

EXTRAORDINARY



BUITENGEWONE

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DANL. H. VISSER,
Clerk of the House of Assembly

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Volksraad,
9 Junie 1933.

Die volgende Wetsontwerpe, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

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BUTENGEWONE

BILL

EXTRAORDINARY

To provide for special assignments of estates by farmers.

(Introduced by the ACTING MINISTER OF JUSTICE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Notice of assignment.

1. (1) If any person who carries on farming as his principal occupation owes in the aggregate one hundred pounds or more and any one of his creditors to whom he owes five pounds or more has caused a summons to be issued against him or threatened him with a summons to recover payment, the debtor may give notice in the prescribed manner that he intends to assign his estate and that a statement of his assets and liabilities is lying for inspection at the magistrate's office referred to in sub-section (2).

(2) The debtor shall deposit at the office of the magistrate of every district wherein he farms, a copy of the aforesaid notice and a statement in the prescribed form certified under oath as correct, of all his assets and liabilities, together with a copy of the aforesaid summons or threat, and he shall simultaneously pay the prescribed fee to the said magistrate.

(3) If it appears from the aforesaid statement that the debtor owns immovable property, the magistrate concerned shall transmit a copy of the said notice (but without the said statement) to the registrar of deeds in charge of the deeds registry in which the said immovable property is registered.

(4) Any person may inspect and make a copy of or an extract from the aforesaid statement at the office of the magistrate concerned, and he may do so free of charge if he is a creditor of the debtor or a duly authorized agent of such a creditor, or on payment of the prescribed fee if he is not such a creditor or agent.

(5) Any person may, on application and on payment of the prescribed fee, obtain from the magistrate concerned a copy of the aforesaid statement, certified as correct.

Effect of notice of assignment.

2. The publication of the aforesaid notice shall *mutatis mutandis* have the same effect as a publication of a notice of assignment under section one hundred and twenty-one of the Insolvency Act, 1916.

Convening of meeting of creditors.

3. (1) As soon as may be after the publication of the aforesaid notice and after a copy thereof together with the aforesaid statement has been deposited at the office of the magistrate concerned, the latter shall convene a meeting of all creditors of the debtor concerned at a place which is the most convenient for all interested persons.

(2) The magistrate shall give notice in writing of the day, hour and place of the meeting to every creditor whose name appears upon the aforesaid statement and also to the debtor: Provided that—

(a) a period of not less than seven days and not more than twenty-one days shall elapse between the date upon which the notice may be presumed to have reached all creditors residing in the Union and the date of the meeting;

(b) if notice is not given to any creditor, in terms of the preceding provision, the convening of the meeting and the resulting meeting itself shall nevertheless be valid.

First meeting of creditors.

4. (1) At the aforesaid meeting, to which any member of the public shall have access, the magistrate or any other officer deputed by him shall preside, and the debtor shall produce all his books and documents of whatever nature, relating to his affairs, and every creditor who desires to establish a claim against the debtor, shall prove his claim in the same manner as if the debtor's estate had been sequestrated and the meeting were a meeting referred to in section forty-two of the Insolvency Act, 1916.

(2) At the said meeting every creditor who has proved his claim against the debtor shall have a vote, but the value of his vote shall only be proportionate to his claim: Provided that a claim which is unconditional but which only becomes enforceable at a future date shall be taken into consideration, whereas a purely conditional claim shall not be taken into consideration.

WETSONTWERP

Om voorsiening te maak vir spesiale boedelafstand deur boere.

