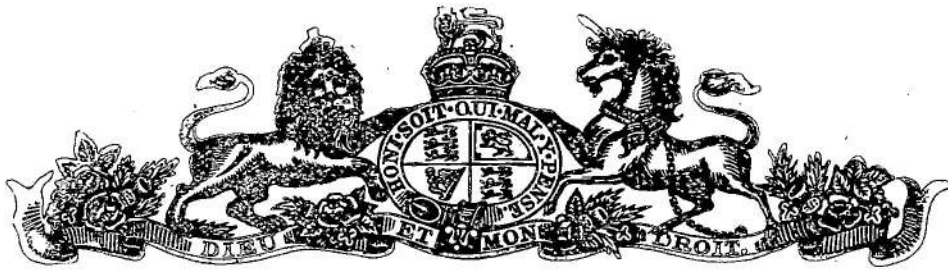


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OFFICIAL GAZETTE

OF THE
HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

VOL. LXXIII.]

PRETORIA, FRIDAY, 28TH JANUARY, 1921.

[No. 1015.]

No. 4 of 1921.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient owing to the prevalence of anthrax at Ficksburg to impose special restrictions on the introduction of cattle into Basutoland from the Ficksburg Commonage;

And whereas it is expedient to enable the High Commissioner to apply similar restrictions to the introduction of cattle into Basutoland from other areas;

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

1. No person shall introduce or import or cause or allow to be introduced or imported into Basutoland from the Ficksburg Commonage any cattle unless such cattle shall be accompanied by a certificate signed by a qualified official of the Union Veterinary Department to the effect that they have been inoculated against anthrax.

2. The word "cattle" as used in this Proclamation shall include any bull, ox, cow, heifer or calf.

3. Any person in charge of any cattle introduced into Basutoland from the Ficksburg Commonage shall for a period of three months after the introduction of such cattle into Basutoland or for such shorter period as the Resident Commissioner may prescribe, carry with him the Certificate of Inoculation of such cattle required under section one of this Proclamation and the provisions of section five of the Basutoland Cattle Importation Proclamation 1912 shall *mutatis mutandis* apply as if reference to such certificate were substituted for reference to the declaration mentioned in that section.

4. Any person contravening the provisions of this Proclamation shall be subject to a penalty not exceeding ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

5. The High Commissioner may from time to time by notice in the *Gazette* specify any other area from which the introduction or importation of cattle into Basutoland is to be restricted under this Proclamation and thereupon the provisions of this Proclamation shall apply to the introduction or importation of cattle from the area so specified as if the same had been included in this Proclamation and the High Commissioner may also, by notice in the *Gazette*, withdraw the restrictions imposed by or under this Proclamation on the introduction or importation of cattle from Ficksburg Commonage or from any other area.

6. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twenty-seventh day of January, One thousand Nine hundred and Twenty-one.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

HIGH COMMISSIONER'S NOTICE No. 7 OF 1921.

The subjoined announcement by the Board of Trade is hereby published for general information.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.
High Commissioner's Office,
Capetown, 20th January, 1921.

ANGLO-GERMAN MIXED ARBITRAL TRIBUNAL.

The following announcement is made by the Board of Trade:—

The Mixed Arbitral Tribunal to be established between the United Kingdom on the one hand and Germany on the other hand

under Article 304 of the Treaty of Versailles has been constituted and is about to begin work in London. The President of the Tribunal is Professor Eugène Borel, a Swiss jurist and Professor of Public and International Law in the University of Geneva. The British and German members are respectively Mr. R. E. L. Vaughan Williams, K.C., of Lincoln's Inn, and Dr. jur. Adolph Nicolaus Zacharias, Senatspräsident of the Hanseatic Oberlandesgericht.

A great part of the work of the Tribunal is to decide as to debts under Article 296 of the Treaty where a difference has arisen between an enemy debtor and an enemy creditor or between the British and German clearing offices. Under Article 297 the Tribunal can determine compensation to be borne by Germany in respect of damage or injury inflicted on the property, rights, or interests of British Nationals in German territory as they existed on 1st August, 1914, by the exceptional war measures or measures of transfer mentioned in the Annex to that Article. The other matters within the jurisdiction of the Tribunal are set out in Articles 299, 300, 302, 304, 305, and 310 of the Treaty.

