

No. 16, 1920.]

ACT

**To provide for the registration against titles to opstal-
len at Carnarvon of mortgage bonds at present
hypothecating the grazing rights originally at-
tached to the village erven.**

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 :—

Repeal of
section
twelve of Act
No. 19 of
1913, and
substitution
of new pro-
visions.

1. Section *twelve* of the Carnarvon Outer Commonage Settle-
ment Act, 1913 (Act No. 19 of 1913), is hereby repealed and
the following provisions substituted therefor :—

12. (1) If any erf, or portion of an erf, or share in any
erf, in the village to which grazing rights attach, has been
hypothecated under any mortgage bond, and such bond
is still of force and effect, no title to an opstal shall be
registered or issued in respect thereof unless the bond
is produced for cancellation or the legal holder thereof
consents to the release from the operation thereof of the
grazing rights or consents to the title being issued subject
to the substitution of the opstal for the grazing rights
hypothecated by the bond.

(2) When registering the title to the opstal the registrar
shall—

- (a) make in the appropriate register an entry setting
forth that the opstal is substituted in terms of this
section for the grazing rights formerly attaching to
the erf, or a portion thereof, or share therein, as the
case may be ;
- (b) endorse upon the bond the fact of such substitution
having been made ;
- (c) endorse upon the title of the opstal the fact that the
opstal is hypothecated and the date and amount of
the mortgage bond ;
- (d) endorse upon the deed of transfer or title deed by
which the grazing rights, for which the opstal is to
be substituted, is held, the fact that a title to the
said opstal has been issued in substitution of such
rights.

(3) As soon as such entry and endorsements are com-
pleted, the opstal shall be deemed fully and effectually
hypothecated as from the date of execution of the title
to the opstal.

Short title.

2. This Act may be cited for all purposes as the Carnarvon
Outer Commonage Settlement Act Amendment Act, 1920.