

ORDONNANSIE

ORDINANCE



# OFFICIAL GAZETTE

## EXTRAORDINARY

### of South West Africa.

Published by Authority.

# OFFISIËLE KOERANT

## BUITENGEWONE

### van Suidwes-Afrika.

Uitgegee op gesag.

1/- Tuesday, 13th June, 1939. WINDHOEK Dinsdag, 13 Junie 1939. No. 796

The following Government Notice is published for general information.

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

Administrator's Office,  
Windhoek.

No. 99.] [13th June, 1939.

### ORDINANCES, 1939: PROMULGATION OF.

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

No.	Title.	Page.
15.	Shop Hours and Shop Assistants Ordinance, 1939	1905
16.	Trespass of Animals Ordinance, 1939	1911

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

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

Administrateurskantoor,  
Windhoek.

No. 99.] [13 Junie 1939.

### ORDONNANSIES 1939: UITVAARDIGING VAN.

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

No.	Titel.	Bladsy.
15.	Ordonnansie op Winkelure en Winkelbediendes 1939	1905
16.	Ordonnansie op die Oortreding van Diere 1939	1911

No. 15 of 1939.]

**ORDINANCE**

To amend and consolidate the law relating to shop hours, the hours of employment of shop assistants and other shop employees, and to make provision in regard to the wages payable to shop assistants, the general conditions of employment of shop assistants, and other matters incidental thereto.

(Assented to 7th June, 1939.)

(English text signed by the Administrator.)

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, 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 (Act No. 42 of 1925), of the Parliament of the Union of South Africa, as follows:—

1. The laws specified in the first Schedule annexed hereto are hereby repealed.

2. "Shop" means any place set apart temporarily or permanently for the sale of movables by wholesale or retail and whether by auction or not and shall include a hairdresser's or barber's saloon, a café and refreshment room, and a daily public market, but shall not include any hotel or bar where intoxicating liquors are sold for consumption on the premises or any bottle store.

"Shop Assistant" means any European person employed by any other person in or about a shop, but shall not include a manager or department manager, a domestic servant, timekeeper or caretaker, or any person employed for cleaning purposes, packing or delivery of goods or for the prevention of fire, or any traveller.

Provided that the exemptions aforesaid shall only apply to persons solely employed in the respective specified capacities or any of them or to temporary substitutes for such persons.

Provided further that the expression "department manager" shall in respect to a retail business mean a department manager who has at least three shop assistants serving under him in the department.

"Shop Inspector" shall mean the official appointed in terms of section *sixteen*.

**CHAPTER I.***Hours of opening and closing.*

3. (1) Save as hereinafter provided, the following shall be the earliest hours at which all shops shall be opened and the latest hours at which all shops shall be closed for serving customers within the area of any Municipality, Village Management Board or Township as established in terms of the Townships Ordinance 1928.

	Opening hours.	Closing hours.
Weekdays, except Saturdays:	8 a.m. — 2.30 p.m.	1 p.m. — 6 p.m.
Saturdays:	8 a.m. —	1.30 p.m.

Provided that it is understood that any person may open later or close earlier than is herein stipulated.

Provided further that the aforesaid times of opening and closing shall not apply to the carrying on of any trade or business mentioned in the second Schedule annexed hereto.

No. 15 van 1939.]

**ORDONNANSIE**

Om die wet betreffende winkelure, diensure van winkelbediendes en ander persone in diens van winkels te wysig en te konsolideer, en om voorsiening te maak vir lone betaalbaar aan winkelbediendes, die algemene diensgesteldhede van winkelbediendes en ander sake in verband daarmee.

(Goedgekeur 7 Junie 1939.)

(Engelse teks deur die Administrateur geteken.)

DIT WORD VERORDEN deur die Wetgewende Vergadering vir die Gebied Suidwes-Afrika met die toestemming van die Goewerneur-generaal, vir sover 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" (Wet No. 42 van 1925) van die Parlement van die Unie van Suid-Afrika meegedeel is, as volg:—

1. Die wette aangegee in die eerste Bylae hiervan word hiermee herroep.

2. "Winkel" beteken enige plek tydelik of permanent gebruik vir die verkoop van roerende goedere, synde groothandel of kleinhandel, en by publieke opveiling of nie, en sluit in 'n haarsnyers- of 'n barbierswinkel, 'n koffiehuis en verversingslokaal, en 'n daaglikse publieke mark, maar sluit nie 'n hotel of buffet, waar bedwelmende drank verkoop word vir gebruik op die plek, of enige drankwinkel in nie.

"Winkelbediende" beteken enige blanke persoon in die diens van enige ander persoon in of naby 'n winkel, maar sluit nie in 'n bestuurder of afdelingsbestuurder, 'n huisbediende, tydreëlaar of oppasser, of enige persoon gebruik vir skoonmaak, verpak of aflewer van goed, of vir die voorkoming van brand of enige reisiger.

Met dien verstande dat die bogenoemde uitsonderinge alleen van toepassing is op persone wat alleenlik besig is met die respektiewelik gespesifiseerde werksaamhede of enige daarvan, of tydelike plaasvervangers van sodanige persone is.

Met dien verstande verder dat die uitdrukking "afdelingsbestuurder" ten opsigte van 'n kleinhandelaars besigheid sal beteken 'n afdelingsbestuurder wat minstens drie winkelbediendes het wat onder hom in die afdelings werk.

"Winkelinspekteur" beteken die beaampte aangestel kragtens artikel *sestien*.

**HOOFSTUK I.***Openings- en sluitingsure.*

3. (1) Met uitsondering van sodanige bepalings wat hieronder gemaak word, is onderstaande die vroegste tydstop waarop alle winkels geopen mag word, en die laaste tydstop waarop alle winkels toegemaak mag word vir die bediening van kliënte binne die gebied van enige Munisipaliteit, Dorpsbestuur, of Dorp soos ingestel kragtens die Dorpe-Ordonnansie 1928.

	Openingstyd.	Sluitingstyd.
Weekdae, behalwe Saterdag:	8 v.m. — 2.30 n.m.	1 n.m. — 6 n.m.
Saterdag:	8 v.m. —	1.30 n.m.

Met dien verstande dat enige persoon later mag open en vroeër mag toemaak dan hierin bepaal is.

Met dien verstande verder dat die genoemde openings- en sluitingsure nie van toepassing is op die uitvoer van enige ambag of besigheid genoem in die tweede Bylae hiervan nie.

And provided further that it shall not be deemed to be a contravention of the provisions of this section for the owner or the person having the general management or control of a shop to supply a customer privately on a Saturday after half-past-one o'clock in the afternoon in cases of urgency.

(2) The Administrator may, by notice in the *Gazette* alter or amend the opening and closing hours stipulated in sub-section (1) hereof, either generally or specially in regard to any particular district or area; and may extend the application of the said sub-section to any other district or area.

(3) Anything to the contrary in this section notwithstanding, it shall not be lawful for any person to keep his shop open between the hours of 12 o'clock (midnight) and 3 a.m. for the sale of goods; except (a) for the sale of motor spirit, motor oils and spare parts and other accessories for motor vehicles and water-raising appliances; and (b), with the written permission of the Magistrate of the district, for the sale of refreshments, ice and fodder.

4. Subject to the provisions of section five no shop within any area falling under the provisions of sub-section (1) of section three, or within four miles of the boundary of any such area, shall be kept open for serving customers on a public holiday;

except (a) for the sale of fruit, tobacco, smoker's requisites, periodicals and newspapers during such hours as the shop might have been kept open if the day had not been a public holiday, and

(b) in regard to the trades or businesses mentioned in the second Schedule annexed hereto.

5. The provisions of section three shall not apply to any chemist's and druggist's shop, provided that no chemist or druggist shall keep his premises open for the purpose of serving the general public:

(a) later than 7 p.m. on Monday, Tuesday, Wednesday and Thursday, and later than 9 p.m. on Friday;

(b) later than 1 p.m. on Saturday, on which day, however, the shop may be reopened from 6 p.m. to 7 p.m.

(c) on Sundays and public holidays, except from 6 p.m. to 7 p.m.

It shall be lawful, however, for a chemist or druggist to supply medicines or medical or surgical appliances at any time in case of sickness or other emergency.

6. Nothing in this Chapter contained shall apply to any fair or bazaar held for religious, charitable, educational, sporting or athletic purposes, from which no private profit is derived.