The Procedure before the Tribunal is to some extent regulated by Sections III to VII of Part X of the Treaty, but the Tribunal has settled further and more detailed rules dealing with the manner in which claims must be submitted. Printed copies of these Rules of Procedure, which have been issued in the Series of Statutory Rules and Orders (No. 2062), may be purchased, price threepence, through any bookseller, or may be obtained on application to the Secretariat of the Tribunal. They should be read in conjunction with the provisions of the Treaty of Peace Order, 1919 (Statutory Rules and Orders, 1919, No. 1517, published by H.M. Stationery Office. Price 2d.).

The British Government has provided a Court for the meetings of the Tribunal and an office for the Secretariat at 21 St. James's Square, London, S.W. 1. Mr. Harold Russell, Barrister-at-Law, has been appointed by the Foreign Office to act as British Secretary and the German Government is also appointing a Secretary, the two to act together as joint Secretaries of the Tribunal.

The High Contracting Parties under the Treaty have agreed that their courts and authorities shall render the Mixed Arbitral Tribunal, direct, all the assistance in their power as regards transmitting notices and collecting evidence. The decisions of the Tribunal are final and conclusive. The place and time of sitting will be determined by the President of the Tribunal, and may be in London, Germany, or elsewhere as the convenience of the parties or witnesses may require. The sittings will be public.

[Printed by the Government Printer, Pretoria.]

HIGH COMMISSIONER'S NOTICE No. 8 OF 1921.

The subjoined Rules of Procedure of the Anglo-German Mixed Arbitral Tribunal constituted under Article 304 of the Treaty of Versailles (Treaty of Peace with Germany) are hereby published for general information.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 20th January, 1921.

RULES OF PROCEDURE OF THE ANGLO-GERMAN MIXED ARBITRAL TRIBUNAL CONSTITUTED UNDER ARTICLE 304 OF THE TREATY OF VERSAILLES.

TIME FOR PRESENTATION OF CLAIMS.

1. The time within which claims are to be submitted to the Tribunal shall be as follows:—

(a) *Appeals under Article 296, Annex, paragraph 20.*

Within thirty days of the communication of the joint decision of the two clearing offices to the Appellant.

(b) *Claims under Article 297.*

Within twelve months from the date of the publication of these rules in the place at which such Claimant is residing, or within six months from the date on which the Claimant learnt that damage

or injury had been inflicted on his property, rights or interests, or within six months from the date on which the Claimant learnt that restitution under section (f) of the said Article had been made or refused, whichever period is the longer.

(c) *Claims under Article 305.*

Within twelve months of the publication of these rules in the place at which such Claimant is residing, or within twelve months of the date on which the decision was given, or within six months of the date on which such decision came to the knowledge of the Claimant, whichever period is the longer.

(d) *In all other cases.*

Within twelve months from the date of the publication of these rules in the place at which such Claimant is residing, with the exception of those cases provided for in Rule 22 where the limitations of time imposed by these rules are stated not to apply.

After the expiration of the times prescribed by this rule, no claim will be accepted without the special leave of the Tribunal.

2. All claims, answers and other written proceedings must be delivered or sent by post to the Tribunal Secretariat, at 21 St. James's Square, London, S.W. 1.

GENERAL RULES RELATING TO WRITTEN PROCEEDINGS.
MEMORIAL.

3. The claim shall be typewritten or printed and shall state:—

(a) The name, nationality, domicile and address of the Claimant.

(b) In cases where the Claimant is not claiming in his own right and on his own behalf, in what right he claims and the name, nationality, domicile and address of the person on whose behalf he is claiming.

(c) In cases where the claim is made by a company or body corporate, its name, nature and domicile and place of incorporation (if any), and the address of its office or chief offices; and in cases where the claim is made by an association not being a company or body corporate (whether recognized by the law of the country where it is domiciled as a legal entity or not), in addition to the above, the names and nationality of all persons who are partners of such association or interested therein.

