

In the Supreme Court of South Africa.
In die Hooggeregshof van Suid-Afrika.

(APPELLATE Provincial Division.)
(Provinsiale Afdeling.)

Appeal in Civil Case.
Appel in Siviele Saak.

1. MYRTLE MARGARET CHANGUION; 2. DWIGHT REGINALD Appellant,
CHANGUION.

versus

THE SECRETARY OF THE INTERIOR. Respondent

Appellant's Attorney Lovius, B.M. & Cowan
Prokureur vir Appellant

Respondent's Attorney Dep. State Atty.
Prokureur vir Respondent

Appellant's Advocate
Advokaat vir Appellant L R Dixon

Respondent's Advocate
Advokaat vir Respondent v v G. V. S. C.
L. L. Beethoff

Set down for hearing on
Op die rol geplaas vir verhoor op 9-9-70

Coram: van Blerk A C J, Bumpff, Wezzels, Potgieter J J A
et Corbett A J A.

(C.P.D.) 9.45 am — 11.00 am
11.15 am — 1.00 pm
2.15 pm — 4.00 pm
4.10 pm — 5.00 pm

C a v.

ponen on 30-9-70, per potgieter J A. -
appeal dismissed with costs.



REGISTRAR, APPEAL COURT,
CHIEF, APPELHOOF,
GLOENFONTEIN,
1970

Writ issued
Lasbrief uitgereik

Date and initials
Datum en paraaf

Bills Taxed.—Kosterekenings Getakseer.

Date. Datum.	Amount. Bedrag.	Initials. Paraaf.

IN THE SUPREME COURT OF SOUTH AFRICA.

(APPELLATE DIVISION)

In the matter between:-

MYRTLE MARGARET CHANGUIONFirst Appellant.

AND

DWIGHT REGINALD CHANGUIONSecond Appellant.

AND

THE SECRETARY FOR THE INTERIORRespondent.

CORAM:- VAN BLERK, A.C.J., RUMPF, WESSELS, POTGIETER, JJ.A.
ET CORBETT, A.J.A.

HEARD: 9th September, 1970. DELIVERED: 30th September, 1970

J U D G M E N T.

POTGIETER, J.A.:-

This is an appeal from an order of the Cape Provincial Division dismissing with costs an application by appellants (applicants in the Court a quo) for the setting aside of their classification in terms of section 5(1) of the Population Registration Act (No.30 of 1950).

In the Court a quo the first appellant, Myrtle Margaret Changuion and second appellant, Dwight Reginald Changuion, the former's brother, applied for the setting aside of their

purported classification by first respondent as members of the coloured group, in terms of section 5(1) of the Population Registration Act of 1950 (as amended). It appears from the appellants' (hereinafter referred to as "applicants") supporting affidavits that the basis of their complaint is that first respondent (hereinafter referred to as "the Secretary") failed to exercise a proper discretion or failed to exercise a discretion at all, when he classified them as members of the coloured group and that their purported classification should accordingly be set aside.

Inasmuch as the application to the Court a quo was not an appeal from the Secretary's decision but ~~rather~~ a review of his decision, the Court a quo was not and this Court is not called upon to adjudicate on the correctness of the classification but merely on the validity thereof. Consequently it is unnecessary to deal with the allegations of applicants anent the reasons why they maintain that they should have been classified as white persons.

The gist of applicants' attack against their classifications as being members of the coloured group appears from the following paragraphs of first applicant's supporting affidavit:-

" 16. That I have since been apprised of the decision of this Honourable Court in the case of I.

Sadien N.O. versus the Secretary For The Interior (M.128/68) decided in the Cape Provincial Division on the 31st December, 1968 as a result of which I hope to obtain a correct classification.

17. That as a result of the searches undertaken by my Attorneys I have ascertained that in the course of the evidence put before the Court in that case, the Respondent informed the Court of the manner in which he effected the classification of an individual in the Cape Province and throughout the Country. For the sake of convenience I annex a copy of the document handed in by First Respondent in that case, in which he sets out the procedure adopted by him marked "A", to which I beg leave to refer.

18. That I verily believe that in my case my purported classification followed the same incorrect procedure. I verily believe that an Official extracted the particulars of my race from a census form and placed ^{this} on my classification card and that I never [^]was and never have been ^{ly}validly and lawfully classified in terms of the Population Registration Act. "

Second applicant reiterated the above allegations in his affidavit.