(Ingedien deur die WAARNEMENDE MINISTER VAN JUSTISIE.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. As iemand wat boerdery as sy vernaamste beroep uitoefen Kennisgewing van boedelafstand.
- 5 gesamentlik honderd pond of meer skuld en een of ander van sy skuldeisers aan wie hy vyf pond of meer skuld, hom tot betaling gedagvaar of met 'n dagvaarding gedreig het, dan kan die skuldenaar op die voorgeskrewe wyse kennis gee dat hy voornemens is om van sy boedel afstand te doen en
- 10 dat 'n staat van sy bate en skulde ter insage lê op die in sub-artikel (2) vermelde magistraatskantoor.
- (2) Die skuldenaar moet 'n afskrif van voormelde kennisgewing en 'n as juis beëdigde staat, in die voorgeskrewe vorm van al sy bate en skulde benewens 'n afskrif van voormelde
- 15 dagvaarding of bedreiging deponeer op die kantoor van die magistraat van elke distrik waarin hy boer en moet gelyktydig aan bedoelde magistraat die voorgeskrewe fooi betaal.
- (3) As uit voormelde staat blyk dat die skuldenaar eienaar van onroerende goed is dan moet die betrokke magistraat
- 20 'n afskrif van voormelde kennisgewing (dog sonder voormelde staat) stuur aan die registrateur van aktes wat belas is met die bestuur van die registrasiekantoor waarin bedoelde onroerende goed geregistreer is.
- (4) Enigeen kan voormelde staat op die kantoor van die
- 25 betrokke magistraat insien en 'n afskrif daarvan of 'n uittreksel daaruit maak, en wel kosteloos as hy 'n skuldeiser van die skuldenaar of 'n behoorlik aangestelde gevolmagtigde van so 'n skuldeiser is of teen betaling van die voorgeskrewe fooi as hy nie so 'n skuldeiser of gevolmagtigde is nie.
- 30 (5) Enigeen kan op aanvraag en teen betaling van die voorgeskrewe fooi 'n as juis gesertifiseerde afskrif van voormelde staat van die betrokke magistraat verkry.
2. Die publikasie van voormelde kennisgewing het *mutatis* Gevolge van kennisgewing van boedelafstand.
- 35 *mutandis* dieselfde gevolge as 'n publikasie van 'n kennisgewing van boedelafstand ingevolge artikel honderd-een-en-twintig van die Insolventiewet, 1916.
3. So spoedig doenlik nadat voormelde kennisgewing Belegging van vergadering van skuldeisers.
- gepubliseer en 'n afskrif daarvan met voormelde staat op die kantoor van die betrokke magistraat gedeponeer is, moet
- 40 laasbedoelde 'n vergadering van alle skuldeisers van die betrokke skuldenaar belê en op 'n plek wat vir alle belanghebbendes die mees gerieflike is.
- (2) Die magistraat moet aan elke skuldeiser wie se naam op voormelde staat voorkom en ook aan die skuldenaar
- 45 skriftelik kennis gee van die dag, uur en plek van die vergadering en wel sodanig dat—
- (a) 'n termyn van nie minder as sewe dae en nie meer as een-en-twintig dae verloop tussen die dag waarop
- 50 die kennisgewing vermoedelik alle in die Unie wonende skuldeisers sal bereik het en die dag van die vergadering;
- (b) as aan een of ander skuldeiser nie volgens voorgaande voorskrif kennis gegee word nie, die belegging van die vergadering en die daaropvolgende vergadering
- 55 self desnietemin geldig is.
4. (1) Op voormelde vergadering wat vir iedereen uit die Eerste vergadering van skuldeisers.
- publiek toeganklik is, sit die magistraat of 'n ander deur hom aangewese amptenaar voor en moet die skuldenaar al sy boeke en dokumente van watter aard ook al wat op sy
- 60 sake betrekking het, voorlê en moet elke skuldeiser wat 'n vordering teen die skuldenaar wil doen geld, sy vordering bewys op dieselfde wyse asof die skuldenaar se boedel gesekwestreer en die vergadering 'n vergadering was bedoel in artikel twee-en-veertig van die Insolventiewet, 1916.
- 65 (2) Op voormelde vergadering het elke skuldeiser wat sy vordering teen die skuldenaar bewys het 'n stem, dog die waarde van sy stem is slegs eweredig aan die bedrag van sy vordering: Met die verstande dat 'n vordering wat onvoorwaardelik is dog waarvan die vervaldag in die toekoms
- 70 lê, wel meetel terwyl 'n bloot voorwaardelike vordering nie meetel nie.