(d) Whether the claim is brought against a Government or national, and in the latter case giving the name and last known address of such national, or if such national be a company, body corporate or other association, the address of its chief office, if known, or, if the address of the chief office be not known, of the office of which the address is known to the Claimant.

(e) The nature of the claim, the relief sought and, where the relief sought is pecuniary, the amount claimed.

(f) Under which article and paragraph of the Treaty the claim is made.

(g) The name and address of the solicitor or other authorized representative (if any) of the Claimant.

(h) The person to whom, and address at which, all communications are to be sent on behalf of the Claimant.

4. The claim shall be accompanied by a concise statement of the facts and an exhibit of copies of any documents relied upon in support thereof.

5. The claim accompanied by such statement and exhibit shall be known and is herein after referred to as the memorial.

6. Six true copies of the memorial shall be supplied with the memorial. The memorial shall, unless otherwise agreed by the parties and permitted by the Tribunal, be in English; and if the memorial be not in English, it shall be accompanied by an English translation and at least three of the copies shall be copies of such translation.

7. On receipt of the memorial and the six copies thereof, the Secretariat will acknowledge such receipt to the Claimant, and will transmit one copy to the Government Agent of the Claimant and two copies of the memorial to the Government Agent of the Respondent. Such last-mentioned Agent shall acknowledge the receipt thereof to the Secretariat and shall cause one copy of the memorial to be served on the Respondent.

8. Except in cases provided for in Rule 35 (a), the receipt of the memorial by such Agent shall be sufficient notice to the Respondent of the claim made against him, and the Respondent shall, within sixty days after the receipt of the memorial by such Agent, present his answer to the Tribunal. If no answer be presented, the case may be proceeded with in the absence of the Respondent as provided in Rule 33.

RESPONSE.

9. Rule 3 (a), (b), (c), (g) and (h) and Rule 4 shall apply *mutatis mutandis* to the answer; and in addition the Respondent must in his statement of facts accompanying the answer, if he desires to dispute the allegations in the memorial, expressly deny or otherwise answer or explain the same. Any facts not dealt with by the Respondent will be treated as admitted. The answer shall be accompanied by an exhibit of copies of documents relied on.

10. The answer accompanied by such statement and exhibit shall be known as and is herein after referred to as the response.

11. Six true copies of the response shall be supplied with the response to the Tribunal and the provisions of Rule 6 shall apply to the response.

12. On receipt of the response and the six copies thereof, the Secretariat will acknowledge such receipt to the Respondent and will transmit one of such copies of the response to the Claimant (who shall acknowledge the receipt thereof to the Secretariat), and one to the Government Agent of the Claimant and one to the Government Agent of the Respondent.

13. Should the Respondent desire to make a claim against the Claimant, he must do so by a separate claim and not by a counter-claim, but the Tribunal may, if it thinks fit, hear both claims at the same hearing.

14. (a) If the Respondent objects to the jurisdiction of the Tribunal to entertain the claim or any part thereof, he shall specifically take such objection in his answer, and the Tribunal may, if it thinks fit, consider and decide the point before further dealing with the case.

(b) If the Tribunal should be of opinion that under the provisions of the Treaty its jurisdiction may be excluded, or if a Respondent objects to the jurisdiction of the Tribunal to entertain the claim or any part thereof, the Tribunal may, if it thinks fit, require the party raising this objection to satisfy the Tribunal that

its jurisdiction is excluded, or may require evidence on the point to be forthcoming from an expert of the law of the country concerned, or may make such other order as may seem just, and may, if it thinks fit, adjourn the case until such evidence has been obtained or until the order has been carried out.

(c) It shall be the duty of the respective Government Agents to inform the Tribunal if they have grounds for believing that the jurisdiction of the Tribunal is excluded.

REPLY AND REJOINDER.

15. If the Claimant desires merely to deny the facts alleged in the response it is not necessary for him to present a reply, but, if the Claimant desires to answer the facts alleged in the response otherwise than by way of denial, a reply must be sent to the Tribunal within thirty days from the receipt of the response by the Claimant, who shall with the reply supply six copies thereof to the Tribunal. The Secretariat will acknowledge receipt thereof to the Claimant and will transmit one copy of the reply to the Respondent, who shall acknowledge the receipt thereof to the Secretariat, and one copy to each of the Government Agents. Except in such cases, no reply shall be allowed.

