



BUITENGEWONE  
**OFFISIËLE KOERANT**

van Suidwes-Afrika.

Uitgegeë op gesag.

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**OFFICIAL GAZETTE**

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

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

Kantoor van die Administrateur,  
Windhoek.

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

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

Administrator's Office,  
Windhoek.

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## ONTWERPORDONNANSIE

Om die wet met betrekking tot munisipaliteite te konsolideer en te wysig.

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

### VOORAFGAANDE BEPALINGS.

1. Die wette genoem in die Eerste Bylae van hierdie Ordonnansie word hierdeur herroep, maar nieteenstaande sodanige herroeping—

(a) bly alle regulasies, verordenings, tariewe of bevele wat ingevolge die bepalings van enige van genoemde wette uitgevaardig is, vir so ver hulle nie in teenstryd of onbestaanbaar met die bepalings van hierdie Ordonnansie of van enige regulasies, verordenings, tariewe of bevele, ingevolge die bepalings van hierdie Ordonnansie uitgevaardig, is nie, van krag totdat hulle gewysig of herroep word,

(b) bly alle eiendom wat aan enige bestaande munisipaliteit behoort, of alle regte wat hulle toekom of verpligtings wat deur hulle aangegaan is, ten gunste van of teenoor die munisipaliteit, wat vir dieselfde gebied ingevolge hierdie Ordonnansie ingestel word, berus of bestaan.

2. Elke munisipaliteit, wat voor die inwerkingtreding van hierdie Ordonnansie wettiglik ingestel of gevorm is, word beskou 'n munisipaliteit, wat ingevolge hierdie Ordonnansie ingestel of gevorm is, te wees; en hierdie Ordonnansie is van toepassing op elke sodanige munisipaliteit en op alle munisipaliteite ingestel of gevorm na sy inwerkingtreding en is van toepassing binne die regsmagsgebied van elke sodanige munisipaliteit, onverskillig of dit voor of na die inwerkingtreding van hierdie Ordonnansie ingestel of gevorm is.

3. Hierdie Ordonnansie word in twee dele, bestaande uit sestien hoofstukke, ingedeel, as volg:—

### DEEL 1. MUNISIPALITEITE.

Hoofstuk I.	Instelling van Munisipaliteite (artikels <i>vier tot twaalf</i> ).
Hoofstuk II.	Kwalifikasies van Raadslede (artikels <i>dertien tot ses-en-twintig</i> ).
Hoofstuk III.	Kiesers (artikels <i>sewen-en-twintig tot twee-en-dertig</i> ).
Hoofstuk IV.	Opstel van Kieserslys (artikels <i>drie-en-dertig tot veertig</i> ).
Hoofstuk V.	Verkiesing en Benoeming van Raadslede (artikels <i>een-en-veertig tot tagtig</i> ).
Hoofstuk VI.	Verkiesingsuitgawes (artikels <i>een-en-tagtig tot een-en-neëntig</i> ).
Hoofstuk VII.	Korrupte en Onwettige Handelings (artikels <i>twee-en-neëntig tot eenhonderd en sestien</i> ).
Hoofstuk VIII.	Ander Oortredings in verband met Verkiesings (artikels <i>eenhonderd en sewentien tot eenhonderd en drie-en-twintig</i> ).
Hoofstuk IX.	Verkiesingspetisies (artikels <i>eenhonderd en vier-en-twintig tot eenhonderd en sewen-en-veertig</i> ).
Hoofstuk X.	Burgemeester, Onderburgemeester en Amprenare (artikels <i>eenhonderd en ag-en-veertig tot eenhonderd en vyftig</i> ).

## DRAFT ORDINANCE

To consolidate and amend the law relating to municipalities.

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary 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:—

### PRELIMINARY.

1. The laws mentioned in the First Schedule to this Ordinance are hereby repealed, but notwithstanding such repeal—

(a) all regulations, by-laws or tariffs made or orders issued under the provisions of any of the said laws shall, in so far as the same are not repugnant to or inconsistent with the provisions of this Ordinance, or of any regulations, by-laws or tariffs made or orders issued under the provisions of this Ordinance, remain in force until altered or repealed,

(b) all property vested in or rights accrued to or liabilities incurred by or in respect of any existing municipality shall continue to vest and exist in favour of or against the municipality constituted for the same area by this Ordinance.

2. Every municipality lawfully established or constituted prior to the commencement of this Ordinance shall be deemed to be a municipality established or constituted under this Ordinance; and this Ordinance shall apply to every such municipality and to all municipalities established or constituted after its commencement and shall apply within the limits of jurisdiction of every such municipality, whether established or constituted prior to or after the commencement of this Ordinance.

3. This Ordinance is divided into two parts, consisting of sixteen chapters, as follows:—

### PART I. MUNICIPALITIES.

Chapter I.	Constitution of Municipalities (sections <i>four to twelve</i> ).
Chapter II.	Qualification of Councillors (sections <i>thirteen to twenty-six</i> ).
Chapter III.	Voters (sections <i>twenty-seven to thirty-two</i> ).
Chapter IV.	Making of Voters' Roll (sections <i>thirty-three to forty</i> ).
Chapter V.	Election and Nomination of Councillors (sections <i>forty-one to eighty</i> ).
Chapter VI.	Electoral Expenditure (sections <i>eighty-one to ninety-one</i> ).
Chapter VII.	Corrupt and Illegal Practices (sections <i>ninety-two to one hundred and sixteen</i> ).
Chapter VIII.	Other Offences connected with Elections (sections <i>one hundred and seventeen to one hundred and twenty-three</i> ).
Chapter IX.	Election Petitions (sections <i>one hundred and twenty-four to one hundred and forty-seven</i> ).
Chapter X.	Mayor, Deputy Mayor and Officers (sections <i>one hundred and forty-eight to one hundred and fifty</i> ).

- Hoofstuk XI. Verrigtings van Raad (artikels eenhonderd en een-en-veftig tot eenhonderd en ag-en-veftig).
- Hoofstuk XII. Bevoegdhede en Pligte van Raad (artikels eenhonderd en nege-en-veftig tot eenhonderd en twee-en-sewentig).
- Hoofstuk XIII. Belastinge, Fooie en Koste (artikels eenhonderd en drie-en-sewentig tot eenhonderd en tagtig).
- Hoofstuk XIV. Finansies (artikels eenhonderd en een-en-tagtig tot eenhonderd en ses-en-tagtig).
- Hoofstuk XV. Oraloor (artikels eenhonderd en sewen-en-tagtig tot eenhonderd en drie-en-neentig).

DEEL 2. ALGEMEEN.

- Hoofstuk XVI. Algemeen (artikels eenhonderd en vier-en-neentig tot eenhonderd en ses-en-neentig).

DEEL 1. MUNISIPALITEITE.

HOOFSTUK I.

*Instelling van Munisipaliteite.*

4. Die inwoners van elke munisipaliteit wat ten tyde onderhewig is aan die bepalings van hierdie Ordonnansie, is onder sy naam, en ingeval van 'n hierna ingestelde Munisipaliteit onder sodanige naam as die Administrateur van tyd tot tyd in die *Offisiële Koerant* mag publiseer, 'n ingelyfde liggaam, met voortdurende opvolging en 'n gemeenskaplike seël, met die mag om sodanige seël van tyd tot tyd te verander en is onder sodanige naam in staat om sowel in regte te vervolg en in regte aangespreek te word, om grond te koop, besit en vervreem en om sodanige ander handelings en dinge te doen en te verrig as ingelyfde liggame volgens wet mag doen of verrig, onderworpe aan die bepalings van hierdie Ordonnansie.

5. Elke Munisipaliteit word deur 'n raad bestuur, wat uit ses raadslede bestaan. Een helfte van die raadslede word, soos hierna bepaal, gekies en een helfte word deur die Administrateur benoem.

6. Alle handelings van die raad word as handelings van die munisipaliteit beskou.

7. (1) Onderhewig aan die bepalings van hierdie Ordonnansie, kan die Administrateur van tyd tot tyd by wyse van proklamasie al die of enige van die volgende bevoegdhede uitoefen:—

- (a) Nuwe munisipaliteite instel, en in elke geval 'n naam toeken en die grense voorskryf en vasstel;
- (b) Die grense van enige munisipaliteit verander—by wyse van uitbreiding of inkorting—en opnuut vasstel;
- (c) Twee of meer dorpe, wat een deurlopende gebied uitmaak, verenig om een munisipaliteit te vorm;
- (d) Enige Munisipaliteit ophef, of die grense daarvan verander;
- (e) Die grense van aangrensende munisipaliteite verander of reël en alle kwessies, wat uit sodanige verandering en reëling voortspruit, beslis;
- (f) Enige gedeelte van 'n munisipaliteit van die munisipaliteit afskei waarvan dit 'n deel uitmaak, of dit met enige ander munisipaliteit, waarmee dit een deurlopende gebied uitmaak, verenig; en van tyd tot tyd sodanige verdelings van eiendom, regte en verpligtings maak en sodanige aanwysings met betrekking tot ander sake doen, as hom nodig, raadsaam en billik mag voorkom.

(2) In die uitoefening van enige van die magte deur hierdie artikel verleen mag die Administrateur enige betrokke munisipale raad beveel om op sy eie onkoste enige opmetings, wat nodig mag wees, te doen of uit te voer binne 'n tydperk deur hom voorgeskrewe. Ingeval die raad versuim of nalaat om enige bevel daarop te gegee binne die voorgeskrewe tydperk uit te voer, mag die Administrateur veroorsaak dat die opmetings uitgevoer word op koste van, en mag die bedrag terugvorder van die gesegde raad.

8. Die Administrateur kan enige bevoegdhede, deur die laasvooraangaande artikel verleen, uitoefen na ontvangs van 'n petisie, wat ooreenkomstig die bepalings van hierdie wet met betrekking tot die uitoefening van bevoegdhede ingedien word, en na publikasie van die wesenlike inhoud en die versoek van so 'n petisie in twee opeenvolgende gewone uitgawes van die *Offisiële Koerant* en ten minste eenmaal per week gedurende drie weke in 'n koerant, ywat in die buurt in omloop is, wat deur die petisie geraak word; en die Administrateur kan na eie goedvinde die versoek van enige sodanige petisie weier of die geheel of 'n gedeelte daarvan toestaan.

- Chapter XI. Proceedings of Council (sections one hundred and fifty-one to one hundred and fifty-eight).
- Chapter XII. Powers and Duties of Council (sections one hundred and fifty-nine to one hundred and seventy-two).
- Chapter XIII. Rates, Fees and Charges (sections one hundred and seventy-three to one hundred and eighty).
- Chapter XIV. Financial (sections one hundred and eighty-one to one hundred and eighty-six).
- Chapter XV. Miscellaneous (sections one hundred and eighty-seven to one hundred and ninety-three).

PART 2. GENERAL.

- Chapter XVI. General (sections one hundred and ninety-four to one hundred and ninety-six).

PART 1. MUNICIPALITIES.

CHAPTER I.

*Constitution of Municipalities.*

4. The inhabitants of every municipality for the time being subject to the provisions of this Ordinance shall under its name and in the case of a municipality hereafter established, under such name as the Administrator may by notice in the *Gazette* declare, be a body corporate, with perpetual succession and a common seal, with power to alter and change such seal from time to time, and shall by such name be capable in law of suing and being sued, of purchasing, holding and alienating land, and of doing and performing such other acts and things as bodies corporate may by law do and perform, subject to the provisions of this Ordinance.

5. Every municipality shall be governed by a council composed of six councillors. One-half of the councillors shall be elected as hereinafter provided and one-half shall be nominated by the Administrator.

6. All acts of the council shall be deemed to be acts of the municipality.

7. (1) Subject to the provisions of this Ordinance, the Administrator may from time to time by proclamation exercise all or any of the powers following:—

- (a) Establish new municipalities, in each case assigning a name and prescribing and defining the boundaries;
- (b) Alter—by way of extension or contraction—and re-define the boundaries of any municipality;
- (c) Unite any two or more villages which form one continuous area, so as to form one municipality;
- (d) Abolish any municipality, or alter the boundaries thereof;
- (e) Alter and adjust the boundaries of adjoining municipalities and determine any questions arising out of such alteration and adjustment;
- (f) Sever any portion of a municipality from the municipality of which it forms a part, or annex the same to any other municipality with which it forms one continuous area; and from time to time make such apportionments of property, rights and liabilities and give such directions with regard to other matters as may appear to him to be necessary, expedient and equitable.

(2) In the exercise of any of the powers conferred by this section the Administrator may direct any municipal council concerned at its own expense to do or carry out any surveys that may be necessary within a period to be prescribed by him, Should the council fail or neglect to carry out any directions given hereunder within the prescribed period the Administrator may cause the said surveys to be carried out at the cost of, and may recover the amount from, the said council.

8. The Administrator may exercise any of the powers by the last preceding section conferred, after the presentation of a petition in pursuance of the provisions of this law for the exercise thereof, and after the publication of the substance and prayer of such petition in two consecutive ordinary issues of the *Gazette* and in some newspaper (if any) circulating in the neighbourhood referred to thereby, at least once a week during three weeks, and it shall be in the discretion of the Administrator to refuse the prayer of any such petition or to grant the whole or any part thereof.

9. (1) 'n Petisie vir die instelling van 'n nuwe munisipaliteit moet deur tenminste vyf-en-twintig persone geteken word, wat binne die voorgestelde munisipaliteit woonagtig is en wat eienaars of bewoners van grond, binne die voorgestelde munisipaliteit geleë, is.

(2) 'n Petisie wat ten behoeve van enige bestaande munisipaliteit ingedien word, moet noukeurig vermeld watter uitoefening van die bevoegdhede, wat deur artikel *sewe* van die Ordonnansie aan die Administrateur verleen is, deur die petisionarisse gewens word, en moet om sodanige besondere uitoefening daarvan versoek en kan vir enige gedeeltelike uitoefening van sodanige bevoegdhede versoek; en moet deur die burgemeester (of in sy afwesigheid, deur die onderburgemeester, of 'n behoorlik daartoe gemagtigde raadslid), geteken word, deur wie gesertifiseer moet word dat die petisie ooreenkomstig 'n besluit wat deur 'n meerderheid van aanwezige ingeskrywe kiesers aangeneem is, wat op 'n algemene vergadering, belê vir die doel ingevolge 'n besluit van die raad, gestem het, of, ingeval 'n stemming op sodanige vergadering verlang is, dat dit deur 'n meerderheid van die stemme by sodanige stemming aangeneem is.

(3) Die inhoud en versoek van elke petisie moet, alvorens dit aan die Administrateur voorgelê word, in twee opeenvolgende gewone uitgawes van die *Offisiële Koerant* of in 'n koerant (indien enige) wat in die betrokke buurt in omloop is, tenminste eenmaal per week gedurende drie opeenvolgende weke bekendgemaak word.

10. Enige persoon is geregtig om binne dertig dae na die eerste publikasie in die *Offisiële Koerant* van die inhoud en versoek van die petisie soos in artikel *nege* bepaal, enige teen-petisie aan die Administrateur aan te bied, waarin die redes van opposisie teen enige petisie, kennis waarvan gegee is soos hierbo vermeld, uiteengesit is.

11. (1) Die Administrateur kan na eie goedvinde, nadat hy enige petisie of teen-petisie oorweeg het, enige sodanige ondersoek instel, wat hy mag nodig ag en die versoek van enige petisie weer, of die gehele versoek of enige gedeelte daarvan toestaan, of sodanige bevel uitvaardig as hy mag goedvind.

(2) Alle onkoste deur die Administrateur in verband met die publikasie as gevolg van 'n applikasie deur 'n munisipale raad om enige van die magte onder artikel *sewe* verleen uit te oefen word deur die betrokke munisipale raad gedra.

12. Dit is wettig vir die Administrateur om van tyd tot tyd enige van die bevoegdhede, verleen deur artikel *sewe*, sonder dat enige petisie ingedien word, uit te oefen, mits voor die uitoefening van enige sodanige bevoegdheid, in twee opeenvolgende uitgawes van die *Offisiële Koerant* en eenmaal per week gedurende drie opeenvolgende weke in 'n koerant, (indien enige), wat in die buurt in omloop is, kennis gegee word van die voorneme van die Administrateur om sodanige bevoegdhede uit te oefen. As binne een maand na die datum van die laaste publikasie van sodanige kennisgewing, geen voldoende rede aangetoon word nie waarom die bevoegdhede, wat voorgestel word om uitgeoefen te word, nie uitgeoefen behoort te word nie, is dit wettig vir die Administrateur om sodanige bevoegdhede uit te oefen.

## HOOFSTUK II.

### *Kwalifikasies van Raadslede.*

13. Elke meerderjarige persoon, wat ingevolge hierdie Ordonnansie bevoeg is om by verkiesings van raadslede te stem en wat nie uitgesluit is nie weens die hierna vermelde diskwalifikasies wat besonder betrekking het tot raadslede, is as raadslid verkiesbaar, maar beklee sy amp slegs solank as hy in besit van sodanige bevoegdheid en sonder die hierna genoemde spesiale diskwalifikasies bly; Mits die bepalinge van hierdie artikel nie op enige wyse enige invloed op die status van bestaande raadslede gedurende hul teenswoordige ampsbekleding sal hê nie, behalwe vir sover dit anders deur hierdie Ordonnansie bepaal is.

14. Geen persoon, wat 'n lid van die raad van enige ander munisipaliteit of 'n lid van enige dorpsbestuursraad is, geen persoon, wie se boedel ten behoeve van sy skuldeisers afgestaan is, geen insolvent, wat nie gerehabiliteer is nie, geen persoon wat ter enige tyd aan enige oortreding skuldig bevind is, waarvoor gevangenisstraf sonder keuse van 'n boete as straf opgelê is, tensy hy begenadig of sy gevangenisstraf tenminste vyf jaar voor sy nominasie of verkiesing afgeloop is, geen kranksinnige persoon en geen persoon wat nie ingevolge hierdie wet bevoeg is nie of ingevolge hierdie wet gediskwalifiseer is, kan as raadslid van enige munisipaliteit genomineer of verkies word of as raadslid aanbly nie en ingeval enige aldus gediskwalifiseerde persoon vir

9. (1) A petition for the constitution of a new municipality shall be signed by not less than twenty-five persons resident within the proposed municipality and being owners or occupiers of land situate within the proposed municipality.

(2) A petition presented on behalf of any existing municipality shall state precisely what exercise of the powers by section *seven* of the Ordinance conferred on the Administrator, is desired by the petitioners, and shall pray for such specific exercise thereof, and may pray for any partial exercise of such powers; and shall be signed by the mayor (or, in his absence, by the deputy mayor, or a councillor duly authorised in that behalf), by whom it shall be certified that the petition is in terms of a resolution carried by a majority of enrolled voters present and voting at a general meeting of enrolled voters convened for the purpose in accordance with a resolution of the council, or, in the event of a poll having been demanded at such meeting carried by a majority of the votes cast at such poll.

(3) The substance and prayer of every petition shall, before it is submitted to the Administrator, be published in two consecutive ordinary issues of the *Gazette* and in some newspaper (if any) circulating in the neighbourhood concerned at least once a week during three consecutive weeks.

10. It shall be competent for any person to present to the Administrator within thirty days of the first publication in the *Gazette* of the substance and prayer of a petition as provided in section *nine*, any counter-petition setting forth the grounds of opposition to any petition of which notice shall have been given as aforesaid.

11. (1) It shall be in the discretion of the Administrator, after considering any petition or counter-petition to make such enquiry as he may deem necessary and to refuse the prayer of any petition, or to grant the whole or any part thereof, or to make such order thereon as he shall deem fit.

(2) All expenses incurred by the Administrator in publication as a result of an application by a municipal council for the exercise by him of any of the powers conferred by section *seven* shall be borne by the municipal council concerned.

12. It shall be lawful for the Administrator from time to time to exercise any of the powers conferred by section *seven* without the presentation of any petition, provided that before the exercise of any such power, notice be given in two consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper (if any) circulating in the neighbourhood, stating the intention of the Administrator to exercise such powers. If within one month after the date of the last publication of such notice no sufficient cause shall be shewn why the power proposed to be exercised shall not be exercised, it shall be lawful for the Administrator to exercise such power.

## CHAPTER II.

### *Qualification of Councillors.*

13. Every person of full age, who is qualified to vote at elections of councillors under this Ordinance and who is free from the disqualifications hereinafter mentioned and specially attaching to councillors, shall be eligible to be elected a councillor but shall hold office so long only as he shall continue to possess such qualification and to be free from the special disqualifications hereinafter mentioned: Provided, however, that the provisions of this section shall not in any way affect the status of existing councillors during their present terms of office, save in so far as is otherwise provided by this Ordinance.

14. No person who is a member of the council of any other municipality or is a member of any village management board, no person whose estate is under assignment in trust for his creditors, no insolvent who has not obtained his rehabilitation, no person convicted at any time of any offence for which imprisonment without option of a fine has been imposed as a punishment unless he has received a free pardon or his period of imprisonment has expired at least five years prior to his nomination or election, no person of unsound mind, no person who is not qualified or who is disqualified by this law shall be capable of being nominated or elected or of continuing a councillor of any municipality, and in

verkiesing genomineer word, is die nominasie van nul en gener waarde en kan deur die stemopnemer verwerp word: Mits enige kieser geregtig is om die optree van die stemopnemer by die Hooggeregshof van Suidwes-Afrika in herstelling te bring.

15. Niemand wat enige amp of betrekking, wat geldelike voordeel oplewer, onder die Regering van die Unie van Suid-Afrika of die Administrasie van Suidwes-Afrika beklee, of enige betrekking wat deur die raad gevul word, kan as raadslid genomineer of gekies word of aambly nie: Mits geen persoon, wat enige amp of betrekking, wat geldelike verdienste oplewer, onder die Regering van die Unie van Suid-Afrika of die Administrasie van hierdie Gebied beklee, en van wie dit nie vereis word nie dat hy sy hele tyd aan die staatsdiens wy of wat 'n kontrakteur teenoor die Regering van die Unie van Suid-Afrika of die Administrasie van Suidwes-Afrika is, geag word 'n amp of betrekking, wat geldelike voordeel oplewer, onder die Regering van die Unie van Suid-Afrika of die Administrasie van hierdie Gebied, vir die doeleindes van hierdie artikel, te beklee nie.

16. (1) Geen kontrak waarin enige raadslid geldelike belang het, andersins dan as 'n aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid, mag deur die stadsraad vir enige diens of die lewering van enige materiaal aangegaan word nie, onverskillig of ingevolge sodanige kontrak sodanige diens of sodanige materiaal deur die munisipaliteit of die ander party van die kontrak gedoen of gelewer moet word,—

- (a) tensy die raad op 'n gewone of spesiale vergadering 'n besluit aangeneem het, waarvoor minstens tweederdes van die lede op die vergadering teenwoordig gestem het en waardeur die aangaan van sodanige kontrak goedgekeur is; en
- (b) tensy, ingeval van 'n kontrak, wat volgens sy inhoud betrekking het op die uitgawe of ontvangs aan die kant van die Munisipaliteit van vyfhonderd pond of meer, die raad eers skriftelike en volle besonderhede van sodanige kontrak en van alle tenders wat deur hom ontvang is vir of met betrekking tot sodanige diens of die lewering van sodanige materiaal, tesaam met 'n afskrif van die in paragraaf (a) vermelde besluit, aan die Administrateur voorgelê het, en die Administrateur die aangaan van sodanige kontrak in geskifte goedgekeur het.

(2) Wanneer enige kontrak, waarin enige raadslid, behalwe as 'n aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid, geldelike belang het, deur die raad ten opsigte van enige diens of lewering van enige materiaal aangegaan is, onverskillig of ingevolge sodanige kontrak sodanige diens of sodanige materiaal deur die munisipaliteit of die ander party van die kontrak gedoen of gelewer moet word, moet die raad die feit dadelik in geskifte aan die Administrateur rapporteer en volle besonderhede aangaande sodanige kontrak en alle tenders, wat hy vir of met betrekking tot sodanige diens of die lewering van sodanige materiaal ontvang het, meedeel: Mits wanneer die raad vooraf ingevolge die bepaling van paragraaf (b) van onderartikel (1) sodanige besonderhede aan die Administrateur verskaf het, dit nie vir die raad nodig sal wees nie om sodanige besonderhede te herhaal, wanneer die aangaan van die kontrak gerapporteer word.

(3) Wanneer enige raadslid geldelike belang, behalwe as 'n aandeelhouer in 'n maatskappy met beperkte aanspreeklikheid, in enige kontrak met die raad vir die doen van enige diens of die lewering van enige materiaal het, onverskillig of ingevolge sodanige kontrak sodanige diens of sodanige materiaal deur die raad of die ander party van die kontrak gelewer moet word, is dit die plig van sodanige raadslid, om voor of op die vergadering waarop sodanige kontrak goedgekeur is, as sy belang dan bestaan, of as dit daarna verwerp word, dan binne 'n redelike tydperk en in geen geval later as een maand na die verwerping van sodanige belang nie, dit aan die raad te openbaar, en as sodanige openbaarmaking nie op 'n vergadering van die raad geskied nie om dit middels 'n brief, wat aan die stadskliek geadresseer en afgelewer moet word, te doen en verslag omtrent hierdie brief moet deur die stadskliek by die eerste vergadering na ontvangs van sodanige brief aan die raad gedoen word, en enige sodanige openbaarmaking moet in die notule van dié vergadering van die raad aangeteken word, waarop dié brief deur die raadslid geskied of deur die stadskliek gerapporteer word, en moet dadelik deur die raad aan die Administrateur in geskifte gerapporteer word: Mits, egter, 'n raadslid dit nie nodig het om enige sodanige openbaarmaking ingeval van enige kontrak te onderneem nie, wat tussen die raad en sodanige raadslid in sy eie naam aangegaan is.

(4) Enige raadslid wat hierdie artikel oortree deur sy belang in enige kontrak met die munisipaliteit nie te openbaar nie, soos hierdeur vereis word, is by skuldigbevinding onderhewig aan 'n boete van hoogstens vyftig pond,

case any person so disqualified is nominated for election the nomination shall be void and may be rejected by the returning officer: Provided that it shall be competent for any voter to bring the action of the returning officer under review before the High Court of South West Africa.

15. No person holding any office or place of profit under the Government of the Union of South Africa or the Administration of South West Africa or under or in the gift of the council shall be capable of being nominated or elected or continuing a councillor: Provided that no person holding any office or place of profit under the Government of the Union of South Africa or the Administration of this Territory whose whole time is not required to be devoted to the public service or being a contractor to the Government of the Union of South Africa or the Administration of South West Africa, shall be deemed as such to hold an office or place of profit under the Government of the Union of South Africa or the Administration of this Territory within the meaning of this section.

16. (1) No contract in which any councillor is pecuniarily interested otherwise than as a shareholder in a limited liability company shall be entered into by the council for the performance of any service or the supply of any material, whether under such contract such service is to be performed or such material is to be supplied by the municipality or the other party to the contract,—

- (a) unless the council has at an ordinary or a special meeting passed a resolution, for which not less than two-thirds of the councillors present at the meeting have voted, approving of the conclusion of such contract, and
- (b) unless, in the case of a contract which involves according to the terms thereof the expenditure or receipt by the municipality of five hundred pounds or more, the council has first submitted to the Administrator in writing full particulars of such contract and all tenders which it has received for or relating to the performance of such service or the supply of such material, together with a copy of the resolution referred to in paragraph (a), and the Administrator has approved in writing of the conclusion of such contract.

(2) Whenever any contract in which any councillor is pecuniarily interested otherwise than as a shareholder in a limited liability company is entered into by the council for the performance of any service or the supply of any material, whether under such contract such service is to be performed or such material is to be supplied by the municipality or the other party to the contract, the council shall forthwith report the fact in writing to the Administrator, with full particulars of such contract and all tenders which it has received for or relating to the performance of such service or the supply of such material: Provided that where the council has previously under the provisions of paragraph (b) of sub-section (1) submitted such particulars to the Administrator, it shall not be necessary for the council to repeat such particulars when reporting the conclusion of the contract.

(3) Where any councillor is pecuniarily interested otherwise than as a shareholder in a limited liability company in any contract with the council for the performance of any service or the supply of any material, whether under such contract such service is to be performed or such material is to be supplied by the council or the other party to the contract, it shall be the duty of such councillor, before or at the meeting of the council at which such contract is approved, if his interest then exists, or if his interest is subsequently acquired then within a reasonable time and in any case not later than one month after the acquisition of such interest, to disclose the same to the Council, and such disclosure if not made at a meeting of the council, shall be made by letter addressed and delivered to the town clerk, which shall be reported by him to the council at the first meeting held after the receipt of such letter, and any such disclosure shall be entered on the minutes of the meeting of the council at which the same is made by the councillor or reported by the town clerk, and shall forthwith be reported in writing by the council to the Administrator: Provided, however, that it shall not be necessary for any such disclosure to be made by any councillor in the case of any contract entered into between the council and such councillor in his own name.

(4) Any councillor who contravenes this section by omitting to disclose his interest in any contract with the council as hereby required shall be liable on conviction to a fine not exceeding fifty pounds, and the court before which

en die hof wat hom veroordeel kan beveel dat hy rekenskap van enige profyte gee wat hom ten opsigte van sodanige kontrak toekom en dat hy hulle aan die raad betaal en dat hy sy setel bedank en daarop word sy setel vakant: Mits, egter, die hof nie sodanige bevel mag uitvaardig as dit bewys word dat nalating sydens enige raadslid om sodanige openbaring te doen te wyte was aan siekte, afwesigheid buite die munisipaliteit, vergissing, onbewustheid of 'n ander dergelike oorsaak, en nie aan kwade trou nie.

(5) Geen bepaling van hierdie artikel is van toepassing op die koop deur enige raadslid van enige eiendom of reg, wat deur die raad by publieke veiling verkoop word of op die lewering aan enige raadslid deur die raad teen tariefpryse, van enige van die algemene dienste nie wat die raad aan inwoners van die munisipaliteit verstrek.

17. Geen genomineerde of as raadslid gekose persoon mag, op straf van diskwalifikasie, borgstaan nie ten opsigte van enige kontrak ingegaan met of deur die raad, of enige salaris hê of ontvang nie of enige fooi of beloning, hoegenaam ook vorder, ontvang of aanneem nie, ten opsigte van of weens enigiets wat hy in sy hoedanigheid as raadslid gedoen het: Mits, egter, dit toegestaan word dat hom enige noodsaaklike onkoste, wat in die uitoefening van sy pligte as raadslid opgeloopt is, vergoed word.

18. As 'n persoon, wat nie bevoeg is om as raadslid gekies te word of om as raadslid in amp te bly nie terwyl hy aldus onbevoeg is en wel weet of redelike gronde het om te glo dat hy aldus onbevoeg is, as 'n lid van die raad of enige komitee daarvan sitting neem of stem, is hy by skuldigebevinding deur enige bevoegde hof, onderhewig aan 'n boete van vyftig pond.

19. Al die verrigtings van die raad of van enige persoon wat as burgemeester, onderburgemeester, raadslid, ouditeur of stadsklerk, al na gelang, optree, is, niesteenstaande dit uitgevind word dat daar enige onvolkomenheid in die bevoegdheid, verkiesing of aanstelling van enige raadslid, beampste of persoon, soos voormeld, bestaan het, net so geldig en doeltreffend asof elke sodanige raadslid, beampste of persoon behoorlik aangestel of gekies en bevoeg was en aldus gebly was.

20. Albei die verkose en benoemde lede van die raad van elke munisipaliteit, wat wettiglik na die inwerking-treding van hierdie Ordonnansie opgerig of saamgestel is, deur die in artikel *seven-en-twintig* voorgesiene kiesers verkies, of by geleentheid van sodanige verkiesing aangestel, bly hul poste beklee totdat die raadslede wat op die eerste jaarlikse verkiesing van raadslede in daardie munisipaliteit as behoorlik gekies verklaar is, en die raadslede wat ten opsigte van daardie munisipaliteit by daardie geleentheid benoem word, behoorlik as aangestel verklaar is, wanneer hulle dan hulle poste verlaat.

21. Elke jaar moet by die jaarlikse verkiesing, behalwe soos in die laasvooraangaande artikel bepaal, eenderde van die verkose raadslede en eenderde van die benoemde raadslede aftree. Die verkose raadslede moet om die beurt aftree en die raadslede wat die langste hul poste beklee het sonder herkies te word moet die eerste aftree. As dit die geval is dat twee of meer raadslede terselfdertyd as raadslede gekies is en dit derhalwe nie duidelik is nie watter een van sodanige raadslede moet aftree, dan moet sodanige raadslede, omtrent wie dit soos voormeld nie duidelik is nie, volgens die aantal stemme wat elk by sy verkiesing ontvang het, aftree, beginnende met die een wat die laagste getal gekry het en opgaande. En ingeval dat sodanige raadslede 'n gelyke aantal stemme gekry het, of ingeval sodanige raadslede sonder stemming gekies is, word deur die lot besluit watter raadslede moet aftree, en as dit nie aldus vasgestel word nie of nie op 'n ander wyse vasgestel word of kan word nie, besluit die Administrateur op so 'n geleentheid in watter volgorde en watter van die raadslede moet aftree.

22. Enige persoon wat in die amp van burgemeester, onderburgemeester, raadslid of lid van komitee van 'n raad gekies, benoem of aangestel word, kan sodanige amp middels skriftelike mededeling, aan die stadsklerk gerig, bedank en die bedanking tree in werking vanaf die tyd waarop dit deur sodanige klerk ontvang word.

23. (1) Die amp van burgemeester, onderburgemeester of raadslid word vakant en elke sodanige vakature word binne die bedoeling van hierdie Ordonnansie beskou 'n buitengewone te wees wanneer sodanige burgemeester, onderburgemeester of raadslid:—

- (a) sterwe,
- (b) bedank,
- (c) sonder verlof van die raad van die gewone vergaderings van die raad vir 'n tydperk van twee opeenvolgende maande afwesig is,
- (d) bewys word op onbehoorlike wyse weens enige diskwalifikasie gekies te wees,

he is convicted may order that he shall account for and pay over to the council any profits which may accrue to him in respect of such contract, and that he shall vacate his seat and his seat shall thereupon become vacant: Provided, however, that the court shall not make such order if it is proved that the omission of any councillor to make such disclosure, was due to illness, absence from the municipality, mistake, inadvertence or some other like cause, and was not due to any want of good faith.

(5) Nothing in this section shall apply to the purchase by any councillor of any property or right sold by the council at public auction or to the supply by the council to any councillor at tariff rates of any of the general services rendered by the council to inhabitants of the municipality.

17. No person nominated or elected as councillor shall, under pain of disqualification, stand surety for any contract entered into by or with the council, or have or receive any salary or exact, take or accept any fee or reward whatsoever, for or on account of anything done in his capacity as a councillor: Provided, however, that he shall be allowed to be re-imbursed any necessary expense incurred by him in the performance of his duty as a councillor.

18. If any person who is not qualified to be elected as a councillor or to continue in the office of a councillor while so disqualified, and knowing or having reasonable grounds for believing that he is so disqualified, sit or vote as a member of the council or any committee thereof, he shall be liable upon conviction in any competent court to a penalty of fifty pounds.

19. All proceedings of the council or of any person acting as mayor, deputy mayor, councillor, auditor or town clerk, as the case may be, shall notwithstanding that it be discovered that there was some defect in the qualification, election or appointment of any councillor, officer or person as aforesaid be as valid and effectual as if every such councillor, officer or person had been duly appointed or elected and qualified, and had continued to be so.

20. The members, both elected and nominated, of the council of every municipality established or constituted after the commencement of this Ordinance, elected by such voters as are provided for in section *twenty-seven*, or appointed on the occasion of such election, shall continue in office until the councillors elected at the first annual election of councillors in that municipality are declared duly elected, and the councillors nominated for that municipality on that occasion are declared duly appointed, when they shall go out of office.

21. At the annual election in every year except as in the last preceding section is provided, one-third part of the elected councillors and one-third part of the nominated councillors shall go out of office. The elected councillors shall go out of office by rotation and the councillors who shall go out of office shall be those who have been the longest time in office without re-election. If by reason of two or more councillors having been elected councillors at the same time it shall not be apparent which of such councillors ought to go out of office, then such councillors as to whom it shall not be apparent as aforesaid shall go out of office in the order of the number of votes obtained by each at his election commencing with the lowest number and proceeding upwards. And in the case of an equal number of votes having been given for such councillors, or in case such councillors have been elected without a poll, the councillors to go out of office shall be determined by lot, and in default of being so determined or not otherwise determined or capable of being determined, the Administrator shall for such occasion determine in what order and which of such councillors shall go out of office.

22. Any person elected, nominated or appointed to the office of mayor, deputy mayor, councillor or member of committee of a council may resign such office by written communication addressed to the town clerk, and the resignation shall be complete from the time of its being received by such clerk.

23. (1) The office of mayor, deputy mayor, or councillor, shall become vacant and every such vacancy shall be deemed to be an extraordinary vacancy within the meaning of this Ordinance in case such mayor, deputy mayor or councillor shall:—

- (a) die,
- (b) resign office,
- (c) be absent without leave from the council from the ordinary meetings of the council for a period of two consecutive months,
- (d) be proved to have been improperly elected by reason of any disqualification,

- (e) skuldig aan enige korrupte handeling of onwettige handeling bevind is,
- (f) bewys word dat hy na sy verkiesing onbevoeg geword het omrede—
- (i) hy opgehou het om 'n geregistreerde kieser te wees of om vir inskrywing as sodanige of verkiesing as raadslid bevoeg te wees,
- (ii) hy onbevoeg is om te stem omdat hy vir 'n kriminele misdryf veroordeel is of omdat hy die belasting, soos hierna in paragrawe (a) en (d) van artikel twee-en-dertig voorgeskryf, nie betaal het nie,
- (iii) enige besondere onbevoegdheid met betrekking tot raadslede, wat na sy verkiesing ontstaan het.

(2) Vakatures wat veroorsaak is deur die redes genoem in paragrawe (a), (b) en (c) word deur die burgemeester (of in sy afwesigheid deur die onderburgemeester) verklaar, of ingeval hy versuim om dit binne 'n redelike tyd te doen, deur die Administrateur.

Vakatures deur die in paragrawe (d), (e) en (f) vermelde redes veroorsaak, kan, onderhewig aan 'n beroep op die Hooggeregshof van Suidwes-Afrika deur die Administrateur na sodanige ondersoek, as hy nodig en behoorlik mag ag, verklaar word, of deur vermelde Hooggeregshof in enige prosedures, waarin sodanige onbevoegdheid bewys word, of deur enige hof, wat weens enige misdaad 'n diskwalifiserende vonnis vel.

In geval van 'n beroep teen die handeling van die Administrateur ingevolge hiervan, is dit wettig vir die Sekretaris van Suidwes-Afrika om of persoonlik of deur 'n advokaat vir hom op te tree.

24. Om die tyd van sy aftreding te kan vasstel, word elke burgemeester en onderburgemeester en elke raadslid, wat gekies of benoem is om 'n buitengewone vakature te vervul, beskou gekies of benoem te wees, al na gelang, op dieselfde tyd en op dieselfde wyse, en ingeval van 'n verkose raadslid, en met dieselfde aantal stemme, indien enige, as die laaste ampsbekleder, in wie se plek hy gekies of benoem is en wat om ander redes gekies of benoem is dan om 'n buitengewone vakature te vervul.

25. Elke raadslid wat op punt staan om by enige jaarlikse verkiesing af te tree, bly in sy amp totdat die raadslede, wat op sodanige verkiesing gekies word as behoorlik gekies verklaar word en die benoemde raadslede as behoorlik aangestel verklaar is en daarna moet hy aftree, tensy hy een van die gekose of benoemde lede is.

26. Enige persoon wat as burgemeester, onderburgemeester of as 'n raadslid aftree kan onmiddellik of ter enige tyd, al na gelang, vir sodanige amp herkies of weer benoem word as hy op die tydstip ingevolge die bepalings van hierdie wet bevoeg is om 'n burgemeester, onderburgemeester of 'n raadslid te wees en as sodanige aan te bly.

### HOOFSTUK III.

#### Kiesers.

27. Vir die doeleindes van enige verkiesing in enige munisipaliteit voordat 'n kieserslys vir sodanige munisipaliteit op die deur hierdie wet bepaalde wyse opgemaak is, moet die magistraat 'n lys van alle sodanige persone opstel, wat binne die grense van die munisipaliteit woonagtig is en eienaars of bewoners van grond, binne sodanige grense geleë, is en vir die doeleindes van sodanige verkiesing is sodanige persone die kiesers van sodanige munisipaliteit.