- (3) At the said meeting all resolutions shall be taken by the votes of creditors who represent not less than half the amount of the total claims proved as aforesaid.
- (4) The said meeting may be adjourned from time to time and from place to place by resolution of the creditors or if the chairman deems it necessary. 5
- (5) The magistrate concerned may at any time, if he deems it necessary, convene a second or further meeting of creditors, in the same manner as the first.
- Examination of debtor and other persons. 5. The provisions of sections *fifty-four* and *fifty-five* of the 10 Insolvency Act, 1916, shall apply in every respect to a meeting referred to in section *four* of this Act as if the estate of the debtor concerned had been sequestrated and the meeting were a meeting of creditors under the Insolvency Act, 1916.
- Investigation of debtor's affairs. 6. At a meeting referred to in section *four* the creditors 15 may resolve to appoint a person to examine the books and documents and to investigate the affairs of the debtor and to report at a later meeting.
- Acceptance or rejection of assignment. 7. (1) At a meeting referred to in section *four* the creditors may accept or reject the assignment of the debtor's estate. 20
(2) If the assignment is rejected, all rights and liabilities of the debtor shall revive as if he had not published a notice referred to in section *one* and thereupon the magistrate concerned shall publish in the prescribed manner a notice of the rejection of the assignment. 25
(3) If the assignment of a debtor's estate has been rejected as aforesaid, it shall not be competent for him to publish within one year of the rejection a further notice referred to in section *one*.
- Sequestration of estate. 8. (1) If the creditors accept the assignment and they are of 30 opinion that it is desirable to administer the estate as an insolvent estate under the Insolvency Act, 1916, they may resolve to sequester the estate and elect a trustee whom the officer who presided at the meeting in question, shall, upon the prescribed security being provided, appoint by delivering to 35 him a certificate of appointment.
(2) If a resolution such as is referred to in sub-section (1) is passed, the estate of the debtor shall be deemed to have been finally sequestrated under the said Act and the trustee shall be deemed to have been appointed as such under the said 40 Act and shall give notice in the prescribed manner of the sequestration of the estate and of his appointment as trustee: Provided that—
(a) a claim duly proved and admitted at a meeting of creditors need not be proved again; 45
(b) the debtor's estate shall be deemed to have been sequestrated as from the date when the notice referred to in sub-section (1) of section *one* was published.
- Disposal of estate without sequestration. 9. (1) If the creditors accept the assignment but do not resolve to sequester the estate in terms of section *eight*, they 50 may postpone the liquidation of the estate and in the meantime elect a person to administer the estate on their behalf.
(2) As soon as an administrator elected under sub-section (1) has given the prescribed security, the officer who presided at the meeting in question shall appoint him by delivering 55 to him a certificate of appointment.
(3) If in the case referred to in sub-section (1), the creditors appoint the debtor himself as administrator of the estate, they may appoint a supervising trustee (who may, if the magistrate concerned agrees, be an officer in the latter's office) 60 for the purpose of assisting and advising the debtor in the administration of the estate, of laying down his course of action, of ensuring generally that the debtor carries out the directions of the creditors and of reporting to the creditors from time to time. 65
(4) An administrator appointed under sub-sections (1) and (2) shall frame a complete inventory of the estate and keep an accurate record of all expenditure and receipts in connection with the estate.
- Final liquidation of the estate. 10. If the creditors direct that the estate be finally liquidated, 70 the administrator shall act in every respect in accordance with the provisions of the Insolvency Act, 1916, as if the estate had been sequestrated as from the date when the notice referred to in sub-section (1) of section *one* was published, and he had been appointed as trustee: Provided that if the debtor 75 himself was appointed as administrator, the creditors shall