If the Respondent desires merely to deny the facts alleged in the reply it is not necessary for him to present a rejoinder, but if the Respondent wishes to answer the facts alleged in the reply otherwise than by way of denial, a rejoinder must be presented to the Tribunal within thirty days from the receipt of the reply by the Respondent, who shall with the rejoinder supply six copies to the Tribunal. The Secretariat will acknowledge the receipt thereof to the Respondent and will transmit one copy of the rejoinder to the Claimant and one copy to each of the Government Agents.

Except in such cases no rejoinder shall be allowed and no further written proceedings after the rejoinder shall be allowed, other than the written argument provided for by Rule 28, except by special leave of the Tribunal.

The provisions of Rule 6 shall apply to the reply and to the rejoinder.

JOINT CLAIMS AND JOINDER OF PARTIES.

16. Where two or more persons are jointly interested in the same claim, they shall present a joint claim, and where the relief sought is sought against two or more persons jointly, the claim shall be made against them jointly.

17. (a) If the Respondent contends that any person not joined as Claimant ought to be so joined in accordance with the preceding rule, he may within twenty days of receipt of the memorial send in, in duplicate, a notice to the Secretariat naming such person and requiring the Claimant to join such person as Claimant and stating the reason why he requires such joinder. The Secretariat will forward such notice to the Claimant, who shall within thirty days from the receipt thereof state whether he consents to and will effect such joinder, in which case all proceedings shall be stayed until it is effected, or whether he refuses or is unable to effect such joinder, stating his reasons for such refusal or inability.

(b) If the Claimant consents to and is willing to effect such joinder, the written consent of the person to be joined shall be sent to the Tribunal within twenty-one days, and the Secretariat shall thereupon amend the memorial by adding the names of such person as Claimant, and notice of such joinder will be sent to the Respondent and the Government Agent of the Claimant and Respondent, and all further proceedings shall be continued as if such joinder had been made from the commencement.

(c) If the Claimant fails to answer the notice as provided by Rule 17 (a) or refuses or states that he is unable to effect such joinder or if the written consent is not sent as provided by Rule 17 (b), notice thereof shall be given by the Secretariat to the Respondent, who may within ten days apply to the Tribunal to stay all proceedings until such joinder be effected. The Secretariat shall give notice of such application to the Claimant, and such application shall be heard by the Tribunal on a date to be fixed by the Tribunal not less than fourteen days after notice of such application has been sent to the Claimant.

18. If the Tribunal is satisfied that any person refuses to join as Claimant, although he ought to join, the Tribunal may allow the case to proceed without such joinder, but in that case the Tribunal may refuse to entertain any claim in the future by such person with respect to the subject-matter of the claim in the presenting of which he ought to have joined.

19. If any person proceeds against some only of the persons jointly liable to him on the same claim and the Tribunal decides the case whether in favour of or against the Claimant, the Tribunal may refuse to entertain any claim in the future by such person against the other person or persons so jointly liable.

20. (a) If a Respondent contends that some other person who is not joined as Respondent is jointly liable with him to answer the claim, he may within twenty days after the receipt of the memorial send a notice to the Secretariat that he requires such person to be joined as Respondent, giving his name and address, and stating the reasons why he requires him to be joined; and with such notice shall send a sufficient number of copies to enable the Secretariat to send one to the Claimant and to each of the persons whom the Respondent requires to be joined. The Secretariat will thereupon send such notice to the Claimant and to each of the persons named by the Respondent, and the Claimant and each of the said persons shall reply within ten days whether they consent to such joinder or not. In the event of the Claimant and each of such persons consenting to the joinder, the Secretariat will amend the memorial by adding them as parties, and the Claimant shall cause copies of the memorial to be served on each of such persons, and all future proceedings shall be continued as if such joinder had been made from the commencement.

