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PROCLAMATIONS

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

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".

(128) 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.

(129) 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.

(130) 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. Extent of Deviation.

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

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. Extent of road closed.

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

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.

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

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

PROKLAMASIES

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

No. 12 van 1938.] ×

Kragtens en ingevolge die bevoegdheids 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 verlê 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".

(128) 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.

(129) 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.

(130) 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 Uitkomst No. 185 tot naby die woonhuis, dan suidooswaarts voortgaande oor die plase Klein Uitkomst 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. Omvang van Afwyking.

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

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. Omvang van pad wat gesluit word.

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

Vanaf 'n punt op hoofpad No. 2 op plaas Uitkomst 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.

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

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

No. 17 of 1938.]

WHEREAS it is expedient to alter the local limits within which the Periodical Court established at Witvley in the district of Gobabis by Proclamation of the Administrator bearing the date the 29th June, 1926 (No. 7 of 1926), shall have jurisdiction;

NOW THEREFORE, under and by virtue of the powers in me vested by section 2 (h) read with section 3, of the Magistrates' Courts Proclamation, 1935, I do hereby proclaim, declare and make known as follows:—

Proclamation of the Administrator bearing date the 29th June, 1926 (No. 7 of 1926), is hereby amended by the deletion of the Schedule thereto and the substitution of the Schedule hereto.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 3rd day of May, 1938.

D. G. CONRADIE,
Administrator.

SCHEDULE.

Local limits within which the Periodical Court at Witvley shall have jurisdiction.

That portion of the Magisterial District of Gobabis comprised within the following boundaries:—

From the north-western corner beacon of the farm De Hoop North No. 129 and proceeding generally eastwards along the boundaries of and including the farms:—

De Hoop North	No. 129
Klein Otjihoa	" 128
Osombahe North	" 127
Omatewa North	" 126
Protea	" 135
Marigold	" 136
Farm	" 140
Farm	" 143
Rooigrond	" 144
Mex	" 145
Farm	" 146
Amanzimtoti	" 159

to the north-eastern corner beacon of the lastmentioned farm; thence generally southwards continuing along the boundaries of and including the farms —

Amanzimtoti	No. 159
Okasandu	" 158
Daheim	" 157
Lee-Enfield	" 303
Gerard	" 306
Ninette	" 311
Lucia	" 312
Freiheit	" 80
Portions N, O, P and Q (situated to the west of the White Nosob River) of the farm Kaukurus	" 79
Grasperk	" 50
Honolulu	" 49
Ohio	" 46
Tennessee	" 48

to the south-eastern corner beacon of the lastmentioned farm; thence generally westwards continuing along the boundaries of and including the farms —

Tennessee	No. 48
Rust Myn Ziel	" 47
Tara	" 41

to the south-western corner beacon of the lastmentioned farm; thence generally northwards continuing along the boundaries of and including the farms —

Tara	No. 41
Maryland	" 42
Sandpan	" 43
Pommern	" 91
Farm	" 95
Elisa	" 96
Balfour	" 98
Osborne	" 99
Zenana	" 100
Okasewa	" 103
Christiadore	" 104
Losberg	" 105
Goldene Aue	" 106
Joachimstal	" 107
Büschow	" 108
Omitara	" 109
De Hoop	" 110
De Hoop North	" 129

to the north-western corner beacon of the lastmentioned farm, being the point of beginning.

No. 17 van 1938.]

NADEMAAL dit wenslik is om die plaaslike grense waarbinne die Periodieke Hof gevestig te Witvley in die distrik Gobabis ingevolge 'n Proklamasie van die Administrateur gedateer 29 Junie 1926 (No. 7 van 1926) jurisdiksie uitoefen, te wysig;

SO IS DIT dat ek, ooreenkomstig en kragtens die bevoegdhede aan my verleen deur artikel 2 (h) gelees met artikel 3 van die Magistraatshowe Proklamasie 1935, hiermee proklameer, verklaar, en bekendmaak as volg:—

Proklamasie van die Administrateur gedateer 29 Junie 1926 (No. 7 van 1926) word hiermee gewysig deur skraping van die Bylae daarvan en die vervanging daarvan deur die Bylae hierby aangevoeg.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 3de dag van Mei 1938.

D. G. CONRADIE,
Administrateur.

BYLAE.

Plaaslike grense waarbinne die Periodieke Hof te Witvley jurisdiksie moet uitoefen.

Daardie gedeelte van die Magistraatsdistrik van Gobabis wat binne die volgende grense val:—

Vanaf die noordwestelike hoekbaken van die plaas De Hoop Noord No. 129, in 'n algemene oostelike rigting langs die grense van, en met insluiting van die plase:—

De Hoop Noord	No. 129
Klein Otjihoa	" 128
Osombahe Noord	" 127
Omatewa Noord	" 126
Protea	" 135
Marigold	" 136
Plaas	" 140
Plaas	" 143
Rooigrond	" 144
Mex	" 145
Plaas	" 146
Amanzimtoti	" 159

tot by die noordoostelike hoekbaken van die laasgenoemde plaas; vandaar algemeen suidwaarts verder langs die grense van en met insluiting van die plase —

Amanzimtoti	No. 159
Okasandu	" 158
Daheim	" 157
Lee-Enfield	" 303
Gerard	" 306
Ninette	" 311
Lucia	" 312
Freiheit	" 80
Gedeeltes N, O, P en Q, (geleë wes van die Wit Nosobrivier) van die plaas Kaukurus	" 79
Grasperk	" 50
Honolulu	" 49
Ohio	" 46
Tennessee	" 48

tot by die suidoostelike hoekbaken van die laasgenoemde plaas; vandaar verder in 'n algemene westelike rigting langs die grense van en met insluiting van die plase —

Tennessee	No. 48
Rust Myn Ziel	" 47
Tara	" 41

tot by die suidwestelike hoekbaken van laasgenoemde plaas; vandaar verder in 'n algemene noordwaartse rigting langs die grens van en met insluiting van die plase —

Tara	No. 41
Maryland	" 42
Sandpan	" 43
Pommern	" 91
Plaas	" 95
Elisa	" 96
Balfour	" 98
Osborne	" 99
Zenana	" 100
Okasewa	" 103
Christiadore	" 104
Losberg	" 105
Goldene Aue	" 106
Joachimstal	" 107
Büschow	" 108
Omitara	" 109
De Hoop	" 110
De Hoop Noord	" 129

tot by die noordwestelike hoekbaken van die laasgenoemde plaas, synde die beginpunt.

