JACKSON v. PRETORIUS.

1910. *July* 12. MAASDORP, C.J., and FAWKES and WARD, JJ.

Arrest to found jurisdiction.—Edictal citation.—South Africa Act, secs. 98, 112 *and* 113.

The South Africa Act does not affect the practice of arrest to found jurisdiction and edictal citation where the respondent is resident within the Union, but outside the jurisdiction of the provincial division of the Supreme Court where the application is made.

The applicant asked for leave to sue the respondent by edictal citation and to attach the respondent's rights in a certain writ of execution issued by the Court on the 21st June, in a matter wherein the respondent had been plaintiff and one J. R. Jackson defendant, to found jurisdiction, the attachment to operate as a temporary interdict against the payment to the respondent of the proceeds of the writ.

It appeared from the petition that the respondent had wrongfully persuaded the deputy-sheriff of Winburg to attach certain property on the farm Zandvliet, belonging to the applicant, on a judgment obtained by the respondent against J. R. Jackson, from whom applicant and one Simon Lazarus had hired the farm. The respondent had removed the property attached during the applicant's absence. The action to be instituted was for the recovery of the property attached and removed, which was valued at £23, 7s., for an amount of £23, 16s. as per account attached to the petition, 400 sheaves of forage and the payment of £50 damages.

P. U. Fischer, for the applicant.

[MAASDORP, J.P.: Is the application necessary in view of the South Africa Act?]

Secs. 98, 112 and 113 are the only sections which could affect the procedure; the jurisdiction of the provincial divisions of the Supreme Court is the same as that of the separate courts before the promulgation of the Act.

MAASDORP, C.J.: It appears that applications of this kind are still necessary notwithstanding the provisions of the South Africa Act, and the order must be granted as prayed, the edict to be returnable on the 1st September.

FAWKES and WARD, JJ., concurred.

Applicant's Attorneys: *Gordon Fraser & McHardy.*