- (3) Op voormelde vergadering word alle besluite geneem deur die stemme van skuldeisers wat ten minste die helfte van die totaalbedrag van alle soas voormeld bewese vorderings verteenwoordig.
- 5 (4) Voormelde vergadering kan by besluit van die skuldeisers of as die voorsitter dit nodig ag van tyd tot tyd en van plek tot plek verdaag word.
- (5) Die betrokke magistraat kan te eniger tyd as hy dit nodig ag, 'n tweede of verder vergadering van skuldeisers
- 10 belê en wel op dieselfde wyse as die eerste.
5. Die bepalings van artikels *vier-en-vyftig* en *vyf-en-vyftig* van die Insolventiewet, 1916, is in elke opsig van toepassing op 'n vergadering bedoel in artikel *vier* van hierdie Wet, asof die betrokke skuldenaar se boedel gesekwestreer was en die
- 15 vergadering 'n vergadering van skuldeisers ingevolge die Insolventiewet, 1916, was. Ondervraging van skuldenaar en ander persone.
6. Op 'n vergadering bedoel in artikel *vier* kan die skuldeisers besluit om iemand aan te stel om die skuldenaar se boeke, dokumente en aangeleenthede te ondersoek en op 'n latere
- 20 vergadering verslag te doen. Ondersoek van skuldenaar se sake.
7. (1) Op 'n vergadering bedoel in artikel *vier* kan die skuldeisers die skuldenaar se boedelafstand aanvaar of afwys.
- (2) Word die boedelafstand afgewys dan herleef alle regte en verpligtings van die skuldenaar asof hy geen kennisgewing
- 25 bedoel in artikel *een* gepubliseer had nie en daarop moet die betrokke magistraat op die voorgeskrewe wyse 'n kennisgewing van die afwysing van die boedelafstand publiseer.
- (3) 'n Skuldenaar wie se boedelafstand soas voormeld afgewys is, is nie bevoeg om binne een jaar na die afwysing
- 30 opnuut 'n kennisgewing bedoel in artikel *een* te publiseer nie. Aanvaarding of afwysing van boedelafstand.
8. (1) As die skuldeisers die boedelafstand aanvaar en hulle is van oordeel dat dit wenslik is om die boedel as 'n insolvente boedel ingevolge die Insolventiewet, 1916, te beredder, dan kan hulle tot sekwestrasie van die boedel besluit
- 35 en 'n kurator kies, wat die amptenaar wat by die betrokke vergadering voorgesit het dan, sodra die voorgeskrewe sekuriteit gestel is, moet aanstel deur aan hom 'n sertifikaat van aanstelling uit te reik. Sekwestrasie van boedel.
- (2) As 'n besluit bedoel in sub-artikel (1) aangeneem is, word die boedel van die skuldenaar geag ingevolge voormelde
- 40 Wet finaal gesekwestreer te wees en die kurator word geag ingevolge daardie Wet as sodanig aangestel te wees en moet op die voorgeskrewe wyse van die sekwestrasie van die boedel en van sy aanstelling as kurator kennis gee: Met dien
- 45 verstande dat—
- (a) 'n reeds op 'n vergadering van skuldeisers bewese en toegelate vordering nie weer bewys hoef te word nie;
- (b) die boedel van die skuldenaar geag word gesekwestreer te gewees het vanaf die dag waarop die in sub-artikel
- 50 (1) van artikel *een* bedoelde kennisgewing gepubliseer is.
9. (1) As die skuldeisers die boedelafstand aanvaar maar nie ingevolge artikel *agt* tot sekwestrasie van die boedel besluit nie, dan kan hulle die likwidasië van die boedel uitstel en
- 55 ondertussen iemand kies om die boedel namens hulle te beredder. Beskikking oor boedel sonder sekwestrasie.
- (2) Sodra 'n ingevolge sub-artikel (1) gekose beredderaar die voorgeskrewe sekuriteit gestel het, moet die amptenaar wat by die betrokke vergadering voorgesit het hom aanstel deur aan hom 'n sertifikaat van aanstelling uit te reik.
- 60 (3) As die skuldeisers in die geval bedoel in sub-artikel (1) die skuldenaar self as beredderaar van die boedel aanstel, dan kan hulle 'n toesiende kurator aanstel (wat, as die betrokke magistraat daarin toestem, 'n amptenaar in laasgenoemde se kantoor mag wees) om by die beheer van die boedel die
- 65 skuldenaar met raad en daad by te staan, hom sy gedrag slyn voor te skryf, oor die algemeen daarvoor te sorg dat die skuldenaar aan die voorskrifte van die skuldeisers voldoen en om van tyd tot tyd aan die skuldeisers verslag te doen.
- (4) Die kragtens sub-artikels (1) en (2) aangestelde beredderaar moet 'n volledige inventaris van die boedel opmaak
- 70 en van alle uitgawe en inkomste in verband met die boedel noukeurig boekhou.
10. As die skuldeisers 'n finale likwidasië van die boedel gelas, moet die beredderaar in elke opsig handel volgens
- 75 voorskrifte van die Insolventiewet, 1916, asof die boedel gesekwestreer is, vanaf die dag waarop die in sub-artikel (1) van artikel *een* bedoelde kennisgewing gepubliseer is, en hy as kurator aangestel was: Met dien verstande dat as die skuldenaar self as beredderaar aangestel is, die skuldeisers
- Finale likwidasië van boedel.

appoint another person to liquidate the estate, in which case sub-section (2) of section *nine* shall apply.

Subsequent
sequestration of
estate.

11. The creditors may even after having acted in terms of section *nine* at any time resolve to sequester the estate and appoint a trustee, in which case section *eight* shall apply. 5

Substitution of
administrator or
supervising
trustee.

12. The creditors may at any time call an administrator or supervising trustee to account or discharge him and appoint another administrator or supervising trustee.