28. Vanaf en na die voltooiing van 'n kieserslys vir enige munisipaliteit ingevolge die bepalings van hierdie Ordonnansie, soos hierna voorgeskrywe, is die persone, wie se name op sodanige lys geregistreer is, onderhewig aan die bepalings van hierdie Ordonnansie, die kiesers van die munisipaliteit.

29. (1) Elke meerderjarige Europeaan, wat nie onbevoeg is om ingevolge die bepalings van hierdie Ordonnansie ingeskryf te word nie en wat 'n Britse onderdaan is en op die eerste dag van Januarie in enige jaar die eienaar is van enige onroerende eiendom, binne enige munisipaliteit geleë, wat 'n geskatte belasbare waarde van nie minder as een honderd pond het nie of die bewoner van enige onroerende eiendom, binne enige munisipaliteit geleë, wat 'n geskatte belasbare waarde van nie minder as twee honderd pond het nie, is geregtig om op die kieserslys vir sodanige munisipaliteit ingeskryf te word: Mits wanneer enige eiendom deur 'n eggenoot en eggenote gemeenskaplik bewoon word, en een van beide die eienaar daarvan is, die ander vir die doeleindes van hierdie artikel as die bewoner daarvan beskou word.

- (e) be convicted of any corrupt practice or illegal practice,
- (f) be proved to have become disqualified after his election by reason of—
- (i) his having ceased to be a registered voter, or to be qualified to be enrolled as such or to be elected as a councillor,
- (ii) his being disqualified to vote by reason of his conviction for a criminal offence or by reason of the non-payment of rates as hereinafter prescribed in paragraphs (a) and (d) respectively of section thirty-two,
- (iii) any special disqualification attaching to councillors arising after his election.

(2) Vacancies on the grounds mentioned in paragraphs (a), (b) and (c) shall be declared by the mayor (or in his absence by the deputy mayor) and, in his default, within a reasonable time, by the Administrator.

Vacancies on the grounds mentioned in paragraphs (d), (e) and (f) may, subject to an appeal to the High Court of South West Africa, be declared by the Administrator after such inquiry as he shall deem necessary and proper, or by the said High Court in any proceeding in which any such disqualification is established or by any court passing any disqualifying sentence for any offence.

In a case of an appeal against the Administrator's action hereunder it shall be lawful for the Secretary for South West Africa to appear on his behalf either personally or through counsel.

24. For the purpose of determining the time of his retirement every mayor and deputy mayor and every councillor elected or nominated to fill an extraordinary vacancy shall be deemed to have been elected or nominated as the case may be, at the same time and in the same manner, and in the case of a councillor elected to have received the same number of votes (if any) as the last holder of the seat he was elected or nominated to fill who was elected or nominated otherwise than to fill an extraordinary vacancy.

25. Every councillor about to go out of office at the annual election in any year shall retain office until the councillors elected at such election are declared duly elected and the councillors nominated are declared duly appointed and shall thereupon unless he be one of such elected or nominated councillors go out of office.

26. Any person vacating office as mayor, deputy mayor or as a councillor may immediately or at any time be re-elected or re-nominated, as the case may be, to such office if for the time being he is eligible under the provisions of this law of being and continuing a mayor, deputy mayor or a councillor.

### CHAPTER III.

#### Voters.

27. For the purposes of any election held in any municipality before a voters' roll has been prepared for such municipality in the manner by this law provided, the magistrate shall frame a list of all such persons as are resident within the limits of the municipality and as are the owners or occupiers of land situate within such limits, and such persons shall be the voters of such municipality for the purposes of such election.

28. From and after the completion of a voters' roll for any municipality under the provisions of this Ordinance as hereinafter prescribed, the persons whose names are registered in such roll, shall, subject to the provisions of this Ordinance be the voters of the municipality.

29. (1) Every European person of full age, not disqualified for enrolment under the provisions of this Ordinance, who is a British subject and on the first day of January in any year is the owner of any immovable property situate within any municipality of the assessed rateable value of not less than one hundred pounds, or the occupier of any immovable property situate within any municipality of the assessed rateable value of not less than two hundred pounds, shall be entitled to be enrolled on the voters' roll for such municipality: Provided that when any property is jointly occupied by husband and wife, one of whom is the owner thereof, then the other shall be deemed to be the occupier for the purposes of this section.

(2) Ingeval enige gedeelte van enige onroerende eiendom in enige munisipaliteit afsonderlik verhuur is, is die bewoner van elke sodanige gedeelte, wat 'n geskatte belasbare waarde van minstens twee honderd pond het, geregtig om op die kieserslys van sodanige munisipaliteit ingeskryf te word, onderhewig aan die voorbehoudsklausule uiteengesit in onder-artikel (1).

(3) Elke kieser het soveel stemme as wat daar kandidate is, wat vir die munisipaliteit, waarin hy as 'n kieser ingeskryf is, gekies moet word, maar hy mag geen enkele kandidaat meer as een stem gee nie.

30. Wanneer meer persone as een, behalwe as lede van 'n geregistreerde maatskappy met 'n gemeenskaplike kapitaal, wat in aandeel verdeel is, die eienaars of bewoners van enige belasbare eiendom is, en hulle nie andersins onbevoeg is nie, is hulle geregtig om op die kieserslys ingeskryf te word: Mits indien ingeval van gemeenskaplike eienaars, die geskatte belasbare waarde van die eiendom, wanneer gedeel deur die getal van die eienaars, minder as een honderd pond is, en indien ingeval van gemeenskaplike bewoners, die geskatte belasbare waarde van die bewoonde eiendom, wanneer gedeel deur die getal van sodanige bewoners, minder as twee honderd pond is, alleen een van sodanige eienaars of bewoners, al na gelang, wat deur hulle skriftelik genomineer moet word, geregtig is om op die kieserslys ingeskryf te word.

31. Elke geregistreerde maatskappy met 'n gemeenskaplike kapitaal in aandeel verdeel, wat eiendom binne die munisipaliteit besit of bewoon, wat die geskatte belasbare waarde, in artikel *neën-en-twintig* hiervan vermeld, besit, is geregtig om op die kieserslys met dieselfde regte en onderhewig aan dieselfde beperkings ingeskryf te word, as wat hierbo aan meerderjarige persone verleen is of op hulle gelê is, en is geregtig om deur 'n direkteur, bestuurder, sekretaris of ander amptenaar van die maatskappy, wat behoorlik daartoe deur die maatskappy skriftelik gemagtig is en wie se naam behoorlik op die kieserslys as die verteenwoordiger van die maatskappy gesit is, te stem.

32. Die volgende persone is nie bevoeg om by enige verkiesing, wat ingevolge hierdie Deel van hierdie Ordonnansie plaasvind, te stem nie:—

- (a) Enige persoon, wat binne die laaste vyf jare 'n deel van 'n vonnis tot gevangenisstraf sonder die keuse van 'n boete weens enige oortreding binne hierdie Gebied of elders gepleeg, uitgedien het, tensy sodanige persoon volle begenadiging gekry het;
- (b) Persone, wie se name nie op die bestaande kieserslys voorkom nie;
- (c) Persone, wat alhoewel hulle op die kieserslys van die munisipaliteit ingeskryf is, tydens die verkiesing nie die eienaars van onroerende eiendom binne die munisipaliteit ter waarde van een honderd pond of die bewoners van onroerende eiendom binne die munisipaliteit ter waarde van twee honderd pond of meer is nie en weens enige ander redes nie geregtig is om ingeskryf te word nie;
- (d) Persone wat op die dag voor die stemdag nie alle bedrae deur hulle verskuldig ten opsigte van enige stadsbelastinge of fooie, wat drie maande of meer voor die stemdag verval en betaalbaar was, betaal het nie.

#### HOOFSTUK IV.

##### *Opstel van Kieserslys.*

33. Voor die een-en-twintigste dag van Januarie in elke jaar moet die stadsklerk 'n lys opmaak of laat opmaak, waarin die name van alle persone, wat bevoeg is om op die kieserslys ingevolge die bepalinge van hierdie Ordonnansie ingeskryf te word, bevat is. Sodanige lys moet aantoon:—

- (a) die name voluit in alfabetiese orde van famieliename gerangskik of in die alternatiewe, na verkiesing van die Raad, in alfabetiese orde van strate en famieliename;
- (b) beskrywing van eiendom wat die reg gee om te kan stem;
- (c) die waarde van sodanige eiendom; en
- (d) of die kieser 'n eenaar of bewoner is of ingeskryf is as die verteenwoordiger van 'n maatskappy.

34. Die stadsklerk moet onmiddellik nadat die vermelde lys opgemaak is, deur middel van kennisgewing in 'n koerant, wat gewoonlik in die buurt in omloop is, indien enige, en deur middel van kennisgewing, wat buitekant die munisipale kantore aangeplak moet word, en op sodanige ander wyse as die raad van tyd tot tyd mag gelas, bekend maak dat 'n kopie van sodanige lys klaar lê vir inspeksie in die munisipale kantore en, as die raad dit gelas, op sodanige

(2) Where any portion of any immovable property in any municipality is let separately, the occupier of every such portion, which is of the assessed rateable value of not less than two hundred pounds, shall be entitled to be enrolled on the voters' list for such municipality, subject to the proviso set forth in sub-section (1).

(3) Every voter shall have as many votes as there are candidates to be elected for the municipality in which he is enrolled as a voter but he shall not give more than one vote to any one candidate.

30. When more persons than one are, otherwise than as members of a registered company having joint stock capital divided into shares, the owners or occupiers of any rateable property they shall, if not otherwise disqualified, be entitled to be enrolled on the voters' roll: Provided that if in the case of joint owners the assessed rateable value of the property when divided by the number of owners is less than one hundred pounds, and if in the case of joint occupiers the assessed rateable value of the property occupied when divided by the number of such occupiers is less than two hundred pounds, only one of such owners or occupiers, as the case may be, to be named in writing by them, shall be entitled to be enrolled on the voters' roll.

31. Every registered company having joint stock capital divided into shares owning or occupying property within the municipality of the assessed rateable value mentioned in section *twenty-nine* hereof shall be entitled to be enrolled on the voters' roll with the same rights and subject to the same restrictions as are hereinbefore given to or imposed upon persons of full age and shall be entitled to vote by a director, manager, secretary or other official of the company who has been duly authorised thereto in writing by the company and whose name has been duly placed upon the voters' roll as representative of the company.

32. The following persons shall not be qualified to vote at any election, held under the provisions of this Part of this Ordinance:—

- (a) Any person who within the last five years has been serving any portion of a sentence of imprisonment without the option of a fine for any offence committed within this Territory or elsewhere, unless such person has obtained a free pardon;
- (b) Persons whose names do not appear upon the voters' roll for the time being;
- (c) Persons who, although enrolled on the voters' roll of the municipality, are not at the time of the election the owners of immovable property within the municipality of the value of one hundred pounds or the occupiers of immovable property within the municipality of the value of two hundred pounds or over and are not entitled to be enrolled on any other ground;
- (d) Persons who at the close of the day preceding the day of voting have not paid all sums due from them in respect of any rates or fees due and payable three months or more before the day of voting.

#### CHAPTER IV.

##### *Making of Voters' Roll.*

33. Before the twenty-first day of January in every year, the town clerk shall make or cause to be made out a list containing the names of all persons qualified to be enrolled on the voters' roll under the provisions of this Ordinance, which list shall shew:—

- (a) the names in full, arranged in alphabetical order of surnames or alternatively, in the option of the council, in alphabetical order of streets and surnames;
- (b) description of property giving title to vote;
- (c) the value of such property; and
- (d) whether the voter is owner or occupier or enrolled as the representative of a company.

34. The town clerk shall, immediately after making out the said list, notify by advertisement in some newspaper (if any) generally circulating in the neighbourhood, and by notice posted outside the municipal offices and in such other manner as the council may from time to time direct, that a copy of such list is ready for inspection at the municipal offices, and, if the council shall so direct, at such other

ander plek, soos bepaal mag word, en 'n kopie van sodanige lys moet in die munisipale kantore en op sodanige bepaalde plek, soos voormeld, vir 'n tydperk van sewe dae gedurende kantoorure ter insae lê. Vermelde aankondiging moet ook aandui dat op 'n sekere dag en uur, en op 'n daarin bepaalde plek, eise om ingeskryf te word of besware teen vermeldde lys gehoor en beslis sal word, soos in die hierop volgende artikel bepaal word.

35. Die burgemeester en twee raadslede, vir daardie doel deur die raad verkies, sal op die aldus bekend gemaakte dag 'n hersieningshof vorm om alle sodanige eise en besware te verhoor en om daarvoor te beslis, en hulle kan die sitting van sodanige hof van tyd tot tyd verdaag, soos dit nodig mag wees. Enige twee lede van sodanige hof vorm 'n kworum.

36. Die vermeldde hof moet by die hersiening van die lys gelei wees deur die bepalings van hierdie Ordonnansie en die volgende aanwysings en bepalings, naamlik hy moet—

- (a) die naam van elke persoon inskrywe, wat persoonlik of deur sy agent tot sy genoegdoening bewys dat hy geregtig is om sy naam op die kieserslys te laat inskrywe;
- (b) behalwe ingeval van dood, of onbevoegdheid as kieser ingevolge 'n kriminele skuldigbevinding, deur die griffier of die klerk van die hof, wat vonnis uitgespreek het, gesertifiseer, (mits die identiteit van die persoon tot bevrediging van die hersieningshof bewys is), die name van alle persone, teen wie geen besware gemaak is nie, op die lys hou;
- (c) die naam van elke persoon op die lys hou, waarteen besware gemaak is, tensy die persoon, wat die beswaar inbring, of persoonlik verskyn, of deur iemand vir die doel verteenwoordig word, en die beswaar met bevredigende bewys staaf;
- (d) ingeval enige beswaar ingebring en bevredigend bewys word, die naam van die persoon, teen wie die beswaar gemaak is, van die lys skrap:  
Mits geen naam van enige persoon geskrap mag word nie, totdat sodanige persoon, of self of deur 'n agent, twee volle dae vooraf skriftelike kennis van die voorneme ontvang het om sy bevoegdheid te ondersoek, en hy op verlangeten opsigte daarvan verhoor geword is;
- (e) die naam van enige persoon op die lys daarvan skrap, as hy opgehou het om bevoeg te wees om ingevolge hierdie Ordonnansie ingeskryf te word;
- (f) enige foute of enige uitlating verbeter, wat blyk in die kieserslys voor te kom, ten opsigte van die naam van enige persoon of die beskrywing van enige eiendom, of ten opsigte van enige ander betreklike sake, wat nie aangeleentheid is nie waarvoor voorsiening in die voorafgaande paragrafe van hierdie artikel gemaak is.

37. (1) Die hersiene lys moet deur die burgemeester gesertifiseer word, en aldus gesertifiseer is dit die kieserslys van die munisipaliteit en bly van krag en daar mag nie bygevoeg word nie en dit mag nie andersins verander word nie, totdat 'n nuwe lys van die munisipaliteit ingevolge die bepalings van hierdie Ordonnansie opgemaak en hersien en gesertifiseer is, onverskillig of dit behoorlik op die vasgestelde tyd of dan later opgemaak is.

(2) Totdat 'n kieserslys vir enige munisipaliteit gedurende die jaar 1936, ooreenkomstig die bepalings van hierdie Ordonnansie opgetrek, hersien en gesertifiseer is, bly die kieserslys van daardie munisipaliteit, wat by die inwerkingtreding van hierdie Ordonnansie in krag is, van krag.

38. Enige gedrukte of geskrewe eksemplaar, wat bedoel is as 'n kopie van die kieserslys van enige munisipaliteit en deur die burgemeester geteken is, geld as *prima facie* bewys van sodanige lys en van die inhoud daarvan.

39. Geen versuim om enige kennis by wyse van aankondiging of andersins met betrekking tot enige lys te gee, of om enige lys ter insae te laat lê of vir besigtiging te hou, word beskou om enige van die deur hierdie Ordonnansie ten opsigte van die optrekking of voltooiing van enige lys voorgeskrewe verrigtings te verhinder, ongeldig te maak of onvoldoende te maak nie of om enige sodanige lys ongeldig te maak nie.

40. (1) Indien vir enige rede die hersiening van enige op hersiening ingevolge hierdie Ordonnansie wagtende lys nie binne die behoorlike tyd, wat vir daardie doel voorgeskryf of toegelaat word, onderneem of voltooi is nie, kan die Administrateur 'n dag vir die sitting van 'n hof bepaal om sodanige lys te hersien, en ten opsigte van alle sodanige handelings en verrigtings, wat dan nog met betrekking tot sodanige lys moet verrig of onderneem word, word sodanige dag vir alle doeleindes as die dag beskou, wat vir sodanige hersiening vasgestel is en alle verdere verrigtings moet dienooreenkomstig plaasvind en onderneem word.

place as may be appointed, and a copy of such list shall be open to inspection at the municipal offices, and at such appointed place as aforesaid, during office hours, for a period of seven days. The said advertisement shall also intimate that on a certain day and hour, and at a place to be therein set forth, claims to be inserted in, or objections to, the said list will be heard and determined, as hereinafter in the next succeeding section is provided.

35. The mayor and two councillors selected for that purpose by the council shall on the day so notified form a revision court to hear all such claims and objections, and to determine thereon, and may adjourn the sitting of such court from time to time as may be necessary. Any two members of such court shall form a quorum.

36. The said court shall in revising the list be guided by the provisions of this Ordinance and the following directions and provisions, that is to say, it shall—

- (a) Insert the name of every person who by himself or his agent in that behalf proves to its satisfaction that he is entitled to have his name inserted in the voters' roll;
- (b) Except in the case of a death, or disqualification as a voter by reason of a criminal conviction certified by the registrar or the clerk of the court in which sentence was passed (provided the identity of the person is established to the satisfaction of the revision court) retain on the list the names of all persons to whom no objection has been made;
- (c) Retain on the list the name of every person objected to, unless the person objecting appears by himself, or some one on his behalf, in support of such objection, and establishes the same by satisfactory proof;
- (d) In case any objection is made and satisfactorily proved, expunge the name of the person objected to from the list:  
Provided that no name of any person shall be struck out until such person, by himself or his agent in that behalf, has had two clear days' notice in writing of the intention to investigate his qualification, and has been heard in regard thereto should he so desire;
- (e) Expunge from the list the name of any person inserted therein who has ceased to be qualified to be enrolled in terms of this Ordinance;
- (f) Correct any mistake or supply any omission which may appear to have been made in the list, with regard to the name of any person or the description of any property, or with regard to any other relevant matters not being matters provided for in the preceding paragraphs of this section.

37. (1) The revised list shall be certified by the mayor, and so certified, shall be the voters' roll for the municipality and shall continue in force, and shall not be added to or otherwise altered until a new roll has been made for the municipality and revised and certified under the provisions of this Ordinance, whether the same be duly made at the time appointed or afterwards.

(2) Until a voters' roll has been made, revised and certified for any municipality during the year 1936 in accordance with the provisions of this Ordinance, the voters' roll for that municipality in force at the commencement of this Ordinance shall continue to be in force.

38. Any printed or written copy purporting to be a copy of the voters' roll of any municipality, signed by the mayor shall be *prima facie* evidence of such roll and of the contents thereof.

39. No omission to make any notification by advertisement or otherwise with regard to any list, or to exhibit or to keep any list for inspection shall be deemed to prevent, invalidate or render imperfect any of the proceedings by this Ordinance prescribed with regard to the compilation or completion of any list or roll, or to invalidate any such list or roll.

40. (1) If from any cause the revision of any list awaiting revision under this Ordinance has not been made or completed within the proper time appointed or allowed for that purpose, the Administrator may appoint a day for holding a court for revising such list and such day shall, as to all such acts and proceedings as then remain to be done or had with respect to such list, be deemed to be for all intents and purposes the day appointed for such revision and all further proceedings shall be had and taken accordingly.

(2) Indien vir enige rede die optrekking of hersiening van die kieserslys versuim is of nie voltooi is nie, kan die Administrateur gelas dat dit binne sodanige tyd as hy mag voorskrywe, gedoen moet word, en na publikasie van sodanige bevel in die *Offisiële Koerant* is sodanige versuim of nie-voltooiing herstel en sodanige lys ooreenkomstig die bepalinge van sodanige bevel weer geldig gemaak.

(3) Sover dit kan, moet die Administrateur ten opsigte van die aangeleentheid, waarna in hierdie artikel verwys is, die kennisgewings, wat ingevolge die voorskrifte van hierdie Hoofstuk vereis word, en die tydperke wat in sodanige kennisgewings genoem moet word en na sodanige kennisgewings moet verloop, in ag neem, tensy vermelde kennisgewings alreeds gemaak is en vermelde tydperke alreeds verloop het. Wanneer enige eise of besware alreeds behoorlik bekend gemaak is of kennis alreeds behoorlik aan die persone gegee is, teen wie beswaar gemaak word, is dit nie nodig om sodanige bekendmaking of kennisgewing te herhaal nie, maar in elke sodanige geval moet twee volle dae vooraf kennis van die dag, waarop die hof sal sit, aan elke persoon (of sy agent in die aangeleentheid) gegee word, wat enige eis of beswaar maak, of teen wie beswaar ingebring is, al na gelang.

## HOOFSTUK V.

### *Verkieping en Benoeming van Raadslede.*

41. 'n Eerste verkieping van raadslede in enige munisipaliteit, ingestel na die datum van inkragtreding van hierdie Ordonnansie, word op sodanige dag, binne drie maande na die instelling daarvan, gehou soos die magistraat van die distrik mag bepaal.

42. By elke sodanige eerste verkieping van raadslede in enige munisipaliteit moet die volle aantal kiesbare raadslede, wat aan die munisipaliteit toegewys is, gekies word. Sodra doenlik nadat die uitslag van sodanige verkieping verklaar is, moet die Administrateur die gehele aantal van benoemde raadslede, wat aan die munisipaliteit toegewys is, benoem.

43. 'n Jaarlikse verkieping van raadslede moet in elke munisipaliteit op die eerste Maandag in Maart in elke jaar gehou word, tensy die raad op 'n vergadering, minstens een maand voor sodanige dag gehou, besluit dat sodanige dag vir die verkieping ongelee of ongepas sal wees en 'n ander dag, binne sewe dae na die eerste Maandag in Maart, as die dag bepaal, waarop sodanige verkieping sal plaasvind, en in dié geval sal die verkieping op die aldus vastgestelde dag plaasvind: Mits enige sodanige verandering dadelik bekend gemaak word middels publieke aankondiging by die munisipale kantore aangeplak en in een of meer koerante, (indien enige), wat plaaslik in omloop is, gepubliseer.

44. (1) By elke jaarlikse verkieping, behalwe soos in onderartikels (2) en (3) voorsien, moet eenderde van die gehele aantal kiesbare raadslede, wat aan die munisipaliteit toegewys is, gekies word. Sodra doenlik nadat die uitslag van sodanige verkieping verklaar is, moet die Administrateur eenderde van die gehele aantal benoemde raadslede, wat aan die munisipaliteit toegewys is, benoem.

(2) Ingeval van 'n munisipaliteit wettiglik ingestel of saamgestel voor die inwerkingtreding van hierdie Ordonnansie, moet by die jaarlikse verkieping in die jaar 1936, die gehele aantal kiesbare raadslede, wat aan die munisipaliteit toegewys is, gekies word. Sodra doenlik nadat die uitslag van sodanige verkieping verklaar is, moet die Administrateur die gehele aantal benoemde raadslede, wat aan die munisipaliteit toegewys is, benoem.

(3) Ingeval van 'n munisipaliteit ingestel of saamgestel na die inwerkingtreding van hierdie Ordonnansie, moet by die eerste jaarlikse verkieping wat gehou word na die verkieping van 'n raad deur sodanige kiesers, waarvoor voorsiening gemaak word in artikel *sewan-en-twintig*, die gehele aantal kiesbare raadslede, wat aan die munisipaliteit toegewys is, gekies word. Sodra doenlik, nadat die uitslag van sodanige verkieping verklaar is, moet die Administrateur die gehele aantal benoemde raadslede, wat aan die munisipaliteit toegewys is, benoem.

(4) By die benoeming van die benoemde raadslede, ooreenkomstig die bepalinge van onderartikel (2) of (3), moet die Administrateur verklaar dat eenderde van hulle, wie se name hy moet spesifiseer, hul ampte sal beklee totdat die uitslag van die volgende jaarlikse verkieping verklaar en raadslede benoem is, dat eenderde van hulle, wie se name hy moet spesifiseer, hul ampte sal beklee totdat die uitslag van die jaarlikse verkieping na die volgende verklaar en raadslede benoem is, en dat eenderde van hulle, wie se name hy moet spesifiseer, hul ampte sal beklee totdat die uitslag van die tweede jaarlikse verkieping na die volgende verklaar en raadslede benoem is.

(2) If from any cause the preparation or revision of voters' list has been omitted or not completed, the Administrator may direct the same to be done within such time as he may prescribe, and upon the publication of such order in the *Gazette* such omission or non-completion shall be rectified, and such list validated in accordance with the terms of such order.

(3) Due regard shall (so far as may be), in respect of the matters in this section referred to, be had by the Administrator to the notices required by the provisions of this Chapter and the periods of time required to be specified in and to elapse after such notices, unless the said notices shall already have been given and the said times elapsed. When any claims or objections have already been duly notified or notices to persons objected to have been duly given, it shall not be necessary to repeat such notification or giving of notice, but in every such case two clear days' written notice of the day for the holding of the court shall be given to every person (or his agent in that behalf) making any claim, or raising any objection, or against whom objection has been raised, as the case may be.

## CHAPTER V.

### *Election and Nomination of Councillors.*

41. A first election of councillors in any municipality constituted after the date of commencement of this Ordinance shall be held on such day, within three months after the constitution thereof, as the magistrate of the district may appoint.

42. At every such first election of councillors in any municipality the whole number of elective councillors assigned to the municipality shall be elected. As soon as is convenient after the result of such election has been declared, the Administrator shall nominate the whole number of nominated councillors assigned to the municipality.

43. Any annual election of councillors in every municipality shall be held on the first Monday in March in every year, unless the council at a meeting held not less than one month before such day decides that such day would be inconvenient or unsuitable for the election, and appoints some other day, within seven days after the first Monday in March, as the day for such election, in which case the election shall be held on the day so appointed: Provided that any such alteration shall be notified forthwith by public advertisement posted at the municipal offices and published in one or more newspapers (if any) circulating locally.

44. (1) At every annual election, except as in sub-sections (2) and (3) provided, one-third of the whole number of elective councillors assigned to the municipality shall be elected. As soon as is convenient after the result of such election has been declared, the Administrator shall nominate one-third of the whole number of nominated councillors assigned to the municipality.

(2) At the annual election in the year 1936 in the case of a municipality lawfully established or constituted prior to the commencement of this Ordinance, the whole number of elective councillors assigned to the municipality shall be elected. As soon as is convenient, after the result of such election has been declared, the Administrator shall nominate the whole number of nominated councillors assigned to the municipality.

(3) At the first annual election, in the case of a municipality established or constituted after the commencement of this Ordinance, held after the election of a council by such voters as are provided for by section *twenty-seven* the whole number of elective councillors assigned to the municipality shall be elected. As soon as is convenient after the result of such election has been declared, the Administrator shall nominate the whole number of nominated councillors assigned to the municipality.

(4) When nominating the nominated councillors in accordance with the provisions of sub-section (2) or (3), the Administrator shall state that one-third of them, whose names he shall specify, shall hold office until the declaration of the poll and nomination of councillors at the next annual election, that one-third of them, whose names he shall specify, shall hold office until the declaration of the poll and nomination of councillors at the annual election next but one, and that one-third of them, whose names he shall specify, shall hold office until the declaration of the poll and nomination of councillors at the annual election next but two.

45. Ingeval van 'n buitengewone vakature in die amp van 'n verkose raadslid van enige munisipaliteit, moet 'n verkiesing om sodanige vakature te vul, onderhewig aan die bepalinge van die eersvolgende artikel op sodanige dag gehou word, hoogstens dertig dae en minstens veertien dae na die ontstaan van die vakature, soos deur die burgemeester mag vasgestel word, en in gebreke van sodanige vasstelling op die dertigste dag na die ontstaan van sodanige vakature.

46. So dikwels as onder die kiesbare lede van die raad enige buitengewone vakature ontstaan, moet die raadslid of raadslede, wat gekies moet word om sodanige vakature te vul, op die wyse gekies word soos bepaal ingeval van die verkiesing van kandidate by die jaarlikse verkiesing. Maar as sodanige vakature of vakatures binne drie maande voor die volgende jaarlikse verkiesing ontstaan, dan word die vakature of vakatures nie by 'n spesiale verkiesing gevul nie, maar bly bestaan totdat die jaarlikse verkiesing gehou word: mits indien meer as drie vakatures bestaan, hulle by 'n spesiale verkiesing, wat vir daardie doel gehou word, gevul sal word en die aldus gekose raadslede hul amp vir die res van die tydperk sal beklee, wat die raadslede, wat hulle opvolg, anders hul amp sou beklee het en die kandidate, wat die hoogste aantal stemme gekry het, die aftredende raadslid sal opvolg, wat die langste dienstyd voor hom het, en die kandidaat wat daarna die hoogste aantal stemme kry die opvolger van die aftredende raadslid word, wat die tweede langste dienstyd voor hom het, en so voorts.

47. Wanneer en so dikwels as enige buitengewone vakature in die amp van 'n benoemde raadslid van enige munisipaliteit ontstaan, moet die raadslid of raadslede, wat deur die Administrateur benoem word om sodanige vakature of vakatures te vul, binne dertig dae na die ontstaan van sodanige vakature of vakatures benoem word en beklee sy amp vir die res van die tydperk, wat die raadslid of raadslede, wie hulle opvolg, anders hul amp sou beklee het.

48. Elke munisipale verkiesing moet voor die burgemeester gehou word, of ingeval daar geen burgemeester is nie, of hy afwesig is of nie in staat is om op te tree nie, dan voor die Onderburgemeester, of ingeval daar geen onderburgemeester is nie, of hy afwesig is of nie in staat is om op te tree nie, dan voor sodanige persoon wat deur die raad van die munisipaliteit, of ingeval daar geen raad is nie, deur die Administrateur mag aangestel word. En sodanige burgemeester of onderburgemeester of ander persoon sal die kiesbeampte by sodanige verkiesing wees: Mits, altoos, geen kiesbeampte 'n kandidaat vir 'n amp by so 'n verkiesing mag wees of word nie.

49. Minstens een-en-twintig dae voor die dag vasgestel vir enige verkiesing, moet die burgemeester of kiesbeampte, al na gelang, 'n kennisgewing van sodanige verkiesing in een of meer koerante, wat binne die munisipaliteit in omloop is, publiseer en moet sodanige kennisgewing buite die kantore van die raad aanplak en aangeplak hou, en middels sodanige kennisgewing moet hy 'n dag bepaal, hoogstens veertien en minstens sewe dae na die datum van sodanige kennisgewing, as die nominasiedag en moet verlang dat alle kandidate vir sodanige verkiesing voor vier uur in die namiddag van die dag voor die nominasiedag genomineer moet word en dit op 'n plek binne die munisipaliteit, soos in die kennisgewing genoem, en op die wyse hierna beskrywe. Ingeval van 'n eerste verkiesing van raadslede in enige munisipaliteit, wat na die inwerkingtrede van hierdie Ordonnansie ingestel word, moet die kennisgewing, waarna hier verwys word, deur die magistraat van die distrik gepubliseer word en deur hom buite sy kantoor aangeplak word en aangeplak gehou word.

50. Geen persoon mag 'n kandidaat by enige verkiesing word of as sulks beskou word nie tensy hy op die volgende wyse genomineer is:— Voor vier uur in die namiddag van die dag voor die nominasiedag moet op die bepaalde plek 'n nominasiebrief, soos aangegee in die formulier bevat in die Tweede Bylae hiervan of in dergelike vorm, afgelewer word en daarop moet die voornaam en familie-naam van sodanige kandidaat, tesame met sy adres en beroep en enige ander besonderhede, in en deur vermeldde Bylae vereis, aangegee word, en sodanige nominasiebrief moet deur minstens vyf persone, wie se name op die kieserslys verskyn, geteken wees asook deur sodanige kandidaat of sy behoorlik gemagtigde agent om aan te toon dat hy sodanige nominasie aanvaar: Mits indien ter enige tyd die raad van 'n munisipaliteit, deur besluit van die meerderheid van sy raadslede, die Administrateur versoek dat nominasie-briewe deur meer as vyf persone, wie se name op die kieserslys verskyn, geteken moet word, die Administrateur deur proklamasie mag vereis dat elke sodanige nominasiebrief in sodanige munisipaliteit deur sodanige aantal kiesers, naamlik minstens ses en hoogstens vyf-en-twintig, al na gelang hy mag raadsaam ag, geteken moet word: Mits verder die kiesbeampte by enige verkiesing, wat ingevolge die bepalinge van hierdie Ordonnansie gehou word, die nominasie

45. On the occurrence of any extraordinary vacancy in the office of an elected councillor of any municipality an election to fill such vacancy shall subject to the provisions of the next succeeding section, be held on such day, not being more than thirty days nor less than fourteen days after the occurrence of such vacancy, as the mayor may appoint, and in default of such appointment on the thirtieth day after the occurrence of such vacancy.

46. As often as any extraordinary vacancy occurs in the elective members of the council, the councillor or councillors to be elected to fill such vacancy shall be elected in the manner provided for the election of candidates at the annual election. But if such vacancy or vacancies occur within three months of the ensuing annual election, then the vacancy or vacancies shall not be filled up at a special election, but shall remain until the holding of the annual election: Provided always that if vacancies exceed three in number they shall be filled up at a special election held for the purpose, and the councillors so elected shall hold office for the remainder of the terms for which the councillors whom they succeed would otherwise have remained in office, the candidate receiving the highest number of votes succeeding the vacating councillor with the longest term to serve, and he with the next highest number of votes succeeding the vacating councillor with the next longest term to serve, and so on.

47. When and as often as any extraordinary vacancy occurs in the office of a nominated councillor of any municipality, the councillor or councillors nominated by the Administrator to fill such vacancy or vacancies shall be appointed within thirty days after the occurrence of such vacancy or vacancies and shall hold office for the remainder of the term for which the councillor or councillors whom they succeed would otherwise have remained in office.

48. Every municipal election shall be held before the mayor, or in case there is no mayor, or he is absent or incapable of acting, then before the deputy mayor, and in case there is no deputy mayor, or he is absent or incapable of acting, then before such person as the council of the municipality, or, in case there is no council, the Administrator may appoint. And such mayor or deputy mayor or other person shall be the returning officer at such election: Provided, always, that no returning officer shall be or become a candidate for office at such election.

49. Not less than twenty-one days before the day appointed for any election, the mayor or returning officer as the case may be, shall publish a notice of such election in one or more newspapers circulating within the municipality and shall post such notice and keep it posted outside the offices of the council, and by such notice shall specify a day, not being more than fourteen nor less than seven days from the date of giving such notice, as the day of nomination, and shall require all candidates at such elections to be nominated before four o'clock in the afternoon of the day before the day of nomination, and at some place within the municipality, to be named in such notice, in manner herein-after mentioned. In the case of a first election of councillors in any municipality constituted after the commencement of this Ordinance, the notice herein referred to shall be published by the magistrate of the district, and shall be posted by him and kept posted outside his office.

50. No person may become, or shall be deemed to be a candidate at any election unless he shall be nominated in manner following:— Before four o'clock in the afternoon of the day before the day of nomination there shall be delivered at the place appointed, a nomination paper as in form contained in the Second Schedule hereto or to the like effect, stating the christian name and surname of such candidate, together with his address and occupation and any other particulars required in and by the said Schedule, and such nomination paper shall be signed by not less than five persons whose names appear on the voters' roll, and by such candidate or his duly accredited agent intimating his acceptance of such nomination: Provided that if at any time the council of a municipality shall, on a resolution of the majority of the councillors thereof, petition the Administrator to require nomination papers to be signed by more than five persons whose names appear on the voters' roll, the Administrator may by proclamation require every such nomination paper to be signed in such municipality by such number of voters, not less than six nor more than twenty-five, as he may deem expedient: Provided further that the returning officer at any election held under the provisions of this Ordinance shall reject the nomination of any candidate proved

van enige kandidaat moet afwys, wat tot bevrediging bewys word onbevoeg vir verkiesing te wees: Mits eindelijk dit enige kandidaat, wie se nominasie aldus afgewys is, vrystaan om die handelswyse van die kiesbeampte by mosie voor die Hooggeregshof in hersiening te bring en die hof moet die saak as dringend behandel en sodanige bevel aangaande die ophoud van die verkiesingsverrigtings of andersins uitvaardig, soos noodsaaklik of raadsaam geag word.

51. Sodra moontlik na verloop van die uur vir die indiening van nominasies moet die raad die name van alle persone wat as kandidate vir die verkiesing genomineer is, laat uithang en uitgehang laat bly buitekant die voormelde plek, wat vir die indiening van nominasiebriewe bepaal is.

52. Indien na verloop van die tyd bepaal vir die nominasie van kandidate, die aantal persone wat kandidate geword het, soos voormeld, nie groter is nie as die aantal kandidate wat dan gekies moet word, moet die kiesbeampte op of na die middag van die nominasiedag by die voormelde plek, wat vir die indiening van nominasiebriewe bepaal is, sodanige kandidate in die publiek verklaar verkies te wees en hulle sal as dienooreenkomstig verkies beskou word.

53. Indien na die tyd vasgestel vir die nominasie van kandidate die aantal persone, wat kandidate geword het, minder is as die aantal raadslede wat dan gekies moet word, moet die genomineerde persone op die wyse, soos voorsien in die laasvooraafgaande artikel as behoorlik verkies verklaar word en dieselfde stappe moet geneem word om enige vakature te vul, wat uit versuim om te nomineer mag ontstaan, as in die geval van 'n buitengewone vakature.

54. Indien na afloop van die vasgestelde tyd vir die nominasie van kandidate, die aantal kandidate groter is as die aantal raadslede wat gekies moet word, dan moet die kiesbeampte om 12 uur smiddags op die nominasiedag die name van die persone, wat kandidate geword het, in die publiek verklaar en die plek of plekke, waar die stemming sal plaasvind en moet ook dadelik 'n kennisgewing in een of meer plaaslike koerante publiseer, waarin die name van die genomineerde persone aangegee word en waarin verklaar word dat vir die verkiesing van raadslede op die dag, wat ingevolge die bepaling van hierdie Ordonnansie vir die hou van 'n verkiesing bepaal word, sal gestem word en waarin sodanige dag en die stemples of -plekke aangegee word.

55. Vir die doeleindes van elke verkiesing moet die kiesbeampte die stemples of -plekke aanwys of afskaf en hy mag dit van tyd tot tyd doen, maar geen stemples mag aangewys of afgeskaf word later as drie dae na die nominasiedag nie.

56. Die stemopnemers by die stemples moet daar orde hou, die aantal kiesers reël, wat tegelyk toegelaat word, en alle ander persone, behalwe die kiesbeampte, die klerke, die kandidate, die agente van die kandidate en die konstabels op diens, uitsluit.

57. Indien 'n kandidaat, wat vir verkiesing genomineer is, madat die stemdag bepaal is sy kandidatuur wens terug te trek, mag hy nie later as drie volle dae, Sondag nie gereken nie, voor die stemdag, 'n kennisgewing van sy terugtrekking teken en aan die stadsklerk oorhandig, en ingeval van 'n eerste verkiesing van raadslede in enige munisipaliteit, wat na die inwerkingtreding van hierdie Ordonnansie ingestel is, moet hy dit aan die magistraat van die distrik oorhandig, en sodanige magistraat moet dit dadelik aan die kiesbeampte oorhandig, wat by ontvangs van sodanige kennisgewing, as die aantal kandidate deur sodanige terugtrekking op die getal verminder is, wat by sodanige verkiesing gekies moet word, die oorblywende kandidate moet verklaar op daardie dag behoorlik gekies te wees en as vermeldde getal nie aldus verminder is nie, moet hy die naam van die aldus terugtrekkende persoon van die lys van kandidate uitlaat en sodanige persoon sal nie by sodanige verkiesings verkiesbaar wees nie.