(b) If either the Claimant or any of such persons do not consent to the joinder within ten days, the Secretariat shall notify the Respondent accordingly, and the Respondent may within ten days apply to the Tribunal to stay all proceedings until such joinder be effected. The Secretariat shall give notice of such application to the Claimant and such other person or persons, and such application shall be heard by the Tribunal on a date to be fixed by the Tribunal not less than fourteen days after notice of such application has been sent to the Claimant and such person or persons as aforesaid.

21. (a) If any person not being a party claims to have a legitimate interest in prosecuting or resisting the claim, he may apply to the Tribunal to be joined as claimant or respondent, as the case may be, or to be allowed to intervene in the case in such manner as the Tribunal may direct.

(b) If a Respondent contends that he is entitled to some right over against some other person in reference to the claim brought against him, he may give such person notice of his claim against him and at the same time serve him with a copy of the memorial. Such person may thereupon apply to the Tribunal to be joined as Respondent or to be allowed to intervene in the case in such manner as the Tribunal may direct. If such person does not intervene and the Tribunal should be of opinion at the hearing that there are grounds for coming to the conclusion that the Respondent may succeed in his claim against such person, the Tribunal may, if it decides in favour of the Claimant, stay execution in order to enable the Respondent to prosecute his claim against such person upon such terms as to security and otherwise as the Tribunal may think just.

SPECIAL RULES FOR PARTICULAR CASES.

22. In addition to the above general rules, the following rules shall be observed in the undermentioned cases:—

(1) Cases under Article 305.

The person alleging that he is prejudiced by the decision shall be the Claimant and the other party to the cause or proceeding in which the decision was given or, if there be no such party, the Government shall be Respondent. The claim shall be accompanied by a copy of the decision and shall state in what respect the decision is impugned, with which Section or Sections of the Treaty it is alleged to be inconsistent and in what respect and what relief is claimed. The Claimant may also accompany his claim by copies of any essential written proceedings of the case in which the decision was given, authenticated in the manner prescribed by the law of the country to which the Court belongs. The Tribunal may of its own motion require the record of the Court to be transmitted to the Tribunal and it shall then be open to the inspection of the parties and their agents.

(2) Appeals under Article 296, Annex, paragraph 20.

The Appellant shall be Claimant, and the party in whose favour the decision was given and the two clearing offices shall be Respondents. The claim shall state the grounds of the appeal and shall be accompanied by a copy of the decision appealed against and of all documents in the possession of the Claimant relevant to the case, and by a reasoned argument by the Claimant in support of his appeal. Together with the claim and documents, three copies thereof shall be supplied to the Tribunal, and the Claimant shall serve copies thereof on the opposite party and the Agents of the two clearing offices.

The agent of the clearing office of which the Respondent is a national shall within thirty days of receipt of the claim supply to the Tribunal four copies of all documents relating to the case which are in his possession or power, unless the Claimant has already supplied them with his claim, and a statement of any facts found by the clearing offices. In addition, the Respondent or the clearing offices may supply a reasoned argument in writing in support of the decision of the two clearing offices.

Any of the parties (including the Agents of the clearing offices) may apply to the Tribunal to hear arguments before it, but in the absence of such application the Tribunal shall be at liberty to determine the case on the written proceedings without further argument, or to notify to the parties if it desires to hear an argument.

The Secretariat on receipt of the claim shall inform the Claimant what is the amount of deposit to be paid or security to be given, and such deposit shall be paid or security given within ten days, and in default the claim may be dismissed.

(3) Cases under Article 296, Annex, paragraph 16.

Where cases are referred to the Tribunal under the above provision, the procedure laid down elsewhere in these rules shall not apply. The parties shall present a case jointly to the Tribunal, or each may present a case separately. In either event the contentions of the parties shall be set out in the case or cases, which shall be accompanied by all relevant documents. Six true copies of the case or cases and documents shall be prepared and lodged with the Secretariat. The matter will be determined by the Tribunal as laid down by Article 296, Annex, paragraph 18. The limitations of time imposed by these rules shall not apply to such cases; but where the two clearing offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the clearing offices, and the parties to the dispute do not desire to present a case jointly, either clearing office may, within ten days after giving notice to the other clearing office of such intention, refer the case to the Tribunal under the conditions provided for by Article 296, Annex, paragraph 16. The enemy creditor or the enemy debtor may similarly, after giving twenty days' notice to the two clearing offices, refer the case to the Tribunal, unless the case shall have been referred to the Tribunal meanwhile by the clearing offices or either of them. The case shall proceed as if it had been referred to the Tribunal by the clearing offices.