7. Nothing in this Chapter contained shall be deemed to affect the provisions of the Sunday Trading Proclamation 1919, or any amendment thereof.

Provided that it shall be lawful to sell in a shop on Sunday—

Flowers and floral decorations or articles required for funeral purposes; and provided further that it shall be lawful on a Sunday for any bookstall upon any railway premises to be kept open an hour before and fifteen minutes after the departure of any passenger train scheduled to travel to a place more than a hundred miles distant from such premises.

## CHAPTER II.

### *Hours of work of shop assistants.*

8. (1) No shopkeeper shall do or permit any act whereby any shop assistant shall be employed in or about a shop, or in or about any premises used in connection with the business of a shop —

(a) for more than forty-eight hours, excluding mealtimes in any one week;

(b) for more than nine hours, excluding mealtimes in any one day;

(c) for more than five and a half hours without an interval of at least one hour for a meal;

(d) after 1.30 p.m. on more than five days in any one week.

En met dien verstande verder dat dit nie beskou sal word as 'n oortreding van die bepaling van hierdie artikel as die eienaar van, of die persoon wat die algemene bestuur of kontrole oor 'n winkel het, 'n kliënt privaatweg bedien op 'n Saterdag agt- en twaalf uur na half-twee in gevalle van dringende noodsaaklikheid nie.

(2) Die Administrateur mag deur kennisgewing in die *Offisiële Koerant* die openings- en sluitingsure in subartikel (1) hiervan aangegee, verander of wysig, of in die algemeen, of alleen ten opsigte van enige spesiale distrik of gebied; en mag die toepassing van die gemelde subartikel uitbrei om enige ander distrik of gebied in te sluit.

(3) Nieteenstaande enige teenstrydige bepaling in hierdie artikel, mag geen persoon sy winkel oophou tussen 12 uur (middernag) en 3 uur v.m. vir die verkoop van goedere nie; behalwe (a) vir die verkoop van petrol, motorolie en reserwedele en ander onderdele van motorvoertuie en toe-stelle vir die ophaal van water; en (b) met die geskrewe toestemming van die Magistraat van die distrik vir die verkoop van verversings, ys en voer.

4. Onderhewig aan die bepaling van artikel vyf mag geen winkel binne enige gebied onder die bepalinge van onderartikel (1) van artikel drie of binne vier myl van die grense van enige sodanige gebied, oopgehou word vir die bediening van kliënte op 'n publieke vakansiedag nie;

behalwe (a) vir die verkoop van vrugte, tabak, rokersbenodigdhede, tydskrifte en koerante gedurende sodanige ure as wat die winkel oop sou gewees het indien die dag nie 'n publieke vakansiedag gewees het nie, en

(b) met betrekking tot die ambagte of besighede in die tweede Bylae hiervan genoem.

5. Die bepalinge van artikel drie is nie van toepassing op enige aptekers- of drogistwinkel nie, met dien verstande dat geen apteker of drogis sy lokaal mag oophou vir bediening van die algemene publiek:

(a) later as 7 n.m. op Maandag, Dinsdag, Woensdag en Donderdag, en later as 9 n.m. op Vrydag;

(b) later as 1 n.m. op Saterdag, behalwe dat op Saterdag sodanige lokale weer tussen 6 n.m. en 7 n.m. heropen mag word;

(c) op Sondag en publieke vakansiedae, behalwe vir die uur van 6 n.m. tot 7 n.m. nie.

'n Apteker of drogis mag egter medisyne of geneeskundige of heelkundige benodigdhede te eniger tyd in geval van siekte of ander noodgevalle verskaf.

6. Geen bepaling in hierdie hoofstuk vervat het toepassing op enige kermis of basaar gehou vir godsdienstige, liefdadigheids-, opvoedkundige, sport of atletiese doeleindes, waaruit geen privaat profyt gehaal word nie.

7. Die bepalinge van die "Proklamatie op Handeldrijven op Zondag 1919" of enige wysiging daarvan word geensins deur enige bepalinge van hierdie Hoofstuk aangetas nie; met dien verstande dat daar op Sondag in 'n winkel —

Blomme en blomversieringe of artikels benodig vir begrafnisdoeleindes verkoop mag word; en met dien verstande verder dat enige boekwinkel op enige spoorweg-perseel op Sondag, een uur voor en vyftien minute na die vertrek van enige passasierstrein oopgehou mag word, indien sodanige trein as sy bestemming het 'n plek meer as honderd myl weg van sodanige perseel.

## HOOFSTUK II.

### *Werksure vir Winkelbediendes.*

8. (1) Geen winkelier mag veroorsaak of toelaat dat enige winkelbediende in of naby 'n winkel of in of naby enige lokaal gebruik in verband met die besigheid van 'n winkel in diens gehou word vir —

(a) langer as ag-en-veertig uur met uitsluiting van maaltye, gedurende enige week nie;

(b) vir langer as nege uur, met uitsluiting van maaltye, op enige dag nie;

(c) vir langer as vyf en 'n half uur sonder 'n tussenpose van ten minste een uur vir 'n maaltyd nie;

(d) na 1.30 n.m. op meer as vyf dae in enige week nie.



CHAPTER III.

Wages and conditions of employment of shop assistants.

12. No person under the age of fourteen years shall be employed as a shop assistant.

13. (1) The following shall be the minimum wages payable to shop assistants:—

Initial wage	£3	per mensem.
After 1 year's experience	£5	per mensem.
After 2 years' experience	£7.10	per mensem.

Any employer wilfully contravening the provisions of this sub-section shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding six months, and may be further ordered by the Court to pay to any shop assistant concerned any sum which such Court finds is due to such assistant by such employer in terms of this section. Such order shall be executable in the same manner as a civil judgment of the Court.

(2) The Administrator may at any time, by notice in the Gazette alter the minimum rates of pay as laid down in sub-section (1) either generally or specially in regard to certain districts or areas or in regard to certain classes of assistants,

14. (1) Each shop assistant shall be entitled to leave on full pay on all public holidays or, where he is employed on a public holiday, to leave on full pay on a day in substitution for such holiday; such substituted day to be allowed to such assistant not later than fourteen days after the date of such holiday.

Provided that any shop assistant employed for not more than two hours on any public holiday shall not be entitled to leave on a day in substitution for such holiday.

(2) Each shop assistant shall be given in each year of his service with the same employer two consecutive weeks leave of absence on full pay, and after three years of service with the same employer he shall be given three consecutive weeks leave of absence on full pay in every year that he continues to remain in the service of the same employer.

The employer shall fix the time when such leave shall be taken, but if the employer shall not have granted to an employee his period of leave at an earlier date such leave shall be granted within two months after the termination of each year's service.

When in any year of a shop assistant's service his employment is terminated after the completion of at least four months employment, and before he has received his leave of absence in respect of such year, the employer shall pay to the shop assistant for each completed week of employment in the said year, one twenty-fifth of a week's wage at the rate of wages which such assistant was receiving when his employment was terminated. A shop assistant who has given or received notice to terminate his service may instead of such payment be given leave of absence on full pay for a pro rata period during the currency of such notice.

(3) For the purpose of the preceding sub-section, a shop assistant's year of service for which he shall be entitled to such annual leave shall be deemed to be the period of twelve months which ends on or after the date of the commencement of this Ordinance and in which he has not received such leave on full pay.

(4) A shop assistant shall be entitled to one month's sick leave on full pay in any one year of service, after he has completed at least twelve months service with the same employer, and during the first year of service to two days sick leave in respect of each completed month of service.

The employer shall be entitled to call for a medical certificate before being required to grant more than two days sick leave.

HOOFSTUK III.

Lone en diensgesteldhede van winkelbediendes.

12. Geen persoon onder die ouderdom van veertien jaar mag in diens geneem word as 'n winkelbediende nie.

13. (1) Die volgende is die minimumlone betaalbaar aan winkelbediendes:

Beginsalaris	£3	per mensem.
Na 1 jaar ondervinding	£5	per mensem.
Na 2 jaar ondervinding	£7.10	per mensem.

Enige werkgever wat opsetlik die bepalings van hierdie subartikel oortree, is skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete van hoogstens vyftig pond of by wanbetaling aan gevangenisstraf vir 'n tydperk van hoogstens ses maande, en mag verder deur die hof beveel word om aan enige betrokke winkelbediende enige bedrag te betaal wat volgens die mening van die hof aan sodanige winkelbediende betaalbaar is kragtens hierdie artikel. Sodanige bevel is uitvoerbaar op dieselfde wyse as 'n siviele vonnis van die hof.

