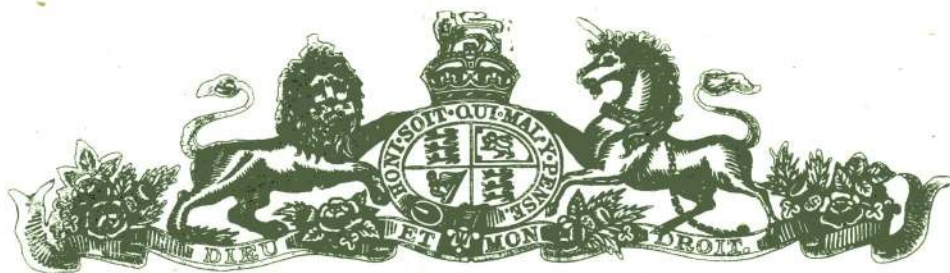


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OFFICIAL GAZETTE

OF THE

HIGH COMMISSIONER FOR SOUTH AFRICA.

PUBLISHED BY AUTHORITY OF HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Vol. LXXVII.]

PRETORIA, FRIDAY, 27TH JANUARY, 1922.

[No. 1067.]

No. 2 of 1922.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and the Territory of Basutoland;

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

1. (1) Where a judgment has been obtained in the High Court in England or Ireland or in the Court of Session in Scotland the judgment creditor may apply to the Court of the Resident Commissioner at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in Basutoland, and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if—

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section—

- (a) the judgment shall, as from the date of registration, be of the same force and effect and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) The High Commissioner shall by Rules of Court provide—

- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
- (b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in the Court of the Resident Commissioner on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused, or unless the court otherwise orders.

2. Where a judgment has been obtained in the Court of the Resident Commissioner against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom, issue to the judgment creditor a certified copy of the judgment.

3. Provision may be made by the High Commissioner by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Proclamation.

4. In this Proclamation, unless the context otherwise requires—
the expression “judgment” means any judgment or order given or made by a court in any civil proceedings, whether before or after taking effect of this Proclamation, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

the expression “original court” in relation to any judgment means the court by which the judgment was given;

the expression “registering court” in relation to any judgment means the court by which the judgment was registered;

the expression “judgment creditor” means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

the expression “judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

5. (1) Where the High Commissioner is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of His Dominions of judgments obtained in the Court of the Resident Commissioner, the High Commissioner may by notice in the *Gazette* declare that this Proclamation shall extend to judgments obtained in a superior court in that part of His Majesty's dominions in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and on any such notice being published this Proclamation shall extend accordingly.

(2) For the purpose of this section the expression “part of His Majesty's Dominions outside the United Kingdom” shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's Dominions.

(3) A notice under this section may be varied or revoked by a subsequent notice.

6. This Proclamation shall have force and take effect on the date on which there shall be published in the *Gazette* an Order-in-Council by His Majesty declaring that Part II of the Administration of Justice Act of 1920 (of the United Kingdom) has been applied to Basutoland.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Seventeenth day of January One thousand Nine hundred and Twenty-two.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 3 of 1922.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and the Territory of the Bechuanaland Protectorate;

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

1. (1) Where a judgment has been obtained in the High Court in England or Ireland or in the Court of Session in Scotland the judgment creditor may apply to a Court of Assistant Commissioner or Magistrate, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in the Bechuanaland Protectorate, and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if—

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section—

- (a) the judgment shall, as from the date of registration, be of the same force and effect and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.
- (4) The High Commissioner shall by Rules of Court provide—
- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
- (b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.
- (5) In any action brought in a Court of Assistant Commissioner or Magistrate on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused, or unless the court otherwise orders.

2. Where a judgment has been obtained in a Court of Assistant Commissioner or Magistrate against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom issue to the judgment creditor a certified copy of the judgment.

3. Provision may be made by the High Commissioner by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Proclamation.

4. In this Proclamation, unless the context otherwise requires—

the expression "judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after the taking effect of this Proclamation, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

the expression "original court" in relation to any judgment means the court by which the judgment was given;

the expression "registering court" in relation to any judgment means the court by which the judgment was registered;

the expression "judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

the expression "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

5. (1) Where the High Commissioner is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of His Dominions of judgments obtained in a Court of Assistant Commissioner or Magistrate in the Bechuanaland Protectorate the High Commissioner may by notice in the *Gazette* declare that this Proclamation shall extend to judgments obtained in a superior court in that part of His Majesty's Dominions in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and on any such notice being published this Proclamation shall extend accordingly.

(2) For the purpose of this section the expression "part of His Majesty's Dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's Dominions.

(3) A notice under this section may be varied or revoked by a subsequent notice.

6. This Proclamation shall have force and take effect on the date on which there shall be published in the *Gazette* an Order-in-Council by His Majesty declaring that Part II of the Administration of Justice Act of 1920 (of the United Kingdom) has been applied to the Bechuanaland Protectorate.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Seventeenth day of January One thousand Nine hundred and Twenty-two.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 4 of 1922.]