CLOSE OF WRITTEN PROCEEDINGS.

23. The Secretariat will inform the respective Government Agents and parties when the written proceedings are closed.

24. (a) Within twenty days after the date of the notice that the written proceedings are closed, the parties shall send to the Secretariat a statement of the witnesses, if any, whose testimony they desire, giving in each instance the name, nationality, occupation, and address of such witness, and stating whether the party desires that the testimony of such witness shall be given at the hearing of the case or whether it is desired that the evidence shall be taken upon commission, and shall at the same time furnish all parties and the Government Agents with a copy. The Tribunal will thereupon determine whether the evidence shall be taken on commission or will make such other order as seems fit. The Tribunal will before making an order hear any party or Government Agent who may desire to be heard on the matter on his forthwith applying to be heard, and will fix a date for all parties to be heard if they desire.

(b) Where the Tribunal orders that the witness shall be heard at the hearing, the Government agents shall be responsible for summoning the witness in accordance with the method applicable

in each case unless the Tribunal otherwise directs. Travelling expenses and subsistence money must be supplied to the witness at the expense of the party at whose instance he is summoned. The amount of the same will be fixed by the Tribunal, and must be paid in advance to the Secretariat. If the subsistence money so paid should prove insufficient, the party at whose instance the witness was summoned must pay any further amount necessary, otherwise the witness will be allowed by the Tribunal to depart.

(c) Where the Tribunal directs that evidence shall be taken on commission the evidence shall be returnable to the Tribunal and copies shall be supplied by the Secretariat to any party or either Government Agent or any other person interested, and in the opinion of the Tribunal entitled to the same, on application and payment.

(d) Where it is desired that books, documents, or other objects in the possession or power of any person should be produced for the use of the Tribunal, application may at any time after the close of the written proceedings be made to the Tribunal to obtain their production. The Tribunal will thereupon, if it thinks fit, endeavour to obtain possession of such books, documents, or other objects by direct request addressed to such person, and, if such request is not complied with, will take such other steps as may be requisite and desirable to ensure production. Books, documents, or other objects so coming into the custody of the Tribunal shall, if the Tribunal thinks fit, be open to inspection by such persons and at such times as the Tribunal shall direct.

25. Should a party or either of the Government Agents desire to inspect any books or documents in the possession, power, or control of any party or of either Government Agent, he shall make application to that party or Agent to produce such books or documents for inspection; and if such production is refused, application therefor may be made to the Tribunal upon ten days' notice being given to that party or Agent, and the Tribunal may make such order thereon as it thinks fit.

26. The Tribunal may of its own motion at any stage of the proceedings require evidence on any point.

27. The Tribunal may of its own motion at any stage of the proceedings require any party or either Government Agent to produce any book or document before it, or to allow any person designated by the Tribunal to examine and take extracts from any book or document in the possession of such party or Agent.

28. If in cases other than those under Article 296 any party or either of the Government Agents desires to submit a reasoned argument in writing, he may do so at any time after the written proceedings are closed, and not less than ten days before the date fixed for the hearing of the case, but such argument in writing shall be based only on facts alleged in the memorial, response, reply or rejoinder.

The submission of such written argument shall not preclude the parties or Agents submitting it from also adducing oral argument. The Tribunal reserves the right, if it shall think fit, to require in addition oral argument in cases where only written argument has been submitted.

29. The President will on the conclusion of all preliminary matters fix the date and the place of hearing, and the Secretariat will inform the respective Government Agents and parties of his decision.

30. The hearing shall be in public, and the parties shall either by themselves or by counsel or other recognized advocate present their cases. In cases connected with patents the parties may by leave of the Tribunal be represented by patent agents and *Patentanwälte*. Unless otherwise ordered, the Claimant shall begin and have the right of reply.