58. Elke kandidaat mag, as hy dit goed ag, in geskrifte onder sy hand, 'n persoon aanstel om hom by die stemples te verteenwoordig om te sien dat die stemme eerlik opgeneem word en hy mag ook in geskrifte 'n agent aanstel om hom by die telling van die stemme deur die kiesbeampte te verteenwoordig.

59. By enige verkiesing mag geen ondersoek gedoen word aangaande die reg van enige persoon om te stem nie, behalwe dat die stemopnemer self of op versoek van die agent van enige kandidaat die volgende vrae, of enigeen van hulle, maar dan geen ander nie, aan enige kieser mag stel:—

1. Is u die persoon, wie se naam as A.B. op die kieserslys van hierdie munisipaliteit verskyn?
2. Het u by hierdie verkiesing reeds gestem? Of (ingeval van enige persoon wat ingevolge artikel een-dertig van hierdie Ordonnansie geregtig is om in 'n verteenwoordigende hoedanigheid te stem)—Het u by hierdie verkiesing reeds in hierdie hoedanigheid gestem?

to his satisfaction to be ineligible for election: Provided lastly that it shall be competent for any candidate whose nomination has been so rejected to bring the action of the returning officer under this section by motion in review before the High Court, which shall deal with the matter as one of urgency and may make such order as to the stay of the election proceedings, or otherwise, as shall be deemed necessary or expedient.

51. The council shall, as soon as may be after the hour for lodging nominations has passed, cause the names of all persons who have been nominated as candidates for election to be posted and kept posted outside the place named as aforesaid for the delivery of nomination papers.

52. If at the expiration of the time appointed for the nomination of candidates the number of persons who have become candidates as aforesaid does not exceed the number of councillors then to be elected, the returning officer shall, at or after noon on the day of nomination at the place named as aforesaid for the delivery of nomination papers, publicly declare such candidates to be duly elected, and they shall be deemed duly elected accordingly.

53. If at the expiration of the time appointed for the nomination of candidates the number of persons who have become candidates is less than the number of councillors then to be elected, the persons nominated shall be declared to be duly elected in the manner provided in the last preceding section, and the like proceedings shall be taken to supply any vacancy arising from failure to nominate as in the case of an extraordinary vacancy.

54. If at the expiration of the time appointed for the nomination of candidates the number of candidates exceeds the number of councillors to be elected, then the returning officer shall, at noon on the day of nomination at the place appointed for the delivery of nomination papers, publicly announce the names of the persons who have become candidates, and the place or places at which a poll will be taken, and shall also forthwith publish a notice in one or more local newspapers, stating the names of the persons nominated and that a poll will be taken for the election of councillors on the day appointed for holding the election under the provisions of this Ordinance, and naming such day and the polling place or places. And the poll shall take place accordingly, and shall commence at eight o'clock in the forenoon and close at seven o'clock in the afternoon.

55. For the purposes of every election, the returning officer shall, and may from time to time, appoint and abolish the polling place or places, but no polling place shall be appointed or abolished later than three days after the day of nomination.

56. The polling officers at the polling places shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the returning officer, the clerks, the candidates, the agents of the candidates and the constables on duty.

57. If after a poll has been appointed at any election any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three clear days excluding Sundays before the day of polling sign and deliver a notice of his retirement to the town clerk, and, in the case of a first election of councillors in any municipality constituted after the commencement of this Ordinance, to the magistrate of the district, who shall forthwith hand the same to the returning officer, who on receipt of such notice shall, if the number of candidates is by such retirement reduced to the number of persons to be elected at such election, declare the remaining candidates to be on that day duly elected, and if the said number is not so reduced, omit the name of the person so retiring from the list of candidates and such person shall not be capable of being elected at such election.

58. Every candidate may if he think fit, appoint by writing under his hand a person to represent him at the polling place to see that the votes are fairly taken and may also appoint in writing an agent to represent him at the counting of the votes by the returning officer.

59. No enquiry shall be made at any election as to the right of any person to vote, except that the polling officer may himself, or at the request of the agent of any candidate, put to any voter the following questions, or any of them and no other:—

- 1st. Are you the person whose name appears as A.B. on the voters' roll of this municipality?
- 2nd. Have you already voted at this election? Or (in the case of any person entitled to vote in a representative capacity under section thirty-one of this Ordinance).—Have you already voted at this election in this capacity?

3. Is u omrede enige kriminele veroordeling onbevoeg om 'n kieser te wees?
4. Is alle bedrae wat u ten opsigte van enige stadsbelastinge of fooie skuld en wat drie maande of meer voor hierdie datum verskuldig en betaalbaar was, deur u nie later as gisteraand betaal?
5. (Indien ingeskrywe as 'n bewoner)—Bewoon u nog altoos onroerende eiendom binne hierdie munisipaliteit van die belastbare waarde van twee honderd pond of meer?
6. (Indien ingeskrywe as 'n eienaar)—Is u nog altoos die eienaar van onroerende eiendom binne hierdie munisipaliteit van die belastbare waarde van een honderd pond of meer?

- 3rd. Are you disqualified as a voter by reason of a criminal conviction?
- 4th. Were all sums due by you in respect of any rates or fees due and payable three months or more before this date paid not later than yesterday evening?
- 5th. (If enrolled as an occupier)—Are you still in occupation of immovable property within this municipality of the rateable value of two hundred pounds or over?
- 6th. (If enrolled as an owner)—Are you still the owner of immovable property within this municipality of the rateable value of one hundred pounds or over?

En geen persoon, wat weier om enige sodanige vraag te beantwoord of wat die eerste, vierde en vyfde of die eerste, vierde en sesde vrae, al na gelang, nie bevestigend en die tweede en derde vrae nie positief ontkenkend beantwoord nie, mag toegelaat word om te stem nie.

And no person who shall refuse to answer any such question or who shall not answer the first, fourth and fifth or the first, fourth and sixth of such questions, as the case may be, in the affirmative, and the second and third questions absolutely in the negative, shall be permitted to vote.

60. Enige persoon wat opsetlik 'n valse antwoord op enige van hierdie vrae gee, is onderhewig aan 'n boete van hoogstens vyftig pond of ingeval van wanbetaling aan gevangenisstraf, met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande.

60. Any person who wilfully makes a false answer to any of these questions shall be liable to a penalty not exceeding fifty pounds, or in default of payment to imprisonment, with or without hard labour, for a term not exceeding six months.

61. Elke kieser wat sy stem kom uitbring, moet sonder onbehoorlike versuim stem, en enige kieser wat by die uitbring van sy stem onbehoorlik versuim kan, tensy hy dadelik gaan stem wanneer daartoe deur die stemopnemer versoek, deur die stemopnemer beveel word om enige stembrief wat hy ontvang het, aan die stemopnemer terug te gee en as hy nie sodanige stembrief dadelik oorhandig nie, kan dit met geweld van hom weggehaal word. Sodanige persoon kan deur die stemopnemer beveel word om die stempelplek te verlaat en as hy nie dadelik sodanige bevel nakom nie, mag hy op las van die stemopnemer van die stempelplek verwyder word. Sodanige persoon is nie geregtig om by die verkiesing te stem nie en enige sodanige stembrief moet as 'n ongeldige stembrief ooreenkomstig artikel drie-en-veertig behandel word.

61. Every voter coming to record his vote shall vote without undue delay, and any voter who delays unduly in recording his vote may, unless he forthwith proceeds to vote upon being thereunto required by the polling officer, be ordered by the polling officer to hand to him any ballot paper which he may have received, and if he fails forthwith to hand over such ballot paper, it may be taken from him by force. Such person may be ordered by the polling officer to leave the polling place, and if he does not forthwith comply with such order, he may be removed from the polling place upon the instructions of the polling officer. Such person shall not be entitled to vote at the election, and any such ballot paper shall be treated as a spoilt paper under section sixty-three.

62. Die stemming by elke bestrede verkiesing van 'n raadslid of van raadslede geskied middels geslote stembriewe, en word in hoofsaak en soveel moontlik as volg uitgevoer:—

62. The voting at every contested election for a councillor or councillors shall be by ballot which shall be conducted in substance and as nearly as is material as follows:—

- (a) Die stemopnemer by elke stempelplek moet nagaan of die persoon wat wens om te stem 'n kieser is, wat in die kieserslys van die munisipaliteit ingeskryf is, en nadat hy vasgestel het dat sodanige persoon aldus ingeskryf is, en sy nommer op sodanige lys nagegaan het, moet hy sy nommer op die teenblad in die stembriefboek skrywe en dan die stembrief uitskeur, wat ooreenkom met sodanige teenblad, en nadat hy die brief op die agterkant met 'n amptelike stempel, wat vir daardie doel verskaf word, gestempel het, moet hy dit aan die kieser oorhandig. Elke stembrief moet volgens die formulier, voorgeskryf in die Derde Bylae hiervan, wees en sodanige gedrukte instruksies bevat as die raad mag goedkeur.
- (b) Wanneer die kieser sodanige stembrief ontvang het, waarop in alfabetiese volgorde die name van al die behoorlik genomineerde kandidate by sodanige verkiesing gedruk moet wees, moet hy hom na 'n lessenaar neem, wat vir daardie doel beskikbaar sal wees, en aangee vir wie hy wens om te stem deur in die geheim 'n kruisie teen die naam van elke kandidaat te maak wat hy gekies wil sien maar nie vir 'n getal wat groter is as die getal nie wat by sodanige verkiesing vir die munisipaliteit gekies moet word, waarin die stembus geleë is. Hy moet dan die stembrief vou, sodat die stempel daarop sigbaar is en nadat hy die stembrief omhoog gehou het, sodat die stemopnemer die stempel kan herken moet hy die stembrief in die stembus gooi, wat voor die stemopnemer staan.
- (c) As die kieser of sy naam op die stembrief teken of enige merk of woord daarop sit, waardeur sy stembrief herkenbaar sou wees, dan moet sodanige stembrief as oningevul beskou word en nie in aanmerking geneem word nie.

- (a) The polling officer at every polling place shall ascertain that the person desiring to vote is a voter enrolled upon the voters' roll for the municipality, and having ascertained that such person is so enrolled and his number on such roll, shall enter his number upon the counterfoil in the ballot paper book and shall then tear out the ballot paper corresponding to such counterfoil and having stamped the same on the back with an official stamp provided for that purpose shall hand it to the voter. Every ballot paper shall be in the form prescribed in the Third Schedule hereto with such printed instructions as the council may approve.
- (b) When the voter has received such ballot paper on which shall be printed in alphabetical order the names of all the duly nominated candidates at such election, he shall take the same to a desk provided for that purpose and signify for whom he desires to vote by secretly placing a cross opposite the name of every candidate whom he wishes elected not exceeding the number to be elected at such election for the municipality in which the polling place is situate. He shall then fold the ballot paper so that the stamp thereon may be visible and having held up the ballot paper so that the polling officer can recognise the stamp shall drop the ballot paper in the ballot box placed in front of the polling officer.
- (c) Should the voter either sign his name on the ballot paper or place thereon any mark or word by which his ballot paper might become recognisable then such ballot paper shall be considered blank and not taken into account.

63. As 'n kieser onopsetlik 'n stembrief bederf, mag hy hom aan die stemopnemer teruggee, en as die van die onopsetlikheid oortuig is, moet hy hom 'n ander stembrief gee en die ongeldige brief behou en die ongeldige brief moet onmiddellik gekanseleer word en die feit van sodanige kanselering moet op die teenblad aangeteken word.

63. If a voter inadvertently spoils a ballot paper he may return it to the polling officer who shall if satisfied of such inadvertence give him another ballot paper and retain the spoiled paper and the spoiled paper shall be immediately cancelled and the fact of such cancellation shall be noted upon the counterfoil.

64. Die stemopnemer moet op versoek van enige kieser wat nie kan lees of skryf nie of wat deur blindheid of ander liggaamlike gebreke onbekwaam is om op die wyse, voorgeskryf in hierdie Ordonnansie, te stem, in die teenwoordigheid van sodanige kandidaat of agente van kandidate, wat teenwoordig mag wees, die stem of stemme van sodanige kieser op 'n stembrief laat merk op die manier, soos

64. The polling officer, on the application of any voter who is unable to read or write or who is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance shall, in the presence of such candidates or agents of candidates as may be present, cause the vote or votes of such voter to be marked on a

deur sodanige kieser aangewys en die stembrief in die stembus laat sit en die naam en nommer op die kieserslys van elke kieser, wie se stem ooreenkomstig die bepalings van hierdie artikel gemerk is en die rede waarom dit aldus gemerk is, moet op 'n lys, genoem die "Lys van stemme gemerk deur die stemopnemer" ingeskrywe word.

65. Wanneer iemand wat hom voorgee 'n bepaalde kieser te wees, om 'n stembrief vra nadat 'n ander persoon as sodanige kieser gestem het, is die applikant, nadat hy behoorlik die vrae beantwoord het, wat ten tye van die stemming aan kiesers gestel mag word, geregtig om 'n stembrief op dieselfde wyse te merk as elke ander kieser. Die stembrief (hierna 'n "aangebode stembrief" genoem) word egter nie in die stembus gesit nie, maar moet aan die stemopnemer gegee word en word deur hom met die naam van die kieser en sy nommer op die kieserslys afgeteken en in 'n aparte pakkie gedoen en word nie deur die kiesbeampte getel nie en die naam van die kieser en sy nommer op die kieserslys word op 'n lys, genoem die "lys van aangebode stemme", ingeskrywe.

66. Sodra moontlik na die sluiting van die stemming moet elke stemopnemer in die teenwoordigheid van sodanige kandidaat of agente van kandidaat, wat teenwoordig is, afsonderlike pakkette maak en hulle met sy eie seël en die seëls van sodanige kandidaat of agente van kandidaat, wat wens om hul seëls daarvan te heg, verseël, naamlik:

- (1) elke aan hom toevertroude stembus, ongeopen maar met die sleutel daaraan geheg;
- (2) die ongebruikte en bedorwe stembriewe bymekaar gesit;
- (3) die aangebode stembriewe;
- (4) die gemerkte kopieë van die kieserslys en die teenblaaië van die stembriewe;
- (5) die lys van aangebode stemme en die lys van stemme gemerk deur hom as stemopnemer en 'n opgawe van die aantal kiesers, wie se stemme aldus deur die stemopnemer onder die hoof "liggaamlike onbekwaamheid" gemerk is,

en hy moet sodanige pakkette aan die kiesbeampte afgee.

Die pakkette moet vergesel gaan van 'n deur elke stemopnemer gemaakte opgawe, waarin die aantal stembriewe, wat aan hom toevertrou is aangetoon is en waarin hy rekenenskap daarvan gee onder die hoofde van stembriewe in die stembus, ongebruikte, bedorwe en aangebode stembriewe.

67. Na ontvangs van vermelde pakkette van sodanige stemopnemer deur die kiesbeampte, moet laasgenoemde hulle onder sy beheer neem en in die teenwoordigheid van sodanige kandidaat of agente van kandidaat, wat aanwesig mag wees, die stembusse oopmaak en die uitslag van die stemming vasstel deur die stemme te tel wat aan elke kandidaat gegee is, en hy moet onmiddellik die kandidaat of kandidaat verklaar wat gekies is om die vakatures, wat gevul moet word, te vul. Ingeval die aantal stemme, wat enige twee of meer kandidaat ontvang het, gelyk is en al die kandidaat nie verklaar kan word nie om 'n gewone of buitengewone vakature op die raad al na gelang te vul, moet die kiesbeampte deur die lot onmiddellik die verkiesing vasstel. Die beslissing van die kiesbeampte is finaal, onderworpe aan herroeping deur die Hooggeregshof van Suidwes-Afrika op petisie daarvan of aksie daarin, versoekende dat die verkiesing ongeldig verklaar word.

68. Die kiesbeampte moet enige stembriewe afkeur en nie tel nie—

- (a) waarop die amptelike stempel nie verskyn nie;
- (b) waarop meer as een kruis naas die naam van enige kandidaat verskyn;
- (c) waarop stemme aan meer kandidaat gegee word as wat die kieser geregtig is om vir te stem;
- (d) waarop enige geskryfte of merk voorkom, waardeur die kandidaat op enige ander manier as dié voorgeskryf in hierdie Ordonnansie, sou kan geïdentifiseer word;
- (e) wat ongemerk is of weens onsekerheid ongeldig is.

69. Die kiesbeampte moet "afgekeur" op enige stembrief aanteken, wat hy as ongeldig mag afkeur, en hy moet by die aantekening "beswaar teen afkeuring gemaak" voeg as enige beswaar teen sy beslissing werklik deur of ten behoeve van enige kandidaat gemaak word.

70. Die kiesbeampte moet onmiddellik na die verklaring van die uitslag van die stemming die getelde en afgekeurde stembriewe in afsonderlike pakkette doen. Hy mag nie enige verseëld pakkette van aangebode stembriewe of enige gemerkte kopie van die kieserslys en teenblaaië oopmaak nie, maar moet in teenwoordigheid van sodanige kandidaat of agente van kandidaat wat aanwesig is, na inspeksie daarvan elkeen van die verseëld pakkette, wat deur hom van die stemopnemers ontvang is, weer verseël. Alle voorrioemde pakkette moet saam met 'n sertifikaat, waarin

ballot paper in the manner directed by such voter and the ballot paper to be placed in the ballot box and the name and number on the voters' roll of every voter whose vote is marked in pursuance of the terms of this section and the reason why it is so marked shall be entered on a list called the "list of votes marked by polling officer".

65. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted as such voter, the applicant shall upon duly answering the questions permitted to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter called a "tendered ballot paper") shall not be put in the ballot box but shall be given to the polling officer and endorsed by him with the name of the voter and his number on the voters' roll and set aside in a separate packet and shall not be counted by the returning officer and the name of the voter and his number on the voters' roll shall be entered in a list called the "tendered votes list".

66. Every polling officer as soon as practicable after the close of the poll shall in the presence of such candidates or agents of candidates as shall be present make up into separate packets sealed with his own seal and the seals of such candidates or agents of candidates as desire to affix their seals:

- (1) each ballot box entrusted to him unopened but with the key attached;
- (2) the unused and spoiled ballot papers placed together;
- (3) the tendered ballot papers;
- (4) the marked copies of the voters' roll and the counterfoils of the ballot papers;
- (5) the tendered votes list and the list of votes marked by him as polling officer and a statement of the number of voters whose votes are so marked by the polling officer under the head "physical incapacity",

and shall deliver such packets to the returning officer.

The packets shall be accompanied by a statement made by each polling officer showing the number of ballot papers entrusted to him and accounting for them under the heads of ballot papers in the ballot box, unused, spoiled and tendered ballot papers.

67. Upon receipt of the aforesaid packets from such polling officer by the returning officer, the latter shall take charge of the same and shall, in the presence of such candidates or agents of candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare the candidate or candidates who are elected, according to the vacancies to be filled. In the event of the number of votes being found to be equal for any two or more candidates all of whom cannot be declared to fill an ordinary or extraordinary vacancy in the council, as the case may be, the returning officer shall by lot immediately determine the election. The decision of the returning officer shall be final, subject to reversal on petition to or action in the High Court of South West Africa praying that the election be set aside.

68. The returning officer shall reject and not count any ballot papers—

- (a) which do not bear the official stamp;
- (b) on which more than one cross appears opposite the name of any candidate;
- (c) which give votes to more candidates than the voter is entitled to vote for;
- (d) which bear any writing or mark by which a voter could be identified otherwise than is in this Ordinance prescribed;
- (e) which are unmarked or void for uncertainty.

69. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid and shall add to the endorsement "rejection objected to" if any objection be in fact made by or on behalf of any candidate to his decision.

70. The returning officer shall immediately after the declaration of the poll enclose in separate packets the counted and rejected ballot papers. He shall not open any sealed packet of tendered ballot papers or marked copy of the voters' roll and counterfoils but shall proceed before such candidates or agents of candidates as are present to re-seal after examination each of the sealed packets received by

die name van die raadslede, wat as gekies verklaar is, aangegee is, in een verseelde pakket gedoen word en aan die stadsclerk afgelewer word, en die stadsclerk moet sodanige verseelde pakket vir ses maande in veilige bewaring hou en na afloop van hierdie tydperk mag vermelde pakket en alle papiere wat daarin is in die teenwoordigheid van twee raadslede vernietig word.

71. Geen sodanige verseelde pakket, soos voormeld, mag gedurende vermelde tydperk van ses maande oopgemaak word nie behalwe op bevel van die Hooggeregshof van Suidwes-Afrika; en as enige persoon in teenstryd met die bepalings hiervan opsetlik die seël breek of enige sodanige pakket oopmaak, is hy by skuldigbevinding onderhewig aan 'n boete van hoogstens vyftig pond en ingeval van wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens drie maande.

72. Die kiesbeampte moet vir alle verkiesings sodanige vertrekke, lessenaars, stembusse, stembriewe, stempels, eksimplare van kieserslyste en ander dinge lewer, sodanige stemopnemers en stemklerke aanstel as vir die stemming nodig mag wees en moet sodanige ander handelings onderneem en sodanige dinge doen en sodanige reëlings tref om die stemming te vergemaklik as hy vir die werkdadige uitvoering van die verkiesing raadsaam mag ag. Ingeval die kiesbeampte of enige stemopnemer deur siekte of 'n ander voldoende rede verhinder word om teenwoordig te wees of as hy weier om teenwoordig te wees, moet die burgemeester in geskifte deur hom geteken 'n plaasvervanger aanstel, wat al die bevoegdheide en gesag van die persoon, wat hy vervang, sal hê. Alles wat deur die kiesbeampte gedoen word gaan op koste van die raad en moet uit die fondse van die munisipaliteit betaal word.

73. Die Administrateur is bevoeg om instruksies uit te vaardig en regulasies te maak, wat nie in stryd met die bepalings van hierdie Ordonnansie is nie, met die doel van die meer doelmatige uitvoering van die vermelde bepalings aangaande die handelswyse by verkiesings deur geheime stemming.

74. Wanneer die verrigtings van enige verkiesing by enige stembus deur enige oproer of publieke geweld onderbreek of belemmer word, moet die stemopnemer die stemming nie finaal sluit nie, maar die stemming op die volgende dag verdaag, en, indien nodig moet sodanige stemopnemer sodanige stemming verder verdaag totdat sodanige onderbreking of belemmering opgehou het, waarna hy dan met die stemming op die plek moet voortgaan waar dit aldus onderbreek of belemmer was.

75. Indien uit enige oorsaak, nie synde een wat in die laasvooraafgaande artikel vermeld is, geen stemming gehou word nie op die dag vir die stemming bepaal, nadat 'n stemming gereël geword is, word die verkiesing verdaag op dieselfde dag van die volgende week en die stemopnemer moet minstens drie dae kennis gee middels aankondigings of plakkaat; in publieke plekke in die munisipaliteit uitgehang.

76. Geen verkiesing ooreenkomstig die bepalings van hierdie Ordonnansie word as ongeldig verklaar nie alleen weens enige gebrek in die benoeming of onbevoegdheid van die amptenaar of persoon deur of voor wie sodanige verkiesing of enige stemming daarvoor gehou is: Mits sodanige persoon die amp waargeneem het wat die bevoegdheid om as voorsittende amptenaar by sodanige verkiesing op te tree, verleen.

77. Geen verkiesing word as ongeldig verklaar nie weens enige fout of nie-nakoming van die bepalings van hierdie Ordonnansie as dit aan die Hooggeregshof van Suidwes-Afrika blyk dat die verkiesing ooreenkomstig die beginsels, neergelê in die Ordonnansie, gehou is en dat sodanige fout of nie-nakoming geen invloed op die uitslag van die verkiesing het nie.

78. Die ongeldigheid van enige verkiesing ingevolge hierdie Ordonnansie beïnvloed nie enige saak, proses of ander regsgeding deur of teen enige munisipaliteit nie, maar elke sodanige saak, proses of ander geding word verhoor en besluis as of geen sodanige beswaar bestaan het nie.

79. Ingeval ter enige tyd daar geen burgemeester, onderburgemeester of stadsclerk is nie, of ingeval enige burgemeester, onderburgemeester of stadsclerk weier om op te tree of, soos deur hierdie Ordonnansie bepaal word, onbevoeg is om op te tree, mag alle handelings en dinge, wat deur sodanige burgemeester, onderburgemeester of stadsclerk, al na gelang, gedoen mag of moet word, deur diegene van die raadslede gedoen en verrig word wat die raad van die munisipaliteit vir daardie doel mag aanstel, of by gebreke van sodanige aanstelling deur die raad, deur sodanige persoon wat die Administrateur mag aanstel.

80. Wanneer enige vakature in die amp van 'n verkiesbare raadslid ontstaan, wat nie andersins gevul kan word nie, is dit wettig vir die Administrateur om enige behoorlik bevoegde persoon of persone as raadslid of raadslede, al na gelang, aan te stel.

him from the polling officers. All packets aforesaid, together with a certificate stating the names of the councillors declared to be elected, shall be enclosed together in one sealed packet and delivered to the town clerk who shall safely keep such sealed packet for six months, after the expiration whereof the said packet and all papers contained therein may be destroyed in the presence of two councillors.

71. No such sealed packet as aforesaid shall be opened during the said period of six months unless by order of the High Court of South West Africa; and if any person shall contrary to the provisions hereof wilfully break the seal or open any such packet he shall upon conviction be liable to a penalty not exceeding fifty pounds and in default of payment to imprisonment for a period not exceeding three months.

72. The returning officer shall provide for all elections such compartments, desks, ballot boxes, ballot papers, stamping instruments, copies of register of voters and other things, appoint such polling officers and polling clerks as may be required for taking the poll and do such other acts and things and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election. In case the returning officer or any polling officer be prevented by illness or other sufficient cause from attending, or refuse to attend, the mayor shall by writing under his hand appoint a substitute who shall have all the power and authority of the person for whom he was substituted. Everything done by the returning officer shall be at the expense of the council and shall be paid out of the funds of the municipality.

73. The Administrator shall have power to issue instructions and make regulations not inconsistent with the provisions of this Ordinance for the purpose of more effectually carrying out the said provisions as to the proceedings for election by ballot.

74. When the proceedings of any election are interrupted or obstructed at any polling place by any riot or open violence, the polling officer shall not finally close the poll, but shall adjourn the taking of the poll to the day following, and, if necessary, such polling officer shall further adjourn such poll until such interruption or obstruction has ceased, when he shall again proceed with the taking of the poll at the place at which the same shall have been so interrupted or obstructed.

75. If from any cause, not being such as is mentioned in the last preceding section, after a poll has been appointed for any election no election takes place on the day appointed, the election shall stand adjourned until the same day of the following week, and the polling officer shall give not less than three days' notice thereof by advertisement or placards affixed in public places in the municipality.

76. No election under the provisions of this Ordinance shall be declared invalid by reason only of any defect in, or want of title, of the officer or person by or before whom such election or any polling for the same, has been held: Provided that such person has been acting in the office giving the right to preside at such election.

77. No election shall be declared invalid by reason of any mistake or non-compliance with the terms of this Ordinance if it appears to the High Court of South West Africa that the election was conducted in accordance with the principles laid down in the Ordinance and that such mistake or non-compliance did not affect the result of the election.

78. The invalidity of any election under this Ordinance shall not affect any action, suit, or other proceeding by or against any municipality, but every such action, suit, or other proceeding shall be tried and determined as if no such objection existed.

79. If at any time there shall be no mayor, deputy mayor or town clerk, or any mayor, deputy mayor or town clerk shall refuse to act, or be incapable of acting, as by this Ordinance provided, all acts and things which may or are required to be done by such mayor, deputy mayor, or town clerk, as the case may be, may lawfully be done and performed by such one of the councillors as the council of the municipality may appoint for that purpose, or, failing such appointment by the council, by such person as the Administrator may appoint.

80. Whenever any vacancy shall arise in the office of an elective councillor which cannot otherwise be filled, it shall be lawful for the Administrator to appoint any duly qualified person or persons to be councillor or councillors as the case may require.

## HOOFSTUK VI.

## Verkiesingsuitgawes.

81. "Verkiesingsuitgawes" van 'n kandidaat by 'n verkiesing sluit in hierdie en die hierop volgende Hoofstuk alle gelde in wat uitgegee word of uitgawes wat gemaak word deur of ten behoeve of in die belang van daardie kandidaat weens of ten opsigte van die houding of bestuur van daardie verkiesing.

82. Geen verkiesingsuitgawes van 'n kandidaat is wettig behalwe ten opsigte van die volgende aangeleenthede:—

- (a) die aankoop van kieserslyste;
- (b) die druk, advertensie, publikasie, uitgawe en uitdeling van toesprake en kennisgewings en plakkaat waardeur die ondersteuning van kiesers gevra word;
- (c) skryfbehoeftes, boodskappe, posgeld en telegramme;
- (d) een sentrale komiteekamer en een komiteekamer ten opsigte van elke stempolek;
- (e) publieke vergaderings en die huur van sale en persele daarvoor;
- (f) die huur van rytuie;
- (g) tellingsagente;
- (h) een verkiesingsagent vir die kandidaat of vir enige aantal gemeenskaplike kandidate;
- (i) een stemagent by elke stempolek en nie meer nie;
- (j) een klerk en een bode om die werk in elke komiteekamer te verrig en die huur van een telefoon en een skryfmasjien vir elke komiteekamer;
- (k) die redelike en werklike persoonlike uitgawes van die kandidaat, wat hoogstens vyftig pond mag wees.

83. (1) Geen verkiesingsuitgawes, wat die volgende tarief te bowe gaan, word toegelaat ten opsigte van enige verkiesing nie:

- (a) vir elke kandidaat eenhonderd pond en 'n verdere twee pond vir elke eenhonderd ingeskrywe kiesers bo vyfhonderd;
- (b) waar twee of meer gemeenskaplike kandidate by 'n verkiesing staan:
  - (i) vir enig een van sodanige kandidate die volle bedrag genoem in paragraaf (a);
  - (ii) vir elkeen van die oorblywende gemeenskaplike kandidate, eenvierde van die bedrag genoem in paragraaf (a).

(2) Wanneer dieselfde verkiesingsagent deur of ten behoeve van twee of meer kandidate by 'n verkiesing aangestel is, of wanneer twee of meer kandidate self of deur enige agent of agente dieselfde komiteekamer vir sodanige verkiesing gehuur of gebruik het of die dienste van dieselfde klerke, bodes of stemagente by sodanige verkiesing gebruik of 'n gemeenskaplike toespraak of rondbrief of kennisgewing by sodanige verkiesing publiseer, moet daardie kandidate vir die doeleindes van hierdie wet as gemeenskaplike kandidate by sodanige verkiesing beskou word: Mits—

- (a) die gebruik van dieselfde komiteekamer, klerk, bode of stemagent, indien toevallig of van 'n onbeduidende of onbelangrike aard, nie vanself beskou sal word asof dit persone gemeenskaplike kandidate maak nie;
- (b) niks in hierdie artikel kandidate belet om op te hou om gemeenskaplike kandidate te wees nie;
- (c) ingeval die maksimumuitgawes, toegelaat ten opsigte van een van twee of meer gemeenskaplike kandidate oorskry is en dit ontstaan het omdat hy opgehou het om 'n gemeenskaplike kandidaat te wees of omdat hy 'n gemeenskaplike kandidaat geword het nadat hy sy verkiesingsverrigtings as 'n afsonderlike kandidaat begin het, en wanneer sodanige ophouding of begin goedertrou was en sodanige oorskryding nie groter is nie as wat onder die omstandighede redelik is en die totale uitgawes van sodanige kandidaat nie die maksimumbedrag, toegelaat ten opsigte van 'n afsonderlike kandidaat, oorskry nie, word sodanige oorskryding beskou as uit 'n redelike oorsaak ontstaan te hê, volgens die bedoeling van die bepaling met betrekking tot die toelating van 'n uitsondering op die bepaling van hierdie Ordonnansie, wat andersins 'n handeling onwettig sou gemaak het, en die kandidaat en sy verkiesingsagent word dienooreenkomstig vrygestel van die gevolge van sodanige oorskryding van uitgawes gemaak te hê.

84. Alle gelde wat deur enige persoon behalwe die kandidaat vir enige verkiesingsuitgawe verskaf word, moet direk aan die kandidaat persoonlik betaal word.

85. (1) Elke betaling, wat deur 'n verkiesingsagent of self of deur 'n onderagent gemaak is ten opsigte van enige uitgawes, ter sake of ten opsigte van die houding of bestuur van 'n verkiesing gemaak, moet deur 'n rekening wat die besonderhede aangee en deur 'n kwitansie gestaaf word.

## CHAPTER VI.

## Electoral Expenditure.

81. "Electoral expense" of a candidate at an election in this and the next succeeding Chapter includes all moneys expended or expenses incurred by, or on behalf of, or in the interests of that candidate, on account of or in respect of the conduct or management of that election.

82. No electoral expenses of a candidate shall be lawful except in respect of the following matters:—

- (a) purchasing voters' rolls;
- (b) printing, advertising, publishing, issuing and distributing addresses and notices and posters requesting the support of voters;
- (c) stationery, messages, postages, telegrams;
- (d) one central committee room and one committee room in respect of each polling place;
- (e) public meetings and hiring of halls and premises therefor;
- (f) the hire of vehicles;
- (g) scrutineers;
- (h) one election agent for the candidate or for any number of joint candidates;
- (i) one polling agent at each polling place and no more;
- (j) one clerk and one messenger for conducting business in each committee room and the hire of one telephone and one type-writing machine for each committee room;
- (k) the reasonable and actual personal expenses of the candidate, which shall not exceed fifty pounds.

83. (1) No electoral expenses shall be allowed in respect of any election in excess of the following rates:—

- (a) for each candidate one hundred pounds and a further two pounds for every one hundred enrolled voters over and above five hundred;
- (b) where there are two or more joint candidates at an election:
  - (i) for any one of such candidates the full amount mentioned in paragraph (a);
  - (ii) for each of the remaining joint candidates one fourth of the amount mentioned in paragraph (a).

(2) Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates by themselves or any agent or agents hire or use the same committee room for such election, or employ or use the services of the same clerks, messengers or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purpose of this enactment to be joint candidates at such election: Provided that—

- (a) the employment and use of the same committee room, clerk, messenger or polling agent, if accidental or casual or of a trivial and unimportant character shall not be deemed of itself to constitute persons joint candidates;
- (b) nothing in this section shall prevent candidates from ceasing to be joint candidates;
- (c) where any excess of expense above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the provisions respecting the allowance by the court of an exception from the provisions of this Ordinance which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

84. All moneys provided by any person other than the candidate for any electoral expense shall be paid directly to the candidate personally.

85. (1) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings in all in any one account, be vouched for by a bill stating the particulars and by a receipt.

(2). Elke vordering teen 'n kandidaat by 'n verkiesing of teen sy verkiesingsagent, ten opsigte van enige uitgawes ter sake of ten opsigte van die houding of die bestuur van sodanige verkiesing gemaak, wat nie binne die deur hierdie Ordonnansie gestelde termyn aan die verkiesingsagent ingestuur word nie, word uitgesluit en mag nie betaal word nie.

(3) Behalwe waar dit deur hierdie Ordonnansie toegelaat word, is die deur hierdie Ordonnansie gestelde termyn vir die instuur van vorderings een-en-twintig dae na die dag waarop die verkose kandidaat as verkies verklaar is.

(4) Alle onkoste deur of ten behoeve van 'n kandidaat by 'n verkiesing gemaak ter sake of ten opsigte van die houding of bestuur van sodanige verkiesing, moet binne die deur hierdie Ordonnansie gestelde termyn betaal word en nie anders nie.

(5) Behalwe waar hierdie Ordonnansie anders toelaat, is die deur hierdie Ordonnansie gestelde termyn vir die betaling van sodanige uitgawes, soos voormeld, dertig dae na die dag waarop die verkose kandidaat as verkies verklaar is.

(6) Wanneer die verkiesingsagent, ingeval van enige vordering aan hom binne die deur hierdie Ordonnansie gestelde termyn gestuur, dit betwis of weier of versuim om dit binne die vermelde termyn van dertig dae te betaal, word sodanige vordering as 'n betwiste vordering beskou.

(7) Die eiser kan, as hy dit goed ag, op die betwiste vordering in enige bevoegde hof 'n aksie instel, en enige bedrag, wat deur die kandidaat of sy agent ooreenkomstig die vonnis of bevel van sodanige hof betaal word, word beskou as binne die deur hierdie Ordonnansie gestelde termyn betaal te wees en 'n uitsondering te wees op die bepalinge van hierdie Ordonnansie, wat vereis dat vorderings deur die verkiesingsagent betaal moet word. Vir die doeleindes van hierdie onderartikel sluit "bevoegde hof" 'n magistrats-hof in.

(8) As redes tot genoë van die hof aangevoer word, kan sodanige hof op aansoek van die eiser of die kandidaat of sy verkiesingsagent deur bevel vergunning verleen vir die betaling deur 'n kandidaat of sy verkiesingsagent van 'n betwiste vordering of van 'n vordering vir enige sodanige uitgawes, soos voormeld, alhoewel ingestuur na die termyn, in hierdie artikel vir die instuur van vorderings vasgestel, of alhoewel dit aan die kandidaat en nie aan die verkiesingsagent nie ingestuur is.

(9) Enige bedrag in die vergunningsbevel genoem, mag deur die kandidaat of sy verkiesingsagent betaal word en wanneer ingevolge sodanige vergunning betaal, word dit geag binne die deur hierdie Ordonnansie gestelde termyn betaal te wees.

86. Binne veertig dae nadat die uitslag van enige verkiesing verklaar is, moet elke kandidaat by sodanige verkiesing, en ingeval van gemeenskaplike kandidaat, sodanige kandidaat gemeenskaplik voor 'n Kommissaris van Ede alle rekenings vir sy of hulle verkiesingsuitgawes en 'n juiste opgawe van sy of hulle verkiesingsuitgawes teken en aan die kiesbeampte van die verkiesing instuur, en die opgawe moet—

- (a) alle verkiesingsuitgawes;
- (b) alle betwiste en onbetaalde vorderings;
- (c) alle kwitansies vir verkiesingsuitgawes ingevolge artikel vier-en-tagtig.

in die vorm aantoon soos in die Vierde Bylae hiervan.

87. Die kiesbeampte by 'n verkiesing moet, wat alle opgawes en rekenings betref, wat aan hom ooreenkomstig hierdie hoofstuk ingestuur is,—

- (a) onmiddellik besonderhede van die totale bedrag van die verkiesingsuitgawes van die kandidaat, gerangskik onder die hoofde van die paragrawe in artikel twee-en-tagtig, in die *Offisiële Koerant* publiseer;
- (b) die opgawes en rekenings ter publieke insae sonder betaling van enige fooi ten alle redelike tye vir drie maande nadat hulle ingestuur is, laat lê;
- (c) gedurende dieselfde tydperk kopieë of uittreksels van die opgawe en rekenings teen betaling van sespennies per folio van twee-en-sewentig woorde lewer.

88. (1) 'n Kandidaat, wat ingevolge die bepalinge van hierdie Ordonnansie as verkies verklaar is en wat versuim om op die opgawe, vereis deur artikel ses-en-tagtig hiervan, in te stuur, mag nie as 'n raadslid sitting neem of stem nie, totdat hy met verlof van die Hooggeregshof, verleen nadat hy 'n petisie ingevolge artikel neëntig van hierdie Ordonnansie ingehandig het, die vermelde opgawe ingestuur het.

(2) Every claim against a candidate at an election or his election agent, in respect of any expenses incurred on account or in respect of the conduct or management of such election, which is not sent in to the election agent within the time limited by this Ordinance, shall be barred and shall not be paid.

(3) Except as by this Ordinance permitted, the time limited by this Ordinance for sending in claims shall be twenty-one days after the day on which the candidates returned are declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account or in respect of the conduct or management of such election, shall be paid within the time limited by this Ordinance and not otherwise.

(5) Except as by this Ordinance permitted, the time limited by this Ordinance for the payment of such expenses as aforesaid shall be thirty days after the day on which the candidates returned are declared elected.

(6) If the election agent in the case of any claim sent in to him within the time limited by this Ordinance disputes it or refuses or fails to pay it within the said period of thirty days, such claim shall be deemed to be a disputed claim.

(7) The claimant may if he thinks fit bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Ordinance and to be an exception from the provisions of this Ordinance requiring claims to be paid by the election agent. For the purposes of this sub-section, "competent court" shall include a magistrate's court.

(8) On cause shown to the satisfaction of the court such court, on application by the claimant or by the candidate or his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim or of a claim for any such expenses as aforesaid although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(9) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Ordinance.