Annexure "A" referred to in the said affidavits is

an important document and it may therefore be expedient to quote it in full. It reads:-

" HOW THE SECRETARY CLASSIFIES.

The practice has been for the Secretary and/or his officials to act^{as} follows:-

1. Census forms were collected in each magisterial district after the 1951 census.
2. A group of officials acting under the Secretary's directions started work on the returns of each magisterial district in turn.
3. The official would take each census return, fill in a card - known as a C.25 card - for each person enumerated on the return in question extracting the relevant particulars from the return and placing them on the C.25 card. In this way the race stated on the census return would be copied on the C.25 card.
4. Once all the forms were collected and completed, they were transferred to Pretoria.
5. Unless and until an application for an identity card was made, no photographs were available or placed on the card.
6. The official would number each card consecutively with the identity number which was there and then allocated to the person

in question. For cross-reference purposes the identity number would then be placed on the census return at the head of the column containing the particulars of the person in question.

7. The Secretary contends the act of classification to be completed when the race indication is filled in on the C.25 card in the manner described.
8. Persons not enumerated in the 1951 census are classified on information received from them and/or gathered from birth certificates etc.
9. If an enumerator placed a written query on a census return in respect of the race of the persons enumerated therein, the query was further investigated and no form was filled in for that person until after such investigation.

In Sadien's case, reported in 1969(1) S.A. 626, it was held that, having regard to the way the Secretary classifies as it appears from the above quoted document, in the circumstances of that case, it had not been shown that the classification was made in accordance with the Act. I shall at a later stage deal more fully with this decision.

In his replying affidavit the Secretary admits

6/ that

that in Sadien's case the document referred to was formulated by counsel and handed in to the Court for the purposes of the argument in that case. He denies however that it had been "in the course of the evidence put before the Court in that case." He also denies the implication that the said document was in any way relevant to or binding in the present case. He then goes on to state as follows:-

" 15. I admit that classification is done by the officials to whom I delegate this task and who act under my control and direction. They extract the necessary information from census forms and such other records as are available to me. I deny that classification is done without that proper enquiry and investigation envisaged by the provisions of the Act, and maintain on the contrary that classification is done by Responsible officials using their delegated powers and exercising their discretion in accordance with the provisions of the said Act. "

The Secretary further states that applicants were properly classified after due and proper consideration. It appears further from his affidavit that during July, 1951 applicants' father made representations in regard to his inclusion on the

7/ voter's

8. voter's roll for coloureds. He was as a result thereof, interviewed by the Secretary for the Interior but the request was eventually refused. During February, 1952, applicants' father once more requested that his case be reconsidered. This was done but ~~again~~ no change was made to his classification. During May, 1961, applicants' father ~~once more~~ ^{again} made representations stating that he was of white descent, save that his grandmother was a St. Helenan, and that his three children were white in appearance. At this stage one du Toit, a former member of the diplomatic service, made representations on behalf of applicants' father and his family as a result whereof an official of the Department wrote to applicants' father informing him that his own and his family's position would be reconsidered on receipt of certain information enumerated in the said letter. There was no response to that letter and on 26 October 1962 he was informed that the classifications remained unaltered.

In 1963 applicants' father again approached the Department as a result whereof the whole family, except applicants' mother, were interviewed in Cape Town. Various statements by friends and acquaintances were also submitted. In March, 1964

applicants' father was informed that his representations had failed and the classification remained unaltered. During May, 1964 personal representations to the Secretary and the Minister for the Interior were again made by the said du Toit, but were rejected. During June, 1964 applicants' father submitted four more statements by friends^d on his behalf, but once more the classifications were maintained. In October, 1968 first applicant made representations to the Secretary's regional representative in Cape Town, requesting a change in her classification. After consideration the request was rejected.

During January, 1963 the Department received applications for identity cards from the two applicants. The Secretary states that, on receipt of an application form for an identity card, the classification of each and every person whose name is included in the Population Register is reconsidered by one of his officials to whom he has delegated that task. Acting under his control and direction, an official reviews the applicant's classification in the light of the information contained in the application, the accompanying photographs and any further information which is available, before identity cards are issued.