(2) Die Administrateur mag deur kennisgewing in die *Offisiële Koerant* te eniger tyd hetsy in die algemeen of in die besonder ten opsigte van sekere distrikte of ten aansien van sekere klasse van bediendes die minimum betaaltariewe, soos aangegee in subartikel (1), wysig.

14. (1) Elke winkelbediende is geregtig op verlof met volle betaling op alle publieke vakansiedae of, waar hy op 'n publieke vakansiedag in diens is, is hy geregtig op verlof met volle betaling op 'n dag in die plek van sodanige vakansiedag; sodanige dag wat sodanige vakansie vervang, mag aan sodanige winkelbediende nie later as veertien dae na die datum van sodanige vakansiedag toegestaan word nie.

Met dien verstande dat enige winkelbediende wat vir nie langer as twee uur op sodanige publieke vakansiedag in diens is nie, nie geregtig is op verlof op 'n ander dag in die plek van sodanige vakansiedag nie.

(2) Elke winkelbediende in elke jaar van sy diens met dieselfde werkgever is geregtig op twee agtereenvolgende weke afwesigheidsverlof met volle betaling, en na drie jaar diens onder dieselfde werkgever moet aan hom drie agtereenvolgende weke afwesigheidsverlof toegestaan word in elke jaar solank as wat hy in die diens van dieselfde werkgever bly.

Die werkgever moet vasstel wanneer sodanige verlof geneem moet word, maar indien die werkgever aan 'n werknemer sy verloftydperk nie alreeds vroeër in die jaar toegestaan het nie moet sodanige verlof binne twee maande na die afsluiting van elke diensjaar toegestaan word.

Wanneer in enige jaar in die diens van 'n winkelbediende sy dienstyd beëindig word na die voltooiing van ten minste vier maande diens, en voor hy sy afwesigheidsverlof ten aansien van sodanige jaar geneem het, moet die werkgever aan die winkelbediende vir elke voltooide diensweek in die genoemde jaar een vyf-en-twintigste van 'n week se loon betaal gebaseer op die loontarif waarvolgens sodanige winkelbediende betaal word by die afsluiting van sy dienste.

'n Winkelbediende wat kennis gegee of ontvang het van die beëindiging van sy dienste mag in stede van sodanige uitbetaling afwesigheidsverlof met volle betaling toegestaan word vir sodanige tydperk as wat hom mag toekom, gedurende die loop van sodanige kennisgewing.

(3) Vir die doeleindes van die onmiddellik-voorafgaande subartikel, word die diensjaar van 'n winkelbediende ten opsigte waarvan hy geregtig is op sodanige jaarlikse verlof, beskou as 'n tydperk van twaalf maande wat eindig op of na die datum van die inwerkingtreding van hierdie Ordonnansie en waarin hy sodanige verlof met volle betaling nie ontvang het nie.

(4) 'n Winkelbediende is geregtig op een maand siekteverlof met volle betaling in enige enkele diensjaar, na hy ten minste twaalf maande diens by dieselfde werkgever voltooi het, en gedurende die eerste diensjaar is hy geregtig op twee dae siekteverlof ten aansien van elke voltooide maand van diens.

Die werkgever mag 'n mediese sertifikaat eis voor hy verplig kan word om meer as twee dae siekteverlof toe te staan.

(5) The expression in this section "the same employer" shall include in the case of the death of an employer the legal representative, heir or legatee of that employer or, in the case of the insolvency or liquidation of the employer, the trustee or liquidator, so long as such representative, heir, legatee, trustee or liquidator continues to carry on the business and to employ the shop assistant therein.

(6) Employers shall keep a register, in which shall be entered the names of all shop-assistants employed, the dates on which such assistants have entered employment, and the periods of leave that have been granted to such assistants at various times.

The register prescribed in terms of sub-section (2) of section *eight* may be utilised for this purpose. Such register shall be open to inspection at any reasonable time by the Shop Inspector.

(7) Any employer who neglects or refuses to grant leave to any shop assistant in terms of the provisions of this section or neglects to keep the register prescribed in terms of sub-section (6), or knowingly makes any false entry in such register, shall be guilty of an offence.

15. Every employer shall provide suitable seating accommodation for his shop assistants, to enable them to rest when possible, and also suitable lavatories and sanitary conveniences.

Such conveniences as aforesaid shall be to the satisfaction of the Shop Inspector.

Any contravention of this section shall constitute an offence provided that an employer shall be allowed to prove as a defence that the Shop Inspector has been unreasonable in his demands.

#### CHAPTER IV.

##### General.

16. (1) For every area falling under the provisions of sub-section (1) of section *three* a member of the police force shall be specially appointed by the Administrator by notice in the *Gazette* to perform the duties of Shop Inspector within such area. Every such Shop Inspector may at any time during business hours enter any shop in order to ascertain whether the provisions of this Ordinance are being complied with, and for such purpose may inspect the registers prescribed to be kept in terms of this Ordinance, and the licence or licences under which the business at such shop is carried on, and may further examine, either alone or in the presence of any other person as he thinks fit, with respect to the matters contained in this Ordinance, every person whom he finds taking part in the work of the shop.

In respect of rural areas not falling within the provisions of sub-section (1) of section *three* as aforesaid, the nearest station commander of police shall be the Shop Inspector.

It shall be the duty of the police force to assist the policeman appointed as Shop Inspector, and nothing in this sub-section contained shall be deemed to derogate from any ordinary right of search or inspection granted to any policeman by virtue of the provisions of any other law.

(2) Any person who prevents or obstructs any such Shop Inspector from entering any shop or carrying out his duties therein or refuses to furnish any reasonable information asked for by such Shop Inspector shall be guilty of an offence.

(3) It shall be the duty of the Shop Inspector to attend any sitting of the Licensing Court held in terms of the Licences Consolidation Ordinance 1935 (Ordinance No. 13 of 1935) and to report to the said Court any convictions obtained against any employer in his particular area under the provisions of this Ordinance, if such employer makes any application to such Court in respect of a licence.

17. Any person contravening any provision of this Ordinance shall be guilty of an offence, and where no penalty is specially provided shall be liable in the case of a first offence to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment; in the case of a second offence to a fine not exceeding fifty pounds or to both such fine and such imprisonment; and in the case of a third or subsequent offence to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(5) Die uitdrukking "dieselfde werkgever" in hierdie artikel sluit in die geval van die afsterwe van 'n werkgever, sy regsverteenvoorder, sy erfgenaam of legataris, of in die geval van insolventkap of likwidasië van die werkgever, sy trustee of likwideerder in, vir solank as wat sodanige verteenwoordiger, erfgenaam, legataris, trustee of likwideerder, die besigheid bestuur en die winkelbediende daarin in diens hou.

(6) Werkgevers moet 'n register aanhou, waarin die name van al die winkelbediendes opgeteken moet wees, die datums waarop hulle in diens getree het, en die verloftydperke wat van tyd tot tyd aan sodanige winkelbediendes toegestaan is.

Die register in subartikel (2) van artikel *agt* voorgeskryf mag vir hierdie doel gebruik word. Sodanige register moet te eniger tyd vir die Winkelinspekteur oop lê vir inspeksie.

(7) Enige werkgever wat nalatig is of weier om verlof aan enige winkelbediende kragtens die bepalings van hierdie artikel toe te staan, of wat nalatig is met die aanhou van die register voorgeskryf in subartikel (6), of wat opsetlik enige valse inskrywing in sodanige register maak, is skuldig aan 'n oortreding.

15. Elke werkgever moet geskikte sitplekke vir sy winkelbediendes verskaf, sodat hulle kan rus wanneer dit moontlik is, asook geskikte gemakhuise en gesondheidsgeriewe.

Die genoemde geriewe moet sodanig wees dat hulle die bevrediging van die Winkelinspekteur wegdra.

Enige verontagsaming van hierdie artikel is 'n oortreding, mits die werkgever toegelaat word as verdediging te bewys dat die eise van die Winkelinspekteur onredelik was.