Government Notices.

Goewermentskennisgewings.

The following Government Notices are published for general information.

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

Office of the Administrator,
Windhoek.

No. 66.]

[2nd May, 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.

AMENDMENT OF MAGISTRATES' COURTS RULES.

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

ORDER I.

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

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

(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".

ORDER II.

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

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

ORDER III.

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

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

Rule 2. — Delete the whole.

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".

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

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

"(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."

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 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:—

"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 volgende Goewermentskennisgewings word vir algemene inligting gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 66.]

[2 Mei 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 sub-artikel (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.

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.

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

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

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

ORDER III.

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

(ii) Skrap sub-reëls (3) en (4).

Reël 2. — Skrap die hele reël.

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

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

"(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.

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.

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:—

"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 skuldoorsaak 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 éie naam, of deur of teen ’n ooringelyfde 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 beweër 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 gedië 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-derstig* 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 formele 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 gedien is, aange-teken nie, tensy die erkenning, vermeld in reël 10 van Order VI, tesame met die bode se relaas van diening ingedien 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 daarin 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 opberging 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 stawing 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 verstrekk" in sub-reël (1) en vervang hulle deur die woord "ingelewer".

(ii) Skrap die woorde "te verstrekk" 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 oorkomstig 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 versuim 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 gedien 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 gedien 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 enigets wat nie ter sake, of wat oorbodig is, in die dagvaarding, deurgehaal word.

(2) Die bepalinge 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 summieë vonnis ingelewer is, behoudens die bepalinge 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 getuienis 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 inlewering 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 verweere, 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 bepalings van reël 5 van hierdie Order is *mutatis mutandis* van toepassing op die inlewering van besonderhede van 'n mosie vir deurahaling.”

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

“7. (1) 'n Eksepsie teen of 'n mosie vir deurahaling 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) Enigeen van beide partye kan te eniger tyd nadat verskyning aangeteken is en voordat vonnis gevel is by die hof aansoek doen om die bepalinge 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 aanteken 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 bepalinge 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 bepalinge van die skikkingsvoorwaardes na te kom.

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

- (a) die aansoek afwys;
- (b) vonnis ten gunste van die applikant aanteken soos bepaal in die skikkingsvoorwaardes;
- (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 voorgeskryf 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 bevel 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 bevel 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 aangeteken 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 gely 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 oorbetal 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 verstrekk 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 relaas 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 koopsom 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-veertig* 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 verigtinge, 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 beslagskuldenaar 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 beslagskuldenaar.”

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 bepalings van artikel *een-en-sestig* van die Proklamasie, beveel 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 oorbetaal.

(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 bepalings 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) beveel 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 beveel is om te betaal;
- (c) beveel 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 regsrae 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 bepalinge 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 bepalinge 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 verloop verleen om by die verhoor van die appèl mondelinge getuienis aan te voer, of kan, na goeë dunks, die saak geheel of gedeeltelik herverhoor.”

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

“4. Die hof kan, na goeë dunks, aan enigeen van die twee partye die koste by appèl gemaak, 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 voorbehoedsbepaling:—

“Met dien verstande dat, indien die feit waarop gesteun word, eers na die sluiting van die pleit-skrifte 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, vervel 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 vervel 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 vonnisskuld-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 appel).

(4) Die voorsittende regterlike amptenaar moet persoonlik in die Kriminele Sakeboek 'n opgelegde straf of ander beskikkingsbevel, met inbegrip van vryspraak 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 neer 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 Aanhangel 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 bepalings 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 verstaande, 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 snelskrif-aantekenings 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 XXVI.

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 goeddunke 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 kolomme met 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 endorsement (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 vonnis-skuldenaar 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 vonnis-skuldeiser 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 vonnis-skuldenaar 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.	Misdad of Misdryf waarvan aangekla.	Bevinding en Straf.	Opmerkings

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

“No. 50. — *Ampseed 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 beampte van die Hof, en dat ek insgelyks, wanneer van my vereis word sulks te doen, sodanige notule of enige ander aantekeninge deur enige beampte 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 “paaient” 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 paaient.”

(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 aanskraving):—
(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

(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".

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 rekonsensie	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 verdaging 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) 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 amend-

× Republished with correction, *vide Official Gazette* No. 749 of 2nd May, 1938.

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 “£2.20” en vervang dit deur “£1.10”.

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 bepalings 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 bevoegdheede 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 snelskribaantekenings afgeneem volgens die bepalings 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 ingevoige en kragtens die bevoegdheede hom verleen deur subartikel (3) van artikel eenhonderd nege-en-veftig 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

× Oorgepubliseer met verbetering. *Sien Offisiële Koerant* No. 749 van 2 Mei 1938.

ment of the regulations published under Government Notice 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. 72.] [16th May, 1938.

THIRD LEGISLATIVE ASSEMBLY:
NAME OF ELECTED MEMBER.

In accordance with the provisions of paragraph *fifty-seven* of the Schedule to the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), it is hereby notified for general information that HENDRIK PETRUS VAN DER WESTHUIZEN was on the 2nd May, 1938, declared duly elected as a member of the Third Legislative Assembly, to represent the Electoral Division of Stampriet, vice Johannes Stephanus Dreyer, resigned.

No. 73.] [16th May, 1938.

MARRIAGE OFFICERS: 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 BAREND JOHANNES DE KLERK and Reverend JOHANNES LODEWIKUS DE BRUYN of the "Gereformeerde Kerk" as Marriage Officers for South West Africa, with effect from the 1st May, 1938.

No. 74.] [16th May, 1938.

The Administrator has been pleased to assign to CHARLES THEODORE BOURQUIN, clerk to the Native Commissioner, Ovamboland, the duties of Immigration Officer at Oshikango in respect of Ovamboland, for the purpose of the Immigrants Regulation Proclamation, 1924, as amended.

No. 75.] [16th May, 1938.

The Administrator has been pleased under the powers conferred upon him by sub-section (2) of section *four* of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), to approve of the following appointment:—

AUBREY WARREN LEPPAN as Assistant Native Commissioner for the District of Windhoek, with effect from the 2nd May, 1938.

No. 76.] [16th May, 1938.

The following appointments as Clerks of the Court have been approved:—

LUDERITZ: JOHN LEONARD GRUNDLINGH from the 25th April, 1938, vice Mr. Leppan.

WINDHOEK: PHILIPPUS LOOCK from the 2nd May, 1938, vice Mr. Snyman.

