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EXTRAORDINARY
of South West Africa.

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van Suidwes-Afrika.

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1/- Monday, 29th April, 1935. WINDHOEK Maandag, 29 April 1935. No. 613

The following Government Notice is published for general information.

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

Administrator's Office,
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

Kantoor van die Administrateur,
Windhoek.

No. 57.]

[24th April, 1935.

ORDINANCES, 1935: 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:—

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1.	Unauthorised Expenditure (1933—'34) Ordinance, 1935	9376
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11.	Stock Theft Law Amendment Ordinance, 1935	9386

No. 57.]

[24 April 1935.

ORDONNANSIES 1935: UITVAARDIGING VAN.

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

No.	Titel.	Bladsy
1.	Ongeoutoriseerde Uitgawes (1933—'34) Ordonnansie 1935	9376
2.	Tweede Addisionele Uitgawes (1934—'35) Ordonnansie 1935	9376
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6.	Ordonnansie betreffende die Uitroeiing van Wildehonde 1935	9382
7.	Vroue- en Kinderbeskerming en Onderhoud Wysigingsordonnansie 1935	9383
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10.	Beesteverbeterings-Ordonnansie Wysigingsordonnansie 1935	9385
11.	Veediefstal Wet Wysigingsordonnansie 1935	9386

No. 1 of 1935.]

ORDINANCE

To apply a further sum of money towards the service of the financial year ended on the thirty-first day of March, 1934, for the purpose of meeting and covering certain unauthorised expenditure.

*(Assented to 24th April, 1935.)**(Afrikaans text signed by the Administrator.)*

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of three thousand two hundred and fifty-two pounds, two shillings and five 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, 1934. Such expenditure is set forth in the schedule to this Ordinance and is referred to in paragraph 1, page 19 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, 1935.

2. This Ordinance may be cited as the Unauthorised Expenditure (1933—'34) Ordinance, 1935.

SCHEDULE.

No. of Vote.	Title of Vote.	Amount.
<i>On Revenue Account.</i>		
4	Audit	£ 2 4 7
13	Pensions and Gratuities	1,430 10 3
15	Prisons and Reformatories	479 6 1
18	South West Africa Police	535 19 3
		£2,448 0 2
<i>On Loan Account.</i>		
F	Lands	£ 804 2 3
TOTAL		£3,252 2 5

No. 1 van 1935.]

ORDONNANSIE

Tot aanwending van 'n verder geldbedrag vir die diens van die boekjaar, wat op die een-en-dertigste dag van Maart 1934 geëindig het, tot bestryding en dekking van sekere ongeoutoriseerde uitgawes.

*(Goedgekeur 24 April 1935.)**(Afrikaanse teks deur die Administrateur geteken.)*

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 drie duisend tweehonderd twee-en-veftig pond twee sjielings en vyf 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 1934 geëindig het. Hierdie uitgawes word uiteengesit in die Bylae tot hierdie Ordonnansie en word nader omskryf in paragraaf 1, bladsy 19 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 1935.

2. Hierdie Ordonnansie kan vir al die doeleindes aangehaal word as die Ongeoutoriseerde Uitgawes (1933—'34) Ordonnansie 1935.

BYLAE.

No. van Begrotingspos.	Titel van Begrotingspos.	Bedrag.
<i>Op Inkomsterekening.</i>		
4	Ouditeursafdeling	£ 2 4 7
13	Pensioene en Gratifikasies	1,430 10 3
15	Gevangnisse en Verbeteringsgestigte	479 6 1
18	Suidwes-Afrika Polisie	535 19 3
		£2,448 0 2
<i>Op Leningsrekening.</i>		
F	Lande	£ 804 2 3
TOTAAL		£3,252 2 5

No. 2 of 1935.]

ORDINANCE

To apply a further sum not exceeding fourteen thousand seven hundred and seventy-four pounds towards the Service of the Territory of South West Africa for the financial year ending on the 31st day of March, 1935.

*(Assented to 24th April, 1935.)**(Afrikaans text signed by the Administrator.)*

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

No. 2 van 1935.]

ORDONNANSIE

Tot aanwending van 'n verdere geldbedrag van nie meer as veertienduisend sewehonderd vier-en-sewentig pond vir die diens van die Gebied Suidwes-Afrika vir die boekjaar eindigende op een-en-dertigste dag van Maart 1935.

*(Goedgekeur 24 April 1935.)**(Afrikaanse teks deur die Administrateur geteken.)*

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

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of Five thousand seven hundred and seventy four pounds on Revenue Account and Nine thousand pounds on Loan Account to meet certain expenditure over and above the amounts appropriated for the service of the financial year ending on 31st March, 1935, as specified in Ordinance No. 2 of 1934 and Ordinance No. 7 of 1934. Such expenditure is set forth in the Schedule to this Ordinance.

2. This Ordinance may be cited as the Second Additional Appropriation (1934-'35) Ordinance, 1935.

SCHEDULE.

Vote. No. of	Sub-head.	Title of Vote.	Amount.
ON REVENUE ACCOUNT.			
1	G(a)	Grants to Local Authorities	£1,734
2	F	Expenses of members of deputations sent to Cape Town	£ 240
3	B 2	Motor Transport	£ 700
	K	Foot and Mouth Disease	£3,000
17	D	Medical Services	£ 100

ON LOAN ACCOUNT.

F.	—	Advances to settlers for the purchase of stock	£7,000
J.	—	Capital for advances for the erection of farm school buildings	£2,000

Total: £14,774

1. Die Administrasierekening van die Gebied Suidwes-Afrika word hiermee belas met die bedrag van vyfduisend sewehonderd vier-en-sewentig pond op die Inkomsterekening en met negeduisend pond op die Leningsrekening tot dekking van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die boekjaar eindigende op 31 Maart 1935, soos in Ordonnansie No. 2 van 1934 en Ordonnansie No. 7 van 1934 vermeld is. Hierdie uitgawes word uiteengesit in die Bylae tot hierdie Ordonnansie.

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Tweede Addisionele Uitgawes (1934-'35) Ordonnansie 1935.

BYLAE.

No. van Begrotingspos.	Subhoof.	Titel van Begrotingspos.	Bedrag.
OP INKOMSTEREKENING.			
1	G(a)	Skenkings aan Plaaslike Bestuure	£1,734
2	F	Onkoste van deputasieledes wat na Kaapstad gestuur is	£ 240
3	B 2	Motorvervoer	£ 700
	K	Bek- en Klouseer	£3,000
17	D	Mediese Dienste	£ 100

OP LENINGSREKENING.

F.	—	Lenings aan setlaars vir aankoop van vee	£7,000
J.	—	Kapitaal vir vorskotte vir die oprigting van plaasskoolgeboue	£2,000

Totaal: £14,774

No. 3 of 1935.]

ORDINANCE

To apply a sum not exceeding eight hundred and sixty-one thousand and seventy-five pounds towards the service of the Territory of South West Africa for the financial year ending on the thirty-first day of March, 1936.

(Assented to 24th April, 1935.)

(Afrikaans text signed by the Administrator.)

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

1. The Administration Account of the Territory of South West Africa is hereby charged with such sums of money as may be required for the service of the Territory for the financial year ending on the thirty-first day of March, 1936, not exceeding in the aggregate the sum of seven hundred and fifty-one thousand and seventy-five pounds on revenue account as shown in the First Schedule hereto.

2. The Administration Account of the Territory of South West Africa is hereby charged with such sums of money as may be required for the service of the Territory for the financial year ending on the thirty-first day of March, 1936, not exceeding in the aggregate the sum of one hundred and ten thousand pounds on loan account as shown in the Second Schedule hereto.

3. The money appropriated by this Ordinance shall be applied to the services detailed in the Schedules hereto and more particularly specified in the Estimates of Expenditure to be defrayed from Revenue and Loan Funds (S.W.A. 3-'35) as approved by the Legislative Assembly, and subject to section four hereof, and to no other purpose.

No. 3 van 1935.]

ORDONNANSIE

Tot aanwending van 'n som van nie meer as ag honderd een en sestig duisend vyf-en-sewentig pond ten behoeve van die diens van die Gebied van Suidwes-Afrika vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936.

(Goedgekeur 24 April 1935.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. Die Administrasierekening vir die Gebied Suidwes-Afrika word hiermee belas met sodanige somme geld as wat benodig mag wees vir die diens van die Gebied vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936, maar gesamentlik nie meer as sewehonderd een en vyftig duisend vyf-en-sewentig pond op die inkomsterekening soos uiteengesit in die Eerste Bylae tot hierdie Ordonnansie.

2. Die Administrasierekening vir die Gebied Suidwes-Afrika word hiermee belas met sodanige somme geld as wat benodig mag wees vir die diens van die Gebied vir die finansiële jaar wat eindig op die een-en-dertigste dag van Maart 1936, maar gesamentlik nie meer as eenhonderd en tienduizend pond op die leningsrekening soos uiteengesit in die Tweede Bylae tot hierdie Ordonnansie.

3. Die geld wat deur hierdie Ordonnansie beskikbaar gestel word moet aangewend word vir die dienste, in besonderhede vermeld in die Bylae tot hierdie Ordonnansie en omstandiger uiteengesit in die Begroting van Uitgawes (wat gedek moet word uit Inkomste- en Leningsfondse (S.W.A. 3-'35), soos deur die Wetgewende Vergadering goedgekeur, en behoudens artikel vier hiervan, en vir geen ander doel nie.

4. With the approval of the Administrator a saving on any sub-head of a Vote may be made available to meet excess expenditure on any other sub-head or expenditure on a new sub-head of the same Vote.

5. This Ordinance may be cited as the Appropriation (1935—'36) Ordinance, 1935.

FIRST SCHEDULE.
REVENUE ACCOUNT.

VOTE.		
No.	Designation.	Amount.
		£
1.	Administration	37,895
2.	Legislative Assembly, etc.	7,125
3.	Agriculture	26,170
4.	Audit	2,468
5.	Customs and Excise	5,745
6.	Defence	125
7.	Education	129,490
8.	Works	55,802
9.	Administration of Justice	37,792
10.	Lands, Deeds and Surveys	10,766
11.	Mines	2,600
12.	Native Affairs	18,516
13.	Pensions and Gratuities	24,150
14.	Posts, Telegraphs and Telephones	58,040
15.	Prisons and Reformatories	15,501
16.	Interest and Redemption Charges	195,535
17.	Public Health	25,000
18.	South West Africa Police	98,355
	Total	£751,075

SECOND SCHEDULE.
LOAN ACCOUNT.