#### HOOFSTUK IV.

##### Algemeen.

16. (1) Vir elke gebied genoem in subartikel (1) van artikel *drie*, moet 'n lid van die Polisiemag spesiaal deur die Administrateur benoem word by wyse van 'n kennisgewing in die *Offisiële Koerant* om die pligte van Winkelinspekteur in sodanige gebied uit te oefen. Elke sodanige winkelinspekteur mag te eniger tyd gedurende besigheidsure enige winkel binnegaan met die doel om vas te stel of die bepalings van hierdie Ordonnansie nagekom word, en mag vir daardie doel die registers wat kragtens hierdie Ordonnansie gehou moet word, inspekteer, asook die lisensie(s) waaronder die besigheid van sodanige winkel gedrywe word, en mag verder enige persoon, wat hy vind arbeidsaam te wees met werk van die winkel, of alleen of in die teenwoordigheid van enige ander persoon, na sy goedvinding, ondersoek met betrekking tot die onderwerpe in hierdie Ordonnansie behandel.

Ten opsigte van landelike gebiede wat nie binne die bepalings van voormelde subartikel (1) van artikel *drie* val nie, moet die naaste stasiebevelhebber van polisie die Winkelinspekteur wees.

Dit is die plig van die polisiemag om die polisiebe-ampte wat as Winkelinspekteur aangestel is, behulpsaam te wees, en geen bepaling in hierdie subartikel mag beskor word as enige inkorting te wees op die gewone soek of inspeksiereg wat aan enige polisiebe-ampte kragtens die bepalings van enige ander wet toegestaan is nie.

(2) Enige persoon wat verhinder of keer dat enige sodanige Winkelinspekteur enige winkel binnegaan, of sy pligte in sodanige winkel uitvoer, of wat weier om enige redelike inligting deur sodanige Winkelinspekteur verlang, te verskaf, is skuldig aan 'n oortreding.

(3) Dit is die plig van die Winkelinspekteur om enige sitting van die Lisensiehof wat kragtens die Konsolidasië-Ordonnansie betreffende Lisensies, 1935 (Ordonnansie No. 13 van 1935) gehou word, by te woon en om aan die genoemde Hof rapport te lewer van enige vonnisse teen enige werkgever in sy besondere gebied, in terme van hierdie Ordonnansie, uitgewys, indien sodanige werkgever by sodanige Hof aansoek doen in verband met 'n lisensie.

17. Enige persoon wat enige bepaling van hierdie Ordonnansie oortree maak hom skuldig aan 'n oortreding, en waar geen spesiale strafbepaling aangegee is nie, is hy onderhewig in die geval van 'n eerste oortreding aan 'n boete van hoogstens vyf-en-twintig pond of aan gevangenisstraf vir 'n tydperk van hoogstens drie maande, of aan beide sodanige boete en sodanige gevangenisstraf; in die geval van 'n tweede oortreding aan 'n boete van hoogstens vyftig pond of aan gevangenisstraf vir 'n tydperk van hoogstens ses maande of aan beide sodanige boete en sodanige gevangenisstraf; en in die geval van 'n derde en verdere oortreding aan 'n boete van hoogstens een honderd pond of aan gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of aan beide sodanige boete en sodanige gevangenisstraf.

18. The Administrator may make regulations and may provide penalties for the contravention of such regulations:

- (1) On any matter prescribed by this Ordinance to be made by regulation;
- (2) the manner in which the wages of shop assistants and other shop employees shall be paid;
- (3) generally for the furtherance of the objects or the better administration of this Ordinance.

19. This Ordinance shall be called the Shop Hours and Shop Assistants Ordinance, 1939.

FIRST SCHEDULE.

Laws Repealed.

1. The Shop Hours Proclamation 1921 (Proclamation No. 9 of 1921), as amended from time to time.

2. The Half-Holiday Ordinance 1927 (Ordinance No. 8 of 1927), as amended from time to time.

SECOND SCHEDULE.

- (a) The business carried on at a restaurant, café, tea-room or eatinghouse.
- (b) The sale of fresh fruit, vegetables, nuts, confectionery including sweets, fresh-cut flowers and other floral decorations.
- (c) The sale of tobacco, cigars, cigarettes, smoker's requisites, and newspapers published in the Territory or the Union of South Africa.
- (d) The sale of fish and of dairy produce.
- (e) The business carried on at a Railway bookstall.
- (f) The business carried on by an undertaker.
- (g) The sale of articles for funeral purposes.
- (h) The sale of ice and fodder.
- (i) The business carried on by a baker or butcher.
- (j) The sale of motor spirit, motor oils, spare parts, and other accessories for motor vehicles and water-raising appliances.

*(k) The business carried on by a duly licensed Auctioneer*

18. Die Administrateur mag regulasies maak en straf-bepalings voorskryf vir die oortreding van sodanige regulasies:

- (1) Vir enige onderwerp waarvoor kragtens hierdie Ordonnansie regulasies gemaak moet word;
- (2) die wyse waarop die lone van winkelbediendes en ander persone in diens van die winkel betaal moet word;
- (3) in die algemeen vir die bevordering van die doeleindes of die beter uitvoering van hierdie Ordonnansie.

19. Hierdie Ordonnansie moet aangehaal word as die Ordonnansie op Winkelure en Winkelbediendes 1939.

EERSTE BYLAE.

Wette heroeop.

1. Winkel Uren Proklamasie van 1921 (Proklamasie No. 9 van 1921), soos van tyd tot tyd gewysig.

2. Halwe Vakansiedag Ordonnansie 1927 (Ordonnansie No. 8 van 1927), soos van tyd tot tyd gewysig.

TWEEDE BYLAE.

- (a) Die besigheid wat by 'n restaurant, kafé, teekamer of eetplek gedrywe word.
- (b) Die verkoop van vars vrugte, groente, neute, suikerbakkerij ingeslote lekkers, varsgeplukte blomme en ander blomversiersels.
- (c) Die verkoop van tabak, sigare, sigarette, rokersbenodighede, en koerante gepubliseer in die Gebied of in die Unie van Suid-Afrika.
- (d) Die verkoop van vis en suiwelprodukte.
- (e) Die besigheid wat by 'n spoorwegboekwinkel gedryf word.
- (f) Die besigheid wat deur 'n begrafnisondernemer gedryf word.
- (g) Die verkoop van artikels vir begrafnisdoeleindes.
- (h) Die verkoop van ys en voer.
- (i) Die besigheid deur 'n bakker of slagter gedryf.
- (j) Die verkoop van petrol, motorolie, reserwedele en ander onderdele vir motorvoertuie en toestelle vir die ophaal van water.

*See Ord. 4/1930*





are used, these shall be at least one and a half inches in diameter at the thin end) between them respectively; in other cases it shall mean any fence, wall or hedge at least four feet six inches high through which no animal could pass without breaking the same.

"This Ordinance" includes any regulation made thereunder;

"urban areas" shall mean Municipalities, Village Management Board Areas, and any area of land included in a township as established in terms of the Townships Ordinance, 1928 (Ordinance No. 11 of 1928), as amended from time to time.

## CHAPTER I.

### Impoundment of Trespassing Animals.

3. The provisions of this chapter must be read as subject to the special provisions of Chapter II relating to rural areas.

4. The Administrator shall whenever and wherever it shall appear to him necessary authorise the establishment of a pound and the appointment of a poundmaster for such a period and on such conditions as are herein or may by regulation be prescribed. The establishment of any pound and the appointment of the poundmaster shall be notified in the *Gazette*. The Administrator may disestablish any pound by notice in the *Gazette*.

5. Every poundmaster shall furnish to the magistrate of the district in which the pound concerned is situated, security for the due and faithful performance of his duties as such poundmaster to such amount and subject to such conditions as may be prescribed by the Administrator.

6. Any proprietor upon whose lands any animals are found trespassing may send such animals to that pound which is nearest, by a practicable road or thoroughfare, to the land trespassed upon, and to no other pound; provided that no animal belonging to a traveller and grazing on any outspan recognised by law, may be so impounded, except as provided in section *forty-nine*.

7. Any person who illegally impounds any animal shall be liable to make good to the owner all damages, costs and charges arising out of such proceeding.

8. No proprietor shall sell or dispose of any animal found trespassing on his property. Any person contravening the provisions of this section shall be guilty of the crime of theft, and liable on conviction to all the penalties provided by law in respect of the said crime; provided that the enforcement of any penalty or sentence imposed shall not deprive the owner of any legal right he may have to recover from such proprietor the value of such animal and any damage sustained by reason of its detention or sale.