HOCHFELD: HERMANUS STEPHANUS JOUBERT from the 22nd April, 1938, vice Sergeant H. L. Kruger.

die gemelde artikel opgestel, as 'n wysiging van die regulasies gepubliseer onder Goewermentskennisgewing No. 9 van die 2de dag van Januarie 1930, Goewermentskennisgewing 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.

MUNISIPALITEIT 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. 72.] [16 Mei 1938.

DERDE WETGEWENDE VERGADERING.
NAAM VAN GEKOSE LID.

Ooreenkomstig die bepalings van paragraaf *sewe-en-vyftig* van die Bylae tot "De Zuidwest-Afrika Konstitutie Wet, 1925" (Wet No. 42 van 1925), word dit hierby vir algemene informasie bekendgemaak dat HENDRIK PETRUS VAN DER WESTHUIZEN op 2 Mei 1938 verklaar is as behoorlik gekies tot lid van die Derde Wetgewende Vergadering om die Kiesafdeling Stampriet te verteenwoordig in die plek van Johannes Stephanus Dreyer, wat bedank het.

No. 73.] [16 Mei 1938.

HUWELIKSAMPTENARE: 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 BAREND JOHANNES DE KLERK en Weleerwaarde JOHANNES LODEWIKUS DE BRUYN van die Gereformeerde Kerk tot Huweliksamptenare vir Suidwes-Afrika, ingaande vanaf 1 Mei 1938.

No. 74.] [16 Mei 1938.

Dit het die Administrateur behaag om aan CHARLES THEODORE BOURQUIN, klerk tot die Naturelle-kommissaris, Ovamboland, die pligte van Immigrasiebeampte te Oshikango ten aansien van Ovamboland toe te ken vir die doel van die "Proklamasie tot Regeling van Immigrasie 1924".

No. 75.] [16 Mei 1938.

Dit het die Administrateur behaag om, ingevolge die bevoegdheids hom verleen deur subartikel (2) van artikel *vier* van die Naturelle-administrasie-Proklamasie 1928 (Proklamasie No. 15 van 1928), die volgende aanstelling goed te keur:—

AUBREY WARREN LEPPAN as Assistent Naturelle-kommissaris vir Distrik Windhoek met ingang vanaf 2 Mei 1938.

No. 76.] [16 Mei 1938.

Die volgende aanstellings as Klerke van die Hof is goedgekeur:—

LUDERITZ: JOHN LEONARD GRUNDLINGH vanaf 25 April 1938 in die plek van Mnr. Leppan.

WINDHOEK: PHILIPPUS LOOCK vanaf 2 Mei 1938 in die plek van Mnr. Snyman.

HOCHFELD: HERMANUS STEPHANUS JOUBERT vanaf 22 April 1938 in die plek van Sersant H. L. Kruger.

No. 77.]

[16th May, 1938.

No. 77.]

[16 Mei 1936.

The following Union Proclamation is published for the general information of the public:—

Die volgende Unie Proklamasie word vir die algemene inligting van die publiek gepubliseer:—

Proclamation No. 45, dated 24th February, 1938. Published in *Government Gazette* No. 25 of 4th March, 1938.

Proklamasie No. 45 van 24 Februarie 1938. Gepubliseer in *Staatskoerant* No. 25 van 4 Maart 1938.

PROCLAMATION

BY HIS EXCELLENCY THE RIGHT HONOURABLE SIR PATRICK DUNCAN, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, KNIGHT GRAND CROSS OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, ONE OF HIS MAJESTY'S COUNSEL LEARNED IN THE LAW, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

PROKLAMASIE

VAN SY EKSELLENSIE DIE HOOGDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDER-SKEIE ORDE VAN SINT MICHEL EN SINT JORIS, EEN VAN SY MAJESTEIT SE ADVOKATE BELESE IN DIE REG, DOKTOR IN DIE REGTE; 'GOEWER-NEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

Whereas by Proclamation No. 210, dated 20th September, 1930, and published in the *Government Gazette* of the 26th September, 1930, as amended by Proclamation No. 342, dated 6th October, 1931, and published in *Government Gazette* of the 9th October, 1931, certain areas and public roads were proclaimed as transportation areas and transportation routes respectively, in terms of section eight of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), as amended by the Motor Carrier Transportation Amendment Act, 1932 (Act No. 31 of 1932);

Nademaal by Proklamasie No. 210, gedateer 20 September 1930, en gepubliseer in die *Staatskoerant* van 26 September 1930, soos gewysig by Proklamasie No. 342, gedateer 6 Oktober 1931, en gepubliseer in die *Staatskoerant* van 9 Oktober 1931, sekere gebiede en publieke paaie as transportgebiede en transportroetes geproklameer is kragtens artikel agt van die Motor-transportwet, 1930 (Wet No. 39 van 1930), soos gewysig deur die Motortransport Wysigingswet, 1932 (Wet No. 31 van 1932);

And whereas by Proclamation No. 134 of 1933, dated 13th June, 1933, and published in the *Government Gazette* of the 16th June, 1933, and by Proclamation No. 158 of 1933, dated 19th July, 1933, and published in the *Government Gazette* of the 28th July, 1933, certain other areas and public roads were proclaimed as transportation areas and transportation routes respectively in terms of the section aforementioned;

En nademaal by Proklamasie No. 134 van 1933, gedateer 13 Junie 1933, en gepubliseer in die *Staatskoerant* van 16 Junie 1933, en by Proklamasie No. 158 van 1933, gedateer 19 Julie 1933, en gepubliseer in die *Staatskoerant* van 28 Julie 1933, sekere verdere gebiede en publieke paaie as transportgebiede en transportroetes geproklameer is ooreenkomstig die bedoelde artikel;

Whereas by Proclamation No. 1, dated 18th December, 1935, and published in *Government Gazette* No. 2321 of the 3rd January, 1936, the aforementioned Proclamation No. 158 of 1933 was repealed and the other aforementioned proclamations amended;

En nademaal by Proklamasie No. 1, gedateer 18 Desember 1935, en gepubliseer in *Staatskoerant* No. 2321 van 3 Januarie, 1936, die voormelde Proklamasie No. 158 van 1933 herroep en die ander voormelde proklamasies gewysig is;

And whereas it has been found expedient to amend certain transportation areas, and to proclaim further public roads as transportation routes;

En nademaal dit raadsaam gebyk het om sekere transportgebiede te wysig, en verdere publieke paaie as transportroetes te proklameer;

Now therefore under and by virtue of the powers vested in me by section eight of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), as amended by the Motor Carrier Transportation Amendment Act, 1932 (Act No. 31 of 1932), I do hereby amend the aforementioned Proclamations No. 134 of 1933 and No. 1 of 1936, as follows with effect from the 1st of March, 1938:—

So is dit dat ek ingevolge en kragtens die bevoegdheid my verleen deur artikel agt van die Motortransportwet, 1930 (Wet No. 39 van 1930), soos gewysig by die Motortransport Wysigingswet, 1932 (Wet No. 31 van 1932), die voormelde Proklamasies No. 134 van 1933 en No. 1 van 1936 as volg wysig met ingang vanaf 1 Maart 1938:—

(a) Proclamation No. 134 of 1933, dated 13th June, 1933, is hereby amended by inserting the words "Otjiwarongo, Rehoboth (excluding the Rehoboth Reserve)" after the word "Omaruru" and before the words "and Windhoek" in the description of Transportation Area No. 13.