ITEM.		
No.	Designation.	Amount.
		£
A.	Buildings, etc.	15,000
B.	Irrigation and Water Supplies	15,000
C.	Telegraphs and Telephone Extensions and Renewals	7,500
D.	Government Surveys	1,000
E.	General Relief and Rehabilitation Measures	48,000
F.	Lands	18,500
G.	Capital for Miscellaneous Advances	2,000
H.	Loans to Local Authorities	3,000
	Total	£110,000

SUMMARY:

Amount chargeable to Revenue Account	£751,075
Amount chargeable to Loan Account	110,000
Total	£861,075

No. 4 of 1935.]

ORDINANCE

To provide for the amendment of the law relating to stamp duties payable upon banknotes, bills of exchange, promissory notes, receipts and other documents.

(Assented to 24th April, 1935.)

(English text signed by the Administrator.)

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

1. In this Ordinance —

(a) the expression the "principal law" means the Stamp Duties and Fees Act, 1911 (Act No. 30 of 1911), as amended by the Stamp Duties and Fees Amendment Act, 1913 (Act No. 31 of 1913), the Stamp Duties

4. Met die goedkeuring van die Administrateur kan 'n besparing onder die een sub-rubriek van 'n begrotingspos aangewend word tot dekking van 'n te grote uitgawe onder enige ander sub-rubriek of van uitgawe onder 'n nuwe sub-rubriek van dieselfde begrotingspos.

5. Hierdie Ordonnansie kan aangehaal word as die Middele- (1935—'36) Ordonnansie 1935.

EERSTE BYLAE.
INKOMSTEREKENING.

BEGROTINGSPOS.		
No.	Benaming.	Bedrag.
		£
1.	Administrasie	37,895
2.	Wetgewende Vergadering, ens.	7,125
3.	Landbou	26,170
4.	Ouditeursafdeling	2,468
5.	Doeane en Aksyns	5,745
6.	Verdediging	125
7.	Onderwys	129,490
8.	Werke	55,802
9.	Regspleging	37,792
10.	Lande, Registrasie en Opmetings	10,766
11.	Mynwese	2,600
12.	Naturellesake	18,516
13.	Pensioene en Gratifikasies	24,150
14.	Pos-, Telegraaf- en Telefoonwese	58,040
15.	Gevangenis en Verbeteringsgestigte	15,501
16.	Rente en Aflossingskoste	195,535
17.	Volksgesondheid	25,000
18.	Suidwes-Afrika Polisie	98,355
	Totaal Uitgawes uit Inkomstefondse	£751,075

TWEEDE BYLAE.
LENINGSREKENING.

ITEM.		
No.	Benaming.	Bedrag.
		£
A.	Geboue, ens.	15,000
B.	Besproeiing en Water Voorrade	15,000
C.	Telegraaf- en Telefoonuitbreidings en Vernuwings	7,500
D.	Regeringsopmetings	1,000
E.	Algemene Noodleniging en Maatreëls vir Rehabilitasie	48,000
F.	Lande	18,500
G.	Kapitaal vir Diverse Voorskotte	2,000
H.	Lenings aan Plaaslike Besture	3,000
	Totaal	£110,000

SAMEVATTING:

Bedrag ten laste van Inkomsterekening	£751,075
Bedrag ten laste van Leningsrekening	110,000
Totaal	£861,075

No. 4 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet betreffende seëlregte betaalbaar op banknote, wissels, promesses, kwitansies en ander dokumente.

(Goedgekeur 24 April 1935.)

(Engelse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie —

(a) beteken die uitdrukking "hoofwet" "De Zegelwet 1911" (Wet No. 30 van 1911), soos gewysig by "De Zegelwet Wijzigingswet 1913" (Wet No. 31 van 1913), "De Wet tot verdere Wijziging van de Zegelwet 1921" (Wet No.

and Fees Act Further Amendment Act, 1921 (Act No. 31 of 1921), of the Parliament of the Union of South Africa, and as such applied to this Territory and modified in respect of such application by Proclamation of the Military Governor of the Territory dated the twentieth day of September, 1915 (Proclamation No. 13 of 1915); Proclamation of the Administrator dated the sixth day of September, 1921 (Proclamation No. 43 of 1921), the Stamp Duties and Fees Amendment Ordinance, 1930 (Ordinance No. 6 of 1930), the Stamp Duties and Fees Amendment Proclamation, 1931 (Proclamation No. 10 of 1931), and the Stamp Duties and Fees Amendment Ordinance, 1931 (Ordinance No. 6 of 1931);

- (b) "Secretary" means the Secretary for South West Africa, or any person lawfully acting on his behalf.

2. Sub-section (1) of section *six* of the principal law is hereby amended —

- (1) by the insertion of the words "postage or" after the word "adhesive" occurring therein;
- (2) by the deletion of proviso (a) thereof, the following provisos being relettered (a) and (b) respectively;
- (3) by the addition of the following proviso (c) —

"(c) where the duty or fee to which an instrument is liable makes it necessary to affix thereto a large number of stamps, any Revenue Officer of the Administration of the Territory may, at his discretion, receive the duty or fee payable and may issue a receipt for the same in lieu of requiring stamps to be affixed to the instrument and upon the issue of such receipt the said Revenue Officer shall endorse upon the instrument liable a certificate of the due payment of the said duty or fee. Every such certificate shall contain a reference to the number and date of the receipt issued and shall set forth the amount paid as such duty or fee."

3. Section *ten* of the principal law is hereby amended by the deletion of the words "be liable to stamp the same" and the substitution thereof of the words "stamp it at the rates and in the manner prescribed by this Act."

4. The Second Schedule to the principal law is hereby amended —

- (a) by the insertion after the figure "(1)" in sub-item (3) of Item 9 of the words "or of any bond substituted therefor";
- (b) by the deletion in sub-item (4) of the said Item 9 of the words "collateral or substituted" and the substitution thereof of the words "or collateral";
- (c) by the insertion at the end of the said sub-item (4) of the following provision —

"In determining, for the purposes of this Item, the amount of any debt secured or to be secured or remaining due under any bond, any sum separately secured by such bond to cover any costs incurred in connection with such debt, shall be excluded from that amount."

- (d) by the deletion of the exemption to Item 14 and the substitution thereof of the following provision —

"Exemptions:

- (a) any bill or document of entry coastwise from any port in the Territory to any other port in the Territory or in the Union of South Africa;
- (b) any bill or document of entry relating to any goods imported by post."

- (e) by the addition of the following paragraph to Item 21:—

"(i) Receipt in respect of money deposited in or withdrawn from an account in any bank, if that account is, in the opinion of the Secretary, a savings bank account."

31 van 1921) van die Parlement van die Unie van Suid-Afrika, en soos op hierdie Gebied toegepas en ten opsigte van sodanige toepassing gewysig by Proklamasie van die Militêre Goewerneur van die Gebied gedagteken die twintigste dag van September 1915 (Proklamasie No. 13 van 1915); Proklamasie van die Administrateur gedagteken die sesde dag van September 1921 (Proklamasie No. 43 van 1921), die Seëiregte en Fooie Wysigingsordonnansie 1930 (Ordonnansie No. 6 van 1930), die Seëiregte en Fooie Wysigingsproklamasie 1931 (Proklamasie No. 10 van 1931) en die Seëiregte en Fooie Wysigingsordonnansie 1931 (Ordonnansie No. 6 van 1931);

- (b) beteken "Sekretaris" die Sekretaris vir Suidwes-Afrika, of enige persoon wat wettig ten behoeve van hom ageer.

2. Subartikel (1) van artikel *ses* van die hoofwet word hierby gewysig —

- (1) deur die invoeging van die woorde "post of" voor die woord "belasting-plakzegels" wat daarin voorkom;
- (2) deur skrapping van die voorbehoud (a) daarvan, en deur herlettering van die volgende voorbehoude respektieflik tot (a) en (b);
- (3) deur die toevoeging van die volgende voorbehoud (c) —

"(c) Wanneer het zegelrecht of de loon dat of die men gehouden is op een instrument te plakken, het nodig maakt, dat er een groot aantal zegels daarop geplakt wordt, kan een belastingbeambte van de Administratie van dit Gebied na goedvinden het betaalbare recht of zodanige loon ontvangen en een kwitantie daarvoor uitreiken, in stede van te verlangen, dat er zegels op het instrument geplakt worden; en na uitreiking van zodanige kwitantie is de voormelde belastingbeambte gehouden op het instrument, waarop men zegels moet plakken, een certificaat te endosseren aangaande de behoorlijke betaling van het voormelde recht of zodanige loon. Ieder zodanig certificaat moet een verwijzing naar het nummer en het datum van de uitgereikte kwitantie bevatten, en het bedrag als zodanig recht of loon betaald, uiteenzetten."

3. Artikel *tien* van die hoofwet word hierby gewysig deur skrapping van die woorde "is gehouden dezelve te zegelen" en deur hulle te vervang deur die woorde "is gehouden dezelve te zegelen overeenkomstig het tarief en op de wijze bij deze Wet voorgeschreven."

4. Die Tweede Bylae van die hoofwet word hierby gewysig —

- (a) deur die invoeging van die woorde "of een daarvoor gesubstitueerd verband" na syfer (1) in subitem (3) van item 9;
- (b) deur die skrapping van die woorde "bijkomend of vervangend" en die vervanging daarvan deur die woorde "of bijkomend" in subitem (4) van die voormelde item 9;
- (c) deur 'n byvoeging van die volgende voorsiening aan die end van die voormelde subitem (4):—

"By vaststelling, voor de doeleinden van dit item, van het bedrag van een schuld, die krachtens een verband verzekerd is of te verzekeren is, of die krachtens een verband betaalbaar blijft, wordt een som, die afzonderlijk door zodanig verband verzekerd is, ten einde de in verband met zodanige schuld gemaakte onkosten te dekken, uit dat bedrag uitgesloten."

- (d) deur die skrapping van die vrystelling van item 14 en die vervanging daarvan deur die volgende voorsiening:—

"Vrijstellingen:

- (a) Een inklaringsbrief of -oorkonde langs de kust van een haven in het Gebied naar een ander haven in het Gebied of in de Unie van Zuid-Afrika;
- (b) een inklaringsbrief of -oorkonde betreffende per post ingevoerde goederen."

- (e) Deur die toevoeging van die volgende paragraaf tot item 21:—

"(i) Kwitantie ten opzichte van geld, dat in een bankrekening gedeponneerd of uit zodanige rekening teruggevorderd is, indien zodanige rekening volgens mening van de Sekretaris een spaarbankrekening is."

