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Thursday, 7th May, 1931.

WINDHOEK

Donderdag, 7 Mei 1931.

No. 420

The following Draft Ordinance which will be introduced during the Third Session of the Second Legislative Assembly is published for general information.

H. P. SMIT,
Secretary for South West Africa.
Administrator's Office,
Windhoek.

Roads and Outspans Ordinance Further Amendment
Ordinance, 1931 7269

Die volgende Ontwerpordonnansie, wat gedurende die Derde Sessie van die Tweede Wetgewende Vergadering voorgelê sal word, word vir algemene informasie gepubliseer.

H. P. SMIT,
Sekretaris vir Suidwes-Afrika.
Kantoor van die Administrateur,
Windhoek.

Paaie en Uitspanplekke Ordonnansie Verder Wysigings-
ordonnansie 1931 7269

Legislative Assembly,
Windhoek,
5th May, 1931.

The following Draft Ordinance, having been introduced into the Legislative Assembly, is published in accordance with Standing Order No. 91.

H. BENSE,
Clerk of the Legislative Assembly.

Unauthorised Expenditure (1929—'30) Draft Ordinance 7270

Wetgewende Vergadering,
Windhoek,
5 Mei 1931.

Die volgende Ontwerpordonnansie, ingedien in die Wetgewende Vergadering, word ingevolge Artikel 91 van die Reglement van Orde gepubliseer.

H. BENSE,
Klerk van die Wetgewende Vergadering.

Ongeoutoriseerde Uitgawes (1929—'30) Ontwerp-
ordonnansie 7270

DRAFT ORDINANCE

To amend the Law relating to Roads and Outspans.

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

Interpretation of terms.

1. In this Ordinance the expression "the Principal Ordinance" means the Roads and Outspans Ordinance, 1927 (Ordinance No. 15 of 1927), as amended by the Roads and Outspans Ordinance Amendment Ordinance, 1928 (Ordinance No. 10 of 1928), the Roads and Outspans Ordinance Further Amendment Ordinance, 1929 (Ordinance No. 10 of 1929), and the Roads and Outspans Ordinance Further Amendment Ordinance, 1930 (Ordinance No. 13 of 1930).

Amendment of section forty-seven of Ordinance No. 15 of 1927.

2. Section *forty-seven* of the Principal Ordinance is hereby amended by the addition of the following new sub-sections at the end thereof:—

- "(5) No person, except a licensed butcher or speculator in stock or the owner, lessee or occupier of land in this Territory, may travel or be with stock on any outspan or area established or set aside under the provisions of this Ordinance, or on any strip of ground on each side of a public road as described in sub-section (1) of section *forty-seven*, unless under the authority of a permit issued by a magistrate. Such permit shall mention the number, type and destination of the stock to which it applies and the period during which it shall be in force. Any person contravening the provisions of this sub-section or failing to comply with the terms of a permit issued thereunder shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.
- (6) The holder of a permit required under sub-section (5) shall, on demand, produce such permit to any owner, lessee or occupier on whose land such outspan, area or strip of ground is situate and on which the said holder is found with his stock."

Repeal of section forty-eight of Ordinance No. 15 of 1927, and substitution of new section.

3. Section *forty-eight* of the Principal Ordinance is hereby repealed and the following new section *forty-eight* substituted therefor:—

Speed at which travellers shall move and how long travellers may remain on outspans.

48. (1) No person may remain on any outspan or area established or set aside under the provisions of this Ordinance for a longer period than twenty-four successive hours, except with the consent of the owner, lessee or of other person entitled to the grazing on the land on which such outspan or area is situate, or unless he shall be there detained by accident, floods or other unforeseen circumstances.

(2) No person travelling with any stock may, save as is provided by sub-section (1) travel with such stock along any public road or over any strip of ground on each side of any public road as described in sub-section (1) of section *forty-seven* at a lesser speed than five miles in every twenty-four hours, except with the consent of the owner, lessee or of other person entitled to the grazing on the land over which he travels, or unless he shall be detained in his travelling by accident, floods or other unforeseen circumstances.

