of section *two* of the principal law is hereby deleted and the following sub-section substituted therefor:—

“(8) The election shall take place in such manner as the Administrator may by regulation prescribe, or in the absence of such regulation in such manner as the Magistrate shall fix or determine.”

3. This Proclamation may be cited for all purposes as the Rehoboth *Gebiet* Affairs Amendment Proclamation, 1938.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 26th day of April, 1938.

D. G. CONRADIE,  
*Administrator.*

2. Subartikel (8) van artikel  *twee*  van die hoofwet word hiermee geskrap en deur die volgende subartikel vervang:—

“(8) Die verkiesing moet op so 'n wyse plaasvind as wat die Administrateur deur regulasie mag voorskrywe, of as daar nie so 'n regulasie is nie, op so 'n wyse as wat die Magistraat sal bepaal of vasstel.”

3. Hierdie Proklamasie kan vir alle doeleindes as die Rehoboth *Gebiet* Aangeleenthede Wysigingsproklamasie 1938 aangehaal word.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 26ste dag van April 1938.

D. G. CONRADIE,  
*Administrateur.*

## Government Notices.

The following Government Notices are published for general information.

J. NESER,  
*Actg. Secretary for South West Africa.*

Office of the Administrator,  
Windhoek.

No. 64.]

[2nd May, 1938.

It is hereby notified for general information that the Administrator has been pleased to approve of the subjoined regulation framed by the Windhoek Municipal Council under the provisions of section *eight* of the Electric Power Proclamation, 1922 (Proclamation No. 4 of 1922), as amended by the Electric Power Proclamation Amendment Proclamation, 1927 (Proclamation No. 27 of 1927), being an amendment of the regulations published under Government Notice No. 35 of the 15th February, 1933, as amended by Government Notice No. 27 of the 12th February, 1934, Government Notice No. 110 of the 10th August, 1934, Government Notice No. 148 of the 6th November, 1934, Government Notice No. 142 of the 16th September, 1935, Government Notice No. 5 of the 2nd January, 1936, and Government Notice No. 104 of the 15th June, 1937, and to be read as part of the said regulations:—

### MUNICIPALITY OF WINDHOEK.

#### AMENDMENT OF ELECTRICITY SUPPLY REGULATIONS.

168. Paragraph *seven* of Regulation No. 159 is hereby amended —

- (a) by the deletion of the amount “£3.10/-”, where it appears therein and the substitution therefor of the amount “£4.10/-”;
- (b) by the insertion after the item amended under (a) above of the following item —

“For providing and laying a connection for the purpose of connecting electric motors to the service mains, provided the premises are not more than 50 metres from the service main . . . £6”;

- (c) by the deletion of the amount “5/-” where it appears under the headings “For fixing at the request of a consumer a meter supplied by the Council or for fixing any additional meter to any existing service connection” and “Exchanging a meter against a two-rate meter or *vice versa*”, and the substitution therefor of the amount “£1”.

## Goewermentskennisgewings.

Die volgende Goewermentskennisgewings word vir algemene inligting gepubliseer.

J. NESER,  
*Waarn. Sekretaris vir Suidwes-Afrika.*

Kantoor van die Administrateur,  
Windhoek.

No. 64.]

[2 Mei 1938.

Hiermee word vir algemene inligting bekendgemaak dat dit die Administrateur behaag het om sy goedkeuring te heg aan die aangehegte regulasie wat deur die Munisipaleraad Windhoek, opgestel is kragtens die bepaling van artikel *agt* van die “Elektriese Kracht Proklamasie, 1922” (Proklamasie No. 4 van 1922), soos gewysig deur die Elektrisiteitsproklamasie-Wysigingsproklamasie 1927 (Proklamasie No. 27 van 1927), wat 'n wysiging is van die regulasies gepubliseer kragtens Goewermentskennisgewing No. 35 van 15 Februarie 1933, soos gewysig deur Goewermentskennisgewing No. 27 van 12 Februarie 1934, Goewermentskennisgewing No. 110 van 10 Augustus 1934, Goewermentskennisgewing No. 148 van 6 November 1934, Goewermentskennisgewing No. 142 van 16 September 1935, Goewermentskennisgewing No. 5 van 2 Januarie 1936 en Goewermentskennisgewing No. 104 van 15 Junie 1937, en om gelees te word as deel van die genoemde regulasies:—

### MUNISIPALITEIT, WINDHOEK.

#### WYSIGING VAN ELEKTRISITEITSLEWERINGS-REGULASIES.

168. Paragraaf *sewe* van Regulasie No. 159 word hiermee gewysig:—

- (a) deur die bedrag “£3.10.0” te skrap, waar dit daarin voorkom en dit te vervang deur die bedrag “£4.10.0”;
- (b) deur die invoeging na die item wat onder (a) hierbo gewysig is van die volgende item —

“Vir die voorsiening en die aanlê van 'n aansluiting om elektriese motors met die elektriese hoofdraad aan te sluit, mits die perseel nie verder as 50 meters van die elektriese hoofdraad af is nie . . . £6”;

- (c) deur die bedrag “5/-” te skrap, waar dit voorkom onder die hoofde “Vir die vasmaak van 'n meter, wat deur die Raad verskaf word, op versoek van 'n verbruiker of vir die vasmaak van enige addisionele meter aan enige bestaande verbinding” en “Vir omruiling van 'n meter vir 'n twee-tarief meter en omgekeerd” en dit te vervang deur die bedrag “£1”.



No. 65.]

[2nd May, 1938. No. 65.]

[2 Mei 1938.

MARRIAGE OFFICER: APPOINTMENT AS.

The Administrator has been pleased, in terms of section *five*, sub-section (2), of the Solemnization of Marriages Proclamation, 1920 (Proclamation No. 31 of 1920), to approve of the appointment of Reverend JACOBUS PETRUS KRIEL of the Dutch Reformed Church, as a Marriage Officer for South West Africa, with effect from the 19th April, 1938.

HUWELIKSAMPTENAAR: BENOEMING TOT.

Dit het die Administrateur behaag om, ooreenkomstig artikel *vyf*, subartikel (2), van "De Huweliksvoltrekkings-Proklamasie 1920", (Proklamasie No. 31 van 1920), sy goedkeuring te heg aan die benoeming van Weleerwaarde JACOBUS PETRUS KRIEL van die Nederduits Gereformeerde Kerk tot Huweliksamptenaar vir Suidwes-Afrika, ingaande vanaf 19 April 1938.

No. 66.]

[2nd May, 1938.

No. 66.]

[2 Mei 1938.

The Administrator has approved of the following Rules for Magistrates' Courts made by the Judge of the High Court of South West Africa under the provisions of sub-section (1) of section *twenty-three* of the Magistrates' Courts Proclamation, 1935 (Proclamation No. 31 of 1935), the said rules to take effect upon the first day of July, 1938.

Die Administrateur het sy goedkeuring geheg aan die onderstaande Reëls vir Magistraatshowe deur die Regter van die Hoër Hof van Suidwes-Afrika gemaak kragtens subartikel (1) van artikel *drie-en-twintig* van die Magistraatshowe Proklamasie, 1935 (Proklamasie No. 31 van 1935), welke reëls van krag sal wees vanaf die eerste dag van Julie 1938.

AMENDMENT OF MAGISTRATES' COURTS RULES.

4. The rules contained in the Second Schedule to the Magistrates Courts Proclamation, 1935, are amended as follows:—

WYSIGING VAN DIE REËLS VAN DIE MAGISTRAATSHOWE.

4. Die Reëls in die Tweede Bylae van die Magistraatshowe Proklamasie, 1935, word as volg gewysig:—

ORDER I.

*Rule 2.* — In paragraph (ii) of sub-rule (1) insert after the word "judgment" the words "the application has been dismissed or".

ORDER I.

*Reël 2.* — In paragraaf (ii) van sub-reël (1) voeg in na die woord "het", die woorde "en die aansoek geweier is of".

*Rule 3.* — (i) In the definition of "messenger" in sub-rule (1) insert immediately before the word "Order" the words "rule 1 of".

*Reël 3.* — (i) In die omskrywing van "bode" in sub-reël (1) voeg onmiddellik voor die woord "order" die woorde "reël 1 van" in.

(ii) In the definition of "plaintiff", "defendant", "applicant", "respondent" and "party" delete the words "and signature" and substitute the words "signature and payment of moneys out of court or out of the hands of the messenger".

(ii) In die omskrywing van "eiser", "verweerder", "applikant", "Respondent" en "Party" skrap die woorde "en ondertekening" en vervang dit deur die woorde "ondertekening en betaling van gelde uit die hof of die hand van die bode".

ORDER II.

*Rule 3.* — Delete the words "aid to himself or his deputy" and substitute the words "him aid".

ORDER II.

*Reël 3.* — Skrap die woorde "of sy adjunk".

*Rule 5.* — At the end of paragraph (2) add the words "and the reason for such inability".

*Reël 5.* — Voeg aan die end van paragraaf (2) die woorde "en die rede hiervoor".

ORDER III.

*Rule 1.* — (i) In sub-rule (1) delete paragraphs (d) and (e).

ORDER III.

*Reël 1.* — (i) Skrap paragrawe (d) en (e) van sub-reël (1).

(ii) Delete sub-rules (3) and (4).

(ii) Skrap sub-reëls (3) en (4).

*Rule 2.* — Delete the whole.

*Reël 2.* — Skrap die hele reël.

*Rule 5.* — (i) At the end of sub-rule (1) add the words "and at the request of any party by whom process was sued out to re-issue such process after its return by the messenger".

*Reël 5.* — (i) Voeg aan die end van sub-reël (1) die woorde "en op versoek van enige party deur wie die prosesstuk uitgeneem is sodanige prosesstuk, nadat dit deur die bode teruggestuur is, weer uit te reik."

(iii) In sub-rule (3) delete the expression "£15" and substitute the expression "£10".

(iii) Skrap die uitdrukking "£15" in sub-reël (3) en vervang dit deur die uitdrukking "£10".

(iv) Add new sub-rule (5) as follows:—

(iv) Voeg onderstaande sub-reël (5) in:—

"(5) to note on a certified copy of a judgment at the request of the party to whom such copy is issued costs payable by the judgment debtor in respect of the judgment which have been incurred after judgment."

"(5) Op 'n gesertifiseerde afskrif van 'n vonnis op versoek van die party aan wie so 'n afskrif uitgereik is, die koste aan te teken wat na die vonnis aangegaan is en deur die vonnisskuldenaar ten opsigte van die vonnis betaalbaar is."

ORDER IV.

*Rule 1.* — In sub-rule (4) after the word "appearing" where it occurs for the second time insert the words "or with the leave of the court for good cause shown at any time before judgment".

ORDER IV.

*Reël 1.* — Voeg na die woord "verskyn" waar dit vir die derde maal voorkom in sub-reël (4) die woorde in "of met vergunning van die hof op goeie gronde aangevoer te eniger tyd voor uitspraak."

ORDER V.

*Rule 1.* — (i) Delete all words from "ex parte" to "viva voce" inclusive and substitute the words "on notice to the party to be sued or to the plaintiff as the case may be" and add at the end of the rule the following new sentence:—

ORDER V.

*Reël 1.* — (i) Skrap alle woorde van "ex parte" tot "viva voce" inklusief en vervang hulle met die woorde "op kennisgewing aan die verweerder of aan die eiser soos die geval mag wees", en voeg aan die end van die reël die volgende nuwe sin in:—

"The applicant shall deliver with such notice an affidavit made by himself setting out fully the grounds of action or of defence on which he intends to rely and particulars of his means".

"Die applikant moet tesame met sodanige kennisgewing 'n beëdigde verklaring deur homself inlewer waarin hy die gronde van aksie of van verdediging waarop hy van plan is om te steun volledig uiteensit, asook besonderhede omtrent sy middele."

(ii) Add new sub-rule (2) as follows, the present rule as amended becoming sub-rule (1):—

“(2) The clerk of the court may at the request of the applicant and shall on the direction of a judicial officer write out the notice and affidavit mentioned in sub-rule (1) of this Rule, notwithstanding that the claim or value of the matter in dispute exceeds £10 and no fee shall be payable by the applicant for such assistance.”

Rule 2. — Delete paragraph (d).

#### ORDER VI.

Rule 3. — In the proviso to sub-rule (2) after the word “paragraph” insert the letter “(b)”.

Rule 5. — In sub-rule (1) delete the word “otherwise” and after the word “effected” insert the words “in manner prescribed in sub-rule (2) of rule 3 of this Order”.

Rule 6. — Delete sub-rule (1).

Rule 8. — Delete sub-rule (2).

#### ORDER VII.

Rule 2. — In sub-rule (1) delete the word “and” in paragraph (b); insert the word “and” at the end of paragraph (b); and add new paragraph (c) as follows:—

“(c) a notice drawing the defendant’s attention to the provisions of section *one hundred and six* of the Proclamation.”

Rule 4. — (i) Delete the word “his” where it first occurs in paragraph (a) and substitute the words “the defendant’s sex and”.

(ii) Add new paragraph (f) as follows:—

“(f) Where the defendant is cited under the jurisdiction conferred upon the court by section *twenty-eight* (1) (d) of the Proclamation the summons shall contain an averment that the whole cause of action arose within the district but need set out no further particulars in support of such averment; provided however that the defendant may in manner prescribed in rule 2 of Order XI require the delivery of such particulars.”

Rule 5. — Delete all words after the word “otherwise” and substitute the words “but claims which are not expressed to be alternative shall not be mutually inconsistent nor based on inconsistent averments of fact”.

Rule 6. — (i) In sub-rule (2) delete the word “furnish” and substitute the word “deliver”.

(ii) Add new sub-rule (6) as follows:—

“(6) When action has been instituted by or against a firm or by or against a person carrying on business in a name or style other than his own name or by or against an unincorporated company, syndicate or association in the name of the firm or in such name or style or in the name of the company, syndicate or association as the case may be, the court may on the application of the other party to the action made at any time either before or after judgment on notice to a person alleged to be a partner in such firm or the person so carrying on business, or a member of such company, syndicate or association, declare such person to be a partner, the person so carrying on business or a member, as the case may be, and on the making of such order the provisions of sub-rule (3) of this rule shall apply as if the name of such person had been declared in a statement delivered as provided in sub-rule (2).”

Rule 7. — Add at the end of sub-rule (3) the following proviso:—

“Provided that when neither the Christian name nor the initial of the defendant is shewn in the summons but the Christian name or initial of the person on whom service of the summons has been effected is disclosed in the return of the messenger, the clerk of the court may at the request of the plaintiff and without notice to such person insert such name or initial in the summons as being the name or initial of the defendant and such amendment shall for all purposes be considered as if it had been made before service of the summons.”

(ii) Die bestaande reël soos gewysig word sub-reël (1). Voeg nuwe sub-reël (2) by:—

“(2) Die klerk van die Hof kan op versoek van die applikant en in opdrag van ’n regterlike amptenaar die kennisgewing en beëdigde verklaring in sub-reël (1) van hierdie reël genoem, opstel, al gaan die vordering of die waarde van die saak in geskil £10 te bowe, en geen gelde is deur die applikant vir sodanige hulp betaalbaar nie.”

Reël 2. — Skrap paragraaf (d).

#### ORDER VI.

Reël 3. — Voeg in die voorbehoudsbepaling van sub-reël (2) na die woord “paragraaf” die letter “(b)” in.

Reël 5. — Skrap die woorde “as ’n ander wyse van diening nie moontlik is nie” in sub-reël (1) en vervang hulle met die woorde “as dit nie volgens voorskrif van sub-reël (2) van reël 3 van hierdie Order bewerkstellig kan word nie.”

Reël 6. — Skrap sub-reël (1).

Reël 8. — Skrap sub-reël (2).

#### ORDER VII.

Reël 2. — Skrap die woord “en” in paragraaf (b) van sub-reël (1); voeg die woord “en” aan die end van paragraaf (b) in, en voeg onderstaande nuwe paragraaf (c) in:—

“(c) ’n kennisgewing wat die verweerder se aandag vestig op die bepalings van artikel *honderden-ses* van die Proklamasie.”

Reël 4. — (i) Skrap die woord “sy” waar dit vir die eerste keer in paragraaf (a) voorkom en vervang dit met die woorde “die geslag van die verweerder en”.

(ii) Voeg ’n nuwe paragraaf (f) by:—

“(f) As die verweerder gedagvaar word kragtens die jurisdiksie deur artikel *ag-en-twintig* (1) (d) van die Proklamasie aan die hof verleen, moet die dagvaarding ’n bewering bevat dat die skuldorsaak geheelal binne die distrik ontstaan het, maar hoef geen verdere besonderhede ter staving van die bewering te vermeld nie; met dien verstande egter dat die verweerder op die wyse in reël 2 van Order XI bepaal, inlewering van sodanige besonderhede kan eis.”

Reël 5. — Skrap al die woorde na die woord “andersins” en vervang hulle deur die woorde “maar vorderings waarvan nie verklaar word dat hulle alternatief is nie mag nie onderling teenstrydig wees of op teenstrydige bewerings aangaande feite berus nie”.

Reël 6. — (i) Skrap die woord “verskaf” in sub-reël (2) en vervang dit deur die woord “inlewer”.

(ii) Voeg nuwe sub-reël (6) by:—

“(6) Wanneer ’n aksie ingestel is deur of teen ’n firma of deur of teen iemand wat besigheid dryf onder ’n ander naam of benaming as sy eie naam, of deur of teen ’n ontingelyfde maatskappy, sindikaat of vereniging, in naam van die firma of in bedoelde naam of benaming, of in naam van die maatskappy, sindikaat of vereniging, na gelang van die geval, kan die hof, op aansoek van die ander party in die aksie, gedoen te eniger tyd voor of na die uitspraak, na kennisgewing aan iemand wat beweer word ’n vennoot in sodanige firma, of die persoon wat aldus besigheid dryf, of ’n lid van bedoelde maatskappy, sindikaat of vereniging, te wees, verklaar dat sodanige persoon ’n vennoot, die persoon wat aldus besigheid dryf, of ’n lid is, na gelang van die geval; en as so ’n verklaring gedoen is, is die bepalings van sub-reël (3) van hierdie reël van toepassing asof die naam van sodanige persoon opgegee is in ’n staat wat ooreenkomstig die bepalings van sub-reël (2) ingelewer is.”

Reël 7. — Voeg aan die end van sub-reël (3) die volgende voorbehoudsbepaling:—

“Met dien verstande dat, wanneer nog die voornaam nog die voorletter van die verweerder in die dagvaarding voorkom, maar die voornaam of voorletter van die persoon op wie die dagvaarding gedien is in die relaas van die bode aangegee word, die klerk van die hof, op versoek van die eiser en sonder kennisgewing van bedoelde persoon, daardie naam of voorletter op die dagvaarding kan invoeg as die naam of voorletter van die verweerder; en so ’n wysiging word vir alle doeleindes beskou asof dit aangebring was voor diening van die dagvaarding.”

ORDER VIII.

*Rule 2.* — Delete the words “seven days after appearance” and substitute the words “the time limited by rule 1 of Order XV for the delivery of a plea”.

*Rule 3.* — Delete sub-rule (2) and substitute the following new sub-rules (2), (3) and (4):—

“(2) A defendant delivering a claim in reconvention may by notice delivered therewith or within two days thereafter apply to the court to pronounce that the claim in reconvention exceeds its jurisdiction and to stay the action under section *forty-four* of the Proclamation.

(3) Where the court either *mero motu* or on objection taken by the plaintiff under sub-rule (2) (b) of rule 2 of Order XIII has pronounced the claim in reconvention to exceed its jurisdiction, the defendant may forthwith or by notice delivered within two days after such pronouncement apply for stay.

(4) If no application for stay be made as provided in sub-rule (2) or (3) of this rule or having been made be dismissed, the court shall on the application of the plaintiff or otherwise of its own motion dismiss a claim in reconvention pronounced to exceed its jurisdiction, unless the defendant shall forthwith abandon under section *thirty-eight* of the Proclamation sufficient of such claim to bring it within the jurisdiction.”

*Rule 4.* — Delete the whole.

ORDER X.

*Rule 1.* — (i) In sub-rule (1) insert after the word “may” the words “before entry of appearance”.

(ii) Insert after sub-rule (3) the following new sub-rule (3) *bis*:

“(3) *bis.* A defendant may after entry of appearance consent to judgment by delivering a consent signed by himself or by his attorney of record in form similar to that endorsed on the summons.”

*Rule 2.* — Delete the whole and substitute the following new rule 2:—

“2. If a defendant has failed to enter appearance to defend within the time limited in rule 1 of Order XI or before the lodgment of the request hereinafter mentioned and has not consented to judgment, the plaintiff may lodge with the clerk of the court a written request to have judgment entered against such defendant for any sum not exceeding the sum claimed in the summons or for other relief so claimed, for the costs of the action, and for interest from the date of the summons to the date of judgment at the rate specified in the summons, or, if no rate be specified, at the rate of six per centum per annum.”

*Rule 3.* — Delete the whole and substitute the following new rule 3:—

“3. If the defendant has entered appearance but has failed to deliver a plea within the time limited by rule 1 or Order XV, the plaintiff may deliver notice in writing calling upon the defendant to deliver a plea within forty-eight hours of the receipt of such notice, and on failure of the defendant so to do may lodge with the clerk of the court a written request to have judgment entered in the same manner as if the defendant had failed to enter appearance to defend.”

*Rule 4.* — Delete the whole and substitute the following new rule 4:—

“4. (1) When the defendant has failed to enter appearance to defend or having entered appearance, has failed to deliver a plea within the period specified in a notice delivered to him in terms of rule 3 of this Order and the plaintiff has in either case requested the entry of judgment, or when the defendant has consented to judgment, the clerk of the court shall, subject to the provisions of sub-rules (2), (3), (4), (5) and (6) of this rule, enter judgment in terms of the plaintiff's request or of the defendant's consent, as the case may be.

ORDER VIII.

*Reël 2.* — Skrap die woorde “sewe dae na aantekening van verdediging” en vervang hulle deur die woorde “die tydperk deur Reël 1 van Order XV vir die inlewering van 'n verweerskrif vasgestel.”