5. The use of postage stamps for denoting the duty on any instrument so stamped, the stamps whereon have been duly defaced as prescribed by the principal law as amended by this Ordinance prior to the date of coming into effect of this Ordinance is hereby validated; provided that the penalties leviable thereon in terms of the principal law have not already been paid.

6. Proclamation No. 29 of 1932, The Stamp Duties and Fees Amendment Proclamation, 1932, is hereby repealed.

7. This Ordinance may be cited as the Stamp Duties and Fees Amendment Ordinance, 1935.

No. 5 of 1935.]

ORDINANCE

To provide for the consolidation and amendment of the law relating to taxation of landed property.

(Assented to 24th April, 1935.)

(English text signed by the Administrator.)

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

1. The laws mentioned in the First Schedule to this Ordinance to the extent to which the same are therein expressed to be repealed, shall be, and the same are, hereby repealed; except as to the recovery of any tax due before the taking effect of this Ordinance.

2. In this Ordinance, unless inconsistent with the context—
“District” shall mean a Magisterial district;

“Magistrate” shall mean the Magistrate of the district within which the immovable property concerned is situate;

“Rural properties” shall mean all property outside the boundaries of any township;

“Township” shall mean and include any Municipal Area and any area which has been declared a village management board area or established as a township under the provisions of the laws for the time being in force with regard to village management boards or townships;

“Urban properties” shall mean all property lying within the boundaries of a township.

3. Subject to the provisions of section *twenty-eight* of the Townships Ordinance, 1928 (Ordinance No. 11 of 1928), and except as in this Ordinance is specially provided, the registered owner or owners of immovable property in this Territory shall pay on or before the thirtieth day of September in each year as for the financial year running from the first day of April to the thirty-first day of March, a tax hereinafter called “land tax” calculated on the area of the property concerned as follows:—

(1) On rural properties for every 100 hectares or part thereof —

(a) in the northern and central districts except as provided in paragraph (c), viz:— Outjo, Grootfontein, Otjiwarongo, Omaruru, Okahandja, Karibib, Swakopmund, Windhoek, Gobabis and Rehoboth 1/-;

(b) in the southern districts, viz:— Gibeon, Keetmanshoop, Luderitz, Aroab, Bethanie, Maltahohe, and Warmbad 6d.;

(c) in parts of the northern and central districts, specially to be defined by the Administrator by notice in the *Official Gazette* 6d.;

with a minimum in each case of five shillings in respect of any one lot of ground.

Provided that where the Magistrate is satisfied that any registered owner is holding rural properties purely for speculative purposes, such Magistrate may impose a land tax of twice the normal amount.

(2) On urban property for every 50 square metres or portion thereof 1/-, with a minimum of two shillings, and with a maximum of two pounds and ten shillings for any one erf or lot of ground lying within a municipal area, and a maximum of one pound for any one erf or lot of ground in all other cases.

5. Die gebruik van posseëls om die reg op enige aldus geseëde instrument aan te dui, die seëls waarop behoorlik voor die datum van inwerkingtreding van hierdie Ordonnansie geroyeer is, soos by die hoofwet deur hierdie Ordonnansie gewysig voorgeskrywe is, word hierby geldig verklaar; mits die boetes wat ooreenkomstig die hoofwet oplêbaar is, nie alreeds betaal is nie.

6. Proklamasie No. 29 van 1932, die Seëlregte en Fooie Wysigingsproklamasie 1932, word hierby herroep.

7. Hierdie Ordonnansie kan aangehaal word as die Wysigingsordonnansie betreffende Seëlregte en Fooie 1935.

No. 5 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die konsolidasie en wysiging van die wet betreffende die belasting op grondeiendom.

(Goedgekeur 24 April 1935.)

(Engelse teks deur die Administrateur geteken.)

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

1. Die wette genoem in die Eerste Bylae van hierdie Ordonnansie word hiermee herroep in die mate daarin vermeld, met uitsondering van die invordering van enige belasting betaalbaar voor die inwerkingtreding van hierdie Ordonnansie.

2. In hierdie Ordonnansie, tensy onbestaanbaar met die samehang —

beteken “distrik” ’n magistraatsdistrik;

beteken “magistraat” die magistraat van die distrik waarin die betrokke onroerende besit geleë is;

beteken “landelike eiendom” alle eiendom buitekant die grense van enige stadsgebied;

beteken en omvat “stadsgebied” enige munisipale gebied en enige gebied wat, kragtens die voorsieninge van die wette wat dan van krag is ten opsigte van dorpsbestuursrade of stadsrade, as ’n dorpsbestuursraadsgebied verklaar of as ’n stadsgebied gestig is;

beteken “stedelike eiendomme” alle eiendomme wat binne die grense van ’n stadsgebied geleë is.

3. Onderhewig aan die voorsieninge van artikel *agttwintig* van die Dorpe-Ordonnansie 1928 (Ordonnansie No. 11 van 1928), en behalwe soos in hierdie Ordonnansie spesiaal voorsien is, moet die geregistreerde eienaar of eienaars van onroerende goedere in hierdie Gebied op of voor die dertigste dag van September in elke jaar vir die lopende boekjaar vanaf die eerste dag van April tot die een-en-dertigste dag van Maart ’n belasting betaal, hierinlater die “grondbelasting” genoem, bereken op die oppervlakte van die betrokke eiendom as volg:—

(1) Op landelike eiendom, vir elke 100 hektare of gedeelte daarvan —

(a) in die noordelike en sentrale distrikte behalwe soos voorsien in paragraaf (c), n.l. Outjo, Grootfontein, Otjiwarongo, Omaruru, Okahandja, Karibib, Swakopmund, Windhoek, Gobabis en Rehoboth 1/-;

(b) in die suidelike distrikte, n.l. Gibeon, Keetmanshoop, Luderitz, Aroab, Bethanie, Maltahohe, en Warmbad 6d.;

(c) in gedeeltes van die noordelike en sentrale distrikte, spesiaal deur die Administrateur by kennisgewing in die *Offisiële Koerant* te word bepaal 6d.;

met ’n minimum in elke geval van vyf sielings ten opsigte van enige enkele stuk grond.

Met die verstande dat waar die magistraat oortuig is dat enige geregistreerde eienaar landelike eiendom suiwer vir spekulatiewe doeleindes besit, sodanige magistraat ’n grondbelasting van twee maal die normale bedrag kan oplê.

(2) Op stedelike eiendom vir elke 50 vierkantmeters of gedeelte daarvan 1/-, met ’n minimum van twee sielings, en met ’n maksimum van twee pond en tien sielings vir enige enkele erf of stuk grond wat binne ’n munisipale gebied geleë is, en ’n maksimum van een pond vir enige enkele erf of stuk grond in alle andere gevalle.

- (3) In the event of any land tax accruing after the date of the coming into effect of this Ordinance remaining unpaid for a period of one year after the due date thereof there shall be payable in respect thereof a penalty equal to the amount that is in arrear.

Provided that joint owners in undivided shares of any immovable property shall be jointly and severally liable for the payment of land tax on such immovable property.

Provided further that revenue derived from land tax collected in any municipal area or village management board area, or such portion of such revenue as the Administrator may from time to time allocate may, after deduction of five per cent. to cover the cost of collection, be paid over to the municipality or village management board concerned to be utilised for the common benefit of the community, in accordance with the provisions of the municipal laws of the Territory and of the Village Management Boards Proclamation, 1925 (Proclamation No. 2 of 1925), or any amendment thereof.

And provided further that, with the consent of the Administrator, land of equal value may be accepted in payment of land tax, the necessary valuation being made by the Magistrate, and written notice of such valuation being given to the owner.

- (4) Notwithstanding anything to the contrary contained in any other law prohibiting the transfer of property upon which there is any amount of overdue land tax remaining unpaid, no person shall be prevented from transferring any property by reason of any land tax due in respect thereof which accrued after the date of coming into effect of this Ordinance, and which at the time of such transfer is in arrear for longer than the year in which such transfer is made and the year preceding.

4. The assessment and collection of land tax shall be carried out by the Magistrate.

5. If the area concerned has not been completely surveyed, so that it cannot be determined with absolute accuracy, it shall be arrived at by a careful estimate, and the tax shall be assessed on the basis of such estimate, until a proper survey has been made.

Written notice of the assessment must be issued to the registered owner concerned before the thirty-first day of August in each year.

6. (1) An appeal will lie to the Administrator or such Board of persons as he may appoint in his stead by notice in the *Official Gazette*, against any assessment of the Magistrate, whether of normal or of double tax, and against any valuation of land under section *three*; provided that such appeal is notified in writing to the Magistrate within one month after the receipt of the notice of assessment or of the valuation of land as aforesaid, and that such notification contains a statement of the grounds of appeal.

The decision of the Administrator or of the said Board as the case may be, shall be final.

(2) The liability to pay the tax shall not be stayed pending the decision of any appeal, but any amount that is held on appeal to have been wrongly paid shall be refunded.

7. Any person who makes any false statement to the Magistrate with intent to reduce the assessment of land tax, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and alternatively to imprisonment for a period not exceeding six months.

8. Land tax shall not be payable in respect of property owned by and registered in the name of —

- (a) The Administration of the Territory of South West Africa;
- (b) The South African Railways and Harbours Administration;
- (c) Municipal Councils and Village Management Boards;
- (d) Societies formed for religious, charitable or educational purposes in respect of land used exclusively for the purpose of any church, mission, hospital or school; provided that the Administrator may in his discretion, exempt from land tax any land owned by such societies as aforesaid which is used wholly or partially for other purposes not enumerated herein;
- (e) The Land and Agricultural Bank of South West Africa.

- (3) In die geval van enige grondbelasting wat na die datum van inwerkingtreding van hierdie Ordonnansie verval en wat vir 'n tydperk van een jaar na die vervaldag daarvan onbetaal is, is daar 'n boete gelyk aan die agterstallige bedrag ten opsigte daarvan betaalbaar.

Met die verstande dat mede-eienaars van onverdeelde aandele van enige onroerende goedere hoofdelik aanspreeklik is vir die betaling van grondbelasting op sodanige onroerende eiendom.

Met die verstande verder dat inkomste verkry van grondbelasting gein in enige munisipale gebied of dorpsbestuursraadsgebied, of sodanige gedeelte van sodanige inkomste as die Administrateur van tyd tot tyd mag bestem, na aftrekking van vyf persent om die inningskoste te dek, aan die betrokke munisipaliteit of dorpsbestuursraad oorbetal mag word, om gebruik te word vir die gemeenskaplike baat van die samelewing ooreenkomstig die voorsiening van die munisipale wette van die Gebied en van die Dorpsbestuursrade Proklamasie 1925 (Proklamasie No. 2 van 1925) of enige wysiging daarvan.