The Secretary then goes on to state:-

" 19. It is therefore clear in my respectful submission that the Applicants were properly classified originally and these classifications have been repeatedly reconsidered not only at the highest levels of my Department but also personally by successive Secretaries of the Interior. "

In a supplementary affidavit the Secretary states as follows:-

- " 2. That I respectfully refer to Paragraph 7 of the document "How the Secretary Classifies." Annexure A to First Applicant's affidavit. I am advised that in view of various pronouncements of the Supreme Court of this Country I should not persist in that contention, and I accordingly abandon it.
3. I respectfully say that the classifications of First and Second Applicants were duly made during 1964 after receipt of their applications for identity cards during 1963 when my duly delegated officers, acting under my control and direction, considered Applicants' cases in the light of the information contained in the said applications, the accompanying photographs and the further information which was available to them.
4. As to paragraph 19 of my Opposing Affidavit, jurat 20 June, 1969, I respectfully say that

the classification of Applicants were originally effected during 1964 as set out in paragraph 3 hereof above, and repeat the averments made in paragraph 10 of my Opposing Affidavit, jurat 20 June, 1969. I would point out that on Applicants' own statements they received their Coloured Identity Cards in 1967, and have never objected to their Classifications. "

In her replying affidavit first applicant denies that the classifications were properly made in the first instance or at all. She states that although first respondent now alleges that the classification^s were only made when applications for identity cards were received, the fact is that the purported classifications had already been made years earlier and entered in the registration cards. Any subsequent action, so she states, must obviously have been influenced by such classifications. She states that she intends applying for the cross-examination of the Secretary and one van der Poll, a senior official, who was consulted by the State prior to the formulation of annexure "A" to first applicant's supporting affidavit.

First respondent explained that the Population Register consists of a card record on which the particulars required by section 7 of the Population Registration Act are recorded

in respect of every person whose name is to be included in the register. It is common cause that the C.25 card, adverted to in Annexure "A" quoted above, is actually the registration card. Applicants' registration cards were attached to the Secretary's affidavit. The date upon which the particulars were entered in these cards does not appear on the face thereof. It can be inferred, however, from the various affidavits, and it is common cause, that the particulars were entered in those cards sometime in 1951 shortly after the 1951 census. Although nowhere expressly stated in the affidavits, the justifiable inference from the affidavits by applicants and first respondent is that the purported classification of applicants took place during 1951. This also appeared to be common cause. The census form completed and signed by applicants' father was attached to the Secretary's affidavit and it appears clearly therefrom that he himself, his wife and three children belonged to the coloured group.

Counsel for applicants argued that the original purported classification must have been done in the way stated in Annexure "A" and on the authority of the decision in Sadien N.O. v. Secretary for the Interior, 1969(1) S.A. 626(C) such

classification was invalid because there was no proper exercise of a discretion or that no discretion was exercised at all. He conceded in the Court a quo as well in this Court that unless he could challenge the factual allegations of the Secretary regarding the various interviews and the fact that the representations made from time to time were properly considered, he could not succeed in the application in the Court a quo. He contended, however, that an opportunity should have been afforded him by the Court a quo to cross-examine the Secretary and the said van der Poll. He based this contention on two grounds, first, that paragraph 15 of the Secretary's replying affidavit is inconsistent with annexure "A" and second, the fact that when the various representations were made, the Secretary thought that the initial classification in 1951 was valid and that any subsequent reconsideration might have been influenced by the original invalid classification. In order to clear up this inconsistency and in order to establish whether indeed the subsequent reconsideration of the classification was influenced by the original invalid classification, he should have been afforded an opportunity to cross-examine the Secretary and van der Poll. Counsel conceded that if there is no inconsis-

tency as alleged and if the original purported classification had been valid the basis of his request for cross-examination fell away. He further conceded that in that case the application in the Court a quo had been correctly dismissed and that this appeal could not succeed.

Before dealing with the merits of the enquiry it may be apposite at this stage to deal briefly with the relevant provisions of the Population Registration Act of 1950. This Act was often amended and as recently as ⁱⁿ 1969 by Act 106 of that year. The proceedings in this case were initiated in March, 1967 and consequently the Act of 1969 has no application. As will appear from this judgment, this appeal turns on the enquiry whether the original purported classification of applicants in 1951 was valid. I shall accordingly base my judgment on Act 30 of 1950 in its unamended form, but will, where necessary, refer to the amended provisions up to and including Act 64 of 1967.

