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EXTRAORDINARY

of South West Africa.

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van Suidwes-Afrika.

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WINDHOEK

Vrydag, 20 Mei 1927

No. 232

Government Notice.

The following Government Notices is published for general information.

H. P. SMIT,
Secretary for South West Africa.

Administrator's Office,
Windhoek.

No. 74.] [20th May, 1927.

ORDINANCES, 1927: PROMULGATION OF.

His Honour the Administrator has been pleased to assent, in terms of Section *thirty-two* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of Section *thirty-four* of the said Act:—

No.	Titel.	Page.
1.	Guardian's Fund (Interest on Minors and Lunatics' Moneys) Ordinance, 1927	3301
2.	War Graves Control and Maintenance Ordinance, 1927	3301
3.	Liquor Licensing Law Amendment Ordinance, 1927	3303
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Goewermentskennisgewing.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

H. P. SMIT,
Sekretaris vir Suidwes-Afrika.

Administrateurskantoor,
Windhoek.

No. 74.] [20 Mei 1927.

ORDONNANSIES, 1927: UITVAARDIGING VAN.

Dit het Sy Edele die Administrateur behaag om sy goedkeuring te heg, ooreenkomstig artikel *twee-en-dertig* van die Suidwes-Afrika Konstitusie Wet, 1925 (Wet No. 42 van 1925), aan die volgende Ordonnansie wat hiermee vir algemene informasie gepubliseer word ooreenkomstig artikel *vier-en-dertig* van gemelde Wet:—

No.	Titel.	Bladsy.
1.	Voogdyfonds (Rente op gelde van Minderjariges en Kranksinniges) Ordonnansie 1927	3301
2.	Ordonnansie 1927, betreffende die Beheer en Instandhouding van Soldate-graftes	3301
3.	Dranklisensiewet-Wysigingsordonnansie 1927	3303
4.	Wielbelasting-Wysigingsordonnansie 1927	3304
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[Date of commencement—1st April, 1927.]

**Ord. No. 1
of 1927.****ORDINANCE**

To alter the rate of interest to be allowed on moneys received by the Master of the High Court for account of minors or lunatics or certain other persons.

*(Assented to 11th May, 1927.)**(Afrikaans text signed by the Administrator.)*

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

Rate of interest payable on moneys of minors or lunatics or certain other persons in Guardian's Fund.

1. (1) Section *ninety-three* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), of the Parliament of the Union, as applied to this Territory by section *two* of the Better Administration of Justice Proclamation, 1921 (Proclamation No. 52 of 1921), shall, for the purposes of such application, be amended by the deletion of the word "four" and the substitution of the words "four and one-half".

(2) The provisions of sub-section (1) shall be deemed to have had effect as from the first day of April, 1927.

Short title.

2. This Ordinance may be cited for all purposes as the Guardian's Fund (Interest on Minors and Lunatics' Moneys) Ordinance, 1927.

[Date of commencement—20th May, 1927.]

**Ord. No. 2
of 1927.****ORDINANCE**

To provide for the control and maintenance of war graves.

*(Assented to 11th May, 1927.)**(Afrikaans text signed by the Administrator.)*

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

Definitions.

1. In this Ordinance—

"war grave" means—

(a) the grave of any soldier or sailor of any of the belligerent powers in the war which commenced on the 4th August, 1914, who died as the result of wounds or injuries received or disease contracted during the war; or

(b) the grave of any prisoner of war or interned civilian who was the subject of any of the said belligerent powers and died during such imprisonment or internment during the said war; or

(c) the grave of any person who has died or may hereafter die in the defence of the Territory including the maintenance of constituted authority therein; and

"war grave cemetery" means any area of land containing a war grave or war graves.

Administrator may assume control of war graves.

2. The Administrator may from time to time, by proclamation, vest in himself the control of any war grave or war grave cemetery.

Maintenance of war graves.