PROCLAMATION

By His Royal Highness the High Commissioner.

Whereas it is expedient to facilitate the reciprocal enforcement of judgments and awards in the United Kingdom and the Territory of Swaziland;

Now therefore, under and by virtue of the powers, authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 and the Swaziland Order-in-Council 1909, I do hereby declare, proclaim and make known as follows:—

1. (1) Where a judgment has been obtained in the High Court in England or Ireland or in the Court of Session in Scotland the judgment creditor may apply to the Special Court of Swaziland, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in Swaziland, and subject to the provisions of this section, order the judgment to be registered accordingly.

(2) No judgment shall be ordered to be registered under this section if—

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
- (d) the judgment was obtained by fraud; or
- (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
- (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section—

- (a) the judgment shall, as from the date of registration, be of the same force and effect and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;
- (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;
- (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.
- (4) The High Commissioner shall by Rules of Court provide—
- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
- (b) for enabling the registering court on an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and
- (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.
- (5) In any action brought in the Special Court of Swaziland on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused, or unless the court otherwise orders.

2. Where a judgment has been obtained in the Special Court of Swaziland against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in the United Kingdom issue to the judgment creditor a certified copy of the judgment.

3. Provision may be made by the High Commissioner by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Proclamation.

4. (1) In this Proclamation, unless the context otherwise requires—

the expression "judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after taking effect of this Proclamation, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;
the expression "original court" in relation to any judgment means the court by which the judgment was given;
the expression "registering court" in relation to any judgment means the court by which the judgment was registered;
the expression "judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person;
the expression "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

(2) Subject to the provisions of section fifteen of the Swaziland Administration Proclamation of 1907, any of the powers conferred by this Proclamation on the Special Court of Swaziland may be exercised by the Resident Commissioner or the Deputy Resident Commissioner in his capacity as a member of the said court.

5. (1) Where the High Commissioner is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of His Dominions of judgments obtained in the Special Court, the High Commissioner may by notice in the *Gazette* declare that this Proclamation shall extend to judgments obtained in a superior court in that part of His Majesty's Dominions in the like manner as it extends to judgments obtained in a superior court in the United Kingdom, and on any such notice being published this Proclamation shall extend accordingly.

(2) For the purpose of this section the expression "part of His Majesty's Dominions outside the United Kingdom" shall be deemed to include any territory which is under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's Dominions.

(3) A notice under this section may be varied or revoked by a subsequent notice.

6. This Proclamation shall have force and take effect on the date on which there shall be published in the *Gazette* an Order-in-Council by His Majesty declaring that Part II of the Administration of Justice Act of 1920 (of the United Kingdom) has been applied to Swaziland.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Seventeenth day of January One thousand Nine hundred and Twenty-two.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness
the High Commissioner.

H. J. STANLEY,
Imperial Secretary.

(Printed by the Government Printer, Pretoria.)

No. 5 of 1922.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER.

Whereas it is expedient to amend the Swaziland Income Tax Proclamation, 1921 (herein after referred to as "the principal law");

Now therefore under and by virtue of the powers authorities and jurisdiction conferred upon and committed to me by His Majesty under the Swaziland Order-in-Council 1903 as amended by the Swaziland Order-in-Council 1906 and the Swaziland Order-in-Council 1909, I do hereby declare proclaim and make known as follows:

1. Section nine of the principal law is hereby repealed and the following section substituted therefor:—

"9. (1) Income shall be deemed to have accrued to a person notwithstanding that such income has been invested, accumulated or otherwise capitalized by him or that such income has not been actually paid over to him but has been credited in account or reinvested or accumulated or capitalized or otherwise dealt with in his name or on his behalf and a complete statement of all such income shall be included by any person in the returns rendered by him under this Proclamation.

"(2) Every person carrying on pastoral, agricultural or other farming operations shall be required to include in the return rendered by him for income tax purposes the values of all live stock and produce held by him and not disposed of at the beginning and end of each year of assessment. Provided that the collector shall allow such reduction to be made from the values of live stock held by any tax-payer at the end of any year of assessment as may seem to him to be fair and reasonable having regard to the risks of mortality attaching to such live stock.

"(3) The value to be placed upon such live stock (other than live stock acquired by purchase for stud purposes) shall be—

"(a) in the case of live stock acquired by the tax-payer by purchase, either the purchase price paid or such standard value as is applicable to such live stock;

"(b) in the case of live stock acquired by the tax-payer otherwise than by purchase, the standard value applicable to such live stock.

"(4) The standard value applicable to any class of live stock shall be, at the option of the tax-payer, either—

"(a) such standard value as may be fixed by the High Commissioner by regulation under this Proclamation for that class of live stock; or

"(b) such standard value as may be adopted by the tax-payer in respect of that class of live stock in the first return (rendered by him in terms of this section) in which live stock of that class is included.