86. Within forty days after the result of any election has been declared, every candidate at such election, and in the case of joint candidates, such candidates jointly shall sign before a Commissioner of Oaths and file with the returning officer at the election all vouchers for and a true return of his or their electoral expenses showing—

- (a) all electoral expenses;
- (b) all disputed and unpaid claims;
- (c) all receipts for electoral expenses under section eighty-four,

in the form shown in the Fourth Schedule hereto.

87. The returning officer at an election shall, as regards all returns and vouchers filed pursuant to this chapter,—

- (a) forthwith publish in the *Gazette* particulars of the total amount of the electoral expenses of the candidate arranged under the headings of the paragraphs in section eighty-two;
- (b) keep the returns and vouchers open for public inspection without fee at reasonable hours for three months after filing;
- (c) during the same period supply copies of or extracts from the return and vouchers at sixpence per folio of seventy-two words.

88. (1) A candidate declared to be elected under the provisions of this Ordinance who fails to file the return required by section eighty-six hereof shall not sit or vote as a councillor until he has filed the said return by leave of the High Court on petition presented under section ninety of this Ordinance.

(2) Afgesien of hy aldan nie by die verkiesing geslaag het, is enige kandidaat, wat versuim om vermeldde opgawe in te stuur, skuldig aan 'n oortreding en is onderhewig aan 'n boete van vyftig pond en ingeval van wanbetaling aan gevangenisstraf vir 'n tydperk van een maand tensy die Hof, waardeur hy skuldig bevind is, oortuig is dat sy versuim om vermeldde opgawe in te stuur deur siekte of enige redelike oorsaak van gelyke aard veroorsaak is of onbewus was en nie aan enige gebrek van goedertrou te wyte was.

89. Indien na 'n petisie aan die Hooggeregshof teen die verklaring dat 'n kandidaat verkies is, dit bewys word dat die deur artikel *ses-en-tagtig* vereiste opgawe nie behoorlik ingestuur is nie, of indien enige verkiesingsuitgawes, behalwe in verband met die deur artikel *twee-en-tagtig* toegelate aangeleenthede, bewys word of enige verkiesingsuitgawes, wat die deur artikel *drie-en-tagtig* toegelate skaal oorskry, bewys word, moet die verkiesing as ongeldig verklaar word tensy die kandidaat die hof oortuig dat die uitgawes nie deur hom direk of indirek of deur iemand, as sy agent of verteenwoordiger, gemaak is nie, of dat hy hulle nie op enige wyse direk bekrachtig, toegelaat of goedgekeur het nie.

90. Nieteenstaande enige bepaling van die laasvoorgaande artikel, as enige kandidaat vir die Hooggeregshof bewys dat sy versuim om 'n opgawe of rekening in te stuur, soos deur artikel *sees-en-tagtig* vereis, deur siekte of onbewustheid of enige redelike oorsaak van 'n dergelyke aard veroorsaak is en nie aan enige gebrek van goedertrou te wyte is nie, of dat enige fout, uitlating of valse verklaring in die opgawe of rekening op dergelyke wyse ontstaan het, kan die hof die indiening van die opgawe of rekenings van 'n nuwe opgawe of nuwe rekenings of die wysiging van die ingediende opgawe of rekenings toelaat en die kandidaat van enige skuld in die aangeleentheid vryspreek.

91. (1) Op of voor die nominasiedag by 'n verkiesing moet die naam van 'n persoon deur of ten behoeve van elke kandidaat as sy agent ten opsigte van daardie verkiesing vermeld word. Na sodanige persoon word in hierdie Ordonnansie verwys as die verkiesingsagent.

(2) 'n Kandidaat kan homself as sy verkiesingsagent noem en daarna is hy, sover omstandighede toelaat, onderhewig aan die bepalings van hierdie Ordonnansie, beide as 'n kandidaat en 'n verkiesingsagent, en enige verwysing na 'n verkiesingsagent in hierdie Ordonnansie moet uitgelê word om ook op die kandidaat, in sy hoedanigheid as verkiesingsagent, betrekking te hê.

(3) Op of voor die nominasiedag, moet die volle naam en adres van die verkiesingsagent van elke kandidaat deur die kandidaat of namens hom deur 'n ander persoon skriftelik aan die kiesbeampte meegedeel word en die kiesbeampte moet dadelik kennis van die naam en adres van elke aldus verklaarde verkiesingsagent gee deur publikasie in twee uitgawes van 'n koerant, wat in die munisipaliteit in omloop is en as geen sodanige skriftelike verklaring op of voor die nominasiedag aldus gemaak is, word die kandidaat as sy eie verkiesingsagent beskou en aangeneem en mag geen ander aanstelling van 'n verkiesingsagent vir die doeleindes van hierdie Ordonnansie maak nie.

(4) Alleen een verkiesingsagent mag vir elke kandidaat of enige aantal gemeenskaplike kandidate aangestel word, maar die aanstelling kan herroep word en ingeval van sodanige herroeping word die kandidaat as sy eie verkiesingsagent beskou en aangeneem, tensy sodanige herroeping op of voor die nominasiedag en minstens drie volle dae voor die dag, wat vir die houding van die stemming bepaal is, plaasvind, in watter geval die kandidaat dadelik na sodanige herroeping 'n skriftelike mededeling, wat in geen geval minder as drie volle dae voor die stemdag aan die kiesbeampte mag afgelewer word nie, kan maak dat hy 'n ander verkiesingsagent aanstel wie se naam en adres dadelik deur die kiesbeampte deur publikasie in twee uitgawes van 'n koerant, wat in die munisipaliteit in omloop is, bekend gemaak moet word.

(5) Die verkiesingsagent van 'n kandidaat moet elke stemagent, stemmingsagent, klerk en bode, wat teen betaling ten behoeve van die kandidaat by 'n verkiesing aangestel is, benoem en elke komiteekamer ten behoeve van sodanige kandidaat huur.

## HOOFSTUK VII.

### *Korrupte en Onwettige Handelings.*

92. "Korrupte handelings" beteken enige van die volgende oortredings: trakteer, onbehoorlike beïnvloeding, omkoperij en hom uitgee vir iemand anders, en die verlening van hulp en bystand by of die aanraai of besorging van die begaan van enige van sodanige oortredings.

(2) Any candidate whether or not he has been successful at the election who fails to file the said return shall be guilty of an offence and shall be liable to a fine of fifty pounds and in default of payment to imprisonment for a period of one month unless the court by which he is convicted is satisfied that his failure to file the said return has arisen from illness or inadvertence or any reasonable cause of a like nature and not from any want of good faith.

89. If on petition to the High Court against the return of a candidate it be proved that the return required in section *eighty-six* has not been duly rendered, or if there be proved any electoral expense on any matter other than the matters allowed by section *eighty-two* in excess of the rates allowed by section *eighty-three*, the election shall be declared void, unless the candidate satisfy the court that such expense was neither directly nor indirectly incurred by him or by some one as his agent or representative, or that he had not directly sanctioned, countenanced or approved of the same in any way.

90. Notwithstanding anything contained in the last preceding section if any candidate prove to the High Court that his failure to file a return or voucher as required by section *eighty-six* has arisen from illness or inadvertence or any reasonable cause of a like nature, and not from any want of good faith, or that any error, omission or false statement in the return or voucher filed has similarly arisen, the court may permit the filing of the return or vouchers or of a new return or fresh vouchers or the amendment of the return or vouchers filed, and may exonerate the candidate from all liability in the matter.

91. (1) On or before the day of nomination at an election a person shall be named by or on behalf of each candidate as his agent for such election. Such person is in this Ordinance referred to as the election agent.

(2) A candidate may name himself as election agent and thereupon shall, so far as circumstances admit, be subject to the provisions of this Ordinance both as a candidate and an election agent, and any reference in this Ordinance to an election agent shall be construed to refer likewise to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination the full name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give notice of the name and address of every election agent so declared by publication in two issues of a newspaper circulating in the municipality, and if no such declaration in writing is so made on or before the day of nomination, the candidate shall be deemed and taken to be his own election agent and may make no other appointment of an election agent for the purposes of this Ordinance.

(4) One election agent only shall be appointed for each candidate or any number of joint candidates, but the appointment may be revoked, and in the event of such revocation the candidate shall be deemed and taken to be his own election agent, unless such revocation takes place on or before the day of nomination or not less than three clear days before the day appointed for the taking of the poll, in which case the candidate may forthwith upon such revocation declare in writing to be delivered in no case less than three clear days before the day of polling to the returning officer, that he appoints another election agent, whose name and address shall forthwith be notified by the returning officer by publication in two issues of a newspaper circulating in the municipality.

(5) The election agent of a candidate shall appoint every polling agent, scrutineer, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of such candidate.

## CHAPTER VII.

### *Corrupt and Illegal Practices.*

92. "Corrupt practice" means any of the following offences: treating, undue influence, bribery and personation, and aiding, abetting, counselling and procuring the commission of any such offences.

93. (a) Elke persoon wat self of deur 'n ander korruptelik, of voor, gedurende of na 'n verkiesing direk of indirek, aan of vir enige persoon enige voedsel, drank, vermaak, losies of lewensmiddels gee of verskaf of geheel of gedeeltelik die koste van sodanige geskenk of verskaffing betaal, met die doel om daardie persoon of enige ander persoon korruptelik te beïnvloed om al dan nie sy stem by die verkiesing uit te bring of omdat daardie persoon of enige ander persoon by sodanige verkiesing al dan nie gestem het of al dan nie gaan stem; en
- (b) Elke kieser wat korruptelik enige sodanige voedsel, drank, vermaak, losies of lewensmiddels aanneem of neem, is skuldig aan 'n oortreding.
94. (a) Elke persoon wat direk of indirek of self of deur enige ander persoon namens hom, teen iemand gebruik maak of dreig om gebruik te maak van geweld, dwang of bedwang of wat self of deur enige ander persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies toebring of dreig om toe te bring teenoor of teen enige persoon of iets ten nadele van enige persoon doen of dreig om te doen, ten einde sodanige persoon te beweeg of te dwing om te stem of nie te stem nie, of omdat sodanige persoon by enige verkiesing gestem het of nie gestem het nie; en
- (b) Elke persoon, wat deur ontvoering, dwang of enige bedrieglike plan of middel, die vrye uitvoering van die stemreg van enige kieser belemmer of belet of daardeur enige kieser dwing, beweeg of oorhaal of om sy stem by enige verkiesing uit te bring of nie uit te bring nie,
- word geag skuldig te wees aan onbehoorlike beïnvloeding.
95. (a) Elke persoon wat self of deur sy agent direk of indirek enige geld of geldswaarde aan of vir enige kieser of aan of vir enige ander persoon namens enige kieser, of aan of vir enige ander persoon, gee, leen of ooreenkom om te gee of leen of aanbied, belowe of belowe om te verskaf of probeer om te verskaf, ten einde enige kieser te beweeg om te stem of nie te stem nie, of korruptelik enige sodanige handeling, soos voormeld, begaan omdat sodanige kieser by enige verkiesing gestem het of nie gestem het nie;
- (b) Elke persoon wat self of deur sy agent direk of indirek enige geld of geldswaarde aan of vir enige kieser, of aan of vir enige persoon namens enige kieser of aan of vir enige ander persoon gee, leen of ooreenkom om te gee of te leen of aanbied, belowe of belowe om te verskaf of probeer om te verskaf, omdat hy in enige optog voor of na enige verkiesing opgetree of deelgeneem het;
- (c) Elke persoon, wat self of deur sy agent, direk of indirek enige amp, plek of aanstelling of enige profyt, bevordering of verryking aan of vir enige kieser of aan of vir enige persoon namens enige kieser of aan of vir enige ander persoon gee of verskaf of ooreenkom om te gee of verskaf of aanbied, belowe of belowe om te verskaf of probeer om te verskaf ten einde sodanige kieser te beweeg om te stem of nie te stem nie of korruptelik enige sodanige handeling, soos voormeld, te begaan, omdat enige kieser by enige verkiesing gestem het of nie gestem het nie;
- (d) Elke persoon, wat self of deur 'n agent, direk of indirek enige sodanige geskenk, lening, aanbod, belofte, verskaffing of ooreenkoms, soos voormeld, aan of vir enige persoon maak, ten einde sodanige persoon te beweeg om die verkiesing van enige persoon, om as raadslid te dien, te bewerkstellig of te probeer om te bewerkstellig of om die stem van enige kieser by enige verkiesing te verskaf;
- (e) Enige persoon wat op of ten gevolge van sodanige geskenk, lening, aanbod, belofte, verskaffing of ooreenkoms, die verkiesing van enige persoon om as raadslid te dien of die stem van enige kieser by enige verkiesing bewerkstellig of onderneem, belowe of probeer om te bewerkstellig;
- (f) Elke persoon wat aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat betaal, met die bedoeling dat sodanige geld of enige gedeelte daarvan aan omkoperij by enige verkiesing bestee sal word, of wat opsetlik enige geld aan enige persoon betaal of laat betaal ter vereffening of terugbetaling van enige geld wat geheel of gedeeltelik aan omkoperij by enige verkiesing bestee is: (Mits altoos hierdie paragraaf nie van toepassing is nie of uitgelê mag word om van toepassing op enige geld te wees nie, wat vir of ten opsigte van
93. (a) Every person who corruptly himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, lodging or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election; and
- (b) Every voter who corruptly accepts or takes any such food, drink, entertainment, lodging or provision, shall be deemed guilty of treating.
94. (a) Every person who directly or indirectly himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens to inflict by himself or by any other person any temporal or spiritual injury, damage harm or loss upon or against or does or threatens to do any detriment to, any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; and
- (b) Every person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be deemed guilty of undue influence.
95. (a) Every person who directly or indirectly himself or by his agent, gives, lends or agrees to give or lend or offers, promises or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at any election;
- (b) Every person who directly or indirectly himself or by his agent, gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession before or during any election;
- (c) Every person who directly or indirectly himself or by his agent, gives or procures or agrees to give or procure or offers, promises or promises to procure or to endeavour to procure, any office, place or employment, or any profit, advancement or enrichment, to or for any voter or to or for any person on behalf of any voter or to or for any other person, in order to induce such voter to vote or refrain from voting or corruptly does any such act as aforesaid, on account of any voter having voted or refrained from voting at any election;
- (d) Every person who directly or indirectly himself or by his agent makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve as a councillor or the vote of any voter at any election;
- (e) Every person who, upon or in consequence of any such gift, loan, offer, promises, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any person to serve as a councillor or the vote of any voter at any election;
- (f) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays, or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election. (Provided always that this paragraph shall not extend or be construed to apply to any money

enige wettige verkiesingsuitgawes, *bona fide* gemaak by of met betrekking tot enige verkiesing, betaal is of volgens ooreenkoms betaal moet word);

- (g) Elke kieser, wat voor of gedurende enige verkiesing self of deur sy agent, direk of indirek, enige geld, geskenk, lening of geldswaarde, amp, plek of betrekking vir homself of vir enige ander persoon aanneem, of daarvoor 'n ooreenkoms of kontrak sluit, om by enige verkiesing te stem of om in te gewillig om te stem of om nie te stem nie of om in te gewillig om nie te stem nie;
- (h) Elke persoon, wat na enige verkiesing self of deur sy agent, direk of indirek enige geld of geldswaarde ontvang omdat enige persoon gestem het of nie gestem het nie of omdat hy enige ander persoon beweeg het om by enige verkiesing te stem of nie te stem nie;
- (i) Elke persoon, wat self of deur sy agent, direk of indirek, korruptelik enige eiendom oordra of transporteer of enige geld betaal aan enige persoon ten einde hom in staat te stel om hom as 'n raadslid te bevoeg of as 'n kieser te laat registreer, en daardeur sy stem by enige toekomstige verkiesing te beïnvloed, en elke kandidaat of ander persoon wat direk of indirek enige geld ten behoeve van enige kieser betaal ten einde hom te beweeg om te stem of nie te stem nie en elke persoon ten behoeve van wie en met wie se wete enige sodanige oordrag, transport of betaling, soos in hierdie artikel genoem word, onderneem is; en
- (j) Elke kandidaat, wat self of deur sy agent enige vergadering van kiesers in enige huis belê of hou, wat gelisensieer is vir die verkoop van drank ingevolge die "Dranklicentie Proklamatie 1920" (Proklamasie No. 5 van 1920), of enige wysiging daarvan, (mits geen bepaling van hierdie paragraaf van toepassing is nie op enige gedeelte van sodanige perseel, wat gewoonlik verhuur is vir die doeleindes van kantore, winkels of ander besigheidspersonele of vir die hou van publieke vergaderings in sodanige gedeelte, as sodanige gedeelte 'n aparte ingang het en geen direkte verbinding met enige gedeelte van die perseel het nie, waar enige bedwelmende drank of verversing verkoop of gelever word) word geag skuldig aan omkoperij te wees.

96. Elke persoon wat by enige verkiesing in die naam van 'n ander persoon, onverskillig of dit die naam van 'n lewende of oorlede of 'n fiktiewe persoon is, vir 'n stembrief vra of wat na eens by enige sodanige verkiesing gestem te hê by dieselfde verkiesing vir 'n stembrief in sy eie naam vra, is skuldig aan homself vir 'n ander uit te gee.

97. Wanneer die hof by die beregting van 'n verkiesingspetisie bevind dat enige korrupte handeling met betrekking tot sodanige verkiesing deur of met wete en toestemming van enige agent van 'n kandidaat by sodanige verkiesing gepleeg is, is die verkiesing van sodanige kandidaat, as hy verkies geword is, nietig; en as sodanige oortreding deur of met wete en toestemming van die kandidaat of sy verkiesingsagent gepleeg is, dan is sodanige kandidaat, benewens die nietigverklaring van sy verkiesing, vir 'n tydperk van vyf jaar onbevoeg om as 'n raadslid vir enige munisipaliteit gekies te word of om enige regterlike amp uit te oefen of betrekking as kommissaris van ede te vervul.

98. (1) 'n Persoon wat enige korrupte handeling pleeg, behalwe die van hom vir 'n ander uit te gee of die van hulpverlening, aanraai of beweging van die oortreding van hom vir 'n ander uit te gee, is by skuldigbevinding onderhewig aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens tien jare of aan 'n boete van hoogstens vyfhonderd pond.

(2) 'n Persoon wat die oortreding van hom vir 'n ander uit te gee of wat die begaan van daardie oortreding aanraai of uitlok of daarby hulp of bystand verleen, is by skuldigbevinding onderhewig aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twee jare.

(3) 'n Persoon wat aan enige korrupte handelings skuldig bevind is, is, benewens die strawwe hierbo bepaal, onbevoeg om gedurende die tydperk van vyf jare vanaf die datum van sy skuldigbevinding as kieser ingeskryf te word of as raadslid gekies te word ten opsigte van enige munisipaliteit of om enige regterlike amp uit te oefen of betrekking as kommissaris van ede te vervul en as hy as raadslid verkies is, moet sy setel vanaf die datum van sodanige skuldigbevinding ontruim word.

99. (1) As enige persoon by enige verkiesing stem of enige persoon beweeg of oorhaal om te stem terwyl hy weet dat hierdie of enige ander wet hom of sodanige persoon verbied om te stem of dat hy nie bevoeg is nie of opgehou het om bevoeg te wees om by sodanige verkiesing te stem, is hy skuldig aan 'n onwettige handeling.

paid, or agreed to be paid, for, or on account of, any lawful expenses *bona fide* incurred at or concerning any election);

- (g) Every voter who before or during any election, directly or indirectly, himself or by his agent, receives agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election;
- (h) Every person who after any election, directly or indirectly himself or by his agent receives any money or valuable consideration, on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election;
- (i) Every person who either directly or indirectly himself or by his agent, corruptly conveys or transfers any property, or pays any money, to any person, for the purpose of enabling him to be qualified as a councillor or registered as a voter, thereby to influence his vote at any future election, and every candidate or other person who either directly or indirectly pays any money on behalf of any voter, for the purpose of inducing him to vote or refrain from voting and every person on whose behalf and with whose privity any such conveyance, transfer or payment as in this section is mentioned is made; and
- (j) Every candidate who, himself or by his agent, convenes or holds any meeting of voters in any house licensed for the sale of liquors under the Liquor Licensing Proclamation, 1920 (Proclamation No. 6 of 1920), or any amendment thereof (provided that nothing in this paragraph shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices, shops or other business premises or the holding of public meetings in such part if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied), shall be deemed guilty of bribery.

96. Every person who at any election applies for a ballot paper in the name of some other person, whether that name is that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name, shall be guilty of personation.

97. If upon the trial of an election petition the court finds that any corrupt practice has been committed in reference to such election by or with the knowledge and consent of any agent of a candidate at such election, the election of such candidate shall, if he has been elected be null and void; and if such offence has been committed by or with the knowledge and consent of the candidate or his election agent then, in addition to such election being declared null and void, such candidate shall not be capable for a period of five years of being elected as a councillor for any municipality, or of holding any judicial appointment or appointment as commissioner of oaths.

98. (1) A person who commits any corrupt practice other than personation or aiding, abetting, counselling or procuring the offence of personation shall, on conviction be liable to imprisonment with or without hard labour, for a term not exceeding two years or to a fine not exceeding five hundred pounds.

(2) A person who commits the offence of personation or of aiding, abetting, counselling or procuring the commission of that offence shall, on conviction, be liable to imprisonment with or without hard labour for a period not exceeding two years.

(3) A person who is convicted of any corrupt practice shall, in addition to any punishment hereinbefore provided, be incapable during the period of five years from the date of his conviction, of being enrolled as a voter or elected as a councillor for any municipality or of holding any judicial appointment or appointment as commissioner of oaths, and if elected a councillor his seat shall be vacated from the time of such conviction.

99. (1) If any person votes, or induces or procures any person to vote, at any election, knowing that he or such person is prohibited by this or any other law from voting, or is not qualified, or has ceased to be qualified, to vote at such election, he shall be guilty of an illegal practice.

(2) Enige persoon wat voor of gedurende 'n verkiesing opsetlik 'n valse verklaring van die terugtrekking van 'n kandidaat by sodanige verkiesing met die doel publiseer om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, is skuldig aan 'n onwettige handeling.

100. Elke persoon wat ter enige tyd na die publikasie van die kennisgewing, genoem in artikel *nag-en-veertig* van hierdie Ordonnansie en voor die sluiting van die stemming vermeld in artikel *vier-en-veertig* enige dokument of geskrif of drukwerk, wat enige onware verklaring bevat wat enige kandidaat belaster en bedoel is om die stem van enige kieser te beïnvloed, publiseer of vertoon of laat publiseer of vertoon, is skuldig aan 'n onwettige handeling.

101. 'n Persoon wat aan 'n onwettige handeling skuldig is, onverskillig of onder die laasvooraangaande artikel of onder die hierna bevatte bepalings, is na summariese skuldigebevoegdheid onderhewig aan 'n boete van hoogstens vyf-en-sewentig pond of aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande en is daarby vir 'n tydperk van twee jaar vanaf die datum van sy skuldigebevoegdheid nie bevoeg om vir enige munisipale verkiesing, wat in die munisipaliteit gehou word, waarin die onwettige handeling gepleeg is, as 'n kieser ingeskryf te word of te stem nie.

102. (1) Onderhewig aan sodanige uitsonderings, wat ingevolge hierdie Ordonnansie toegestaan mag wees, mag geen bedrag betaal en geen uitgawes gemaak word nie deur 'n kandidaat by 'n verkiesing of deur sy verkiesingsagent of deur enige ander persoon, hetsy voor, gedurende of na 'n verkiesing, ter sake of ten opsigte van die leiding of reëling van sodanige verkiesing, bo die maksimumbedrag, wat in daardie opsig in hierdie Ordonnansie vasgestel is.

(2) Onderhewig aan sodanige uitsondering wat ingevolge hierdie Ordonnansie toegelaat mag gewees het, mag geen vordering ten opsigte van enige uitgawes, gemaak met betrekking tot of ten opsigte van die leiding of reëling van 'n verkiesing in teenstryd met die bepalings van artikel *vyf-en-tagtig* van hierdie Ordonnansie betaal word nie. Enige kandidaat of verkiesingsagent of enige ander persoon, wat opsetlik in teenstryd met hierdie artikel handel, is skuldig aan 'n onwettige praktyk; mits altoos, niesteenstaande enige teenstrydige bepaling van artikel *eenhonderd en vier* van hierdie Ordonnansie, wanneer die hof op 'n verkiesingspetisie bevind dat dit deur 'n kandidaat bewys is, dat enige betaling deur 'n verkiesingsagent gemaak, sonder toestemming of medekennis van sodanige kandidaat gemaak is, die verkiesing van sodanige kandidaat nie nietig sal wees nie en hy nie omrede alleen van sodanige betaling in teenstryd met hierdie onderartikel, aan enige onbevoegdheid ingevolge hierdie Ordonnansie onderhewig sal wees nie.

103. (1) Niemand mag vir die doel om die verkiesing van 'n kandidaat te bevorder of te bewerkstellig teen betaling of belofte van betaling aangestel of in diens geneem word nie vir enige doel en in enige hoedanigheid, hoegenaam ook, behalwe vir enige doeleindes of hoedanighede in hierdie Ordonnansie vermeld of behalwe vir sover betaling deur hierdie Ordonnansie geoorloof is.

(2) Onderhewig aan sodanige uitsonderings wat ingevolge hierdie Ordonnansie geoorloof mag wees, as enige persoon in teenstryd met hierdie artikel aangestel of in diens geneem word, of voor, gedurende of na 'n verkiesing, is die persoon wat hom aanstel of in diens neem, skuldig aan 'n onwettige praktyk en die aldus aangestelde of in diens genome persoon is ook skuldig aan 'n onwettige praktyk as hy geweet het dat hy in stryd met die wet aangestel of in diens geneem was.

104. Indien by die beragting van 'n verkiesingspetisie, die hof bevind dat dit bewys is dat enige onwettige praktyk met betrekking tot sodanige verkiesing begaan is deur of met medewete en toestemming van enige kandidaat by sodanige verkiesing of sy verkiesingsagent, is die verkiesing van sodanige kandidaat, as hy verkies geword het, nietig en hy sal vir 'n tydperk van drie jaar vanaf die datum van sodanige bevinding nie bevoeg wees om as raadslid vir enige munisipaliteit gekies te word nie of om enige regterlike amp uit te oefen of die betrekking van kommissaris van ede te beklee nie en enige persoon wat deur enige bevoegde hof weens 'n onwettige handeling skuldig bevind is, is onderhewig aan dieselfde onbevoegdheid.

105. Elke persoon wat opsetlik geld vir enige betaling verskaf, wat in stryd met die bepalings van hierdie Ordonnansie is, of om enige geld, wat vir enige sodanige betaling uitgegee is, terug te betaal, behalwe ingeval sodanige betaling ooreenkomstig hierdie Ordonnansie as 'n uitsondering toegelaat is, is skuldig aan onwettige betaling.

106. Elke persoon wat korruptelik deur enige betaling of belofte van betaling enige ander persoon beweeg of oorhaal om hom terug te trek as kandidaat by 'n verkiesing en elke persoon, wat hom aldus laat beweeg of oorhaal, is skuldig aan onwettige handeling.

(2) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, shall be guilty of an illegal practice.

100. Every person who at any time after the publication of the notice referred to in section *forty-nine* of this Ordinance and before the close of the poll referred to in section *fifty-four* publishes or exposes, or causes to be published or exposed, any document or writing or printed matter containing any untrue statement defamatory of any candidate, and calculated to influence the vote of any voter, shall be guilty of an illegal practice.

101. A person guilty of an illegal practice whether under the last preceding sections or under the provision hereinafter contained shall on summary conviction be liable to a fine not exceeding seventy-five pounds or to be imprisoned for any period not exceeding six months, with or without hard labour and shall in addition be incapable during a period of two years from the date of his conviction, of being registered as a voter or voting at any municipal election held in the municipality in which the illegal practice has been committed.

102. (1) Subject to such exception as may be allowed in pursuance of this Ordinance, no sum shall be paid and no expense shall be incurred by a candidate at an election or by his election agent or by any other person whether before, during or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in this Ordinance.

(2) Subject to such exception as may have been allowed in pursuance of this Ordinance, no claim in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be paid in contravention of the provisions of section *eighty-five* of this Ordinance. Any candidate or election agent or any other person who knowingly acts in contravention of this section shall be guilty of an illegal practice; provided always that, anything to the contrary notwithstanding in section *one hundred and four* of this Ordinance, when on an election petition the court finds that it has been proved by a candidate that any payment made by an election agent in contravention of this sub-section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void nor shall he be subject to any incapacity under this Ordinance by reason only of such payment being made in contravention of this sub-section.

103. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in this Ordinance or except as far as payment is authorised by this Ordinance.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this section, either before, during or after an election, the person engaging or employing him shall be guilty of an illegal practice, and the person so engaged or employed shall also be guilty of an illegal practice if he knew that he was engaged or employed contrary to law.

104. If, upon the trial of an election petition, the court finds that any illegal practice is proved to have been committed in reference to such election, by or with the knowledge and consent of any candidate at such election or his election agent, the election of such candidate shall, if he has been elected, be null and void, and he shall not be capable of being elected a councillor for any municipality for a period of three years from the date of such finding or of holding any judicial appointment or the appointment of commissioner of oaths, and any person who has been convicted by any competent court of an illegal practice shall be subject to the same incapacities.

105. Every person who knowingly provides money for any payment which is contrary to the provisions of this Ordinance, or for replacing any money expended in any such payment, except where the same is allowed in pursuance of this Ordinance to be an exception, shall be guilty of illegal payment.

106. Every person who corruptly induces or procures any other person to withdraw from being a candidate at an election in consideration of any payment or promise of payment, and every person who withdraws in pursuance of such inducement or procurement, shall be guilty of illegal payment.

107. Elke biljet, plakkaat, aanplakbiljet, pamflet of ander drukwerk, wat betrekking tot 'n verkiesing het, moet op die voorkant daarvan die naam en adres van die drukker en die uitgewer daarvan aangee en elke persoon wat enige aldus vermelde drukwerk druk, publiseer of aanplak, sonder dat op die voorkant daarvan die naam en adres van die drukker en die uitgewer verskyn, is, indien hy die kandidaat of die agent van die kandidaat is, skuldig aan 'n onwettige handeling en as hy nie die kandidaat of die agent van 'n kandidaat is nie, is hy skuldig aan 'n onwettige betaling.

108. (1) Dit is onwettig om enige perseel te gebruik—

- (a) waar die verkoop van enige bedwelmende drank in die kleinhandel ingevolge 'n lisensie geoorloof is;
- (b) waar enige bedwelmende drank aan lede van 'n klub, vereniging of genootskap verkoop of verskaf word, of om enige gedeelte van enig sodanige perseel as 'n komiteekamer vir die doel te gebruik om die verkiesing van 'n kandidaat by enige verkiesing te bevorder of te bewerkstellig.

(2) Elke persoon wat—

- (a) enige sodanige perseel of enige gedeelte daarvan as 'n komiteekamer huur of gebruik; of
- (b) sodanige perseel of gedeelte verhuur, wetende dat die bedoeling was om hom as 'n komiteekamer te gebruik,

is skuldig aan onwettige huur.

(3) Geen bepaling van hierdie artikel is van toepassing op enige gedeelte van sodanige perseel nie, wat gewoonlik vir buro's, kantore of winkels of ander besigheidsplekke, of vir die hou van openbare vergaderings verhuur word nie, as sodanige gedeelte 'n afsonderlike ingang het en geen verbinding met enige gedeelte van die perseel nie, waarop enige bedwelmende drank of verversings, soos voormeld, verkoop of verskaf word.

109. Sonder benadeling van die bepalings alreeds getref met betrekking tot die misdaad van omkoperij—

- (a) is 'n persoon, wat aan die oortreding van onwettige betaling of huur skuldig is, na summariese skuldigbevinding, onderhewig aan 'n boete van hoogstens vyftig pond en ingeval van wanbetaling aan gevangenisstraf, met of sonder harde arbeid, vir 'n tydperk van hoogstens drie maande;
- (b) is 'n kandidaat of 'n agent van 'n kandidaat, wat persoonlik aan 'n oortreding van onwettige betaling of huur skuldig is, skuldig aan 'n onwettige handeling.

110. Geen aksie of regsvoordering kan deur enige persoon ingestel word nie, wat gelisensieer is om bedwelmende drank te verkoop of deur enige eienaar of houder van enige winkel, kraam, tent of ander vermaaklikheidsplek, teen enige kandidaat of enige agent van enige kandidaat vir enige drank, kos of verversings van enige aard, hetsy vir menslike of dierlike gebruik, wat op die krediet van enige sodanige kandidaat of agent gedurende die gang van enige verkiesing ingevolge hierdie Ordonnansie verskaf is.

111. Wanneer die hof by die beregting van 'n verkiesingspetisie bevind dat 'n kandidaat by sodanige verkiesing hom deur sy agente skuldig gemaak het aan die oortreding van trakteeer en onbehoorlike beïnvloeding en onwettige handeling, of aan enige van sodanige oortredings met betrekking tot sodanige verkiesing, en verder dat die kandidaat bewys het—

- (a) dat geen korrupte of onwettige handeling by sodanige verkiesing deur die kandidaat self begaan is nie en dat die oortredings, in vermelde bevinding opgenoem, in stryd met sy bevele en sonder sy toestemming of medepligtigheid begaan is;
- (b) dat sodanige kandidaat alle redelike maatreëls getref het om die begaan van korrupte en onwettige handelings by sodanige verkiesing te verhinder;
- (c) dat die oortredings, in vermelde bevinding opgenoem, van 'n onbeduidende, onbelangrike en beperkte aard was; en
- (d) dat in alle ander opsigte die verkiesing vry van enige korrupte of onwettige handeling sydens die kandidaat was,

dan is die verkiesing van sodanige kandidaat nie weens die oortredings in die rapport opgenoem, nietig nie, en die kandidaat is nie aan enige onbevoegdheid ingevolge hierdie Ordonnansie onderhewig nie.

112. Wanneer dit aan die hof blyk dat enige handeling of versuim van 'n kandidaat by enige verkiesing, of van sy agent of van enige ander persoon, wat, was dit nie vir hierdie artikel nie, omrede dit enige betaling, huur of kontrak in stryd met hierdie Ordonnansie is, of andersins in stryd met enige van die bepalings van hierdie Ordonnansie is,

107. Every bill, placard, poster, pamphlet or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof, and every person who prints, publishes or posts or causes to be printed, published or posted any such printed matter as aforesaid which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate or the agent of the candidate, be guilty of an illegal practice, and, if he is not the candidate or the agent of a candidate, shall be guilty of illegal payment.

108. (1) It shall not be lawful to use—

- (a) any premises on which the sale by retail of any intoxicating liquor is authorised by a licence;
- (b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association, or any part of any such premises, as a committee room for the purpose of promoting or procuring the election of a candidate at an election.

(2) Every person who—

- (a) hires or uses any such premises or any part thereof for a committee room; or
- (b) lets such premises or part thereof knowing that it was intended to use the same as a committee room,

shall be guilty of illegal hiring.

(3) Nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of chambers, offices or shops or other business premises, or the holding of public meetings, if such part has a separate entrance and no communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

109. Without prejudice to the provisions hereinbefore contained as to the offence of bribery—

- (a) a person guilty of the offence of illegal payment or hiring shall on summary conviction be liable to a fine not exceeding fifty pounds, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months;
- (b) a candidate or an agent of a candidate who is personally guilty of an offence of illegal practice or hiring shall be guilty of an illegal practice.

110. No action or suit shall be maintainable by any person licensed to sell intoxicating liquor or any owner or keeper of any shop, booth, tent or other place of entertainment, against any candidate or any agent of any such candidate for any liquor, food or refreshment of any kind whether for man or beast supplied upon the credit of any such candidate or agent during the progress of any election under this Ordinance.

111. When upon the trial of an election petition, the court finds that a candidate at such election has been guilty through his agents of the offence of treating and undue influence and illegal practice, or of any of such offences, in reference to such election, and further that the candidate has proved—

- (a) that no corrupt or illegal practice was committed at such election by the candidate himself, and the offences mentioned in the said finding were committed contrary to his orders and without his sanction or connivance;
- (b) that such candidate took all reasonable means for preventing the commission of corrupt and illegal practices at such election;
- (c) that the offences mentioned in the finding were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate,

then the election of such candidate shall not by reason of the offences mentioned in the report be void, nor shall the candidate be subject to any incapacity under this Ordinance.

112. When it appears to the court that any act or omission of a candidate at any election, or of his agent, or of any other person, which would, by reason of being a payment, engagement or contract in contravention of this Ordinance,

'n onwettige handeling, betaling of huur sou wees, as gevolg van onagsaamheid of as gevolg van 'n toevallige rekenfout of weens 'n ander redelike oorsaak van dergelike aard ontstaan het, en in elk geval nie weens enige gebrek aan goedertrou ontstaan het nie en as dit onder die omstandighede vir die hof billik blyk dat die kandidaat en die agent en ander persone of enigeen van hulle nie aan enige van die gevolge van sodanige handeling of versuim onder hierdie Ordonnansie onderhewig behoort te wees nie, dan mag die hof 'n bevel uitvaardig om sodanige handeling of versuim as 'n uitsondering op die bepalinge van hierdie Ordonnansie toe te laat, wat die handeling of versuim anders as 'n onwettige handeling, betaling of huur sou beskou en daarna is sodanige kandidaat, agent of persoon nie aan enige van die gevolge van vermelde handeling of versuim onder hierdie Ordonnansie onderhewig nie.

113. Elke persoon, wat skuldig aan 'n korrupte of onwettige handeling of aan onwettige betaling of huring by 'n verkiesing skuldig is, is belet om by sodanige verkiesing en as sodanige persoon 'n stem uitbring is sy stem nietig.

114. Elke persoon wat tengevolge van skuldigbevinding of van die rapport van die hof, ingevolge hierdie Ordonnansie of enige ander Ordonnansie, wat ten tyde in krag is met betrekking tot korrupte en onwettige handelings, onbevoeg is om by enige verkiesing te stem, is belet om by sodanige verkiesing te stem en as sodanige persoon 'n stem uitbring is sy stem nietig.

115. (1) 'n Regsvervolging teen 'n persoon weens die oortreding van 'n korrupte of onwettige handeling of enige ander oortreding teen hierdie deel van hierdie Ordonnansie moet binne ses maande na die pleging van die oortreding ingestel word, of as dit met betrekking tot 'n verkiesing ten opsigte waarvan 'n petisie deur die hof verhoor word, gepleeg is, moet dit binne ses maande nadat die oortreding gepleeg is, of binne drie maande nadat die rapport van die hof, wat 'n verkiesingspetisie verhoor, gemaak is, ingestel word, watter periode ook die laaste verloop, sodat dit twee jaar na begaan van die oortreding ingestel word.

(2) Vir die doel van hierdie artikel, word die uitreiking van 'n dagvaring, lasbrief, bevelskrif of ander prosesstuk, ingeval die diening of tenuitvoerlegging daarvan op of teen die beweerde oortreder deur die ontvlugting of verduiking van handeling van die beweerde oortreder verhinder is, as die begin van die regsgeding beskou, maar behalwe soos voormeld, word die diening of tenuitvoerlegging daarvan op of teen die beweerde oortreder, en nie die uitreiking daarvan nie, as die begin van die regsgeding beskou.

116. Enige persoon wat van korrupte handelings beskuldig word, mag, as die omstandighede sodanige bevinding regverdig, skuldig aan 'n onwettige handeling bevind word, en enige persoon, beskuldig van 'n onwettige handeling mag aan daardie oortreding skuldig bevind word, niteenstaande die handeling, wat die oortreding daarstel, 'n korrupte handeling uitmaak en 'n persoon, beskuldig van onwettige betaling of huring mag skuldig aan daardie oortreding bevind word niteenstaande die handeling, wat die oortreding uitmaak, 'n korrupte of onwettige handeling daarstel.

### HOOFSUK VIII.

#### *Ander Oortredings in Verband met Verkiesings.*

117. Elke persoon wat deur die stemopnemer beveel word om die stemplek ooreenkomstig die bepalinge van artikel *een-en-sestig* te verlaat en nalaat om dit dadelik te doen of wat nalaat om dadelik 'n stembrief te oorhandig wat aan hom uitgereik is, sodra hom dit ingevolge die bepalinge van vermelde artikel beveel is, is skuldig aan 'n oortreding en onderhewig aan 'n boete van hoogstens tien pond of, ingeval van wanbetaling, aan gevangenisstraf, met of sonder harde arbeid, vir 'n tydperk van hoogstens een maand.