3. The Administrator shall have all powers necessary or convenient for maintaining any war grave or war grave cemetery, the control of which is vested in him, in proper order and for beautifying the grave or cemetery, and, in particular, power to enclose the grave or cemetery and to erect and maintain thereon or therein gravestones, tablets or monuments of any description.

Compensation.

4. Where a war grave is situated in or on private land, the Administrator shall before entering thereon give at least twenty-four hours' notice to the occupier, if any, and shall in the exercise of the powers conferred by this Ordinance, consider the convenience of the occupier as far as possible. The Administrator may pay to the occupier or the owner, out of moneys lawfully appropriated for the purpose, such sum of money as the Administrator considers reasonable, to compensate him for any actual damage caused to him by the exercise of the powers conferred upon the Administrator by this Ordinance; but the Administrator shall not incur any legal liability by reason of the exercise in good faith of any of the said powers.

[Datum van inwerkingtreding—1 April 1927.]

ORDONNANSIE

Om die rentevoet op gelde ontvang deur die Meester van die Hooggeregshof namens minderjariges of kranksinniges of sekere andere persone te verander.

*(Goedgekeur 11 Mei 1927.)**(Afrikaanse teks deur die Administrateur geteken.)*

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika as volg:—

1. (1) Artikel *drie-en-neentig* van die Boedelwet, 1913 (Wet No. 24 van 1913), van die Parlement van die Unie, soas toegepas op hierdie Gebied deur artikel *twee* van die Betere Rechtsbedefing Proklamatie, 1921 (Proklamasie No. 52 van 1921), word, vir die doeleindes van sodanige toepassing, gewysig deur weglating van die woord "vier" en vervanging daarvan deur die woorde "vier en 'n half".

(2) Die voorsienings van onderartikel (1) word beskou in werking te wees vanaf die eerste dag van April 1927.

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) Ordonnansie 1927.

**Ord. No. 1
van 1927.**

Rentevoet betaalbaar op gelde van minderjariges of kranksinniges of sekere andere persone in Voogdyfonds.

Korte titel.

Datum van Inwerkingtreding—20 Mei 1927.

ORDONNANSIE

Om voorsiening te maak vir die beheer en instandhouding van soldate-grafte.

*(Goedgekeur 11 Mei 1927.)**(Afrikaanse teks deur die Administrateur geteken.)*

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied van Suidwes-Afrika, as volg:—

1. In hierdie Ordonnansie beteken—

"soldate-graf"—

(a) die graf van enige soldaat of matroos van een van die krygvoerende moonthede in die oorlog wat op 4 Augustus 1914 uitgebreek het, wat gesterf het aan wonde of kwetsure of siekte opgedoen gedurende die oorlog; of

(b) die graf van enige krygsgevangene of geïnterneerde burger, wat 'n onderdaan was van enige van genoemde krygvoerende moonthede en gedurende vermeldde oorlog in gevangenskap of terwyl hy geïnterneer was, gesterf het; of

(c) die graf van enige persoon wat gesterf het of hierna mag sterf terwyl hy aan die verdediging van die Gebied, insluitende die in werking hou van wettiglik ingestelde gesag daarin, deelneem; en

"soldate-begraafplek" enige stuk grond waarop 'n graf of grafte, soos hierbo omskryf, geleë is.

2. Die Administrateur kan van tyd tot tyd deur proklamasie die beheer van enige soldate-graf of begraafterplek oorneem.

3. Die Administrateur het al die bevoegdhede, wat vir die instandhouding van enige soldate-graf of begraafterplek, waarvoor hy die beheer oorgeneem het, asook vir die verfraaiing van die graf of begraafterplek, nodig of geskik is, en het in die besonder die mag om 'n graf of begraafterplek te omhein en om daarop of daarbinne grafstene, gedenkplate of monumente van enige soort op te rig en in stand te hou.