9. (1) No proprietor shall knowingly allow any stray animal to remain upon his property for a period longer than two weeks, unless he shall have forwarded to the owner of the animal, if known to him, or to the nearest poundmaster or to the post commander of the nearest police post a notice of the presence of such animal upon his property. Such notice shall be sent by letter delivered or duly posted, and shall set forth, as nearly as possible, the species, marks, and distinguishing peculiarities of the animal in question and, in regard to horses and cattle, their colour also.

(2) No proprietor shall detain any animal found trespassing upon his land for more than twenty-four hours, or ride, work or use such animal.

(3) Any person contravening the provisions of this section shall be guilty of an offence.

10. Any person who shall rescue or attempt to rescue or incite or assist any other person to rescue any animals lawfully impounded or lawfully seized for the purpose of being impounded shall be guilty of an offence.

11. The owner of any animal lawfully impounded for trespass upon —

(1) any garden, vineyard or orchard;

en 'n half duim in deursnee by die dun ent wees) tussen hulle respektiewelik; in ander gevalle beteken dit enige omheining, muur of heining tenminste vier voet ses duim hoog, waardeur geen dier kan kom sonder dit te breek nie;

omvat "hierdie Ordonnansie" enige regulasie daaronder vasgestel;

beteken "stadsgebiede" munisipaliteite, dorpsbesture, en enige grondgebied by 'n dorp ingesluit soos vasgestel in terme van die Dorpe-Ordonnansie 1928 (Ordonnansie No. 11 van 1928) soos van tyd tot tyd gewysig.

## HOOFSTUK I.

### Skutting van oortredende diere.

3. Die bepalings van hierdie hoofstuk moet beskou word as onderworpe aan die spesiale bepalings in Hoofstuk II wat betrekking het op landelike gebiede.

4. Die Administrateur moet, wanneer en waar dit vir hom nodig mag blyk, die oprigting van 'n skut, en die aanstelling van 'n skutmeester vir 'n sodanige tydperk en onder sodanige voorwaardes as wat hierin of by regulasie voorgeskryf mag word, magtig.

Van die oprigting van enige skut en die aanstelling van 'n skutmeester moet in die *Offisiële Koerant* kennis gegee word. Die Administrateur mag deur 'n kennisgewing in die *Offisiële Koerant* enige skut afskaf.

5. Elke skutmeester moet aan die magistraat van die distrik waarin die skut geleë is sekuriteit verskaf vir die behoorlike en getroue uitvoering van sy pligte as sodanige skutmeester, vir 'n sodanige bedrag en onderhewig aan sodanige voorwaardes as deur die Administrateur voorgeskryf mag word.

6. Enige besitter op wie se grond enige oortredende diere gevind word, mag sodanige diere na die skut stuur wat per pad of deurgang naaste is aan die grond waarop hulle oortree het, en na geen ander skut nie; met dien verstande dat geen dier wat aan 'n reisiger behoort, en wat wei op enige uitspanplek deur die wet erken, op hierdie manier geskut mag word nie, behalwe soos bepaal in artikel *neën-en-veertig*.

7. Enige persoon wat op onwettige wyse enige dier skut sal aan die eienaar verantwoordelik gehou word vir alle skade, koste en onkoste wat uit sodanige handeling mag ontstaan.

8. Geen besitter mag enige dier wat op sy eiendom oortree, verkoop of vervreem nie. Enige persoon wat die bepalings van hierdie artikel oortree maak hom skuldig aan diefstal, en is by skuldgebinding blootgestel aan al die strawwe deur wet opgelê, ten opsigte van die genoemde misdaad; met dien verstande dat die uitvoering van enige boete of vonnis wat opgelê is, aan die eienaar geen wetlike reg wat hy mag hê om van sodanige besitter die waarde van sodanige dier en enige skade veroorsaak deur die aanhouding en verkoop van sodanige dier terug te kry, ontnem nie.

9. (1) Geen besitter mag enige verdwaalde dier met sy wete langer as twee weke op sy eiendom laat bly nie, tensy hy aan die eienaar van die dier, indien hy weet wie dit is, of aan die naaste skutmeester, of aan die bevelhebber van die naaste polisiepos kennis gegee het van die teenwoordigheid van die dier op sy eiendom. Sodanige kennis moet per afgelewerde brief of per pos gestuur word, en moet so noukeurig as moontlik die soort, merke en kenmerkende eienskappe van die betrokke dier, en vir sover dit perde en beeste aangaan, die kleur, aangee.

(2) Geen besitter mag enige dier wat op sy grond oortree, langer as vier-en-twintig uur vashou, of sodanige dier ry, laat werk, of gebruik nie.

(3) Enige persoon wat die bepalings van hierdie artikel oortree, maak hom skuldig aan 'n oortreding.

10. Enige persoon wat enige diere wat wetlik geskut is of wat wetlik in beslag geneem is met die doel om geskut te word, bevry, of poog om te bevry of enige ander persoon aanhits om sodanige diere te bevry of hulp verskaf in die bevryding van sodanige diere, maak hom skuldig aan 'n oortreding.

11. Die eienaar van enige dier wat wetlik geskut is vir oortreding in —

(1) enige tuin, wingerd of vrugteboord;

- (2) any place upon which a cultivated crop is growing or upon which such a crop is still lying;
- (3) any yard, floor or place containing grain or dried fruit or other products of the soil;

shall be liable to pay trespass money to the proprietor of the property trespassed upon calculated according to the rate provided by regulation; provided that —

- (a) any proprietor or the agent or caretaker for any proprietor, sending animals to the pound for a trespass under this section shall at the same time send a signed memorandum to the poundmaster, setting forth the number and description of the animals and the nature of the place or property upon which they have trespassed;
- (b) if the memorandum delivered with the animals does not state the nature of the place or property upon which they have trespassed, they shall be considered as impounded for trespass under the provisions of section *twelve* hereof;
- (c) when such animals are taken to the pound by the proprietor, agent or caretaker aforesaid in person, then the verbal statement of such proprietor, agent or caretaker upon the matters referred to in the preceding provisions of this section shall be taken and recorded by the poundmaster, and shall be sufficient.

12. The owner of any animal lawfully impounded for trespass upon any uncultivated land or any place not of the description in the last section given, shall be liable to pay trespass money to the proprietor of the property trespassed upon at the rate prescribed by regulation; provided that in case any property shall be trespassed upon twice within the space of one fortnight by the same cattle or horses belonging to the same owner, then the said owner shall be liable in respect of the second trespass to pay at double the ordinary rate.

13. Every person who delivers any animal to a poundmaster to be impounded shall be entitled to receive from such poundmaster a fee to be called mileage for every mile or portion of a mile travelled, at the tariff provided in the regulations; provided that —

- (a) when the person so delivering the said animals is not himself the proprietor of the land trespassed upon or the agent or caretaker for the proprietor, then he shall produce a written memorandum signed by such proprietor, agent or caretaker, giving a description of the animals, and authorising the bearer to convey them to the pound, and every such memorandum shall be preserved by the poundmaster as a voucher;
- (b) when more persons than one have been employed in conveying the said animals to the pound, mileage shall only be paid by the poundmaster to one of such persons but the person impounding the animals may recover in any competent court from the owner, similar mileage in respect of every other of such persons necessarily employed; provided that when ostriches are impounded the poundmaster shall pay mileage for as many drivers as are necessarily employed;
- (c) mileage shall be paid in terms of the shortest available route.

Provided further that no person shall be entitled to receive from any such poundmaster any mileage in respect of asses delivered to any such pound.

14. The owner of any animals liable to impoundment for trespass, may, before the animals have been removed from the property trespassed upon, tender to the person complaining of the trespass a sum of money to cover the damages suffered by him, or the trespass money lawfully claimable under this Ordinance in connection with such trespass, such tender to be made to the complainant himself or to his agent or caretaker. If such animals as aforesaid are in course of being conveyed to the pound then their owner may tender as aforesaid a sum of money to cover the damage or trespass money aforesaid and also the mileage to which the complainant would be entitled under the provisions of this Ordinance if the animals had actually been impounded. If the said tender be refused, the complainant shall pay the cost of all legal proceedings which he may thereafter institute and shall be liable for all damages sustained by the owner of the animals by reason of their detention after the date of tender, unless the tender is found to be insufficient by a competent court; or unless in the opinion of such court the tender was refused in the *bona fide* belief that the person making the tender was not the owner or the duly authorised agent of the owner.