"(5) The exercise of the option under the last preceding sub-section shall be binding upon the tax-payer in respect of all subsequent returns for income tax purposes, and a standard value fixed by him in accordance with paragraph (b) of that sub-section may not be varied by him in any such subsequent return save with the consent and approval of the collector, and upon such terms as the collector may require.

"(6) The value to be placed upon live stock acquired by purchase for stud purposes shall be the purchase price paid for that live stock.

"(7) The value to be placed upon produce included in any return shall be such fair and reasonable value as the collector may fix.

"(8) Any decision of the collector under this section shall be subject to objection and appeal as provided by this Proclamation."

2. Sub-section (2) of section twenty-eight of the principal law is hereby amended by the substitution of the word "remitting" for the word "omitting."

3. This Proclamation may be cited as the Swaziland Income Tax Amendment Proclamation 1922 and shall be read as one with the principal law and shall be deemed to have had force and taken effect from the date of the publication of the principal law in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this Twenty-first day of January One thousand Nine hundred and Twenty-two.

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. 4 of 1922.

It is hereby notified for general information that, in terms of section seven of the Basutoland Marriage Proclamation, 1911, His Royal Highness the High Commissioner has been pleased to approve the appointment of the Reverend Robert Fairley Strathern to be a Marriage Officer under the said Proclamation for the solemnization of marriages within the Territory of Basutoland.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

High Commissioner's Office,
Capetown, 20th January, 1922.

TENDERS FOR BASUTOLAND STATIONS AND STOCKS.

In the Insolvent Estate of T. N. MAHOMED.

Tenders are invited for the purchase of:—

- The buildings and all rights which the Insolvent may have in the Trading Station Hleoeng, District Leribe, situate approximately 8 miles from Ficksburg [exclusive of movables and the items (c) as hereunder].
- The buildings and all rights which the Insolvent may have in the Trading Station Letsoelas, District Leribe, situate approximately 15 miles from Ficksburg (exclusive of movables).
- Engine, grinding-mill, belting, and all milling plant, accessories at Hleoeng.
- The stock-in-trade at Hleoeng; value approximately at to-day's replacement value, £3665.
- Stock-in-trade at Letsoelas; value approximately at to-day's replacement value, £1545.

The buildings are extensive, particularly at Hleoeng. No grain or produce is included in the stocks at either station. Stations and stocks can be inspected on application to Mr. J. S. McKinlay, at Hleoeng. Stock lists may be seen at the stations or at the office of the Trustee, Maseru.

Terms: Cash against acceptance of tender. The highest or any tender not necessarily accepted, but Trustee to have the right to accept the whole or any portion of a tender.

Tenders to be in the hands of the undersigned by noon on Wednesday, 15th February, 1922.

C. F. HENEY,
Sole Trustee.

C/o Bloemfontein Board of Executors and Trust Co., Ltd.,
P.O. Box 19, Maseru, 20th January, 1922.

SWAZILAND.

In the Estate in Swaziland of the late ANNA ROSINA PETRONELLA ROBBERTS (born VELDMAN) and surviving spouse, ABRAHAM (or ABRAM) JOHANNES ROBBERTS, of Wolyenkop, P.O. Evergreen, District Piet Retief, Transvaal.

All Creditors and Persons interested, *ab intestato* or otherwise, in the above Estate are hereby called upon within a period of twenty-one days from the date of the publication of this notice, to lodge in writing with the Master of the Special Court of Swaziland, at Mbabane, the particulars of their claims against the said Estate, and of their objections to the signing and sealing by him of Letters of Administration granted to the above-named Abraham (or Abram) Johannes Robberts as Executor Testamentary in the above Estate by the Master of the Supreme Court of the Province of the Transvaal, Union of South Africa, dated the 22nd June, 1921.

Mbabane, 19th January, 1922.

W. B. LOVEMORE,

For the above-named Executor Testamentary.
P.O. Box 9, Mbabane.

LOST TITLE-DEEDS.

CONCESSION No. 22 P. AND DEED OF GRANT No. 21/1914.

Notice is hereby given that we intend applying for the issue of certified copies of—

- (1) Swaziland Concession No. 22 P. (being the remaining portion after the deduction of 2720 morgen 345 square roods, being the portion selected as compensation for Land Concession No. 91 L.), measuring 3675 morgen and 238 square roods, as per diagram, and originally granted by Umbandine to the late Jacobus Johannes Hercules Steyn by deed dated 18th July, 1888, and situate in the District of Mbabane (North);
- (2) Deed of Grant No. 21/1914, dated the 16th June, 1914, of Lot No. 45, registered on the 31st July, 1914, as Farm No. 44, measuring 588 morgen 351 square roods, as per diagram in favour of the Estate of the late Jacobus Johannes Hercules Steyn.

And all persons having objection to the issue of such copies are hereby required to lodge the same in writing with the Registrar of Deeds in Pretoria within three months from the first publication of this notice.

Dated at Pretoria, this 10th day of January, 1922.

ROUX & JACOBSZ,

Attorneys for Executor in the Estate of the late
J. J. H. Steyn.

13-20-27