4. Waar 'n soldate-graf in of op privaatgrond geleë is, moet die Administrateur, alvorens dit te betree, tenminste vier-en-twintig ure kennis aan die okkupant gee, as daar een is, en moet hy by die uitoefening van die magte, wat hom kragtens hierdie Ordonnansie verleen word, die gerief van die okkupant so ver as moontlik in aanmerking neem. Die Administrateur mag aan die okkupant of eienaar, uit gelde wettiglik vir die doel bestem, sodanige geldbedrag betaal as die Administrateur mag redelik ag, om hom enige werklike skade, wat veroorsaak is deur die uitoefening van die magte, deur hierdie Ordonnansie aan die Administrateur verleen, vergoed; die Administrateur neem deur die uitoefening, in goeder trou, van enige van voornoemde magte geen wetlike aanspreeklikheid aan nie.

**Ord. No. 2
van 1927.**

Woordbepaling.

Administrateur kan beheer van soldate-grafte oorneem.

Instandhouding van soldate-grafte.

Vergoeding.

rights to graves
other than war
graves not
affected.

5. Nothing in this Ordinance shall affect the right of the owner of any grave in a war grave cemetery, not being a war grave, to have access to and maintain such grave, or confer on the Administrator any right to interfere with any such grave or any gravestone, tablet or monument thereon.

Regte op grafes,
wat nie soldate-
grafes is nie,
nie angetas nie.

public to have
access.

6. The public shall have the right of reasonable access to any war grave or war grave cemetery under the control of the Administrator.

Publiek het toe-
gang.

right of burial in
war graves.

7. No person shall, except with the consent of the Administrator, bury any body in any war grave or in any vacant space in any war grave cemetery, the control of which is vested in the Administrator.

Reg om in
soldate-grafes
te begrawe.

re-interment.

8. Where the Administrator is of opinion that it is in the interests of the public health that the body should be removed from any war grave, or that by reason of its situation or for any other reason a war grave cannot be properly maintained in its present position, he may remove the body from the war grave and re-inter it in any place approved by him for the purpose: Provided that except where the removal takes place in the interests of the public health, he shall before removing a body, endeavour to obtain the consent of the widow, if any, of the deceased, or, if there is no widow, of one of his relatives, and shall not remove the body if he is of opinion that the removal will be against the wishes of the widow, or if there is no widow, of the relatives.

Her-begrawing.

Administrator's
power may be
delegated.

9. The Administrator may appoint any person or body of persons to exercise on his behalf any of the powers conferred upon him by this Ordinance, except the power conferred by section two.

Bevoegdhede van
Administrateur
kan oorgedra
word.

destruction of
monuments, etc.

10. No person shall wilfully destroy, injure, defile, disfigure, remove, displace or deface any building, wall, fence, gate, tree, plant, monument, tablet, inscription or gravestone belonging to or under the control of the Administrator.

Vernieling van
monumente, ens.

disturbance of
war graves.

11. No person shall without the consent of the Administrator disturb the soil of any war grave under his control, or, subject to the provisions of section five, the soil of any war grave cemetery under his control.

Verstoring van
soldate-grafes.

obstruction of
Administrator in
exercise of
powers conferred
by this Ordinance.

12. No person shall obstruct the Administrator, or any servant or agent of the Administrator, or any person or persons appointed by him under section nine, or any servant or agent of any such person or persons working under his or their supervision in the exercise of the powers conferred by this Ordinance.

Belemmering van
Administrateur in
die uitoefening
van die magte
deur hierdie Or-
donnansie verleen.

penalty.

13. Any person who contravenes any of the provisions of this Ordinance shall on conviction be liable to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such imprisonment.

Strafbepaling.

exemption from
taxation.

14. No land tax and no rate or tax imposed by any municipality, village management board or roads board or any other local authority, which accrues in respect of any land the control of which is vested in the Administrator under the provisions of this Ordinance, after the control thereof is so vested, shall be payable by the owner thereof, and upon the transfer of any such land no transfer duty shall be payable in respect thereof.

Vrystelling van
belasting.

short title.