31. (a) The parties shall have the right themselves to give evidence, and shall, if required by the Tribunal, do so. Each party may call such witnesses as he pleases before the Tribunal and may question them by himself or his counsel or admitted representative. Each party shall have the right to question any witness called by the other party (including the opposite party himself) whether before the Tribunal itself or elsewhere, by himself or by counsel or other admitted representative.

If the party who does not call the witness questions him, the party who has called him may thereupon put further questions to the witness on matters arising out of the questions put to the witness by the other party. Unless the Tribunal shall otherwise order, no further questions shall be put to the witness by or on behalf of the parties. The Tribunal, however, will at any stage put any questions that it may think fit.

Provided always that a party to a case shall not be summoned or compelled to give evidence unless the Tribunal shall have given leave for such witness to be summoned or to give evidence or unless the Tribunal shall have required of its own motion that such party shall attend and give evidence.

(b) No oath shall be required from or administered to any witness before the Tribunal or on any Commission ordered by the Tribunal, unless the Tribunal otherwise directs.

32. The Tribunal may at any stage of the proceedings obtain a report from any person or any particular point, such person to be agreed upon by the parties or in default of agreement to be appointed by the Tribunal. The Tribunal may view any premises, locality or object if it deem such a view necessary.

33. If any party fail to appear, the case may be proceeded with in his absence, but the Agent of the Government of such party may intervene and himself take up the case, and the Tribunal may on the application of such Agent or on its own motion adjourn the case.

34. It shall be permissible for either Government to conduct the case of its national through its Agent, and such Agent may appear either in person or by counsel or other recognized advocate. Either Agent may also appear independently of the parties by himself or by counsel or other recognized advocate, and may intervene in the proceedings in such manner and at such time as the Tribunal may direct.

35. (a) If the Government Agent of the Respondent after making all reasonable efforts shall be unable to cause the memorial to be served upon the Respondent as provided by Rule 7 at the expiration of twenty-one days from the receipt of the memorial by such Agent, he shall forthwith report such failure to the Secretariat, giving the reasons for such failure and stating the steps he has taken to effect service, and the Secretariat shall inform the Claimant that the Respondent has not been served.

(b) On the application of the Claimant, the Tribunal may thereupon, if it thinks fit, allow the claim to be proceeded with or may make such other order in the matter as it thinks fit. The Government Agent of the Respondent shall be entitled to intervene on such application being made, and the Claimant shall give ten days' notice to such Agent of such application.

36. If at any stage of the proceedings a party requires to prove any specific fact it shall be open to the party to give a notice to the other party to admit or dispute such fact. If the party to whom notice is so given disputes the fact, and such fact is subsequently established, the Tribunal may in its discretion order the party who had disputed such fact to pay the costs of proof and any other costs occasioned thereby, whatever may be the result of the case, provided always that any such admission shall only be binding upon the parties.

37. Where a claim is made against either Government, and such claim is admitted by the Government in question, it shall be competent to the parties to agree upon a form of decision setting out with sufficient detail the claim which is admitted and the payment and restitution or other remedy or relief agreed upon, and to submit the same to the Tribunal, who, if it thinks fit, and if the Government Agent of the national claiming has not objected, will register the same as a decision, and the same shall, when registered, be deemed for all purposes to be a decision of the Tribunal: Provided that the Tribunal will not register any such decision unless the Government prove that he has submitted a true copy of the same to his Government Agent at least ten days previously. The same procedure with any necessary modification may be adopted where the claim is made against a national of either Government, provided that in such a case the Agent of neither Government has objected, and it is proved to the satisfaction of the Tribunal that the respective Government Agents have had true copies of the form of decision submitted to them at least ten days previously.

38. If in any case the parties agree upon the facts and desire the determination of the Tribunal on those facts, they shall submit an agreed statement of facts to the Tribunal, and it shall be competent to the Tribunal, with or without argument, according to the desire of the parties, to determine the questions at issue, provided that the Tribunal may in any case require arguments to be presented to them:

Provided also that in all cases the assent of the Government agents, in writing, to the correctness of the facts as stated shall be obtained, except where the claim is against a Government.

DECISION.

