

Against this decision appeal was brought, and heard on September 6th, 1897.

Lohman, for appellant.

Dickson, for respondent.

The appeal was dismissed, the Court agreeing with the view taken by Morice, J.

Attorney for applicant: *S. K. H. Lingbeek*.

Attorney for respondent: *C. G. Rice*.

1897
KLEINHAUS
v.
KREKRAAD
NED. HERV.
CHURCH
AND OTHERS.

MOOSA, JOHAB HAM, AND ABDUL LITHLEP

v.

THE STATE.

CORAM:
AMES-
HOFF, J.
JORIS-
SEN, J.
ESSER, J.

HAWKERS—TRADERS—LAW No. 4, 1894, § 22.

Hawkers are not traders within the meaning of sect. 22 of Law No. 4 of 1894, and are not obliged to keep the books required by that section.

1897

2 September.

THIS was an appeal from the decision of the Special Landdrost of Barberton. The appellants, who were hawkers by occupation, had been convicted of a contravention of sect. 22 of Law No. 4 of 1894, in that they had not kept proper books.

Wessels, for the appellants.

De Waal, for the State.

AMESHOFF, J.: In the strict sense of the term the appellants may be traders; but it cannot be said that they are bound to keep books, and therefore no books are suitable to them. The appeal will be allowed.

JORISSEN and ESSER, JJ., concurred.

Attorneys for the appellants: *L. th* and *Wessels*.