118. Elke persoon wat die verrigtings by 'n verkiesing onderbreek, belemmer of hinder is skuldig aan 'n oortreding en is onderhewig aan die strawwe opgenoem in die laasvooraangaande artikel.

119. (1) Elke persoon wat uit kragte daarvan dat hy die amp van burgemeester of onderburgemeester beklee, deur hierdie Ordonnansie verplig is om as kiesbeampte op te tree, en elke persoon wat, nadat hy die amp van kiesbeampte aangeneem het, opsetlik versuim of weier om enige van die pligte uit te voer, wat hy ingevolge die bepalinge van hierdie Ordonnansie moet uitvoer, is vir elke sodanige oortreding onderhewig aan 'n straf van hoogstens tweehonderd pond.

(2) Elke stemopnemer of ander amptenaar of persoon wat opsetlik versuim of weier om enige van die pligte na te kom wat hy ingevolge die bepalinge van hierdie Ordonnansie moet uitvoer, is ten opsigte van elke sodanige oortreding onderhewig aan 'n straf van hoogstens vyftig pond.

or of otherwise being in contravention of any of the provisions of this Ordinance, be, but for this section, an illegal practice, payment or hiring, arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be just that the candidate and the agent and other person or any of them should not be subject to any of the consequences under this Ordinance of such act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, payment or hiring, and thereupon such candidate, agent or person shall not be subject to any of the consequences under this Ordinance of the said act or omission.

113. Every person guilty of a corrupt or illegal practice or of illegal payment or hiring at an election is prohibited from voting at such election and if any such person votes his vote shall be void.

114. Every person who, in consequence of conviction, or of the report of the court, has become under this Ordinance or any other Ordinance for the time being in force relating to corrupt or illegal practices incapable of voting at any election, is prohibited from voting at such election, and his vote shall be void if any such person vote.

115. (1) A proceeding against a person in respect of the offence of a corrupt or illegal practice or any other offence against this part of this Ordinance shall be commenced within six months after the offence was committed, or if it was committed in reference to an election with respect to which a petition is tried by the court, shall be commenced within six months after the offence was committed, or within three months after the report of the court hearing an election petition is made, whichever period last expires, so that it be commenced within two years after the offence was committed.

(2) For the purpose of this section, the issue of a summons, warrant, writ or other process shall, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, be deemed to be the commencement of a proceeding, but, save as aforesaid, the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

116. Any person charged with a corrupt practice may, if the circumstances warrant such finding be found guilty of an illegal practice, and any person charged with an illegal practice may be found guilty of that offence, notwithstanding the act constituting the offence amounted to a corrupt practice, and a person charged with illegal payment or hiring may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

### CHAPTER VIII.

#### *Other Offences Connected with Elections.*

117. Every person who shall be ordered by the polling officer to leave the polling place under the provisions of section *sixty-one* and shall fail to do so immediately or who shall fail forthwith to hand over a ballot paper issued to him upon being ordered under the provisions of the said section to do so, shall be guilty of an offence and liable to a fine not exceeding ten pounds, or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month.

118. Every person who interrupts, obstructs or disturbs the proceedings at an election shall be guilty of an offence and liable to the penalties in the last preceding section mentioned.

119. (1) Every person who by virtue of his holding the office of mayor or deputy mayor is required by this Ordinance to act as returning officer, and every person who, after having accepted office as returning officer, wilfully neglects or refuses to perform any of the duties which by the provisions of this Ordinance he is required to perform, shall for every such offence be liable to a penalty not exceeding two hundred pounds.

(2) Every polling officer or other officer or person who wilfully neglects or refuses to perform any of the duties which by the provisions of this Ordinance he is required to perform shall for every such offence be liable to a penalty not exceeding fifty pounds.

120. Elke stemopnemer of ander persoon wat 'n stembrief wat nie wettiglik aan 'n kieser oorhandig en deur hom gemerk is, in 'n stembus sit of daaraan medepligtig is, of wat enige stembrief of die amptelike merk daarop vervals of namaak of op bedrieglike wyse dit vermink of verniel, is skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan gevangenisstraf vir 'n tydperk van hoogstens twee jaar, met of sonder harde arbeid. Bewys dat 'n groter getal stembriewe in 'n stembus gevind is of deur 'n stemopnemer as ontvang by 'n stembus opgegee word, as die getal kiesers wat by sodanige stembus gestem het, is *prima facie* bewys dat die voorsittende beampte by sodanige stembus aan 'n oortreding van hierdie artikel skuldig was.

121. Elke persoon is onderhewig aan 'n straf van hoogstens eenhonderd pond of aan gevangenisstraf vir enige tydperk van hoogstens twaalf maande, met of sonder harde arbeid, wat—

- (a) opsetlik teenoor enige lid, wat aangestel is om die kieserslys te hersien, enige aanspraak, wat in sy wesenlike inhoud vals is, maak, oorhandig of instuur; of
- (b) opsetlik die maak, oorhandiging of instuur van sodanige aanspraak veroorsaak of bewerkstellig of op enige wyse daarin betrokke is.

122. (a) Elke kiesbeampte, stemopnemer, stemklerk, tellingsagent of ander persoon, wat, behalwe wanneer ingevolge hierdie Ordonnansie daartoe geoorloof, opsetlik en moedswillig 'n stembrief, wat deur 'n kieser ooreenkomstig paragraaf (b) van artikel *twee-en-sestig* gevou is, oopmaak, tensy hy deur die wettige bevel van die Hooggeregshof van Suidwes-Afrika daartoe gelas is; en

- (b) elke kiesbeampte, stemopnemer, stemklerk of tellingsagent, wat behalwe ingeval van 'n persoon wat openlik stem, probeer om te verneem of uit te vinde of direk of indirek help om te verneem of uit te vinde vir wie enige stem uitgebring is, of wat, deur die uitoefening van sy amp kennis opgedoen het van die persoon vir wie die kieser gestem het en wat sodanige kennis openbaar, behalwe in antwoord op enige vraag wat aan hom in die loop van 'n geding voor 'n bevoegde hof gestel word; en
- (c) elke kiesbeampte, stemopnemer, stemklerk of tellingsagent wat op enige stembrief enige merk sit of iets skrywe wat nie deur hierdie Ordonnansie geoorloof is nie,

is skuldig aan 'n oortreding en by skuldigbevinding onderhewig aan gevangenisstraf vir enige tydperk van hoogstens twaalf maande met of sonder harde arbeid.

123. Behalwe soos deur hierdie Ordonnansie geoorloof, word elke persoon wat opsetlik of moedswillig die seël van enige verseelde pakket, vermeld in artikel *ses-en-sestig*, breek of sodanige pakket oopmaak, beskou skuldig te wees aan 'n oortreding, tensy hy deur die wettige bevel van die Hooggeregshof gelas word om dit te doen of om enige gedeelte van die inhoud van sodanige pakket voor te lê, en by skuldigbevinding is hy onderhewig aan gevangenisstraf vir enige tydperk van hoogstens twaalf maande, met of sonder harde arbeid.

## HOOFSTUK IX.

### *Verkiesingspetisies.*

124. 'n Petisie, waarin beswaar teen die onbehoorlike verkiesing van 'n raadslid vir enige munisipaliteit op grond van gebrek aan bevoegdheid, onbevoegdheid, korrupsie of onwettige handeling, onreëlmatigheid of andersins, gemaak word, mag aan die Hooggeregshof voorgelê word deur—

- (a) 'n ingeskrywe kieser in sodanige munisipaliteit;
- (b) enige persoon, wat aanspraak maak dat hy die reg gehad het om by sodanige verkiesing verkies te word; of
- (c) enige persoon wat beweer dat hy 'n kandidaat by sodanige verkiesing was.

Sodanige petisie word hierna 'n verkiesingspetisie genoem.

125. Met betrekking tot die voorlê van 'n verkiesingspetisie ingevolge hierdie Ordonnansie, is die volgende bepalinge van toepassing:—

- (a) Die petisie moet deur die petitioneris, of al die petitionerisse, as daar meer as een is, geteken word;
- (b) die petisie moet binne sestig dae nadat die uitslag van die verkiesing deur die kiesbeampte verklaar is, voorgelê word;
- (c) voorlegging van 'n petisie moet gedoen word deur dit by die griffier van die Hooggeregshof in te dien;

120. Every polling officer or other person who places or is privy to placing in a ballot box a ballot paper which has not been lawfully handed to and marked by a voter, or forges or counterfeits, or fraudulently defaces or destroys, any ballot paper, or the official mark thereon, shall be guilty of an offence and shall be liable on conviction to be imprisoned for any period not exceeding two years, with or without hard labour. Proof that a greater number of ballot papers is found in a ballot box or is returned by a polling officer as having been received at a polling place than the number of voters who voted at such polling place shall be *prima facie* evidence that the presiding officer at such polling place was guilty of an offence against this section.

121. Every person shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for any period not exceeding twelve months, with or without hard labour, who—

- (a) wilfully makes, delivers or sends to any member of a revision court appointed to revise the roll of voters any claim which is false in any material particular; or
- (b) wilfully causes or procures, or is in any wise concerned in the making, delivering or sending of any such claim.

122. (a) Every returning officer, polling officer, polling clerk, scrutineer or other person who, except as authorized by this Ordinance, knowingly and wilfully unfastens the fold made in a ballot paper by a voter in terms of paragraph (b) of section *sixty-two*, unless he is by the lawful command of the High Court of South West Africa required so to do; and

- (b) every returning officer, polling officer, polling clerk or scrutineer who attempts to ascertain or discover, or directly or indirectly aids in ascertaining or discovering, the person for whom any vote is given, except in the case of a person voting openly or who, having in the exercise of his office obtained knowledge of the person for whom any voter has voted, discloses such knowledge, unless in answer to some question put in the course of proceedings before some competent court; and
- (c) every returning officer, polling officer, polling clerk or scrutineer who places upon any ballot paper any mark or writing not authorized by this Ordinance,

shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for any period not exceeding twelve months with or without hard labour.

123. Except as authorised by this Ordinance, every person who knowingly and wilfully breaks the seal of, or opens, any sealed packet referred to in section *sixty-six*, unless he is by the lawful command of the High Court required so to do or to produce some portion of the contents of such parcel, shall be deemed guilty of an offence and, on conviction, shall be liable to imprisonment for any period not exceeding twelve months, with or without hard labour.

## CHAPTER IX.

### *Election Petitions.*

124. A petition complaining of an undue election of a councillor for any municipality by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity or otherwise, may be presented to the High Court by—

- (a) an enrolled voter in such municipality;
- (b) some person claiming to have had a right to be elected at such election; or
- (c) some person alleging himself to have been a candidate at such election.

Such petition is hereinafter referred to as an election petition.

125. With respect to the presentation of an election petition under this Ordinance the following provisions shall apply:—

- (a) The petition shall be signed by the petitioner or all the petitioners if more than one;
- (b) the petition shall be presented within sixty days after the result of the election has been declared by the returning officer;
- (c) presentation of a petition shall be made by filing it with the Registrar of the High Court;

- (d) tydens die voorlegging van die petisie of binne sewe dae daarna, moet sekuriteit vir die betaling van alle koste, onkoste en uitgawes, wat deur die petitioner verskuldig mag word—
- (i) aan enige persoon, wat namens hom as 'n getuie gedagvaar word; of
  - (ii) aan die raadslid teen wie se verkiesing of bevoegdheid beswaar gemaak word (hierna word hy die verweerder genoem),
- deur of ten behoeve van die petitioner gestel word;
- (c) die sekuriteit moet driehonderd pond bedra; dit moet gestel word of by wyse van borgstelling, wat deur enige aantal borge, maar nie meer as vier nie, aangegaan word of deur 'n inbetaling van geld aan die Griffier van die Hooggeregshof of gedeeltelik op die een wyse en gedeeltelik op die ander.

- (d) at the time of the presentation of the petition or within seven days afterwards security for the payment of all costs, charges and expenses that may become payable by the petitioner—
- (i) to any person summoned as a witness on his behalf, or
  - (ii) to the councillor whose election or qualification is complained of (who is hereinafter referred to as the respondent),
- shall be given by or on behalf of the petitioner;
- (e) the security shall be to the amount of three hundred pounds: it shall be given either by recognizance to be entered into by any number of sureties not exceeding four or by a deposit of money with the Registrar of the High Court, or partly in one way and partly in the other.

126. Skriftelike kennisgewing van die voorlegging van 'n petisie ooreenkomstig hierdie Ordonnansie en van die aard van die voorgestelde sekuriteit moet saam met 'n kopie van die petisie binne tien dae na die voorlegging van die petisie deur die petitioner op die verweerder gedien word en wel of persoonlik of deur dit by sy gewone en laasbekende woonhuis of besigheidsplek te laat en dit is wettig vir die verweerder, ingeval die sekuriteit of geheel of gedeeltelik deur borgstelling gegee is, om deur skriftelike kennisgewing, wat op die petitioner op die voormelde wyse gedien moet word binne een-en-twintig dae na die datum, waarop sodanige kennisgewing op hom gedien is, beswaar teen sodanige borgstelling te maak uit hoofde dat die borge of enige van hulle onvoldoende is of dat 'n borg dood is of nie gevind kan word nie, of dat 'n persoon genoem in die borgakte nie dieselfde behoorlik erken het nie.

126. Notice in writing of the presentation of a petition under this Ordinance and of the nature of the proposed security, accompanied by a copy of the petition, shall within ten days after the presentation of the petition be served by the petitioner on the respondent, either personally or by leaving the same at his usual or last known dwelling-house or place of business, and it shall be lawful for the respondent, where the security is given wholly or partially by recognizance, by notice in writing, to be served upon the petitioner in manner aforesaid within twenty-one days from the date of the service on him of such notice, to object to such recognizance on the ground that the sureties or any of them are insufficient, or that a surety is dead or that he cannot be found, or that a person named in the recognizance has not duly acknowledged the same.

127. Enige beswaar wat teen die gestelde sekuriteit gemaak word, moet deur die Hooggeregshof verhoor en beslis word. As enige beswaar teen die sekuriteit gehandhaaf word, is dit wettig vir die petitioner om binne 'n verder tydperk, wat deur die hof vasgestel moet word maar hoogstens tien dae mag wees, sodanige beswaar uit die weg te ruim deur sodanige geldbedrag in te betaal, as die vermelde hof geskik mag ag om die sekuriteit voldoende te maak.

127. Any objection made to security given shall be heard and decided by the High Court. If any objection to the security is allowed it shall be lawful for the petitioner within a further time to be fixed by the court, not exceeding ten days, to remove such objection by a deposit of such sum of money as may be deemed proper by the said court to make the security sufficient.

Wanneer op grond van 'n beswaar wat gemaak is, beslis word dat die sekuriteit onvoldoende is en sodanige beswaar nie op die hierbo genoemde wyse uit die weg geruim word nie, mag geen verder stappe met betrekking tot die petisie geneem word nie; anders word die petisie na verloop van die tydperk, wat vir die inbring van besware bepaal is, of nadat uitgemaak is dat die sekuriteit voldoende is na aanleiding van 'n gemaakte beswaar, geag aanhangig te wees.

If on objection made the security is decided to be insufficient and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration of the time limited for making objections, or on the sufficiency of the security being established after objection made, the petition shall be deemed to be at issue.

128. Die Griffier van die Hooggeregshof moet, sodra doenlik, 'n lys van petisies, wat ingevolge hierdie Ordonnansie aan die hof voorgelê en aanhangig is, optrek en daarop hulle in die volgorde rangskik soos hulle ingedien is, en hy moet op sy kantoor 'n kopie van sodanige lys, hierna die verkiesingslys genoem, ter insae van enige persoon laat lê, wat aansoek vir die inspeksie daarvan doen. Sodanige petisie moet in die volgorde bereg word waarin hulle op sodanige lys staan, tensy die hof andersins beveel.

128. The Registrar of the High Court shall as soon as may be make out a list of petitions under this Ordinance presented to the court and which are at issue placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection of any person making application for inspection thereof. Such petitions shall be tried in the order in which they stand in such list unless the court shall otherwise order.

129. Met betrekking tot die beregting van verkiesingspetisies ingevolge hierdie Ordonnansie, is die volgende bepalings van toepassing:—

129. With respect to the trial of election petitions under this Ordinance the following provisions shall apply:—

- (a) Elke verkiesingspetisie word met ope deure bereg.
- (b) Die beregting van verkiesingspetisies kan geskied gedurende enige siviele termyn op enige dag, wat deur enige reël of bevel van die hof voorgeskryf word (mits die hof aan wie dit voorgelê is, op applikasie van enige van die petitionerisse of verweerdere enige dag in of buite die termyn vir sodanige beregting mag bepaal).
- (c) Kennis van die tyd en plek waarop 'n verkiesingspetisie besleg sal word, moet deur die Griffier van die Hooggeregshof aan die betrokke partye minstens veertien dae voor die dag waarop die beregting moet plaasvind, gegee word.
- (d) Die hof mag die verhoor van tyd tot tyd en van plek tot plek verdaag.
- (e) Wanneer by die beregting van 'n verkiesingspetisie, waardeur die hof versoek word om te beslis dat 'n ander persoon as die verweerder geregtig is om in die plek van die verweerder as behoorlik verkies verklaar te word, dit bewys word dat enige persoon wat vir die verweerder gestem het, omkoop of getrakteer was of deur enigeen namens die verweerder onbehoorlik beïnvloed is, of dat sodanige persoon daaraan skuldig was van homself vir 'n ander uit te gee of aan 'n onwettige handeling, betaling of huring, moet elke stem wat deur sodanige persoon op die verweerder uitgebring is, van die totale getal stemme wat by die verkiesing op die verweerder uitgebring is, afgetrek word.

- (a) Every election petition shall be tried with open doors.
- (b) The trial of election petitions may take place in any civil term upon any day prescribed by any rule or order of court (provided that the court to which it has been presented may upon the application of any of the petitioners or respondents fix any day in or out of term for such trial).
- (c) Notice of the time and place at which an election petition will be tried shall be given by the Registrar of the High Court to the parties concerned not less than fourteen days before the day on which the trial is to be held.
- (d) The court may adjourn the trial from time to time and from place to place.
- (e) Where, on the trial of an election petition praying the court to determine that some other person than the respondent is entitled to be declared duly elected in place of the respondent, it is proved that any person who voted for the respondent was bribed or treated or subjected to undue influence by anyone on behalf of the respondent, or that such person was guilty of personation or of an illegal practice, payment or hiring, every vote given for the respondent by such person shall be deducted from the total number of votes given for the respondent at the election.

(f) By die beëindiging van die beregting van enige verkiesingspetisie moet die hof beslis of die verweerder behoorlik verkies is of, of enige, en indien so, watter ander persoon as die verweerder geregtig was of is om as behoorlik verkies verklaar te word.

As die Hof beslis dat die verweerder behoorlik verkies was, dan is en bly sodanige verkiesing geldig asof geen petisie daarteen voorgelê was nie. As die hof beslis dat die verweerder nie behoorlik verkies was nie maar dat 'n ander persoon geregtig was of is om as behoorlik verkies verklaar te word, dan word die verweerder dadelik geag sy setel ontruim te hê. Die Hof moet dadelik sodanige beslissing aan die Administrateur sertifiseer en die moet daarna deur proklamasie in die *Offisiële Koerant* sodanige ander persoon as behoorlik verkies verklaar. As die Hof beslis dat die verweerder nie behoorlik verkies is nie, en dat geen ander persoon geregtig was of is om behoorlik verkies verklaar te word nie, word die verweerder beskou asof hy nie verkies was nie en die hof moet dadelik sodanige beslissing aan die Administrateur sertifiseer en die moet daarna beveel dat 'n nuwe verkiesing moet plaasvind om sodanige vakature te vervul en dergelijke verrigtings vind ten opsigte van sodanige nuwe verkiesing plaas as wat ten opsigte van jaarlikse verkiesings ingevolge hierdie Ordonnansie bepaal is.

130. By die beregting van 'n petisie ingevolge hierdie Ordonnansie, waarin beswaar gemaak word teen 'n onbehoorlike verkiesing of onbehoorlike verklaring van verkiesing en aanspraak vir 'n ander persoon gemaak word dat hy as behoorlik verkies verklaar moet word, kan die verweerder getuienis gee om te bewys dat die verkiesing van daardie persoon op dieselfde wyse onbehoorlik was asof hy 'n petisie voorgelê het waarin beswaar teen sodanige verkiesing gemaak word.

131. 'n Verkiesingspetisie ingevolge hierdie Ordonnansie moet in sodanige vorm wees en sodanige aangeleenthede vermeld soos deur die reëls van die hof voorgeskryf mag wees.

132. Twee of meer gemeenskaplike kandidate kan as verweerders ten opsigte van dieselfde petisie genoem word en sodanige petisie moet as een petisie ingedien word en terselfdertyd bereg word, maar vir al die doeleindes van hierdie Ordonnansie word sodanige petisie as 'n afsonderlike petisie teen elke verweerder beskou.

133. Wanneer ingevolge hierdie Ordonnansie meer as een petisie met betrekking tot dieselfde verkiesing van dieselfde persoon voorgelê word, moet alle sodanige petisies op die lys van petisies saam tussen hakies gesit word en as een petisie behandel word, maar sodanige petisie moet in die verkiesingslys in die plek staan waar die laaste van sodanige petisies sou gestaan het, as dit die enigste voorgelegde petisie was, tensy die hof andersins beveel.

134. Getuies moet gedagvaar en ingesweer of vereis word om 'n plegtige verklaring af te lê op dieselfde wyse soos by 'n verhoor voor die Hooggeregshof en is aan dieselfde strawwe onderhewig weens meeneed.

135. By die beregting van 'n verkiesingspetisie ingevolge hierdie Ordonnansie, mag die hof enige getuie of enige persoon in die hof ondervra, alhoewel sodanige getuie of persoon nie deur enige party in die petisie opgeroep of ondervra is. Na die ondervraging van 'n getuie deur die hof, soos voormeld, mag sodanige getuie deur of ten behoeve van die petitioner en verweerder of die een of die ander van hulle onder kruisverhoor geneem word.

136. Geen persoon wat as getuie by die verhoor van enige verkiesingspetisie opgeroep is, is vrygestel van die beantwoording van enige vraag met betrekking tot enige korrupte of onwettige handeling by of in verband met enige verkiesing, wat asdan die onderwerp van ondersoek is nie, omrede die antwoord hom strafbaar mag maak of sou kan maak: Mits wanneer enige getuie elke vraag met betrekking tot voormelde aangeleenthede, wat hy deur die hof verplig word om te beantwoord, ook beantwoord, en die antwoord daarop hom strafbaar mag maak of sou kan maak, hy geregtig is om van die hof onder die handtekening van die griffier 'n sertifikaat te ontvang, verklarende dat sodanige getuie by sy verhoor deur die hof gelas was om 'n vraag of vrae met betrekking tot voormelde aangeleenthede te beantwoord, watter antwoord of antwoorde hom strafbaar gemaak het of sou kan maak, en dat hy elke sodanige vraag beantwoord het; en ingeval daar ter enige tyd daarna in enige hof 'n vervolging teen sodanige getuie weens enige oortreding ingevolge hierdie Ordonnansie, wat deur hom begaan is voor die tyd toe hy sy getuienis afgelê het, en by of in verband met die verkiesing, waaromtrent of in verband waarmee die getuie aldus verhoor is, aanhangig gemaak word, moet die hof op vertoning en bewys van sodanige sertifikaat daardie vervolging staak:

(f) At the conclusion of the trial of any election petition, the court shall determine whether the respondent was duly elected, or whether any and if so what person other than the respondent was or is entitled to be declared duly elected.

If the court shall determine that the respondent was duly elected, such election shall be and remain as valid as if no petition had been presented against the same. If the court shall determine that the respondent was not duly elected but that some other person was or is entitled to be declared duly elected, the respondent shall forthwith be deemed to have vacated his seat. The court shall forthwith certify such determination to the Administrator who shall thereupon by proclamation in the *Gazette* declare such other person duly elected. If the court shall determine that the respondent was not duly elected and that no other person was or is entitled to be declared duly elected, the respondent shall be deemed not to have been elected and the court shall forthwith certify such determination to the Administrator who shall thereupon command that a new election shall take place for the purpose of filling up such vacancy, and like proceedings shall take place in regard to such new election as are provided in regard to annual elections under this Ordinance.

130. On the trial of a petition under this Ordinance complaining of an undue election or return and claiming that some other person should be declared to have been elected, respondent may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

131. An election petition under this Ordinance shall be in such form and state such matters as may be prescribed by rule of court.

132. Two or more joint candidates may be made respondents to the same petition and such petition shall be filed as one petition and be tried at the same time, but for all the purposes of this Ordinance such petition shall be deemed to be a separate petition against each respondent.

133. When under this Ordinance more petitions than one are presented relating to the same election of the same person, all such petitions shall in the list of petitions be bracketed together and shall be dealt with as one petition, but such petition shall stand in the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the court shall otherwise direct.

134. Witnesses shall be summoned and sworn or required to affirm in the same manner as in a trial before the High Court and shall be subject to the same penalties for perjury.

135. On the trial of an election petition under this Ordinance the court may examine any witness or any person in court although such witness or person is not called or examined by any party to the petition. After the examination of a witness as aforesaid by the court such witness may be cross-examined by or on behalf of the petitioner and respondent or either of them.

136. No person who is called as a witness at the trial of any election petition shall be excused from answering any question relating to any corrupt or illegal practice at or connected with any election then forming the subject of inquiry, on the ground that the answer thereto may criminate or tend to criminate himself: Provided that where any witness shall answer every question relating to any matters aforesaid which he shall be required by the court to answer, and the answer to which may criminate or tend to criminate him, he shall be entitled to receive from the court under the hand of the registrar, a certificate stating that such witness was, upon his examination, required by the court to answer a question or questions relating to the matters aforesaid, the answer or answers to which criminated or tended to criminate him, and had answered every such question; and if any proceedings are at any time thereafter pending in any court against such witness for any offence under this Ordinance, committed by him previous to the time of his giving his evidence, and at or in relation to the election concerning or in relation to which the witness was so examined, the court shall on production and proof of such

Mits verder, geen verklaring deur enige persoon in antwoord op enige vraag gemaak, wat hom deur of voor sodanige hof gestel is, as getuienis teen hom in enige siviele of kriminele regsgeding toelaatbaar is nie, behalwe ingeval van 'n beskuldiging van meened.

137. Die redelike onkoste, gemaak deur enige persoon wat verskyn om getuienis by die verhoor van 'n eleksiepetisie af te lê, word aan sodanige persoon volgens die skaal van toepassing op getuies by die verhoor van siviele aksies in die Hooggeregshof toegestaan, en sodanige onkoste word as die koste van die petisie beskou.

138. 'n Verkiesingspetisie mag nie sonder die verlof van die hof teruggetrek word nie en sonder dat sodanige kennisgewing geskied is, as wat die hof mag gelas.

139. By die verhoor van die applikasie vir terugtrekking, mag enige persoon wat 'n petitioneris ten opsigte van sodanige verkiesing, waarop die petisie betrekking het, kon gewees het, aansoek by die hof doen om as 'n petitioneris in die plek van die petitioneris gestel te word, wat aldus wens om die petisie terug te trek.

140. (1) Die Hof mag, as hy dit goed ag, enige sodanige applikant, soos voornoem, as 'n petitioneris in die plek van 'n ander stel, en kan voorts, as die voorgestelde terugtrekking, na mening van die hof, deur enige korrupte ooreenkoms of beloning veroorsaak is, deur bevel gelas dat die sekuriteit ten behoeve van die oorspronklike petitioneris verstrekk, as sekuriteit vir enige koste bly bestaan, wat deur die vervangende petitioneris verskuldig mag word en dat die oorspronklike petitioneris vir die betaling van sodanige koste, ten bedrae van die som van sodanige sekuriteit, aanspreeklik sal wees.

(2) As geen sodanige bevel ten opsigte van die sekuriteit wat ten behoeve van die oorspronklike petitioneris gestel is, uitgevaardig word nie, moet sekuriteit vir dieselfde bedrag, wat ingeval van 'n nuwe petisie benodig sou wees, onder dieselfde voorwaardes, ten behoeve van die vervangende petitioneris gestel word voordat hy met sy petisie voortgaan en binne veertien dae na die bevel van vervanging.

(3) Behoudens die voorgaande, staan 'n vervangende petitioneris, sover moontlik, in dieselfde posisie en is onderhewig aan dieselfde aanspreeklikhede as die oorspronklike petitioneris.

141. As 'n petisie teruggetrek word, is die petitioneris aanspreeklik vir die betaling van die verweerder se koste.

142. Wanneer daar meer as een petitioneris bestaan, mag geen applikasie om 'n petisie terug te trek sonder toestemming van al die petitionerisse gemaak word nie.

143. (1) 'n Verkiesingspetisie ingevolge hierdie Ordonnansie verval deur die dood van die enige petitioneris of petitionerisse, maar sodanige vervalling beïnvloed nie die aanspreeklikheid van die boedel van die petitioneris of petitionerisse ten opsigte van die betaling van tevore gemaakte koste.

(2) Binne een-en-twintig dae na die vervalling van 'n petisie, mag enige persoon wat ten opsigte van die verkiesing, waarop die petisie betrekking het, 'n petitioneris kon gewees het, aansoek by die Hooggeregshof doen om in die plek van die petitioneris gestel te word, en sodanige hof kan dan, as hy dit goed ag, enige sodanige applikant, wat 'n petitioneris wens te vervang, en ten behoeve van wie sekuriteit tot dieselfde bedrag, as benodig is ingeval van 'n nuwe petisie, gestel word, in die plek van sodanige petitioneris stel.

144. 'n Verweerder wat kennis gegee het dat hy nie van voornemens is om die petisie te bestry nie, word nie toegelaat om as 'n party teen sodanige petisie in enige geding daarvoor te verskyn of op te tree nie en hy mag in afwagting van die uitslag van die verhoor van die petisie nie in die raad sitting neem of stem nie, en die hof moet in alle gevalle waarin so 'n kennisgewing geskied is, dit aan die burgemeester rapporteer.

145. Alle koste, onkoste en uitgawes van en in verband met die voorlegging van 'n petisie en met die daaropvolgende geding, moet deur die partye in die petisie op sodanige wyse en in sodanige verhouding gedra word, as die Hooggeregshof mag bepaal met inagneming van die ontsegging van enige koste, onkoste of uitgawes wat, na mening van die hof, deur hinderlike gedrag, ongegronde bewerings of ongegronde besware sydens die petitioneris of die verweerder veroorsaak is, en met inagneming van die teengaan van enige onnodige uitgawes deur hulle op dié partye te lê, wat hulle veroorsaak het, afgesien of sodanige partye oor die algemeen hulle saak gewen het al dan nie.

146. Die koste kan op dieselfde wyse getakseer en verhaal word as die koste van 'n gewone regsgeding in die Hooggeregshof.

certificate stay those proceedings: Provided, further that no statement made by any person in answer to any question put to him by or before such court shall, except upon a charge of perjury, be admissible in evidence against him in any proceedings, civil or criminal.

137. The reasonable expenses incurred by any person appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions in the High Court, may be allowed to such person, and such expenses shall be deemed to be costs of the petition.

138. An election petition shall not be withdrawn without the leave of the court, and after such notice has been given as the court may direct.

139. On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of such election to which the petition relates may apply to the court to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

140. (1) The court may, if it thinks fit, substitute as a petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal has been, in the opinion of the court, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may become payable by the substituted petitioner, and that, to the extent of the sum named in such security, the original petitioner shall be liable to pay such costs.

(2) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within fourteen days after the order of substitution.

(3) Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be and be subject to the same liabilities as the original petitioner.

141. If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

142. When there are more petitioners than one, no application to withdraw a petition shall be made without the consent of all the petitioners.

143. (1) An election petition under this Ordinance shall be abated by the death of the sole petitioner or petitioners, but such abatement shall not affect the liability of the estate of the petitioner or petitioners to the payment of costs previously incurred.

(2) On the abatement of a petition, any person who might have been a petitioner in respect of the election to which the petition relates, may, within twenty-one days after such abatement, apply to the High Court to be substituted as a petitioner, and such court may thereupon, if it thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

144. A respondent who has given notice that he does not intend to oppose the petition shall not be allowed to appear or to act as a party against such petition in any proceedings thereon, and shall not sit or vote in the council, pending the result of the trial of the petition, and the court shall, in all cases in which such notice has been given, report the same to the mayor.

145. All costs, charges, and expenses of and incidental to the presentation of a petition, and to the proceedings consequent thereon, shall be defrayed by the parties to the petition in such manner, and in such proportions, as the High Court may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the court, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

146. The costs may be taxed and recovered in the same manner as the costs of an ordinary action at law in the High Court.

147. As enige petisionaris in enige verkiesingspetisie voorgelê ingevolge hierdie Ordonnansie, gedurende die tydperk van een maand na daarom aangeskryf te wees versuim of weier om aan enige persoon, wat as 'n getuie vir hom gedagvaar was, of om aan die verweerder enige bedrag, gesertifiseer as aan hom vir sy koste, onkoste of uitgawes verskuldig, te betaal en as sodanige versuim of weiering tot bevrediging van die Hooggeregshof bewys word, word elke persoon wat 'n borgakke in verband met die petisie aangegaan het, beskou as sy borgstelling verbeur te hê en die griffier van vermelde hof moet daarna sertifiseer dat sodanige borg verbeur is, en die verskuldigde bedrag mag daarna met verlof van die vermelde hof deur enige sodanige getuie of verweerder van tyd tot tyd soos nodig mag wees deur eksekusie verhaal word.

#### HOOFSTUK X.

##### *Burgemeester, Onderburgemeester en Amptenare.*

148. (1) Op die eerste vergadering van die Raad na elke jaarlikse verkiesing en benoeming van raadslede, soos hierbo bepaal, of op die eerste vergadering van die raad van enige nuwe ingestelde munisipaliteit, en daarna op die eerste vergadering van die raad daarvan na elke jaarlikse verkiesing en benoeming van raadslede, moet die teenwoordige raadslede middels geheime stemming, as daar meer as een nominasie is, een raadslid as burgemeester kies en as daar net een nominasie is, dan word die aldus genomineerde raadslid behoorlik as burgemeester verkies verklaar. Sodanige burgemeester moet dadelik sy amp aanvaar en dit behou totdat sy opvolger na die eersvolgende jaarlikse verkiesing en benoeming van raadslede aangestel is, tensy sy amp voor dié tyd oopval, en in geval van sodanige vakature moet 'n opvolger op die volgende vergadering van die raad deur die raadslede uit hul midde gekies word en hy moet dadelik sy amp oorneem en as burgemeester vir die res van die tydperk dien, waarvoor die afgetrede burgemeester gekies was. Altyd mits, indien 'n burgemeester om enige rede nie op 'n vergadering, soos hier voorgeskrywe, gekies is nie, hy op die eerste gewone vergadering van die raad, wat daarna gehou word, of op 'n spesiale vergadering, wat vir die doel byeengeroep is, kan gekies word.

(2) Onderhewig aan die bepaling van onderartikel (3) van artikel *eeenhonderd en twee-en-taagtig*, is dit wettig vir die raad om uit munisipale inkomste 'n jaarlikse toelae, wat deur besluit van die raad van tyd tot tyd vasgestel moet word, aan die burgemeester te betaal. Sodanige toelae moet op die inkomste van die munisipaliteit gebaseer word en mag in geen geval die bedrae uiteengesit in die regterhandse kolom van die volgende skaal te bowe gaan nie:—

<i>Inkomste van Munisipaliteit:</i>	<i>Toelae:</i>
Meer as £20,000 . . . . .	£200
Meer as £10,000 . . . . .	£100
Minder as £10,000 . . . . .	£ 50.

Vir die doeleindes van hierdie onderartikel sluit die inkomste van 'n munisipaliteit geen belastinge deur een departement van die munisipaliteit teen daardie munisipaliteit of 'n ander departement van daardie munisipaliteit bereken in nie.

Die uitgawe van sodanige toelae is nie aan ouditering onderhewig nie.

(3) Onmiddellik na die verkiesing van 'n burgemeester, soos in onderartikel (1) bepaal, moet die raad op dieselfde wyse 'n ander raadslid as onderburgemeester kies, en hy moet ingeval van die dood of bedanking van die burgemeester of gedurende sy afwesigheid of siekte, alle handelings onderneem, wat die burgemeester, in daardie hoedanigheid, mag doen. Die afwesigheid of siekte van die burgemeester moet deur die stadsklerk of sy plaasvervanger aan die eerste vergadering van die raad, nadat die afwesigheid of siekte van die burgemeester plaasgevind het, meegeedeel word en moet in die raad se notules aangeteken word. Sodanige aantekening is voldoende gesag vir alle handelings binne die bevoegdhede van hierdie Ordonnansie deur die onderburgemeester in die plek van die burgemeester verrig. Ingeval die amp van die onderburgemeester oopval weens dood of bedanking, of omdat hy ophou om 'n raadslid te wees, moet die raad op die volgende gewone vergadering na die vergadering, waarop sodanige vakature bekend gemaak word, die vakature vervul.

(4) As daar op die verkiesing van 'n burgemeester, onderburgemeester of raadslid, ingevolge die bepaling van hierdie Ordonnansie, die aantal stemme, behoorlik uitgebring, bevind word vir twee of meer kandidate gelyk te wees, moet die verkiesing deur lot beslis word.

(5) Die burgemeester van elke munisipaliteit is gedurende sy ampsbekleding 'n kommissaris van ede vir die distrik, waarin die munisipaliteit geleë is, en hy oefen, sonder

147. If any petitioner in an election petition presented under this Ordinance neglects or refuses for the space of one month after demand to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to him for his costs, charges, or expenses, and if such neglect or refusal be proved to the satisfaction of the High Court, every person who has entered into a recognizance relating to the petition shall be held to have made default in his said recognizance, and the registrar of the said court shall thereupon certify such recognizance to be forfeited, and execution may thereupon by leave of the said court, be sued out thereon at the suit of any such witness or respondent from time to time as occasion may require.

#### CHAPTER X.

##### *Mayor, Deputy Mayor and Officers.*

148. (1) At the first meeting of the council held after every annual election and nomination of councillors as hereinbefore provided, or at the first meeting of the council for any newly constituted municipality, and thereafter at the first meeting of the council thereof after every annual election and nomination of councillors, the councillors present shall by ballot, if there be more than one nomination, elect one councillor to be mayor, and if there be only one nomination, then the councillor so nominated shall be declared duly elected as mayor. Such mayor shall forthwith enter upon his office and continue therein until his successor be appointed after the next ensuing annual election and nomination of councillors, unless his office be sooner vacated, and in case of such vacancy, then a successor shall at the next meeting of the council be chosen by the councillors from amongst themselves, who shall forthwith enter upon his office and serve as mayor for the remainder of the period for which the vacating mayor was elected: Provided, always, that should a mayor for any reason not be elected at a meeting as herein prescribed, he may be elected at the first ordinary meeting of the council held thereafter or at a special meeting called for the purpose.

(2) Subject to the provisions of sub-section (3) of section *one hundred and eighty-two* it shall be lawful for the council to pay to the mayor out of municipal revenues an annual allowance to be determined from time to time by resolution of the council. Such allowance shall be based on the income of the municipality, and shall in no case exceed the amounts set out in the right-hand column of the following scale:—

<i>Income of Municipality.</i>	<i>Allowance.</i>
Exceeding £20,000	£200.
Exceeding £10,000	£100.
Not exceeding £10,000	£ 50.

For the purposes of this sub-section the income of a municipality shall not include charges made by a department of the municipality to or against that municipality or another department of that municipality.

The expenditure of such allowance shall not be subject to audit.

(3) Immediately after the election of mayor, as in sub-section (1) provided, the council shall similarly elect some other councillor to be deputy mayor, who shall, in the event of the death or resignation of the mayor, or during his absence or illness, do all acts which the mayor as such may do. The fact of the absence or illness of the mayor shall be notified by the town clerk or his deputy to the first meeting of the council after the illness or absence of the mayor has happened, and shall be recorded in the council's minutes. Such record shall be a sufficient authority for all acts done within the scope of this Ordinance by the deputy mayor in lieu of the mayor. In the event of the office of deputy mayor becoming vacant by reason of death or resignation, or by his ceasing to be a member of the council, the council shall at the next ordinary meeting following the meeting at which such vacancy is reported fill the vacancy.

(4) On the election of a mayor, deputy mayor or councillor under the provisions of this Ordinance should the number of votes duly cast be found to be equal for any two or more candidates, the election shall be determined by lot.