Curator ad litem.

13. If the claim of a person who alleges that he is a creditor of the debtor is rejected or disputed at a meeting of creditors and he notifies the meeting verbally or in writing or notifies in writing the magistrate concerned that he intends enforcing his claim in a court of law, the creditors may appoint a *curator ad litem* to oppose the claim; or if the creditors fail to appoint any such *curator ad litem*, the division of the Supreme Court having jurisdiction may, on the application of the alleged creditor appoint such a curator. 10 15

Effect of
assignment.

14. After the acceptance of the assignment of an estate under this Act the provisions of section *one hundred and twenty-six* of the Insolvency Act, 1916, shall *mutatis mutandis* apply in regard thereto as if the acceptance were the registration of a deed of assignment: Provided that the assigned estate shall, instead of vesting in an assignee vest in all the creditors who prove their claims at a meeting referred to in section *three* of this Act or whose claims were admitted by a competent court. 20 25

Penalties.

15. The provisions of Chapter VIII of the Insolvency Act, 1916, shall *mutatis mutandis* apply to a debtor who has published a notice referred to in section *one* as if he had assigned his estate under the said Act.

Regulations.

16. The Governor-General may make regulations in regard to any matter to be prescribed under this Act and in regard to the remuneration of an administrator appointed under this Act, and may by regulation apply *mutatis mutandis* unless inconsistent with this Act, any provision of the Insolvency Act, 1916, relating to an insolvent or a debtor who has assigned his estate under the said Act or relating to any person or matter, to a debtor who has published a notice referred to in section *one*, or to an analogous person or matter in relation to an assignment or proposed assignment under this Act. 30 35 40

Short title and
duration of Act.

17. This Act shall be known as the Farmers' Assignment Act, 1933, and shall have force and effect until repealed by the Governor-General by proclamation in the *Gazette*: Provided that this Act shall notwithstanding its repeal remain in force in relation to the assignment of any estate which on the date of promulgation of the said proclamation, had already been accepted by the creditors under this Act. 45

iemand anders as beredderaar moet aanstel om die boedel te likwideer, waarop sub-artikel (2) van artikel *nege* op die geval toepassing vind.

11. Die skuldeisers kan, ook nadat hulle reeds ingevolge artikel *nege* gehandel het, hulle nog te eniger tyd tot sekwestrasie van die boedel besluit en 'n kurator aanstel en daarop vind artikel *agt* op die geval toepassing. Latere sekwestrasie van boedel.

12. Die skuldeisers kan te eniger tyd 'n beredderaar of toesiene kurator tot verantwoording roep of afsit en 'n afgesette beredderaar of toesiene kurator deur 'n ander vervang. Vervanging van beredderaar of toesiene kurator.

13. As die vordering van iemand wat beweer 'n skuldeiser van die skuldenaar te wees op 'n vergadering van skuldeisers afgewys of betwys word en hy deel aan die vergadering mondeling of skriftelik mee of deel aan die betrokke magistraat skriftelik mee dat hy voornemens is om sy vordering in regte te doen geld, dan kan die skuldeisers 'n kurator *ad litem* aanstel om die vordering te verdedig; of as die skuldeisers in gebreke bly om so 'n kurator *ad litem* aan te stel, dan kan die bevoegde afdeling van die Hooggeregshof op aansoek van die beweerde skuldeiser so 'n kurator aanstel. Kurator *ad litem*.

14. Na aanvaarding van 'n boedelafstand ingevolge hierdie Wet, is die bepaling van artikel *honderd-ses-en-twintig* van die Insolventiewet, 1916, *mutatis mutandis* op die geval van toepassing asof die aanvaarding die registrasie van 'n akte van boedelafstand was: Met dien verstande dat die afgestane boedel in plaas van op 'n boedelredder oor te gaan, op al die skuldeisers wat hulle vorderings op 'n vergadering bedoel in artikel *drie* van hierdie Wet bewys het, of wie se vorderings deur 'n bevoegde hof geldig verklaar is, oorgaan. Gevolg van boedelafstand.

15. Die bepaling van Hoofstuk VIII van die Insolventiewet, 1916, is *mutatis mutandis* van toepassing op 'n skuldenaar wat 'n kennisgewing bedoel in artikel *een* gepubliseer het asof hy sy boedel ingevolge voormelde Wet afgestaan het. Strafbepalings.