In the recent decision in this Court of Secretary for the Interior vs. Moosa and Another, (1 September 1970) Trollip, J.A., remarked that in 1950 for the first time "form and substance were given to the concept of having a comprehensive register of

the whole population of this country in the Population Registration Act, No.30 of that year." In the analysis and interpretation of the relevant provisions of the Act, it may be well to bear in mind that, in order to give effect to the Act, literally millions of people in the country had to be included in the register and had to be classified after the 1951 census.

It is convenient to set out the terms of the relevant provisions to which I will refer in the course of this judgment. They read as follows:-

" 2. There shall, as soon as practicable after the fixed date, be compiled by the Director and thereafter maintained by him, a register of the population of the Union.

3. The particulars required for the compilation of the register in respect of the population of the Union as at the fixed date shall be extracted by the Director from the forms and returns received by him under the Census Act, 1910 (Act No.2 of 1910), in connection with the census taken on the fixed date and from such other records as may be available to the Director.

4. There shall be included in the register, in three separate parts thereof, the names of -

(a) (i) all South African citizens within

the Union on the fixed date;

5. (1) Every person whose name is included in the register shall be classified by the Director as a white person, a coloured person or a native, as the case may be, and every coloured person and every native whose name is so included shall be classified by the Director according to the ethnic or other group to which he belongs.

7. (1) There shall, in respect of every person whose name is included in the register, other than a native, be included in the register the following particulars and no other particulars whatsoever namely -

(a) his full name, sex and ordinary place of residence;

(b) his classification in terms of section five;

12. The Director may require any person in respect of whom any particulars required for recording in the register, have been furnished in any form or return received under the Census Act, 1910 (Act No. 2 of 1910), or in any form prescribed under section nine, to furnish to him evidence as to the correctness of any such particulars. "

Provision is made in section 9 that if a person whose name is

by the Act required to be on the register, but does not appear therein, such person shall furnish the Director in the prescribed form with such particulars in regard to himself as may be necessary for the inclusion of his name. The "fixed date" is defined as meaning "the date upon which the census is taken for the year 1951 in terms of section three of the Census Act, 1910 (Act No.2 of 1910)" "Director" is defined as meaning "the Director of Census appointed under section four of the Census Act, 1910 (Act No.2 of 1910), and includes the Assistant Director of Census and any officer acting under a delegation from or under the control or direction of the Director." By Act 30 of 1960 the Secretary for the Interior was substituted for the Director of Census and "the Secretary" was substantially similarly defined as the Director. The word "Secretary" in the above quoted section~~s~~ was also substituted for "Director" so that since 1960 the task of compiling the register and the duty of classification was transferred from the Director of Census to the Secretary for the Interior. Section 2(2) of the 1960 Act reads:-

" Anything done before the commencement of this Act by the Director, as defined at that time in the principal Act, shall be deemed to have been done by the Secretary as defined in the principal Act. "

I mention the 1960 amendment in order to indicate that Annexure "A", handed in in Sadien's case, refers not only to the practice of the Secretary for the Interior after 1960 but also to that of the Director of Census prior to 1960. Indeed the facts of Sadien's case indicate that the document was actually handed in for the purpose of showing how the applicant's father had been classified by the Director of Census prior to 1960. That, I consider, appears clearly from paragraph 1 of that document.

Counsel for appellant relied strongly on Sadien's case (supra) and more especially on the following passage:-

"[I] have no doubt that a Secretary who has properly brought his mind to bear on the problem with which he is confronted may in many cases before him classify somebody by simply extracting the requisite

particulars from the relevant census form and entering them in the register. This would not however apply where a clerk working under his directions has been employed to copy the particulars contained in the census form onto a C. 25 card. As Mr. Dison, for the applicant, to my mind correctly submitted there is imported in the meaning of the term 'classified' as used in sec. 5(1) the exercise of a discretion by the Secretary himself or, in terms of the definition of 'secretary', an officer delegated by him. An official, however, working under the directions of the Secretary, would not be exercising a proper discretion for the reason that such official does not bring an independent mind to bear on the problem. "