(5) The mayor of every municipality shall during his tenure of office be a commissioner of oaths for the district in which the municipality is situated, and without formal ap-

formeel aangestel te wees, al die bevoegdhede en pligte van 'n kommissaris van ede uit, asof hy ingevolge die ten tyde bestaande wet aangestel is, en die stadsklerk van elke munisipaliteit moet jaarliks die naam van die burgemeester van sodanige munisipaliteit sodra moontlik na die verkiesing, soos hierbo bepaal, aan die Administrasie meedeel: Mits enige sodanige burgemeester ter enige tyd deur die Administrateur as 'n kommissaris van ede afgedank mag word en die bevoegdhede van sodanige burgemeester om as 'n kommissaris van ede op te tree vanaf die datum van bekendmaking van sodanige afdanking in die *Offisiële Koerant* ophou en eindig.

(6) Wanneer ingevolge enige wet die burgemeester *ex officio* 'n lid van enige kommissie, raad of ander liggaam is of andersins die raad in sy amptelike hoedanigheid verteenwoordig, neem die onderburgemeester ingeval van die siekte, afwesigheid of onbekwaamheid van die burgemeester om op te tree, die plek van die burgemeester op of in sodanige kommissie, raad of ander liggaam in en verteenwoordig andersins die raad met al die regte, bevoegdhede en voorregte van die burgemeester, en 'n sertifikaat geteken deur twee raadslede en deur die stadsklerk, wat sertifiseer van die siekte, afwesigheid of onbekwaamheid van die burgemeester om op te tree, en van die aanstelling van die onderburgemeester, is voldoende bewys van die feite daarin uiteengesit.

149. (1) Die raad stel van tyd tot tyd 'n stadsklerk en sodanige ander amptenare, as nodig mag wees, aan. Geen persoon mag as stadsklerk of as 'n amptenaar van 'n munisipaliteit aangestel word nie, wat nie 'n Britse onderdaan is nie en wat gedurende die ses maande onmiddellik voor die aanstelling 'n raadslid was. Elke aanstelling van 'n permanente aard moet deur die Administrateur goedgekeur word, beide wat betref die keuse van die amptenaar en wat betref die voorwaardes waaronder hy aangestel word en geen amptenaar, wat 'n permanente betrekking hou, mag afgedank word nie en die voorwaardes van sy aanstelling mag nie verander word nie, sonder die toestemming van die Administrateur. Indien goeie redes daarvoor voorgedra word en nadat ondersoek gedoen is, mag die Administrateur enige amptenaar in die diens van 'n munisipaliteit ontslaan, sonder in die eerste instansie deur die raad daaromtrent genader te wees. Vir die doeleindes van hierdie artikel word 'n aanstelling as 'n aanstelling van 'n vaste aard beskou as die aanstelling vir 'n tydperk van minstens ses maande of vir 'n onbepaalde tydperk is en 'n amptenaar word geag 'n vaste aanstelling te beklee, as hy vir 'n onverbroke tydperk van minstens ses maande in die diens van die munisipaliteit was.

(2) Die amptenare in die diens van die munisipaliteit is nie onderworpe aan die bevele of instruksies van enige raadslid nie, behalwe die burgemeester, of in sy afwesigheid die onderburgemeester, en 'n voorsitter van 'n kommissie.

#### 150. Ingeval

- (a) die raad hom versoek om dit te doen;
- (b) die raad versuim of weier om 'n burgemeester of onderburgemeester of enige amptenaar te kies of te benoem;
- (c) die raad 'n persoon in 'n amp aanstel, en sy keuse of die voorwaardes van sy aanstelling nie deur die Administrateur goedgekeur is nie;

of ingeval van enige ander goeie en voldoende rede, mag die Administrateur die burgemeester of enige beamppte aanstel of kan 'n munisipaliteit deur 'n kommissaris, wat hy aanstel, laat bestuur en hy kan aan sodanige kommissaris sodanige bevoegdhede oordra as hy mag goed ag vir die behoorlike uitvoering van sodanige bestuur. Die tydperk waarvoor enige aanstelling ingevolge hierdie artikel gemaak is, en die voorwaardes van enige sodanige aanstelling, en ingeval van die aanstelling van 'n kommissaris om die munisipaliteit te bestuur, die bedrag wat deur die munisipaliteit ten opsigte van sodanige bestuur moet betaal word, word deur die Administrateur vasgestel.

### HOOFSTUK XI.

#### *Verrigtings van Rade.*

151. Die raad moet tenminste eenmaal per maand vir die verrigting van gewone besigheid op sodanige dae en sodanige ure bymekaar kom, as die raad van tyd tot tyd deur resolušie mag vasstel. Die burgemeester mag ter enige tyd 'n spesiale vergadering belê en ingeval van 'n skriftelike versoek, deur tenminste eenderde van die lede geteken en bevattende die doeleindes van sodanige vergadering, moet hy 'n spesiale vergadering belê.

152. By elke vergadering van die raad is die burgemeester, as hy teenwoordig is, die voorsitter. As die burgemeester afwesig is, dan is die onderburgemeester die voorsitter. As nog die burgemeester of die onderburgemeester teenwoordig is, is sodanige raadslid, wat deur die aanwesige raadslede gekies word, die voorsitter.

pointment shall exercise all the powers and duties of a commissioner of oaths as if appointed under the law for the time being in force, and the town clerk of every municipality shall annually furnish to the Administrator the name of the mayor of such municipality as soon as may be after the election as hereinbefore provided: Provided that any such mayor may at any time be removed from being a commissioner of oaths by the Administrator and from the date of notification in the *Gazette* of such removal, the powers of such mayor to act as a commissioner of oaths shall cease and determine.

(6) Wherever by any law the mayor is *ex officio* a member of any board, council, or other body, or otherwise represents the council in his official capacity, the deputy mayor, in the event of the illness, absence or incapacity of the mayor to act shall occupy the place of the mayor at or on such board, council, or other body, and shall otherwise represent the council, with all the rights, powers and privileges of the mayor, and a certificate signed by two members of the council, and by the town clerk, certifying to the illness, absence or incapacity to act of the mayor, and to the appointment of the deputy mayor, shall be sufficient proof of the facts therein set forth.

149. (1) The council shall from time to time appoint a town clerk and such other officers as may be necessary. No person shall be appointed as town clerk or as an officer of a municipality who is not a British subject or who has been a councillor of that municipality during the six months immediately preceding the appointment. Every appointment of a permanent nature must be approved by the Administrator, both as regards the selection of the officer and as regards the terms on which he is appointed, and no officer holding a permanent appointment may be discharged, nor may the terms of his appointment be varied, without the sanction of the Administrator. The Administrator may on good cause shown and after enquiry discharge any officer in the employ of a municipality without being moved thereto in the first instance by the council. For the purposes of this section an appointment shall be deemed to be an appointment of a permanent nature, if the appointment is for a period of not less than six months or for an indefinite period, and an officer shall be deemed to hold a permanent appointment, if he has been in the employment of the municipality for an unbroken period of not less than six months.

(2) The officers in the employment of the municipality shall not be subject to the orders or instructions of any councillor, save the mayor, or in his absence the deputy mayor, and a chairman of committee.

#### 150. In the event of—

- (a) the council requesting him so to do;
- (b) the council neglecting or refusing to elect or appoint a mayor or deputy mayor or any official;
- (c) the council appointing some person to an office whose selection or the terms of whose appointment have not been approved by the Administrator;

or for any other good and sufficient reason, the Administrator may appoint the mayor or any officer or may cause a municipality to be administered by a commissioner to be appointed by him, and may confer upon such commissioner such powers as he may think fit for the proper carrying out of such administration. The period for which any appointment is made under this section, and the conditions of any such appointment, and, in the event of the appointment of a commissioner to administer the municipality, the amount to be paid by the municipality towards the expenses of such administration, shall be determined by the Administrator.

### CHAPTER XI.

#### *Proceedings of Councils.*

151. The council shall meet at least once a month for the transaction of ordinary business on such days and at such hours as the council may from time to time by resolution appoint. The mayor may, and in the event of a written request signed by at least one-third of the members specifying the objects of such meeting, shall call a special meeting at any time.

152. At every meeting of the council, the mayor if present, shall be chairman. If the mayor be absent, then the deputy mayor shall be chairman. If neither the mayor nor deputy mayor be present, such councillor as the members of the council then present choose shall be chairman.

153. Eenhelfte van die raadslede vorm 'n kworum.

154. Die vergadering van die raad moet vir die publiek en die pers oop wees: Mits hierdie artikel nie op enige komitee van die raad of op 'n komitee van die gehele raad van toepassing is nie. Die raad mag ter enige tyd en vir enige rede in komitee oorgaan en enige besluit, wat in komitee aangeneem is, het dieselfde krag en uitwerking asof dit in die ope raad aangeneem was.

155. Binne ses maande na die eerste verkiesing van enige raad, en, ingeval van 'n munisipaliteit, wat op die datum van inkragtrekking van hierdie Ordonnansie alreeds ingestel is, dan binne ses maande vanaf daardie datum, moet die raad 'n reglement van orde vir die leiding van sy verrigtings en van die verrigtings van sy komitees opstel en sodanige reglement van orde moet aan die Administrateur vir goedkeuring voorgelê word.

156. Die raad mag van tyd tot tyd, na eie goedvinde, tydelike of staande komitees of van 'n algemene of van 'n spesiale aard aanstel en mag enige komitee of enige lid van die raad opdra om enige ondersoek te doen of bevoegdheid verleen om enige handeling te onderneem, en mag die kworum van elke sodanige komitee bepaal. Elke sodanige komitee mag van tyd tot tyd een van die lede as voorsitter daarvan aanstel. Die raad mag van tyd tot tyd sodanige komitee voortsit, verander of atdank en elke sodanige komitee moet verslag aan die raad doen.

157. Die raad mag op sodanige komitees ander persone behalwe raadslede aanstel, mits minstens een lid van enige sodanige komitee, buiten die burgemeester, 'n raadslid is. Die burgemeester is *ex officio* 'n lid van alle komitees.

158. Geen raadslid mag in sy hoedanigheid as raadslid op enige aangeleentheid in of voor die raad stem of aan die bespreking daarvan deelneem of daarby aanwesig wees nie, as hy direk of indirek, persoonlik of deur sy vennote, enige geldelike belang daarin het, en geen raadslid mag as advokaat, prokureur of wetsagent teen die raad optree. Enige raadslid wat opsetlik die bepalinge van hierdie artikel oortree is by skuldigebevinding aan 'n boete van vyftig pond onderhewig en sy setel in die raad val daarna oop.

153. One half of the councillors shall form a quorum.

154. The meetings of the council shall be open to the public and the press: Provided that this section shall not apply to any committee of the council or to a committee of the whole council. The council may at any time and for any reason resolve itself into committee, and any resolution adopted in committee shall have the same force and effect as if adopted in open council.

155. Within six months of the first election of any council, and, in the case of a municipality already constituted at the date of the commencement of this Ordinance, within six months of that date, the council shall frame standing rules and orders for the conduct of its proceedings and of the proceedings of its committees, and such standing rules and orders shall be submitted to the Administrator for approval.

156. The council may from time to time, as it may see fit, appoint occasional or standing committees, either of a general or special nature, and may delegate to any committee or to any member of the council any enquiry or power to do any act, and may fix the quorum of every such committee. Every such committee may from time to time appoint one of the members to be chairman thereof. The council may from time to time continue, alter or discontinue any such committee, and every such committee shall report to the council.

157. The council may appoint to such committees persons other than members of the council, provided that at least one member of any such committee, other than the mayor, shall be a member of the council. The mayor shall be, *ex officio*, a member of all committees.

158. No councillor shall vote upon, or take part in, or be present at, in his capacity as councillor, the discussion of any matter in or before the council in which he has directly or indirectly by himself or his partners any pecuniary interest, and no councillor shall act as advocate, attorney, or law agent against the council. Any councillor knowingly contravening the provisions of this section shall be liable, on conviction, to a penalty not exceeding fifty pounds and his seat upon the council shall thereupon become vacant.

## HOOFSTUK XII.

### *Bevoegdhede en Pligte van Raad.*

159. (1) Elke raad het in die volgende aangeleenthede en sake bevoegdheid en gesag:—

1. Die aanlê en onderhoud van publieke strate, paaie, sypaaie, oop pleine, waterlope en brûe.
2. Die voorsiening en lewering van water.
3. Die verligting en skoonmaak van paaie en publieke plekke.
4. Die oprigting van riolerings en dreineringsstelsels, insluitende die reg om riolering aan te lê en te onderhou en om stormwater in natuurlike waterlope te dreineer en te lei, onverskillig of sodanige natuurlike waterlope oor grond, wat aan die Administrasie of aan die munisipaliteit behoort, loop en die verwydering van nagvuil, vuil, afval, mis en spoelwater.
5. Die oprigting en onderhoud van publieke marke.
6. Die oprigting en onderhoud van brandwêre en blustoele en die beheer van vure.
7. Die verhinderings en kontrole van besmetlike en ansteeklike siektes.
8. Die reëling en kontrole van die toebereiding en verkoop van kos en drank.
9. Die kontrole en inspeksie van koeistalle, melkplekke, melkerye, en slagpale binne en, ingeval die produkte vir verkoop in die munisipaliteit bestem is, buite die munisipale grense en die oprigting, bou, onderhoud en bestuur van munisipale slagpale.
10. Die vermindering van oorlaste.
11. Die kontrole oor die bou en verandering van geboue, die verhinderings van oorbewoning, die reëling van die gebruik van geboue en die verwydering van nie-sanitêre, gevaarlike of ongeskikte geboue en die voorskrywe van die frontlyn van geboue.
12. Die reëling en kontrole van die onderverdeling van erwe, onderhewig aan die bepalinge van enige wet met betrekking tot dorpe.
13. Die kontrole en reëling van liefdadige organisasies.
14. Die oprigting en onderhoud van kerkhove en die kontrole van begrafnisse.

## CHAPTER XII.

### *Powers and Duties of Council.*

159. (1) Every council shall have power and authority in the following matters and things:—

1. The construction and maintenance of public streets, roads, pathways, open spaces, water-courses and bridges.
2. The provision and supply of water.
3. The lighting and cleaning of roads and public places.
4. The establishment of sewerage and drainage systems, including the right to construct and maintain sewers upon and to drain and divert stormwater into natural water-courses, whether such natural water-courses pass over private land or land belonging to the Administration or to the municipality, and the removal of night-soil, rubbish, refuse, manure and slopwater.
5. The establishment and maintenance of public markets.
6. The establishment and maintenance of fire brigades and appliances and the control of fires.
7. The prevention and control of infectious and contagious diseases.
8. The regulation and control of the preparation and sale of food and drink.
9. The control and inspection of cow-sheds, milking-places, dairies and slaughter places within and, where the produce is for sale in the municipality, outside of the municipal boundaries, and the establishment, erection, maintenance and carrying on of municipal slaughterhouses.
10. The abatement of nuisances.
11. The control of the erection and alteration of buildings, the prevention of over-crowding, the regulation of the use of buildings and the removal of insanitary, dangerous or unsuitable buildings, and the prescribing of the frontage line of buildings.
12. The regulation and control, subject to the provisions of any law relating to townships, of the subdivision of erven.
13. The control and regulation of charity organisations.
14. The establishment and maintenance of cemeteries and the control of burials.

15. Die kontrole van verkeer, die inspeksie van en lisensieverlening aan rytuie, die voorsiening en onderhoud van publieke rytuie en die passasiersgeld wat deur rytuie gehef mag word, wat binne die grense van die munisipaliteit gehuur kan word.
  16. Die reëling en kontrole van die aanhou van diere, voëls en bye.
  17. Die reëling en kontrole van alle ander aangeleenthede in verband met volksgesondheid en die welvaart van die gemeente.
  18. Die reëling en kontrole van ambagte en nywerhede.
  19. Die gee van voorskotte van geld aan eienaars van grondbesit vir die doeleinde van die aanlê of verbetering van dreineringsstelsels of riolerings ten opsigte van sodanige eiendomme.
  20. Die lisensieverlening aan loodgieters, dreineringswerkers en elektrisiëns, om werk uit te voer vir die aanlê, verandering of herstelling van enige waterleweringsstelsel, dreinering of elektriese of gas-lewering wat aan enige munisipale hoofwaterleiding, rioleringsstelsel of elektriese of gasfabriek aangesluit is of bedoel is om aangesluit te word.
  21. Die reëling en kontrole van publieke vermaaklikhede.
  22. Die beskerming en bevordering van die ekonomiese en algemene belange van die gemeente.
  23. Die handhawing van goeie orde en bestuur en die gesondheid, gerief, gemak en veiligheid van die inwoners.
  24. Die kontrole en bestuur van munisipale lokasies en die bevoegdheid om sekere plekke af te sonder vir die bewoning van persone, wat nie Europeane is nie.
  25. Die kontrole en bestuur van alle munisipale eiendom.
  26. Die oprigting van houtskuttings en die vertoning van advertensieborde op munisipale sowel as op private eiendom binne die munisipale gebied.
  27. Die fabriekasie, verkoop en uitdeling van ys.
  28. Die reëling en kontrole van draadloosstoestelle, ysmasjiene, elektriese stowe en ander elektriese toestelle.
- (2) Die Administrateur mag deur proklamasie enige van die bovermelde bevoegdhede uitbrei, wysig, verander, kanselleer of terugtrek.

15. The control of traffic, the inspection and licensing of of vehicles, the provision and maintenance of public vehicles, and the fares to be charged by vehicles plying for hire within the limits of the municipality.
16. The regulation and control of the keeping of animals, birds and bees.
17. The regulation and control of all other matters relating to public health and the welfare of the community.
18. The regulation and control of trades and industries.
19. The making of advances of money to owners of landed properties for the purpose of the installation or improvement of drainage or sewerage systems in respect of such properties.
20. The licensing of plumbers, drainlayers and electricians to carry out work for the installation, alteration or repair of any system of water supply, drainage or electric supply or gas supply connected or intended to be connected with any municipal water main, sewer, or electric or gas plant.
21. The regulation and control of public entertainments.
22. The protection and furtherance of the economic and general interests of the community.
23. The maintenance of good rule and government and the health, convenience, comfort and safety of the inhabitants.
24. The control and management of municipal locations and the power to set aside certain areas for the occupation of persons other than Europeans.
25. The control and management of all municipal property.
26. The erection of hoardings and the display of advertisement boards on municipal as well as on private property within the municipal area.
27. The manufacture, sale and distribution of ice.
28. The regulation and control of wireless sets, refrigerators, electric stoves and other electrical appliances.

(2) The Administrator may, by proclamation, add to, amend, alter, cancel or withdraw any of the above powers.

160. (1) Subject to the provisions of this section, a council may, and if required by the Administrator shall make, alter or revoke regulations on any of the matters mentioned in this Chapter.

(2) After any resolution for passing any regulation has been agreed to by the council, and not less than seven days before the same is confirmed, a copy of such regulation shall be deposited at the office of the town clerk, and shall there be open to inspection by any person at all reasonable times, and a notice shall be published in some newspaper (if any) generally circulating in the municipality and shall furthermore be posted at such place or places at the municipality as the council may determine, setting forth the general purport of the proposed regulation, and stating that a copy is open to inspection as aforesaid.

(3) After any regulation has been passed by the council, it shall be submitted for the approval of the Administrator in the manner by him prescribed, and if approved shall be published in the *Gazette*, and thereupon such regulation shall have the force of law in the municipality: Provided that the Administrator shall have full power and authority, in his discretion, and upon assigning a reason for the information of the council, to withhold his approval from any regulation so submitted to him for approval in every case where he shall consider that such regulation is *ultra vires* or unreasonable, or opposed to the public interest or safety, or that the matters provided for therein are already sufficiently provided for at common law or by any existing legislative enactment.

Provided, further, that where any such regulation is in its nature divisible, the Administrator may approve part thereof and may withhold his approval from any part, in accordance with the considerations hereinbefore in this section laid down.

Provided, lastly, that it shall be lawful for the Administrator, before approving of any regulation submitted to him for approval, to modify or amend the same, provided such modification appears to him to be advisable, and is not opposed to the true spirit and intent of the regulation as submitted, and to approve the same as modified or amended by him, and thereupon such regulation so modified or amended may with the consent of the council be published in the *Gazette* as having force of law in terms of this section, without again being deposited for and open to inspection or any notice regarding the same being again published or posted.

160. (1) Onderhewig aan die bepalings van hierdie artikel, mag 'n raad regulasies in verband met enige van die aangeleenthede, in hierdie Hoofstuk genoem, maak, verander of herroep, en indien daartoe deur die Administrateur vereis, moet die raad dit doen.

(2) Nadat enige besluit vir die uitvaardiging van enige regulasie deur die raad aangeneem is, en minstens sewe dae voordat dit bekragtig word, moet 'n kopie van sodanige regulasie in die kantoor van die stadsklerk neergelê word en daar ter insae van enige persoon ter enige redelike tyd oop lê en 'n kennisgewing moet in 'n koerant (as daar een is) gepubliseer word, wat algemeen in die munisipaliteit in omloop is, en die kennisgewing moet ook by sodanige plek of plekke in die munisipaliteit aangeplak word, soos die raad mag bepaal en daarin moet die algemene bedoeling van die voorgestelde regulasies uiteengesit word en bekendgemaak word dat 'n kopie soos voormeld ter insae oop lê.

(3) Nadat enige regulasie deur die raad aangeneem is, moet dit vir goedkeuring van die Administrateur op die deur hom voorgeskrewe wyse voorgelê word, en as dit goedgekeur word moet dit in die *Offisiële Koerant* gepubliseer word en daarna het sodanige regulasie wetskrag in die munisipaliteit: Mits die Administrateur volle mag en gesag het om, na eie goedvinde en na 'n rede vir die informasie van die raad meegedeel te hê, sy goedkeuring aan enige regulasie te onthou, wat aldus aan hom ter goedkeuring voorgelê is in elke geval waar hy van mening is dat die regulasie *ultra vires* of onredelik is of in stryd met die publieke belang of veiligheid of dat vir die daarin bepaalde aangeleenthede alreeds voldoende voorsiening onder die gemenerereg of enige bestaande wetgewing gemaak is.

Mits verder, ingeval enige sodanige regulasie na sy aard opdeelbaar is, mag die Administrateur 'n gedeelte daarvan goedkeur en sy goedkeuring aan enige gedeelte onttrek, ooreenkomstig die redes alreeds hierbo in hierdie artikel uiteengesit.

Mits, ten slotte, dit vir die Administrateur wettig is, om, alvorens enige aan hom ter goedkeuring voorgelegde regulasie goed te keur, die regulasie te modifiseer of te wysig, mits sodanige modifikasie vir hom raadsaam blyk, en nie in stryd met die ware gees en bedoeling van die voorgelegde besluit is nie, en om dieselfde soos deur hom gemodifiseer of gewysig, goed te keur en daarna mag sodanige regulasie, soos gemodifiseer of gewysig, met die toestemming van die raad in die *Offisiële Koerant* gepubliseer word, as wetskrag hebbende ooreenkomstig hierdie artikel, sonder dat dit weer moet neergelê of ter insae moet lê of dat enige kennisgewing met betrekking daarop weer gepubliseer of aangeplak moet word.

161. Dit is die plig van 'n munisipaliteit om voorsiening te maak vir die begrafnis van alle behoeftige persone wat binne daardie munisipaliteit sterwe, met uitsondering van diegene wat in die gevangenis sterwe; en die raad is hierdeur gemagtig om enige uitgawes, wat daarvoor nodig is, te maak.

As enige behoeftige persoon wat binne 'n munisipaliteit sterwe nie in daardie munisipaliteit minstens drie maande onmiddellik voor sy dood geleef het nie mag die munisipaliteit waarin hy gesterf het die uitgawes noodsaaklik veroorsaak in verband met sy begrafnis van daardie munisipaliteit of dorpsbestuursraad verhaal, binne die regsmagsgebied waarvan hy laas vir 'n aanhoudende tydperk van drie maande geleef het, of as hy nie binne die regsmagsgebied van enige munisipaliteit of dorpsbestuursraad vir 'n aanhoudende tydperk van drie maande geleef het nie, kan die munisipaliteit waarin hy gesterf het, sodanige uitgawes op die Administrasie verhaal.

As enige naturel, wat in 'n munisipaliteit deur enige persoon gebring is, wat die besigheid van naturelle-arbeiders-aanwerving uitoefen, binne die munisipaliteit binne een maand na sy aankoms sterwe, mag die munisipaliteit die uitgawes, noodsaaklik in verband met die begrafnis van sodanige naturel gemaak, op sodanige persoon of op die baas of op die prinsipaal van sodanige persoon verhaal.

162. Die lede van enige brandweer wat deur die Raad ingestel word, die polisie en alle persone, wat onder die bevel van die bevelvoerder van sodanige brandweer optree, is geverywaar teen alle eise wat uit enigiets ontstaan wat noodsaaklik in die uitvoering van hul plig gedoen is, en die munisipaliteit en alle raadslede is geverywaar teen alle eise ten opsigte van skade, wat veroorsaak is deur enigiets wat die raad, vermelde lede, die brandweer, die polisie en ander voormelde persone weens voldoende noodsaaklikheid gedoen het.

Die raad kan belastings volgens 'n tarief wat deur die raad opgetrek word en deur die Administrateur goedgekeur is, oplê en hef, ten opsigte van die dienste van die brandweer en vir water by 'n vuur gebruik. Die belastings kan op die eienaar of eienaars van die eiendom opgelê of gehef word, ten opsigte waarvan die dienste verleen en die water gebruik is, en waar meer as een eiendom betrokke is, mag die belasting onder die eienaars van die verskeie eiendomme so verdeel word soos die raad billik en redelik mag beskou, met inagneming van die waarde van die eiendomme en die mate waarop die dienste ten opsigte van elke eiendom verleen is.

163. Die raad mag geldelike ondersteuning aan hospitale, liefdadige organisasies en inrigtings en publieke biblioteke en skoolbiblioteke, en vir die instelling van studiebeurse, kindertuine en skole en vir die verskaffing van pryse aan skoolkinders verstrek.

164. Die raad het die kontrole en bestuur van alle—

- (a) paaie, strate, deurgange, insluitende sypaaie, voetpaaie, voetstraatjies en lanings;
- (b) pleine en ander oop plekke, tuine, parke en ander ingekampte plekke;
- (c) brêe, riolê en ponte;
- (d) damme, kanale, reservoars, waterlope en watervore, wat deur bevoegde gesag vir die gebruik en voordeel van die publiek afgesonder en toegeëien mag word, of waarop die inwoners van die munisipaliteit 'n gemeen reg verkry het of ter enige tyd mag verkry, en dit berus by die munisipaliteit in trust om dit vir die gebruik en voordeel van die inwoners vry te behou (behalwe soos in hierdie Ordonnansie andersins bepaal is) en in goeie toestand te hou, vir sover die finansies van die raad toelaat.

Vir die doeleindes van hierdie artikel—

- (i) beteken die uitdrukking "afgesonder en deur bevoegde gesag toegeëien" die indiening by die registrasiekantoor van enige stadsplan, goedgekeur deur die Landmeter-generaal, waarop sodanige strate, paaie, pleine, op die gebruik waarvan die publiek 'n gemeen reg het, geteken is;
- (ii) die uitdrukking "berus by die munisipaliteit" beteken die verlening van 'n servituut oor die aldus berustende eiendom middels wetgewing vir die doeleindes in hierdie artikel genoem, maar sluit nie die *dominium* van sodanige eiendom in nie, behalwe wanneer ingevolge enige wet sodanige *dominium* uitdruklik aan die munisipaliteit oorgaan.

165. (1) Die raad mag ontspanningsplekke op dorpsgronde, en in parke, pleine en oop plekke, wat by die munisipaliteit ingevolge artikel eenhonderd en vier-en-sestig hiervan berus, aanlê, onderhou en bedryf, asook op enige grond, die *dominium* waarvan by die munisipaliteit berus of wat deur die munisipaliteit ingevolge huurkontrak besit is, mits in gevalle van gehuurde grond die toestemming van die Administrateur eers verkry moet word.

161. It shall be the duty of a municipality to provide for the burial of all destitute persons who die within that municipality other than those who die in gaol; and the council is hereby authorized to incur any expenditure necessary therefor.

If any destitute person who dies within a municipality has not lived in that municipality for at least three months immediately prior to his death, the municipality within which he dies may recover the expenditure necessarily incurred in connection with his burial from that municipality or village management board within whose area of jurisdiction he last lived for a continuous period of three months, and if he has not lived for a continuous period of three months within the area of jurisdiction of any municipality or village management board the municipality within which he dies may recover such expenditure from the Administration.

If any native brought into a municipality by any person carrying on the business of recruiting native labour dies within the municipality within one month after his arrival, the municipality may recover from such person or from the employer or principal of such person the expenditure necessarily incurred in connection with the burial of such native.

162. The members of any fire brigade established by the council, the police, and all persons acting under the orders of the person in charge of such brigade are indemnified from all claims arising out of anything necessarily done in the execution of their duty, and the municipality and all members of the council are indemnified from all claims for damage caused by anything done upon sufficient necessity by the council, the said members, the brigade, the police and other persons aforesaid.

The council may make and levy charges, according to a tariff to be framed by the council and approved by the Administrator, for the services of the fire brigade and for water used at a fire. The charges may be made and levied against the owner or owners of the property in respect of which the services were rendered and the water used, and where more properties than one are concerned, the charges may be apportioned between the owners of the several properties, as the council shall think fair and reasonable, regard being had to the value of the properties and to the extent of the services rendered in respect of each property.

163. The council may make grants of money to hospitals, charitable organisations and institutions and public libraries and school libraries, and for the establishment of bursaries, kindergartens and schools and for providing prizes to be awarded to school children.

164. The council shall have the control and management of all—

- (a) roads, streets, thoroughfares, including foot pavements, footpaths, side-walks and lanes;
- (b) squares and other open spaces, gardens, parks and other enclosed spaces;
- (c) bridges, culverts and ferries;
- (d) dams, canals, reservoirs, water-courses, and water furrows,

which have been or are at any time set apart and appropriated by proper authority for the use and benefit of the public, or to which the inhabitants of the municipality have or at any time acquire a common right, and the same shall be vested in the municipality in trust to keep the same open (save as is otherwise provided in this Ordinance), and in repair, so far as the finances of the council will permit, for the use and benefit of the inhabitants.

For the purposes of this section—

- (i) the expression "set apart and appropriated by proper authority" means the filing in the deeds office of any township plan approved by the surveyor-general on which are marked such roads, streets, squares, to which the public have a common right of user;
- (ii) the expression "vested in the municipality" means the statutory grant to the municipality of a servitude for the purposes mentioned in this section over the property so vested, but does not include the *dominium* of such property, except when by any law such *dominium* expressly passes to the municipality.

165. (1) The council may establish, maintain, and carry on recreation grounds on townlands, and on parks, squares and open spaces vested in the municipality under section one hundred and sixty-four hereof and on any land the *dominium* in which is vested in the municipality or which is held by the municipality under lease, provided that in cases of land held under lease the consent of the Administrator shall first be obtained.

(2) Die raad kan in verband met of op ontspanningsplekke, wat deur die raad aangê is, akwarium, piere, pawiljoens, kleedkamers, waskamers en ander gemakke en enige ander geboue of strukture van enige soort, hoegenaam ook, en vir enige doel, hoegenaam ook, wat die raad as noodsaaklik of gerieflik mag beskou, oprig, maak, instel, onderhou en bedryf en die algemene bestuur, reëling en kontrole daarvoor berus by die raad, wat van tyd tot tyd—

- (i) die pryse, indien enige, vir die gebruik daarvan mag bepaal, of
- (ii) dieselfde of gedeeltes daarvan of enige regte daarin aan enige persoon of klub of ander liggaam van persone mag verhuur en sodanige persoon, klub of liggaam mag magtig om pryse in verband daarmee te hef;
- (iii) voorskotte of lenings aan enige sportsklub op sodanige terme en voorwaardes mag gee as wat deur die Administrateur goedgekeur mag word.

Die vermelde koste of enige huurgeld wat ingevolge hier- van moet betaal word, word deur besluit van die raad be- paal.

166. (1) Die raad mag publieke waskamers, urinale en klosette oprig, bou en onderhou.

(2) Die raad mag publieke biblioteke, museums, plante- en diereuine en publieke baai oprig, verwerwe, bou, onderhou en ondersteun; mag letterkundige en wetenskaplike lesings ondersteun, bevorder en gee.

167. Geen transport van enige gedeelte van enige erf binne 'n munisipaliteit mag in die registrasiekantoor ge- registreer word nie totdat die stadsklerk middels 'n aan- tekening op die kaart of middels 'n besonder sertifikaat gesertifiseer het dat aan die bepalings van hierdie Ordon- nansie of van enige regulasie of ander wet, met betrekking tot die onderverdeling van grond binne 'n munisipaliteit vol- doen is en dat die nodige goedkeuring vir die onderver- deling verkry is.

168. Die raad mag, onderworpe aan die toestemming van die Administrateur, enige gedeelte van die dorpsgronde van die munisipaliteit aanlê en verander in erwe, paaië, strate, pleine en parke. Die Administrateur mag sodanige veran- dering nie goedkeur nie tensy hy oortuig is dat dit in die belang van die inwoners van die munisipaliteit en wenslik is. Die aanleg van vermelde grond moet deur die Dorperaad goedgekeur word alvorens enige sodanige verandering plaas- vind.

169. Nieteenstaande enige teenstrydige bepaling van hierdie Ordonnansie, mag die raad ter enige tyd na sodanige kennisgewing as hy mag goedvind en vir enige doel hoegenaam ook, enige plein of ander oop plek, tuine, parke en ander ingekampte plekke, wat by die raad berus, tydelik sluit en mag enige straat, pad of deurgang, wat aan die raad be- hoort, tydelik of permanent vir enige besonder klas van verkeer of tydelik vir alle verkeer sluit, of tydelik enige sodanige straat, pad of deurgang verlê vir die doel om reparasies uit te voer of vir enige ander doel, na goed- bevinding van die raad: Mits ingeval sodanige sluiting perma- nent is, die goedkeuring van die Administrateur eers verkry moet word; en mits verder gedurende enige tydelike sluiting van enige plein, plek, tuin, park, straat, pad of deurgang, ingevolge hiervan, die raad aan enige persoon of liggaam van persone die tydelike gebruik daarvan, onderworpe aan enige sodanige voorwaardes as die raad mag besluit, mag toestaan of verleen.

170. Die raad mag, nieteenstaande enige teenstrydige bepaling van hierdie Ordonnansie, enige straat permanent sluit of verlê, mits die raad in die uitoefening van sodanige bevoegdheid, aan die volgende voorwaardes en beperkings onderhewig is, n.l.:—

- (a) Voordat die raad die sluiting of verlegging goedkeur, moet minstens veertien dae kennis op 'n vergadering van die raad gegee word dat die voorneme bestaan om dit voor te stel.
- (b) Voordat die sluiting of verlegging uitgevoer word, moet die raad 'n plan optrek, waarop die aard daar- van aangetoon word en moet minstens sestig dae voor sy begin kennis van die voorgestelde sluiting of ver- legging aan die Administrateur gee, asook dit in die *Offisiële Koerant* en in een of meer koerante, wat in die munisipaliteit in oomloop is, publiseer en deur 'n voldoende aantal in die oog lopende plakkaat in of naby die straat, wat dit voorgestel word om te sluit of te verlê, op te plak, bekend maak. In die kennis- gewing moet 'n plek aangegee word waar die vermelde plan ter insae op alle redelike ure sal lê. Verder moet die raad minstens dertig dae voordat sodanige sluiting of verlegging plaasvind, 'n kopie van sodanige kennis- gewing dien op sodanige van die eienaars of be- weerde eienaars, huurders of beweerde huurders, en bewoners van alle eiendom wat op die gedeelte van die straat aangrens, wat dit voorgestel word om te sluit of te verlê, wie se adresse na redelik ondersoek ver- neem kan word.

(2) The council may erect, make, establish, maintain and carry on in connection with or on recreation grounds established by the council, aquariums, piers, pavilions, dressing-rooms, lavatories and other conveniences, and any other buildings or structures of any nature whatever, and for any purpose whatsoever, which the council may decide to be necessary or convenient, and the general management, regula- tion, and control of the same shall be vested in the council who may from time to time—

- (i) determine the charges, if any, to be made for the use thereof, or
- (ii) let the same or portions thereof or any rights therein to any person or club or other body of persons, and authorize such person, club, or body to make charges in connection therewith;
- (iii) grant advances or loans to any sporting club upon such terms and conditions as may be approved by the Administrator.

The said charges or any rental to be paid hereunder shall be determined by resolution of the council.

166. (1) The council may establish, erect and maintain public lavatories, urinals and closets.

(2) The council may establish, acquire, construct, main- tain and assist public libraries, museums, botanical and zoolo- gical gardens and public baths; may assist, promote and carry on literary and scientific lectures.

167. No transfer of any portion of any erf within a municipality shall be registered in the deeds office until the town clerk has certified by means of an endorsement on the diagram or by a special certificate to that effect that the provisions of this Ordinance and of any regulation or other law relating to the subdivision of land within a municipality have been complied with, and that the necessary approval for the subdivision has been obtained.

168. The council may, subject to the consent of the Administrator, lay out any portion of the townlands of the municipality as, and convert the same into erven, roads, streets, squares, parks. The Administrator shall not give his consent to any such conversion unless he is satisfied that the same is desirable and in the interests of the inhabitants of the municipality. The lay-out of the said land shall be approved by the Townships Board before any such conversion takes place.

169. Anything to the contrary in this Ordinance not- withstanding the council may at all times, and upon such notice as it shall deem fit, and for any purpose whatsoever close temporarily any square or other open space, gardens, parks and other enclosed spaces vested in the council, and may close temporarily or permanently, for any particular class of traffic or temporarily for all traffic, any street, road or thoroughfare vested in the council or temporarily divert any such street, road or thoroughfare, for the purpose of executing repairs, or for any other purpose, in the dis- cretion of the council: Provided that where any such closing is permanent the approval of the Administrator must first be obtained; and provided further that during any temporary closing of any square, space, garden, park, street, road or thoroughfare hereunder the council may let or grant the temporary use thereof to any person or body of persons sub- ject to any such conditions as the council may decide.

170. The council may, anything to the contrary in this Ordinance notwithstanding, permanently close or divert any street, provided that the council shall, in the exercise of such power, be subject to the following conditions, and restraints, that is to say:—

- (a) Before the council sanctions the closing or diversion, not less than fourteen days' notice shall be given at a meeting of the council of the intention to move therefor.
- (b) Before the closing or diversion is carried out, the council shall prepare a plan showing the nature there- of, and shall give notice of the proposed closing or diversion not less than sixty days before its commence- ment to the Administrator and by publication in the *Gazette* and in one or more newspapers circulating in the municipality, as well as by a sufficient number of conspicuous placards posted on or near the street which it is proposed to close or divert. The notice shall set forth a place where the said plan shall be open for inspection at all reasonable hours. The council shall further at least thirty days before such closing or diversion takes place serve a copy of such notice on such of the owners or reputed owners, or reputed lessees, and occupiers of all property abut- ting upon the portion of the street which it is proposed to close or divert, whose addresses can after reason- able inquiry be ascertained.