*Reël 3.* — Skrap sub-reël (2) en vervang die volgende nuwe sub-reëls (2), (3) en (4):—

“(2) 'n Verweerder wat 'n vordering in rekonvensie inlewer kan by kennisgewing tesame daarmee of binne twee dae daarna ingelewer aansoek doen by die hof om 'n beslissing dat die vordering in rekonvensie die jurisdiksie van die hof oorskry en om skorsing van die aksie ingevolge artikel *vier-en-veertig* van die Proklamasie.

(3) Wanneer die hof of *mero motu*, of nadat die verweerder kragtens sub-reël (2) (b) of reël 2 van Order XIII bewaar geopper het, beslis het dat die vordering in rekonvensie sy jurisdiksie oorskry kan die verweerder onmiddellik of by kennisgewing binne twee dae na die beslissing ingelewer, aansoek doen om skorsing.

(4) Indien geen aansoek om skorsing ooreenkomstig die bepalings van sub-reël (2) of (3) van hierdie reël gedoen word nie, of indien dit, as dit gedoen is, van die hand gewys word, moet die hof op aansoek deur die eiser of anders uit eie beweging, 'n vordering in rekonvensie waaromtrent beslis is dat dit die jurisdiksie van die hof oorskry, van die hand wys, tensy die verweerder dadelik kragtens artikel *ag-en-dertig* van die Proklamasie van 'n genoegsame deel van die vordering afstand doen om dit binne die jurisdiksie van die hof te stel.”

*Reël 4.* — Skrap die geheel.

ORDER X.

*Reël 1.* — (i) Voeg na die woord “kan” in sub-reël (1) die woorde “voordat hy verskyning aanteken” in.

(ii) Voeg die volgende sub-reël (3) *bis* aan die end van sub-reël (3) aan:—

“(3) *bis.* 'n Verweerder kan, nadat hy verskyning aangeteken het, toestemming tot vonnis verleen deur 'n formulier van toestemming, soortgelyk aan dié wat op die dagvaarding voorkom, en deur hom of sy prokureur volgens die stukke onderteken, in te lewer.”

*Reël 2.* — Skrap die geheel en vervang dit deur die volgende nuwe Reël 2:—

“2. Indien 'n verweerder in gebreke gebly het om verskyning tot verdediging aan te teken binne die termyn deur Reël 1 van Order XI gestel of voor inlewering van ondergenoemde versoek, en nie tot vonnis toegestem het nie, kan die eiser by die klerk van die hof 'n skriftelike versoek indien dat vonnis teen sodanige verweerder aangeteken word vir 'n bedrag van nie meer as dié in die dagvaarding gevorder nie, of vir ander verligting aldus gevorder, vir die koste van die aksie en vir rente vanaf die datum van die dagvaarding tot die datum van vonnis teen die koers in die dagvaarding vermeld, of, as geen koers vermeld word nie, teen die koers van ses persent per jaar.”

*Reël 3.* — Skrap die geheel en vervang dit deur die volgende nuwe Reël 3:—

“3. Indien die verweerder verskyning aangeteken het maar in gebreke gebly het om 'n verweerskrif binne die termyn deur reël 1 van Order XV gestel, in te lewer, kan die eiser 'n skriftelike kennisgewing inlewer waarin hy die verweerder aansê, om binne agt-en-veertig uur na ontvangs van die kennisgewing 'n verweerskrif in te lewer, en kan, as die verweerder in gebreke bly om dit te doen, by die klerk van die hof 'n skriftelike versoek indien dat vonnis op dieselfde wyse aangeteken word asof die verweerder versuim het om verskyning tot verdediging aan te teken.”

*Reël 4.* — Skrap die geheel en vervang dit deur die volgende nuwe Reël 4:—

“4. (1) Wanneer die verweerder in gebreke gebly het om verskyning tot verdediging aan te teken, of, hoewel hy verskyning tot verdediging aangeteken het, versuim het om binne die termyn vermeld in 'n kennisgewing kragtens reël 3 van hierdie Order aan hom ingelewer, 'n verweerskrif in te dien, en die eiser in die een of die ander geval aantekening van vonnis versoek het, of wanneer die verweerder tot vonnis toegestem het, moet die klerk van die hof, met inagneming van die bepalings van sub-reëls (2), (3), (4), (5) en (6) van hierdie reël, vonnis aanteken ooreenkomstig die eiser se versoek of die verweerder se toestemming, na gelang van die geval.

(2) If it appears to the clerk of the court that the defendant intends to defend the action but that his entry of appearance is defective in that the memorandum thereof —

- (a) has not been properly delivered; or
- (b) has not been properly signed; or
- (c) does not set out the postal address of the person signing it or an address for service as prescribed in rule 2 of Order IX; or
- (d) exhibits any two or more of such defects or any other defect of form,

he shall not enter judgment against the defendant unless the plaintiff has delivered written notice to the defendant that request for judgment in default of due entry of appearance is being made and the defendant has not within forty-eight hours of the receipt by him of such notice delivered a memorandum of entry of appearance in due form. Such notice shall clearly set out in what respect the defendant's entry of appearance is alleged to be defective.

(3) Judgment in default of appearance to defend shall not be entered in an action in which the summons has been served by registered post unless with the return of service by the messenger there has been filed the acknowledgment or the postal official's certificate mentioned in rule 10 of Order VI.

(4) The clerk of the court shall refer to the court any request made under rule 2 or rule 3 of this Order for the entry of judgment on a claim for damages and the plaintiff shall furnish to the court evidence either oral or by affidavit of the nature and extent of the damages suffered by him. The Court shall thereupon assess the amount recoverable by the plaintiff as damages and shall enter judgment therefor.

(5) If the action be on a liquid document the plaintiff shall before entry of judgment file of record the original of such document duly stamped, or an affidavit setting out reasons to the satisfaction of the court why such original cannot or should not be filed.

(6) The clerk of the court may refer to the court any consent to or request for judgment and the court may thereupon —

- (a) if a default judgment be sought call upon the plaintiff to produce such evidence either written or oral in support of his claim as it may deem necessary;
- (b) if a judgment by consent be sought call upon the plaintiff to produce evidence to satisfy the court that the consent has been signed by the defendant and is a consent to the judgment sought;
- (c) enter judgment in terms of plaintiff's request or for so much of the claim as has been established to its satisfaction;
- (d) enter judgment in terms of defendant's consent;
- (e) refuse judgment; or
- (f) make such other order as may be just.

(7) When one or more of several defendants in an action consent to judgment or fail to enter appearance or to deliver a plea, judgment may be entered against the defendant or defendants who have consented to judgment or are in default and the plaintiff may proceed on such judgment without prejudice to his right to continue the action against another defendant or other defendants.

(8) Judgment shall be entered by recording in the Civil Judgment Book the particulars of the judgment and the date of its entry."

#### ORDER XI.

*Rule 1.* — (i) In sub-rule (1) delete the words "furnished to him" and substitute the word "delivered".

(ii) In sub-rule (2) delete the word "furnish" and substitute the word "deliver".

*Rule 2.* — In sub-rule (1) delete the words "48 hours" and insert after the word "pleading" where it first occurs the words "or after judgment on any exception or objection to such pleading has been given".

(2) As dit die klerk van die hof voorkom dat die verweerder voornemens is om die aksie te verdedig maar dat sy aantekening van verskyning gebrekkig is in dié opsig dat die memorandum daarvan —

- (a) nie behoorlik ingelewer is nie; of
- (b) nie behoorlik onderteken is nie;
- (c) nie die posadres van die persoon wat dit onderteken het of 'n adres vir diening volgens voorskrif van reël 2 van Order IX aangee nie; of
- (d) blyk onderhewig te wees aan twee of meer van hierdie gebreke of aan 'n ander formeel gebrek,

teken hy nie vonnis teen die verweerder aan nie, tensy die eiser 'n skriftelike kennisgewing aan die verweerder ingelewer het dat 'n versoek om vonnis by gebreke van behoorlike aantekening van verskyning tot verdediging gedoen word, en die verweerder nie binne agt-en-veertig uur nadat hy die kennisgewing ontvang het, 'n memorandum van aantekening van verskyning in behoorlike vorm ingelewer het nie. Sodanige kennisgewing moet in duidelike bewoording vermeld in watter opsig die verweerder se aantekening van verskyning beweer word gebrekkig te wees.

(3) Vonnis by gebreke van verskyning tot verdediging word nie in 'n aksie waarin die dagvaarding per geregistreerde pos gedië is, aangeteken nie, tensy die erkenning, vermeld in reël 10 van Order VI, tesame met die bode se relaas van diening ingedië is.

(4) 'n Versoek om aantekening van vonnis op 'n vordering vir skadevergoeding gedoen ingevolge reël 2 of reël 3 van hierdie Order, moet deur die klerk van die hof na die hof verwys word, en die verweerder moet of mondelings of by beëdigde verklaring aan die hof bewys lewer omtrent die aard en die omvang van die skade wat hy gely het. Die hof moet daarop die bedrag, wat die eiser by wyse van skadevergoeding kan verhaal, vasstel, en vonnis aanteken vir daardie bedrag.

(5) As die aksie op 'n likwiede dokument steun, moet die eiser, voordat vonnis aangeteken word, die oorspronklike dokument, behoorlik geseël, of 'n beëdigde verklaring, met aangifte daarvan van redes, ter oortuiging van die hof, waarom die oorspronklike dokument nie by die stukke in die saak kan of behoort opgeberg te word nie, ter opeberging indien.

(6) Die klerk van die hof kan 'n toestemming tot, of versoek om vonnis na die hof verwys, en die hof kan daarop —

- (a) indien vonnis by verstek verlang word, die eiser oproep om die bewyse, hetsy skriftelik of mondeling, wat die hof nodig mag ag ter staving van sy vordering te verstrek;
- (b) indien 'n vonnis deur toestemming verlang word, die eiser oproep om bewys te lewer wat die hof oortuig, dat die toestemming deur die verweerder geteken is en 'n toestemming tot die verlangde vonnis is;
- (c) vonnis aanteken ooreenkomstig die eiser se versoek of vir die gedeelte van die vordering wat volgens oortuiging van die hof bewys is;
- (d) vonnis aanteken ooreenkomstig die verweerder se toestemming;
- (e) vonnis weier; of
- (f) sodanige ander bevel gee as wat billik mag wees.

(7) Wanneer een of meer van verskeie verweerders in 'n aksie toestem tot vonnis, of in gebreke bly om verskyning aan te teken of 'n verweerskrif in te lewer, kan vonnis teen die verweerder of verweerders wat toegestem het tot vonnis of in gebreke gebly het, aangeteken word, en die eiser kan op so 'n vonnis handel sonder afbreuk te doen aan sy reg om die aksie voort te sit teen 'n ander verweerder of die ander verweerders.

(8) Vonnis word aangeteken deur die besonderhede van die vonnis met die datum waarop dit aangeteken is in die Siviele Vonnisboek in te skryf."

#### ORDER XI.

*Reël 1.* — (i) Skrap die woorde "aan hom verstrek" in sub-reël (1) en vervang hulle deur die woord "ingelewer".

(ii) Skrap die woorde "te verstrek" in sub-reël (2) en vervang hulle deur die woorde "in te lewer".

*Reël 2.* — Skrap die woorde "48 uur" in sub-reël (1) en voeg die woorde "of nadat vonnis op grond van 'n eksepsie of beswaar teen so 'n pleitskrif gevel is," na die woord "pleitskrif" in.

ORDER XII.

Delete the whole Order and substitute the following new Order:—

"1. A defendant may at any time pay into court unconditionally the amount claimed in the summons and thereupon all further proceedings in the action shall be stayed save as hereinafter provided for the recovery of any costs not included in such payment.

2. (1) A defendant may without prejudice pay an amount into court by way of offer in settlement of the plaintiff's claim.

(2) A plaintiff may within ten days after receipt of notice of such payment into court deliver a request for the payment out to him of the amount paid in and further proceedings shall thereupon be stayed save as hereinafter provided for the recovery of costs not included in the payment.

3. A defendant paying money into court after entry of appearance in terms of rule 1 or at any time in terms of rule 2 of this Order shall at the same time deliver a notice setting out the amount paid into court and whether it is paid in unconditionally under rule 1 or as an offer of settlement under rule 2 and if in the case of payment in under rule 2 the amount paid is offered in settlement of both claim and costs stating that fact.

4. (1) The clerk of the court shall pay out to the plaintiff any moneys paid into court under rules 1 and 2 of this Order, provided that moneys paid into court under rule 2 shall only be paid out on delivery of the request mentioned in sub-rule (2) of that rule.

(2) A plaintiff entitled to payment out under sub-rule (1) of this rule shall, save when a defendant making payment in under rule 2 states in his notice of payment that the amount paid in is inclusive of costs, be entitled to recover from the defendant the costs incurred by him up to the time of payment into court, together with his costs of obtaining payment out, in the same manner as if an order for such costs had been made by the court.

5. Where money has been paid into court under rule 2 as an offer of settlement and the court finds on a trial of the action that there is not more due to the plaintiff than the amount so paid in, the court shall first order payment out to the plaintiff of so much thereof as may be awarded to him (but subject to any order or judgment against him for the defendant's costs) and shall then give judgment for the defendant and shall order the plaintiff to pay the costs incurred by the defendant after payment into court and shall make such order as may be just in regard to costs previously incurred.

6. A defendant pleading tender shall on the day of filing his plea pay into court the amount alleged in the plea to have been tendered if such amount has not already been paid to the plaintiff.

7. Save as provided in rule 4 moneys paid into court under this Order shall be paid out only upon a judgment declaring who is entitled thereto or upon the written consent of the parties."

ORDER XIII.

Rule 1. — Delete sub-rules (1) and (2) and substitute the following new sub-rules (1) and (2):—

"(1) A defendant shall within seven days after entry of appearance deliver particulars of an exception to the summons or objection to the proceedings provided that where the delivery of documents or information has been requested in terms of Order XI particulars of the exception or objection may be delivered within seven days after delivery of such documents or information.

(2) A defendant failing to deliver such particulars within such period may not thereafter raise any exception or objection without leave of the court granted on application after notice to the plaintiff."

ORDER XII.

Skrap die hele order en vervang dit deur die volgende nuwe order:—

"1. 'n Verweerder kan te eniger tyd onvoorwaardelik die bedrag, in die dagvaarding gevorder, geregteelik inbetaal en daarop word alle verdere stappe in die aksie gestuit, behalwe vir sover hieronder bepaal, tot verhaal van koste wat nie by die betaling inbegrepe is nie.

2. (1) 'n Verweerder kan onder voorbehoud 'n bedrag by wyse van 'n aanbod ter vereffening van die eiser se vordering geregteelik inbetaal.

(2) 'n Eiser kan, binne tien dae na ontvangs van kennisgewing van so 'n geregteelike inbetaling, 'n versoek dat die inbetaalde bedrag aan hom uitbetaal word, inlewer, en daarna word verdere stappe gestuit, behalwe vir sover hieronder bepaal, tot verhaal van koste wat nie by die betaling inbegrepe is nie.

3. 'n Verweerder wat, ooreenkomstig reël 1, nadat hy verskyning aangeteken het, of ooreenkomstig reël 2 van hierdie Order te eniger tyd, 'n geregteelike inbetaling doen, moet terselfdertyd 'n kennisgewing inlewer waarin die bedrag van die geregteelike inbetaling aangegee word, met vermelding of die bedrag onvoorwaardelik inbetaal word ingevolge reël 1, of by wyse van 'n aanbod ter vereffening ingevolge reël 2, en waarin, as die bedrag ingeval van 'n inbetaling ingevolge reël 2 aangebied word ter vereffening van die vordering sowel as die koste, daardie feit vermeld word.

4. (1) Die klerk van die hof moet geld wat geregteelik inbetaal is ingevolge reëls 1 en 2 van hierdie Order, aan die eiser uitbetaal; met dien verstande dat geld wat geregteelik inbetaal is ingevolge reël 2, alleen uitbetaal word nadat die versoek vermeld in sub-reël (2) van genoemde reël, ingelewer is.

(2) 'n Eiser wat geregtig is op uitbetaling ingevolge sub-reël (1) van hierdie reël, is, behalwe wanneer 'n verweerder wat ingevolge reël 2 geregteelik inbetaal in sy kennisgewing van inbetaling vermeld dat die inbetaalde bedrag koste insluit, geregtig om die koste wat hy tot op die tydstop van geregteelike inbetaling gemaak het, tesame met die koste om uitbetaling te verkry, op die verweerder op dieselfde wyse te verhaal asof 'n bevel vir sodanige koste deur die hof gegee is.

5. Wanneer geld ingevolge reël 2 geregteelik inbetaal is by wyse van 'n aanbod ter vereffening, en die hof by verhoor van die saak bevind dat nie meer as die aldus inbetaalde bedrag aan die eiser verskuldig is nie, beveel die hof eers uitbetaling aan die eiser van soveel daarvan as wat aan hom toegeken mag word (maar onderworpe aan enige bevel of vonnis teen hom waarin hy veroordeel mag word tot betaling van die verweerder se koste), en gee dan uitspraak ten gunste van die verweerder en beveel die eiser om die koste, deur die verweerder na geregteelike inbetaling gemaak, te betaal, en gee sodanige bevel as wat billik mag wees in verband met koste wat voor die inbetaling gemaak is.

6. 'n Verweerder wat aanbod van betaling pleit, moet op die datum waarop hy sy verweerskrif indien, die bedrag wat volgens bewering in die verweerskrif aangebied is, geregteelik inbetaal, as daardie bedrag nie alreeds aan die eiser betaal is nie.

7. Geld wat geregtelik inbetaal is kragtens hierdie Order word, behoudens die bepalings van reël 4, alleen uitbetaal ingevolge 'n vonnis waarby die reghebbende aangewys word, of ingevolge die skriftelike toestemming van die partye."

ORDER XIII.

Reël 1. — Skrap sub-reëls (1) en (2) en vervang hulle deur die onderstaande nuwe sub-reëls (1) en (2):

"(1) 'n Verweerder moet binne sewe dae na aantekening van verskyning besonderhede van enige eksepsie teen die dagvaarding of beswaar teen die geregteelike stappe, inlewer, met dien verstande dat wanneer inlewering van dokumente of inligting ooreenkomstig Order XI versoek is, besonderhede van die eksepsie of beswaar binne sewe dae na inlewering van sodanige dokumente of inligting, ingelewer kan word.

(2) 'n Verweerder wat versium om voornoemde besonderhede binne sodanige tydperk in te lewer, kan nie daarna sonder verlof van die hof, verleen op aansoek na kennisgewing aan die eiser, 'n eksepsie of beswaar opwerp nie."

Rule 2. — (i) In sub-rule (1) delete paragraph (c).

(ii) In sub-rule (2) delete paragraph (b) and substitute the following new paragraph (b):—

“(b) that the court sued in has no jurisdiction in respect of the defendant or has no jurisdiction in respect of the cause of action stated in the summons.”

(iii) In sub-rule (2) insert after the word “is” in paragraph (i) the words “being sued as” and delete paragraphs (p) and (q).

(iv) Delete sub-rule (3) and substitute the following new sub-rule (3):—

“(3) Where more than one claim is made in a summons exception or objection may be taken to any one or more of such claims.”

Rule 2 bis. — Insert after rule 2 the following new rule 2 bis:—

“2 bis. (1) For the purpose of rule 2 (2) (d) of this Order the expression “defendant” in this Order and in Order IX shall include a person upon whom a summons has been served who alleges that he is not the defendant cited in the summons and enters appearance to object and objects on that ground. The court may on the hearing of any such objection order costs to be paid to or by such person as if he were a party to the action.

(2) If such objection be sustained the court instead of dismissing the summons may, if moved thereto by the plaintiff, allow any necessary amendment and order that it be served upon the person cited as defendant.”

Rule 3. — Delete the whole and substitute the following new rule 3:—

“3. (1) A defendant raising an exception that the summons does not comply with the requirements of Order VII shall set out particulars of the non-compliance alleged.

(2) A defendant raising any objection shall in his particulars state the facts on which the objection is based.

(3) A defendant raising the objection of *non locus standi in judicio* by reason of his minority shall set out as far as he is able the date and place of his birth.

(4) A defendant raising the objection of *non locus standi in judicio* by reason of her marriage shall set out the date and place of her subsisting marriage, the date and place of registration of any ante-nuptial contract or other contract governing her marital relationship and the Christian name, surname, address and occupation of her husband as far as these are known to her.”

Rule 3 bis. — Insert the following new rule 3 bis after rule 3:—

“3 bis. (1) A defendant may move to strike out any of two or more claims in a summons which, not being in the alternative, are mutually inconsistent or are based on inconsistent averments of fact, or to strike out any argumentative irrelevant superfluous or contradictory matter contained in the summons.

(2) The provisions of rule 1 (1) of this Order shall apply *mutatis mutandis* to the delivery of particulars of such a motion.”

Rule 4. — Delete the whole and substitute the following new rule 4:—

“4. (1) Save as provided in sub-rule (3) all exceptions, objections or motions to strike out shall, if particulars thereof have been delivered before the hearing of any application by the plaintiff for summary judgment, be heard and determined at the hearing of such application. If no such application be made either party may on three days' notice set down such exception, objection or motion for hearing.

(2) Evidence may be called by either party to support or to repel an objection or an exception that the summons does not comply with the requirements of Order VII.

Reël 2. — (i) Skrap paragraaf (c) in sub-reël (1).

(ii) Skrap paragraaf (b) in sub-reël (2) en vervang dit deur die volgende nuwe paragraaf (b).

“(b) dat die hof voor wie die vordering ingestel is geen jurisdiksie ten opsigte van die verweerder besit nie, of geen jurisdiksie ten opsigte van die skuldoorsaak in die dagvaarding vermeld, besit nie;”

(iii) Skrap die woorde “n borg is” in paragraaf (i) van sub-reël 2 en vervang hulle deur “as borg aangespreek word,” en skrap paragrawe (p) en (q).