15. This Ordinance may be cited for all purposes as the War Graves Control and Maintenance Ordinance, 1927.

Korte titel.

5. Niks in hierdie Ordonnansie tas die reg van toegang of instandhouding aan nie wat enige eienaar van 'n graf, wat nie 'n soldate-graf is nie, maar wat geleë is in 'n soldate-begraafplek, ten opsigte van daardie graf, het en niks in hierdie Ordonnansie gee die Administrateur enige reg om hom met sodanige graf, of 'n grafsteen, gedenkplaat of monument daarop, te bemoei nie.

6. Die publiek het die reg van redelike toegang na enige soldate-graf of soldate-begraafplek wat onder beheer van die Administrateur staan.

7. Behalwe met toestemming van die Administrateur mag niemand enige lyk in 'n soldate-graf of in enige oop plek in enige soldate-begraafplek, wat onder die beheer van die Administrateur staan, begrawe nie.

8. As die Administrateur van mening is dat dit in die belang van die openbare gesondheid is dat 'n lyk uit 'n soldate-graf geneem word of dat die soldate-graf in sy teenwoordige ligging nie behoorlik instand gehou kan word nie weens sy ligging of vir enige ander rede, kan hy die lyk uit die soldate-graf neem en weer in enige plek, wat deur hom vir die doel goedgekeur is, begrawe: Mits behalwe waar die verplasing in die belang van die volks-gesondheid gebeur, hy, alvorens die lyk weg te neem, probeer om die toestemming daartoe van die weduwee van die verstorwe persoon, as daar een is, of ingeval daar geen weduwee is nie, van een van sy verwantes, te verkry en hy mag die lyk nie laat wegneem nie as hy van mening is dat die verwydering teen die wense van die weduwee, of as daar geen weduwee is nie, van die verwantes sou geskied.

9. Die Administrateur kan enige persoon of vereniging van persone aanstel om namens hom die bevoegdhede aan hom verleen deur hierdie Ordonnansie, met uitsondering van die magte verleen deur artikel twee, uit te oefen.

10. Niemand mag enige gebou, muur, heining, hek, boom, plant, monument, gedenkplaat, opskrif of grafsteen wat aan die Administrateur behoort of onder sy beheer staan, opsetlik verniel, beskadig, oonteer, wegneem, versit of vermink nie.

11. Niemand mag sonder toestemming van die Administrateur die grond waarin 'n soldate-graf, wat onder beheer van die Administrateur is, geleë is of van enige soldate-begraafplek onder sy beheer, wat onderworpe is aan die voorsienings van artikel vyf, verstoor nie.

12. Niemand mag die Administrateur of enige amptenaar of gevolmagtigde van die Administrateur, of enige persoon of persone, deur hom aangestel ooreenkomstig artikel nege, of enige amptenaar of gevolmagtigde van sodanige persoon of persone, wat onder sy of hul toesig werk, in die uitvoering van die magte verleen deur hierdie Ordonnansie belemmer nie.

13. Enige persoon wat enige van die voorsienings van hierdie Ordonnansie oortree, is by skuldigverklaring onderhewig aan 'n boete van hoogstens vyftig pond, of, in geval van wanbetaling aan gevangenisstraf, met of sonder harde arbeid, vir 'n tydperk van hoogstens drie maande, of aan beide die boete en die gevangenisstraf.

14. Geen grondbelasting en geen belasting opgelê deur enige munisipaliteit, dorpsbestuursraad of padkommissie of enige ander plaaslike bestuur, wat ten opsigte van enige grond betaalbaar is, waarvoor die beheer ooreenkomstig die voorsienings van hierdie Ordonnansie in die Administrateur berus, is deur die eienaar betaalbaar nie, en by die transport van sodanige grond is geen hereregte ten opsigte daarvan betaalbaar nie.

15. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Ordonnansie 1927, betreffende die Beheer en Instandhouding van Soldate-grafes.