(a) Proklamasie No. 134 van 1933, gedateer 13 Junie 1933 word hierby gewysig deur die woorde "Otjiwarongo, Rehoboth (met uitsluiting van die Rehoboth Reserwe)" in te voeg na die woord "Omaruru" en voor die woorde "en Windhoek" in die beskrywing van Transportgebied No. 13;

(b) Proclamation No. 1, dated 18th December, 1935, is hereby amended by adding the following Transportation routes thereto:—

(b) Proklamasie No. 1, gedateer 18 Desember 1935, word hierby gewysig deur die volgende Transportroetes daarby te voeg:—

Route No.	Under the Control of the	Description of Route.
N 1	Central Road Transportation Board, Pretoria	The public road between Narib (in the magisterial district of Gibeon) and Grootdrink (in the magisterial district of Gordonia), via Salzbrunn, Mariental, Gibeon Railway Station, Brukkaros, Tses, Keetmanshoop, Narubis, Dassiefontein, Noachabeb, Grunau, Kanus, Kalkfontein, Hamrivier, Ariamsvlei, Narugas, Lutzputz, Upington, Louisvale Road, Straussburg, Matjies P.O., Leerkrans, Karos and Boomrivier.

Roete No.	Onder Behoer van die	Beskrywing van Roete.
N 1	Sentrale Padvervoerraad, Pretoria	Die publieke pad tussen Narib (in die magistraats-distrik Gibeon) en Grootdrink (in die magistraats-distrik Gordonia) oor Salzbrunn, Mariental, Gibeon Spoorwegstasie, Brukkaros, Tses, Keetmanshoop, Narubis, Dassiefontein, Noachabeb, Grunau, Kanus, Kalkfontein, Hamrivier, Ariamsvlei, Narugas, Lutzputz, Upington, Louisvale Road, Straussburg, Matjies P.K. Leerkrans, Karos en Boomrivier.

N 2 Central Road Transportation Board, Pretoria

The Public road between Luderitzbucht (in the magisterial district of Luderitz) and Steinkopf (in the magisterial district of Namaqualand), via Rotkop, Tsirub, Aus, Kuibis, Konkiep, Seeheim, Gawachab, Kleinkaras, Grunau, Kalkfontein, Warmbad, Harib and Viols Drift.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Capetown this Twenty-fourth day of February, One thousand Nine hundred and Thirty-eight.

PATRICK DUNCAN,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

O. PIROW.

N 2 Sentrale Padvervoerraad, Pretoria

Luderitzbucht (in die magisteriale publieke pad tussen straadstrik Luderitz) en Steinkopf (in die magistraatsdistrik Namakwaland) oor Rotkop, Tsirub, Aus, Kuibis, Konkiep, Seeheim, Gawachab, Kleinkaras, Grunau, Kalkfontein, Warmbad, Harib en Viols Drift.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Kaapstad, op hede die Vier-en-twintigste dag van Februarie Eenduisend Negehoederd Agt-en-dertig.

PATRICK DUNCAN,
Goewerneur-Generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

O. PIROW.

No. 78.]

[16th May, 1938.

With reference to Government Notice No. 77 dated 16th May, 1938, notice is hereby given that the Central Road Transportation Board, Pretoria, has delegated the following of its functions to the Local Road Transportation Board, Windhoek, with effect from the 1st March, 1938:—

To determine from time to time the volume and nature of motor carrier transportation which shall be permitted to operate over such portions of the proclaimed transportation routes as specified hereunder;

To receive and consider applications for motor carrier certificates or renewal thereof or for exemption therefrom under sub-section (2) of sub-section (3) of section 9 of the Act for any such portions of the proclaimed transportation routes as specified hereunder and for amendment of any such motor carrier certificate or renewal or exemption previously granted, and subject to the provisions of this Act, in its discretion to refuse such applications or to grant them in full or in part, and to issue the appropriate certificates:—

Route No. Description of Route.

N 1 The public road between Narib (in the magisterial district of Gibeon) and Grootdrink (in the magisterial district of Gordonia) via Salzbrunn, Mariental, Gibeon Railway Station, Brukkaros, Tses, Keetmanshoop, Narubis, Dassiefontein, Noachabeb, Grunau, Kanus, Kalkfontein, Hamrivier, Ariamsvlei, Narugas, Lutzputz, Upington, Louisvale Road, Straussburg, Matjies P.O., Leerkrans, Karos and Boomrivier.

N 2 The public road between Luderitzbucht (in the magisterial district of Luderitz) and Steinkopf (in the magisterial district of Namaqualand) via Rotkop, Tsirub, Aus, Kuibis, Konkiep, Seeheim, Gawachab, Kleinkaras, Grunau, Kalkfontein, Warmbad, Harib and Violsdrift.

N.B. Only in so far as these routes fall within the Mandated Territory of South West Africa and with the reservation that a right of appeal will lie to the Central Board against any decision of the Local Board arrived at by virtue of and under the powers so delegated.

The delegation of functions as set out herein relates to operations which fall strictly within the areas as defined. All applications for certificates or exemptions in respect of operations which fall in full or in part outside the areas so defined should be referred to the Central Board.

All persons desirous of carrying on transportation over the above routes and in the magisterial districts of Otjiwarongo and Rehoboth (excluding the *Gebiet*) must lodge their applications with the Secretary, Local Road Transportation Board, c/o Magistrate's Office, Windhoek, not later than the 15th June, 1938.

Notice of the day on which the applications received will be considered will, as usual, be given timeously in the Suidwes-Afrikaner, the Windhoek Advertiser, and the Allgemeine Zeitung, Windhoek.

