



# OFFICIAL GAZETTE

EXTRAORDINARY

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BUITENGEWONE

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The following Draft Ordinances which will be introduced during the First Session of the Third Legislative Assembly are published for general information.

F. P. COURTNEY CLARKE,  
*Secretary for South West Africa.*

Administrator's Office,  
Windhoek.

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

F. P. COURTNEY CLARKE,  
*Sekretaris vir Suidwes-Afrika.*

Kantoor van die Administrateur,  
Windhoek.

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## DRAFT ORDINANCE

To provide for the amendment of the law relating to the maintenance of wives and children.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, of the Parliament of the Union of South Africa, as follows:—

1. Section *forty-nine* of the Wives and Children Protection and Maintenance Ordinance, 1927 (Ordinance No. 16 of 1927), is hereby amended by the addition of the following sub-section as sub-section (2), the present sub-sections (2) and (3) being renumbered (3) and (4):—

“(2) An order made by any magistrate under this Ordinance may be duly certified without fee by such magistrate, or any other magistrate sitting in his stead, and transmitted to any other magistrate in whose district the defendant may at any time or from time to time reside or be, and shall on receipt be endorsed by such lastmentioned magistrate, and shall thereupon be put into force and have effect as though it had originally been pronounced by him, subject to and except for the provisions of sub-sections (3) and (4).”

2. This Ordinance may be cited as the Wives and Children Protection and Maintenance Amendment Ordinance, 1934.

## DRAFT ORDINANCE

To provide for the amendment of the law relating to intestate succession.

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

1. (1) The surviving spouse of every person who after the commencement of this Proclamation dies either wholly or partly intestate, is hereby declared to be an intestate heir of the deceased spouse according to the following rules:—

- (a) if the spouses were married in community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as, together with the surviving spouse's share in the joint estate, does not exceed six hundred pounds in value (whichever is the greater);
- (b) if the spouses were married out of community of property and if the deceased spouse leaves any descendant who is entitled to succeed *ab intestato*, the surviving spouse shall succeed to the extent of a child's share or to so much as does not exceed six hundred pounds in value (whichever is the greater);
- (c) if the spouses were married either in or out of community of property, and the deceased spouse leaves no descendant who is entitled to succeed *ab intestato*, but leaves a parent or a brother or a sister (whether of the full or half blood) who is entitled so to succeed, the surviving spouse shall succeed to the extent of a half share or to so much as does not exceed six hundred pounds in value (whichever is the greater);
- (d) in any case not covered by paragraph (a), (b), or (c) the surviving spouse shall be the sole intestate heir.

(2) For the purposes of this Ordinance any relationship by adoption under the provisions of the Adoption of Children Ordinance, 1927 (Ordinance No. 10 of 1927), shall be equivalent to blood relationship.

2. This Ordinance may be cited as the Intestate Succession Ordinance, 1934.

## ONTWERPORDONNANSIE

Om voorsiening te maak vir die wysiging van die Wet betreffende die onderhoud van vrouens en kinders.

DIT WORD VERORDEN deur die Wetgewende Vergadering van die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-Generaal, nadat dit vooraf ontvang en aan die Wetgewende Vergadering deur boodskap van die Administrateur meegedeel is, ooreenkomstig die bepalings van artikel *ses-en-twintig* van “De Zuidwest-Afrika Konstitutie Wet 1925” van die Parlement van die Unie van Suid-Afrika, as volg:—

1. Artikel *negen-en-veertig* van die Vroue- en Kinder-Beskerming en Onderhoud Ordonnansie 1927 (Ordonnansie No. 16 van 1927) word hierby gewysig deur toevoeging van die volgende subartikel as subartikel (2) en die nummering van die teenswoordige subartikels (2) en (3) as (3) en (4):—

“(2) 'n Vonnis, uitgevaardig deur enige magistraat kragtens hierdie Ordonnansie, kan behoorlik sonder fooi gesertifiseer word deur sodanige magistraat of enige ander magistraat, wat in sy plek is, en oorgestuur word aan enige magistraat in wie se distrik die verweerder te eniger tyd of van tyd tot tyd mag woon of wees, en moet by ontvangs deur sodanige laaggenoemde magistraat onderskryf word en moet daarna in werking tree asof dit oorspronklik deur hom uitgevaardig was, met inagneming en behoudens die uitsondering van subartikels (3) en (4).”

2. Hierdie Ordonnansie kan aangehaal word as die Vroue- en Kinderbeskerming en Onderhoud Wysigingsordonnansie 1934.

## ONTWERPORDONNANSIE

Om voorsiening te maak vir die wysiging van die Wet betreffende intestate opvolging.

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

1. (1) Die oorlewende eggenoot van elke persoon na die inwerkingtreding van hierdie Proklamasie of volkome of gedeeltelik intestaat sterwe, word hiermee as 'n intestate erfgenaam van die oorlede eggenoot verklaar ooreenkomstig die volgende reëls:—

- (a) indien die eggenotes in gemeenskap van goedere getroud was en indien die oorlede eggenoot enige afstammeling agterlaat wat geregtig is om *ab intestato* op te volg, dan erf die oorlewende eggenoot soveel soos 'n kind se aandeel of soveel dat dit tesame met die oorlewende eggenoot se aandeel in die gemeenskaplike boedel nie ses honderd pond in waarde te bowe gaan nie (d.w.s. die aandeel wat die grootste is);
- (b) indien die eggenotes buite gemeenskap van goedere getroud was en indien die oorlede eggenoot enige afstammeling nalaat wat geregtig is om *ab intestato* op te volg, dan erf die oorlewende eggenoot soveel soos 'n kind se aandeel of soveel dat dit die waarde van ses honderd pond nie te bowe gaan nie (d.w.s. die aandeel wat die grootste is);
- (c) indien die eggenotes of in gemeenskap van goedere of buite gemeenskap van goedere getroud was en die oorlede eggenoot geen afstammeling nalaat nie wat geregtig is om *ab intestato* op te volg, maar 'n ouer of 'n broer of 'n suster (hetsy volbloed of halfbloed) nalaat wat geregtig is om aldus op te volg, dan erf die oorlewende eggenoot 'n halwe aandeel of soveel dat dit die waarde van ses honderd pond nie te bowe gaan nie (d.w.s. die aandeel wat die grootste is);
- (d) in enige geval wat nie deur paragraaf (a), (b), of (c) gedek word nie, is die oorlewende eggenoot die enigste intestate erfgenaam.

(2) Vir die doeleindes van hierdie Ordonnansie is enige verwantskap deur aanneming kragtens die bepalings van die Aanneming van Kinders Ordonnansie 1927 (Ordonnansie No. 10 van 1927) ekwivalent met bloedverwantskap.

2. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie betreffende Intestate Opvolging 1934.