(iv) Skrap sub-reël (3) en vervang dit deur die volgende nuwe sub-reël (3):—

“(3) Wanneer meer as een vordering ingestel word in 'n dagvaarding, kan eksepsie of beswaar teen een of meer van daardie vorderings opgewerp word.”

Reël 2 bis. — Voeg na reël 2 die onderstaande nuwe reël 2 bis:—

“2 bis. (1) Vir die doeleindes van reël 2 (2) (d) van hierdie Order omvat die uitdrukking “verweerder” in hierdie Order en in Order IX 'n persoon op wie 'n dagvaarding gediën is wat beweer dat hy nie die verweerder is wat in die dagvaarding genoem word nie, en verskyning aanteken om beswaar op te werp en op hierdie grond beswaar opwerp. By die verhoor van so 'n beswaar, kan die hof beveel dat koste aan of deur so 'n persoon betaal moet word asof hy 'n party is in die aksie.

(2) As so 'n beswaar gehandhaaf word kan die hof, indien daartoe deur die eiser versoek, in plaas van die dagvaarding af te wys, enige nodige wysiging toestaan en beveel dat dit gediën word op die persoon wat daarin as verweerder genoem word.”

Reël 3. — Skrap die geheel en vervang dit deur die onderstaande nuwe reël 3:—

“3. (1) 'n Verweerder wat eksepsie opwerp dat die dagvaarding nie voldoen aan die voorskrifte van Order VII nie, moet besonderhede van die beeerde nie-voldoening vermeld.

(2) 'n Verweerder wat beswaar opwerp, moet in sy besonderhede die feite vermeld waarop die beswaar gegrond is.

(3) 'n Verweerder wat uit hoofde van sy minderjarigheid die beswaar van *non locus standi in judicio* opwerp, moet sover hy daartoe in staat is, sy geboortedatum en -plek vermeld.

(4) 'n Verweerder wat uit hoofde van haar huwelik die beswaar van *non locus standi in judicio* opwerp, moet die datum en plek van haar bestaande huwelik, die datum en plek van registrasie van enige huweliksvoorwaardes of ander kontrak wat haar egtelike verhouding beheers, vermeld, asook die voorname, familienaam, adres en beroep van haar eggenoot, sover dié aan haar bekend is.”

Reël 3 bis. — Voeg die onderstaande nuwe reël 3 bis na reël 3 in:—

“3 bis. (1) 'n Verweerder kan by wyse van mosie versoek dat enigeen van twee of meer vorderings in 'n dagvaarding, wat nie in die alternatief gestel is nie en onderling teenstrydig is of gegrond is op teenstrydige bewerings aangaande feite, deurgehaal word, of dat enige redenering of teenstrydigheid of enigiets wat nie ter sake, of wat oorbodig is, in die dagvaarding, deurgehaal word.

(2) Die bepalings van reël 1 (1) van hierdie Order is *mutatis mutandis* van toepassing op die inlewering van besonderhede aangaande so 'n mosie.”

Reël 4. — Skrap die geheel en vervang dit deur die onderstaande nuwe reël 4:—

“4. (1) Alle eksepsies, besware en mosies vir deurahaling word, as besonderhede daarvan voor die verhoor van 'n aansoek deur die eiser om summêre vonnis ingelewer is, behoudens die bepalings van sub-reël (3), verhoor en beslis by die verhoor van daardie aansoek. As sodanige aansoek nie gedoen word nie, kan enigeen van die partye die eksepsie, beswaar of mosie met drie dae kennisgewing vir verhoor op die rol plaas.

(2) Enigeen van die partye kan getuënis aanvoer om 'n beswaar of eksepsie dat die dagvaarding nie voldoen aan die voorskrifte van Order VII nie, te staaf of te weer.

(3) If it appears that the evidence to be called in terms of sub-rule (2) is, in the event of the dismissal of the objection, likely to be again adduced at the trial of the action the court may, instead of hearing the objection, order that it be pleaded as a defence in the plea and that the costs of objection be reserved for decision at the trial."

Rule 5. — Insert after rule 4 the following new rule 5:—

"5. In sustaining any dilatory objection the court may order the proceedings to be stayed and if thereafter the ground of stay is removed it may on application discharge the stay."

ORDER XIV.

Rule 1. — In sub-rule (2) delete the words "48 hours" and substitute the words "three days".

Rule 2. — (i) In sub-rule (1) delete paragraph (c) and substitute the following new paragraph (c):—

"(c) satisfy the court by affidavit delivered not later than noon of the preceding day (which affidavit may by leave of the court be supplemented by oral evidence) that he has a *bona fide* defence to the action or a *bona fide* counterclaim against the plaintiff. Such affidavit and evidence shall disclose fully the nature and grounds of the defence or counterclaim."

(ii) In sub-rule (2) delete all words after the word "upon" and substitute the words "nor may any person who gives oral evidence be cross-examined by the plaintiff but such person may after examination by the defendant be examined by the court".

ORDER XV.

Rule 1. — (i) Delete sub-rule (1) and substitute the following new sub-rule (1):—

"(1) The defendant shall within seven days after appearance or after delivery of further particulars in terms of Order XI or if application for summary judgment be made, then within seven days after the dismissal of such application or after the making of an order giving leave to defend, or if exception or objection or motion to strike out be set down for hearing in terms of rule 1 of Order XIII, then within seven days after the dismissal of such exception, objection or motion or after any amendment of the summons allowed by the court at the hearing of such exception, objection or motion, deliver a statement in writing to be called a plea.

"Provided that if an appeal be noted against a decision on exception or objection or such proceedings be brought in review, the plea shall be delivered within such time as may be directed by the court of appeal or, on application, by the court."

(ii) In sub-rule (3) after the word "attorney" insert the words "and shall set forth concisely and succinctly the nature of the defence and particulars of the grounds on which it is based".

Rule 2. — (i) Delete the words "The plea shall also be subject to the following provisions".

(ii) In sub-rule (1) delete the words "all or" and substitute therefor the word "specifically".

(iii) Before sub-rule (1) insert new sub-rule (1) as follows, the present sub-rule (1) as amended becoming sub-rule (1) *bis*:—

"(1) The defendant in his plea shall either admit or deny or confess and avoid all the material facts alleged in the particulars to the summons and shall clearly and concisely state all the material facts on which he relies":

(iv) Delete sub-rules (2), (3), (4), (5), and (6).

(v) Add new sub-rule (8) as follows:—

"(8) Where payment into court is alleged in the plea the particulars shall show whether the payment in has been made under rule 1 or rule 2 of Order XII or by way of tender under sub-rule (7) of this rule. If the nature of the payment in be not specified it shall be deemed to be by way of tender after action brought."

(3) As dit blyk dat, ingeval die beswaar afgewys word, die getuienis wat kragtens sub-reël (2) aangevoer gaan word, waarskynlik weer by die verhoor van die saak aangevoer sal word, kan die hof, in plaas van die beswaar te verhoor gelas, dat dit in die verweerskrif ter verdediging opgewerp word, en dat die vraag aangaande die koste van die beswaar voorbehou word vir beslissing by die verhoor."

Reël 5. — Voeg na reël 4 die volgende nuwe reël 5 in:—

"5. Die hof kan by handhawing van 'n verdragende beswaar, beveel dat die proses opgeskort word, en as die grond vir opskorting daarna uit die weg geruim word, kan die hof op aansoek die opskorting ophef."

ORDER XIV.

Reël 1. — Skrap die woorde "48 uur" in sub-reël (2) en vervang hulle deur die woorde "drie dae".

Reël 2. — (i) Skrap paragraaf (c) in sub-reël (1) en vervang dit deur die onderstaande nuwe paragraaf (c):—

"(c) die hof by beëdigde verklaring, ingelewer nie later as die voorafgaande dag om twaalfuur nie, oortuig daarvan dat hy 'n *bona fide* verweer het teen die aksie of 'n *bona fide* teenvordering teen die eiser. Voornoemde beëdigde verklaring kan met verlof van die hof deur mondelinge getuienis aangevul word. Die beëdigde verklaring en getuienis moet die aard en gronde van die verweer of teenvordering ten volle bloot lê."

(ii) Skrap al die woorde na die woorde "voor te lê" in sub-reël (2) vervang hulle deur die woorde — "ewemin kan enige persoon wat mondelinge getuienis aflê, deur die eiser onder kruisverhoor geplaas word, maar sodanige persoon kan, na sy ondervraging deur die verweerder deur die hof ondervra word."

ORDER XV.

Reël 1. — (i) Skrap sub-reël (1) en vervang dit deur die onderstaande nuwe sub-reël (1):—

"(1) Die verweerder moet 'n skriftelike verklaring ('n verweerskrif genoem) inlewer, binne sewe dae na verskyning of na inlewing van nadere besonderhede ingevolge Order XI of, indien aansoek om summêre vonnis gedoen word, binne sewe dae na afwysing van die aansoek of na 'n bevel gegee is wat verlof tot verdediging verleen, of indien 'n eksepsie of beswaar of mosie vir deuring kragtens reël 1 van Order XIII vir verhoor op die rol geplaas word, binne sewe dae na afwysing van die eksepsie, beswaar of mosie of na wysiging van die dagvaarding by die verhoor van die eksepsie, beswaar of mosie deur die hof toegestaan; met dien verstande dat indien appèl aangeteken word teen 'n beslissing insake 'n eksepsie of beswaar, of die saak aan hersiening onderwerp word, die verweerskrif ingelewer moet word binne die tyd deur die hof van appèl of, op aansoek, deur die hof gelas."

(ii) Voeg na die woord "word" in sub-reël (3) die woorde — "en moet kort en bondig die aard van die verweer en die besonderhede van die gronde waarop dit berus, uiteensit" in.

Reël 2. — (i) Skrap die woorde, "Die pleit is ook onderhewig aan die volgende bepalinge."

(ii) Skrap die woorde "alle of" in sub-reël (1) en vervang hulle deur die woorde "in die besonder".

(iii) Voeg voor sub-reël (1) die onderstaande nuwe sub-reël (1) in. Die bestaande gewysigde sub-reël (1) word dan sub-reël (1) *bis*:—

"(1) Die verweerder moet in sy verweerskrif al die feite ter sake wat in die besonderhede van die dagvaarding aangevoer word, of erken of ontken, of toegee met teenwerping, en moet duidelik en in kort al die feite ter sake waarop hy steun, aangee."

(iv) Skrap sub-reëls (2), (3), (4), (5) en (6).

(v) Voeg onderstaande nuwe sub-reël (8) in:—

"(8) Wanneer geregtelike inbetaling in die verweerskrif beweer word moet die besonderhede aantoon of die inbetaling geskied het kragtens reël 1 of reël 2 van Order XII, of by wyse van 'n aanbod kragtens sub-reël (7) van hierdie reël. As die aard van die inbetaling nie vermeld word nie, word dit geag inbetaling te wees by wyse van aanbod nadat aksie ingestel is."

**Rule 5.** — Delete the whole and substitute new rule 5 as follows:—

“5. (1) A plaintiff may within the time specified in rule 1 of Order XVI and with or before delivering a reply deliver particulars of an exception to the plea.

(2) A plaintiff may except to the plea on the ground either —

(a) that it does not disclose a defence to the plaintiff's claim; or

(b) that it is vague and embarrassing; or

(c) that it does not comply with the requirements of rules 1 and 2 of this Order.

(3) A plaintiff excepting to a plea on the ground specified in sub-rule (2) (c) of this rule shall in his particulars of exception set out in what respects non-compliance is alleged.

(4) Information delivered by the defendant in terms of rule 2 of Order XI shall be deemed to be included in the plea.”

**Rule 6.** — Add new rule 6 as follows:—

“6. (1) A plaintiff may move to strike out any of two or more defences which, not being pleaded in the alternative, are mutually contradictory, or any argumentative, irrelevant, superfluous or contradictory matter which may be stated in a plea.

(2) The provisions of rule 5 of this Order shall apply *mutatis mutandis* to the delivery of particulars of a motion to strike out.”

**Rule 7.** — Add new rule 7 as follows:—

“7. (1) An exception to or motion to strike out matter from a plea may be set down for hearing by either party on four days' notice.

(2) If such an exception or motion be sustained and no application for amendment be made, or being made be refused, the court may if the plea then disclose no defence give judgment for the plaintiff.”

#### ORDER XVI.

**Rule 1.** — Insert after the word “plea” the words “or after the delivery in terms of rule 2 of Order XI of further information in respect of the plea.”

#### ORDER XVII.

**Rule 1.** — Delete sub-rule (1) and substitute the following new sub-rule (1):—

“(1) After the close of pleadings either party may deliver a notice to the other party calling on him to deliver a schedule specifying the books and documents in his possession or under his control relating to the action which he intends to use in the action or which tend to prove or disprove either party's case. Such schedule verified by affidavit shall be delivered by the party thereto required within three days of the delivery of the aforesaid notice. If privilege be claimed for any of the documents scheduled, such documents shall be separately listed on the schedule and the ground on which privilege is claimed in respect of each shall be set out.”

**Rule 2.** — Delete the word “such” where it first occurs and the word “so”, and insert after the word “disclosed” the words “in terms of rule 1 or specified in a notice delivered in terms of rule 3 of this Order”.

#### ORDER XVIII.

**Rule 1.** — (i) In sub-rule (1) insert after the word “day” the words “or days”.

(ii) In sub-rule (3) delete the words in parenthesis.

**Rule 5.** — After sub-rule (3) insert the following new sub-rule (3) *bis*:—

“3 *bis*. In case of dispute as to the party upon whom the burden of proof rests, the court shall direct which party shall first adduce evidence.”

**Reël 5.** — Skrap die geheel en vervang dit deur die onderstaande nuwe reël 5:—

“5. (1) 'n Eiser kan binne die termyn in reël 1 van Order XVI vermeld en by of voor inlewering van repliek besonderhede van 'n eksepsie teen die verweerskrif inlewer.

(2) 'n Eiser kan eksepsie teen die verweerskrif opwerp op grond daarvan dat dit òf —

(a) nie 'n verweer teen die eiser se vordering aantoon nie; òf

(b) vaag en verwarrend is; òf

(c) nie voldoen aan die voorskrifte van reëls 1 en 2 van hierdie Order nie.

(3) 'n Eiser wat eksepsie opwerp teen 'n verweerskrif op die in sub-reël (2) (c) van hierdie reël vermelde grond moet in sy besonderhede van eksepsie uiteensit in watter opsigte nie-voldoening beweer word.

(4) Inligting wat kragtens reël 2 van Order XI deur die verweerder ingelewer word, word geag in die verweerskrif vervat te wees.”

**Reël 6.** — Voeg onderstaande nuwe reël 6 in:—

“6. (1) 'n Eiser kan by wyse van mosie versoek dat enigeen van twee of meer verweerde, wat nie in die alternatief gepleit word nie en onderling teenstrydig is, of enige redenering of teenstrydigheid of enigiets wat nie ter sake of wat oorbodig is in die verweerskrif, deurgehaal word.

(2) Die bepalinge van reël 5 van hierdie Order is *mutatis mutandis* van toepassing op die inlewering van besonderhede van 'n mosie vir deuring.

**Reël 7.** — Voeg onderstaande nuwe Reël 7 in:—

“7. (1) 'n Eksepsie teen of 'n mosie vir deuring van iets in 'n verweerskrif, kan deur die een of die ander party met vier dae kennisgewing vir verhoor op die rol geplaas word.

(2) As so 'n eksepsie of mosie gehandhaaf word en geen aansoek om wysiging gedoen word nie, of, indien gedoen, geweier word, kan die hof, as die verweerskrif dan geen verweer aantoon nie, uitspraak gee ten gunste van die eiser.”

#### ORDER XVI.

**Reël 1.** — Voeg na die woord “pleit” die woorde “of na inlewering ooreenkomstig reël 2 van Order XI van verdere inligting met betrekking tot die verweerskrif.”

#### ORDER XVII.

**Reël 1.** — Skrap sub-reël (1) en vervang dit deur die onderstaande nuwe sub-reël (1):—

“(1) Nadat die pleitskrifte gesluit is, kan enigeen van die twee partye 'n kennisgewing aan die ander party inlewer wat hom aansê om 'n lys in te lewer waarin die boeke en dokumente in sy besit of onder sy beheer wat betrekking het op die aksie en wat hy van plan is om in die saak te gebruik, of wat daartoe kan bydra om die saak van een van die twee partye te bewys of te weerlê, aangegee word. Sodanige lys, deur beëdigde verklaring bevestig, moet binne drie dae na die inlewering van genoemde kennisgewing deur die party wat daartoe aangesê is, ingelewer word. Indien aanspraak gemaak word op privilegie ten opsigte van enigeen van die dokumente in die lys vermeld, moet sodanige dokument afsonderlik op die lys aangegee word, en moet die grond waarop op privilegie aanspraak gemaak word ten opsigte van elke sodanige dokument uiteengesit word.”

**Reël 2.** — Skrap die woord “sodanige” waar dit die eerste keer voorkom en die woord “aldus” en voeg in na die woord “ooggelê” die woorde “ooreenkomstig reël 1 of wat aangegee word in 'n kennisgewing ingelewer ooreenkomstig reël 3 van hierdie Order.”

#### ORDER XVIII.

**Reël 1.** — (i) Voeg na die woord “dag” in sub-reël (1) die woorde “of dae” in.

(ii) Skrap die woorde wat tussen die hakies staan in sub-reël (3).

**Reël 5.** — Voeg die onderstaande nuwe sub-reël (3) *bis* in na sub-reël (3):—

“(3) *bis*. Ingeval van 'n geskil wat betref die party op wie die bewyslas rus, moet die hof gelas watter party eerste bewys moet aanvoer.”



ORDER XIX.

*Title.* — Delete the word “AND”, and add after the word “DISMISSAL” the words “AND SETTLEMENT”.

*Rule 4.* — After rule 3 add the following new rule 4:—

“4. (1) Application may be made to the court by either party at any time after entry of appearance and before judgment to record the terms of any settlement of an action without entry of judgment agreed to by the parties.

(2) Save when the application is made in court during the hearing of any proceedings in the action at which the other party is represented or when a written waiver by such other party, which may be included in the statement of terms of settlement, or notice of the application is produced, to the court, notice of the application shall be delivered.

(3) At the hearing of the application the applicant shall lodge with the court a statement of the terms of settlement signed by all parties to the action and if no objection thereto be made by any other party the court shall note that the action has been settled on the terms set out in the statement, and thereupon all further proceedings in the action shall, save as hereinafter provided, be stayed.

(4) When the terms of settlement provide for the future fulfilment by one or both parties of stated conditions and that in default of fulfilment the entry of a judgment in the action in terms specified in the statement may be sought by the other party, such other party may at any time within twelve months thereafter apply for the entry of such judgment. Such application shall be on notice to the party alleged to be in default setting forth particulars of the breach by the respondent of conditions of the terms of settlement.

(5) After hearing the parties the court may —

- (a) dismiss the application;
- (b) enter judgment for the applicant as specified in the terms of settlement;
- (c) set aside the settlement and give such directions for the further prosecution of the action as it may deem fit;
- (d) make such order as may be just as to the costs of the application.”

ORDER XXI.

*Rule 2.* — (i) Delete all words after the word “facts” and substitute “the court may —

- (a) receive evidence either *viva voce* or by affidavit and try the issues in dispute in a summary manner, or
- (b) order that the issues shall be tried by way of action, that the applicant shall be plaintiff and the respondent be defendant and that the notice of application shall stand as summons or that the applicant shall deliver such particulars of his claim as are prescribed in Order VII of these rules within seven days or such shorter time as the Court may appoint.”

(ii) Add new sub-rule (2) as follows, the present rule as amended becoming sub-rule (1):—

“(2) For the purposes of the action, appearance to defend shall be deemed, when the notice of application is ordered to stand as summons, to have been entered on the day on which such order is made, and when the applicant is ordered under this rule to file particulars, to have been entered on the day on which such particulars are delivered.”

*Rule 4.* — In sub-rule (3) delete the words in parenthesis and substitute (without parenthesis) the words “or by an interdict notice in a summons for rent under section thirty of the Proclamation.”

ORDER XXII.

*Rule 3.* — In sub-rule (2) delete the words “or an interdict by summons for rent under section thirty of the Proclamation.

ORDER XIX.

*Titel.* — Skrap die woord “EN” en voeg na die woord “AFWYSING” die woorde “EN SKIKKING” in.

*Reël 4.* — Voeg die onderstaande nuwe reël 4 in na reël 3:—

“4. (1) Enigeeen van beide partye kan te eniger tyd nadat verskyning aangeteken is en voordat vonnis gevel is by die hof aansoek doen om die bepalings aan te teken van ’n skikking van ’n aksie sonder aantekening van vonnis, waartoe die partye ooreengekom het.

(2) Kennisgewing van die aansoek moet ingelewer word, behalwe wanneer die aansoek in die hof gedoen word gedurende die behandeling van enige stap in die saak waarby die ander party verteenwoordig is, of wanneer ’n skriftelike afstand deur so ’n ander party (wat vervat kan wees in die geskrif waarin die skikkingsvoorwaardes uiteengesit word) van kennisgewing van die aansoek aan die hof voorgelê word.

(3) By die verhoor van die aansoek moet die applikant ’n geskrif, deur al die partye in die aksie onderteken, waarin die skikkingsvoorwaardes uiteengesit word, by die hof indien, en as geen beswaar deur enige ander party daarteen opgewerp word nie, moet die hof aantekene dat die aksie geskik is op die voorwaardes in genoemde geskrif uiteengesit en daarop is, behoudens die hieronder bepaalde, alle verdere stappe in die saak gestuit.

(4) Wanneer die skikkingsvoorwaardes voorsiening maak vir die toekomstige nakoming deur een of deur beide partye van opgenoemde voorwaardes, en bepaal dat by nie-nakoming die ander party aansoek kan doen vir aantekening van ’n vonnis in die aksie ooreenkomstig bepalings in voornoemde geskrif aangegee kan sodanige ander party te eniger tyd binne twaalf maande daarna aansoek doen om so ’n vonnis. So ’n aansoek geskied na kennisgewing aan die party wat beweer word in gebreke te wees, met vermelding van besonderhede van die respondent se versuim om bepalings van die skikkings-voorwaardes na te kom.