No. 78.]

[16 Mei 1938.

Met verwysing na Goewermentskennisgewing No. 77 van 16 Mei 1938 word hiermee kennis gegee dat die Sentrale Padvervoerraad, Pretoria, die volgende van sy werksaamhede aan die plaaslike Padvervoerraad, Windhoek, oorgedra het met ingang van 1 Maart 1938:—

Om van tyd tot tyd die omvang en aard van motortransport vas te stel, wat oor sodanige gedeeltes van die geproklameerde transportroetes soos hieronder vermeld, toegelaat mag word;

Om aansoeke vir motortransportsertifikate of hernuwings daarvan of vrystellings daarvan ooreenkomstig subartikel (2) van subartikel (3) van artikel 9 van die Wet, in ontvangs en in oorweging te neem, vir enige sodanige gedeeltes van die geproklameerde transportroetes soos hieronder vermeld, en vir die wysiging van enige sodanige motortransportsertifikaat of hernuwing of vrystelling wat voorheen toegestaan is en om onderhewig aan die bepaling van hierdie Wet, na sy goeëdunke sodanige aansoeke van die hand te wys, of ten volle of ten dele goed te keur en om die geskikte sertifikate uit te reik.

Roete No. Beskrywing van Roete.

N 1 Die publieke pad tussen Narib (in die magistraatsdistrik Gibeon) en Grootdrink (in die magistraatsdistrik Gordonia), oor Salzbrunn, Mariental, Gibeon Spoorwegstasie, Brukkaros, Tses, Keetmanshoop; Narubis, Dassiefontein, Noachabeb, Grunau, Kanus, Kalkfontein, Hamrivier, Ariamsvlei, Narugas, Lutzputz, Upington, Louisvale Road, Straussburg, Matjies P.K., Leerkrans, Karos en Boomrivier.

N 2 Die publieke pad tussen Luderitzbucht (in die magistraatsdistrik Luderitz) en Steinkopf (in die magistraatsdistrik Namakwaland) oor Rotkop, Tsirub, Aus, Kuibis, Konkiep, Seeheim, Gawachab, Kleinkaras, Grunau, Kalkfontein, Warmbad, Harib en Viols Drift.

Let Wel. Alleen in soverre hierdie roetes binne die Mandaatgebied van Suidwes-Afrika val en met die voorbehoud dat daar 'n reg van appèl na die Sentrale Raad bestaan teen enige beslissinge van die plaaslike Raad wat ooreenkomstig en kragtens die bevoegdhede aldus oorgedra gemaak is.

Die oordraging van werksaamhede soos hierin uiteengeset het betrekking op dienste wat streng binne die omskrywe gebiede val. Alle aansoeke om sertifikate of vrystellings ten aansien van dienste wat ten volle of ten dele buite die omskrewe gebied val, moet na die Sentrale Raad verwys word.

Alle persone wat wens om transport oor die bogemelde roetes en binne die magistraatsdistrikte van Otjiwarongo en Rehoboth (met uitsluiting van die *Gebiet*) te dryf moet hulle aansoeke indien by die Sekretaris, Plaaslike Padvervoerraad, p/a Magistraatskantoor, Windhoek, nie later as 15 Junie 1938 nie.

Kennisgewing van die datum waarop die aansoeke ontvang en oorweeg word, sal soos gewoonlik in die S.W. Afrikaner, Windhoek Advertiser, en die Allgemeine Zeitung, Windhoek, verskyn.

LAND AND AGRICULTURAL BANK OF SOUTH WEST AFRICA.

PROFIT AND LOSS ACCOUNT AS AT 31ST MARCH, 1938.

To Administration Expenses	£ 5,630 15 1	By Bond Fees	£ 660 9 9
„ Interest Paid	21,766 9 1	„ Commission	612 18 7
„ Depreciation:		„ Rents	39 0 0
Premises £1,328 7 7		„ Farm Rents	1,117 15 11
Furniture and Fittings 183 14 0	1,512 1 7	„ Application fees	152 12 0
„ Interest Adjustment	39,768 13 11	„ Past Due Interest	27,519 12 6
„ Transfers <i>vide</i> Section 66, sub-section 1 (b) of Procl. No. 22/1935:		„ Interest Received	55,958 15 1
Provision for possible loss on sales of farm properties	14,610 4 3		
Ordinary Reserve Fund	2,772 19 11		
	<u>£86,061 3 10</u>		<u>£86,061 3 10</u>

We hereby certify that these statements have been compiled from the books of the Bank and to the best of our knowledge and belief are correct.

MEMBERS OF THE BOARD OF MANAGEMENT:

(Sgd.) F. P. Courtney Clarke (Chairman).
D. G. Dennler.
J. Jorissen.
B. J. J. Swart.

(Sgd.) J. G. F. von Backstrom,
MANAGER.

(Sgd.) R. G. Walker,
ACCOUNTANT.

Windhoek,
6th April, 1938.

(No. 25 van 1938.)

LAND- EN LANDBOUBANK VAN SUIDWES-AFRIKA.

STAAT VAN LASTE EN BATE SOOS OP 31STE MAART, 1938.

LASTE:		BATE:	
<i>Kapitaal Fonds:</i>		<i>Voorskotte:</i>	
Rekening No. 1	£200,694 0 1	<i>Konsolideerde Lenings</i>	£814,743 5 7
Rekening No. 2	620,347 5 11	Uitstaande paaieimente	65,096 7 10
(Toevallige Aanspreeklikheid)		<i>Op Verband</i>	210,960 7 11
Terugbetaalbaar	183,542 13 10	Uitstaande paaieimente	641 13 10
<i>Fondse voorgestel deur Landwirtschafsbank Bate</i>	39,556 13 0	<i>Omheinings</i>	5,449 4 11
<i>Boere Spesiale Onderstands Fonds</i>	181 18 7	Uitstaande paaieimente	172 13 11
<i>Diwerse Krediteure</i>	8,646 8 8	<i>Dipbakke</i>	27 5 0
<i>Amptenare Spaarfonds</i>	959 9 7	Uitstaande paaieimente	—
<i>Administrasie van S.W.A. Onderstandsfonds</i>	9,804 12 3	<i>Watervoorraad</i>	1,693 11 1
<i>Reserwe</i>	£207,628 13 5	Uitstaande paaieimente	444 13 4
Min agterstallige rente nog nie ingevorderd nie	27,519 12 6	<i>Aanteelwee</i>	3,098 13 0
	180,109 0 11	Uitstaande paaieimente	625 5 8
		<i>Dambou</i>	1,782 3 0
		Uitstaande paaieimente	—
		<i>Koöperatiewe Verenigings</i>	13,435 5 4
		<i>Plaaseiendomme</i>	90,208 14 4
		<i>Diwerse Skuldenare:</i>	
		Diwerse	6,048 8 2
		<i>Diwerse Skuldenare ten opsigte van Landwirtschafsbank verbande, ens.</i>	39,556 13 0
		<i>Bank Geboue</i>	1 0 0
		<i>Kantoor Meubels</i>	0 1 0
		<i>Administrasie van S.W.A. Voorskotte aan Onderstandsmaatskappye, Prokl. 21/1930 (S.W.A.)</i>	5,514 12 6
		<i>Standard Bank van S.A. Bpk.</i>	118,303 12 7
	<u>£1,243,842 2 10</u>		<u>£1,243,842 2 10</u>