En met die verstande verder dat, met die toestemming van die Administrateur, grond van gelyke waarde in vereffening van grondbelasting aangeneem mag word; en dat die nodige waardering deur die magistraat geëdoen, en skriftelike kennisgewing van sodanige waardering aan die eenaar gegee moet word.

- (4) Nieteenstaande die bepaalde by enige ander wet wat die transport van eiendom belet waarop daar enige bedrag van agterstallige grondbelasting onbetaal bly, word niemand belet om enige eiendom te transporteer ter oorsake van enige grondbelasting wat ten opsigte daarvan betaalbaar is, wat na die datum van inwerkingtreding van hierdie Ordonnansie ontstaan het en wat ten tyde van sodanige transport vir 'n langer tyd agterstallig is as die jaar waarin sodanige transport bewerkstellig is en die voorafgaande jaar.

4. Die raming en inning van grondbelasting moet deur die magistraat uitgevoer word.

5. As die betrokke gebied nie volledig opgemeet is nie, sodat dit nie met absolute sekerheid vasgestel kan word nie, moet dit deur sorgvuldige skatting verkry word en die belasting moet geraam word op die basis van sodanige skatting, tot tyd en wyl 'n behoorlike opmeting plaasgevind het.

'n Skriftelike kennisgewing van die raming moet aan die betrokke geregistreerde eenaar voor die een-en-dertigste dag van Augustus in elke jaar uitgereik word.

6. (1) 'n Appèl mag deur die Administrateur of sodanige raad van persone as hy deur kennisgewing in die *Offisiële Koerant* in sy plek mag aanstel, aangeteken word teen enige raming van die magistraat, hetsy van die normale of die dubbele belasting, en teen enige waardering van grond kragtens artikel *drie*; met die verstande dat kennisgewing aangaande sodanige appèl binne een maand na die ontvangs van die ramingskennisgewing of van die voormelde waardering van grond skriftelik aan die magistraat gegee word, en dat sodanige kennisgewing 'n verklaring van die redes van die appèl bevat.

Die beslissing van die Administrateur of van die voormelde raad is finaal.

(2) Die verpligting om die belasting te betaal word nie opgeskort hangende die beslissing van enige appèl nie, maar enige bedrag wat na appèl beskou word verkeerd betaal te wees, moet terugbetaal word.

7. Iemand wat enige valse verklaring voor die magistraat aflê met die doel om die raming van grondbelasting te verminder, is skuldig aan 'n misdryf en, na skuldigbevinding, blootgestel aan 'n boete van hoogstens eenhonderd pond en as alternatief aan gevangenisstraf vir 'n tydperk van hoogstens ses maande.

8. Grondbelasting is nie betaalbaar nie ten opsigte van eiendom in besit van en geregistreer in die naam van —

- (a) Die Administrasie van die Gebied Suidwes-Afrika;
- (b) Die Administrasie van Suid-Afrikaanse Spoorweë en Hawens;
- (c) Munisipale rade en dorpsbestuursrade;
- (d) Verenigings gestig vir godsdienstige, liefdadigheids- of onderwysdoeleindes ten opsigte van grond uitsluitlik gebruik vir die doel van enige kerk, sending, hospitaal of skool; met die verstande dat die Administrateur volgens goeë dunks enige grond in besit van sodanige verenigings, soos voormeld, wat geheel of gedeeltelik vir ander doeleindes wat nie hierin opgenoem is nie gebruik word, kan vrystel van grondbelasting;
- (e) Die Land- en Landboubank van Suidwes-Afrika.

9. This Ordinance may be cited for all purposes as the Taxation of Landed Property Consolidation and Amendment Ordinance, 1935, and shall come into force on the first day of April, 1935.

SCHEDULE.

Number and Year.	Laws Repealed: Title.	Extent of Repeal.
1. Ordinance of the Governor of German South West Africa of the 19th March, 1909.	Concerning the Taxation of Landed Property in the German South West African Protectorate.	The whole.
2. Ordinance of the Governor of German South West Africa of the 12th October, 1910.	Amending the Ordinance of 19th March, 1909, concerning the Taxation of Landed Property.	The whole.
3. Ordinance of the Governor of German South West Africa of the 24th November, 1913.	Amending the Ordinance of 19th March, 1909, concerning the Taxation of Landed Property.	The whole.
4. Proclamation No. 32 of 1920.	Taxation of Landed Property Amendment Proclamation, 1920.	The whole.
5. Proclamation No. 7 of 1922.	Mariental Land Tax and Transfer Duty Proclamation, 1922.	Section one.
6. Proclamation No. 19 of 1925.	Taxation of Landed Property Further Amendment Proclamation, 1925.	The whole.
7. Ordinance No. 8 of 1933.	Land Bank Exemption from Taxation Ordinance, 1933.	Section two.

No. 6 of 1935.]

ORDINANCE

To provide for the extermination of wild dogs.

(Assented to 24th April, 1935.)

(Afrikaans text signed by the Administrator.)

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

1. In this Ordinance unless inconsistent with the context—

“Magistrate” shall mean the Magistrate or Assistant Magistrate of any District within the Territory of South West Africa.

“Wild Dog” shall mean the animal commonly known as such in the Territory and also known as the African Hunting Dog (*Lycaon pictus*).

2. From and after the promulgation of this Ordinance every Magistrate shall pay to the person who shall have destroyed any wild dog or to any one duly authorised in writing to receive the reward, and on production of the proofs hereinafter mentioned, a reward of twenty shillings for the destruction of each wild dog irrespective of age. The expenditure incurred in paying out such rewards shall be a charge against the Territory Revenue Fund.

3. No reward shall be paid:—

(a) except upon production to the Magistrate —

(i) in the case of full-grown animals, of the complete tail (with the bone in) together with the scalp including the ears; and

(ii) in the case of the young of such animals, of the whole skin including the tail and scalp;

9. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Konsolidasie- en Wysigingsordonnansie betreffende Belasting van Grondeiendom 1935, en tree in werking op die eerste dag van April 1935.

BYLAE.

Nommer en Jaar.	Wette Herroep: Titel.	Omvang van Herroeping.
1. Ordonnansie van die Goewerneur van Duits Suidwes-Afrika van 19 Maart 1909.	Betreffende die belasting van grondeiendom in die Duits Suidwes-Afrikaanse Protektoraat.	Die hele.
2. Ordonnansie van die Goewerneur van Duits Suidwes-Afrika van 12 Oktober 1910.	Wysiging van die Ordonnansie van 19 Maart 1909, betreffende die belasting van grondeiendom.	Die hele.
3. Ordonnansie van die Goewerneur van Duits Suidwes-Afrika van 24 November 1913.	Wysiging van die Ordonnansie van 19 Maart 1909, betreffende die belasting van grondeiendom.	Die hele.
4. Proklamasie No. 32 van 1920.	De Gewijzigde Proklamasie voor de Belasting op Landeigendom 1920.	Die hele.
5. Proklamasie No. 7 van 1922.	De Mariental Grond en Transport Belasting Proklamasie 1922.	Artikel een.
6. Proklamasie No. 19 van 1926.	De Belasting op Grondeigendom Verdere Wijzigings-Proklamasie 1925.	Die hele.
7. Ordonnansie No. 8 van 1933.	Die Landbank Vrstelling van Belasting Ordonnansie 1933.	Artikel twee.

No. 6 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die uitroeiing van wildehonde.

(Goedgekeur 24 April 1935.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie, tensy onbestaanbaar met die inhoud —

beteken “magistraat” die magistraat of assistent-magistraat van enige distrik binne die Gebied Suidwes-Afrika;

beteken “wildehond” die dier gewoonlik as sodanige in die Gebied bekend en ook bekend as die Afrikaanse Jaghond (*Lycaon pictus*).

2. Vanaf en na die uitvaardiging van hierdie Ordonnansie moet elke magistraat aan die persoon wat enige wildehond doodgemaak het, of aan enigeen behoorlik skriftelik gemagtig om die beloning te ontvang, en na voorlegging van die bewyse hierinlater genoem, ’n beloning van twintig sielings vir die doodmaak van elke wildehond, onverskillig wat sy ouderdom is, betaal.

3. Geen beloning sal betaal word nie:—

(a) behalwe na voorlegging aan die magistraat —

(i) in die geval van ’n volwasse dier, van die hele stert (met die been daarin) tesame met die kopvel met inbegrip van die ore; en

(ii) in die geval van die kleintjies van sodanige diere, van die hele vel met inbegrip van die stert en kopvel;

(b) unless in either case the Magistrate shall be satisfied on affidavit or otherwise that the animal in respect of which the reward is claimed shall have been destroyed within the Territory of South West Africa. Under no circumstances shall dressed or prepared skins or tails be accepted as proof. After payment of the reward the Magistrate shall cause the said proofs forthwith to be destroyed in his presence.

4. It shall not be lawful to trade in the tails and scalps aforesaid, and any person acquiring by purchase, barter or exchange such tails and scalps for the purpose of obtaining a reward under this Ordinance shall be guilty of an offence.

5. Any person who is guilty of an offence under this Ordinance shall be liable on conviction to a fine not exceeding £10 or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

6. This Ordinance may be cited as the Extermination of Wild Dogs Ordinance, 1935.

No. 7 of 1935.]

ORDINANCE

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

(Assented to 24th April, 1935.)

(English text signed by the Administrator.)

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, 1935.

No. 8 of 1935.]

ORDINANCE

To establish a Meat Trade Control Board and to make provision for the control of the export of livestock, for the imposition of a levy on slaughtered livestock; and generally for the regulation and control of the meat trade.

(Assented to 24th April, 1935.)

(Afrikaans text signed by the Administrator.)

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

(b) tensy die magistraat in albei gevalle deur beëdigde verklaring of andersins oortuig is dat die dier ten opsigte waarvan die beloning gevra word, binne die Gebied Suidwes-Afrika doodgemaak is. Onder geen omstandighede word gebreide of toebereide velle of sterte as bewys aangeneem nie. Na betaling van die beloning moet die magistraat die voormelde bewyse onmiddellik in sy teenwoordigheid laat vernietig.