(3) In calculating any period under this section Sundays shall not be included.

Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month."

Amendment of section fifty-two of Ordinance No. 15 of 1927.

4. Section *forty-nine* of the Principal Ordinance is hereby amended by deleting the words "two pence for every head of large stock and one farthing for every head of small stock" occurring therein and substituting therefor the words "five shillings for every hundred head of large stock and six pence for every hundred head of small stock".

Repeal of section fifty-two of Ordinance No. 15 of 1927.

5. Section *fifty-two* of the Principal Ordinance is hereby repealed.

ONTWERPORDONNANSIE

Om die wet met betrekking tot paaie en uitspanplekke te wysig.

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

1. In hierdie Ordonnansie beteken die uitdrukking "die hoofordonnansie" die Paaie en Uitspanplekke Ordonnansie 1927 (Ordonnansie No. 15 van 1927), soos gewysig deur die Paaie en Uitspanplekke Ordonnansie Wysigingsordonnansie 1928 (Ordonnansie No. 10 van 1928), die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1929 (Ordonnansie No. 10 van 1929), en die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1930 (Ordonnansie No. 13 van 1930).

Woordbepaling.

2. Artikel *sewen-en-veertig* van die hoofordonnansie word hiermee gewysig deur die toevoëing van die volgende nuwe onderartikels aan die end daarvan:—

Wysiging van artikel *sewen-en-veertig* van Ordonnansie No. 15 van 1927.

- "(5) Geen persoon, behalwe 'n gelisensiëerde slagter of spekulateur in vee, of die eienaar, huurder of bewoner van grond in hierdie Gebied, mag op enige uitspanplek of stuk grond ingevolge hierdie Ordonnansie ingestel of afgesonder, of op enige publieke pad, of op enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel *sewen-en-veertig* omskrywe, met vee trek of wees nie, tensy onder magtiging van 'n permit deur 'n magistraat uitgereik. Sodanige permit moet die getal, aard en bestemming aangee van die vee waarop dit betrekking het en die tydperk waarvoor dit van krag is. Enige persoon wat die bepalings van hierdie onderartikel oortree of nalaat om binne die terme van 'n permit daaronder uitgereik, te bly, is skuldig aan 'n oortreding en by skuldigbevinding blootgestel aan 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling aan gevangenisstraf met of sonder harde arbeid van hoogstens drie maande.
- (6) Die houër van 'n permit onder onderartikel (5) vereis moet dit op aanvraag toon aan enige eienaar, huurder of bewoner op wie se grond sodanige uitspanplek, stuk grond of streep grond is waarop die genoemde houër hom met sy vee bevind."

3. Artikel *agt-en-veertig* van die hoofordonnansie word hiermee herroep en die volgende nuwe artikel *agt-en-veertig* in die plek daarvan gestel:—

Herroeping van artikel *agt-en-veertig* van Ordonnansie No. 15 van 1927, en substitusie van nuwe artikel.

Spoed waarmee trekkers moet trek en hoe-lank trekkers op uitspanplekke mag vertoef.

48. (1) Geen persoon mag langer as vir 'n tydperk van vier-en-twintig opeenvolgende ure op 'n uitspanplek of stuk grond ingevolge hierdie Ordonnansie ingestel of afgesonder vertoef nie, tensy met die toestemming van die eienaar, huurder of ander reghebbende op die weiveld op die grond waarop sodanige uitspanplek of stuk grond geleë is, of tensy hy daar opgehou word deur teenspoed, oorstromings of ander onvoorsiene omstandighede.

(2) Geen persoon wat met vee trek mag, behoudens die bepalings van onderartikel (1), langs 'n publieke pad of oor enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel *sewen-en-veertig* omskrywe, minder as vyf myl in elke vier-en-twintig uur met sodanige vee trek nie, tensy met die toestemming van die eienaar, huurder of ander reghebbende op die weiveld op die grond waaroor hy trek of tensy hy deur teenspoed, oorstromings of ander onvoorsiene omstandighede in sy trek vertraag word.