(5) Nadat hy die partye gehoor het, kan die hof —

- (a) die aansoek afwys;
- (b) vonnis binne gunste van die applikant aantekene soos bepaal in die skikkings-voorwaardes;
- (c) die skikking ter syde stel en sodanige bevel gee betreffende die verdere voortsetting van die aksie as wat hy goed dink;
- (d) sodanige bevel gee betreffende die koste van die aansoek as wat billik mag wees.”

ORDER XXI.

*Reël 2.* — (i) Skrap al die woorde na die woord “word” waar dit vir die tweede keer voorkom en vervang hulle deur die woorde — “kan die hof —

- (a) bewys, hetsy *viva voce* of deur beëdigde verklaring, toelaat, en die geskilpunte summier verhoor; of
- (b) beveel dat die geskilpunte by wyse van aksie verhoor word, dat die applikant as eiser moet optree, en die respondent as verweerder, en dat die kennisgewing van aansoek moet dien as dagvaarding of dat die applikant die besonderhede van sy vordering wat in Order VII van hierdie reëls voorgeskrif word binne sewe dae of korter termyn deur die hof vasgestel, moet inlewer.”

(ii) Voeg onderstaande nuwe sub-reël (2) in. Die teenwoordige reël soos gewysig word nou sub-reël (1):—

“(2) Vir die doeleindes van die aksie word verskyning tot verdediging, wanneer beveel word dat die kennisgewing van aansoek as dagvaarding moet dien, geag aangeteken te gewees het op die dag waarop sodanige bevel gegee is, en wanneer die applikant kragtens hierdie reël beveel word om besonderhede in te lewer, word dit geag aangeteken te gewees het op die dag waarop die besonderhede ingelewer word.”

*Reël 4.* — Skrap die woorde tussen hakies in sub-reël (3) en vervang hulle (sonder hakies) deur die volgende woorde “of deur ’n interdik-kennisgewing in ’n dagvaarding vir huurgeld kragtens artikel dertig van die Proklamasie”.

ORDER XXII.

*Reël 3.* — Skrap die woorde “of ’n interdik by wyse van dagvaaring vir huurgelde ingevolge artikel dertig van die Proklamasie.” in sub-reël (2).

## ORDER XXV.

*Rule 1.* — At the end of sub-rule (3) add the following sentence: "A request in writing made from time to time by such person to defer execution of such process for a definite period not being longer than one month shall not be deemed to be a suspension".

*Rule 1 bis.* — After 1 insert the following new rule 1 bis:—

"1 bis. Unless the summons commencing the action has been served upon the defendant personally or he has entered appearance to defend or notice of attachment has been given to him personally —

- (a) the judgment creditor shall, if any property corporeal or incorporeal is attached in execution give, at least seven days before the day appointed for the sale of such property, security to the satisfaction of the messenger for the payment to the execution debtor if such attachment be set aside of any sum which the execution debtor may in law be entitled to recover from the execution creditor for damages suffered by reason of such attachment or of any proceedings consequent thereon; and if security be not given the attachment shall cease to have effect. Provided that the execution debtor may by endorsement to that effect on the writ of execution dispense with the giving of security under this rule;
- (b) if moneys are received by the messenger under any form of execution otherwise than as the proceeds of the sale in execution of property in respect of the attachment of which security has been given in terms of paragraph (a) of this rule, such moneys shall not be paid to the execution creditor until he has given security for the restitution of the full amount received by the messenger if the attachment thereof be thereafter set aside. Provided that the execution debtor may in writing over his signature dispense with the giving of such security;
- (c) the prescribed fee for security given under this rule shall without taxation be recoverable as part of the costs of execution;
- (d) any surety bond or other document of security given in terms of this rule may be sued upon by the execution debtor without formal transfer thereof to him."

*Rule 3 bis.* — After rule 3 insert the following new rule 3 bis:—

"3 bis. Withdrawal of attachment shall be effected by note made and signed by the messenger on the writ of execution that the attachment is withdrawn stating the time and date of the making of such note. The messenger shall give notice in writing of the withdrawal and of the time and date thereof to the execution creditor and the execution debtor and to any person by whom a claim to the property attached has been lodged with him".

*Rule 4 bis.* — After rule 4 insert the following new rule 4 bis:—

"4 bis. (1) On completion of any sale in execution of property whether movable or immovable the messenger shall attach to his return a vendu roll showing details of the property sold, the prices realized and, where known, the names and addresses of the purchasers.

(2) A messenger shall not at a sale in execution purchase any of the property offered for sale either for himself or for another person."

*Rule 5.* — (i) At the end of sub-rule (7) add the following sentence: "The judgment creditor may by endorsement on the writ or by written notice given to the messenger dispense with the joinder of a surety in the undertaking."

(ii) In sub-rule (8) delete all words from the commencement to and including the word "goods" and substitute the words "If an undertaking to produce the said goods be not given as provided in sub-rule (7) of this rule".

(iii) In sub-rule (10) delete the words "two weeks" and substitute the words "fourteen days".

*Rule 10.* — (i) In sub-rule (10) delete paragraph (c) and substitute the following new paragraph (c):—

## ORDER XXV.

*Reël 1.* — Voeg die onderstaande sin aan die end van sub-reël (3) in. "’n Skriftelike versoek van tyd tot tyd deur so iemand om die ten uitvoerlegging van die lasbrief uit te stel vir ’n bepaalde tydperk, dog nie vir langer as ’n maand nie word nie geag in opskorting te wees nie".

*Reël 1 bis.* — Voeg die onderstaande nuwe reël 1 bis in na reël 1:—

"1 bis. Tensy die dagvaarding waardeur die aksie begin is op die verweerder persoonlik gedien is, of hy verskyning tot verdediging aangebeken het, of kennis van beslaglegging aan hom persoonlik gegee is

- (a) moet die vonnisskuldeiser, as beslag gelê is op liggaamlike of onliggaamlike goedere, minstens sewe dae voor die dag wat vir die verkoop van daardie goedere vasgestel is, sekerheid stel wat die bode bevredigend vind, vir betaling aan die eksekusieskuldenaar, as die beslaglegging te niet gedoen word, van die bedrag wat die eksekusieskuldenaar volgens wet geregtig mag wees om op die eksekusieskuldeiser te verhaal vir skade wat gelyk is as gevolg van die beslaglegging of van daaropvolgende geregtelike stappe; en as geen sekerheid gestel word nie, is die beslaglegging nie langer van krag nie: met dien verstande dat die eksekusieskuldenaar deur ’n aantekening te dien effekte op die lasbrief vir eksekusie, kan afsien van die sekerheidstelling ingevolge hierdie reël;
- (b) word geld wat die bode ontvang ingevolge een of ander vorm van eksekusie, anders as by wyse van die opbrings van die verkoop in eksekusie van goedere ten opsigte van die beslaglegging waarop sekerheid gestel is ooreenkomstig paragraaf (a) van hierdie reël, nie aan die eksekusieskuldeiser oorbetaal nie tot tyd en wyl hy sekerheid gestel het vir terugbetaling van die volle bedrag deur die bode ontvang, as die beslaglegging daarop later te niet gedoen word: met dien verstande dat die eksekusieskuldenaar in ’n geskrif deur hom onderteken van sodanige sekerheidstelling kan afsien;
- (c) is die voorgeskrewe gelde vir sekerheidsstelling ingevolge hierdie reël sonder taksasie verhaalbaar as deel van die eksekusiekoste;
- (d) kan die eksekusieskuldenaar dagvaar op ’n borgakte of ander dokument van sekerheidsstelling wat ingevolge hierdie reël verstrek is, sonder dat dit formeel aan hom oorgedra is."

*Reël 3 bis.* — Voeg die onderstaande nuwe reël 3 bis in na reël 3:—

"3 bis. Die intrekking van ’n beslaglegging word bewerkstellig deur ’n aantekening op die lasbrief vir eksekusie, deur die bode gedoen en onderteken, ten effekte dat die beslaglegging ingetrek is, en die uur en datum waarop die aantekening gedoen is, aangegee word. Die bode moet die eksekusieskuldeiser en die eksekusieskuldenaar, asook enig iemand wat ’n vordering teen die in beslag genome goedere by hom ingedien het, skriftelik kennis gee van die intrekking en van die uur en dag daarvan."

*Reël 4 bis.* — Voeg onderstaande nuwe reël 4 bis in na reël 4:—

"4 bis. (1) Na die afloop van ’n verkoop in eksekusie van goedere, hetsy roerend of onroerend, moet die bode ’n vendusielys aan sy relas heg waarin besonderhede omtrent die verkoopte goedere, die behaalde pryse, en, waar bekend, die name en adresse van die kopers, aangegee word.

(2) Die bode mag nie by ’n verkoping in eksekusie enige goed wat te koop aangebied word, vir homself of vir iemand anders koop nie."

*Reël 5.* — (i) Voeg die volgende sin in aan die end van sub-reël (7):—

"Die vonnisskuldeiser kan deur endossement op die lasbrief of by skriftelike kennisgewing aan die bode, afsien van bedoelde byvoeging van ’n borg."

(ii) Skrap al die woorde van die begin tot en insluitende die woorde "bring nie" in sub-reël (8), en vervang hulle deur die woorde — "Indien geen verpligting om genoemde goedere af te lewer, ooreenkomstig die voorskrifte van sub-reël (7) van hierdie reël, aangegaan word nie."

(iii) Skrap die woorde "twee weke" in sub-reël (10) en vervang hulle deur die woorde "veertien dae."

*Reël 10.* — (i) Skrap paragraaf (c) in sub-reël (10) en vervang dit deur die onderstaande nuwe paragraaf (c):—

“(c) When a transfer to the purchaser of the property has been duly effected the messenger shall, after deduction therefrom of any amount payable to him for his costs of execution, pay to the judgment creditor the purchase price or so much thereof as shall be sufficient to satisfy the judgment creditor’s claim and costs, and shall, subject to the provisions of section *fifty-nine* of this Proclamation and if there were immediately prior to the transfer no bonds registered against the property, pay any balance remaining in his hands to the judgment debtor, if he can be found, and if he cannot be found, shall pay such balance into court.

If there were immediately prior to the transfer bonds registered against the property, the messenger shall pay such balance into court and shall at the same time apply in manner provided in Order XXVI for the issue of interpleader summons calling upon the judgment debtor and the holder or holders of such bond or bonds to appear and establish their claims to such balance.”

#### ORDER XXVI.

*Rule 2.* — Delete the words “must satisfy the court by affidavit” and substitute the words “shall annex to the summons sued out in terms of the next succeeding rule an affidavit setting out”.

*Rule 6.* — Add at the end the words “and may make such order as may be just as to the payment of costs incurred by the applicant”.

#### ORDER XXVII.

*Rule 2.* — Add at the end the following sentence: “The execution of such warrant may at any time before the arrest of the judgment debtor be stayed by the judgment creditor”.

*Rule 3 bis.* — After rule 3 insert the following new rule 3 *bis*:—

“3 *bis.* An application by the judgment debtor for the suspension, variation or discharge of a decree or warrant of civil imprisonment shall be made on notice”.

#### ORDER XXVIII.

*Rule 1.* — (i) In sub-rule (1) insert at the commencement the words “Save as provided in rule 7 of this Order”.

(ii) In sub-rule (1) delete the word “owing” in paragraph (d) and substitute the words “due and payable” and insert after the word “order” in paragraph (e) the word “sought”.

(iii) Delete sub-rule (2).

(iv) In sub-rule (3) delete the words “Sub-rules (1) and (2)” and substitute the words “Sub-rule (1)”.

*Rule 2.* — (i) In sub-rule (1) delete the words “owing and accruing” and substitute the words “due and payable”.

(ii) In sub-rule (4) insert after the words “debt is” the words “not due and payable or is”.

*Rule 3.* — (i) In sub-rule (1) after the word “ground” insert the words “of irregularity in the proceedings or”; and after the word “is” insert the words “not due and payable or that it is due”.

(ii) In sub-rule (2) after word “operative” insert the words “or that the debt is not due and payable”.

(iii) In sub-rule (3) delete the words “sections *sixty* and *sixty-one*” and substitute the words “section *sixty*”.

(iv) Add new sub-rule (4) as follows:—

“(4) If on the return day the debtor in open court consent thereto or his written consent thereto be produced the court may, subject to the provisions of section *sixty-one* (1) of the Proclamation and whether or not the provisional order be confirmed in whole or in part, order that the garnishee do pay to the messenger out of the earnings accruing to the judgment debtor from the garnishee such sums of money at such future times as it may direct. The provisions of rule 7 (3) of this Order shall apply to the endorsement of such an order against the garnishee”.

“(c) Wanneer transport van die goed behoortlik aan die koper bewerkstellig is, moet die bode, nadat die bedrag betaalbaar aan hom by wyse van eksekusiekoste daarvan afgetrek is, die koopsoni of soveel daarvan as wat voldoende is om die vonnisskuldeiser se vordering en koste te vereffen, aan die vonnisskuldeiser uitbetaal en moet met inagneming van die bepalings van artikel *nege-en-vyftig* van die Proklamasie, en as daar onmiddellik voor die transport geen verbande teen die goed geregistreer was nie, enige saldo in sy besit aan die vonnisskuldenaar oorbetaal, as hy te vind is, en as hy nie te vind is nie, moet hy daardie saldo geregteelik inbetaal.

As daar onmiddellik voor die transport verbande teen die goed geregistreer was, moet die bode genoemde saldo geregteelik inbetaal, en tegelykertyd aansoek doen op die wyse in Order XXVI bepaal, om uitreiking van ’n tussenpleitdagvaarding waarin die vonnisskuldenaar en die verbandhouer of -houers opgeroep word om te verskyn en hul aansprake op sodanige saldo te bewys.”

#### ORDER XXVI.

*Reël 2.* — Skrap die woorde “moet deur middel van ’n beëdigde verklaring tot bevrediging van die hof bewys” en vervang hulle deur die woorde, “moet aan die dagvaarding wat ooreenkomstig die eersvolgende reël uitgeneem word, ’n beëdigde verklaring heg waarin verklaar word” —.

*Reël 6.* — Voeg aan die end die woorde “asook ’n billike bevel betreffende die betaling van koste deur die applikant gemaak” in.

#### ORDER XXVII.

*Reël 2.* — Voeg aan die end die onderstaande sin in:— “Die tenuitvoerlegging van die lasbrief kan te eniger tyd voor die inhegtenisname van die vonnisskuldenaar deur die vonnisskuldeiser geskors word.”

*Reël 3 bis.* — Voeg na reël 3 die onderstaande nuwe reël 3 *bis* in:—

“3 *bis.* ’n Aansoek deur die vonnisskuldenaar om opskorting, wysiging of opheffing van ’n bevel of lasbrief vir gyseling, moet gedoen word na kennisgewing.”

#### ORDER XXVIII.

*Reël 1.* — (i) Voeg aan die begin van sub-reël (1) die woorde — “Behalwe soos bepaal in reël 7 van hierdie order.”

(ii) Voeg na die woord “betaalbaar” in paragraaf (d) van sub-reël (1) die woorde, “en opeisbaar” in, en voeg onmiddellik voor die woord “bevel” in paragraaf (e) die woord “verlangde” in.

(iii) Skrap sub-reël (2).

(iv) Skrap die woorde “sub-reëls (1) en (2)” in sub-reël (3) en vervang hulle deur die woorde “sub-reël (1)”.

*Reël 2.* — (i) Skrap die woord “verskuldig” in sub-reël (1) en vervang dit deur die woorde “betaalbaar en opeisbaar.”

(ii) Skrap die woorde “aan u verskuldig” en “aan u toekom” in sub-reël (4) en voeg na die woord “bedrag” die woorde in “nie betaalbaar en opeisbaar is nie of aan u verskuldig is.”

*Reël 3.* — (i) Skrap die woord “die” onmiddellik voor die woord “grond” in sub-reël (1) en voeg na die woord “grond” die woorde in “van onreëlmatighede in die veringtinge, of op grond daarvan” en skrap die woorde “ten opsigte van salaris of arbeidsloon is” en voeg na die woorde “betrekking het” die volgende woorde in “nie betaalbaar en opeisbaar is nie, of dat dit verskuldig is ten opsigte van salaris of arbeidsloon.”

(ii) Voeg na woorde “was nie” in sub-reël (2) die woorde “of dat die skuld nie betaalbaar en opeisbaar is nie” in.

(iii) Skrap die woorde “artikels *sestig* en *een-en-sestig*” in sub-reël (3) en vervang hulle deur die woorde “artikel *sestig*.”

(iv) Voeg die onderstaande nuwe sub-reël (4) in:—

“(4) As die skuldenaar op die verskyningsdag in die ope hof toestemming daartoe verleen of sy skriftelike toestemming daartoe voorgelê word, kan die hof met inagneming van die bepalings van artikel *een-en-sestig* (1) van die Proklamasie, en onverskillig of die voorlopige bevel in sy geheel of gedeeltelik bekrachtig word of nie, beveel dat die beslagkuldenaar uit die verdienste wat van hom aan die vonnisskuldenaar toeval, sodanige bedrae op sodanige toekomstige datums as wat die hof mag gelas, aan die bode moet oorbetaal. Die bepalings van reël 7 (3) van hierdie Order is van toepassing op die afdwinging van so ’n bevel teen die beslagkuldenaar.”

**Rule 6.** — In sub-rule (3) insert after the word "him" the words "or that the debt is not due and payable to him".

**Rule 7.** — Add new rule 7 as follows:—

"7. (1) Application for the attachment of future or accruing earnings shall be made on notice to the judgment debtor and the garnishee. The notice shall set forth *mutatis mutandis* the particulars specified in paragraphs (a), (b), (c) and (e) of rule 1 (1) of this Order and the judgment creditor shall annex thereto a copy of any consent in writing by the judgment debtor to the granting of the order sought.

(2) At the hearing of the application the court may (subject to the provisions of section *sixty-one* of the Proclamation) order that the garnishee do pay to the messenger out of the earnings accruing to the judgment debtor such sums at such future times as it may direct.

(3) If the garnishee fail to pay to the messenger the sums of money at the times specified in such order, the judgment creditor may, on notice to the garnishee, make application for an order that execution issue against the garnishee. The provisions of rule 6 (1) and (2) of this Order shall apply to the hearing of such application.

(4) After hearing the parties the court may —

- (a) dismiss the application;
- (b) order that execution issue against the garnishee in respect of any sums payable and unpaid and of any costs ordered to be paid by him;
- (c) order that the costs of the application be paid by either party;
- (d) make such other order as may be just".

#### ORDER XXIX.

**Rule 1.** — (i) Delete sub-rule (1) and substitute the following new sub-rule (1):—

"(1) Any party to an action in which a default judgment is given may within one month after such judgment has come to the knowledge of the party against whom it is given apply to the court to rescind or vary such judgment".

(ii) In sub-rule (2) after the word "application" insert the words "shall be on affidavit which" and delete all words after the word "defence" and substitute "to the action or proceeding in which the judgment was given or of objection to the judgment".

(iii) At the end of sub-rule (3) add the following proviso:—

"Provided that the judgment creditor may by consent in writing lodged with the clerk of the court waive compliance with this requirement."

**Rule 2.** — In sub-rule (1) delete the words "review and" and substitute the words "and if good cause be shewn".

**Rule 3.** — (i) Delete all words after the words "*mutatis mutandis*" and substitute "govern all proceedings for the rescission or variation of any judgment by the court in the exercise of the jurisdiction conferred by section *thirty-five* of the Proclamation".

(ii) Add the following new sub-rule (2), the present rule as amended becoming sub-rule (1):—

"(2) Where rescission or variation of a judgment is sought on the ground of invalidity, fraud or mistake, application may be made not later than one year after the applicant first had knowledge of such invalidity, fraud or mistake".

**Rule 4.** — In sub-rule (1) delete the words "seven days" and substitute the words "one month"; delete the words "Reviewed and"; and at the end of the sub-rule add the words "to the extent only to which such applicant is affected thereby".

#### ORDER XXX.

**Rule 1.** — In sub-rule (1) delete the word "seven" where it occurs for the first time and substitute the word "four"; and delete the word "Seven" where it occurs for the second time and substitute the word "ten".

**Reël 6.** — Voeg na die woorde "is nie" in sub-reël (3) die woorde "of dat die skuld nie ten gunste van hom verskuldig en opeisbaar is nie".

**Reël 7.** — Voeg onderstaande nuwe reël 7 in:—

"7. (1) 'n Aansoek om beslaglegging op toekomstige of toekomstige verdienste word gedoen na kennisgewing aan die vonnis- en beslagskuldenaar. Die kennisgewing moet, *mutatis mutandis*, die besonderhede in paragrawe (a), (b), (c) en (e) van reël 1 (1) van hierdie Order aangegee, vermeld; en die vonnisskuldeiser moet 'n afskrif van enige skriftelike toestemming deur die vonnisskuldenaar tot die verlening van die verlangde bevel, daaraan te heg.

(2) By die verhoor van die aansoek kan die hof, met inagneming van die bepaling van artikel *een-en-sestig* van die Proklamasie, bevel dat die beslagskuldenaar uit die verdienste wat aan die vonnisskuldenaar toeval, sodanige bedrae op sodanige toekomstige datums as wat die hof mag gelas, aan die bode moet oorbetal.

(3) Indien die beslagskuldenaar versuim om bedoelde bedrae op die datums in die bevel aangegee aan die bode oor te betaal, kan die vonnisskuldeiser, na kennisgewing aan die beslagskuldenaar, aansoek doen om 'n bevel dat 'n lasbrief vir eksekusie teen die beslagskuldenaar uitgereik word. Die bepaling van reël 6 (1) en (2) van hierdie Order is van toepassing op die verhoor van so 'n aansoek.

(4) Die hof kan, nadat hy die partye gehoor het —

- (a) die aansoek van die hand wys;
- (b) bevel dat 'n lasbrief vir eksekusie teen die beslagskuldenaar uitgereik word ten opsigte van enige bedrae wat deur hom betaalbaar en onbetaald is, en van enige koste wat hy bevel is om te betaal;
- (c) bevel dat die koste van die aansoek deur die een of die ander party betaal word;
- (d) sodanige ander bevel gee as wat billik mag wees."