- (2) enige plek waar bewerkte gesaaides aan groei is of nog teenwoordig is;
- (3) enige werf, vloer of plek waar daar graan, gedroogde vrugte of ander produkte van die grond lê;

is blootgestel aan die betaling van oortredingsfooi aan die besitter van die eiendom waarop oortree is, bereken volgens die tarief deur regulasie bepaal, met dien verstande dat

- (a) enige besitter of die agent of opsigter vir enige besitter wat diere na die skut stuur omdat hulle onder hierdie artikel oortree het, moet tegelykertyd 'n ondertekende memorandum aan die skutmeester stuur waarin hy die getal en beskrywing van die diere, en die aard van die plek of eiendom waarop hulle oortree het, aangee;
- (b) indien die memorandum wat saam met die diere gestuur is nie die aard van die plek of eiendom waarop die oortreding plaasgevind het, aangee nie, dan word die diere beskou geskut te wees vir oortreding onder die bepalings van artikel *twalf* hiervan;
- (c) indien sodanige diere deur die besitter, agent of opsigter self na die skut gebring word dan moet die mondelike verklaring van sodanige besitter, agent, of opsigter aangaande die omstandighede genoem in die voorafgaande bepalings van hierdie artikel, deur die skutmeester as voldoende gegewens aangeteken word.

12. Die eienaar van enige dier wat wetlik geskut is weens oortreding op onbeboude grond, of op enige plek wat nie beantwoord aan die beskrywing in die vorige artikel aangegee nie, is blootgestel aan die betaling van oortredingsgeld aan die besitter van die eiendom waarop oortree is volgens tarief deur regulasie bepaal, met dien verstande dat in geval daar op een eiendom tweekeer binne die tydperk van twee weke deur dieselfde vee of perde behorende aan dieselfde eienaar oortree word, dan is die genoemde eienaar aansien van die tweede oortreding blootgestel aan die betaling van dubbel die bedrag van die gewone tarief.

13. Elke persoon wat enige dier aan 'n skutmeester aflewer om geskut te word, is geregtig om van sodanige skutmeester 'n fooi wat mylgeld genoem sal word, vir elke myl of gedeelte van 'n myl wat afgelê is, te ontvang teen 'n tarief deur regulasie bepaal, met dien verstande dat:

- (a) Wanneer die persoon wat aldus die genoemde diere aflewer, nie self die besitter van die grond waarop oortree is, of die agent of opsigter vir die besitter is nie, moet hy 'n geskrewe memorandum deur sodanige besitter, agent of opsigter onderteken, wys, waarin 'n beskrywing van die diere aangegee word en waarin aan die draer volmag verleen word om hulle na die skut te neem, en elke sodanige memorandum moet deur die skutmeester gehou word as 'n bewysstuk.
- (b) Wanneer meer as een persoon gebruik is om die genoemde diere na die skut te neem, moet mylgeld deur die skutmeester aan een van die persone alleen betaal word, maar die persoon wat die diere skut mag in enige bevoegde hof van die eienaar 'n gelykstaande bedrag mylgeld ten aansien van die ander persone wat noodsaaklik gebruik moes word, verhaal, met dien verstande dat wanneer volstruise geskut word die skutmeester mylgeld moet betaal vir soveel drywe as wat noodsaaklik gebruik moes word.
- (c) Die mylgeld wat betaal word, moet bereken word op die kortste beskikbare roete.

Met dien verstande verder dat geen persoon geregtig sal wees om van enige skutmeester mylgeld ten opsigte van esels, aan enige skut afgelewer, te ontvang nie.

14. Die eienaar van diere wat as gevolg van oortreding geskut mag word, mag, voor die diere verwyder is van die plek waarop hulle oortree, aan die persoon wat die oortreding bekla, 'n som geld om die skade deur hom gely te dek, of die oortredingsfooi wat wetlik onder hierdie Ordonnansie geëis mag word in verband met die oortreding, aanbied. Sodanige aanbod moet aan die klaer self of aan sy agent of opsigter gemaak word. Wanneer genoemde diere op weg na die skut is, mag hulle eienaar 'n som aanbied soos genoem, om die skade, of oortredingsfooi te dek, asook die mylgeld waarop die klaer geregtig sou wees onder die bepalings van hierdie Ordonnansie indien die diere werklik geskut was. Indien die genoemde aanbod geweier word, moet die klaer die koste van alle wetlike stappe wat hy later mag neem, betaal, en hy sal vir alle skade verantwoordelik wees wat die eienaar van die diere mag ly deur die aanhouding van sodanige diere na die datum van die aanbod, tensy die aanbod deur 'n bevoegde hof as te laag geskat word, of tensy die hof vind dat die aanbod geweier is in die *bona fide* geloof dat die persoon wat die aanbod gemaak het nie die eienaar of behoorlik gevolmagtigde agent van die eienaar was nie.

15. The owner of any goats or sheep infected with scab and found trespassing, shall, if the sheep and goats are not found mixed with other sheep or goats free from disease, be liable to pay to the proprietor twice the amount of trespass money which would have been payable under these regulations in respect of a similar trespass by sheep or goats not so infected. In the event of the trespassing sheep and goats being found so mixed as aforesaid their owner shall be liable to pay to the proprietor four times the amount of trespass money which would have been payable in respect of a similar trespass by sheep and goats not so infected.

16. For the purposes of this Ordinance, if any sheep or goat found trespassing be infected with scab then all sheep or goats in the same flock and found trespassing at the same time, shall be deemed to be similarly infected; and if any sheep or goat in any flock with which any other flock has become mixed, is infected, then the entire mixed flock shall be deemed to be similarly infected. The nearest post commander of police shall have authority to determine any dispute on facts arising out of the provisions of this section, for the purpose of the calculation of trespass money payable in terms of section fifteen.

17. Any person who shall wilfully drive any sheep or goats infected with scab into or upon the property of another person, upon which property there are at the time any sheep or goats not infected with the said disease, shall over and above any damage or trespass money payable under this Ordinance or otherwise, be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months.

18. Subject to the provisions of the Diseases of Stock Proclamation, 1920 (Proclamation No. 28 of 1920), as amended from time to time, it shall be the duty of every poundmaster to receive into his charge all animals tendered at his pound between sunrise and sunset by any proprietor or by the manager, agent or caretaker for any proprietor or by any person authorised in writing thereto by such proprietor, manager, agent or caretaker in order to be impounded, as having been found trespassing upon the land of such proprietor, provided that any animals tendered by a member of the police force or such other persons as are herein or may by regulation be prescribed shall likewise be received for impoundment as having trespassed upon any town lands, streets or public places or having been left unattended in contravention of any local regulations or bye-laws issued by or affecting the municipality, village management board or other local authority in any town or village.

19. Any poundmaster who refuses or neglects to receive animals tendered in terms of the preceding section shall be guilty of an offence and on conviction liable on each occasion to a fine not exceeding five pounds and in default of payment, to imprisonment with or without hard labour for a period not exceeding one month, and he shall in addition be liable for any damage caused to the owner of the said animals or to any other person by reason of such refusal or neglect.

20. Every poundmaster shall give to the person delivering animals into his charge a written receipt setting forth the number and description of the animals so delivered and specifying the trespass for which the said animals have been sent to be impounded.

21. All animals seized or detained for any trespass committed beyond the limits of a municipality shall be sent to any pound within the said limits, if that pound be the one nearest to the place of trespass and the poundmaster shall be bound to receive the animals so sent.

22. Every poundmaster shall maintain in good repair, and as far as possible, free from all infection, not less than three separate enclosures for the kraaling at night of ostriches and horses, of cattle, and of sheep, goats and pigs; but any magistrate may in regard to any pound in his district give permission to the poundmaster to maintain in manner aforesaid a lesser number of such enclosures.

15. Die eienaar van enige met brandsiekte besmette bokke of skape wat oortredende gevind word, is, as die bokke en skape nie deurmekaar met ander skape of bokke wat vry van sodanige siekte is, gevind is nie, verplig om aan die besitter van die grond die dubbelde bedrag van oortredingsfooie te betaal wat betaalbaar sou wees in terme van hierdie Ordonnansie ten opsigte van 'n gelyksoortige oortreding deur skape en bokke wat nie sodanig besmet was nie. Ingeval die oortredende skape of bokke deurmekaar gevind is soos hierbo gemeld, is die eienaar verplig om aan die besitter die viervoudige van die bedrag van die oortredingsfooie te betaal wat betaalbaar sou gewees het ten opsigte van 'n gelyksoortige oortreding deur skape en bokke wat nie aldus besmet was nie.