(3) By die berekening van enige tydperk ingevolge hierdie artikel word Sondae nie bygereken nie.

Enige persoon wat die bepalings van hierdie artikel oortree is skuldig aan 'n oortreding en by skuldigbevinding blootgestel aan 'n boete van hoogstens vyf pond, of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een maand."

4. Artikel *negen-en-veertig* van die hoofordonnansie word hiermee gewysig deur die woorde "twee pennies vir elke stuk grootvee en een oortjie vir elke stuk kleinvee" wat daarin voorkom, weg te laat, en die woorde "vyf sjielings vir elke honderd stuk grootvee en ses pennies vir elke honderd stuk kleinvee" in die plek daarvan te stel.

Wysiging van artikel *negen-en-veertig* van Ordonnansie No. 15 van 1927.

5. Artikel *twee-en-vyftig* van die hoofordonnansie word hiermee herroep.

Herroeping van artikel *twee-en-vyftig* van Ordonnansie No. 15 van 1927.

Trespassing of stock on outspans, etc.

6. Any stock not being the property of the owner, lessee or occupier of the farm found trespassing on any outspan or area established or set aside in terms of the provisions of the Principal Ordinance or on any public road as described in the Principal Ordinance or on any strip of ground on each side of a public road as described in sub-section (1) of section forty-seven of the Principal Ordinance on such farm shall be subject to the provisions of the Trespass of Animals (Rural Areas) Ordinance, 1931 (Ordinance No. — of 1931). For the purposes of this section any stock on such outspan, area, public road or strip of ground found in the possession of a person who is obliged to take out a permit under the provisions of sub-section (5) of section fifty-seven of the principal Ordinance as amended by section two of this Ordinance, but who has not taken out such permit, shall be deemed to have trespassed on such outspan, area, public road or strip of ground; and the stock found in the possession of a person who, contrary to the provisions of section forty-eight of the Principal Ordinance as amended by section three of this Ordinance, remains with such stock on any such outspan or area for a longer period than twenty-four successive hours or who travels with such stock along such public road or over such strip of ground at a lesser speed than five miles in twenty-four hours, shall be deemed to have trespassed on such outspan, area, public road or strip of ground.

Short title.

7. This Ordinance may be cited for all purposes as the Roads and Outspans Ordinance Further Amendment Ordinance, 1931.

6. Enige vee, wat nie die eiendom van die eienaar, huurder of bewoner van die plaas is nie, en wat op enige uitspanplek of stuk grond ooreenkomstig die bepalings van die hoofordonnansie ingestel of afgesonder, of op enige publieke pad soos in die hoofordonnansie omskrywe, of op enige streep grond aan weerskante van 'n publieke pad soos in onderartikel (1) van artikel sewen-en-veertig van die hoofordonnansie omskrywe, op so 'n plaas oortree, is onderhewig aan die bepalings van die Oortreding van Diere (Plattelandse Gebiede) Ordonnansie 1931 (Ordonnansie No. — van 1931). Vir die doeleindes van hierdie artikel sal vee, wat op sodanige uitspanplek, stuk grond, publieke pad of streep grond in die besit is van 'n persoon, wat onder onderartikel (5) van artikel sewen-en-veertig van die hoofordonnansie soos gewysig deur artikel twee van hierdie Ordonnansie, verplig is om 'n permit uit te neem, en sodanige permit nie uitgeneem het nie, beskou word op enige sodanige uitspanplek, stuk grond, publieke pad of streep grond te oortree; en sal die vee, wat in besit is van 'n persoon, wat anders as in ooreenstemming met die bepalings van artikel agt-en-veertig van die hoofordonnansie, soos gewysig deur artikel drie van hierdie Ordonnansie, vir meer as vier-en-twintig opeenvolgende ure met sodanige vee op enige sodanige uitspanplek of stuk grond vertoef, of wat minder as vyf myl in vier-en-twintig ure met sodanige vee langs sodanige publieke pad of op sodanige streep grond trek, beskou word op sodanige uitspanplek, stuk grond, publieke pad of streep grond te oortree.