39. The decision of the Tribunal will in all cases be drawn up in writing and registered, and copies thereof will be sent by the Secretariat to the parties and Government Agents. The decision will also deal with costs and expenses.

40. The Tribunal reserves to itself the power to correct an error in any decision or other order arising from a slip or accidental omission, or to explain any ambiguity or other doubtful expression appearing in the decision. It shall be open to the parties or to the Government Agents to give notice of application to the Tribunal for any such correction or for any such explanation within thirty days of the publication of the decision. No such application will be heard after the expiration of that period.

41. The Tribunal reserves the right to stay execution on its decisions in any case where it appears proper to do so.

42. (a) The Tribunal may require to be satisfied that all notices and communications prescribed by these Rules have been duly received. The production of a receipt from the postal authority of the posting of a registered postal packet shall be conclusive evidence of the receipt of a notice or communication by the person to whom it is addressed until the contrary is proved. In cases in which delivery by registered post is not practicable, heavy books and documents may be sent by ordinary post and unregistered or by public carrier, and, on proof of such posting or delivery to such carrier, the books or documents shall be deemed to have been received by the person to whom they were addressed, unless and until the contrary is proved.

(b) All communications to the parties shall be delivered at or sent to the address and to the person named by them as provided by Rule 3 (h).

(c) If service or delivery as above provided should prove impracticable, the Tribunal will, upon application, give such directions as it may think fit, or may dispense with services.

43. In cases where any person is not residing in Europe, the additional time taken for any postal communication to reach or to arrive from the country in which such person is residing shall not be taken as included in the time prescribed by these rules; and further time may be granted on the application of any party where, owing to difficulties of communication or other good cause, such extension appears desirable.

Party shall include any person who has intervened in or has been allowed to take part in the case.

44. The proper expenses of witnesses will be allowed, and may be advanced by the Tribunal if called in pursuance of its order.

45. The Tribunal will permit amendments of written proceedings, extensions of time, and grant other dispensations from these rules in all such cases as may be necessary in the interests of justice and equity, and the Tribunal reserves power from time to time to alter, abrogate or add to these rules as experience may require.

46. These rules are supplemental to the rules of procedure relating to the Mixed Arbitral Tribunal laid down in Sections III to VII of Part X of the Treaty, and must be read in conjunction with such rules of procedure.

BOREL, *President*.
R. E. L. VAUGHAN WILLIAMS.
ZACHARIAS.

4th September, 1920.

(Printed by the Government Printer, Pretoria.)

In the Estate of the late THEODORE GERMOND, of
Thabana Morena, Basutoland.

The Final Liquidation and Distribution Account in the above Estate will lie for inspection for a period of twenty-one days calculated from 28th January, 1920, at the Office of the Master of Court, Maseru, and at the Office of the Assistant Commissioner, Mafeteng.

LOUIS GERMOND,
Executor Dative.

Thabana Morena, Basutoland.

NOTICE.

In the Joint Estate of the late JOHN EMSLIE, in life a trader and garage proprietor, of Morija and Maseru, Basutoland, and surviving spouse, ELIZABETH MINNIE EMSLIE (born GOLDSMITH), of Maseru, Basutoland.

Notice is hereby given that the Second and Final Liquidation and Distribution Account in the above Estate will lie for inspection at the Office of the Master of Court, Maseru, for a period of twenty-one days from date of publication hereof.

THE BLOEMFONTEIN BOARD OF EXECUTORS AND
TRUST CO., LTD. (MASERU BRANCH), *q.q.*

Maseru, 6th January, 1921.

NOTICE OF SURRENDER.

Notice is hereby given that OSMAN SAHIBA, trader, Mopedi, Butha Buthe, District of Leribe, Basutoland, intends applying to the Resident Commissioner's Court of Basutoland at Maseru on Monday, the 21st day of February, 1921, for leave to surrender his estate as insolvent, and that prior to such application a statement of his affairs will lie for inspection of Creditors at the Office of the Master of Court, Maseru, and a copy thereof at the Office of the Assistant Commissioner, Leribe, for a period of fourteen days reckoning from 28th January, 1921.

OSMAN SAHIBA.