4. Dit is onwettig om in die voormelde sterte en kopvelle handel te drywe, en enige persoon wat deur koop, ruiling of uitwisseling sodanige sterte en kopvelle verwerf met die doel om 'n beloning kragtens hierdie Ordonnansie te verkry, is skuldig aan 'n oortreding.

5. Enige persoon wat skuldig is aan 'n misdryf kragtens hierdie Ordonnansie is, na skuldigbevinding, blootgestel aan 'n boete van hoogstens £10 of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

8. Hierdie Ordonnansie kan aangehaal word as die Ordonnansie betreffende die Uitroeiing van Wildehonde 1935.

No. 7 van 1935.]

ORDONNANSIE

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

(Goedgekeur 24 April 1935.)

(Engelse teks deur die Administrateur geteken.)

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 *nege-en-veertig* van die Vroue- en Kinderbeskerming en Onderhoud Ordonnansie 1927 (Ordonnansie No. 16 van 1927) word hierby gewysig deur toevoeging van die volgende subartikel as subartikel (2) en die her Nummerering 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 oorgestuurd 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 laasgenoemde magistraat onderskryf word en moet daarna in werking tree asof dit oorspronklik deur hom uitgevaardig was, met inagneming en behalwe die voorsienings van subartikels (3) en (4).”

2. Hierdie Ordonnansie kan aangehaal word as die Vroue- en Kinderbeskerming en Onderhoud Wysigingsordonnansie 1935.

No. 8 van 1935.]

ORDONNANSIE

Om 'n Vleishandel-Kontroleraad in te stel en om voorsiening te maak vir die kontrole van die uitvoer van lewende hawe, vir die oplê van 'n heffing op geslagte lewende hawe; en algemeen vir die reëling en kontrole van die vleishandel.

(Goedgekeur 24 April 1935.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. As from a date to be fixed by the Administrator by proclamation in the Gazette, there shall be established a board, to be known as the Meat Trade Control Board (hereinafter referred to as the "board"), which shall be a body corporate, capable of suing and being sued in its corporate name and, subject to the provisions of this Ordinance, of performing all such acts as bodies corporate may by law perform.

2. The board shall consist of five members appointed by the Administrator, of whom one shall be an officer in the public service (nominated by the Administrator) who shall be Chairman of the board. In regard to the appointment of the other four members, the Administrator shall have due regard to the interests of the meat trade, and of the cattle farmers, sheep farmers and pig farmers of the Territory.

3. The board may, with the approval of the Administrator, appoint a secretary and such other persons as may be necessary to enable it duly to exercise its functions, at such remuneration and on such other conditions as the Administrator may approve. The members of such staff may, but need not, be members of the public service.

4. All expenditure lawfully incurred in the administration of this Ordinance shall be defrayed from the funds raised by the levy hereinafter provided for.

5. The Board shall have power:—

- (1) To advise the Administrator on all matters relating to the control and supervision of the meat trade within the Territory;
- (2) to advise the Administrator on all matters dealing with the control of export of cattle, sheep, goats and pigs from the Territory;
- (3) to impose on all cattle, sheep, goats and pigs slaughtered within the Territory for trade purposes, or exported from the Territory a levy approved of by the Administrator.

6. It shall furthermore be the duty of the board to recommend to the Administrator any steps which are in its opinion calculated to promote the welfare of the meat industry or the meat trade, especially in regard to the location of new markets, and having due regard to the interests of the consumers of meat, and the board shall advise the Administrator in regard to any matter relating to that industry or that trade upon which its advice may be requested by him.

7. The Administrator may make regulations: —

- (a) in regard to the method of appointment, the tenure of office, and the termination of the appointment of members of the board, and the filling of vacancies on the board;
- (b) prescribing the allowances to be paid to members of the board;
- (c) in regard to the convening of meetings of the board, the quorum necessary for such meetings, the conduct of such meetings and the voting thereat;
- (d) prescribing the forms of any permits or other authorities required under any regulations made under this Ordinance and the form and method of application therefor and the particulars to be furnished by any applicant for any such permit or authority;
- (e) requiring local authorities, market-masters, auctioneers, and persons engaged in the meat industry or the meat trade to render returns or furnish information to the board respecting the meat industry or the meat trade; and prescribing the form and manner in which such returns or information shall be rendered or furnished;
- (f) prescribing the manner in which levy funds shall be utilised;
- (g) prescribing in general the manner in which the board shall exercise its powers and functions;
- (h) prescribing penalties for contravention of or failure to comply with the provisions of any regulation made under this Ordinance;
- (i) generally for giving effect to the objects and purposes of this Ordinance.

8. This Ordinance may be cited for all purposes as the Meat Trade Control Ordinance, 1935.

1. Vanaf 'n datum deur die Administrateur in die *Offisiële Koerant* by proklamasie te bepaal, word 'n raad ingestel wat as die Vleishandel-Kontroleraad (hierinafter "die raad" genoem) bekend sal wees, wat 'n regs persoon sal wees, in staat om in sy regs persoonlike naam te dagvaar en gedagvaar te word en, onderhewig aan die voorsieninge van hierdie Ordonnansie, al sodanige handelinge te onderneem as regspersone volgens wet mag onderneem.

2. Die raad moet bestaan uit vyf deur die Administrateur aangestelde lede, een van wie 'n staats-amptenaar (deur die Administrateur benoem) moet wees, wat voorsitter van die raad sal wees. Ten opsigte van die benoeming van die ander vier lede moet die Administrateur die belange van die vleishandel en van die beeste-, skaap- en varkboere van die Gebied behoorlik in aanmerking neem.

3. Die raad kan met die goedkeuring van die Administrateur 'n sekretaris en sodanige ander persone aanstel as nodig mag wees om hom in staat te stel om sy funksies behoorlik uit te oefen teen sodanige beloning en op sodanige ander voorwaardes as die Administrateur mag goedkeur. Die lede van sodanige staf kan, maar behoef nie, lede van die staatsdiens te wees nie.

4. Alle uitgawe wettig in verband met die administrasie van hierdie Ordonnansie gemaak, moet bestry word uit die fonds bymekaar gemaak deur die heffing hierinafter voorsien.

5. Die Raad het die mag:—

- (1) Om die Administrateur te adviseer in verband met alle sake wat betrekking het op die kontrole en toesig van die vleishandel binne die Gebied;
- (2) om die Administrateur te adviseer in verband met alle sake handelende oor die kontrole van uitvoer van beeste, skape, bokke en varke uit die Gebied;
- (3) om op alle beeste, skape, bokke en varke binne die Gebied vir handelsdoeleindes geslag of uit die Gebied uitgevoer, 'n heffing deur die Administrateur goed-gekeur, op te lê.

6. Dit is voorts die plig van die raad om aan die Administrateur enige stappe aan te beveel wat syns insiens bereken is om die welvaart van die vleisnywerheid of die vleishandel te bevorder, veral ten opsigte van die aanwysing van nuwe markte en met behoorlike inagneming van die belange van die vleisverbruikers, en die raad moet die Administrateur adviseer ten opsigte van enige saak aangaande die nywerheid of die handel ten opsigte waarvan sy advies gevra mag word.

7. Die Administrateur mag regulasies maak:—

- (a) ten opsigte van die metode van benoeming, die diens tyd en die beëindiging van die aanstelling van lede van die raad en die opvul van vakatures op die raad;
- (b) die toelae voorskrywende wat aan lede van die raad betaal moet word;
- (c) ten opsigte van die byeenroep van vergaderinge van die raad, die kworum vir sodanige vergaderinge benodig, die leiding van sodanige vergaderinge en die stemming daarop;
- (d) die vorms voorskrywende van enige permitte of ander outorisasies onder enige regulasies kragtens hierdie Ordonnansie uitgevaardig en die vorm en metode van aanwending daarvoor en die besonderhede wat deur enige applikant vir enige sodanige permit of outorisasie verskaf moet word;
- (e) van plaaslike outoriteite, markmeesters, vendu-afslaaers en persone wat met die vleisnywerheid of die vleishandel besig is, verlangende dat hulle aan die raad opgawe maak of informasie verskaf aangaande die vleisnywerheid of die vleishandel en die vorms en maniere voorskrywende waarin en waarop sodanige opgawe of informasie opgetrek of verskaf moet word;
- (f) die manier voorskrywende waarop heffingsfondse gebruik moet word;
- (g) in die algemeen die manier voorskrywende waarop die raad sy bevoegdheids en funksies moet uitoefen;
- (h) strawwe voorskrywende weens oortreding van of versuim om die voorsieninge van enige regulasie kragtens hierdie Ordonnansie uitgevaardig na te kom;
- (i) om in die algemeen uitvoering te gee aan die doeleindes en oogmerke van hierdie Ordonnansie.

8. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Ordonnansie betreffende die Kontrole van Vleishandel 1935.

No. 9 of 1935.]

ORDINANCE

To amend the law relating to brewers of beer, distillers of wine brandy and distillers of spirits other than wine brandy.

(Assented to 24th April, 1935.)

(English text signed by the Administrator.)

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

1. The Brewers and Distillers Licences Duty Proclamation, 1924 (Proclamation No. 3 of 1924), is hereby amended by the addition of the following new section as section *three*, the present sections *three* and *four* being renumbered accordingly:—

“3. The authorised revenue official for any magisterial district, or his deputy, may demand from the holder of any brewer's licence or distiller's licence under the provisions of this Proclamation who is carrying on business as a brewer or distiller in the aforesaid district, a return of sales made by him at any period to any holder of a retail or club-licence under the provisions of the Liquor Licensing Proclamation 1920 aforesaid, and every such holder of a brewer's or distiller's licence who fails forthwith to comply with any such demand shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds or in default of payment to imprisonment for any period not exceeding three months.”

2. This Ordinance may be cited for all purposes as the Brewers and Distillers Licences Duty Amendment Ordinance, 1935.

No. 9 van 1935.]

ORDONNANSIE

Om die Wet betreffende brouers van bier, distilleerders van wynbrandewyn en distilleerders van spiritualieë ander dan wynbrandewyn te wysig.

(Goedgekeur 24 April 1935.)

(Engelse teks deur die Administrateur geteken.)