- (c) Enige sodanige eienaar, huurder of bewoner of enige ander persoon, wat beswaar teen sodanige sluiting of verlegging het, is geregtig om binne die voormelde tydperk van sestig dae 'n skriftelike eis vir skadevergoeding as gevolg van sodanige sluiting of verlegging op die raad te dien, en die raad moet enige skade aan sodanige persoon vergoed wat hom daardeur veroorsaak is, en by gebreke van ooreenkoms word die bedrag van sodanige vergoeding deur arbitrasie vasgestel; mits by die taksering van die bedrag van vergoeding betaalbaar aan enige persoon, ingevolge hierdie bepaling, die voordeel of nut wat vir sodanige persoon uit sodanige sluiting of verlegging voortkoin of sal voortkoin in aanmerking geneem moet word.
- (d) Wanneer enige persoon wie se belange as eienaar, huurder of bewoner van enige eiendom betrokke is, wat aan die straat aangrens wat dit voorgestel word om te sluit of te verlê, of wanneer enige ander persoon wat beswaar teen sodanige sluiting of verlegging het, ter enige tyd binne die voormelde tydperk van sestig dae skriftelike kennisgewing van enige beswaar teen sodanige sluiting of verlegging op die Administrateur gedien het, dan mag sodanige sluiting of verlegging nie sonder die toestemming van die Administrateur uitgevoer word nie, tensy sodanige beswaar teruggetrek word.
- (e) Nadat enige sodanige beswaar gedien is, mag die Administrateur 'n kommissie van een of meer persone aanstel om ondersoek te doen insake die voorgestelde sluiting of verlegging en die beswaar daarteen, en om daarvoor verslag te doen; en na ontvangs van die verslag van sodanige kommissie mag die Administrateur 'n bevel uitvaardig om die voorgestelde sluiting of verlegging te belet of om dit met sodanige modifikasies, (indien enige), as hy mag nodig ag, toe te laat.
- (f) As die Administrateur die sluiting of verlegging toelaat of as daar geen beswaar ingevolge paragraaf (d) van hierdie artikel gemaak word nie, en die raad voortgaan om sodanige sluiting of verlegging uit te voer, moet die raad na voltooiing van die werk kennis daarvan aan die Administrateur gee, wat na behoorlike ondersoek of die sluiting of verlegging behoorlik ooreenkomstig hierdie artikel bewerkstellig is, die landmeter-generaal en die registrateur van aktes kennis moet gee dat die sluiting of verlegging behoorlik ingevolge hierdie Ordonnansie geskied is, en die landmeter-generaal moet, nadat die raad hom van 'n kaart voorsien het, wat deur 'n toegelate landmeter geteken is en alle besonderhede in verband met die geslote of verlegde straat aantoon, sodanige wysigings in die algemene plan van die dorp laat maak as nodig mag wees om sodanige sluiting of verlegging aan te toon en daarna moet die registrateur van aktes ooreenkomstige aantekeninge in sy registers maak.

Die uitdrukking "straat", soos in hierdie artikel gebruik, sluit in 'n straat, pad, deurgang, voetpad, sypad of laning, wat ingevolge artikel *eenhonderd en vier-en-sestig* by die munisipaliteit berus.

171. (1) Geen eiendom, wat by 'n munisipaliteit berus, mag sonder toestemming van die Administrateur vir 'n langer tydperk as een jaar verhuur of oorgedra, onder verband gestel of andersins belas word nie.

(2) Dit is wettig vir 'n munisipale raad óf binne óf buite die munisipaliteit onroerende goed vir enige munisipale doeleindes te koop, ruil, verkry of huur; met die verstande

- (a) dat geen sodanige koop, ruiling, verkryging of huurkontrak tot stand mag kom sonder die goedkeuring van die Administrateur eers te verkry;
- (b) dat die Administrateur, as hy dit goed ag, voordat hy die gesegde koop, ruiling, ooreenkoms of huurkontrak goedkeur benodig dat dieselfde goedgekeur is op 'n vergadering van die geregistreerde kiesers wat gehou is na behoorlike kennisgewing van die doel van sodanige vergadering.

(3) Alle verkopings van grond, wat aan 'n munisipaliteit behoort, moet middels publieke veiling of na publieke tender geskied, tensy die Administrateur anders bepaal.

172. (1) Die raad mag een of meer skutkrale binne die munisipaliteit instel.

(2) Die bepalings van die Proklamasie van die Administrateur, gedateer die sewen-en-twintigste dag van Julie 1917 en genummer No. 5 van 1917, en van enige wysiging daarvan, is nie van toepassing nie op—

- (a) enige skutkraal deur die raad ingevolge hierdie artikel ingestel;
- (b) enige grond binne die grense van enige munisipaliteit geleë, waarin geen skutkraal ingevolge die bepalings van die vermelde Proklamasie of enige wysiging daarvan ingestel is nie.

(c) It shall be competent for any such owner, lessee or occupier or any other person aggrieved by such closing or diversion to serve upon the council within the period of sixty days aforesaid a claim in writing for compensation in consequence of such closing or diversion, and the council shall make compensation to such person for any damage occasioned to him thereby, the amount of such compensation in default of agreement being determined by arbitration; provided that in assessing the amount of compensation payable to any person hereunder the benefit or advantage derived or to be derived by such person by reason of such closing or diversion shall be taken into account.

(d) If any person interested as owner, lessee, or occupier in any property abutting on the street, which it is proposed to close or divert or any other person aggrieved by such closing or diversion shall at any time within the period of sixty days aforesaid serve written notice on the Administrator of any objection, to such closing or diversion, then, unless such objection be withdrawn, such closing or diversion shall not be carried out without the sanction of the Administrator.

(e) After the serving of any such objection the Administrator may appoint a commission of one or more persons to make an inquiry into the proposed closing or diversion and the objection thereto, and to report thereon; and on receiving the report of such commission the Administrator may make an order, disallowing the proposed closing or diversion, or allowing it with such modification (if any) as he may deem necessary.

(f) If the closing or diversion be allowed by the Administrator, or if there be no objection to it under paragraph (d) of this section, and the council proceed to carry out such closing or diversion, it shall, on completion of the work, give notice thereof to the Administrator who shall, after due inquiry whether the closing or diversion has been properly effected in accordance with this section, notify the surveyor-general and the registrar of deeds that the closing or diversion has been properly effected under this Ordinance and the surveyor-general shall, on being supplied by the council with a diagram framed by an admitted land surveyor, showing all details of the streets closed or diverted, cause such amendments to be made in the general plan of the township as are necessary to show such closing or diversion, and the registrar of deeds shall thereupon make corresponding entries in his registers.

The expression "street" as used in this section shall include a street, road, thoroughfare, footpath, side-walk, or lane vested in the municipality under section *one hundred and sixty-four* of this Ordinance.

171. (1) No property vested in a municipality may be leased for a longer period than one year, or transferred, mortgaged or otherwise encumbered, without the sanction of the Administrator.

(2) It shall be lawful for a municipal council either within or without the municipality to purchase exchange, acquire or lease immovable property for any municipal purpose; provided—

- (a) that no such purchase, exchange, acquisition or lease shall be effected without the sanction of the Administrator first had and obtained;
- (b) that the Administrator may if he think fit, before sanctioning the said purchase, exchange, agreement or lease require the same to have been approved of at a meeting of the registered voters held after due notice of the object of such meeting.

(3) All sales of land belonging to a municipality shall take place by public auction or after public tender, unless otherwise determined by the Administrator.

172. (1) The council may establish one or more pounds within the municipality.

(2) The provisions of the Proclamation of the Administrator dated the twenty-seventh day of July, 1917, and numbered No. 5 of 1917, and of any amendment thereof shall not apply—

- (a) to any pound established by the council under this section,
- (b) to any land situated within the boundaries of any municipality in which no pound which has been established under the provisions of the said Proclamation or any amendment thereof exists.

(3) Die Administrateur kan van tyd tot tyd regulasies maak, verander of terugtrek—

- (a) vir die bestuur van skutkrale deur die raad;
- (b) vir die bepaling van fooie betaalbaar deur die eienaars van geskutte vee;
- (c) met betrekking tot die voorwaardes, waaronder diere wat ingevolge enige wet aan skutting buite die grense van die munisipaliteit blootgestel is, in 'n skut, ingestel deur die raad, kan opgeneem word;
- (d) met betrekking tot die voorwaardes waaronder geskutte diere deur die raad verkoop mag word;
- (e) met betrekking tot die oordra van die eiendomsreg oor sodanige diere by sodanige verkoping;
- (f) om die toegang van polisie sonder lasbrief na skutkrale te reël.

### HOOFSUK XIII.

#### *Stadsbelastings, Fooie en Onkoste.*

173. (1) Alle onroerende eiendom binne enige munisipaliteit is onderworpe aan belasting vir munisipale doeleindes behalwe en met uitsondering van die volgende:—

- (a) Enige grond, wat by die Administrasie berus maar waarop nie gebou is nie, of waarop geen permanente werke of verbeterings aangebring is nie.
- (b) Enige gebou of enige plek, die eiendom van die Administrasie; mits die Administrateur ten opsigte van enige sodanige gebou of plek tot die fondse van die munisipaliteit, in welke die vermelde gebou of plek geleë is, 'n bedrag mag bydra, gelykstaande met die belasting wat ten opsigte van sodanige gebou of die terrein van sodanige gebou afgeskat is, wanneer dit as 'n woonhuis gebruik word en gelykstaande met eenhelfte van die belasting afgeskat ten opsigte van enige gebou of plek, wat vir publieke doeleindes gebruik word. Vir die doeleindes van hierdie paragraaf beteken "plek" die grond waarop 'n gebou of ander blywende oprigting werklik staan en enige ander grond werklik vir die doel van sodanige gebou of ander oprigting gebruik, maar sluit nie die daaraan grensende grond in wat nie werklik aldus gebruik word nie.
- (c) Enige eiendom, waarvan die eiendomsreg by die Goe-werneur-generaal van die Unie van Suid-Afrika, inge-volge die "Zuidwest-Afrika Spoorwegan en Havens Wet 1922" (Wet No. 20 van 1922) van die Parlement van die Unie van Suid-Afrika, berus.
- (d) Plekke wat uitsluitlik vir openbare godsdienste of onderwysdoeleindes of as kerkhuise gebruik word.
- (e) Alle grond en geboue wat uitsluitlik vir publieke skole, insluitende erkende skool-losieshuise, publieke biblioteke, publieke hospitale of museums of krank-sinnige gestigte, weeshuise of dergelike inrigtings ondersteun deur die Administrasie of publieke lief-dadigheid, gebruik word.

(2) Dit is vir 'n raad wettig om enige grond of gebou, wat uitsluitlik en die gehele jaar deur vir die doeleindes van enige kerk, sending, hospitaal of skool gebruik word of om enige gedeelte van sodanige grond of geboue, van betaling van belasting vry te stel. Geen vrystelling word ingevolge hierdie onderartikel ten opsigte van enige grond of geboue verleen nie, wat vir die doeleindes van enige kerk, sending, hospitaal of skool gebruik word tot geldelike profyt van enige persoon, hetsy as aandeelhouer of andersins.

174. (1) Die raad van elke munisipaliteit moet minstens eenmaal in elke jaar en mag van tyd tot tyd, na mate hy dit geskik mag ag, met toestemming van die Administrateur, belastinge opleë en hef op alle belasbare eiendom binne die munisipaliteit. En sodanige belastinge mag wees:—

- (a) 'n belasting op die liggingswaarde van enige sodanige eiendom, wat 'n "liggingswaardebelasting" genoem sal word, van hoogstens een sjieling in die pond sterling; of
- (b) 'n belasting op die waarde van die verbeterings op enige sodanige eiendom, wat 'n "verbeteringsbelasting" genoem sal word; of
- (c) beide 'n liggingswaardebelasting en 'n verbeteringsbelasting; of
- (d) 'n belasting op die totaalwaarde van enige sodanige eiendom, wat 'n "algemene belasting" genoem sal word.

Mits ingeval beide 'n liggingswaardebelasting en 'n verbeteringsbelasting opgelê en gehê word, die verbeteringsbelasting nie minder as vyf-en-twintig persent en nie meer as vyf-en-sewentig persent van die liggingswaardebelasting mag wees nie.

(3) The Administrator may from time to time make, alter or rescind regulations—

- (a) for the management of pounds by the council;
- (b) for fixing the charges payable by the owners of impounded animals;
- (c) as to the conditions under which animals which are liable under any law to be impounded outside the boundaries of the municipality may be received into a pound established by the council;
- (d) as to the conditions under which impounded animals may be sold by the council;
- (e) as to the transfer of property in such animals on such sale;
- (f) to regulate the entry of police without warrant into pounds.

### CHAPTER XIII.

#### *Rates, Fees and Charges.*

176. (1) All immovable property within any municipality shall be liable to be rated for municipal purposes save and except the following:—

- (a) Any land which is vested in the Administration but which has not been built upon, or upon which permanent works or permanent improvements have not been effected.
- (b) Any building or site the property of the Administration; provided that the Administrator may, in respect of any such building or site, contribute to the funds of the municipality in which the said building or site is situated a sum equal to the rates assessed on such building or site of such building, when occupied as a dwelling, and to one-half of the rates assessed on any building or site which is used for public purposes. For the purpose of this paragraph "site" shall mean the ground upon which a building or other permanent erection actually stands and any other ground actually occupied for the purpose of such building, or other erection, but shall not include ground contiguous thereto but not actually so occupied.
- (c) Any property, the ownership whereof is vested in the Governor-General of the Union of South Africa under the provisions of the South West Africa Railways and Harbours Act, 1922 (Act No. 20 of 1922), of the Parliament of the Union of South Africa.
- (d) Places used exclusively for public worship or public educational purposes or as cemeteries.
- (e) All lands and buildings used exclusively for public schools, including recognised school hostels, public libraries, public hospitals or museums or lunatic asylums, orphanages or similar institutions supported by the Administration or by public charity.

(2) It shall be lawful for a council to exempt from payment of rates any land or buildings used exclusively and throughout the year for the purposes of any church, mission, hospital or school, or any portion of such land or buildings. No exemption under this sub-section shall be granted in respect of any land or buildings used for the purposes of any church, mission, hospital or school which is conducted for the private pecuniary profit of any person whether as a shareholder or otherwise.

174. (1) The council of every municipality shall once at least in every year, and may from time to time as it may see fit make and levy, subject to the approval of the Administrator, rates upon all rateable property within the municipality. And such rates may be:

- (a) a rate upon the site value of any such property, to be known as a "site value rate", not exceeding one shilling in the pound sterling; or
- (b) a rate upon the value of the improvements upon any such property, to be known as an "improvements rate"; or
- (c) both a site value rate and an improvements rate; or
- (d) a rate upon the total value of any such property, to be called a "general rate":

Provided that where both a site value rate and an improvements rate are made and levied, the improvements rate shall not be less than twenty-five *per cent.* nor more than seventy-five *per cent.* of the site value rate.

(2) Dit is vir die raad wettig om, onderworpe aan die toestemming van die Administrateur, die munisipaliteit in twee of meer wyke, wat "belastingswyke" genoem sal word, te verdeel. Elke sodanige verdeling en die grense van elke belastingswyk moet deur publikasie in die *Offisiële Koerant* en in tenminste een koerant, wat in die munisipaliteit in omloop is, bekend gemaak word. Na die publikasie van sodanige kennisgewing in die *Offisiële Koerant* en in een sodanige koerant, mag die raad, onderworpe aan die toestemming van die Administrateur, op eiendomme, geleë binne enige een belastingswyk, belastings ooreenkomstig die bepalings van onderartikel (1) opleë, wat verskil in aard en bedrag van diegenes op eiendomme geleë binne ander belastingswyke, opgelë:

Mits egter geen verskil gemaak word tussen eiendomme binne dieselfde belastingswyk geleë nie.

(3) Die raad mag ook, onderhewig aan die toestemming van die Administrateur, enige of al die volgende fooie opleë:—

- (a) fooie vir die lewering van water;
- (b) fooie vir die lewering van elektrisiteit of gas;
- (c) fooie vir sanitêre doeleindes.

Die raad mag fooie vir die gelewerde hoeveelheid water of gas of elektriese stroom of vir die werklik verrigte sanitêre dienste of volgens 'n skaal bereken, wat deur die Administrateur goedgekeur moet word, of hy mag 'n vasgestelde fooi ten opsigte van sodanige lewerings of dienste bepaal, wat deur die Administrateur moet goedgekeur word.

(4) Elke bedrag wat aan die raad skuldig en betaalbaar is ten opsigte van sanitêre dienste of vuilgoed of ander verwyderings of vir die lewering van water, elektrisiteit of gas is vorderbaar teen die bewoner van die eiendom ten tyde toe die belasting gehef was of dienste gedoen of lewering gemaak.

(5) Die raad mag ook, onderworpe aan die toestemming van die Administrateur—

- (a) 'n voertuibelasting en 'n vermaaklikheidsbelasting hef en opleë;
- (b) fooie vorder vir die weiding van vee op dorpsgronde, en heffings, fooie en koste bereken in verband met kerkhove, marke, slagpale, ontspanningsplekke, waskamers, urine, klosette, baaie, lesings, biblioteke, museums, plante- en dieretuine, wat deur die raad ingestel, bevorder, ondersteun, onderhou of bedryf word;
- (c) huurgeld of fooie hef en opleë vir die bewoning van terreine of woonhuise in lokasies deur die raad vir ander persone as Europeane afgesonder;
- (d) lisensiegelde vorder vir lisensies vir die aanhou van koeistalle, melkplekke, melkerye en slagpale, vir die uitoefening van ambagte en beroepe, die bedryf van nywerhede en die aanhou van diere, voëls en bye; en
- (e) in die algemeen fooie vorder vir alle wettiglik gedane dienste, wettiglik gelewerde goedere of materiaal en wettiglik toegestane voorregte sydens die raad.

(6) Waar dit aan die raad blyk dat enige werk, verbetering of onderneming, wat die raad gemagtig is om te doen of uit te voer, vir die besonder voordeel, of aanhoudend of nie, van enige besonder gedeelte van die munisipaliteit is, mag die raad ter dekking van die onkoste gemaak deur die doen of uitvoering van sodanige werk, verbetering of onderneming, deur besluit daardie gedeelte noukeurig omskrywend, 'n adisionele belasting met die toestemming van die Administrateur opleë en hef, wat 'n "spesiale belasting" genoem sal word en gelyk moet wees ten opsigte van alle belasbare eiendom binne sodanige gedeelte geleë: Mits altoos, sodanige belasting nie vier pennies in die pond in enige enkele jaar te bowe gaan nie.

175. (1) Elke liggingsbelasting, verbeteringsbelasting, spesiale belasting en algemene belasting, opgelë ingevolge hierdie Ordonnansie, moet aan die Registrateur van Aktes bekend gemaak word en is op 'n dag verskuldig en betaalbaar, wat deur die raad bepaal word en die raad moet tenminste dertig dae kennis van sodanige dag en die bedrag van sodanige vermeldde belasting deur middel van aankondiging in 'n koerant, wat in sodanige munisipaliteit in omloop is, gee. Elke persoon wat enige sodanige belasting binne dertig dae na die dag, waarop dit verskuldig en betaalbaar is, betaal is geregtig op 'n korting van tien persent. Rente teen ses persent per jaar word vanaf die datum bereken waarop die belastings betaalbaar geword het, as alle belastings nie binne sestig dae vanaf die vervaldag betaal is nie.

(2) As enige persoon die deur hom verskuldigde belastings nie na verloop van die bepaalde tyd vir die betaling van enige sodanige belastings, soos voormeld, betaal nie, is die raad geregtig om 'n skriftelike vordering aan sodanige persoon te rig en van hom die betaling van die bedrag, in die aanskrywing genoem, binne veertien dae na diening daarvan te vorder. En ingeval enige persoon aan wie so 'n aanskrywing persoonlik afgelewer is, of by sy gewone woon-

(2) It shall be lawful for the council, subject to the approval of the Administrator, to divide the municipality into two or more areas, to be called "rate areas". Every such division and the boundaries of each rate area shall be notified by publication in the *Gazette* and in at least one newspaper circulating in the municipality. After the publication of such notice in the *Gazette* and in one such newspaper, the council may, subject to the approval of the Administrator, impose upon properties situate within any one rate area rates, in accordance with the provisions of sub-section (1), differing in kind and in amount from those imposed upon properties situate within other rate areas: Provided, however, that no differentiation shall be made between properties situate within the same rate area.

(3) The council may also, subject to the consent of the Administrator, levy any or all of the following fees:—

- (a) fees for the supply of water;
- (b) fees for the supply of electricity or gas;
- (c) fees for sanitary services.

The council may either charge fees at a tariff rate, to be approved by the Administrator, for the amount of water or quantity of gas or electric current supplied or for the sanitary services actually performed, or may charge a fixed fee, to be approved by the Administrator, in respect of such supplies or services.

(4) Every amount which is due and payable to the council in respect of sanitary services or rubbish or other removals or for the supply of water, electricity or gas shall be recoverable against the occupier of the property at the time the rate was levied or service performed or supply given.

(5) The council may also, subject to the consent of the Administrator—

- (a) levy and impose a vehicle tax, and an entertainment tax;
- (b) make charges for the grazing of stock on townlands, and levy and impose dues, fees and charges in connection with cemeteries, markets, slaughterhouses, recreation grounds, lavatories, urinals, closets, baths, lectures, libraries, museums, botanical gardens and zoological gardens, established, promoted, assisted, maintained or carried on by the council;
- (c) levy and impose rent or fees for the occupation of sites or dwellings in locations set aside by the council for persons other than Europeans;
- (d) charge licence moneys for licences for the keeping of cow-sheds, milking-places, dairies and slaughter-places, the carrying on of industries and the keeping of animals, birds and bees; and
- (e) generally charge fees for all services lawfully rendered, goods or materials lawfully supplied or privileges lawfully allowed by the council.

(6) Where it appears to the council that any work, improvement, or undertaking which the council is authorised to do or execute is for the special benefit of any particular portion, whether continuous or not, of the municipality, the council may, for defraying the expenses incurred in doing or executing such work, improvement, or undertaking, by resolution distinctly defining such portion, make and levy, subject to the consent of the Administrator, an additional rate to be called a "special rate" equally on all rateable property situated within such portion: Provided always that such special rate shall not exceed four pence in the pound in any one year.

175. (1) Every site value rate, improvements rate, special rate and general rate imposed under this Ordinance shall be notified to the Registrar of Deeds and shall become due and payable upon a day to be fixed by the council, of which day, and the amount of which said rate, the council shall give at least thirty days' notice by advertisement in a newspaper circulating in such municipality. Every person who pays any such rate within thirty days of the day on which it becomes due and payable shall be entitled to a reduction of ten per cent. Interest at the rate of six per cent. per annum may be charged as from the date on which they fall due to the date of payment on all rates which have not been paid within sixty days of the date upon which they fell due.

(2) If after the expiration of the time fixed for the payment of any such rates as aforesaid, any person fails to pay the rates due by him, it shall be competent for the council to cause a demand in writing to be made upon such person, requiring him to pay the amount stated in such demand within fourteen days after service thereof. And in case any person who has had any such demand delivered to him personally, or left at his ordinary place of residence or place of business or office, shall make default, the amount

of besigheidsplek of kantoor gelaat is, versuim om te betaal, kan die bedrag, niestandaande enige teenstrydige bepaling van enige wet, deur aksie sydens die raad of sy skriftelik aangestelde geldontvanger in die magistratuurshof van die distrik waarin die munisipaliteit geleë is, verhaal word, of ingeval die persoon nie binne sodanige distrik woon nie, dan of in die magistratuurshof van sodanige distrik of in die magistratuurshof van die distrik waarin sodanige persoon woon.

(3) As die raad verkies om sodanige persoon in die magistratuurshof van die distrik te dagvaar waarin hy woonagtig is, mag die dagvaring wat teen sodanige persoon uitgereik word, op die bewoner, indien enige, van die eiendom gedien word, ten opsigte waarvan die belasting, wat beweer word betaalbaar te wees, gevorder word, of op die gedagvaarde persoon.

(4) As die bedrag van enige sodanige belasting of enige gedeelte daarvan nie deur die eienaar van die belaste eiendom betaal is nie, is dit wettig vir die raad om dit van die persoon, wat op die oomblik die bewoner is, te verlang en om beide die bewoner of die eienaar afsonderlik, of albei in een en dieselfde geding, elkeen vir die gehele bedrag, te dagvaar en om vonnis te verkry en geregtelike prosesstukke vir die verhaal daarvan uit te neem en elke sodanige bewoner is geregtig om soveel as hy aldus betaal het of op hom verhaal is, van enige huur af te trek wat hy moet betaal of wat deur hom van tyd tot tyd aan die eienaar betaalbaar word: Mits geen bewoner vir meer as 'n proporsionele gedeelte van die belasting vir die lopende jaar, bereken vanaf die datum van die aanvang van sy bewoning, aanspreeklik is of tot betaling veroordeel sal word nie:

Mits, niestandaande enige teenstrydige bepaling van hierdie onderartikel dit wettig vir die hof sal wees, om in plek van die bewoner tot die betaling van 'n proporsionele gedeelte van die belasting vir die lopende jaar, soos hierbo bepaal, te veroordeel, hy sodanige bewoner mag beveel om die gehele of 'n gedeelte van sy huurgeld aan die munisipaliteit te betaal totdat al die agterstallige belasting, rente en koste betaal is. 'n Verandering van bewoner het geen uitwerking op die bevel van die hof, wat ingevolge hiervan uitgereik word nie, mits kennisgewing van sodanige bevel deur die raad op die nuwe bewoner gedien is.

(5) Elke sodanige belasting is verhaalbaar op die eienaar ten tyde van die heffing van sodanige belasting.

(6) Ingeval die persoon wat eers vir die betaling van enige sodanige belasting aanspreeklik is, insolvent word, moet die kurator die proporsionele deel van die belasting vir die lopende jaar bereken vanaf die datum van sy aanstelling, as 'n administratiewe vordering betaal.

(7) In gevalle waar eiendomme onder verband staan en die verbandnemer die huurgeld daarvan ontvang en ingeval van huurgelde aan 'n agent betaal, is die belasting deur die verbandnemer of agent, al na gelang, betaalbaar en op hom verhaalbaar, onderhewig aan die aftrek sydens die agent van alle bedrae aan hom ten opsigte van kommissie op die geïnde huurgelde betaalbaar: Mits geen sodanige verbandnemer of agent verplig is om meer belasting vir enige een jaar in te betaal nie as die bedrag van huurgeld deur hom vir daardie jaar ten opsigte van enige sodanige eiendom geïen.

(8) Niestandaande enige bepaling van hierdie artikel, is dit wettig vir die raad, as hy dit nodig ag om aldus op te tree, om betalings van belasting met rente in paaiemente aan te neem, mits sodanige paaiemente nie oorgaan tot in die volgende jaar nie.

(9) Die raad moet 'n opgaaf eenkeer in elke jaar publiseer deur dit op die munisipaliteitsaanplakbord op te plak, en wat al die belasting en fooie wat agterstallig is, die eiendom ten opsigte waarvan sodanige belasting of fooie betaalbaar is, tesame met die naam van die persoon wat verantwoordelik is ten opsigte van sodanige belasting of fooie, aandui. Een maand se kennisgewing van sodanige bekendmaking moet in 'n Engelse, 'n Afrikaanse en 'n Duitse koerant, wat in die munisipaliteit in omloop is, gegee word.

176. (1) Onderhewig aan die bepalings van onderartikel (2) van artikel vier-en-veertig van die "Registratie van Akten Wet 1918" (Wet No. 13 van 1918) van die Parlement van die Unie van Suid-Afrika, soos toegepas op hierdie Gebied deur artikel een van die "Registratie van Akten Proklamatie 1920" (Proklamatie No. 8 van 1920) word geen transport van enige onroerende eiendom binne enige munisipaliteit in die registrasiekantoor van aktes geregistreer nie totdat die stadsklerk middels 'n aantekening op die volmag vir die bewerkstelling van transport of op die transportbelastingkwitansie, wat saam daarmee ingedien moet word, of middels 'n spesiale sertifikaat dienaangaande gesertifiseer het dat alle belasting, verskuldig ten opsigte van sodanige eiendom vir 'n tydperk van twee jare onmiddellik voor die datum van aansoek vir transport aan die munisipaliteit betaal is. As die stadsklerk nie instaat is nie om enige eiendom te

may be recovered, anything to the contrary in any law notwithstanding, at the suit of the council or its collector thereto appointed in writing, by action in the court of the magistrate of the district in which the municipality is situated, or in case the person does not reside within such district, then either in the court of the magistrate of such district or in the court of the magistrate of the district in which such person resides.

(3) If the council elects to sue such person in the court of the magistrate of the district in which he resides, the summons directed to such person may be served upon the occupier, if any, of the property in regard to which the rate alleged to be due is claimed, or upon the person summoned.

(4) If the amount of any such rate or any portion thereof, is not paid by the owner of the property rated, it shall be lawful for the council to demand the same from the occupier thereof for the time being and to sue either the occupier or the owner separately, or both of them in one and the same action, each for the whole, and to obtain the judgment and process of the court for the recovery of the same, and every such occupier shall be entitled to deduct from any rent payable or from time to time becoming payable by him to such owner, so much as was so paid by or recovered from him: Provided that no occupier shall be liable or shall be adjudged to pay more than a proportionate share of the rates for the current year calculated as from the date of the commencement of his occupation:

Provided further that anything to the contrary notwithstanding contained in this sub-section it shall be lawful for the court, in lieu of adjudging the occupier to pay a proportionate share of the rates for the current year as hereinbefore provided, to order such occupier to pay either the whole or part of his rent to the municipality until all arrear rates, interest and costs have been paid. A change of occupier shall not affect an order of court issued hereunder, provided that notice of such order has been served upon the new occupier by the council.

(5) Every such rate shall be recoverable against the owner at the time such rate was levied.

(6) In case the person primarily liable to pay any such rate becomes insolvent, the trustee shall pay as an administrative charge the proportionate share of the rate for the current year, calculated as from the date of his appointment.

(7) In cases where properties are mortgaged and the mortgagee receives the rent thereof, and in the case of rents paid to an agent, the rates shall be payable by and recoverable from the mortgagee or agent, as the case may be, subject to the deduction by the agent of all sums due to him by way of commission in regard to the rents collected: Provided that no such mortgagee or agent shall be liable to pay in rates for any one year more than the amount of rent received by him for that year in respect of any such property.

(8) Notwithstanding anything contained in this section, it shall be lawful for the council, should it deem fit so to do, to accept payments of rates with interest in instalments, provided that such instalments do not extend into the following year.

(9) The council shall publish a statement once in every year, by affixing the same to the municipal board, showing all rates and fees that are in arrear, the property in respect of which such rates or fees are due, together with the name of the person who is liable in respect of such rates or fees. One month's notice of such publication shall be given in an English, an Afrikaans and a German newspaper circulating in the municipality.

176. (1) Subject to the provisions of sub-section (2) of section forty-four of the Deeds Registries Act, 1918 (Act No. 13 of 1918), of the Parliament of the Union of South Africa, as applied to this Territory by section one of the Deeds Registry Proclamation, 1920 (Proclamation No. 8 of 1920), no transfer of any immovable property within any municipality shall be registered in the deeds office until the town clerk has certified, by means of an endorsement on the power of attorney to effect transfer, or the transfer duty receipt to be filed therewith, or by a special certificate to that effect, that all rates due in respect of such property for a period of two years immediately preceding the date of

identifiseer of op te spoor, soos dit op die munisipale waarderingslys verskyn, is hy verplig om 'n sertifikaat uit te reik dat hy sodanige eiendom nie kan identifiseer of opspoor nie, en daarna is die transport van sodanige eiendom nie uit hoofde van die bepalings van hierdie artikel belet nie. Geen belasting behalwe die koste van enige seëlregte, wat volgens wetsbepaling daarop aangeplak moet word, word vir enige sertifikaat of bewysstuk geëis, wat ooreenkomstig hierdie artikel uitgereik word nie.

(2) Geen bepaling hiervan word beskou asof dit die wetskrag in hierdie Gebied van onderartikel (4) van artikel *ag-en-tagtig* van die Insolvensie-Ordonnansie 1928 (Ordonnansie No. 7 van 1928) verander.

177. Die raad mag rente bereken en invorder teen 'n koers van hoogstens ses persent per jaar op agterstallige fooie vir die lewering van water, elektrisiteit of gas of vir sanitêre dienste.

178. (1) Wanneer enige belasbare eiendom in enige munisipaliteit onbewoond is en die liggingswaardebelastings, verbeteringsbelastings, algemene belastings of spesiale belastings daarop opgeloo, vir 'n tydperk van vyf jare nie betaal is nie, mag die raad in die naam van die munisipaliteit besit van sodanige eiendom neem en dit verhuur, onderworpe aan die bepalings van hierdie artikel; en ingeval van eiendom met 'n geskatte waarde van minder as eenhonderd pond, mag die munisipaliteit dit op 'n publieke veiling verkoop, na toestemming daartoe van die Administrateur verkry te hê.

(2) Nieteenstaande enige bepaling van artikel *veertien* van die "Registratie van Akten Wet 1918" (Wet No. 13 van 1918) van die Parlement van die Unie van Suid-Afrika, soos op hierdie Gebied deur artikel *een* van die "Registratie van Akten Proklamatie 1920" (Proklamasie No. 8 van 1920) toegepas, moet die registrateur van aktes transport van sodanige eiendom aan die koper daarvan toestaan asof die munisipaliteit die geregistreerde eienaar was, en enige aldus gedane transport moet volgens die formulier uiteengesit in die Vyfde Bylae hiervan wees.

(3) Voordat die raad sodanige eiendom verkoop, moet hy dit as te verkoop in elke uitgawe van die *Offisiële Koerant* vir 'n tydperk van ses maande laat adverteer en eenmaal elke veertien dae vir 'n tydperk van drie maande in enige koerant wat in die munisipaliteit in omloop is, asook middels kennisgewing in enige in die oog lopende plek op die eiendom en buite die munisipale kantore aangeplak en moet ook kennisgewing daarvan op die eienaar laat dien, as hy in die Gebied is en sy adres bekend is, of as hy afwesig is of sy adres binne die Gebied nie bekend is nie, dan op sy verteenwoordiger binne die Gebied, as hy bekend is.

(4) Elke huurkontrak ingevolge hierdie artikel verleen sal vir sodanige tydperk, maar nie meer as vyf jaar nie, en onderhewig aan sodanige voorwaardes wees, as die raad goetvind, en moet nadat publieke tenders deur advertensie in een of meer koerante, wat in die munisipaliteit in omloop is, ingevra is, teen die hoogste verkrygbare huurgeld wees.

(5) Die raad mag nie besit van enige sodanige eiendom neem met die doel om dit te verhuur nie, tot drie maande nadat 'n skriftelike kennisgewing dat belasting ten opsigte van sodanige eiendom nie betaal is nie, en dat betaling daarvan geëis word, en dat by wanbetaling die raad ingevolge die bepalings van hierdie artikel besit van sodanige eiendom sal neem, op die eienaar van sodanige eiendom gedien is, as hy binne hierdie Gebied is en sy adres aan die raad bekend is, of ingeval die eienaar nie binne hierdie Gebied is nie of sy adres binne die Gebied nie bekend is nie totdat sodanige kennisgewing by 'n in die oog lopende plek op sodanige eiendom aangeplak is en in elke uitgawe van die *Offisiële Koerant* vir 'n tydperk van drie maande gepubliseer is. Elke sodanige kennisgewing moet 'n beskrywing van die eiendom bevat, wat voldoende is om dit te identifiseer. Elke huurkontrak wat deur die raad op 'n ander wyse dan ooreenkomstig die bepalings van hierdie artikel aangegaan is, is geldig nieteenstaande die nie-nakoming van hierdie artikel, tensy alle agterstallige belasting met rente daarop binne twaalf maande nadat die raad die eiendom in besit geneem het, betaal is.

(6) Die raad mag, onderhewig aan die regte van verbandnemers en ander persone met preferente vorderings, uit die koopprys of huurgeld die bedrag van sodanige agterstallige belasting met rente daarop en alle onkoste in verband met die verkoping of verhuring en die voorafgaande verrigtings, soos in hierdie artikel voorgeskryf word, terughou, en moet die balans, indien enige, aan die Meester van die Hooggeregshof inbetaal.

(7) Binne drie maande nadat die eienaar van enige eiendom, wat deur die raad soos voormeld in besit geneem is maar nie verkoop is nie, die eiendom teruggeëis het, indien die eis binne dertig jare na die datum van die inbesitneming gestel en alle agterstallige belasting, ten opsigte daarvan

application for transfer, have been paid to the municipality. If the town clerk is not able to identify or trace any property as appearing on the municipal valuation roll, he shall be bound to give a certificate that he cannot identify or trace such property, and thereupon the transfer of such property shall not be prohibited by reason of the provisions of this section. No charge, other than the cost of any stamp required to be affixed thereto by law, shall be made for any certificate or voucher issued in terms of this section.

(2) Nothing herein contained shall be deemed to alter the effect in this Territory of sub-section (4) of section *eighty-eight* of the Insolvency Ordinance, 1928 (Ordinance No. 7 of 1928).

177. The council may charge and recover interest at a rate not exceeding six *per cent. per annum* on arrear fees for the supply of water, electricity or gas or for sanitary services.

178. (1) Where any rateable property in any municipality is unoccupied and the site value rates, improvements rates, general rates or special rates accrued have not been paid for a period of five years, the council may, in the name of the municipality, take possession of such property and grant leases of the same subject to the provisions of this section; and in the case of property the assessed value of which is less than one hundred pounds, the municipality may, after having obtained the consent of the Administrator, sell the same by public auction.

(2) Notwithstanding anything contained in section *fourteen* of the Deeds Registries Act, 1918 (Act No. 13 of 1918), of the Parliament of the Union of South Africa, as applied to this Territory by section *one* of the Deeds Registry Proclamation, 1920 (Proclamation No. 8 of 1920), the registrar of deeds shall grant transfer of such property to the purchaser thereof as if the municipality had been the registered owner, and any transfer so effected shall be in the form set forth in the Fifth Schedule hereto.

(3) Before selling such property the council shall cause it to be advertised for sale in each issue of the *Gazette* for a period of six months, and once every fortnight for a period of three months in some newspaper circulating in the municipality, and by notices posted in some prominent place on the property and outside the municipal offices, and shall also cause notice to be served on the owner, if he is within the Territory and his address is known, or if absent, or if his address within the Territory is not known, on his representative within the Territory if known.

(4) Every lease granted under this section shall be for such term, not exceeding five years, and subject to such conditions, as the council may deem fit, and shall, after public tenders have been called for by advertisement in one or more newspapers circulating in the municipality, be for the best rent obtainable.

(5) The council shall not take possession of any such property for the purpose of leasing the same until three months after a notice in writing setting forth that rates in respect of such property are unpaid, and demanding payment thereof, and stating that in default of payment the council will take possession of such property under the provisions of this section, has been served upon the owner of such property, if he is within this Territory, and his address is known to the council, or if the owner is not within this Territory, or if his address within the Territory is not known, until such notice has been affixed to some conspicuous place on such property and published in every issue of the *Gazette* for a period of three months. Every such notice shall contain a description of the property sufficient to identify the same. Every lease granted by the council otherwise than in accordance with the provisions of this section shall be valid, notwithstanding the non-compliance with the provisions of this section, unless all arrear rates and interest thereon are paid within twelve months after the council has taken possession.

(6) The council may, subject to the rights of mortgagees and other persons having preferent claims, retain out of the purchase price or rent the amount of such arrear rates, with the interest thereon, and all expenses incurred in connection with the sale or lease and the proceedings prior thereto, as in this section is prescribed, and shall deposit the balance, if any, with the master of the High Court.

(7) Within three months after demand by the owner of any property taken possession of but not sold by any council as aforesaid, made within thirty years after the

verskuldig, tesame met rente, betaal is, is die eienaar geregtig om besit van sodanige grond te hervat, onderhewig aan die bepalings van enige huurkontrak, wat wettiglik voor dit leu sodanige raad ingevolge die bepalings van hierdie artikel verleen is.

179. (1) Elke drie jaar moet 'n waardering van onbeweeglike eiendom in elke munisipaliteit plaasvind en die Administrateur mag beveel dat 'n tussentydse waardering van enige eiendom moet onderneem word—

- (a) wat uit die waarderingslys uitgelaat is;
- (b) waarop sedert die laaste waardering geboue gebou of verbeter of geheel of gedeeltelik verniel of afgebreek is; of
- (c) wat uit enige besondere oorsaak, wat sedert die laaste waardering in verband daarmee ontstaan het, weselik in waarde vermeerder of verminder het.

(2) Die registrateur van aktes moet gratis enige infor-masie verskaf wat tot bepaling van die juiste waardering benodig is.

(3) Ingeval van bestaande munisipaliteite, moet die eerste waardering na verloop van drie jare vanaf die datum van die laasvooraangaande algemene waardering plaasvind. Ingeval van enige munisipaliteit wat hierna ingestel mag word, moet die Administrateur sodanige instruksies gee betreffende die datum waarop die eerste algemene waardering moet plaasvind.

180. Die Administrateur mag sodanige regulasies maak, wysig en herroep, as hy vir die uitvoering van die bepalings van artikel *eenhonderd en negen- en-sewentig* nodig of raad-saam mag ag.