16. Die Goewerneur-generaal kan regulasies uitvaardig omtrent alle aangeleenthede wat ingevolge hierdie Wet voorgeskrewe moet word en omtrent die beloning van 'n boedeleredderaar aangestel ooreenkomstig hierdie Wet, en kan deur regulasies enige bepaling in die Insolventiewet, 1916, omtrent 'n insolvent of 'n skuldenaar wat ingevolge bedoelde Wet sy boedel afgestaan het of omtrent een of ander persoon of aangeleentheid, *mutatis mutandis* en vir so ver dit nie met hierdie Wet onbestaanbaar is nie, van toepassing maak op 'n skuldenaar wat 'n kennisgewing bedoel in artikel *een* gepubliseer het, of op 'n analoge persoon of aangeleentheid in verband met 'n boedelafstand of aangebode boedelafstand ingevolge hierdie Wet. Regulasies.

17. Hierdie Wet heet die Boere-Boedelafstand-Wet, 1933, en is van krag totdat hy deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* herroep word: Met dien verstande dat hierdie Wet ondanks sy herroeping van krag bly met betrekking tot 'n boedelafstand wat op die dag van uitvaardiging van bedoelde proklamassie reeds deur die skuldeisers ingevolge hierdie Wet aanvaar is. Kort titel en duur van Wet.

BILL

To give effect to an agreement entered into between the Government of the Union of South Africa and the Government of Southern Rhodesia for the prevention of the levying of death duties under the laws of the two territories in respect of the same assets.

(Introduced by the ACTING MINISTER OF FINANCE.)

WHEREAS an agreement has been entered into between the Government of the Union of South Africa and the Government of Southern Rhodesia with a view to the prevention of the levying under the laws of the two territories of death duties in respect of the same assets, and it is desirable that effect be given to the said agreement, in so far as the laws of the Union of South Africa are concerned ;

NOW, THEREFORE, BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Interpretation of section 3 of Act No. 29 of 1922, as amended by sections 1 and 2 of Act No. 31 of 1925, in its application to assets subject to death duties under the laws of both the Union and Southern Rhodesia.

1. (1) The provisions of paragraph (c) of sub-section (2) of section *three* of the Death Duties Act, 1922 (Act No. 29 of 1922), as amended (hereinafter referred to as the principal Act), shall not apply to any movable property physically situated in Southern Rhodesia.

(2) The value of a debt secured upon immovable property by bonds registered in both the Union and Southern Rhodesia shall, for the purposes of the principal Act, be such amount as bears to the total debt so secured the same ratio as the value of the property or properties situate in the Union and mortgaged in security of such debt bears to the aggregate value of the properties situate in both such territories and mortgaged in security of such debt ; and the value of the properties for the purpose of determining the proportion of the debt to be chargeable with duties under the principal Act as modified by this Act shall be the value of such properties at the date of the death of the deceased person, calculated in a common standard of currency.

(3) No debt recoverable or right of action enforceable in the courts of the Union, other than a debt secured upon immovable property by a bond registered in the Union, shall be chargeable with duties under the principal Act, if such debt or right of action could also be recovered or enforced in the courts of Southern Rhodesia and the person entitled to recover such debt or enforce such right of action was at the date of his death ordinarily resident in Southern Rhodesia.

(4) A policy of insurance upon the life of any person which may be sued upon either in the courts of the Union or the courts of Southern Rhodesia, at the option of the person entitled to sue upon it, shall not, for the purposes of the principal Act, be deemed to be portion of the estate of the person upon whose life that policy was effected, if at the date of his death he was ordinarily resident in Southern Rhodesia.

(5) (a) The provisions of paragraph (h) of sub-section (2) of section *three* of the principal Act notwithstanding, any " stocks or shares in any company " as defined by section *forty* of that Act, shall not, for the purposes of the principal Act, be deemed to be portion of the estate of a person who at the date of his death was ordinarily resident in the Union, if any transfer whereby any change of ownership in such stocks or shares is recorded is required to be registered in Southern Rhodesia.

(b) In the application of this sub-section, and of paragraph (g) of sub-section (2) of section *three* of the principal Act, a registered transfer of stocks or shares in any company shall be deemed to be registered in the territory in which the main register of the company is kept, all branch registers, wheresoever kept, being deemed to be kept at the place where the main register is by law required to be kept.