#### ORDER XXIX.

**Reël 1.** — (i) Skrap sub-reël (1) en vervang dit deur die onderstaande nuwe sub-reël (1):—

"(1) 'n Party in 'n aksie waarin vonnis by verstek gevel is, kan, binne 'n maand nadat die party teen wie dit gevel is die vonnis te wete gekom het, by die hof aansoek doen om die tenietdoening of wysiging daarvan."

(ii) Voeg na die woord "applikasie" in sub-reël (2) die woorde "geskied by wyse van 'n beëdigde verklaring en" in, en skrap al die woorde na die woord "verdediging" en vervang hulle deur die woorde "teen die aksie of proses in die loop waarvan die vonnis gevel is of van beswaar teen die vonnis, uiteensit".

(iii) Voeg die onderstaande voorbehoudsbepaling aan die end van sub-reël (3) in:—

"met dien verstande dat die vonnisskuldeiser deur skriftelike toestemming by die klerk van die hof ingedien, kan afsien van hierdie vereiste."

**Reël 2.** — Skrap die woorde "hersien en" in sub-reël (1) en voeg na die woord "was" die woorde "en mits gegronde rede aangevoer word" in.

**Reël 3.** — (i) Skrap al die woorde na die woord "op" en vervang hulle deur die woorde "alle prosesse vir die tenietdoening of wysiging van 'n vonnis deur die hof by die uitoefening van die jurisdiksie deur artikel *vyf-en-dertig* van die Proklamasie verleen."

(ii) Voeg die onderstaande nuwe sub-reël (2) in. Die teenwoordige reël soos gewysig word sub-reël (1):—

"(2) Wanneer tenietdoening of wysiging van 'n vonnis verlang word op grond van ongeldigheid, bedrog of dwaling, kan aansoek daarom gedoen word nie later as een jaar nadat die applikant vir die eerste keer die ongeldigheid, bedrog of dwaling te wete gekom het."

**Reël 4.** — Skrap die woorde "sewe dae" in sub-reël (1) en vervang hulle deur die woorde "een maand"; skrap die woorde "hersien" en voeg aan die end van die woorde "geraak word" die woorde "alleen vir sover bedoelde applikant daardeur geraak word".

#### ORDER XXX.

**Reël 1.** — Skrap die woord "sewe" waar dit vir die eerste keer in sub-reël (1) voorkom en vervang dit deur die woord "vier", en skrap die woord "sewe" waar dit vir die tweede keer voorkom en vervang dit deur die woord "tien".

*Rule 2.* — (i) At the end of sub-rule (1) add the words “or within fourteen days after the delivery to the clerk of the court by the judicial officer of a written judgment in terms of rule 1 of this Order whichever period shall be the longer”.

(ii) In sub-rule (2) insert after the word “and” where it first occurs the words “unless the court of appeal shall otherwise direct.”

(iii) In sub-rule (4) delete the words “clearly and specifically” in paragraph (b) and substitute the words “specifying the findings of fact or rulings of law appealed against”.

ORDER XXXI.

*Rule 1.* — In sub-rule (1) delete the word “shall” and substitute the word “may”.

ORDER XXXII.

*Rule 2.* — (i) Delete sub-rule (3) and substitute the following new sub-rule (3):—

“(3) The court may on request made at or immediately after the giving of judgment in any contested action or proceeding in which —

(a) is involved any difficult question of law or of fact; or

(b) the plaintiff makes two or more claims which are not alternative claims; or

(c) the claim or defence is frivolous or vexatious; award costs on any scale higher than that on which the costs of the action would otherwise be taxable.”

(ii) In sub-rule (4) insert after the word “available” the words “or some other”; and add at the end of the sub-rule the following proviso:—

“Provided that if the attorney employed be not the nearest available attorney, the travelling expenses and special allowance so allowed shall not exceed the expenses and allowance which would have been allowed if the nearest available attorney had been employed.”

(iii) Delete sub-rule (6) and substitute the following new sub-rule (6):—

“(6) The court may in its discretion order that the whole of the costs of an action (including the costs of any counterclaim) be paid by the parties in such proportions as it may direct.”

(iv) In sub-rule (7) delete all the words after the word “parties” and substitute the words “the clerk of the court shall on taxation, subject to any order which has been made by the court, award as costs in convention all such costs as would in his judgment have been incurred if no counterclaim had been made and as costs in reconvention all other costs allowed”.

(v) Add new sub-rule (9) as follows:—

“(9) Witness fees and expenses shall be allowed in respect of the attendance of a party to an action or proceeding only if such party shall have been declared by the court to be a necessary witness”.

*Rule 3.* — (i) At the end of sub-rule (4) add the following sentence: “notwithstanding anything in rule 1 of this Order contained a bill of costs as between attorney and client may be taxed at any time after determination of the mandate.”

(ii) Add new sub-rule (5) as follows:—

“(5) Where liability for costs is determined without judgment of the court by the provisions of rule 4 (2) of Order XII or by a settlement recorded in terms of rule 4 (3) of Order XIX such costs shall be taxable by the clerk of the court as if they had been awarded by the court.”

ORDER XXXIII.

*Rule 1.* — After sub-rule (1) insert new sub-rule (1) *bis* as follows:—

“(1) *bis.* The notice of appeal shall set out concisely and distinctly the grounds of appeal.”

*Reël 2.* — (i) Voeg die onderstaande woorde aan die end van sub-reël (1) in:— “of binne veertien dae nadat die regterlike amptenaar ooreenkomstig reël 1 van hierdie Order ’n skriftelike vonnis by die klerk van die hof ingelewer het, watter tydperk ook al die langste is.”

(ii) Voeg na die woord “en” waar dit vir die eerste keer in sub-reël (2) voorkom die woorde in “tensy die hof van appèl anders gelas” en

(iii) Skrap die woorde “duidelik en bepaaldelik” in paragraaf (b) van sub-reël (4) en vervang hulle deur die woorde “met aangifte van die bevindings aangaande feite of die beslissings oor regspraak waarteen geappelleer word.”

ORDER XXXI.

*Reël 1.* — Skrap die woorde “die hof stel van tyd tot tyd ’n lys op van persone” en vervang hulle met die woorde “die hof kan van tyd tot tyd ’n lys van persone opstel.”

ORDER XXXII.

*Reël 2.* — (i) Skrap sub-reël (3) en vervang dit deur die onderstaande nuwe sub-reël (3):—

“(3) Die hof kan op ’n versoek gedoen by of onmiddellik na vonnis in ’n bestrede aksie of proses waarin —

(a) dit gaan om ’n moeilike regspunt of feitlike vraag; of

(b) die eiser twee of meer vorderings instel wat nie alternatief is nie; of

(c) die vordering of verweer beuselagtig of ergerend is;

koste toeken volgens ’n hoër tarief as dié waarvolgens die koste van die aksie anders takseerbaar sou wees.”

(ii) Voeg na die woord “beskikbare” in sub-reël (4) die woorde “of ’n ander” in; en voeg aan die end van die sub-reël die volgende voorbehoudsbepaling in:—

“Met dien verstande dat indien die prokureur wat aangestel is nie die naaste beskikbare prokureur is nie, die aldus toegewese reiskoste en spesiale toelae nie die onkoste en toelae wat toegewys sou gewees het as die naaste prokureur aangestel was, te bowe gaan nie.”

(iii) Skrap sub-reël (6) en vervang dit deur die onderstaande nuwe sub-reël (6):—

“(6) Die hof kan na goeë dunde beveel dat die totale koste van ’n aksie (met inbegrip van die koste van ’n teenvordering) deur die partye betaal word in die verhoudings deur die hof voorgeskryf.”

(iv) Skrap al die woorde na die woorde “toegeken is” in sub-reël (7) en vervang hulle deur die woorde “moet die klerk van die hof deur taksasie, met inagneming van enige bevel wat deur die hof gegee is, al die koste wat volgens sy oordeel gemaak sou gewees het as geen teenvordering ingestel was nie, as koste in konvensie toeken, en alle ander koste wat toegewys is, as koste in rekonsensie.”

(v) Voeg onderstaande nuwe sub-reël (9) in:—

“(9) Getuiegelde en -koste ten opsigte van ’n party in ’n aksie of geding se opwagting by die hof, word alleen toegestaan as die hof daardie party tot ’n noodsaaklike getuie verklaar het.”

*Reël 3.* — (i) Voeg aan die end van sub-reël (4) die onderstaande sin in:—

“Nieteenstaande andersluidende bepalings in reël 1 van hierdie Order vervat, kan ’n kosterekening tussen prokureur en kliënt te eniger tyd na beëindiging van die opdrag getakseer word.”

(ii) Voeg onderstaande nuwe sub-reël (5) in:—

“(5) Indien aanspreeklikheid vir koste sonder vonnis van die hof vasgestel word deur die bepalings van reël 4 (2) van Order XII, of deur ’n skikking ooreenkomstig reël 4 (3) van Order XIX aangeteken, is daardie koste deur die klerk van die hof takseerbaar asof hul deur die hof toegeken was.”

ORDER XXXIII.

*Reël 1.* — Voeg onderstaande nuwe sub-reël (1) *bis* in na sub-reël (1):—

“(1) *bis.* Die kennisgewing van appèl moet kort en duidelik die gronde van appèl uiteensit.”

*Rule 2 bis.* — After Rule 2 add new rule 2 *bis* as follows:—

“2 *bis*. At any time after delivery of notice of appeal and not later than delivery of notice of set down the appellant shall so far as he is able cause to be filed with the clerk of the court the record (if any), or a duly certified copy thereof, of the proceedings which resulted in the judgment, order or decision appealed against.”

*Rule 3.* — Delete the whole and substitute the following new rule 3:—

“3. Subject to the provisions of any other law regulating procedure of the court on appeal, the court may if it think fit grant leave to either party to adduce oral evidence at the hearing of the appeal or may in its discretion proceed by way of re-hearing either in whole or in part.”

*Rule 4.* — Add new rule as follows:—

“4. The court may in its discretion award to either party the costs incurred in the appeal. Such costs shall be taxed on such higher scale of costs prescribed for actions in the court as the court may direct.”

#### ORDER XXXIV.

*Rule 2.* — In sub-rule (1) insert after the word “may” where it first occurs the words “at any time whether before or after the expiry of the period limited”.

*Rule 3.* — In sub-rule (2) delete all words after the words “*sine die*” and substitute the words “either party may by delivery of notice of reinstatement set down the action application or matter for further hearing on a day generally or specially fixed by the clerk of the court, not earlier than seven days after delivery of such notice”.

*Rule 9.* — (i) At the end of sub-rule (1) add the following proviso:—

“Provided that if the fact relied upon first come to the knowledge of the defendant after the close of pleadings, the defendant may within two days after such fact has come to his knowledge require that such security be given.”

(ii) Add new sub-rule (3) as follows:—

“(3) In this rule “plaintiff” shall not include a plaintiff in reconvention nor shall ‘action’ include a counterclaim.”

*Rule 10.* — Delete the whole and substitute the following new rule 10:—

“10. If summons in an action be not served within twelve months of the date of its issue or, having been served, the plaintiff has not within that time taken further steps in the prosecution of the action, the summons shall lapse, provided that where the plaintiff or his attorney files an affidavit with the clerk of the court before the expiration of such period setting out —

- (a) that at the request of the debtor an extension of time in which to pay the debt claimed or any portion thereof has been granted to him;
  - (b) that in terms of the agreement judgment cannot save in case of default be sought within a period of twelve months from the issue of the summons;
  - (c) the period of the said extension;
- the summons shall not lapse until twelve months after the expiration of the period of extension.”

*Rule 11.* — Add new rule 11 as follows:—

“11. When a court imposes upon any person a fine for failure to appear or other contempt of court and the fine is not forthwith paid the clerk of the court may issue process for the recovery of the amount of such fine and such process shall be executed by the messenger of the court in manner prescribed in Order XXV. For the purposes of issue and execution of such process the Administrator shall be deemed to be the judgment creditor.”

#### ORDER XXXV.

*Rule 1.* — Delete the whole and substitute the following new rule 1:—

*Reël 2 bis.* — Voeg onderstaande nuwe reël 2 *bis* na reël 2 in:—

“2 *bis*. Die appellant moet, te eniger tyd na inlewering van die kennisgewing van appèl en nie later as die inlewering van die kennisgewing dat die saak op die rol geplaas is, sover dit in sy vermoë is, die notule (as daar is) van die verrigtings wat uitgeloop het op die vonnis, bevel of beslissing waarteen geappelleer word, of ’n behoorlik gesertifiseerde afskrif van sodanige notule, by die klerk van die hof laat indien.”

*Reël 3.* — Skrap die geheel en vervang dit deur onderstaande nuwe reël 3:—

“3. Die hof kan met inagneming van die bepalinge van enige ander wet wat die prosedure van die hof van appèl reël, indien hy dit goedvind, aan enigeen van die twee partye verlof verleen om by die verhoor van die appèl mondelinge getuienis aan te voer, of kan, na goeddunke, die saak geheel of gedeeltelik herverhoor.”

*Reël 4.* — Voeg onderstaande nuwe reël 4 in:—

“4. Die hof kan, na goeddunke, aan enigeen van die twee partye die koste by appèl maak, toeken. Sodanige koste word getakseer volgens sodanige hoër tarief van koste vir aksies in die hof voorgeskryf, as wat die hof mag gelas.”

#### ORDER XXXIV.

*Reël 2.* — Voeg na die woord “kan” in sub-reël (1) die woorde “te eniger tyd voor of na verloop van die gestelde termyn.”

*Reël 3.* — Skrap al die woorde na die woord “geskied” in sub-reël (2) en vervang hulle deur die woorde — “enigeen van die twee partye die aksie, aansoek of saak, deur inlewering van kennisgewing van herstel, op die rol plaas vir verdere verhoor op ’n dag in die algemeen of spesiaal deur die klerk van die hof bepaal, maar nie vroeër as sewe dae na inlewering van genoemde kennisgewing nie.”

*Reël 9.* — (i) Voeg aan die end van sub-reël (1) die onderstaande voorbehoudsbepaling:—

“Met dien verstande dat, indien die feit waarop gesteun word, eers na die sluiting van die pleitskrifte tot die kennis van die verweerder gekom het, die verweerder binne twee dae nadat daardie feit tot sy kennis gekom het, kan eis dat voornoemde sekerheid gestel word.”

(ii) Voeg onderstaande nuwe sub-reël (3) in:—

“(3) In hierdie reël omvat “eiser” nie ’n eiser in rekonvensie nie, en omvat “aksie” nie ’n teenvordering nie.”

*Reël 10.* — Skrap die geheel en vervang dit deur die onderstaande nuwe reël 10:—

“10. Indien ’n dagvaarding in ’n aksie nie binne twaalf maande na die uitreikingsdatum daarvan gedien word nie, of indien die eiser, as dit wel gedien is, nie binne daardie tydperk verdere stappe gedoen het om die aksie voort te sit nie, verval die dagvaarding; met dien verstande dat as die eiser of sy prokureur by die klerk van die hof voor verloop van genoemde tydperk ’n beëdigde verklaring indien waarin vermeld word —

- (a) dat, op versoek van die skuldenaar, ’n verlenging van tyd om die gevorderde skuld of ’n gedeelte daarvan te betaal aan hom toegestaan is;
- (b) dat, volgens die ooreenkoms, vonnis, behalwe in geval van nie-nakoming, nie binne ’n tydperk van twaalf maande vanaf die uitreiking van die dagvaarding versoek kan word nie;
- (c) die tydperk van genoemde verlenging, die dagvaarding nie voor twaalf maande na verloop van die tydperk van verlenging verval nie.”

*Reël 11.* — Voeg onderstaande nuwe reël 11 in:—

“11. Wanneer ’n hof iemand ’n boete opleweens versuim om te verskyn, of weens ander minagting van die hof, en die boete nie onmiddellik betaal word nie, kan die klerk van die hof ’n prosesstuk uitreik vir die invordering van die bedrag van die boete, en sodanige prosesstuk word deur die geregsbode ten uitvoer gelê op die wyse in Order XXV voorgeskryf. Die Administrateur word, vir die doeleindes van uitreiking en tenuitvoerlegging van so ’n prosesstuk, geag die vonnissskuld-eiser te wees.”

#### ORDER XXXV.

*Reël 1.* — Skrap die geheel en vervang dit deur onderstaande nuwe reël 1:—

"1 (1) The clerk of the court shall keep a book to be styled the "Criminal Record Book" in which he shall daily enter particulars of every criminal case coming before the court on that day.

(2) The charge sheet or, when the matter comes before the court by way of preparatory examination, the inner sheet, shall when the matter first comes before the court be numbered by him with a consecutive number for the year and the case shall then be entered in the Criminal Record Book under that number.

(3) The particulars recorded in the criminal record book shall include —

- (a) date of hearing;
- (b) number of case;
- (c) name and description of accused;
- (d) crime or offence charged;
- (e) verdict;
- (f) sentence or other disposal;
- (g) remarks (including date and effect of any order of a superior court on review or appeal).

(4) The judicial officer presiding at the hearing shall himself record in the criminal record book any sentence imposed or other order of disposal made by him including acquittal, or other discharge, postponement of sentence, adjournment, remand to another court or committal for trial."

Rule 2. — Delete the whole and substitute the following new rule 2:—

"2. (1) The court may in any criminal trial direct that the plea and statement of the accused, the evidence orally given, any exception or objection taken during the course of the proceedings, the rulings and judgment of the court and such other portion of the proceedings as the court may specially indicate, be taken down in shorthand either verbatim or in narrative form.

(2) Every person employed for the taking of shorthand notes in terms of sub-rule (1) or for the transcription of notes so taken by another person shall be deemed to be an officer of the court and shall before entering on his duties take before a judicial officer an oath in the form prescribed in the first annexure to these rules.

(3) The shorthand notes taken in terms of sub-rule (1) shall be certified as correct by the writer and shall be filed by the clerk of the court with the record of the case. Unless the judicial officer presiding at the trial shall otherwise direct the notes shall be transcribed as soon as may be after the conclusion of the trial, and the transcription shall be certified as correct by the person making it and also filed with the record.

(4) Shorthand notes and transcripts thereof certified as provided in sub-rule (3) shall be deemed to be correct and shall form part of the record of the proceedings in the trial. Provided however that the court may on application by the prosecutor or by the accused made within fourteen days after the conclusion of the trial or after the completion of the transcription of such notes order the amendment of such notes or such transcript.

(5) Where by direction of the judicial officer in terms of sub-rule (3) the shorthand notes have not been transcribed, any person may at any time by notice to the clerk of the court require that a transcription be made. Any person other than the prosecutor or the accused so requiring transcription shall pay to the clerk of the court at the time of making the request fees at such rates as the Administrator may from time to time prescribe.

(6) Any person may on request obtain from the clerk of the court a copy of any transcript made in terms of sub-rule (3) or sub-rule (5) of this rule upon payment, save in the case of the Crown, at the time of making the request of fees at such rates as the Administrator may from time to time prescribe.

In this sub-rule the term "the Crown" shall include the South African Railways and Harbours Administration and the Administration of the Territory."

"1. (1) Die klerk van die hof moet 'n boek hou, "Die Kriminele Sakeboek" genoem, waarin hy daaglik die besonderhede van elke kriminele saak wat op daardie dag voor die hof kom moet aanteken.

(2) Die akte van aanklag, of, as die saak voor die hof kom by wyse van voorlopige ondersoek, die binneblad, moet, wanneer die saak vir die eerste keer voor die hof kom, deur die klerk van die hof met 'n volgnummer vir die jaar genummer word, en die saak word dan onder daardie nummer in die Kriminele Sakeboek ingeskryf.

(3) Die besonderhede in die Kriminele Sakeboek opgeteken moet die volgende bevat:—

- (a) Die datum van verhoor.
- (b) Die nommer van die saak.
- (c) Die naam en beskrywing van die beskuldigde.
- (d) Die ten laste gelegde misdaad of oortreding.
- (e) Die uitspraak.
- (f) Die straf of ander beskikking.
- (g) Opmerkings (met inbegrip van die datum en inhoud van enige bevel van 'n hoër hof by hersiening of appèl).

(4) Die voorsittende regterlike amptenaar moet persoonlik in die Kriminele Sakeboek 'n opgelegde straf of ander beskikkingsbevel, met inbegrip van vrypraak of ander ontslag, uitstel van strafoplegging, verdagting, verwysing na 'n ander hof, of verwysing ter strafsitting, aanteken."

Reël 2. — Skrap die hele reël en vervang dit deur die onderstaande nuwe reël 2:—

"2. (1) Die hof kan by die verhoor van 'n strafszaak gelas dat die pleit en verklaring van die beskuldigde, die mondelinge getuïenis, enige eksepsie of beswaar in die loop van die verrigtingsopgewerp, die beslissings en vonnis van die hof, asook sodanige ander gedeelte van die verrigtingsas wat die hof in besonder mag aanwys, in snelskrif opgeteken word of woord vir woord of in verhaalvorm.

(2) Iedereen wat in diens geneem is om ingevolge sub-reël (1), in snelskrifaantekenings meer te skryf, of om die snelskrifaantekenings deur iemand anders neergeskryf, in gewone skrif oor te skryf, word geag 'n beampte van die hof te wees, en moet, voordat hy sy werk begin, voor 'n regterlike amptenaar 'n eed aflê in die vorm in die Eerste Aanhangsel van hierdie reëls voorgeskryf.

(3) Die snelskrifaantekenings ingevolge sub-reël (1) neergeskryf, moet deur die snelskrywer as juis gesertifiseer word, en word deur die klerk van die hof by die stukke van die saak opgeberg. Tensy die voorsittende regterlike amptenaar anders gelas, moet die aantekenings so spoedig doenlik na afloop van die verhoor in gewone skrif oorgeskrif word, en die oorskrywing moet deur die persoon wat dit doen as juis gesertifiseer word, en ook by die stukke opgeberg word.