#### KOOFSTUK XIV.

##### *Finansieël.*

181. Die inkomste van die raad bestaan uit—

- (a) alle liggingswaardebelastings, verbeteringsbelastings, al-gemene belastings en spesiale belastings deur die raad gehef;
- (b) alle koste, fooie, belastings en regte opgelê deur die raad en lisensiegelde op lisensies deur die raad ver-leen en alle gelde en huurgelde wat deur die raad bereken of gehef mag word;
- (c) alle koste bereken of fooie opgelê deur die raad vir die lewering van elektrisiteit, gas en water en vir sanitêre doeleindes, en ook alle koste of profyte wat uit enige ambag, diens of onderneming verdien word, wat deur die raad ingevolge enige by hom berustende bevoegdhede uitgevoer word;
- (d) alle ander fooie, gelde of koste verhaalbaar deur die raad, of waarop die raad ingevolge hierdie Ordon-nansie of enige ander wet geregtig is, en bydraes van die Administrasie ten opsigte van enige deur die Administrasie geïnde belastings of lisensies ontvang.

182. (1) Die raad moet behoorlike boeke, soos deur die Administrateur voorgeskryf mag word, laat verskaf en juiste en gereelde rekenings daarin laat hou van alle geld-bedrae op rekening van en vir die raad ontvang en betaal en van die verskeie doeleindes waarvoor sodanige geld-bedrae ontvang en betaal is.

(2) Die rekenings van die raad moet minstens eenmaal in elke boekjaar afgesluit en 'n uittreksel daarvan gepubli-seer word en vir die doeleindes van hierdie Ordonnansie is die boekjaar die twaalf maande eindigende op en insluitende die dertigste dag van Junie in elke kalenderjaar: Mits die by die inwerking-treding van hierdie Ordonnansie lopende boekjaar op die een-en-dertigste dag van Desember 1935 sal eindig en dat die tydperk vanaf die eerste dag van Januarie tot die dertigste dag van Junie 1936 'n boekjaar sal wees.

(3) Die raad moet minstens dertig dae voor die af-loop van enige boekjaar 'n gespesifiseerde begroting van die inkomste en uitgawes van die raad vir die eersvolgende boekjaar opstel en die vermeldde begroting wat deur die burge-meester, stadsklerk en tesourier (indien enige) geteken moet word, moet by die munisipale kantore ter insae van enige belastingbetaler of ingeskrywe kieser vir minstens veertien dae lê. Daarna en minstens veertien dae voor die inwerking-treding van die boekjaar, waarop hulle betrekking het, moet 'n eksemplaar van die vermeldde begroting, onder die hand van die burgemeester gesertifiseer, aan die Administrateur gestuur word, wat hulle kan goedkeur al dan nie, en wat kan vereis om van enige verdere dokumente, rekenings of infor-masie, wat hy mag wenslik ag, voorsien te word. Geen aanspreeklikheid of uitgawe of betaling mag deur die raad gemaak word nie anders as ooreenkomstig die goedgekeurde begroting, tensy spesiaal goedgekeur deur die Administrateur.

date of taking possession, and after payment of all arrears of rates due in respect thereof, with interest, such owner shall be entitled to resume possession of such land, subject to the terms of any lease theretofore lawfully granted by such council under the provisions of this section.

179. (1) There shall be a valuation of immovable property in every municipality every three years and the Ad-ministrator may direct that an interim valuation be made on any property—

- (a) which has been omitted from the valuation roll;
- (b) on which buildings have been erected or improved or wholly or partially destroyed or demolished since the last valuation; or
- (c) which from any cause particular to such property arising since the last valuation thereof has materially increased or decreased in value.

(2) The Registrar of Deeds shall furnish gratis any information necessary for arriving at a correct valuation.

(3) In the case of existing municipalities, the first general valuation shall be made upon the expiration of three years from the date of the last preceding general valuation. In the case of any municipality which may hereafter be established, the Administrator shall give such directions as he may deem fit as to the date on which the first general valuation shall be made.

180. The Administrator may make, amend and revoke such regulations as he thinks necessary or expedient for carrying into effect the provisions of section *one hundred and seventy-nine*.

#### CHAPTER XIV.

##### *Financial.*

181. The revenue of the council shall consist of—

- (a) all site value rates, improvements rates, general rates, and special rates levied by the council;
- (b) all charges, fees, taxes and duties imposed by the council, and licence moneys on licences issued by the council, and all dues and rents chargeable or leviable by the council;
- (c) all charges made or fees imposed by the council for the supply of electricity, gas and water, and for sanitary services, and also all charges or profits arising from any trade, service or undertaking carried on by the council under any powers vested in it;
- (d) all other fees, moneys or charges recoverable by the council, or to which the council is entitled under this Ordinance or any other law, and contributions received from the Administration, in respect of any taxes or licences collected by the Administration.

182. (1) The council shall cause proper books, as may be prescribed by the Administrator, to be provided, and true and regular accounts to be entered therein of all sums of money received and paid on account of and for the council, and of the several purposes for which such sums of money have been received and paid.

(2) The accounts of the council shall be made up and an abstract thereof published not less than once in every financial year, and for the purposes of this Ordinance the financial year shall be the twelve months ending on and including the thirtieth day of June in each and every calendar year: Provided that the financial year current at the commencement of this Ordinance shall end on the thirty-first day of December, 1935, and that the period from the first day of January till the thirtieth day of June, 1936, shall be a financial year.

(3) The council shall not less than thirty days before the expiry of any financial year draw up a detailed estimate of the revenue and expenditure of the council for the next financial year, and the said estimates, which shall be signed by the mayor, town clerk and treasurer (if any) shall lie at the municipal offices for inspection by any ratepayer or enrolled voter for a period of not less than fourteen days. Thereafter and not less than fourteen days before the com-mencement of the financial year to which they relate a copy of the said estimates, certified under the hand of the mayor, shall be forwarded to the Administrator, who may approve of the same or otherwise, and may further require to be furnished with any further documents, vouchers or information, as he may consider desirable. No liability or expenditure shall be incurred or payment made by the council otherwise than in accordance with the approved estimates, unless specially sanctioned by the Administrator.

183. (1) Die Administrateur moet een of meer behoorlik bevoegde persone, wat amptenare van die Staatsdiens is, aanstel om van tyd tot tyd die rekenings en stukke van die raad te ondersoek, en die raad moet deur middel van die tesourier, of as daar geen tesourier is nie, deur die stadsklerk of 'n ander deur die raad gemagtigde persoon, alle boeke en rekenings van die munisipaliteit, met alle rekenings ter stawing daarvan en alle boeke, papiere en geskifte in hul mag, wat daarop betrekking het, ooreël en aan die aldus aangestelde persoon of persone voorlê.

(2) Binne drie maande vanaf die datum waarop die auditeur, wat ingevolge die laasvooraafgaande onderartikel aangestel is, die rekenings van die raad vir enige een boekjaar geteken en gesertifiseer het, moet die raad aan die Administrateur sodanige bedrag betaal, as die Administrateur van tyd tot tyd mag bepaal, maar wat nie hoër sal wees nie as 1 persent van die totaaluitgawes van die raad wat in rekening gebring is en deur sodanige auditeur vir daardie boekjaar gesertifiseer is, mits sodanige bedrag in geen geval minder as vyf pond mag wees nie.

(3) Waar enige bedrag ingevolge die laasvooraafgaande onderartikel deur die raad aan die Administrateur moet betaal word, is dit die plig van sodanige auditeur om minstens eenmaal in elke boekjaar te sertifiseer of, al dan nie—

- (a) die rekenings van die raad in orde is;
- (b) afsonderlike rekenings van alle handelondernemings (indien enige) gehou is;
- (c) die uitgegewe rekenings die juiste en ware finansiële posisie van die raad, sy transaksies, en die resultate van die handeldrywe (indien enige) weergee;
- (d) behoorlike voorsiening vir die delging en terugbetaling van enige deur die raad geleende gelde, hetsy in die vorm van munisipale lenings, bewyse of andersins, gemaak is;
- (e) die bedrag wat vir waardevermindering en veroudering van masjienerie voorsien is, voldoende is;
- (f) die waarde van die bate van die munisipaliteit billik weergegee is;
- (g) al sy of hulle benodighede en aanbevelings (as auditeur of auditeurs) nagekom en uitgevoer is.

(4) Vir die doel van enige auditering ingevolge die bepalings van onderartikels (1), (2) en (3) hiervan, mag die auditeur getuienis afneem en getuies onder eed of plegtige bevestiging (watter eed of plegtige bevestiging die auditeur hierdeur gemagtig word om af te neem) te ondervra en, om, kragtens dagvaring onder sy hand, sodanige persone, as hy mag goedvind, te verplig om persoonlik voor hom op 'n in sodanige dagvaring aangegeve tyd en plek te verskyn en alle sodanige boeke en papiere (insluitende die notules van die verrigtings van die raad of enige komitee van die raad) wat vir sodanige auditering nodig mag wees, oor te lê. Enige aldus gedagvaarde persoon, wat sonder wettige verontskuldiging weier of versuim om aan sodanige dagvaring gevolg te gee en te verskyn, of wat verskyn en weier om hom onder eed of plegtige verklaring te laat ondervra van wat, nadat hy sodanige eed afgelê het of sodanige plegtige bevestiging gegee het, weier of versuim om sodanige vrae wat hom gestel word, te beantwoord, is vir elke sodanige handeling of oortreding onderhewig aan 'n boete van hoogstens twintig pond: Mits geen skuldigbevinding ingevolge hierdie artikel geag word nie om die veroordeelde persoon vry te stel van die verpligting om die daad, aangeleentheid of ding, te doen of uit te voer, wat hy moet doen of uitvoer of daarvan vry te stel dat hy opeenvolgend aan elke afsonderlike pleging van dieselfde daad of oortreding skuldigbevind en daarvoor gestraf word.

(5) Die auditeur of auditeurs, deur die Administrateur aangestel, moet elke betaling afkeur wat sonder behoorlike gesag ooreenkomstig die wet gemaak is en dit teen die persoon of persone, wat die onwettige betaling gemaak of gemagtig het, aanteken en hy of hulle moet enige persoon of persone wat daarvoor verantwoordelik is met die bedrag van enige tekort of verlies belas wat deur die nalatigheid of wangedrag van sodanige persoon of persone veroorsaak is of met die bedrag wat deur enige sodanige persoon of persone in rekening gebring behoort te gewees het en moet in elke geval die bedrag deur sodanige persoon betaalbaar, sertifiseer. Elke aldus deur die auditeur gesertifiseerde bedrag moet deur sodanige persoon of persone binne veertien dae nadat dit aldus gesertifiseer is, aan die stadsklerk of ander deur die raad benoemde amptenaar betaal word en as dit nie aldus betaal word nie kan dit op sodanige persoon of persone as 'n skuld deur die auditeur wat deur die raad sy redelike koste en uitgawes in sodanige proses betaal sal word, verhaal word. Enige aldus verhaalde bedrag moet aan die stadsklerk of ander deur die raad aangestelde beampste vir die ontvangs en kwitering van inkomste betaalbaar aan die munisipaliteit, betaal word: Mits die Administrateur enige bedrae teen enige persoon ingevolge hierdie artikel aangeteken of geheel of gedeeltelik mag kwytstel.

183. (1) The Administrator shall appoint one or more duly qualified persons, being officers of the Public Service, to examine from time to time the accounts and records of the council, and the council shall, by the treasurer, and if there be no treasurer, by the town clerk or other officer authorised by the council, produce and lay before the person or persons so appointed all books and accounts of the municipality, with all vouchers in support of the same, and all books, papers and writings in their power relating thereto.

(2) The council shall pay to the Administrator within three months from the date of the auditor appointed under the last preceding sub-section signing and certifying the accounts of the council for any one financial year, such sum as the Administrator may from time to time determine, not being more than 1 per cent. of the total expenditure of the council which has been brought to account and certified by such auditor for that financial year, provided that such sum shall in no case be less than five pounds.

(3) Where any charge is payable by the council to the Administrator under the last preceding sub-section, it shall be the duty of such auditor to certify, not less than once in each financial year, whether or not—

- (a) the accounts of the council are in order;
- (b) separate accounts of all trading undertakings (if any) have been kept;
- (c) the accounts issued present a true and correct view of the financial position of the council, of its transactions, and of the results of the trading (if any);
- (d) due provision has been made for the redemption and repayment of any moneys borrowed by the council, whether in the form of municipal stock, bills or otherwise;
- (e) the amounts set aside for depreciation and obsolescence of plant are adequate;
- (f) the value of the assets of the municipality has been fairly stated;
- (g) all his or their requirements and recommendations (as auditor or auditors) have been complied with and carried out.

(4) For the purpose of any audit under the provisions of sub-sections (1), (2) and (3) hereof, the auditor may hear and receive evidence, and examine witnesses upon oath or affirmation (which oath or affirmation the auditor is hereby empowered to administer), and, by summons under his hand, require such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers (including the minutes of the proceedings of the council or of any committee of the council) as may be necessary for such audit. Any person so required who without lawful excuse refuses or fails to attend in obedience to such summons, or who, having appeared, refuses to be examined on oath or affirmation or to take such oath or make such affirmation, or, having taken such oath or made such affirmation, refuses or fails to answer such questions as are put to him, shall be liable to a fine not exceeding twenty pounds for every such act or offence: Provided that no conviction under this section shall be deemed to exempt the person convicted from liability to do or perform the act, matter or thing required to be done or performed by him, or from being successively convicted and punished for every distinct commission of the same act or offence.

(5) The auditor or auditors appointed by the Administrator shall disallow every payment made without due authority according to law and surcharge the same on the person or persons making or authorising the illegal payment, and shall charge against any person or persons responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or persons or of any sum which ought to have been brought into account by any such person or persons, and shall in every case certify the amount due from such person. Every sum so certified by the auditor shall be paid by such person or persons to the town clerk or other official appointed by the council within fourteen days after the same has been so certified, and, if not so paid, may be recovered from such person or persons as a debt by the auditor who shall be paid by the council his reasonable costs and expenses in such proceedings. Any sum so recovered shall be paid to the town clerk or other official appointed by the council to receive and give a discharge for revenue payable to the council: Provided that the Administrator may remit the whole or any part of any sums surcharged against any person under this section.

(6) Vir die doeleindes van die laasvooraangaande onder-artikel, sluit die persone wat enige onwettige betaling maak of magtig, al die raadslede of lede van enige komitee van die raad in, wat by die vergadering van die raad of komitee teenwoordig was, op welke sodanige betaling gemagtig is en wat nie hul stemme teen die besluit, wat sodanige betaling magtig, in die notule het laat aanteken nie.

184. Die raad mag geld of vir permanente of vir tydelike doeleindes leen en mag onroerende eiendom wat in die munisipaliteit berus as sekuriteit vir enige sodanige lening onder verband stel: Mits die raad vooraf die skriftelike toestemming van die Administrateur verkry het aangaande die bedrag van die vermelde lening, die persoon of persone wat die vermelde lening maak, die terme en voorwaardes van die vermelde lening en die sekuriteit wat vir die vermelde lening gegee moet word. Die raad mag, onderhewig aan die vooraf ontvangte skriftelike toestemming van die Administrateur 'n spesiale belasting op alle belasbare eiendom binne die munisipaliteit hef om voorsiening vir die terugbetaling van enige lening te maak. Die Administrateur mag die raad verplig om 'n delgingsfonds in te stel en te onderhou, wat na sy mening voldoende sal wees om voorsiening te maak vir die terugbetaling van enige lening.

185. Die raad mag, onderhewig aan die toestemming van die Administrateur,

- (1) uit die inkomste van die munisipaliteit, pensioen-, verplegings-, weldadigheids- of siekefondse stig vir die doel om bydraes aan sy amptenare en dienaars by aftreding, hulle weduwees, weeskinders en ander afhanklikes te betaal of pensioene aan hulle te verskaf, en enige twee of meer rade mag ooreenkom om 'n verenigde pensioen-, verplegings-, weldadigheids- of siekefonds te stig vir die voordeel van persone in die diens van enige van daardie rade;
- (2) 'n ooreenkoms met 'n versekeringsmaatskappy tref vir die uitbetaling van pensioene of geskenke aan sodanige voormelde persone.

186. Die raad is gemagtig om die fondse van die munisipaliteit op die volgende wyse te beleg:—

- (a) eerste verbande op eiendomsplase tot hoogstens 60 persent van die afgeskatte waarde;
- (b) eerste verband op woningseiendomme in sy eie stad tot hoogstens 66 $\frac{2}{3}$  persent van die belasbare waarde;
- (c) sodanige ander beleggings of klasse van beleggings in die belang van die munisipaliteit as deur die Administrateur goedgekeur mag word.

Vir die doeleindes van die beskerming van sodanige beleggings mag die raad alle sodanige handelinge verrig wat 'n private individu mag doen, insluitende die inkoop van eiendomme en transport neem namens die munisipaliteit van die eiendom wat die onderwerp van beleggings is of sodanige ander eiendom wat die sekuriteit van sodanige belegging of die verkoop van sodanige eiendom mag beïnvloed.

## HOOFSTUK XV.

### Oraloor.

187. Enige Europese lid van die Suidwes-Afrika Polisie, wat deur die stadsklerk behoorlik daartoe skriftelik gemagtig is of enige amptenaar van die raad mag te enige redelike uur enige perseel, binne die munisipaliteit geleë, ingaan om enige inspeksie te hou, enige werk te verrig of enigiets vereis deur hierdie Ordonnansie of deur enige dienooreenkomstige regulasie of bevel te doen.

188. Enige persoon wat enige persoon toegang weier of enige persoon belemmer of dreig of teenoor enige persoon hewige of beleedigende taal gebruik terwyl die sy pligte ooreenkomstig hierdie Ordonnansie of enige dienooreenkomstige regulasies of bevele nagaan, is skuldig aan 'n oortreding.

189. Enige dagvaring, lasbrief, kennisgewing of ander prosesstuk teen die munisipaliteit gerig, mag op die stadsklerk gedien word of by sy kantoor afgelewer word.

190. Enige volmag en enige bevel, kennisgewing of ander dokument, wat bekragtig moet word, word as behoorlik bekragtig beskou as dit deur die burgemeester of die onderburgemeester en die stadsklerk geteken is.

191. Die boeke en registers en die waarderingslys deur die raad gehou en enige uittreksels daaruit, deur die stadsklerk gesertifiseer, is in enige geding vir die verhaal van stadsbelastings, belastings, lisensies, fooie of koste, *prima facie* bewys van die bedrae ten opsigte daarvan verskuldig.

192. Die burgemeester mag van tyd tot tyd, as hy dit goed ag, en na ontvangs van 'n rekwisisie deur sodanige getal ingeskrewe kiesers vir die munisipaliteit geteken, soos van tyd tot tyd deur besluit van die raad of deur regulasie vasgestel, waarin hy versoek word om 'n publieke vergadering van inwoners te belê vir die doel van bespreking

(6) For the purposes of the last preceding sub-section the persons making or authorising any illegal payment shall include all councillors or members of any committee of the council who were present at the meeting of the council or committee at which such payment was authorised and who did not cause their votes against the resolution authorising such payment to be recorded in the minutes.

184. The council may borrow money either for permanent or temporary purposes and may mortgage immovable property vested in the municipality as security for any such loan: Provided that it has obtained the prior written consent of the Administrator as to the amount of the said loan, the person or persons making the said loan, the terms and conditions of the said loan, and the security to be given for the said loan. The council may, subject to the prior written consent of the Administrator, levy a special rate upon all rateable property within the municipality to provide for the repayment of any loan. The Administrator may require the council to establish and maintain a sinking fund, sufficient in his opinion, to provide for the repayment of any loan.

185. The council may, subject to the approval of the Administrator,—

- (1) out of the revenues of the municipality, establish superannuation, pension, provident, benevolent or sick funds, for the purpose of making grants to or providing pensions for its officers and servants upon retirement, their widows, orphans and other dependants, and any two or more councils may agree to establish a united superannuation, pension, provident, benevolent or sick fund for the benefit of persons in the service of any of those councils;
- (2) enter into an agreement with an insurance company for the payment of pensions or gratuities to such persons as aforesaid.

186. The council is empowered to invest the funds of the municipality in the following manner:—

- (a) first mortgage bonds on freehold farm properties not exceeding 60 per cent. of appraised value;
- (b) first mortgage bonds on freehold residential properties in its own town not exceeding 66 $\frac{2}{3}$  per cent. of rateable value;
- (c) such other investments or classes of investments in the interest of the municipality as may be approved by the Administrator.

For the purpose of protecting such investments the council may do all such acts as a private individual can do including buying in property and taking transfer in the name of the municipality of any property which is the subject of investment or such other property as may affect the security of such investment or the sale of such property.

## CHAPTER XV.

### Miscellaneous.

187. Any European member of the South West Africa Police who is duly authorised thereto in writing by the town clerk, or any officer of the council may enter upon any premises situate within the municipality at all reasonable hours in order to make any inspection, perform any work or do anything required by this Ordinance or by any regulation or order thereunder.

188. Any person who refuses entrance to or obstructs or threatens or uses violent or abusive language to any person while in the execution of his duty under this Ordinance or any regulations or order thereunder, shall be guilty of an offence.

189. Any summons, writ, notice or other process of law directed against the municipality may be served on the town clerk or left at his office.

190. Any power of attorney and any order, notice or other document requiring authentication shall be deemed to be duly executed when signed by the mayor or deputy mayor and the town clerk.

191. The books and registers and the valuation roll kept by the council, and any extracts therefrom certified by the town clerk, shall in any proceedings for the recovery of rates, taxes, licences, fees or charges, be *prima facie* evidence of the amounts due for the same.

192. The mayor may, from time to time if he sees fit and upon receipt of a requisition signed by such number of enrolled voters for the municipality as shall from time to time be fixed by resolution of the council or by regula-

van enige aangeleentheid van publieke belang, wat in die rekwisisie gespesifiseer moet word, sodanige vergadering op sodanige tyd en plek as hy mag goedvind, belê en enige koste, wat deur die burgemeester in verband met die belegging en hou van enige sodanige vergadering gemaak word, mag, as die raad aldus besluit, uit die inkomste van die raad betaal word: Mits geen sodanige vergadering vir die doel van die bevordering van opposisie teen of bespreking van die verkiesing van enige persoon as 'n raadslid of as 'n lid van enige munisipale liggaam of van die wetgewende vergadering belê mag word nie.

193. Vanaf en na die inkragtrekking van hierdie Ordonnansie kan geen aksie teen enige munisipaliteit aanhangig gemaak word vir of ten opsigte van skade gely, of beweer gely te wees, omrede die versuim of nalatigheid van sodanige munisipaliteit in verband met enige aangeleentheid met betrekking tot die toestand van die weë, brêe of strate onder sy beheer, tensy binne veertien dae na die gebeurtenis plaasgevind of die oorsaak bestaan het, ten opsigte waarvan skadevergoeding geëis word, skriftelike kennis daarvan, uiteensettende die besonderhede van die beweerde oorsaak van die handeling, van die skade, die lyding waarvan beweer word, en van die versuim of nalatigheid waarteen beswaar gemaak word, aan die stadsklerk van sodanige munisipaliteit gegee is. Op aansoek by die Hooggeregshof van Suidwes-Afrika, mag aan enige persoon, wat anders ingevolge hierdie Ordonnansie sou belet gewees het om te prosedeer, spesiale verlof toegeken word om te prosedeer as sodanige Hof oortuig is dat die munisipaliteit, waarteen die voorneme bestaan om te prosedeer, op generlei wyse omrede die vertragung van die kennisgewing, wat deur hierdie artikel voorgeskryf word, benadeel sal wees of as sodanige Hof oortuig is, dat met 'n oog op enige besondere omstandigheid, van die eiser nie redelik verwag kon word om die vereiste kennisgewing te doen nie: Mits in enige geval geen sodanige regs-geding na verloop van twaalf maande vanaf die datum waarop die gebeurtenis of oorsaak, soos bovermeld, plaasgevind het, aanhangig gemaak kan word nie.

## DEEL 2.—ALGEMEEN.

### HOOFSTUK XVI.

#### *Algemeen.*

194. (1) Wanneer magtiging om regulasies of stadswette uit te vaardig ingevolge hierdie Ordonnansie verleen is, sluit sodanige magtiging die bevoegdheid in om strawwe vir die oortreding daarvan en verhoogde strawwe vir 'n tweede of daaropvolgende oortreding op te lê en ingeval van 'n aanhoudende oortreding vir die oplê van 'n verdere straf, bestaande uit 'n boete van hoogstens veertig sjielings vir elke dag waarop sodanige oortreding voortgesit word.

(2) Elke persoon wat enige van die bepalings van hierdie Ordonnansie of van enige regulasies of stadswette of bevel ingevolge hierdie Ordonnansie uitgevaardig, oortree, is, as daar vir sodanige oortreding geen besonder straf deur hierdie Ordonnansie of regulasie, stadswet of bevel, al na gelang, bepaal is nie, by skuldigebevinding ten opsigte van elke sodanige oortreding onderhewig aan 'n boete van hoogstens twintig pond sterling of ingeval van wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande en, ingeval van 'n aanhoudende oortreding, aan 'n verdere straf bestaande uit 'n boete van hoogstens veertig sjielings vir elke dag waarop sodanige oortreding voortgesit word.

195. Dit is wettig vir die Administrateur om van tyd tot tyd regulasies, wat voorsiening maak vir die invordering van belastinge, lisensies, fooie en ander inkomste deur munisipaliteite, te maak verander en herroep en om die pligte van en maatreëls te word geneem deur rade met betrekking daartoe te omskrywe, en in die algemeen om die beter uitvoering van die bepalings van hierdie Ordonnansie en die bevordering van die doeleindes daarvan te verseker.

196. Hierdie Ordonnansie kan vir alle doeleindes as die "Munisipale Ordonnansie 1935" aangehaal word en tree in werking op die Eerste dag van Januarie 1936.

tion, requesting him to summon a public meeting of inhabitants for the discussion of any matter of public interest to be specified in the requisition, summon such meeting at such time and place as he may determine, and any costs incurred by the mayor in connection with the summoning and holding of any such meeting may, if the council so resolves, be defrayed out of the revenues of the council: Provided that no such meeting shall be called for the purpose of promoting, opposing, or discussing the election of any person as a councillor or, as a member of any municipal body, or of the legislative assembly.

193. From and after the commencement of this Ordinance, no action shall lie against any municipality for or in respect of damages sustained or alleged to have been sustained by reason of the default or neglect of such municipality in connection with any matter relating to the state of the roads, bridges or streets under its charge, unless within fourteen days of the happening of the event of cause in respect of which such damages are claimed, written notice thereof setting forth the particulars of the alleged cause of the action, of the damages alleged to have been sustained, and of the default or neglect complained of, shall have been given to the town clerk of such municipality. On application to the High Court of South West Africa, any person otherwise debarred by this Ordinance from suing may be granted special leave to sue, if such court be satisfied that the municipality proposed to be made defendant will in no way be prejudiced by reason of the delay of the notice required by this section, or be satisfied, having regard to any special circumstances, that the claimant could not reasonably be expected to have given the required notice: Provided that in any event no such action shall be brought after the expiration of twelve months from the date of the happening of the event or cause above-mentioned.

## PART 2—GENERAL.

### CHAPTER XVI.

#### *General.*

194. (1) When authority to make regulations or by-laws is granted under this Ordinance, such authority shall include power to impose penalties for the contravention thereof, and increased penalties for a second or subsequent contravention, and, in the case of a continuing contravention, a further penalty consisting of a fine not exceeding forty shillings for each day during which such contravention continues.

(2) Every person contravening any of the provisions of this Ordinance or of any regulations or by-laws issued or orders made thereunder, for which contravention no special penalty is laid down by this Ordinance or regulation, by-law or order, as the case may be, shall on conviction be liable for each such contravention to a fine not exceeding twenty pounds sterling and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months and, in the case of a continuing contravention, to a further penalty consisting of a fine not exceeding forty shillings for each day the contravention continues.

195. It shall be lawful for the Administrator from time to time to make, alter or revoke, regulations providing for the collection of rates, licences, fees and other revenue by municipalities, and defining the duties of and measures to be taken by councils in regard thereto, and, generally, in order to secure the better carrying out of the provisions of this Ordinance and in furtherance of the objects thereof.

196. This Ordinance may be cited for all purposes as the Municipal Ordinance, 1935, and shall come into force on the first day of January, 1936.

EERSTE BYLAE.  
(Artikel een.)  
HERROEPE WETTE.

Nommer en jaar van wet:	Naam.
Proklamasie No. 22 van 1920 . . . . .	De Municipale Proklamatie 1920.
Proklamasie No. 1 van 1922 . . . . .	De Municipale Wijziging Proklamatie 1922.
Proklamasie No. 28 van 1922 . . . . .	De Municipale Verdere Wijziging Proklamatie 1922.
Proklamasie No. 41 van 1923 . . . . .	De Municipale Wijzigings Proklamatie Verdere Wijzigings Proklamatie 1923.
Proklamasie No. 5 van 1925 . . . . .	De Municipale Wijzigingsproklamatie 1925.
Proklamasie No. 12 van 1925 . . . . .	De Municipale Verdere Wijzigingsproklamatie 1925.
Proklamasie No. 20 van 1925 . . . . .	De Municipale Wijzigings Verdere Wijzigings Proklamatie 1925.
Ordonnansie No. 12 van 1930 . . . . .	Die Munisipale Wet Wysigingsordonnansie 1930.
Ordonnansie No. 3 van 1933 . . . . .	Die Munisipale Wysigingsordonnansie 1933.
Proklamasie No. 14 van 1933 . . . . .	Die Munisipale Wysigingsproklamatie 1933.
Proklamasie No. 25 van 1933 . . . . .	Die Munisipale Verdere Wysigingsproklamatie 1933.

FIRST SCHEDULE.  
(Section one.)  
LAWS REPEALED.

Number and year of Law:	Title.
Proclamation No. 22 of 1920 . . . . .	The Municipal Proclamation, 1920.
Proclamation No. 1 of 1922 . . . . .	The Municipal Amendment Proclamation, 1922.
Proclamation No. 28 of 1922 . . . . .	The Municipal Further Amendment Proclamation, 1922.
Proclamation No. 41 of 1923 . . . . .	The Municipal Amendment Proclamation Further Amendment Proclamation, 1923.
Proclamation No. 5 of 1925 . . . . .	The Municipal Amendment Proclamation, 1925.
Proclamation No. 12 of 1925 . . . . .	The Municipal Further Amendment Proclamation, 1925.
Proclamation No. 20 of 1925 . . . . .	The Municipal Amendment Further Amendment Proclamation, 1925.
Ordinance No. 12 of 1930 . . . . .	The Municipal Law Amendment Ordinance, 1930.
Ordinance No. 3 of 1933 . . . . .	The Municipal Amendment Ordinance, 1933.
Proclamation No. 14 of 1933 . . . . .	The Municipal Amendment Proclamation, 1933.
Proclamation No. 25 of 1933 . . . . .	The Municipal Further Amendment Proclamation, 1933.

TWEDE BYLAE.  
(Artikel vyftig.)  
NOMINASIEVORM.

MUNISIPALITEIT VAN .....

ONS, die ondergetekende kiesers van die munisipaliteit van ....., nomineer hiermee (gee van en voorname aan) as 'n kandidaat vir die amp van raadslid van die vermelde munisipaliteit by die verkiesing, wat vir vermelde munisipaliteit op die ..... dag van ..... 19..... gehou sal word.

(Hierna volg die handtekening.)

Ek, ....., synde die hierdeur genomineerde persoon (of die behoorlik gemagtigde agent van die hierdeur genomineerde persoon) gee hiermee my aanneming van sodanige nominasie te kenne (of, ingeval van 'n agent, in naam van .....

.....  
Handtekening van genomineerde persoon of agent.

.....  
Adres en beroep.

SECOND SCHEDULE.  
(Section fifty.)  
FORM OF NOMINATION.

MUNICIPALITY OF .....

WE, the undersigned voters of the municipality of ....., do hereby nominate (state christian name and surname) as a candidate for the office of councillor of the said municipality at the election to be held for the said municipality on the ..... day of ....., 19.....

(here are to follow the signatures.)

I, ....., being the person herein nominated, (or the duly accredited agent of the person herein nominated), hereby intimate my acceptance (or, in case of an agent, on behalf of.....) of such nomination.

.....  
Signature of person nominated or of agent.

.....  
Address and occupation.

DERDE BYLAE. / THIRD SCHEDULE.

(Artikel twee-en-sestig. / Section sixty-two.)

VORM VAN TEENBLAD EN VOORKANT VAN STEMBRIEF.  
FORM OF COUNTERFOIL AND FRONT OF BALLOT PAPER.

TEENBLAD. COUNTERFOIL.  No. .x.  Nommer van Kieser op Kieserslys. Number of Voter on Voters' Roll.	STEMBRIEF. / BALLOT PAPER.	
	BROWN. John Brown, 63, Bahnhofstraat, Windhoek, Koopman. John Brown, 63, Bahnhof Street, Windhoek, Merchant.	
	MUELLER. Wilhelm Mueller, 114, Leutweinstraat, Windhoek, Prokureur. Wilhelm Mueller, 114, Leutwein Street, Windhoek, Attorney.	
	PETERS. Rolf Peters, 6, Stuebelstraat, Windhoek, Slagter. Rolf Peters, 6, Stuebel Street, Windhoek, Butcher.	
	VENTER. Johannes Venter, 158, Mainstraat, Klein Windhoek, Makelaar. Johannes Venter, 158, Main Street, Klein Windhoek, Broker.	

VORM VAN AGTERKANT VAN STEMBRIEF.  
FORM OF BACK OF BALLOT PAPER.

	.x. NO.  Offisiële Stempel. Official Stamp.  STADSRAADVERKIESING. MUNICIPAL COUNCIL ELECTION.  WINDHOEK, ..... 19.....
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Op die teenblad moet dieselfde nommer verskyn as die op die agterkant van die stembrief.  
.x. The Counterfoil is to have a number to correspond with that on the back of the ballot paper.

VIERDE BYLAE.

(Artikel ses-en-tagtig.)

VORM VAN OPGAWE VAN VERKIESINGSONKOSTE.

Ek, A.B., kandidaat by die verkiesing vir die Raad van die Munisipaliteit van ..... op die ..... dag van ..... maak die volgende opgawe ten opsigte van my verkiesingsonkoste by die verkiesing:—

ONTVANGSTE.

Ontvang van J. K. £ s. d.  
 (hier moet die naam en beskrywing van elke persoon, klub, vereniging of genootskap aangegee word, van wie enige geld ten opsigte van uitgawes ontvang is).

UITGAWES.

Betaal aan G. H., my verkiesingsagent . . .  
 Betaal aan I. J., klerk vir ..... dae diens . .  
 Betaal aan K. L., tellingsagent, te .....  
 (Die name en beskrywings van die agent en elke klerk of tellingsagent en die bedrag van elkeen betaal, moet afsonderlik aangegee word.)  
 Betaal aan die volgende persone ten opsigte van gelewerde goedere of werk en arbeid gedoen  
 (Die naam en beskrywing en die aard van die deur elkeen gelewerde ware of gedane werk of arbeid moet afsonderlik aangegee word.)  
 Huur van kamers vir publieke vergaderings betaal  
 Huur van kamers vir komiteevergaderings betaal  
 Vir verskeie aangeleenthede betaal . . . .  
 (Die naam en beskrywing van elke persoon, aan wie enige bedrag betaal is, en die rede waarom dit aan hom betaal is, moet afsonderlik aangegee word.)  
 Benewens bostaande, is ek bewus van die volgende betwiste en onbetaalde vorderings, n.l.:—

Deur T. U. vir . . . . . £ s. d.  
 (Hier moet die naam en beskrywing van elke persoon wie se vordering betwis word en die bedrag van die vordering en die goedere, werk of ander aangeleentheid, op grond waarvan die vordering gemaak word, aangegee word.)

Behalwe soos uit bostaande blyk, het ek nie, en na my beste wete en kennis, ook geen ander persoon namens my, enige betaling gemaak of enige beloning, amp, betrekking of geldswaarde gegee, belowe of aangebied nie en in geen aanspreeklikheid weens of ten opsigte van die leiding of bestuur van vermelde verkiesing verval nie.

Ek het vir die doeleindes van die verkiesing die totaalbedrag van ..... betaal en nie meer nie, en behalwe soos hierbo gespesifiseer is geen geld, sekuriteit of geldswaarde na my kennis en geloof deur enige een persoon aan enige ander betaal, voorgeskiet, gegee of gedeponeer nie vir die doel om enige onkoste vir my weens of ten opsigte van die leiding of bestuur van die vermelde verkiesing te dek.

Ek sweer (of bevestig) plegtiglik dat na my beste kennis en geloof bestaande 'n volledige en juiste opgawe van my onkoste as kandidaat by die vermelde verkiesing is.

.....  
 Handtekening van Kandidaat A.B.  
 Geteken en gesweer (of bevestig) op hierdie ..... dag van ..... voor my .....  
 (E. F., Kommissaris van Ede).

FOURTH SCHEDULE.

(Section eighty-six.)

FORM OF RETURN OF ELECTORAL EXPENSES.

I, A.B., candidate at the election for the Council of the Municipality of ..... on the ..... day of ..... make the following return respecting my electoral expenses at the election:—

RECEIPTS.

Received of J. K. £ s. d.  
 (here set out the name and description of every person, club, society or association from whom any money was received in respect of expenses).

EXPENDITURE:

Paid G.H., my election agent . . . . .  
 Paid to I.J., clerk, for ..... days services . . .  
 Paid to K.L., scrutineer, at .....  
 (The names and descriptions of the agent and every clerk and scrutineer and the sum paid to each must be set out separately.)  
 Paid to the following persons in respect of goods supplied or work and labour done . .  
 (The name and description and the nature of the goods supplied or the work and labour done by each must be set out separately.)  
 Paid hire of rooms for holding public meetings  
 Paid hire of rooms for holding committee meetings . . . . .  
 Paid for miscellaneous matters . . . . .  
 (The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately.)

In addition to the above, I am aware of the following disputed and unpaid claims, viz:—

By T.U., for . . . . . £ s. d.  
 (Here set out the name and description of each person whose claim is disputed, and the amount of the claim and the goods, work or other matter on the ground of which the claim is based.)

Except as appears from the above, I have not and, to the best of my knowledge and belief, no person has made on my behalf any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

I have paid the sum of ..... pounds altogether and no more for the purpose of the election and except as specified above no money security or equivalent for money has to my knowledge or belief been paid, advanced, given or deposited by any one to any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

I do solemnly swear (or affirm) that to the best of my knowledge and belief the above is a full and true return of my expenses as candidate at the said election.

.....  
 (Signature of Candidate, A.B.)  
 Signed and sworn (or affirmed) this ..... day of ..... before me .....  
 (E.F., Commissioner of Oathis.)

## VYFDE BYLAE.

(Artikel *eeenhonderd en agt-en-sewentig*.)

## TRANSPORTAKTE.

Ooreenkomstig die bepalinge van artikel *eeenhonderd en agt-en-sewentig* van die Munisipale Ordonnansie 1935, doen ek, ....., Registrateur van Aktes, hiermee oordrag en transport van die volle en vrye eiendomsreg aan en ten behoewe van ....., sy administrateurs of regsopvolgers, van sekere (hier moet die eiendom beskryf word, en beskryf of verwys na die voorwaardes waaraan dit onderworpe mag wees), en ek verklaar dat kragtens hierdie akte die vermelde ....., sy administrateurs of regsopvolgers tans en toekomstig daarop geregtig is, ooreenkomstig plaaslike gebruik, met voorbehoud, egter, van die Administrasie se regte.

As getuie waarvan, ek, die Registrateur, hierdie akte geteken het en my ampsseël daaraan laat heg het.

Aldus gedaan en voltrek op die kantoor van die Registrateur van Aktes, te Windhoek, op die ..... dag van die maand van ..... in die jaar van Ons Here Eenduisend Negehonderd en .....

.....  
"A. B.", Registrateur van Aktes.

## FIFTH SCHEDULE.

(Section *one hundred and seventy-eight*.)

## DEED OF TRANSFER.

In accordance with the provisions of section *one hundred and seventy-eight* of the Municipal Ordinance, 1935, I, ....., Registrar of Deeds, do hereby cede and transfer in full and free property to and on behalf of ....., his administrators or assigns certain (here describe the property, and describe or refer to the conditions to which the same may be subject), and declare that by virtue of these presents the said ....., his administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the Administration, however reserving its rights.

In witness whereof I, the Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds, at Windhoek, on the ..... day of the month of ..... in the year of Our Lord One Thousand Nine Hundred and .....

.....  
"A.B.", Registrar of Deeds.