WETSONTWERP

Om uitvoering te gee aan 'n ooreenkoms aangegaan deur die Regering van die Unie met die Regering van Suid-Rhodesië tot vermyding van die heffing kragtens die wette van die twee gebiede van sterfregte ten opsigte van dieselfde bate.

(Ingedien deur die WAARNEMENDE MINISTER VAN FINANSIES.)

NADEMAAL 'n ooreenkoms aangegaan is deur die Regering van die Unie van Suid-Afrika met die Regering van Suid-Rhodesië met die doel om die heffing kragtens die wette van die twee gebiede van sterfregte ten opsigte van dieselfde bate te vermy, en dit wenslik is om, wat die wette van die Unie van Suid-Afrika betref, aan daardie ooreenkoms uitvoering te gee;

SO WORD DIT DERHALWE BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. (1) Die bepalings van paragraaf (c) van sub-artikel (2) van artikel drie van die „Sterfrechten Wet, 1922” (Wet No. 29 van 1922), soas gewysig, wat hieronder die Hoofwet genoem word, is nie van toepassing nie op roerende goed wat liggaamlik aanwesig is in Suid-Rhodesië.

(2) Die waarde van 'n inskuld wat verseker is deur in die Unie en ook in Suid-Rhodesië geregistreerde verbande op onroerende eiendom is, by toepassing van die Hoofwet, 'n bedrag wat dieselfde verhouding het tot die totaalbedrag van die aldus versekerde inskuld as die waarde van die eiendom of eiendomme wat in die Unie geleë is en ter versekering van daardie inskuld verbind is het tot die gesamentlike waarde van die eiendomme geleë in albei die gebiede en verbind ter versekering van daardie inskuld; en, by die vasstelling van die proporsie van die inskuld waarop kragtens die bepalings van die Hoofwet soas deur hierdie Wet gewysig belastings hefbaar is, word as die waarde van die eiendomme aangeneem die waarde daarvan ten tyde van die dood van die oorledene, by die berekening waarvan dieselfde betaalmiddel gebesig word.

(3) Geen belastings is kragtens die bepalings van die Hoofwet hefbaar op 'n inskuld wat verhaalbaar is, of op 'n aanspraak wat deur aksie gehandhaaf kan word, in die geregshowe van die Unie, behalwe 'n inskuld wat verseker is op onroerende eiendom deur 'n in die Unie geregistreerde verband, as daardie inskuld of aanspraak ook verhaalbaar is of gehandhaaf kan word in die geregshowe van Suid-Rhodesië en die persoon geregtig op verhaling van die inskuld of handhawing van die aanspraak ten tyde van sy dood metterwoon gevestig was in Suid-Rhodesië.

(4) 'n Assuransiepolis gesluit op die lewe van enige persoon, waarop, na verkiesing van die persoon wat geregtig is om daarop te dagvaar, gedagvaar kan word of in die geregshowe van die Unie of in die geregshowe van Suid-Rhodesië, word nie by toepassing van die Hoofwet geag 'n deel van die boedel uit te maak nie van die persoon op wie se lewe daardie polis gesluit was, as hy ten tyde van sy dood metterwoon gevestig was in Suid-Rhodesië.

(5) (a) Ondanks die bepalings van paragraaf (h) van sub-artikel (2) van artikel drie van die Hoofwet, word, by toepassing van die Hoofwet, die „stocks of aandelen in een maatschappij”, soas omskryf in artikel veertig van die Hoofwet, nie geag 'n deel van die boedel uit te maak nie van 'n persoon wat ten tyde van sy dood metterwoon gevestig was in die Unie, as enige oordrag, waarby 'n verandering van eienaar van sodanige „stocks of aandelen” aangeteken word, in Suid-Rhodesië geregistreer moet word.

(b) By die toepassing van hierdie sub-artikel en van paragraaf (g) van sub-artikel (2) van artikel drie van die Hoofwet, word elke geregistreerde oordrag van „stocks of aandelen” in 'n maatskappy geag geregistreer te wees in daardie gebied waar die hoofregister van die maatskappy gehou word, en alle takregisters, waar ook al hulle gehou word, word geag gehou te wees op die plek waar volgens wet die hoofregister gehou moet word.

[A.B. 45—'33.]

Verklaring van artikel 3 van Wet No. 29 van 1922, soas gewysig deur artikels 1 en 2 van Wet No. 31 van 1925, by toepassing daarvan met betrekking tot bate wat volgens die wette van die Unie en ook van Suid-Rhodesië onderhewig is aan sterfregte.

