

**REPORT OF ALL THE IMPORTANT CASES
HEARD IN THE NATIVE TERRITORIES
APPEAL COURT SITTING IN
UMTATA AND BUTTERWORTH FROM THE
DATE OF ITS ESTABLISHMENT TO THE
BEGINNING OF THE YEAR 1907**

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Report of All the Important Cases Heard in the Native Territories Appeal Court Sitting in Umtata and Butterworth from the Date of Its Establishment to the Beginning of the Year 1907
by W. E. Warner

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court.* c +

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GAZETTE OFFICE, BUTTERWORTH, TRANSKEI

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PRESIDENTS OF THE APPEAL COURT

Major Sir H. ELLIOT, C.M., Tembuland, Transkei and Pondoland.

Col. W. E. STANFORD, C.M.G., C.M., of the Transkeian Territories.

A. H. STANFORD, Esq., A.C.M. of Tembuland, Transkei and Pondoland.

M. W. LIRFELDT, Esq., R.M. Willowvale, A.A.C.M., Tembuland, Transkei and Pondoland.

NOTES BY THE REPORTER.

As in the majority of the cases reported herein it was impossible for me to tell by the records I had access to whether the appeal was from a judgment of the Magistrate or other officer, I have in every case put that it was from the Magistrate, this only to show from what Court the appeal was to enable the readers to refer to the original records should they so desire.

The italics in the case of Mtuyedwa vs. Baatye, page 37, are my own, the object being to draw the attention of the reader to the fact that the man publicly renounced his illegitimate son whereas if the ruling of the Appeal Court in Umtata in the case of Sidubulekana vs. Fuba were correct there would have been no need for him to do so and the fact that he did supports my contention that had he not done so the child would have been considered legitimate.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. The text notes that such records are often subject to public scrutiny and must be maintained in a clear, accessible, and secure manner.

2. The second part of the document addresses the challenges associated with data management and information security. It highlights the need for robust systems to protect sensitive information from unauthorized access, loss, or corruption. The text suggests that organizations should implement comprehensive security protocols, including regular updates, backups, and access controls, to mitigate these risks.

3. The third part of the document focuses on the role of technology in improving efficiency and productivity. It discusses how digital tools and automation can streamline processes, reduce errors, and enhance communication. The text encourages organizations to invest in modern technology and provide training to ensure that staff are equipped to use these tools effectively.

4. The fourth part of the document discusses the importance of continuous learning and professional development. It notes that in a rapidly changing environment, individuals must stay current in their skills and knowledge. The text suggests that organizations should support their employees through various training programs, workshops, and conferences to foster a culture of lifelong learning.

5. The fifth part of the document addresses the need for strong leadership and effective communication. It emphasizes that clear communication and strong leadership are crucial for the success of any organization. The text suggests that leaders should be transparent, listen to their teams, and provide clear direction and support to ensure that everyone is working towards common goals.

6. The sixth part of the document discusses the importance of ethical considerations in decision-making. It notes that organizations must always act with integrity and fairness, even when faced with difficult choices. The text suggests that organizations should establish a strong ethical framework and encourage all employees to adhere to these principles.

7. The seventh part of the document addresses the need for flexibility and adaptability. It notes that organizations must be able to respond quickly to changing circumstances and market conditions. The text suggests that organizations should foster a culture of innovation and encourage employees to think creatively and find new solutions to problems.

8. The eighth part of the document discusses the importance of collaboration and teamwork. It notes that no one can succeed on their own, and organizations must leverage the strengths of all team members. The text suggests that organizations should create a supportive environment where team members can work together effectively and share their knowledge and resources.

9. The ninth part of the document addresses the need for regular communication and reporting. It notes that keeping stakeholders informed is essential for building trust and maintaining transparency. The text suggests that organizations should establish clear communication channels and provide regular updates on their progress and activities.

10. The tenth part of the document discusses the importance of monitoring and evaluation. It notes that organizations must regularly assess their performance and make adjustments as needed. The text suggests that organizations should implement a system of metrics and indicators to track their progress and identify areas for improvement.



APPEAL COURT REPORT

UMTATA AND BUTTERWORTH.

Mankayl Renqe vs. Kleinbooi.

This was an appeal from the judgment of the Magistrate of Cala. The Plaintiff had sued and his summons been dismissed with costs. Before paying these costs he issued a fresh summons when Defendant took exception that the costs of the previous action had not been paid, Plaintiff replied that no B:C had been submitted to him and that he was prepared then to pay costs. Defendant refused to accept them then and the Magistrate over-ruled the exception. Defendant there-upon appealed to the Appeal Court, Umtata, and the judgment of that Court was as follows: "Section 32 Schedule B Act 20 of 1856 expressly provides that when a judgment of absolution from the instance is given the Plaintiff can only commence a new action upon payment of the costs awarded against him and it has been ruled in the Supreme Court that dismissal of a summons is the same in effect as absolution from the instance. Van Zyl, page 770, says Plaintiff may commence his action *de novo* provided he first pays Defendant's costs incurred. The case of Thacker vs. Fourie does not apply in this case as the discretion of the Supreme Court is not limited by Statutory law as is the case in the Resident Magistrates' Courts."

Appeal accordingly allowed allowing the exception in the Court below.

Mvalo vs. John Malgass.

This was an appeal from a judgment of the Magistrate of Cofimvaba. The claim was partly one for the return of the "ubulunga" beast, and the judgment of the Appeal Court, Umtata, on that point was as follows: "The return of cattle given as ubulunga can only be set off or made against a claim for return of dowry and in this case no return of dowry was made . . ." The rest of the judgment is not important.