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

1. “De Brouers en Distilleerders Licentie Belasting Proklamatie 1924” (Proklamasie No. 3 van 1924) word hierby gewysig deur die toevoeging van die volgende nuwe artikel as artikel *drie*, terwyl die teenswoordige artikels *drie* en *vier* dienooreenkomstig hernommer word:—

“3. Die gemagtigde belastingsbeampte vir enige magistraatsdistrik, of sy plaasvervanger, kan van die houër van enige brouerslisensie of distilleerderslisensie kragtens die bepaling van hierdie Proklamasie wat die beroep uitoefen van 'n brouer of distilleerder in voormelde distrik, 'n staat van verkopings deur hom te enige tyd gemaak aan enige houër van 'n lisensie vir verkoop by die kleinmaat of 'n klub-lisensie kragtens die bepaling van “De Dranklicentie Proklamatie 1920” soos vermeld, verlang en elke sodanige houër van 'n brouers- of distilleerderslisensie wat in gebreke bly om dadelik aan enige sodanige versoek te voldoen, is skuldig aan 'n oortreding en, by skuldigbevinding, blootgestel aan 'n boete van hoogstens twintig pond of, by wanbetaling, aan gevangenisstraf vir enige tydperk van hoogstens drie maande.”

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Brouers en Distilleerders Lisensie Belasting Wysigingsordonnansie 1935.

No. 10 of 1935.]

ORDINANCE

To amend the law relating to the improvement of cattle.

(Assented to 24th April, 1935.)

(Afrikaans text signed by the Administrator.)

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

1. In this Ordinance the expression “the principal Ordinance” means the Cattle Improvement Ordinance, 1930 (Ordinance No. 10 of 1930).

2. Section *three* of the principal Ordinance is hereby repealed, and the following new section substituted therefor:—

“3. (1) From and after a date fixed by the Proclamation declaring any district or area a cattle improvement area, such date being not less than twelve months and not more than eighteen months later than the date on which that Proclamation takes effect, it shall not be lawful to keep in or introduce into such district or area any bull over twelve months of age unless such bull has been previously inspected and approved for purposes of the breeding of cattle by a board consisting of a Government Veterinary Officer and two other persons appointed for the purpose by the Administrator.

(2) The Administrator may appoint more than one board for any cattle improvement area.

(3) The members of the said board shall be appointed for periods fixed by the Administrator.

No. 10 van 1935.]

ORDONNANSIE

Om die wet betreffende die verbetering van beeste te wysig.

(Goedgekeur 24 April 1935.)

(Afrikaanse teks deur die Administrateur geteken.)

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

1. In hierdie Ordonnansie beteken die uitdrukking “die hoofordonnansie” die Beesteverbeterings-Ordonnansie 1930 (Ordonnansie No. 10 van 1930).

2. Artikel *drie* van die hoofordonnansie word hierby herroep en deur die volgende nuwe artikel vervang:—

“3. (1) Vanaf en na 'n datum vasgestel deur die proklamasie waarin enige distrik of gebied as 'n beesteverbeteringsgebied verklaar word, synde sodanige datum nie minder as twaalf maande nie en nie meer as agtien maande nie later as die datum waarop daardie proklamasie in werking tree, sal dit nie wettig wees om enige bul bo die ouderdom van twaalf maande in sodanige distrik of gebied aan te hou of in te voer nie, tensy sodanige bul vooraf deur 'n raad, bestaande uit 'n Goewerments-veearts en twee ander persone vir dié doel deur die Administrateur benoem, geïnspekteer en vir die doeleinde van veeteelt goedgekeur is.

(2) Die Administrateur mag meer as een raad vir enige beesteverbeteringsgebied aanstel.

(3) Die lede van die voormelde raad moet aangestel word vir tydperke deur die Administrateur bepaal.

(4) In appointing the members of the said board, other than the member who is a Government Veterinary Officer, the Administrator shall have due regard in the case of the first appointment after the issue of any such proclamation, to any recommendation made by the persons voting at the meeting referred to in section *two* and, in the case of subsequent appointments, to the recommendations made by the Magistrate of the district after consultation with such persons and bodies as he considers representative of the cattle farmers of the district or area.

(5) Any member may resign by writing addressed to the Magistrate of the district, and all members shall be subject to removal by the Administrator.

(6) The said board may recommend that the owner of any bull, which is not approved on inspection for purposes of the breeding of cattle, should receive assistance from the Administration of the Territory by way of loan or otherwise, if satisfied that the said owner is not financially in a position to purchase another suitable bull. Such owner may then be assisted in terms of the board's recommendation.

(7) Any person contravening the provisions of this section shall be guilty of an offence and liable on conviction 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."

3. Section *six* of the principal Ordinance is hereby amended by the deletion of the words "the South African Studbook Association" occurring in paragraph (a) thereof, and the substitution thereof of the words "a society approved by the Administrator."

4. Section *seven* of the principal Ordinance is hereby repealed, and the following new section substituted therefor:—

"Exemption.

7. The provisions of sections *three*, *four* and *five* shall not apply in respect of any bull the pedigree of which has been registered with a society approved by the Administrator, and which, in accordance with regulations made under section *six*, bears a brand or other mark which indicates that his pedigree has been so registered."

5. This Ordinance may be cited as the Cattle Improvement Ordinance Amendment Ordinance, 1935.

No. 11 of 1935.]

ORDINANCE

To provide for the amendment of the law relating to the theft of stock and produce.

(Assented to 24th April, 1935.)

[English text signed by the Administrator.]

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. In this Ordinance —

"produce" means the whole or any part of any skins, hides, or horns of stock, any wool, mohair or ostrich feathers;

"public sale" means a sale effected —

- (a) on any public market, or
- (b) by any shopkeeper during the hours when his shop may by any law in force remain open for the transaction of business, or
- (c) at a public auction by an auctioneer or a person acting as such, or
- (d) in pursuance of an order of a competent court;

(4) By die aanstelling van die lede van die voormelde raad, ander dan die lid wat 'n Goewerments-vee-arts is, moet die Administrateur, in die geval van die eerste aanstelling na die uitreiking van enige sodanige proklamasie, behoorlike aanmerking neem van enige aanbeveling gedoen deur die persone wat op die vergadering in artikel *twee* genoem stem, en in die geval van later aanstellings, van die aanbevelings deur die magistraat van die distrik na raadpleging met sodanige persone en liggame wat hy as verteenwoordigers van die veeboere van die distrik of gebied beskou.

(5) Enige lid mag deur 'n geskrif aan die magistraat van die distrik gerig bedank, en alle lede is onderhewig aan verwydering deur die Administrateur.

(6) Die voormelde raad mag aanbeveel dat die eienaar van enige bul wat na inspeksie nie vir die doeleinde van veeteelt goedgekeur is nie, ondersteuning van die Administrasie van die Gebied by wyse van lening of andersins behoort te kry, as hy oortuig is dat die voormelde eienaar finansiël nie in 'n posisie is om 'n ander geskikte bul te koop nie. Sodanige eienaar kan dan ooreenkomstig die raad se aanbeveling ondersteun word.

(7) Enige persoon wat die voorsienings van hierdie artikel oortree, is skuldig aan 'n misdryf en staan na skuldigbevinding bloot aan 'n boete van hoogstens vyftig pond of, by wanbetaling, aan gevangenisstraf met of sonder harde-arbeid vir 'n tydperk van hoogstens drie maande."

3. Artikel *ses* van die hoofordonnansie word hierby gewysig deur skraping van die woorde "De Zuid-Afrikaanse Stamboekvereniging" wat in paragraaf (a) daarvan voorkom, en deur die vervanging daarvan deur die woorde " 'n vereniging deur die Administrateur goedgekeur".

4. Artikel *sewe* van die hoofordonnansie word hierby herroep en vervang deur die volgende nuwe artikel:—

"Vrystelling.

7. Die voorsienings van artikels *drie*, *vier* en *vyf* het geen toepassing ten opsigte van enige bul nie wie se stamboom by 'n vereniging deur die Administrateur goedgekeur geregistreer is, en wat ooreenkomstig regulasies kragtens artikel *ses* uitgevaardig, 'n brandmerk of ander merk dra wat aandui dat sy stamboom aldus geregistreer is."

5. Hierdie Ordonnansie kan aangehaal word as die Beesteverbeterings-Ordonnansie Wysigingsordonnansie 1935.

No. 11 van 1935.]

ORDONNANSIE

Om voorsiening te maak vir die wysiging van die wet met betrekking tot diefstal van vee en produkte.

(Goedgekeur 24 April 1935.)

(Engelse teks deur die Administrateur geteken.)

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. In hierdie Wet beteken —

"Produkte" heel of stukke, velle, huide of horings van vee, asook wol, bokhaar en volstruis-vere.

"Publieke Verkoop" 'n verkoop gesluit —

- (a) op 'n openbare mark, of
- (b) deur 'n winkelier gedurende die ure waarin sy winkel volgens enige bestaande wet vir besigheidstransaksies mag oop bly, of
- (c) op 'n publieke veiling deur 'n afslaer of 'n persoon wat as sulks ageer, of
- (d) ingevolge 'n bevel van 'n bevoegde Hof.

“stock” means any horse, mule or ass; any bull, cow, ox, heifer or calf; any sheep, goat, pig or poultry; any domesticated ostrich; and domesticated game or the carcase or portion of the carcase of any such stock;

“sufficient fence” when applied to wire fences means a fence of not fewer than four wires and not less than three feet six inches high; in other cases any fence, wall or hedge through which no stock could pass without breaking same, or any natural boundary through or across which no sheep would ordinarily pass.

2. A person who is found in possession of stock or produce in regard to which there is reasonable suspicion that the same has been stolen and is unable to give a satisfactory account of such possession shall be guilty of an offence.

3. A person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person stolen stock or stolen produce without having reasonable cause, proof of which shall be on such first mentioned person, for believing at the time of such acquisition or receipt, that such stock or produce was the property of the person from whom he received it or that such person was duly authorized by the owner thereof to deal with it or dispose of it shall be guilty of an offence.

4. (1) A person who in any manner enters any land enclosed on all sides with a sufficient fence or any kraal with intent to steal any stock or produce on such land or in such kraal, shall be guilty of an offence.

(2) When a person is charged with a contravention of sub-section (1) of this section the onus shall be on him to prove that he had no intention to steal any such stock or produce, unless he was found proceeding along a road or thoroughfare traversing such land.

5. (1) A person who is charged with the theft of stock or produce may be found guilty of —

- (a) the theft of or an attempt to commit the theft of such stock or produce; or
- (b) receiving such stock or produce knowing the same to have been stolen; or
- (c) inciting, instigating, commanding or procuring another person
 - (i) to steal such stock or produce; and
 - (ii) to receive such stock or produce;
- or
- (d) knowingly disposing of, or knowingly assisting in the disposal of, stock or produce, which has been stolen or which has been received with knowledge of it having been stolen; or
- (e) contravening section two or three of this Ordinance.