(6) The provisions of this section shall be applicable to the assessment under the principal Act of both estate duty and succession duty.

Short title and commencement.

2. This Act shall be known as the Union and Southern Rhodesia Death Duties Act, 1933, and shall come into operation in respect of the estate of every person who dies on or after a date to be fixed by the Governor-general by proclamation in the *Gazette*, which proclamation shall be issued by him upon proof being produced to his satisfaction that like legislation passed by the Parliament of Southern Rhodesia has received the assent of His Majesty the King.

BILL

To provide for the construction and equipment of certain lines of railway, and for matters incidental thereto.

(Introduced by the MINISTER OF RAILWAYS AND HARBOURS.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Construction and equipment of certain lines of railway.

1. The Governor-General may, as soon after the commencement of this Act as to him may seem expedient, and provided he is satisfied that the necessary land or rights thereover have been or can be acquired on reasonable terms, cause to be constructed and equipped two lines of railway having a gauge of three feet six inches, the one approximately twenty-one miles in length, from Springs to Nigel, in the Province of the Transvaal, at a total cost not exceeding one hundred and forty-one thousand five hundred pounds, and the other approximately thirty-seven and a half miles in length, from Tuinplaats to Marble Hall, in the Province of the Transvaal, at a total cost not exceeding one hundred and twenty-three thousand one hundred and ninety-nine pounds.

Incidental powers.

2. The Governor-General may also construct and equip all sidings, stations, buildings and appurtenances necessary or convenient for the proper working of the lines of railway referred to in section one.

Application of provisions of Act 3 of 1933.

3. Sub-section (3) of section one and sections two, four, five and six of the Germiston—Elsburg Railway Construction Act, 1933, shall apply in relation to the matters referred to in sections one and two of this Act as if they were included in this Act.

Short title.

4. This Act shall be known as the Second Railway Construction Act, 1933.

(6) Die bepalings van hierdie artikel word toegepas by die aanslaan ooreenkomstig die Hoofwet van boedelbelasting en ook van suksessiebelasting.

2. Hierdie Wet heet die Wet op Sterfregte van die Unie en Suid-Rhodesië, 1933, en tree in werking ten aansien van die boedel van ieder persoon wat sterf op of na 'n dag deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel, en die Goewerneur-generaal vaardig sodanige proklamasie uit by lewering van bewys tot sy bevrediging dat wetgewing van dieselfde strekking gepasseer deur die Parlement van Suid-Rhodesië deur Sy Majesteit die Koning goedgekeur is.

Kort titel en inwerkingtreding.

WETSONTWERP

Om voorsiening te maak vir die aanleg en uitrusting van sekere spoorlyne ; en vir daarmee in verband staande sake.

(Ingedien deur die MINISTER VAN SPOORWEEË EM HAWENS.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg :—

1. Die Goewerneur-generaal kan so spoedig na die inwerking-treding van hierdie Wet as wat hy wenslik ag en mits hy oortuig is dat die nodige grond of regte op grond op redelike voorwaardes verkry is of verkry kan word, twee spoorlyne met 'n spoorwydte van drie voet ses duim laat aanlê en uitrus, die ene omstreeks een-en-twintig myl lank van Springs na Nigel, in die Provinsie Transvaal, teen totaalkoste van nie meer as honderd-een-en-veertig-duisend vyfhonderd pond, en die ander omstreeks sewen-en-dertig en 'n halwe myl lank, van Tuinplaats na Marble Hall in die Provinsie Transvaal, teen totaalkoste van nie meer as honderd-drie-en-twintig-duisend honderd-negen-en-negentig pond.
2. Die Goewerneur-generaal kan ook aanlê en uitrus alle sylyne, stasies, geboue en toebehore wat vir die behoorlike bedryf van die lyne vermeld in artikel een nodig of wenslik is.
3. Sub-artikel (3) van artikel een en artikels twee, vier, vyf en ses van die Wet op die Germiston—Elsburg Spoorweg (Aanleg), 1933 is met betrekking tot die aangeleenthede vermeld in artikels een en twee van hierdie Wet van toepassing asof hulle in hierdie Wet opgeneem was.
4. Hierdie Wet heet die Tweede Spoorwegaanlegwet, 1933.

Aanleg en uitrusting van sekere spoorlyne.

Bykomende bevoegdhede.

Toepassing van Wet No. 3 van 1933.

Kort titel.