Hiermee sertifiseer ons dat hierdie staat uit die boeke van die Bank opgetrek is, en na ons beste kennis en wete korrek is.

LEDE VAN DIE BESTUURSRAAD:

(Get.) F. P. Courtney Clarke (Voorsitter).
D. G. Dennler.
J. Jorissen.
B. J. J. Swart.

(Get.) J. G. F. von Backstrom,
BESTUURDER.

(Get.) R. G. Walker,
REKENMEESTER.

Windhoek,
6 April 1938.

LAND- EN LANDBOUBANK VAN SUIDWES-AFRIKA.

WINS- EN VERLIESREKENING SOOS OP 31STE MAART, 1938.

Aan Administratiewe Onkoste	£ 5,630 15 1	By Verbandfooie	£ 660 9 9
„ Rente Betaal	21,766 9 1	„ Kommissie	612 18 7
„ Waardevermindering:		„ Huur	39 0 0
Geboue £1,328 7 7		„ Plaashuur	1,117 15 11
Kantoormeubels en		„ Applikasiefooie	152 12 0
Uitrusting 183 14 0	1,512 1 7	„ Agterstallige Rente	27,519 12 6
„ Rente Afrekening	39,768 13 11	„ Rente Ontvang	55,958 15 1
„ Oorgedra, sien Artikel 66, onderartikel 1 (b) van Prokl. No. 22/1935: Voorsiening vir moontlike verlies op verkopings van plaaseiendomme Gewone Reserwe Fonds	14,610 4 3 2,772 19 11		
	<u>£86,061 3 10</u>		<u>£86,061 3 10</u>

Hiermee sertifiseer ons dat hierdie staat uit die boeke van die Bank opgetrek is, en na ons beste kennis en wete korrek is.

LEDE VAN DIE BESTUURSRAAD:

(Get.) F. P. Courtney Clarke (Voorsitter).
D. G. Dennler.
J. Jorissen.
B. J. J. Swart.

Windhoek,
6 April 1938.

(Get.) J. G. F. von Backstrom,
BESTUURDER.

(Get.) R. G. Walker,
REKENMEESTER.

(No. 26 of/van 1938.)

BANKS' STATEMENT, MARCH, 1938, IN TERMS OF SECTION 7 OF PROCLAMATION NO. 29 OF 1930, THE BANKS PROCLAMATION, 1930.

BANKEOPGAWE, MAART 1938, INGEVOLGE ARTIKEL 7 VAN PROKLAMASIE No. 29 van 1930, DIE BANKE-PROKLAMASIE 1930.

BANK	Liabilities to the Public in S.W. Africa Verpligtings teenoor die Publiek in Suidwes - Afrika				Cash Reserves in South West Africa Kontant Geldreserwes in S.W.-Afrika				Advances and Discounts in South West Africa Voorskotte en Diskontos in Suidwes - Afrika	
	Deposits etc. / Deposits ens.			TOTAL TOTAAL	Gold Coin Gemunte Goud	Subsidiary Coin Pasmunt	South Africa Reserve Bank Notes Note van die Suid- Afrikaanse Reserwe- bank.	Notes of other Banks S. W. Africa issue. Note van ander Banke wat in S.W.- Afrika uit- gereik is.	Advances Voorskotte	Discounts Diskontos
	Demand Opvorder- bare	Time Tyd	Bank notes issued in and payable in the Territory of S.W. Africa in circulation. Banknote uit- gereik in en betaalb. in die Gebied S.W.- Afrika in omloop.							
The Standard Bank of South Africa, Limited	£ 614,661	£ 27,388	£ 152,024	£ 794,073	£ 1,854	£ 12,083	£ 1,134	£ 42,022	£ 499,946	£ 85,882
Barclays Bank (Dominion, Colonial and Overseas)	381,713	56,276	134,809	572,798	85	5,591	745	34,833	298,300	

(No. 27 of 1938.)

The following particulars in regard to the registration of Companies are published for general information.

H. F. DOWLING,
Registrar of Companies

Companies Registration Office,
Windhoek, 2nd May, 1938.

(No. 27 van 1938.)

Die volgende besonderhede in verband met die registrasie van Maatskappye word vir algemene informasie gepubliseer.

H. F. DOWLING,
Registrateur van Maatskappye.

Registrasiekantoor vir Maatskappye,
Windhoek, 2 Mei 1938.

FOREIGN COMPANIES REGISTERED. — BUITELANDSE MAATSKAPPYE GEREGISTREER.

No.	Name of Company. Naam van Maatskappy.	Address/Adres	Date of Registration. Datum van Registrasie.	Capital — Kapitaal
96	African Metals Corporation Limited	c/o Itah Mine, P. O. Aus	29. 4. 1938	£ 500,000

(No. 28 of 1938.)

(No. 28 van 1938.)

CO-OPERATIVE AGRICULTURAL SOCIETIES.

KOÖPERATIEWE LANDBOUVERENIGINGS.

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.

Die volgende besonderhede in verband met die lidmaatskap van Koöperatiewe Landbouverenigings word vir algemene informasie gepubliseer ooreenkomstig die bepalings van subartikel (3) van artikel 31 van die Koöperasie Proklamasie No. 19 van 1922.

OTJIWARONGO KOÖPERATIEVE VERENIGING.

Resignation of Member. — Bedanking van Lid.

No.	Name — Naam.	Address — Adres.
4.	Willem Francois Jakobus de Wet	Kenilworth, Otjiwarongo.

Additional Member. — Addisionele Lid.