In that case the applicant, in her capacity as natural gaurdian of her son, applied for a declaration that the respondent, who was the Secretary for the Interior, was obliged to refer the

objection of her son to a Board constituted in terms of the Act. The crisp question for decision in that case was whether the applicant's late husband, who died in 1954, had in fact been classified. I have already indicated that respondent's counsel, with the consent of applicant's counsel, handed in Annexure "A" quoted above. Apart from several erasures and corrections that appeared in the form, the particulars indicating race had obviously been erased and the words "Cape Coloured" been substituted in a handwriting which appears to belong neither to the occupier nor the enumerator. Van Heerden, J., after stating what I have quoted above, said that, having regard to the mutilated condition of the census form with its alterations and erasures, it affords an example of work done by some official who was not called upon to exercise a discretion or to grapple with a problem. He goes on to say that "it cannot be conceived that a person in the responsible position of the respondent, or someone delegated by him to do so, would on the strength of a census form in the condition of this one have classified the applicant's husband without calling for further information."

In the passage of the judgment of Van Heerden, J.,

in Sadien's case cited above, the learned Judge agreed with counsel for the applicant in that case that there is imported in the meaning of the term "classified" as such in section 5(1) the exercise of a "discretion" by the Secretary (who really was the Director of Census prior to 1960). It is not quite clear to me whether Van Heerden, J., used the word "discretion" in its ordinary legal connotation, in the sense that, no matter what the census forms or other documents clearly indicate, he may still decide, in his discretion, to classify the person concerned as belonging to another ethnic class or group. It seems to me rather unlikely that he used the word in that sense. If he did however, I am constrained to disagree with him for the reasons that follow.

Under section 2 the Director is required as soon as practicable after the census was taken in 1951 to compile and thereafter to maintain a register in which there shall be included the names inter alia of all South African citizens within the Union on the date of the census. Under section 7 there must be included in the register in respect of every person whose name is included in the register, the particulars mentioned

21/ therein

therein, inter alia⁹ "his classification in terms of section five." Section 3 enjoins the Director that the particulars required for the compilation of the register - i.e. also the particulars enumerated in section 7(b), namely the person's classification in terms of section 5(1) - shall be extracted from the census forms in connection with the census taken in 1951 and from such other records as may be available to him. In other words, as soon as practicable after the 1951 census, the Director was obliged to extract the particulars required to be included in the register, including the indication of race from the census form. If other documents were available, particulars required could also have been extracted from those documents. The object of section 12, to my mind, is that, when it appears ex facie the census form, or if other documents available to him, indicate, that the entry as regards race may be incorrect, he may require the person concerned to furnish to him evidence as to the correctness of such particulars. After the particulars are extracted as provided for in section 3, including the particulars concerning race, the Director is required by section 5(1) to classify him as a white person, a coloured person or a native (now Bantu). If

no other documents are available or if documents which are available do not indicate that the race stated in the census form is incorrect or unless the census form ex facie raises a doubt, the Director records the race extracted from the census form on the registration card. There is no room for the exercise of a discretion. The Director is obliged in the process of classification to follow the procedure and to utilise the sources for his information as enunciated above. If the information received from those sources indicates for instance that the person concerned is coloured, his plain duty, imposed upon him by the Act, is to classify him as coloured. He has no discretion to classify him in any other ethnic class or group.

It must not be understood, however, that the official concerned could perform a mere clerical act of copying

the information as to the particular race onto the C.25 card.

The Secretary (or Director), as defined, must consider the census form or other available documents in order to determine whether a correct classification can be made from the particulars appearing ex facie the census form or other available documents. It seems probable that it is in this sense that Van Heerden, J., used the word "discretion" in Sadien's case.

I have already indicated that after the date of the 1951 census there would have been several millions of people who had to be classified in order to give effect to sections 5(1) and 7(b) of the Act. It would have been wholly impracticable, if not impossible, for the Director himself to consider each census form or other documents, if they were available. That, in my judgment, is precisely why the legislature, by defining Director as it did, allowed the latter to perform the duty imposed upon him by the relevant sections, through officials who act under his directions or control. The definition of "Director", and now after 1960, "Secretary" in my judgment, clearly contemplates that when an official who acts under the directions or control of the Secretary (or the Director before 1960), such official

24/ himself

himself acts as ^{the} Secretary (or the Director before 1960), provided he receives^s proper directions or is properly controlled. In my view, Van Heerden, J., in Sadien's case lost sight of the fact that the definition of Secretary (and Director before 1960) also includes an "official who acts under the directions and control of the Secretary" (or Director). He therefore, in my view, erred when he stated that only the Secretary himself or an official delegated by him should bring an independent mind to bear on the problem. It does not follow of course that I come to the conclusion that the result in Sadien's case was wrong. The census form in that case was in such a state that it is clear that a proper classification could not have been made by merely extracting the particulars regarding race from the census form.