16. As enige skape of bokke wat oortredende gevind word, met brandsiekte besmet is, word vir die doeleindes van hierdie Ordonnansie al die skape of bokke wat in dieselfde kudde is en op dieselfde tyd oortredende gevind word, geag insgelyks besmet te wees; en as enige skaap of bok in enige kudde, waarmee enige ander kudde deurmekaar gekom het, met brandsiekte besmet is dan word die hele kudde geag insgelyks besmet te wees. Die naaste posbevelhebber van polisie het die volmag 'n geskil op feite te beslis wat uit die bepalings van hierdie artikel voortspruit, vir die doel van die berekening van oortredingsfooie wat ooreenkomstig artikel vyftien betaalbaar is.

17. Enige persoon wat opsetlik enige skape of bokke wat met brandsiekte besmet is, in of op die eiendom van 'n ander persoon ja, waarop daar op daardie oomblik brandsiekvrye skape of bokke is, bowe en behalwe vir enige skadevergoeding of oortredingsfooie onder hierdie Ordonnansie of andersins betaalbaar, skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete van hoogstens een honderd pond, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande.

18. Onderhewig aan die bepalings van "De Veeziekten Proklamatie 1920" (Proklamasie No. 28 van 1920), soos van tyd tot tyd gewysig, is dit die plig van elke skutmeester om alle diere onder sy sorg te neem wat tussen sonsopgang en sonsondergang na sy skut gebring word, deur enige besitter of deur die bestuurder, agent of opsigter vir enige besitter of deur enige persoon wat in skrif daartoe gevolmagtig is deur sodanige besitter, bestuurder, agent of opsigter teneinde geskut te word, omdat hulle oortredende gevind is op die grond van sodanige besitter, met dien verstande dat enige diere wat deur 'n lid van die polisie, of sodanige ander persoon wat hierin of deur regulasie aangegee mag word, gebring word, omdat hulle op enige dorpsgronde, strate of publieke plekke oortree het of omdat hulle sonder oppasser in stryd met plaaslike regulasies of verordeninge gemaak deur of ten behoewe van die munisipaliteit, dorpsbestuur of ander plaaslike outoriteit in enige stad of dorp gelaat is, aangeneem moet word vir skutting.

19. Enige skutmeester wat versuim of weier om diere wat in terme van die voorgaande artikel gebring is, te ontvang, maak hom skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete vyf pond nie te bowengaande nie, en by wanbetaling aan gevangenisstraf met of sonder harde arbeid van hoogstens een maand, en is bowendien verantwoordelik vir enige skade deur die eienaar van die diere of enige ander persoon gelyk as gevolg van sodanige weiering of versuim.

20. Elke skutmeester moet aan die persoon wat diere bring om geskut te word 'n geskrewe ontvangsbewys uitreik waarin die nommer en beskrywing van die diere aldus afgelewer, aangegee word en waarin die aard van die oortreding waarvoor die genoemde diere vir skutting afgelewer is beskrywe word.

21. Alle diere wat gevang of vasgehou word weens enige oortreding begaan buite die grense van 'n munisipaliteit, moet na enige skut binne die genoemde grense gestuur word, indien daardie skut die naaste aan die plek van oortreding is, en die skutmeester is verplig om diere wat aldus gestuur is, te ontvang.

22. Elke skutmeester moet nie minder as drie afsonderlike kampe in goeie orde en sover moontlik vry van alle aansteeklike siekte hou om gedurende die nag volstruise en perde, beeste en skape, bokke en varke in te hou, maar enige magistraat mag ten opsigte van enige skut in sy distrik aan die skutmeester verlof gee om op die hierbo gemelde wyse 'n kleiner aantal sodanige kampe aan te hou.

23. Every stallion above the age of two years, every bull above the age of one year, every sheep ram or goat ram or boar above the age of nine months, and every animal which from contagious disease, dangerous vice or other reason shall be unfit to mix with other impounded animals, shall be kept and fed separately, and the fees to be received or retained, as the case may be, by a poundmaster for the keeping and feeding of such animals shall be those provided by regulation.

24. It shall be lawful for any poundmaster to destroy, any impounded animal likely to prove dangerous to human life or destructive to other animals impounded; provided that—

- (a) no such animal shall be destroyed until a member of the police or two disinterested land owners or stock owners shall have examined it, and agreed with the poundmaster as to the necessity for its destruction;
- (b) the poundmaster shall if circumstances and time permit summon the owner of such animal if known to attend the examination aforesaid. Such summons may be by letter duly sent through the post;
- (c) if the owner of the animal objects to its destruction such owner may release it, if he do so forthwith, provided he releases at the same time all other animals belonging to him which may have been impounded on the same occasion as the animal proposed to be destroyed;
- (d) every member of the police, land owner or stock owner attending for the purpose of the inspection aforesaid shall be paid by the poundmaster such fees as may be prescribed by regulation. The amount so paid shall be recoverable by the poundmaster from the owner of the animal if it be destroyed; if the animal be not destroyed or the owner be unknown or if it be impossible for any other reason, to recover from the owner the whole or any part of such amount the said amount or unrecovered portion thereof, as the case may be, shall be paid to the poundmaster by the magistrate on behalf of the Administration.

25. Every poundmaster shall, with regard to all animals which are found or are suspected to be suffering from an infectious or contagious disease after being received at his pound, act in terms of the Diseases of Stock Proclamation aforesaid, and any regulations made thereunder.

26. Whenever any impounded stock requires to be dipped, dressed, inoculated, treated or sprayed in accordance with the instructions of a Government veterinary or other duly authorised officer, the poundmaster shall, on receipt of such instructions, carry out the work and shall in regard to such instructions be in the same position and incur the same responsibilities including criminal liability and possess the same rights as if he were the owner of such stock and such instructions had been given to such owner.

27. No poundmaster shall ride, work or use any animal impounded in his pound. Any poundmaster who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

28. Every poundmaster shall be entitled to demand or retain as the case may be, in respect of every animal impounded with him in terms of this Ordinance—

- (1) a pound fee, provided that no animal shall be considered to be impounded until it shall have been actually placed within a pound kraal;
- (2) a further fee for every day during which any such animal shall be herded, grazed or fed by him.

The said fees shall be prescribed by regulation.

23. Elke hings bo die ouderdom van twee jaar, elke bul bo die ouderdom van een jaar, elke skaapram of bokram of beer bo die ouderdom van nege maande en elke dier wat as gevolg van aansteeklike siekte, gevaarlike kwaad-aardigheid of om ander redes ongeskik is om met ander diere in een skut deurmekaar te wees, moet afsonderlik gehou en gevoer word, en die fooie wat deur die skutmeester ontvang of agtergehou moet word, soos die geval mag wees, vir die aanhouding en voeding van sodanige diere moet sodanig wees as wat deur regulasie bepaal word.

24. Enige skutmeester het die reg om enige geskutte dier wat gevaarlik mag wees vir die menslike lewe of die dood kan veroorsaak van ander geskutte diere te vernietig met dien verstande dat—

- (a) sodanige dier nie vernietig mag word nie voordat 'n lid van die polisiemag of twee nie-belanghebbende grond- of vee-eienaars die dier ondersoek het en dit eens is met die skutmeester dat dit nodig is om die dier te vernietig;
- (b) die skutmeester, indien tyd en omstandighede dit toelaat, die eenaar van sodanige dier, indien bekend, moet dagvaar om die bogemelde ondersoek by te woon. Die dagvaarding mag op die gewone wyse deur die pos gestuur word;
- (c) indien die eenaar van die dier beswaar maak teen die doodmaak daarvan, mag sodanige eenaar die dier los, indien hy dit onmiddellik doen, met dien verstande dat hy terselfdertyd alle ander diere moet los wat aan hom behoort en wat op dieselfde tyd geskut is as die dier wat die skutmeester van voorneme is om te vernietig;
- (d) elke lid van die polisie, grondeenaar of vee-eenaar wat die bogemelde ondersoek bywoon, moet deur die skutmeester sodanige fooie betaal word as wat deur regulasie voorgeskryf mag word. Die uitbetaalde bedrag moet deur die eenaar van die dier, indien die dier vernietig word, terugbetaal word; indien die dier nie vernietig word nie, of die eenaar onbekend is, of indien dit vir enige ander rede onmoontlik is om van die eenaar die bedrag, in die geheel, of gedeeltelik terug te kry, dan moet die bedrag of die onbetaalde deel daarvan, soos die geval mag wees deur die Magistraat in naam van die Administrasie aan die skutmeester betaal word.