(2) A person charged with the theft of stock or produce belonging to a particular person may be found guilty of any of the offences mentioned in the preceding sub-section, notwithstanding the fact that the prosecution has failed to prove that such stock or produce actually did belong to such particular person.

6. A person who for purposes of trade makes or accepts delivery between the hours of sunset and sunrise of any stock or produce sold or purchased or otherwise disposed of or acquired by him in any other manner than at a public sale shall be guilty of an offence.

7. (1) In addition to any powers of arrest conferred by any other law, any person may, without warrant, arrest any other person upon reasonable suspicion that such other person has committed the offence mentioned in section two or four of this Ordinance.

(2) Whenever any Justice of the Peace, member of the police force, or owner, lessee or occupier of land reasonably suspects that any person has in or under any receptacle or covering, or in or upon any vehicle any stolen stock or produce, such Justice of the Peace, member of the police force, owner, lessee or occupier may without warrant search such receptacle or vehicle and remove such covering, and if he thereupon finds any stock or produce which he reasonably suspects to have been stolen he may without warrant arrest such person and shall as soon as possible convey him and the stock or produce so found to a police station or charge office.

“Vee” ’n perd, muil of donkie, ’n bul, koei, os, vers of kalf; ’n skaap, bok, vark of pluimvee; ’n makvolstruis; makgemaakte wild of die karkas of gedeelte van die karkas van sodanige vee.

“Voldoende omheining”, wanneer dit betrekking het op draadheining, ’n heining van nie minder as vier drade en nie minder as drie voet ses duim hoog nie; in ander gevalle, elke heining, muur of boomheining waardeur vee nie kan gaan sonder om dit te verbreek nie, of ’n natuurlike begrensing waardeur of waaroor ’n skaap gewoonlik nie sal gaan nie.

2. Iemand wat in die besit gevind word van vee, ten aansien waarvan daar redelike suspisie bestaan dat dit gesteel is, en nie in staat is om bevredigende rekenskap van sodanige besit te gee nie, sal aan ’n oortreding skuldig wees.

3. Iemand wat op enige wyse, behalwe by wyse van ’n publieke verkoop, van iemand anders gesteelde vee, of gesteelde produkte verkry of in sy besit neem, sonder redelike grond te hê, die bewyslas waarvan op eersgenoemde persoon sal rus, om ten tyde van sodanige verkryging of ontvangs te glo, dat sodanige vee of produkte die eiendom was van die persoon van wie hy dit ontvang het; of dat sodanige persoon behoorlik deur die eienaar gemagtig was om daarvoor te beskik, of om dit van die hand te sit, sal aan ’n oortreding skuldig wees.

4. (1) Iemand wat op enige wyl grond wat rondom met ’n voldoende heining ingekamp is, of ’n kraal betree, met die voorneme om vee of produkte op sodanige grond, of in sodanige kraal te steel, sal aan ’n oortreding skuldig wees.

(2) Wanneer ’n persoon aangekla staan van ’n oortreding van subartikel (1) van hierdie artikel, sal die bewyslas op hom rus om te bewys dat hy geen voorneme gehad het om sodanige vee of produkte te steel nie, tensy hy lank ’n pad of deurgang, wat deur sodanige grond loop, gevind was.

5. (1) Iemand wat aangekla staan weens diefstal van vee of produkte, kan skuldig bevind word vir:—

- (a) diefstal of poging tot diefstal van sodanige vee of produkte; of
- (b) ontvangs van sodanige vee of produkte, met voorkennis dat dit gesteel is; of
- (c) die aansporing, aanhitsing, bevel of beweeg van iemand anders om
 - (i) sodanige vee of produkte te steel; of
 - (ii) sodanige vee of produkte te ontvang;
- of
- (d) dat hy met voorkennis vee of produkte, wat gesteel is, of ontvang is, met voorkennis dat dit gesteel is, van die hand gesit het of gehelp het van die hand sit; of
- (e) oortreding van artikels twee of drie van hierdie Ordonnansie.

(2) Iemand wat aangekla staan weens diefstal van vee of produkte wat aan ’n bepaalde persoon behoort kan skuldig gevind word aan enige van die oortredinge in die voorgaande subartikel genoem, nieteenstaande die feit dat die Kroon nie daarin geslaag het om te bewys dat sodanige vee of produkte aan sodanige bepaalde persoon behoort nie.

6. Iemand wat tussen die ure van sonsondergang en sonsopgang, vir handelsdoeleindes, enige vee of produkte wat anders dan op ’n publieke verkoop deur hom verkoop, gekoop of andersins van die hand gesit of aangeskaf is, aflewer of ontvang sal aan ’n oortreding skuldig wees.

7. (1) Behalwe die magte van arrestasie deur enige ander wet verleen kan enigiemand, sonder lasbrief, ’n ander persoon arresteer op redelike suspisie dat sodanige ander persoon die oortredinge in artikels twee of vier van hierdie Ordonnansie vermeld begaan het.

(2) Wanneer enige Vrederegter, lid van die polisie mag, of ’n eienaar, huurder of bewoner van grond redelike suspisie het dat enige persoon in of enige bak of bedekking of in of op enige rytuig gesteelde vee of produkte het, kan sodanige Vrederegter, lid van die polisie mag, eienaar, huurder of bewoner sodanige bak of rytuig sonder lasbrief ondersoek en sodanige bedekking verwyder en as hy daarop enige vee of produkte vind wat hy redelikerwyse kan dink dat dit gesteel kan wees, kan hy sodanige persoon sonder lasbrief arresteer en moet hy hom, tesame met die vee of produkte aldus gevind, so spoedig moontlik na ’n polisiepos of aanklagskantoor vervoer.

8. (1) A person who, under colour of this Ordinance, wrongfully and maliciously or without probable cause arrests any other person or effects any search shall be guilty of an offence.

(2) In any charge under this section the onus of proof that the arrest or search which is the subject of the charge was not wrongful and malicious or without probable cause shall be upon the accused.

(3) Nothing in this section contained shall be construed as taking away or diminishing any civil right or liability in respect of a wrongful or malicious arrest.

9. Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts or in any other law, such courts shall have special jurisdiction in cases of a conviction for the offences (a), (b), (c) or (d) mentioned in section five of this Ordinance, to impose—

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 (a) on a first conviction (i) imprisonment for any period not exceeding eighteen months, or (ii) imprisonment with spare diet or solitary confinement, or both, for any period not exceeding three months, or (iii) whipping not exceeding ten strokes in number, or (iv) both such whipping and imprisonment for any period not exceeding eighteen months, or (v) a fine not exceeding two hundred pounds, or (vi) both such fine and imprisonment for a period not exceeding eighteen months;

(b) on a second or subsequent conviction (i) imprisonment for any period not exceeding two and a half years, or (ii) whipping not exceeding fifteen strokes in number, or (iii) both such whipping and such imprisonment.

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 10. A person who contravenes any of the provisions of this Ordinance for which no penalty is otherwise provided shall on conviction be liable to a fine not exceeding one hundred pounds or to imprisonment not exceeding one year or to both such fine and such imprisonment.

11. (1) In all cases of a conviction for the offences (a), (b), (c), or (d) mentioned in section five of this Ordinance in which—

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 (a) the court is satisfied that the stock or produce which forms the subject matter of the charge is the property of some particular person;

(b) such stock or produce has not been recovered, or, if recovered, is worth less than its market value at the time of the theft; and

(c) the owner of such stock or produce does not apply under the provisions of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917 of the Parliament of the Union of South Africa as amended and applied to the Territory of South West Africa by the Criminal Procedure and Evidence Proclamation, 1919) (Proclamation No. 20 of 1919), for compensation,

the court shall, in addition to any sentence which it may impose, impose on the person so convicted a fine not exceeding the full market value of such stock or produce at the time when the theft was committed if the said stock or produce, or portion thereof, has been recovered, a fine not exceeding the difference between the market value of the said stock or produce when the theft was committed and its value when recovered and in default of payment at the expiration of the sentence, imprisonment for a further period not exceeding twelve months.

(2) Should more than one person be convicted of the theft of the same stock or produce the payment of such fine shall be a liability to all such persons jointly and severally and payment of any portion thereof by or on behalf of any one such person shall absolve the other such person or persons from liability to the extent of such portion.

(3) Such fine may be recovered in the manner provided by section three hundred and forty-six of the Criminal Procedure and Evidence Act, 1917, applied as aforesaid and any amount so recovered shall be paid to the owner of the stolen stock or produce subject to the said owner giving security *de restituendo* in case the judgment of the said court be reversed on appeal or review.

(4) No such fine shall be imposed upon a person under the age of sixteen years.

12. In regard to such communally occupied native reserves as the Administrator may from time to time by notice in the Gazette prescribe, it is provided as follows:—

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8. (1) Iemand wat onder voorwensel van hierdie Ordonnansie, onregmatiglik en kwaadwilliglik, of sonder waarskynlike gronde, iemand anders arresteer of 'n ondersoek onderneem sal aan 'n oortreding skuldig wees.

(2) By 'n aanklag ingevolge hierdie artikel sal die bewysias, dat die arrestasie of die ondersoek nie onregmatig en kwaadwillig of sonder waarskynlike gronde was nie, op die beskuldigde rus.

(3) Geen bepaling van hierdie artikel sal enige siviele reg of verpligting met betrekking tot 'n onregmatige of kwaadwillige arrestasie vernietig of inkort nie.

9. Nieteenstaande enige teenstrydige bepalinge in enige wet met betrekking tot Magistraatshowe, of enige ander wet, sal sodanige houe spesiale jurisdiksie hê om in geval van 'n skuldigbevinding vir die oortredinge (a), (b), (c) of (d), in artikel vyf van hierdie Ordonnansie genoem die volgende strawwe op te lê:—

(a) By die eerste veroordeling (i) gevangenisstraf vir 'n tydperk van hoogstens 18 maande, of (ii) gevangenisstraf met ryswater of selstraf of albei vir 'n tydperk van hoogstens drie maande, of (iii) lyfstraf van nie meer as tien houe nie, of (iv) beide sodanige lyfstraf en gevangenisstraf vir 'n tydperk van hoogstens agtien maande, of (v) 'n boete van nie honderd pond te bowe gaande nie, of (vi) beide sodanige boete en gevangenisstraf vir 'n tydperk van hoogstens agtien maande;

(b) by 'n tweede of later veroordeling (i) gevangenisstraf vir enige tydperk van hoogstens twee en 'n half jaar, of (ii) lyfstraf van nie meer as vyftien houe nie, of (iii) beide sodanige lyfstraf en sodanige gevangenisstraf.