Oortreding van vee op uitspanplekke ens.

7. Hierdie Ordonnansie kan vir al die doeleindes aangehaal word as die Paaie en Uitspanplekke Ordonnansie Verder Wysigingsordonnansie 1931.

Kort titel.

DRAFT ORDINANCE

To apply a further sum of money towards the service of the financial year ended on the thirty-first day of March, 1930, for the purpose of meeting and covering certain unauthorised expenditure.

(By Order.)

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

Administration Account charged with £ 40,517.8.7.

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of forty thousand five hundred and seventeen pounds, eight shillings and seven pence to meet certain expenditure over and above the amount appropriated for the service of the financial year which ended on the thirty-first day of March, 1930. Such expenditure is set forth in the Schedule to this Ordinance and is referred to in paragraph 1, page 12 of the Report (which has been submitted to the Legislative Assembly) of the Controller and Auditor-General on the accounts of the said financial year and in the First Report of the Select Committee on Public Accounts, 1931.

Short title.

2. This Ordinance may be cited as the Unauthorised Expenditure (1929-'30) Ordinance, 1931.

SCHEDULE.

| No. of Vote. | Title of Vote (On Revenue Account). | Amount. |
|--------------|-------------------------------------|------------|
| | | £ s d |
| 3 | Agriculture | 1,901 18 5 |
| 5 | Customs and Excise .. . | 667 8 8 |
| 7 | Education | 424 14 11 |
| 8 | Works | 1,301 10 4 |
| | £ | 4,295 12 4 |

| No. of Vote. | Title of Vote (On Loan Account). | Amount. |
|--------------|----------------------------------|-------------|
| | | £ s d |
| B | Land Bank | 20,000 0 0 |
| C | Lands | 16,221 16 3 |
| | £ | 36,221 16 3 |
| TOTAL: £ | | 40,517 8 7 |

ONTWERPORDONNANSIE

Tot aanwending van 'n verder geldbedrag vir die diens van die boekjaar, wat op die een-en-dertigste dag van Maart 1930 geëindig het, tot bestryding en dekking van sekere ongeoutoriseerde uitgawes.

(Op Las.)

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

1. Die Administrasierekening van die Gebied Suidwes-Afrika word hiermee belas met die bedrag van veertigduisend vyfhonderd en sewentien pond agt sjelings en sewe pennies tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die boekjaar, wat op die een-en-dertigste dag van Maart 1930 geëindig het. Hierdie uitgawes word uiteengesit in die Bylae tot hierdie Ordonnansie en word nader omskryf in paragraaf 1, bladsy 12, van die Verslag (aan die Wetgewende Vergadering voorgelê) van die Kontroleur en Ouditeur-Generaal oor die rekenings vir vermelde boekjaar en in die Eerste Verslag van die Gekose Komitee op Openbare Rekenings 1931.

Administrasierekening belas met £ 40,517.8.7.

2. Hierdie Ordonnansie kan vir al die doeleindes aangehaal word as die Ongeoutoriseerde Uitgawes (1929-'30) Ordonnansie 1931.

Kort titel.

BYLAE.

| No. van Begrotingspos. | Titel van Begrotingspos (Op Inkomsterekening). | Bedrag. |
|------------------------|--|------------|
| | | £ s d |
| 3 | Landbou | 1,901 18 5 |
| 5 | Doecanc en Aksyns . . . | 667 8 8 |
| 7 | Onderwys | 424 14 11 |
| 8 | Werke | 1,301 10 4 |
| | £ | 4,295 12 4 |

| No. van Begrotingspos. | Titel van Begrotingspos (Op Leningsrekening). | Bedrag. |
|------------------------|---|-------------|
| | | £ s d |
| B | Landbank | 20,000 0 0 |
| C | Lande | 16,221 16 3 |
| | £ | 36,221 16 3 |
| TOTAAL: £ | | 40,517 8 7 |