21.	Joan Louisa du Plessis, born/geb. Durr, married out of community of property to / getroud buite gemeenskap van goëdere met Pietre Herman Mornay du Plessis.	Sandputz Nord, Otjiwarongo.
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Deeds Registry,
Windhoek, 7th May, 1928.

Registrasie Kantoor van Aktes,
Windhoek, 7 Mei 1938.

H. F. DOWLING,
Registrar of Co-operative Societies and Companies.
Registrateur van Koöperatiewe Verenigings en Maatskappye.

(No. 29 of 1938.)

(No. 29 van 1938.)

The following is published for general information:—

Die volgende word vir algemene informasie gepubliseer:—

LIST OF FARMS UNDER QUARANTINE AS AT 10TH MAY, 1938.

LYS VAN PLASE ONDER KWARRANTYN OP 10 MEI 1938.

ANTHRAX:

MILTSIEKTE:

GIBEON: Mooilaagte.
OKAHANDJA: Omatako Ranch, Camp 4.
OMARURU: Ombonna 89.
OTJIWARONGO: Graslaagte 313, Hartebeslaagte 319, Okawakuatjiwi.
OUTJO: Luisenthal 114.

GIBEON: Mooilaagte.
OKAHANDJA: Omatako Ranch, Kamp 4.
OMARURU: Ombonna 89.
OTJIWARONGO: Graslaagte 313, Hartebeslaagte 319, Okawakuatjiwi.
OUTJO: Luisenthal 114.

BLACKQUARTER:

SPONSSIEKTE:

GROOTFONTEIN: Barbarossenhof, Khusib III, Khusib II No. 7, Westerwald.
KARIBIB: Okomitundu, Okapaue, Claustal Ost, Waldhausen.
OKAHANDJA: Morogoro 150, Milanda, Oukango, Oviumbo Ost.
REHOBOTH: Weissenfels.
WINDHOEK: Aida.

GROOTFONTEIN: Barbarossenhof, Khusib III, Khusib II No. 7, Westerwald.
KARIBIB: Okomitundu, Okapaue, Claustal Ost, Waldhausen.
OKAHANDJA: Morogoro 150, Milanda, Oukango, Oviumbo Ost.
REHOBOTH: Weissenfels.
WINDHOEK: Aida.

DOURINE.

SLAPSIEKTE.

GROOTFONTEIN: Halberstadtsfarm 212.

GROOTFONTEIN: Halberstadtsfarm 212.

M. M. NESER,
Senior Veterinary Surgeon.

M. M. NESER,
Hoofveearts.

Windhoek,
10th May, 1938.

Windhoek,
10 Mei 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.

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 opname 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.

NOTICE OF TRANSFER OF BUSINESS.

Notice is hereby given that fourteen (14) days after date of publication hereof, application will be made to the Magistrate for the District of Gibeon, for the Transfer of the Mineral and Aerated Waters and Tobacco Licences held by Curt Gericke, in respect of the premises situate on Erf No. 24, Mariental, in the District of Gibeon, to HANS SANDBERG.

W. G. KIRSTEN,
Attorney for the Parties.

P.O. Box 13,
Mariental,
3rd May, 1938.

NOTICE OF TRANSFER.

Notice is hereby given that fourteen days after publication hereof the business of

MATHILDE ARNOLD

at present carried on in Windhoek on Erf 329A, corner Tal and Kirch Street, will be transferred to

WALTER STERN.

9th May, 1938.

M. ARNOLD.

NOTICES OF TRUSTEES AND ASSIGNEES, Pursuant to Section *ninety-six*, Sub-section (2), of the Insolvency Ordinance, 1928.

Notice is hereby given that the liquidation accounts and plans of distribution or/and contribution in the Estates mentioned in the subjoined Schedule will lie open at the offices therein mentioned for a period of fourteen days, or such longer period as is therein stated, from the date mentioned in the Schedule or from the date of publication hereof, whichever may be later, for inspection by creditors.

KENNISGEWING VAN KURATORS EN BOEDELBEREDDERAARS. Ingevolge artikel *ses-en-neëntig*, onderartikej (2) van die *Insolvensie-Ordonnansie* 1928.

Kennis word hiermee gegee, dat die likwidasierekenings en state van distribusie of/en kontribusie in die boedels, vermeld in aangehegte Bylae, vir inspeksie deur skuldeisers in die vermelde kantore, gedurende 'n tydperk van veertien dae of soveel langer, soos daarin vermeld, vanaf die datum, in die Bylae vermeld, of vanaf die datum van publikasie hiervan, watter datum die laaste mag wees, sal lê.

Form. No. 6 / Form. No. 6.

SCHEDULE. — BYLAE.

No. of Estate No. van Boedel	Name and Description of Estate Naam en Beskrywing van Boedel	Description of Account Beskrywing van Rekening	Offices at which Account will lie open Kantore waar Rekening vir inspeksie sal lê		Date from which Account will lie open Datum vanaf wanneer Rekening vir inspeksie sal lê
			Master Meester	Magistrate Magistraat	From /Van
451	August Karl Powilleit	First and Final Liquid. and Distrib. Account	Windhoek	Grootfontein	14 days as from 18/5/38

LUDERITZ (1926) LIMITED (in voluntary liquidation).
No C.P. 94.

NOTICE is hereby given that the First Liquidation and Distribution Account of the above Company was confirmed on the 4th April, 1938. A dividend is being paid to creditors.

DRS. HIRSEKORN & JORISSEN,
Box 24, Luderitz. Agents for Liquidator.

SWORN APPRAISER.

CERTIFICATE OF APPOINTMENT.

By virtue of the authority vested in me by section 10 of the Administration of Estates Act, 1913, I have appointed JACOBUS JOHANNES HANSEN Esq. of "Friedrichsrub", dist. of Windhoek, to act as Sworn Appraiser for the rural area of Windhoek.

J. McI. M. COMMAILLE,
Master of the High Court.

Office of the Master of the High Court
of South West Africa,
Windhoek, this 7th day of April, 1938.

THE OTAVI EXPLORING SYNDICATE LIMITED
in Voluntary Liquidation.

NOTICE BY LIQUIDATOR.

Notice is hereby given that the FIRST AND FINAL Liquidation and Distribution Account in the above Company, in Voluntary Liquidation, was duly confirmed by the Master of the High Court of South West Africa on the 5th of May, 1938, in terms of section 138 of Ordinance No. 19 of 1928, and that a dividend, in terms of the said Account, is in course of payment by the Liquidator at the undermentioned address.