(4) Snelskrifaantekenings en oorskrywings daarvan ooreenkomstig die bepalinge van sub-reël (3) gesertifiseer, word geag juis te wees en deel uit te maak van die notule van die verrigtings by die verhoor: met dien verstande, egter, dat die hof, op aansoek deur die vervolger of deur die beskuldigde, gedoen binne veertien dae na afloop van die verhoor, of na voltooiing van die oorskrywing van die aantekenings, die wysiging van sodanige aantekenings, notule of oorskrywing kan gelas.

(5) Wanneer die snelskrifaantekenings op las van die regterlike amptenaar ingevolge sub-reël (3) nie in gewone skrif oorgeskrif is nie, kan enig iemand te eniger tyd by kennisgewing aan die klerk van die hof versoek dat hul aldus oorgeskrif word. Iemand anders as die vervolger of die beskuldigde, wat aldus oorskrywing versoek moet by die doen van die versoek aan die klerk van die hof 'n bedrag betaal volgens die skaal wat die Administrateur van tyd tot tyd voorskryf.

(6) 'n Ieder kan op versoek 'n afskrif van 'n oorskrywing ingevolge sub-reël (3) of sub-reël (5) van hierdie reël gemaak, van die klerk van die hof verkry teen betaling (behalwe in die geval van die Kroon) by die doen van die versoek, van 'n bedrag volgens die skaal wat die Administrateur van tyd tot tyd mag voorskryf. In hierdie sub-reël omvat die uitdrukking, "die Kroon", die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens, en die Administrasie van die Gebied."

## ORDER XXXVI.

Rule 1. — Add new sub-rule (5) as follows:—

“(5) The accused person may, within the time limited for the noting of an appeal, by notice to the clerk of the court amend the statement of his grounds of appeal and the judicial officer may in his discretion, within seven days thereafter deliver to the clerk of the court a further statement of reasons for judgment.”

Rule 2. — Insert after the word “statement” where it occurs for the first time the words “or further statement”; and insert after the word “statement” where it occurs for the second time the words “and any notice of amendment thereof”.

## FIRST ANNEXURE.

Form No. 1. — Delete the seventh and eighth columns headed “Time for appearance expires” and “Date of entry of appearance” respectively.

Form No. 2. — Delete the whole.

Form No. 6. — (i) Insert after “C.D.” the word “male”.

(ii) Delete the words from “And It Is Hereby Ordered” to “this action” included and substitute the words:—

“AND FURTHER TAKE NOTICE THAT you the defendant and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the property described in the particulars of claim endorsed hereon which are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the Court.”

(iii) Add further endorsement (4) as follows:—

“(4) NOTICE. — Any person having an unsatisfied judgment against him who changes his place of residence and fails within fourteen days thereafter to notify the clerk of the court by which judgment was given of his new place of residence is guilty of a criminal offence punishable by fine or imprisonment.”

Form No. 11. — Add after the word “Action” the words “for the following reasons:”.

Form No. 14. — Delete the whole.

Form No. 15. — Add after the word “action” the words “and consents to pay the defendant's taxed costs”.

Form No. 22. — (1) Delete the whole.

Form No. 22. — (2) Insert after the word “control” the words “relating to the action” and add after the word “action” the words “or are material to prove or disprove either party's case”.

Form No. 22. — (3) Add after the word “founded” the words “and also the documents specified in the notice delivered to you herein on the ..... day of ..... 19..... in terms of rule 3 of Order XVII”.

Form No. 28. — Delete the second paragraph and substitute:—

“Now therefore the said A.B. undertakes and binds himself to satisfy any lawful claim by the said C.D. against him the said A.B. for damages which the said C.D. may suffer by reason of the said arrest (for interdict) be hereafter set aside.

And the said E.F. hereby undertakes and binds himself as surety for and co-principal debtor with the said A.B. in a sum not exceeding the said sum of £..... for the due fulfilment by the said A.B. of the obligation undertaken by him by these presents.”

(Conclusion.)

Form No. 30. — Add after the words “or review” the words “and further severally ..... (here insert any further terms required)”.

Form No. 31. — Delete all words after the word “severally” where it occurs for the second time to and including the word “appeal” and substitute (here insert any further terms required).

Form No. 33. — Delete the words “from the said defendant”.

## ORDER XXXVI.

Reël 1. — Voeg onderstaande nuwe sub-reël (5) in:—

“(5) Die appellant kan binne die tydperk vir aantekening van 'n appèl voorgeskryf, by kennisgewing aan die klerk van die hof, sy kennisgewing van appèl wysig; en die regterlike amptenaar kan na goeë dunde binne sewe dae daarna aan die klerk van die hof 'n verdere of gewysigde uiteensetting verstrek van sy beslissings aangaande feite en die redes vir sy uitspraak.”

Reël 2. — Voeg na die woord, “verklaring” waar dit vir die eerste keer voorkom die woorde “of verdere verklaring” in, en voeg na die woord “verklaring” waar dit vir die tweede keer voorkom die woorde “en enige kennisgewing van wysiging daarvan.”

## EERSTE AANHANGSEL.

Vorm No. 1. — Skrap die sewende en agste kolommet die hoofde “Termyn vir aantekening van verdediging verstryk”, en “Datum waarop verdediging aangeteken is” respektiewelik.

Vorm No. 2. — Skrap die geheel.

Vorm No. 6. — (i) Voeg na C.D. die woord “manlik”.

(ii) Skrap die woorde vanaf “en hiermee word gelas” tot by “voldoen” en vervang hulle deur die woorde —

“EN NEEM VERDER KENNIS DAT u die verweerder, en alle ander persone hiermee verbied word om, alvorens 'n bevel dienaangaande deur die hof gegee is, enige van die meubels of besittings op die perseel in die besonderhede van die vordering wat hierop geëndosseer is, omskryf, wat onderhewig is aan die eiser se hipoteek vir huurgeld te verwyder of te laat verwyder of toe te laat dat dit verwyder word.”

(iii) Voeg verder onderstaande endossement (4) in:—

“(4) KENNISGEWING. — Iemand wat 'n onvoldane vonnis teen hom het en wat sy woonplek verander en versuim om binne veertien dae daarna die klerk van die hof wat die vonnis gevel het van sy nuwe woonplek, in kennis te stel, is skuldig aan 'n kriminele oortreding en strafbaar met 'n boete of gevangenisstraf.”

Vorm No. 11. — Voeg na die woorde “te dien nie” die woorde, “en wel om die volgende redes” in.

Vorm No. 14. — Skrap die geheel.

Vorm No. 15. — Voeg na die woord “terugtrek” die woorde “en toestem om die verweerder se getakseerde koste te betaal” in.

Vorm No. 22. — (1) Skrap die geheel.

(2) Voeg na die woorde “beheer is” die woorde “wat betrekking het op die aksie” in.

(3) Voeg na die woorde “gegrond is” die woorde in “asook die dokumente aangegee in die kennisgewing wat in hierdie saak aan u oorhandig is op die ..... dag van ..... 19..... kragtens reël 3 van Order XVII.”

Vorm No. 28. — Skrap die tweede paragraaf en vervang dit deur:—

“So is dit dat genoemde A.B. onderneem en homself bind om te voldoen aan enige wettige vordering deur genoemde C.D. teen hom, genoemde A.B., vir skade wat genoemde C.D. mag ly ingevolge voormelde arres (of interdik), ingeval voormelde arres (of interdik) hierna te niet gedoen word.

En genoemde E.F., onderneem hierby en bind homself as borg vir en mede-hoofskuldenaar tesame met genoemde A.B. tot 'n bedrag wat vermeld bedrag van £..... nie te bowe gaan nie, vir die behoorlike nakoming deur genoemde A.B. van die verpligting wat hy hierby op hom geneem het.”

(Slot.)

Vorm No. 30. — Voeg na die woorde “gewysig mag word nie” die woorde “en om verder afsonderlik ..... (voeg hier in enige verdere voorwaardes wat nodig is).”

Vorm No. 31. — Skrap al die woorde na die woorde “ter sy gestel mag word” tot by “verleen mag word” insluitende en vervang hulle deur die woorde “en om verder afsonderlik ..... (voeg hierin enige verdere voorwaardes wat nodig is).”

Vorm No. 33. — Skrap die woorde “van die verweerder voormeld”.



Form No. 34. — Add note (4) as follows:—

“(4) In case of re-issue the fact and date of re-issue and any increase or reduction in the amounts to be levied shown on the face hereof shall be set out in a note endorsed hereon and signed by the judgment creditor’s attorney and by the clerk of the court. No alterations save in consequence of amendment duly authorised shall after first issue be made on the face hereof.”

Form No. 38. — (i) Delete the third paragraph and substitute:—

“Now therefore the said plaintiff doth undertake and bind himself to the said execution debtor that if the execution and attachment be hereafter set aside, he will satisfy any lawful claim against him by the said execution debtor for damages suffered by the said execution debtor by reason of the said execution and attachment.

And L.M. .... of ..... doth undertake and bind himself as surety and co-principal debtor in a sum not exceeding £..... for the due fulfilment by the said plaintiff of the obligation undertaken by these presents.”

(ii) Delete in the Note the words “pay to the said judgment debtor such amount, etc.” and substitute therefor the words from and including the word “satisfy” to the end of the third paragraph.

Form No. 40. — Add below the word “(Conclusion)” the following note:—

“NOTE. — No alterations shall after first issue be made on the face hereof but any suspension, variation, increase or reduction in the sum payable by the debtor, and the fact and date of any re-issue shall be shown by endorsement hereon signed by the judgment creditor’s attorney and by the clerk of the court.”

Form No. 41. — (i) Delete the word “owing” in paragraph (5) and substitute the words “due and payable”.

(ii) Delete the note.

Form No. 42. — (i) Insert in the first paragraph after the word “due” wherever it occurs the words “and payable”.

(ii) Delete in the second paragraph the words “all debts owing by the garnishee to the judgment debtor” and substitute the words “the said debt”.

(iii) Delete in the third paragraph the word “debts” and substitute the word “debt”.

(iv) Insert after the word “debt” in the notice to the judgment debtor the words “is not due and payable, or”.

(v) Delete the note.

Form No. 49. — Delete the whole and substitute new form No. 49 as follows:—

No. 49. — *Criminal Record Book.*

Date of hearing and No. of case.	Name and Description of Accd.	Crime or Offence Charged.	Verdict and Sentence.	Remarks.

Form No. 50. — Add new form No. 50 as follows:—

“No. 50. — *Oath of Office of Shorthandwriter.*

I, A.B., do swear that I will faithfully, accurately and to the best of my ability take down in shorthand as directed by the judicial officer, the proceedings in any case in which I may be employed thereto as an officer of the Court and that I will similarly when required so to do transcribe the same or any other notes taken by any officer of the court.

Sworn before me at ..... this ..... day of ..... 19.....

.....  
Judicial Officer.”

Vorm No. 34. — Voeg die onderstaande N.B. (4) in:—

“(4) Ingeval van heruitreiking moet die feit en datum van heruitreiking, asook enige vermeerdering of vermindering van die verhaalbare bedrae wat op die voorkant hiervan verskyn, vermeld word in ’n aantekening hierop geëndosseer en deur die prokureur van die vonnisskuldeiser en die klerk van die hof onderteken. Geen veranderings mag na die eerste uitreiking op die voorkant hiervan aangebring word nie, behalwe ingevolge behoorlik gemagtigde wysiging.”

Vorm No. 38. — (i) Skrap die derde paragraaf en vervang dit deur —

“So is dit dat genoemde eiser onderneem en hom teenoor genoemde eksekusieskuldenaar bind om te voldoen aan enige wettige vordering deur genoemde eksekusieskuldenaar teen hom vir skade wat genoemde eksekusieskuldenaar gelyk het as gevolg van voormelde eksekusie en beslaglegging, as die eksekusie en beslaglegging hierna te niet gedoen mag word.

En L.M. .... van ..... onderneem en bind hom as borg en mede-skuldenaar tot ’n bedrag van hoogstens £..... vir die behoorlike vervulling deur genoemde eiser van die verpligting wat hy op hom geneem het.”

(ii) Skrap in die N.B. die woorde “aan die vonnisskuldenaar sodanige bedrag te betaal” en vervang hulle deur die woorde beginnende met “te voldoen” tot aan die end van die derde paragraaf.”

Vorm No. 40. — Voeg onder die woord “(Slot)” die onderstaande N.B. in:—

Let Wel.—Geen veranderings mag na die eerste uitreiking op die voorkant hiervan aangebring word nie, maar enige opskorting, wysiging, vermeerdering of vermindering van die bedrag deur die skuldenaar betaalbaar, asook die feit en datum van enige heruitreiking, moet hierop vermeld word by wyse van endossement onderteken deur die vonnisskuldeiser se prokureur en die Klerk van die Hof.”

Vorm No. 41. — (i) Skrap die woord “verskuldig” in paragraaf (5) en vervang dit deur die woorde “betaalbaar en opeisbaar”.

(ii) Skrap die N.B.

Vorm No. 42. — (i) Voeg na die woord “betaalbaar” in die eerste paragraaf, die woorde “en opeisbaar” in.

(ii) Skrap die woorde “alle skuldvorderinge deur die derde skuldenaar aan die vonnisskuldenaar verskuldig” in die tweede paragraaf en vervang hulle deur die woorde “die vermelde skuld”.

(iii) Skrap die woord “skuldvorderinge” in die derde paragraaf en vervang dit deur die woord “skuldvordering”.

(iv) Voeg na die woord “skuld” in die kennisgewing aan die vonnis-skuldenaar die woorde “nie betaalbaar en opeisbaar is nie, of” in.

(v) Skrap die N.B.

Vorm No. 49. — Skrap die geheel en vervang dit deur onderstaande nuwe vorm No. 49:—

“No. 49. — *Kriminele Sakeboek.*

Datum van Verhoor en No. van Saak	Naam en Beskrywing van Beskuldigde.	Misdaad of Misdryf waarvan aangekla.	Bevinding en Straf.	Opmerkings

Vorm No. 50. — Voeg onderstaande nuwe Vorm No. 50 in:—

“No. 50. — *Ampseer van Snelskrywer.*

Ek, A.B., sweer dat ek getrou, noukeurig en na die beste van my bekwaamheid die verrigtinge in snelskrif sal notuleer, soos deur die regterlike amptenaar gelas, in enige saak waarin ek daartoe in diens geneem is as ’n beampete van die Hof, en dat ek insgelyks, wanneer van my vereis word sulks te doen, sodanige notule of enige ander aantekeninge deur enige beampete van die Hof, sal oorskryf.

Beëdig voor my te ..... op hede die ..... dag van ..... 19.....

.....  
Regterlike Amptenaar.

## Second Annexure.

## Table A.

*Preliminary Notes.* — (i) Delete sub-paragraph (1) of paragraph 1 and substitute:—

“(1) (a) Save as provided in (b), (c) and (d) hereof, costs shall be taxed on the ordinary scale.

(b) When the amount in dispute exceeds £25 but does not exceed £50 costs shall save as provided in (c) hereof be taxed on higher Scale A.

(c) When the court has made an order under rule 2 (3) of Order XXXII awarding costs on a higher scale costs shall be taxed on the scale mentioned in such order.

(d) When the amount in dispute exceeds £50 costs shall be taxed on higher scale B.”

(ii) Add at the end of sub-paragraph (2) of paragraph 1 the following sentence:—

“Costs taxable under rule 3 (5) of Order XXXII shall be deemed to have been awarded under a judgment for the amount paid into court or a judgment in terms of the settlement as the case may be.”

(iii) Delete in paragraph 2 (1) the words “where costs are taxable on the higher scale” and substitute the words “falling within the provisions of paragraph 1 (1) (b), (c) or (d) hereof.”

(iv) Add at the end of sub-paragraph (3) of paragraph 3 the words “Four figures shall be reckoned as one word”.

(v) Insert after the word “instalment” in sub-paragraph (6) of paragraph 3 the words “whether in terms of the judgment or as a condition of suspension of a decree of civil imprisonment or in terms of a recurrent garnishee order attaching future earnings in satisfaction of the judgment. The fees shall be taxable immediately the judgment is given or the decree or order made but shall be recoverable only on the payment of each instalment.”

(vi) Add new paragraph 5 as follows:—

“5. The clerk of the court shall on taxation disallow any charge unnecessarily incurred.”

*No. 1: Undefended Actions.* — (i) Delete item 1 and substitute the following:—

“1. Summons (inclusive of demand) —

(a) If claim does not exceed £10 . . . £0 10 0.

(b) If claim exceeds £10 . . . . . 1 0 0.”

(ii) Delete item 2 and substitute the following:—

“2. Judgment —

(a) If claim does not exceed £10 . . . . £0 7 6.

(b) If claim exceeds £10 . . . . . 0 10 0.”

(iii) Add after the note to items 1 and 2 the following new items 2 *bis*, 2 *ter* and 2 *quater*:—

“2 *bis*. Notice under Order X, rule 4 (1) or (2) . . . . . £0 5 0.

2 *ter*. Affidavit . . . . . 0 5 0.

2 *quater*. Attending Court when claim referred to Court for judgment . 0 10 0.

NOTE. — The amount of fees allowable under items 2 *bis*, 2 *ter* and 2 *quater* shall be without taxation included in the amount of the costs for which judgment is entered.”

*No. 2: Defended Actions.* — (i) Delete the schedule containing items Nos. 3 to 28 inclusive and substitute the following Schedule:—

## TWEEDE AANHANGSEL.

## Tabel “A”.

*Inleidende Aantekeninge:*

(i) Skrap sub-paragraaf (i) van paragraaf 1 en vervang dit deur:—

“(1) (a) Behoudens die bepalinge van (b), (c) en (d) hiervan, word koste volgens die gewone skaal getakseer.

(b) Wanneer die bedrag in geskil meer as £25 maar nie meer as £50 is nie, word die koste, behoudens die bepalinge van (c) hiervan, volgens die hoër skaal “A” getakseer.

(c) Wanneer die hof ’n bevel gegee het kragtens reël 2 (3) van Order XXXII, waarby koste volgens ’n hoër skaal toegeken word, word die koste getakseer volgens die skaal in sodanige bevel vermeld.

(d) Wanneer die bedrag in geskil meer is as £50 word die koste volgens die hoër skaal “B” getakseer.”

(ii) Voeg aan die end van sub-paragraaf (2) van paragraaf 1 die onderstaande sin in:—

“Koste wat takseerbaar is kragtens reël 3 (5) van Order XXXII, word geag toegeken te gewees het ingevolge ’n vonnis vir die geregtelik inbetaalde bedrag, of ’n vonnis ooreenkomstig die skikking, na gelang van die geval.”

(iii) Skrap paragraaf 2 (1) en vervang dit deur die onderstaande nuwe paragraaf 2 (1):—

“2. (1) Honoraria aan advokate word alleen in gevalle wat binne die bepalinge van paragraaf 1 (1) (b), (c) of (d) hiervan val, by taksasie toegestaan.”

(iv) Voeg aan die end van sub-paragraaf (3) van paragraaf 3 die woorde “vier syfers word vir een woord gereken.”

(v) Voeg na die woord “paaieiment” in sub-paragraaf (6) van paragraaf 3 die woorde in “onverskillig of dit betaalbaar is ooreenkomstig die vonnis, of by wyse van ’n opskortingsvoorwaarde van ’n bevel vir gyseling, of kragtens ’n wederkerende skuldbeslagorder op toekomstige verdienstes ter voldoening aan die vonnis. Die gelde is takseerbaar sodra die vonnis gevel of die bevel gegee is, maar is alleen invorderbaar by betaling van elke paaieiment.”

(vi) Voeg onderstaande nuwe paragraaf 5 in:—

“5. By taksasie moet die klerk van die hof alle koste wat onnodig gemaak is, afwys.”

*No. 1. — Onbestrede Aksies —*

(i) Skrap item 1 en vervang dit deur die volgende:—

“1. Dagvaarding (met inbegrip van aanskrywing):—

(a) As vordering nie meer as £10 bedra nie . . . . . £0 10 0.

(b) As vordering meer as £10 bedra . . . . . 1 0 0.”

(ii) Skrap item 2 en vervang dit deur die volgende:—

“2. Vonnis:—

(a) As vordering nie meer as £10 bedra nie . . . . . £0 7 6.

(b) As vordering meer as £10 bedra . . . . . 0 10 0.”

(iii) Voeg na die N.B. tot items 1 en 2 die onderstaande nuwe items 2 *bis*, 2 *ter* en 2 *quater*:—

“2 *bis*. Kennisgewing kragtens Order X, reël 4 (1) of (2) . . . . . £0 5 0.

2 *ter*. Beëdigde verklaring . . . . . 0 5 0.

2 *quater*. Verskyning in hof wanneer vordering na hof verwys is vir vonnis . 0 10 0.

Let Wel.—Die bedrag van die gelde wat ingevolge items 2 *bis*, 2 *ter* en 2 *quater* toegestaan kan word, word sonder taksasie ingesluit by die bedrag van koste waarvoor vonnis aangeteken word.”