10. Iemand wat enige bepaling van hierdie Ordonnansie waarvan andersins geen straf bepaal is nie, oortree, sal op skuldigbevinding onderhewig wees aan 'n boeteftraf van hoogstens honderd pond of gevangenisstraf van hoogstens een jaar, of beide sodanige boeteftraf en sodanige gevangenisstraf.

11. (1) In alle gevalle van veroordeling vir die oortredinge (a), (b), (c) en (d) in Artikel vyf van hierdie Ordonnansie genoem waarin—

(a) die Hof oortuig is dat die vee of produkte waaroor die aanklag gaan die eiendom is van een of ander bepaalde persoon;

(b) sodanige vee of produkte nie terug gekry is nie, of indien teruggekry, minder werd is dan die markswaarde ten tyde van die diefstal daarvan; en

(c) die eienaar van die vee of produkte nie ooreenkomstig die bepalinge van die Kriminele Prosedure en Bewyslewerings Wet 1917 (Wet No. 31 van 1917 van die Parlement van die Unie van Suid-Afrika soos geamendeer en op die Gebied Suidwes-Afrika toegepas deur die Kriminele Prosedure en Bewyslevering Proklamasie, 1919, (Proklamasie No. 20 van 1919) vir kompensasie aansoek doen nie;

moet die Hof, behalwe enige vonnis wat dit mag vel, sodanige persoon 'n boete opleë van nie hoër as die markswaarde van sodanige vee of produkte ten tyde van die diefstal, as die gesegde vee of produkte nie teruggekry is nie, of ingeval die gesegde vee of produkte, of gedeelte daarvan terug gekry is, 'n boete, nie hoër as die verskil tussen die markswaarde van genoemde vee of produkte ten tyde van die diefstal en die waarde daarvan ten tyde van die terugkryging en by wanbetaling op verstryking van die vonnis, gevangenisstraf vir 'n verder tydperk van nie twaalf maande te bowe gaande nie.

(2) Ingeval meer dan een persoon veroordeel geword is vir diefstal van dieselfde vee of produkte, sal die betaling van sodanige boete 'n gesamentlike en afsonderlike verpligting van al sodanige persone wees en betaling van enige gedeelte daarvan deur of ten behoeve van enig sodanige persoon sal enige ander sodanige persoon of persone van verantwoordelikheid, tot die bedrag van sodanige gedeelte, onthef.

(3) Sodanige boete kan verhaal word op die wyse soos bepaal deur artikel driehonderd ses-en-veertig van die Kriminele Prosedure en Bewyslewerings Wet 1917, toegepas so as gemeld en enige bedrag aldus verhaal moet aan die eienaar van die gesteelde vee of produkte oorbetal word mits egter die gesegde eienaar sekuriteite *de restituendo* stel vir die geval dat die vonnis van die voornoemde Hof op appél of hersiening vernietig word.

(4) Geen sodanige boete sal 'n persoon onder die ouderdom van sestien jare opgelê word nie.

12. Met betrekking tot sodanige gemeenskaplike bewoonde natuurlike reservate as wat die Administrateur van tyd tot tyd deur kennisgewing in die *Offisiële Koerant* mag bepaal, sal die volgende bepalinge van krag wees:—

- (1) the head of any native kraal or werf shall be responsible for the value and damages of any stolen stock, the spoor of which is traced to such kraal or werf.
- (2) The owner, or the representative of the owner of any stolen stock, the spoor of which has become lost or obliterated shall have the right of search for any traces of such stock in any hut, kraal, werf, enclosure or lands in that neighbourhood and any person refusing to permit such search shall be responsible for the value of the stock stolen.
- (3) When the owner, or the representative of the owner of any stock is on the spoor of such stock, it shall be lawful for such person to demand from the persons living in the neighbourhood all reasonable assistance in following up such spoor, and whoever neglects or refuses to give such assistance, and by such neglect or refusal causes the loss or obliteration of such spoor, or whoever by wilful obstruction or malice causes the obliteration or loss of such spoor, shall be liable for the value of the stock stolen.
- (4) When such spoor cannot be traced to any specific kraal or kraals, werf or werven, but is lost or becomes obliterated on any lands, then the responsibility for the value of such stolen stock shall devolve upon the heads of the kraals or werven adjacent to and surrounding the spot where such spoor has been lost or obliterated; and for the purpose of compensating the owner of such stolen stock, it shall be lawful for any competent court so to fix such responsibility by an assessment not exceeding two head of cattle (or their money value), to be by such court levied on each kraal or werf, to make up the whole value, or as near as possible the whole value, of the stolen stock.
- (5) Whenever a spoor is traced to, or within, the confines of any locality occupied by any kraal or kraals or werf or werven, or to or within any area occupied by any community or section of a tribe, if the persons occupying such kraal or kraals or werf or werven, or locality, or constituting such community or such section of a tribe, without lawful excuse, neglect or refuse to take over and follow up such spoor, they shall be responsible for the value of the stolen stock whose spoor shall have been so traced, and shall be compelled to make good such value to the owner in like manner as is provided for with reference to "lost spoor" cases in the preceding sub-section.
- (6) Whoever fraudulently and with intent to injure another shall create any spoor shall be guilty of an offence.
- (7) It shall be lawful for any competent court whenever any claim is made against any person or persons in respect of the spoor traced to any kraal or werf or locality, upon request of the owner of the stock stolen, or of any person authorised by such owner to enquire summarily and without pleading, but in the presence of the heads of the kraals or werven upon whom responsibility is sought to be attached, into the circumstances of the case, and the value of the stock alleged to have been stolen, together with the damage which the owner or owners shall have sustained through the loss, or the cost of search or other endeavour to recover the same, and to give judgment in favour of such owner as hereinbefore provided.
13. The provisions of this Ordinance shall apply in every case where an accused is indicted, summoned or charged in respect of the theft of stock or produce, notwithstanding the fact that this Ordinance be not referred to in such indictment, summons or charge.
14. Proclamation No. 5 of 1920 (the Stock Theft Repression Proclamation, 1920) is hereby repealed.
15. This Ordinance may be cited for all purposes as the Stock Theft Law Amendment Ordinance, 1935.
- (1) Die hoof van enige natuurlike kraal of lokasie sal verantwoordelik wees vir die waarde van, en skadevergoeding met betrekking tot gesteelde vee, die spore waarvan tot by of in sodanige kraal of lokasie gevolg word.
- (2) Die eienaar, of die verteenwoordiger van die eienaar, van gesteelde vee, waarvan die spoor verlore of tot niet gegaan het, sal geregtig wees om te soek vir enige spore van sodanige vee in enige hut, kraal, lokasie, omheining of op enige grond in daardie omgewing en enigiemand wat weier om sodanige nasporing toe te laat sal verantwoordelik wees vir die waarde van sodanige gesteelde vee.
- (3) Wanneer die eienaar of die verteenwoordiger van die eienaar, van vee op die spoor van sodanige vee is, sal so iemand geregtig wees om van mense wat in die omgewing woon alle redelike hulp by die opvolging van sodanige spoor te verlang, en enigiemand wat versuim of weier om sodanige hulp te verleen en deur sodanige versuim of weiering die verlies of vernietiging van sodanige spoor veroorsaak, of enigiemand wat deur moedswillige obstruksie of kwaadwilligheid die vernietiging of verlies van sodanige spoor veroorsaak, sal verantwoordelik wees vir die waarde van die gesteelde vee.
- (4) Wanneer sodanige spoor nie na enige bepaalde kraal, of krale, lokasie of lokasies gevolg kan word nie, maar op enige grond verlore of vernietig raak, val die verantwoordelikheid vir die waarde van sodanige gesteelde vee op die hoofde van die aangrensende en omliggende krale of lokasies waar die spoor verlore gegaan of vernietig geraak het, en met die oog op die kompensasie van die eienaar van sodanige gesteelde vee sal enige bevoegde hof geregtig wees om sodanige verantwoordelikheid so te vestig, deur middel van 'n heffing van nie meer as twee beeste (of hulle geldwaarde) deur sodanige hof teen elke kraal of lokasie opgelê te word nie, om op te maak vir die hele waarde, of so na as moontlik die hele waarde, van die gesteelde vee.
- (5) Wanneer 'n spoor gevolg word tot by, of binne die perke van enige omtrek deur enige kraal of krale, lokasie of lokasies beslaan, of tot by of binne 'n area deur enige gemeenskap of deel van 'n stam bewoon en die persone wat sodanige kraal of krale, werf of werwe, of omtrek bewoon of wat sodanige gemeenskap of deel van 'n stam vorm versuim of weier, sonder wettige rede, om sodanige spoor oor te neem en op te volg, sal hulle verantwoordelik wees vir die waarde van die gesteelde vee waarvan die spoor aldus gevolg is, en hulle sal verplig wees om sodanige waarde, op dieselfde wyse as in die voorafgaande sub-artikel bepaal word met betrekking tot "verlore spoor" gevalle, aan die eienaar te vergoed.
- (6) Enigiemand wat bedrieglikerwyse en met die doel om 'n ander te benadeel 'n spoor maak, sal aan 'n oortreding skuldig wees.
- (7) Wanneer 'n eis teen enige persoon, of persone gelê word in verband met die spoor wat tot by enige kraal, lokasie of omgewing gevolg is sal enige bevoegde hof op versoek van die eienaar van gesteelde vee of iemand deur sodanige eienaar gemagtig, geregtig wees om summêr en sonder pleidooie, maar in teenwoordigheid van die hoofde van krale of lokasies op wie dit voorgestel word om die verantwoordelikheid te vestig, die omstandighede van die saak te ondersoek en die waarde van die beweerde gesteelde vee asook die skade wat die eienaar of eienare mag gely het, na te gaan, of om deur middel van nasoeking of ander pogings dit terug te kry en om vonnis ooreenkomstig voorafgaande bepalinge ten gunste van sodanige eienaar te gee.
13. Die bepalinge van hierdie Ordonnansie sal van toepassing wees in ieder geval waar die beskuldigde aangekla of gedagvaar word of beskuldig staan in verband met die diefstal van vee of produkte, nieteenstaande die feit dat daar nie in sodanige aanklag, dagvaring of beskuldiging na die Ordonnansie verwys word nie.
14. Proklamasie No. 5 van 1920 (De Veediefstal Onderdrukkings Proklamatie 1920) word hiermee herroep.
15. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Veediefstal Wet Wysigingsordonnansie 1935.