In ~~my~~ view of what I have said above, the position seems to me to be that if the Director in 1951 had given directions to various officials all over the country to extract and record the race stated in census forms which are clear on the face of them and to have regard to other documents if available, but if there is any doubt to refer to him or an official delegated

by him, those officials would have validly performed the act of classification once the race stated in the census form was extracted by them and entered in the registration card.

The question which now merits close consideration is whether applicants have shown on the papers that the Director (as defined) did not properly discharge the duty imposed upon him by the Act.

In dealing with the question attention must be drawn to the fact that the document, annexure "A" was formulated for the purpose of the argument in Sadien's case and could not have been meant to be comprehensive or to set out the practice for all cases. The Secretary makes this clear in his replying affidavit. It is also to be borne in mind that the question of other documents, apart from the census form, did not arise for consideration in that case. That is probably why no mention is made of "other documents" in annexure "A".

Although paragraph 15 of the Secretary's affidavit appears to set out the practice in general terms one must have regard to the fact that it is specifically stated to be an answer to paragraph 18 of first applicant's affidavit where it

is alleged that she verily believes^d that the same incorrect procedure as in Sadien's case was followed. It appears from paragraph 2 of annexure "A" that a group of officials "acting under the Secretary's directions started work on the census returns presumably during 1951. It is not stated in annexure "A" what precise directions were given to the officials but from the allegations in paragraph 15 of the Secretary's affidavit read with annexure "A", a fair inference is that soon after the 1951 census the officials were given directions to extract the required particulars, including those regarding race, from the census forms and other available documents. Although it is not specifically so stated, I think one may be able to infer from the words, "I deny that classification is done without that proper enquiry and investigation envisaged by the provisions of the Act", that proper directions were given by the Director to the officials concerned. In any event the onus was on applicants to show that the classification was invalid. Apart from the ~~b~~old statement that applicants verily believed that an incorrect procedure was followed when the Director classified them, nothing appears from the papers that proper directions,

in the way indicated above, were not given. Moreover there is nothing on the papers indicating that the directions were not properly carried out. Otherwise than in Sadien's case, the census form in this case was clear and satisfactory in every respect.

The last five lines in paragraph 15 show that the Secretary either misconceived the duty imposed upon him under the Act by confusing a duty to decide upon classification in the way enjoined by the Act with a discretion with which, as I have pointed out, he was not endowed, or that he used the word "discretion" in the sense that Van Heerden, J., probably used it in Sadien's case.

It is true that in his supplementary affidavit no doubt owing to advice given to him, he alleges that he does not persist in the contention contained in paragraph 7 of annexure "A" and that he abandons that contention. In my judgment he

was wrong in abandoning that contention. However that may be, he cannot abandon ex post facto what actually occurred in 1951 when a classification was made by extracting information as to race from a census form which was on the face of it clear and correct in every respect and entering the classification in the registration card.

It is precisely as a result of the advice he obtained that during the course of the proceedings in the Court a quo, he changed his attitude stating that applicants' original classification was made in 1964 when application^s for identity cards were received. If the original classification in 1951 was valid, as I hold it was, that classification was only reconsidered and confirmed in 1964.

I come to the conclusion, therefore, that applicants have failed to show that their classifications in 1951 were invalid. That disposes of the second of the two grounds advanced by counsel for appellant why he should have been afforded an opportunity of cross-examination. The first ground advanced is, in my judgment, also untenable. I have indicated above that it appears from paragraph 2 of annexure "A" that directions

were given and that other documents were not mentioned in annexure "A" most probably because the fact whether other documents were available or not did not arise for consideration in that case. Far from paragraph 15 therefore being inconsistent with annexure "A" I consider it to be complementary and, as I have indicated, the two must be read together.

For the foregoing reasons applicants have not advanced any valid grounds upon which an application for cross-examination could have succeeded.

As to the costs of counsel, I think that only those relating to one counsel should be allowed in this appeal.

The appeal is accordingly dismissed with costs.


POTGIETER, J.A.

VAN BLERK, A.C.J.)	
RUMPF, J.A.)	concurred.
WESSELS, J.A.)	
CORBETT, A.J.A?)	