*No. 2. — Bestrede Aksies —*

(i) Skrap die skedule bevattende items No. 3 tot en met No. 28 en vervang dit deur die volgende skedule:—

ITEM.	Ordinary Scale.	Higher Scale.	
		A.	B.
	£ s d	£ s d	£ s d
3. Instructions to sue or defend or on commission <i>de bene esse</i>	0 5 0	0 10 0	0 10 0
4. Demand	0 5 0	0 5 0	0 5 0
5. Summons	0 15 0	1 0 0	1 5 0
6. Appearance	0 5 0	0 5 0	0 5 0
6a. Notice under Order X, rule 4 (1) or (2)	0 5 0	0 5 0	0 5 0
7. Claim in reconvention	0 10 0	0 15 0	0 15 0
8. Plea	0 10 0	0 15 0	1 0 0
9. Reply	0 5 0	0 7 6	0 10 0
10. Request for further particulars	0 5 0	0 5 0	0 5 0
11. Further particulars	—	—	—
12. Consent to adjournment or extension of time	0 5 0	0 5 0	0 5 0
13. Attendance applying for costs on discontinuance	0 10 0	0 10 0	0 10 0
14. Schedule of documents and affidavit	—	—	—
15. Production of documents for inspection	0 5 0	0 5 0	0 5 0
16. Inspecting documents	0 7 6	0 7 6	0 7 6
17. Subpoena (not more than one for each four witnesses summoned)	0 5 0	0 5 0	0 5 0
18. Each copy for service	0 1 0	0 1 0	0 1 0
19. Notice to produce	—	—	—
19a. Affidavit (other than of discovery)	0 5 0	0 5 0	0 5 0
20. Interrogatories	—	—	—
21. Taking proof of witness (each)	0 5 0	0 10 0	0 10 0
22. Notice of trial or reinstatement	0 5 0	0 5 0	0 5 0
23. Preparing for trial (if counsel not employed)	1 0 0	3 0 0	5 0 0
24. Attending court when action on roll for trial but adjourned	0 10 0	0 10 0	0 10 0
25. Attending Court on trial or at examination on commission (for each two hours or part of two hours on one day):—			
(a) Where counsel not employed	1 1 0	1 11 6	2 2 0
(b) Where counsel employed	—	0 15 0	0 15 0
26. Attending court to hear reserved judgment	0 10 0	0 10 0	0 10 0
27. Letters, etc.	0 10 0	1 0 0	1 0 0
28. Agreement not to appeal	0 5 0	0 5 0	0 5 0

ITEM.	Gewone Skaal.	Hoër Skaal.	
		A.	B.
	£ s d	£ s d	£ s d
3. Opdrag om te dagvaar of te verdedig of by kommissie <i>de bene esse</i>	0 5 0	0 10 0	0 10 0
4. Aanskrywing	0 5 0	0 5 0	0 5 0
5. Dagvaarding	0 15 0	1 0 0	1 5 0
6. Verskyning	0 5 0	0 5 0	0 5 0
6a. Kennisgewing kragtens Order X, reël 4 (1) of (2)	0 5 0	0 5 0	0 5 0
7. Vordering in reconvensie	0 10 0	0 15 0	0 15 0
8. Verweerskrif	0 10 0	0 15 0	1 0 0
9. Repliek	0 5 0	0 7 6	0 10 0
10. Versoek om nadere besonderhede	0 5 0	0 5 0	0 5 0
11. Nadere besonderhede	—	—	—
12. Toestemming tot verdagting of verlenging van tyd	0 5 0	0 5 0	0 5 0
13. Verskyning om aansoek te doen om koste by staking	0 10 0	0 10 0	0 10 0
14. Lys van dokumente en beëdigde verklaring	—	—	—
15. Ooplegging van dokumente vir insae	0 5 0	0 5 0	0 5 0
16. Insae van dokumente	0 7 6	0 7 6	0 7 6
17. Subpoena (nie meer as een vir elke vier gedagvaarde getuies)	0 5 0	0 5 0	0 5 0
18. Elke afskrif vir diening	0 1 0	0 1 0	0 1 0
19. Kennisgewing om voor te lê	—	—	—
19a. Beëdigde verklaring (behalwe dié van ooplegging)	0 5 0	0 5 0	0 5 0
20. Vraagpunte	—	—	—
21. Afneem van verklarings van getuies (elk)	0 5 0	0 10 0	0 10 0
22. Kennisgewing van verhoor of herstel	0 5 0	0 5 0	0 5 0
23. Voorbereiding vir verhoor (as advokaat nie verskyn nie)	1 0 0	3 0 0	5 0 0
24. Verskyning in hof wanneer saak op rol vir verhoor geplaas is maar verdaag word	0 10 0	0 10 0	0 10 0
25. Verskyning in hof tydens verhoor of by ondersoek op kommissie (vir elke twee uur of gedeelte daarvan op een dag) —			
(a) Wanneer advokaat nie verskyn nie	1 1 0	1 11 6	2 2 0
(b) Wanneer advokaat verskyn	—	0 15 0	0 15 0
26. Verskyning in hof om voorbehoude vonnis te hoor	0 10 0	0 10 0	0 10 0
27. Briewe, ens.	0 10 0	1 0 0	1 0 0
28. Ooreenkoms om nie te appelleer nie	0 5 0	0 5 0	0 5 0

(ii) Delete item 29 and substitute the following:—

“29. Particulars of exception, objection, or motion to strike out . £0 5 0.”

(iii) Delete item 31 and substitute the following:—

“31. Attending Court on hearing £0 10 0.

NOTE. — The Court may on application made at the hearing allow instead of the fee prescribed in item 31 fees for preparation and attendance at hearing not exceeding those which if the proceedings had been a trial would have been allowable under items 23 and 25.”

(iv) Delete item 32 and substitute the following:—

“32. (a) Application and affidavit (or copy of liquid document) including all necessary copies and services and attendance at first hearing . . . £1 0 0.

(b) Attendance at any subsequent hearing . . . . . 0 10 0.”

No. 3: *Miscellaneous.* — (i) In item 47 add after the word “arrest” the words “inclusive of any re-issue”.

(ii) After item 47 insert new item 47A as follows:—

“47a. Obtaining certified copy of judgment of Court of another district . . . . . £0 5 0.”

(iii) In item 64 insert after the word “fee” the words “covering any re-issues”.

(ii) Skrap item 29 en vervang dit deur die volgende:—

“29. Besonderhede van eksepsie, beswaar of mosie om deur te haal . . . . . £0 5 0.”

(iii) Skrap item 31 en vervang dit deur die volgende:—

“31. Verskyning in hof by verhoor £0 10 0. Let Wel.—Op aansoek, gedoen by die verhoor, kan die hof, in plaas van die gelde in item 31 voorgeskryf, gelde toestaan vir voorbereiding en verskyning by die verhoor wat nie meer is as dié wat toelaatbaar sou gewees het ingevolge items 23 en 25, as die verrigtinge ’n verhoor was.”

(iv) Skrap item 32 en vervang dit deur die volgende:—

“32. (a) Aansoek en beëdigde verklaring (of afskrif van likwiede dokument) met inbegrip van alle nodige afskrifte en dienings, en verskyning by eerste verhoor . . . . . £1 0 0.

(b) Verskyning by ’n latere verhoor . . . . . 0 10 0.”

No. 3. — *Diverse* —

(i) Voeg na die woord “ingyselingstelling” in item 47 die woorde “met inbegrip van heruitreikings.”

(ii) Voeg na item 47 onderstaande nuwe item 47a in:—

“47a. Verkryging van gesertifiseerde afskrif van vonnis van Hof van ’n ander distrik . £0 5 0.”

(iii) Voeg na die woord “fooi” in item 64 die woorde “ter dekking van alle heruitreikings.”

Table B.

Paragraph 2. — Add new sub-paragraph (3) as follows:—

“(3) The magistrate of any district may with the approval of the Secretary for the Territory substitute for the travelling allowance prescribed in sub-paragraph (1) of this paragraph a fixed charge for the service of any process at a stated distance from the court house, provided that such charge shall not exceed the allowance prescribed in the said sub-paragraph.”

Paragraph 3. — In sub-paragraph (a) delete all words after the word “messenger” where it first occurs and substitute the words “provided that —

- (i) if the warrant interdict or order be withdrawn before execution or attempted execution the fee shall be . . . . . £0 1 6.
- (ii) if there be no attachment under a writ of execution and a return of *nulla bona* be made the fee shall be . . . . . 0 5 0.
- and the difference between either such fee and the amount paid on lodgment shall be refunded by the messenger to the execution creditor.”

Paragraph 11. — Delete the expression “£2. 2s.” and substitute “£1. 1s.”

Paragraph 14. — (i) Delete in sub-paragraph (2) all the words after “house” and substitute the words “of the district for which the messenger is appointed”.

(ii) Add new sub-paragraph (9) as follows:—

“(9) The provisions of sub-paragraphs (2), (3), (4), (5), (6) and (8) of this paragraph shall not apply when a special tariff of travelling allowances has in any district been substituted by the magistrate as provided in paragraph 2 (3) of this Table.”

Table D.

Item 1. — Delete the words “claimed and”.

Item 9 bis. — Insert after item 9 new item 9 bis as follows:—

“9 bis. Notice of set down of exception, objection or motion to strike out . . . . . £0 1 0.”

Item 10 bis. — Insert after item 10 new item 10 bis as follows:—

“10 bis. Notice of reinstatement of any action, application or matter postponed *sine die* . . . . . £0 1 0.”

NOTES. — Insert in paragraph 3 after the word “time” the words “before judgment or”.

No. 67.]

2nd May, 1938.

## MAGISTRATES' COURTS' RULES.

It is hereby notified that, with effect from the 1st July, 1938, the Administrator has, by virtue of the powers vested in him by sub-rules (5) and (6), of rule two of Order No. XXXV of the Magistrates' Courts' Rules of Court, as amended by Government Notice No. 66 of 1938, prescribed the fee for the transcript of the shorthand notes taken in accordance with the provisions of sub-rule (1) of the aforementioned rule, and for a copy of any transcript made in terms of sub-rule (3) or sub-rule (5) of the aforementioned rule, at the following rate:—

For each 100 words: 1/.

No. 68.]

2nd May, 1938.

It is hereby notified for general information that the Administrator has been pleased under and by virtue of the powers in him vested by sub-section (3) of section one hundred and fifty-nine of the Municipal Ordinance, 1935 (Ordinance No. 24 of 1935), to approve of the following regulation made by the Windhoek Municipal Council in terms of sub-sections (1) and (2) of the said section, as an amendment of the regulations published under Government Notice

Tabel “B”.

Paragraaf 2. — Voeg onderstaande nuwe sub-paragraaf (3) in:—

“(3) Die Magistraat van 'n distrik kan, met goedkeuring van die Sekretaris van die Gebied, die reistoelae in sub-paragraaf (1) van hierdie paragraaf voorgeskryf, vervang deur 'n bepaalde bedrag vir die diening van 'n prosesstuk op 'n vermelde afstand van die hofgebou: met dien verstande dat sodanige bedrag nie meer is nie as die toelae in genoemde sub-paragraaf voorgeskryf.”

Paragraaf 3. — Skrap al die woorde na die woord “Bode” wat dit vir die eerste keer in sub-paragraaf (a) voorkom en vervang hulle deur die woorde — “met dien verstande dat —

- (i) as die lasbrief, interdik of bevel ingetrek word voor tenuitvoerlegging of gepoogde tenuitvoerlegging, die bedrag die volgende is . . . . . £0 1 6.
- (ii) As daar geen beslaglegging kragtens 'n lasbrief vir eksekusie is nie, en 'n relas van *nulla bona* gedoen word, die bedrag die volgende is . . . . . 0 5 0, en die verskil tussen een van sodanige bedrae en die bedrag by inlewering betaal, deur die bode aan die eksekusieskuldeiser terugbetaal moet word.”

Paragraaf 11. — Skrap die uitdrukking “£2.2.0” en vervang dit deur “£1.1.0”.

Paragraaf 14. — (i) Skrap al die woorde na die woord “regsgebou” in sub-paragraaf (2) en vervang hulle deur die woorde “van die distrik waarvoor die bode aangestel is.”

(ii) Voeg onderstaande nuwe sub-paragraaf (9) in:—

“(9) Die bepalinge van sub-paragraawe (2), (3), (4), (5), (6) en (8) van hierdie paragraaf is nie van toepassing nie indien 'n spesiale tarief van reistoelae in enige distrik deur die magistraat volgens voorskrif van paragraaf 2 (3) van hierdie Tabel ingestel is.”

Tabel “D”.

Item 1. — Skrap die woorde “gevorder en”.

Item 9 bis. — Voeg na item 9 onderstaande nuwe item 9 bis in:—

“9 bis. Kennisgewing dat 'n eksepsie, beswaar of mosie tot skraping aangeteken is . . . . . £0 1 0.”

Item 10 bis. — Voeg na item 10 onderstaande nuwe item 10 bis in:—

“10 bis. Kennisgewing van herstel van enige aksie, aansoek of saak wat uitgestel is *sine die* . . . . . £0 1 0.”

N.B's. — Voeg na die woord “saak” in paragraaf 3 die woorde “te eniger tyd voor vonnis of”.

No. 67.]

2 Mei 1938.

## REÛLS VAN DIE MAGISTRAATSHOWE.

Hierby word bekendgemaak, dat met ingang van 1 Julie 1938, die Administrateur kragtens die bevoegdhede hom verleen by sub-reëls (5) en (6) van reël twee van Order No. XXXV van die Magistraatshowe Reëls van die Hof, soos gewysig by Goewermentskennisgewing No. 66 van 1938, die fooi vir 'n transkrip van snelskrifaantekenings afgeneem volgens die bepalinge van sub-reël (1) van bovermelde reël, en vir 'n afskrif van enige transkrip gemaak kragtens sub-reël (3) of sub-reël (5) van bovermelde reël, teen die volgende skaal vasgestel het:—

Vir elke 100 woorde: 1/.

No. 68.]

2 Mei 1938.

Dit word hiermee vir algemene inligting bekendgemaak dat dit die Administrateur behaag het om ingevolge en kragtens die bevoegdhede hom verleen deur subartikel (3) van artikel eenhonderd nege-en-veertig van die Munisipale Ordonnansie 1935 (Ordonnansie No. 24 van 1935) sy goedkeuring te heg aan die onderstaande regulasie, deur die Windhoek Munisipale Raad kragtens subartikels (1) en (2) van die gemelde artikel opgestel, as 'n wysiging van die regulasies gepubliseer onder Goewermentskennisgewing No. 9 van die 2de dag van Januarie 1930, Goewermentskennisgewing

No. 9 of the 2nd day of January, 1930, Government Notice No. 73 of the 23rd day of March, 1932, Government Notice No. 155 of the 26th day of September, 1933, Government Notice No. 192 of the 11th day of December, 1933, and Government Notice No. 134 of the 1st day of September, 1936, and to be read as part of the said regulations.

MUNICIPALITY OF WINDHOEK.  
AMENDMENT OF STREET AND TRAFFIC REGULATIONS.

"164. Regulation No. 5 of the regulations published under Government Notice No. 9 of the 2nd day of January, 1930, is hereby amended by the deletion of the words "twenty-four hours" occurring therein and the substitution therefor of the words "two hours". This proviso shall not apply to the loading or unloading of petroleum and petrol, which shall not be stored at any time in a street or a footway."

No. 69.]

[2nd May, 1938.

EXPORT OF KARAKUL HAIR.

The Administrator has been pleased, under and by virtue of the powers in him vested by section *six* of the Agricultural Produce Export Ordinance, 1928 (Ordinance No. 13 of 1928), to amend Government Notice No. 172 of 1936 by the deletion of paragraph (b) of Regulation 4 (b) thereof and the substitution therefor of the following new paragraphs as paragraphs (b) and (c):—

"4. (b) Every such bale or pack shall be legibly marked (1) by the producer with his name and address or registered mark (provided that the producer may use his registered cattle brand as his registered mark for this purpose and without application to the Senior Veterinary Surgeon as required by Regulation 1 above), and (b) by the exporter with his name or registered mark.

(c) Whenever any bales or packs of karakul hair are repacked, the new containers shall be marked only with the name and address or registered mark of the person or firm by whom such hair was repacked, and *need not* be marked with any names and addresses or registered marks which may have appeared on the original bales or packs."

No. 70.]

[22nd April, 1938.

I, DAVID GIDEON CONRADIE, Administrator for the Territory of South West Africa, hereby give notice that the provisions of section *one* of the Banks Cash Reserves Temporary Amendment Proclamation, 1937 (Proclamation No. 18 of 1937), have been extended for a period of one year up to the thirty-first day of May, 1939.

D. G. CONRADIE,  
*Administrator.*

Windhoek,  
22nd April, 1938.

No. 71.]

[2nd May, 1938.

SPECIAL JUSTICE OF THE PEACE, GIBEON.

The Administrator has been pleased, in terms of subsection (1) of section *nine* of the Special Justice's of the Peace Proclamation, 1921, to appoint HENDRIK STEPHANUS VAN DER WALT as Special Justice of the Peace for the district of Gibeon, with effect from the 1st May, 1938.

No. 73 van die 23ste dag van Maart 1932, Goewermentskennisgewing No. 155 van die 26ste dag van September 1933, Goewermentskennisgewing No. 192 van die 11de dag van Desember 1933 en Goewermentskennisgewing No. 134 van die 1ste dag van September 1936, en te word gelees as gedeelte van die genoemde regulasies.

MUNICIPALITEIT VAN WINDHOEK.  
WYSIGING VAN STRAAT- EN VERKEERS-REGULASIES.

"164. Regulasie No. 5 van die regulasies gepubliseer onder Goewermentskennisgewing No. 9 van die 2de dag van Januarie 1930 word hiermee gewysig deur skraping van die woorde "vier-en-twintig uur" wat daarin voorkom en vervanging daarvan deur die woorde "twee uur". Hierdie bepaling het geen toepassing op petroleum en petrol nie. Petroleum en petrol mag nooit in 'n straat of voetpad gelaat word nie".

No. 69.]

[2 Mei 1938.

UITVOER VAN KARAKOELWOL.

Dit het die Administrateur behaag om, ingevolge en kragtens die bevoegdhede aan hom verleen deur artikel *ses* van die Boerdery-Produkte Uitvoer-Ordonnansie 1928 (Ordonnansie No. 13 van 1928), Goewermentskennisgewing No. 172 van 1936 te wysig deur skraping van paragraaf (b) van Regulasie No. 4 daarvan en die vervanging daarvan deur die onderstaande nuwe paragrafe, as paragrafe (b) en (c):—

"4. (b) Elke sodanige baal of sak moet (1) deur die produseerder met sy naam of registrasie merk leesbaar gemerk word (met dien verstande dat die produseerder sy geregistreerde brandmerk as sy geregistreerde merk vir hierdie doel mag gebruik en sonder aansoek by die Hoofveearts soos in Regulasie 1 hierbo vereis); en (2) deur die uitvoerder met sy naam of registrasiemerk leesbaar gemerk word.

(c) Indien enige bale of sakke karakoelwol herpak word, moet die nuwe verpakkinge slegs met die naam en adres, of registrasiemerk van die persoon of firma deur wie sodanige wol herpak is, gemerk word, en hoef nie met enige name en adresse of geregistreerde merke wat op die oorspronklike bale of sakke voorgekom het, gemerk word nie.

No. 70.]

[22 April 1938.

Ek, DAVID GIDEON CONRADIE, Administrateur van die Gebied Suidwes-Afrika, maak hiermee bekend dat die bepalings van artikel *een* van die Tydelike Wysigingsproklamasie op Banke Kontantreserwe 1937 (Proklamasie No. 18 van 1937) vir 'n tydperk van een jaar tot die een-en-dertigste dag van Mei 1939 verleng is.

D. G. CONRADIE,  
*Administrateur.*

Windhoek,  
22 April 1938.

No. 71.]

[2 Mei 1938.

SPESIALE VREDEREGTER, GIBEON.

Dit het die Administrateur behaag om, ooreenkomstig subartikel (1) van artikel *nege* van die "Spesiale Vrederechters Proklamasie 1921", HENDRIK STEPHANUS VAN DER WALT as 'n Spesiale Vrederegter vir die distrik Gibeon aan te stel, met ingang vanaf 1 Mei 1938.

**General Notices.****Algemene Kennisgewings.**

(No. 21 of / van 1938.)

**TRADE MARKS. / HANDELSMERKE.**

UNPAID RENEWAL FEES. (For period ending 21st April, 1938.)

ONBETAALDE HERNUWINGSFOOIE. (Vir tydperk eindigende 21 April 1938.)

No.	Name of Proprietor. / Naam van Eienaar.	No.	Name of Proprietor. / Naam van Eienaar.
162.	I. & R. Morley.	169.	Chemische Fabrik auf Actien (vorm. E. Schering).
163.	I. & R. Morley.	171.	Chemische Fabrik auf Actien (vorm. E. Schering).
164.	I. & R. Morley.	175.	Chemische Fabrik auf Actien (vorm. E. Schering).
165.	I. & R. Morley, Limited.	180.	Chemische Fabrik auf Actien (vorm. E. Schering).
166.	I. & R. Morley.	182.	A. Harper Sons & Bean Limited.
167.	I. & R. Morley.	183.	A. Harper Sons & Bean Limited.
168.	I. & R. Morley.	184.	A. Harper Sons & Bean Limited.

Deeds Registry,  
Windhoek, 21st April, 1938.  
Akteskantoor,  
Windhoek, 21 April 1938.

H. F. DOWLING,  
Registrar of Deeds.  
Registrateur van Aktes.

(No. 22 of 1938.)

**CO-OPERATIVE AGRICUTURAL SOCIETIES.**

The following particulars in regard to the membership of Co-operative Agricultural Societies are published for general information in accordance with the provisions of sub-section (3) of section 31 of the Co-operation Proclamation, No. 19 of 1922.

(No. 22 van 1938.)

**KOÖPERATIEWE LANDBOUVERENIGINGS.**

Die volgende besonderhede in verband met die lidmaatskap van Koöperatiewe Landbouverenigings word vir algemene informasie gepubliseer ooreenkomstig die bepalings van sub-artikel (3) van artikel 31 van die Koöperasie Proklamasie No. 19 van 1922.

**OTJIWARONGO KOÖPERATIEWE VERENIGING.***Decease of member. — Oorlyde van lid.*

No.	Name. — Naam.	Address — Adres	Date of decease. Datum van oorlyde.
19.	Wilhelmina Jacoba van der Westhuizen, geb. de Klerk, Widow/Weduwee.	Schwarzenfels, Dist. Otjiwarongo.	31.3.1938.

Deeds Registry,  
Windhoek,  
21st April, 1938.  
Registrasie Kantoor van Aktes,  
Windhoek,  
21 April 1938.

H. F. DOWLING,  
Registrar of Co-operative Societies and Companies.  
Registrateur van Koöperatiewe Verenigings en Maatskappye.

(No. 23 of 1938.)