Windhoek, this 10th of May, 1938.

L. J. BENTLEY,
Liquidator.

Address:—

c/o Messrs. Lorentz & Bone,
Acme Buildings, Kaiser Street,
P.O. Box 85, Windhoek.

NOTICES OF TRUSTEES AND ASSIGNEES, Pursuant to Sections *forty* and *forty-one* of the Insolvency Ordinance, 1928.

Notice is hereby given that a meeting of creditors will be held in the Sequestered or Assigned Estate mentioned in the subjoined Schedule on the dates, at the times and places, and for the purposes therein set forth.

Meetings in Windhoek will be held before the Master; elsewhere they will be held before the Magistrate.

KENNISGEWINGS VAN KURATORS EN BOEDELBEREDDERAARS. Ingevolge artikels *veertig* en *een-en-veertig* van die *Insolvensie-Ordonnansie* 1928.

Hiermee word kennis gegee dat 'n byeenkoms van skuldeisers in die gesekwestreerde of afgestane Boedels, vermeld in die onderstaande Bylae op die datums, tye en plekke en vir die doeleindes daarin vermeld, gehou sal word.

In Windhoek sal die byeenkomste voor die Meester en in ander plekke voor die Magistraat gehou word.

Form. No. 4. / Form. No. 4.

SCHEDULE — BYLAE.

No. of Estate No. van Boedel	Name and Description of Estate Naam en Beskrywing van Boedel	Whether Assigned or Sequestered Of Boedel Gesekwestreer of Afgestaan is	Day, Date and Hour of Meeting Dag, Datum en Uur van Byeenkoms			Place of Meeting Plek van Byeenkoms	Object of Meeting Doel van Byeenkoms
			Day/Dag	Date Datum	Hour Uur		
466	George Isaacson, a general dealer of Keetmanshoop	Sequestered	Friday	3/6/38	10 a. m.	Windhoek	To prove further claims.
471	Petrus Jan Hendrik Venter, a pedlar of Gomaub Suid, in the District of Rehoboth	Sequestered	Friday	3/6/38	10 a. m.	Mariental	To give directions to the Trustee and to prove claims.

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	
1838	Hartwig Johannes Wilhelm Eggert Grell	Third and Final Liquidation and Distrib. Account	21 days	Windhoek	Swakopmund	W. B. Riesle, Executor Dative, Box 25, Swakopmund
1952	Chaim Leiser Shirken, at one time of Keetmanshoop	First and Final Liquidation and Distrib. Account	21 days	Windhoek	Keetmanshoop	Alec E. Rissik, Attorney for the Executor, Box 90, Keetmanshoop
2052	Ernest Hubert Woolley and surviving spouse Johanna Isabella Woolley, born Mitchell, late of Luderitz	First and Final	18/5/38	Windhoek	Luderitz	Du Toit Dower & Turpin, Attorneys for Executrix, Box 463, Capetown
2056	Adriaan Izak Odendaal and surviving spouse Catharina Martina Jacoba Odendaal, born Boers	First and Final Liquidation and Distrib. Account	21 days	Windhoek	Otjiwarongo	Catharina Martina Jacoba Odendaal, born Boers, Executrix Dative, c/o Shar & Bloch, Box 452, Kaiser Street, Windhoek
2060	Isaac de Jong, and surviving spouse Rosa Helena de Jong, born Cohen	First and Final Liquidation and Distrib. Account	21 days from 16/5/38	Windhoek.		Rosa Helena de Jong, born Cohen, Executrix Testamentary, c/o Shar & Bloch, Box 452, Kaiser St., Windhoek
2081	Gezina Christina Louw, gebore Marais, en oorblywende eggenoot Johannes Louw	Eerste en Finale	21 dae vanaf 16/5/38	Windhoek	Warmbad	J. Louw, Velloor, P. K. Warmbad
2169	Isabella Landless Birkett, born Kerr	First and Final Liquidation and Distrib. Account	16/5/38	Windhoek		Thomas Norman Birkett, Executor Testamentary, Box 414, Windhoek

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. BOEDEL 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
2163	Ilse Rohlwink	21 days	Heinz-Ludwig Rohlwink, P. O. Hochfeld
2189	Elizabeth Visser Sowden, born Marais	21 days	Alec E. Rissik, Attorney for Exec. Dative, Box 90, Keetmanshoop
2195	Fanny Horwitz, born Jonas	30 days	Alec E. Rissik, Attorney for Exec. Testam., Box 90, Keetmanshoop
2207	Johannes Stephanus Dreyer	30 days	W. G. Kirsten, Box 13, Mariental

VIENNA BAKERY CONFECTIONERY & CAFE (PTY.) LTD.
C.P. 97.

Notice is hereby given that the First and Final Liquidation and Distribution Account in the Vienna Bakery Confectionery & Cafe (Pty.) Ltd. in voluntary Liquidation will lie open for inspection at the office of the Master of the High Court, Windhoek, for a period of fourteen days from the 16th May, 1938.

Windhoek, 11th May, 1938.

VIENNA BAKERY CONFECTIONERY & CAFE (PTY.) LTD.

A. NEUHAUS,
Liquidator.

Windhoek, P.O. Box 156.

DEEDS REGISTRY ACT, 1918, Section 46, as applied by
Proclamation No. 8/1920.

APPLICATION FOR REGISTRATION OF CHANGE OF
NAME OF FARM.

The following is a copy of an application for the registration of change of name of farm in connection with a Deed of Transfer registered in the Deeds Registry, Windhoek, which has been lodged with me:

APPLICATION.

The Registrar of Deeds,
Windhoek.

Sir,

I, WILHELM WIESNER, the present owner of certain Farm FRAAIUITZICHT No. 37, situate in the District of Omaruru, in extent 5365 Hectares, 44 Ares and 91 Square Metres, by Deed of Transfer No. 134/1935 dated the 9th of September, 1935, hereby beg to make application to have the name "FRAAIUITZICHT" changed to its former name, namely "OTJUA", and for the necessary entries of such change to be made in the Deeds Office Records.

WILHELM WIESNER.

c/o Messrs. Lorentz & Bone,
Acme Buildings, Kaiser Str.,
P.O. Box 85, Windhoek,
this 3rd of May, 1938.

All persons having any objections to the application are hereby required to lodge the same, in writing, with me at my office in Windhoek on or before the 22nd day of June, 1938.

H. F. DOWLING,
Registrar of Deeds.

Deeds Registry,
Windhoek,
6th day of May, 1938.