**ELECTION OF MEMBERS OF ADVISORY BOARD FOR GEBIET.**

The Administrator has been pleased in terms of section 2 (6) of Proclamation No. 9 of 1928, as amended, to fix 9 a.m. on Friday, the 24th June, 1938, and the Magistrate's Court Room, Rehoboth, as the time and place for the election of 6 members of the Advisory Board for the *Gebiet*.

A. A. LE ROUX,  
Magistrate and Captain,  
Rehoboth Bastard Community.

Magistrate's Office,  
REHOBOTH,  
7th April, 1938.

(No. 23 van 1938.)

**VERKIESING VAN ADVISERENDE RAADSLEDE VIR DIE GEBIET.**

Dit het die Administrateur behaag om, kragtens artikel 2 (6) van Proklamasie No. 9 van 1928, soos gewysig, 9 uur v.m. op Vrydag 24 Junie 1938, en die Magistraatshofsaal, Rehoboth, as die tyd en plek vir die verkiesing van ses Adviserende Raadslede vir die *Gebiet*, te bepaal.

A. A. LE ROUX,  
Magistraat en Kaptein,  
Rehoboth Baster Gemeenskap.  
Kantoor van die Magistraat,  
REHOBOTH,  
7 April 1938.

## Advertisements.

### ADVERTISING IN THE OFFICIAL GAZETTE OF SOUTH WEST AFRICA.

1. The *Official Gazette* will be published on the 1st and 15th day of each month; in the event of either of those days falling on a Sunday or Public Holiday, the *Gazette* will be published on the next succeeding working day.
2. Advertisements for insertion in the *Gazette* must be delivered at the office of the Secretary for South West Africa (Room 46, Government Buildings, Windhoek) in the languages in which they are to be published, not later than 4.30 p.m. on the *ninth* day before the date of publication of the *Gazette* in which they are to be inserted.
3. Advertisements will be inserted in the *Gazette* after the official matter or in a supplement to the *Gazette* at the discretion of the Secretary.
4. Advertisements will be published in the *Official Gazette* in the English, Dutch or German languages; the necessary translations must be furnished by the advertiser or his agent. It should be borne in mind however, that the German version of the *Gazette* is a translation only and not the authorised issue.
5. Only legal advertisements are accepted for publication in the *Official Gazette*, and are subject to the approval of the Secretary for South West Africa, who can refuse to accept or decline further publication of any advertisement.
6. Advertisements should as far as possible be type-written. Manuscript of advertisements should be written on one side of the paper only, and all proper names plainly inscribed; in the event of any name being incorrectly printed as a result of indistinct writing, the advertisement can only be republished on payment of the cost of another insertion.
7. The Subscription for the *Official Gazette* is 20/- per annum, post free in this Territory and the Union of South Africa obtainable from Messrs. John Meinert Ltd., Box 56, Windhoek. Postage must be prepaid by Overseas subscribers. Single copies of the *Gazette* may be obtained either from Messrs. John Meinert Ltd., Box 56, Windhoek, or from the Secretary for South West Africa at the price of 1/- per copy.
8. The charge for the insertion of advertisements other than the notices mentioned in the succeeding paragraph is at the rate of 7/6 per inch single column and 15/- per inch double column, repeats half price. (Fractions of an inch to be reckoned an inch.)
9. Notices to Creditors and Debtors in the estates of deceased persons and notices of executors concerning liquidation accounts lying for inspection, are published in schedule form at 12/- per estate.
10. No advertisement will be inserted unless the charge is prepaid. Cheques, drafts, postal orders or money orders must be made payable to the Secretary for South West Africa.

### OFFICE OF THE COLLECTOR OF CUSTOMS. WALVIS BAY.

#### NOTICE.

### QUARTERLY RETURN OF GOODS IN KING'S WAREHOUSES.

It is hereby notified for general information that the Quarterly Returns of goods in King's Warehouses at the undermentioned Ports, for the quarter ended 31st March, 1938, have been prepared and may be inspected at the offices of the Collectors of Customs, at the respective Ports:—

Walvis Bay.

Luderitz.

C. M. HAMILTON,  
Collector of Customs.

## Advertensies.

### ADVERTEER IN DIE OFFISIËLE KOERANT VAN SUIDWES-AFRIKA.

1. Die *Offisiële Koerant* sal op die 1ste en 15de van elke maand verskyn; ingeval een van hierdie dae op 'n Sondag op Publieke Feesdag val, dan verskyn die *Offisiële Koerant* op die eersvolgende werkdag.
2. Advertensies wat in die *Offisiële Koerant* geplaas moet word moet in die taal waarin hulle sal verskyn ingehandig word aan die kantoor van die Sekretaris vir Suidwes-Afrika (Kamer 46, Regerings-Geboue, Windhoek), nie later as 4.30 n.m. op die neënde dag voor die datum van verskyning van die *Offisiële Koerant* waarin die advertensies moet geplaas word nie.
3. Advertensies word in die *Offisiële Koerant* geplaas agter die offisiële gedeelte, of in 'n ekstra blad van die *Koerant*, soos die Sekretaris mag goedvind.
4. Advertensies word in die *Offisiële Koerant* gepubliseer in die Engelse, Afrikaanse en Duitse tale; die nodige vertalinge moet deur die adverteerder of sy agent gelewer word. Dit moet onthou word dat die Duitse teks van die *Offisiële Koerant* slegs 'n vertaling is, en nie die geoutoriseerde uitgawe is nie.
5. Slegs wetsadvertensies word aangeneem vir publikasie in die *Offisiële Koerant*, en hulle is onderworpe aan die goedkeuring van die Sekretaris vir Suidwes-Afrika, wat die aanneming of verdere publikasie van 'n advertensie mag weier.
6. Advertensies moet sover as moontlik op die masjien geskryf wees. Die manuskrip van advertensies moet slegs op een kant van die papier geskryf word, en alle name moet duidelik wees; ingeval 'n naam ingevolge onduidelike handskrif foutief gedruk word, dan kan die advertensies slegs dan weer gedruk word as die koste van 'n nuwe opneming betaal word.
7. Die jaarlikse intekengeld vir die *Offisiële Koerant* is 20/-, posvry in hierdie Gebied en die Unie van Suid-Afrika, verkrygbaar van die here John Meinert, Bpk., Posbus 56, Windhoek. Posgeld moet vooruit betaal word deur oorseese intekenaars. Enkele eksemplare van die *Offisiële Koerant* is verkrygbaar of van die here John Meinert, Bpk., Posbus 56, Windhoek, of van die Sekretaris vir Suidwes-Afrika, teen die prys van 1/- per eksemplaar.
8. Die koste vir die opname van advertensies, behalwe die kennisgewings, wat in die volgende paragraaf genoem is, is teen die tarief van 7/6 per duim enkel kolom, en 15/- per duim dubbel kolom, herhalings teen half prys. (Gedeeltes van 'n duim moet as 'n volle duim bereken word.)
9. Kennisgewings aan krediteure en debiteure in die boedels van oorlede persone, en kennisgewings van eksekuteurs betreffende likwidasierekenings, wat vir inspeksie lê, word in skedule-vorm gepubliseer teen 12/- per boedel.
10. Geen advertensie sal geplaas word nie, tensy die koste vooruit betaal is. Tjeks, wissels, pos- of geldorders moet betaalbaar gemaak word aan die Sekretaris vir Suidwes-Afrika.

### KANTOOR VAN DIE ONTVANGER VAN DOEANE. WALVISBAAI.

#### KENNISGEWING.

### KWARTAALSE OPGAWE VAN GOEDERE IN RYKSPAKHUISE.

Dit word hiermee vir algemene inligting bekend gemaak dat die Kwartaalse Opgawe van goedere in die Rykspakhuse by die ondergenoemde Hawes vir die kwartaal geëindig 31 Maart, 1938, opgestel is en mag opgeslaan word by die Kantore van die Ontvangers van Doeane by die respektiewe hawes:—

Walvisbaai.

Luderitz.

C. M. HAMILTON,  
Ontvanger van Doeane.

NOTICES OF TRUSTEES AND ASSIGNEES. Pursuant to Section *ninety-nine*, Sub-section (2), of the Insolvency Ordinance, 1928.

The liquidation accounts and plans of distribution or/and contribution in the Assigned or Sequestrated Estates mentioned in the subjoined Schedule having been confirmed on the dates therein mentioned, notice is hereby given that a dividend is in course of payment or/and a contribution in course of collection in the said Estates as in the Schedule is set forth, and that every creditor liable to contribute is required to pay the trustee or assignee the amount for which he is liable at the address mentioned in the Schedule.

KENNISGEWING VAN KURATORS EN BOEDELBEREDDERAARS. Ingevolge artikel *neën-en-neëntig*, onderartikel (2) van die Insolvensie-Ordonnansie, 1928.

Aangesien die likwidasierekenings en state van distribusie of/en kontribusie in die afgestane of gesekwestreerde boedels vermeld in die onderstaande Bylae op die daarin genoemde datums bekragtig is, word hiermee kennis gegee dat 'n diwident uitgekeer of/en 'n kontribusie in vermelde boedels ingevorder sal word, soos uiteengesit in die Bylae, en dat elke kontribusiepligtige skuldeiser die deur hom verskuldigde bedrag aan die kurator of boedelberedderaar by die adres in die Bylae genoem, moet betaal.

Form. No. 7 / Form. No. 7.

SCHEDULE — BYLAE.

No. of Estate	Name and Description of Estate	Date when Account Confirmed	Whether a Dividend is being paid or Contribution being collected, or both	Name of Trustee or Assignee	Full Address of Trustee or Assignee
No. van Boedel	Naam en Beskrywing van Boedel	Datum waarop Rekening bekragtig is	Of 'n diwident uitgekeer word of 'n kontribusie ingevord. word of beide	Naam van Kurator of Boedelberedderaar	Volledige Adres van Kurator of Boedelberedderaar
467	Insolvent Estate of Bernhard Hummel, a hawker of Mariental	7/4/38	Dividend is being paid	W. G. Kirsten	Box 13, Mariental

NOTICE.

Notice is hereby given in terms of Section 7 of Ordinance No. 7 of 1937, that an application (which may be inspected in this office) has been received from the owners of the farms Vaalgras No. 14, Hohenhorst No. 12, and Friedrichsruh No. 13 for the deviation of portions of proclaimed District Roads Nos. 28 and 64 on the said farms. The proposed new routes of the said roads are set out below:—

1. Deviation of District Road No. 28 to be proclaimed as a new District Road.

From a point on Proclaimed Main Road No. 9 at the boundary common to Haris No. 22 and Claratal No. 18, on the farm Claratal No. 18 in a south westerly direction over the farms Claratal No. 18, Vaalgras No. 14, thence westwards over the farms Friedrichsruh No. 13 and Hohenhorst No. 12 to the boundary of the Rehoboth District.

2. Deviation of District Road No. 64, to be proclaimed as a new District Road.

From a point on Proclaimed District Road No. 28, near the boundary common to Friedrichsruh No. 13 and Vaalgras No. 14, on the farm Friedrichsruh No. 13, generally in a southerly direction over the said farm to the boundary of the Rehoboth District.

All interested persons are hereby called upon to lodge in writing at this office within two months after the last publication hereof any objection to the deproclamation of the existing District Roads Nos. 28 and 64 and for the Proclamation as District Roads of the routes set out above.

E. F. OETTLE,  
Magistrate.

Windhoek,  
13th April, 1938.

KENNISGEWING.

Kennis geskied hiermee ingevolge Artikel 7 van Ordonnansie 7 van 1937, dat 'n aansoek (wat in hierdie kantoor nagesien mag word) ontvang is van die eenaars van die plase Vaalgras No. 14, Hohenhorst No. 12 en Friedrichsruh No. 13 vir verlegging van dele van die geproklameerde Distriks Paaie Nos. 28 en 64 op die genoemde plase. Die voorgestelde roetes van die genoemde paaie word hieronder uiteengesit:—

1. Verlegging van Distriks Pad No. 28 te laat proklameer as 'n nuwe Distriks Pad.

Vanaf 'n punt op die geproklameerde Hoofweg No. 9 op die gemene grens tussen Haris No. 22 en Claratal No. 18, op die plaas Claratal No. 18, in 'n suidwestelike rigting oor die plase Claratal No. 18, Vaalgras No. 14, dan weswaarts oor plase Friedrichsruh No. 13 en Hohenhorst No. 12 tot die grens van die Rehoboth Distrik.

2. Verlegging van Distriks Pad No. 64 te laat proklameer as 'n nuwe Distriks Pad.

Vanaf 'n punt op die geproklameerde Distrikspad No. 28, naby die gemene grens tussen Friedrichsruh No. 13 en Vaalgras No. 14 op die plaas Friedrichsruh No. 13, in 'n algemeen suidelike rigting oor die genoemde plaas tot die grens van die Rehoboth Distrik.

Alle persone wat belang stel word hiermee gelas om skriftelik binne twee maande na die laaste publikasie hiervan enige besware by hierdie kantoor teen die sluiting van die bestaande Distrikspaaie Nos. 28 en 64 in vir die Proklamasie as Distrikspaaie van die roetes soos hierbo aangegee, intendien.

E. F. OETTLE,  
Magistraat.

Windhoek,  
13 April 1938.

LOST DEED OF TRANSFER.

Notice is hereby given that I intend applying for a certified copy of Deed of Transfer No. 218/1931 dated 19th September, 1931, passed by the South West Africa Company Limited in favour of OTTO SCHWEIGER in respect of certain Farm Odeum No. 363, situate in the district of Grootfontein, measuring 299 hectares, 51 Ares, 61 Square Metres.

And all persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds at Windhoek within five weeks from the last publication of this Notice.

Dated at Windhoek, this 8th day of April, 1938.

J. ORMAN,  
Attorney for Applicant,  
Post Street,  
Windhoek.

In the matter of the application of

EDWARD THEODORE WILHELM ECKER,  
an attorney of OTJIWARONGO

for surrender of his ESTATE as INSOLVENT.

The abovenamed having failed to apply to the High Court of South West Africa for the surrender of his Estate as insolvent on the 4th April 1938 — the date specified in his surrender notice — or within 14 (fourteen) days thereafter, it is hereby notified under authority of subsection 3 of Section 7 of Ordinance 7 of 1928 that the said notice dated 26th February 1938 and appearing in the Official Gazette of 1st March 1938, is cancelled.

J. McI. M. COMMAILLE,  
Master of the High Court.

Windhoek,  
21st April 1938.



**NOTICE TO CREDITORS AND DEBTORS. ESTATES OF DECEASED PERSONS. Section 46, Act No. 24 of 1913, as applied to South West Africa.**

Creditors and Debtors in the Estates specified in the annexed Schedule are called upon to lodge their claims with and pay their debts to the Executors concerned within the stated periods calculated from the date of publication hereof.

**KENNISGEWING AAN SKULDEISERS EN SKULDENAARS. BOEDELS VAN OORLEDE PERSONE. Artikel 46, Wet No. 24 van 1913, soos toegepas op Suidwes-Afrika.**

Skuldeisers en skuldenaars in die Boedels wat vermeld is in bygaande Bylae word versoek om hul vorderings in te lewer en hul skulde te betaal by die kantore van die betrokke Eksekuteurs binne die gemelde tydperke, vanaf die datum van publikasie hiervan.

**SCHEDULE — BYLAE.**

Estate No. Boedel No.	ESTATE LATE BOEDEL VAN WYLE	Within a period of Binne 'n tydperk van	Name and Address of Executor or authorized Agent Naam en Adres van Eksekuteur of gemagtigde Agent
2180	Rudolf Julius Ackermann	21 days	A. H. S. Bruins, Box 24, Ludertiz
2193	Hester Johanna Herholdt, gebore Botha, en nagelate eggenoot Benjamin Lategan Herholdt van Otjikango, Distrik Otjiwarongo	30 daë	J. Hazelhurst, Bestuurder, Afrikaanse Onderlinge Voogdy en Assuransie Maatskappy Beperk, Bus 82, Worcester, Agent vir Eksekuteur Testamentêr.
2128	Marinus Korstianus Hartog of Usakos, formerly Windhoek	21 days	N. C. Fraser, Box 43, Windhoek.
2191	Willem Adrianus Hartog of Germiston, formerly Windhoek	21 days	N. C. Fraser, Box 43, Windhoek.
2197	Nicolasina Bamberger, born van der Westhuizen	21 days	J. H. Rathbone, Authorized Agent, Box 43, Grootfontein.
2199	Wilhelm Heinrich August Koch	30 days	Irmgard Maria Koch and Adolf Schmidt, Execut. Testamentary, e/o Justizrat Dr. Albert Stark, Box 37, Windhoek.

**NOTICE BY EXECUTORS CONCERNING LIQUIDATION ACCOUNTS LYING FOR INSPECTION: Section 68, Act No. 24 of 1913, as applied to South West Africa.**

Notice is hereby given that copies of the Administration and Distribution Accounts in the Estates specified in the attached Schedule will be open for the inspection of all persons interested therein for a period of 21 days (or longer if specially stated) from the dates specified, or from the date of publication hereof, whichever may be later, and at the Offices of the Master and Magistrate as stated. Should no objection thereto be lodged with the Master during the period of inspection the Executors concerned will proceed to make payments in accordance therewith.

**KENNISGEWING DEUR EKSEKUTEURS BETREFFENDE LIKWIDASIE-REKENINGS TER INSAGE. Artikel 68, Wet No. 24 van 1913, soos toegepas op Suidwes-Afrika.**

Kennisgewing geskied hiermee dat duplikate van die Administrasie- en Distribusierekenings in die boedels vermeld in die navolgende Bylae, ter insage van al die persone, wat daarin belang het, op die kantore van die Meester en die Magistraat, soos vermeld, gedurende 'n tydperk van drie weke (of langer indien spesiaal vermeld) vanaf vermelde datums, of vanaf datum van publikasie hiervan, watter datum die laatste mag wees, sal lê. As geen beswaar daarteen by die Meester binne die vermelde tydperk ingedien word nie, sal die betrokke eksekuteurs oorgaan tot uitbetaling ooreenkomstig vermelde rekenings.

**SCHEDULE — BYLAE.**

Estate No. Boedel No.	ESTATE LATE BOEDEL VAN WYLE	Description of Account Beskrywing van Rekening	Date Period Datum Tydperk	Office of the Kantoor van die		Name and Address of Executor or authoriz. Agent Naam en adres v. eksekuteur of gemagtigde Agent
				Master Meester	Magistrate Magistraat	
1027	Clifford Hume Knight	Supplementary First and Final	5/5/38	Windhoek	Karibib	J. Orman, Attorney for Executors, Box 26, Windhoek
2095	Dirk Johannes van Niekerk and surviving spouse	First and Final Liquidation and Distrib. Account	2/5/38	Windhoek	Omaruru	Carolina Elizabeth van Niekerk, c/o F. H. Waldron, Omaruru
2136	Anna Siebers, born Nowack	First and Final Liquidation and Distrib. Account	2/5/38	Windhoek	Omaruru	Heinrich Siebers, c/o F. H. Waldron, Omaruru

## NOTICE.

Notice is hereby given in terms of Section 7 (1) (c) of Ordinance 7 of 1937 that I have resolved to close the following public roads in the District of Grootfontein — as per annexure "A".

All interested persons are hereby requested to furnish to me, in writing, any objections to the carrying out of this decision within two months from the last date of publication hereof.

G. PRESTON,  
Magistrate, Grootfontein.

## KENNISGEWING.

Dit word hiermee bekendgemaak, ooreenkomstig Artikel 7 (1) (c) van Ordonnansie 7 van 1937 dat ek besluit het om die volgende publieke paaie in Distrik Grootfontein te sluit soos per Bylae "A".

Alle belanghebbende persone word hiermee versoek om alle besware teen die uitvoering van hierdie besluit binne twee maande vanaf die laaste bekendmaking hiervan skriftelik by my in te dien.

G. PRESTON,  
Magistraat, Grootfontein.

## SCHEDULE "A".

*Description of Road.*

The road described as District Road No. 88 in Schedule II of Proclamation No. 22 of 1929.

The road described as District Road No. 89 in Schedule II of Proclamation No. 22 of 1929.

The road described as District Road No. 112 in Schedule 5 of Proclamation No. 24 of 1930.

*Extent of road to be closed.*

From the eastern boundary of farm Omkrap No. 318 to a point where it meets District Road No. 33.

From the south-eastern boundary of farm Omsons Wes No. 233 to a point where it meets District Road No. 33.

The whole.

## BYLAE "A".

*Beskrywing van Pad.*

Die pad wat beskryf word as Distrikspad No. 88 in Bylae II van Proklamasie No. 22 van 1929.

Die pad wat beskryf word as Distrikspad No. 89 in Bylae II van Proklamasie No. 22 van 1929.

Die pad wat beskryf word as Distrikspad No. 112 in Bylae V van Proklamasie No. 24 van 1930.

*Omvang van pad wat gesluit word.*

Vanaf die oostelike grens van Plaas Omkrap No. 218 na die punt waar dit aansluit by Distrikspad No. 33.

Vanaf die suid-oostelike grens van Plaas Omsons Wes No. 233 na die punt waar dit aansluit by Distrikspad No. 33.

Geheel.

## KENNISGEWING.

Kennis geskied hiermee ooreenkomstig Artikel 50 van die Landnederstelling Proklamasie No. 310 van 1927 (Unie) dat na verloop van veertien dae vanaf die publikasie hiervan, aansoek by Sy Edele die Administrateur gedoen sal word vir sy magtiging ann die Registrateur van Aktes om in sy registers die naam van JOHANNES ABRAHAM STRAUSS te vervang deur diè van JACOBUS WILLEM ADRIAAN NEL as huurder van die plaas Steenbokvlei No. 190, distrik Gibeon, en om die betrokke huurkontrak No. 198/1929 dienoooreenkomstig te endosseër.

Gedateer te Windhoek op die 27ste dag van April 1938.

N. J. WAGNER  
Hoofamptenaar: Landeafdeling.

## NOTICE.

is hereby given that fourteen days after publication of this notice application will be made for the transfer of the Baker and Fresh Produce Dealer Licences held by HEINRICH FRANZ FINKE, on Erf No. 42, Usakos, to HANSKARL FLATOW.