25. Elke skutmeester moet, ten aansien van alle diere wat gevind of vermoed word dat hulle aan 'n aansteeklike of besmetlike siekte ly na ontvangs in sy skut, ooreenkomstig "De Veeziekten Proklamatie 1920", soos voormeld, en enige regulasies daaronder gemaak, handel.

26. Wanneer ook al enige geskutte diere ooreenkomstig die bevele van 'n regeringsveearts of enige ander behoorlik gevolmagtigde amptenaar, gedip, behandel, ingeënt of gespuut moet word, moet die skutmeester, wanneer hy sodanige bevele ontvang, hulle uitoeven en sal met betrekking tot sodanige bevele dieselfde plek inneem en dieselfde verantwoordelikhede ingeslote strafregtelike verantwoordelikhede dra en dieselfde regte besit asof hy eenaar van sodanige vee was en sodanige bevele aan sodanige eenaar gegee was.

27. Geen skutmeester mag enige dier wat in sy skut aangehou word, ry, laat werk of gebruik nie. Enige skutmeester wat die bepalinge van hierdie artikel oortree maak hom skuldig aan 'n oortreding en is by skuldigebevinding onderhewig aan 'n boete van hoogstens vyf-en-twintig pond, of by wanbetaling aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van drie maande nie te bowegaande nie.

28. Elke skutmeester is geregtig om die onderstaande bedrae ten opsigte van elke dier deur hom in terme van hierdie Ordonnansie geskut, te eis of agter te hou soos die geval mag wees:—

- (1) 'n skutfooi; mits geen dier beskou word geskut te wees totdat dit werklik binne die skutkraal geja is nie;
- (2) 'n verdere fooi vir elke dag wat sodanige dier deur hom opgepas, laat wei of gevoer is.

Die gemelde fooie word deur regulasie bepaal.

29. The owner of the animals impounded shall pay to the poundmaster for his own use the fees mentioned in the preceding section and the mileage or trespass moneys paid by the poundmaster together with an amount equal to five *per cent.* of such mileage or trespass moneys. The said animals may be detained by the poundmaster as security for the said amounts; provided that —

(a) if the value of the animals impounded is in excess of the total charges due thereon and ascertained under the provisions of this Ordinance, and if the owner is unable to pay the said charges, then the poundmaster shall only detain so many of the said animals as may be reasonably sufficient to secure the total charges due upon all the animals and shall deliver the remainder of the animals to the said owner;

(b) any poundmaster who shall retain after demand any greater number of such animals than is reasonably necessary to secure such charges as aforesaid shall be liable to the owner thereof for any damages sustained by him on account of such retention.

30. No poundmaster shall release any impounded animal until there shall have been paid to him, over and above all other fees and charges, the amount of all damages or trespass money due and payable under the provisions of this Ordinance; and in case of the release of any such animals without payment of such damages or trespass money as aforesaid, the poundmaster shall be liable for the payment thereof.

31. (1) Every poundmaster who knows the name of the owner of any animal impounded in his pound shall forthwith send a notice by way of a registered letter to such owner at his place of residence, informing him of the fact that the said animal has been impounded, of the amount payable for the release of such animal on the date of such notice, and of such further fees or charges as will become payable if such animal is released on a subsequent date.

(2) If the name of the person to whom the brand has been allotted which should by reason of the place on the animal's body on which it is impressed, be the last brand on such animal, does not appear from the most recent complete list of registered brands published in the *Gazette* and is unknown to the poundmaster, he shall forthwith enquire from the Senior Veterinary Officer who the person is to whom such brand has been allotted and the Senior Veterinary Officer shall inform the poundmaster of the name and address of such person.

32. Whenever any impounded animals shall not be released within ten days from the date of their impoundment the poundmaster shall publish in a paper or papers circulating in the district in which the pound is situated, and by notice posted at the offices of the magistrate of the district, and of the police, an advertisement setting forth the species, brands, marks and distinguishing peculiarities of such animals, if any, of the presence and nature of which the poundmaster shall carefully satisfy himself, and in regard to horses and cattle their colour also, and such advertisement shall notify that the animals therein mentioned will be sold at the next sale of impounded cattle and shall set forth the date, not being less than thirty days from the date of first publication, and the time and place of such sale. The expenses of such publication shall be borne by the poundmaster and be recovered by him from the owner of the animals advertised if released before the sale, or otherwise out of the proceeds of the sale thereof.

Provided that in regard to the impoundment of asses,

(a) the periods of ten and thirty days herein prescribed shall be five and fourteen days respectively;

(b) it shall be sufficient to post a notice as aforesaid at the office of the magistrate, or of the nearest post commander of police, as well as at the pound;

(c) if at the sale so advertised and held, no offer is made for the purchase of the animal, it may be destroyed by the poundmaster.

33. The sales of animals lawfully impounded and so advertised shall be conducted on such terms and conditions as are herein or may by regulation be prescribed.

29. Die eienaar van die geskutte diere moet aan die skutmeester vir sy eie gebruik die fooie betaal genoem in die voorafgaande artikel en die mylgeld of oortredingsfooie deur die skutmeester betaal, sowel as 'n bedrag gelyk aan vyf persent van sodanige mylgeld of oortredingsfooie. Die genoemde diere mag deur die skutmeester as sekuriteit vir die genoemde bedrag beskou word; met dien verstande dat—

(a) indien die waarde van die geskutte diere hoër is as die totale bedrag wat op hulle verskuldig is en vasgestel is onder die bepalinge van hierdie Ordonnansie, en indien die eienaar die genoemde geld nie kan betaal nie, dan moet die skutmeester slegs soveel diere agterhou as wat redelikerwyse die totale bedrag op al die diere sal dek, en moet die oorblywende diere aan die genoemde eienaar teruggee;

(b) enige skutmeester wat na hy die bedrag geeis het 'n groter aantal vee terughou as wat redelikerwyse ter dekking van die genoemde gelde nodig is, moet aan die eienaar van sodanige diere enige skade deur hom gelyk ten opsigte van sodanige terughouding, betaal.

30. Geen skutmeester mag enige geskutte dier loslaat voordat aan hom bowe en buite alle ander fooie en koste, die bedrag vir alle skade of oortredingsfooie wat onder die bepalinge van hierdie Ordonnansie betaalbaar en opeisbaar is, betaal is, en waar enige sodanige diere losgelaat is sonder betaling van sodanige bogenoemde skadevergoeding of oortredingsfooie, is die skutmeester verantwoordelik vir die betaling daarvan.

31. (1) Elke skutmeester wat bekend is met die naam van die eienaar van enige dier in sy skut moet onmiddellik aan sodanige eienaar by sy woonplek 'n kennisgewing in die vorm van 'n geregistreerde brief stuur, waarin hy hom meedeel dat die gemelde dier geskut is, die bedrag betaalbaar vir die loslating van sodanige dier op die datum van sodanige kennisgewing, en van sodanige verdere fooie of koste wat betaalbaar sal word indien sodanige dier op 'n latere datum losgelaat word.

(2) Indien die naam van die persoon aan wie die brandmerk toegeken is wat omrede die plek waar dit op die dier se liggaam voorkom, die jongste brandmerk moet wees, nie nagespoor kan word op die jongste volledige lys van geregistreerde brandmerke gepubliseer in die *Offisiële Koerant* nie, en indien die naam onbekend is by die skutmeester, moet hy onmiddellik navraag doen by die Hoofveearts na die identiteit van die persoon aan wie sodanige brandmerk toegeken is, en die Hoofveearts moet aan die skutmeester die naam en adres van sodanige persoon gee.

32. Indien geskutte diere nie binne tien dae vanaf hulle intrede in die skut gelos word nie, moet die skutmeester in 'n koerant of koerante wat in die distrik waarin die skut is, uitgegee word, en deur kennisgewing opgeplak by die kantoor van die magistraat van die distrik, en van die polisie, 'n advertensie laat plaas waarin die soort, merke en besondere eienaardighede, indien enige, (die teenwoordigheid en aard waarvan deur die skutmeester vasgestel moet word) van sodanige diere aangegee word, en in die geval van perde en vee, die kleur, en sodanige advertensie moet meld dat die diere daarin aangegee by die volgende opveiling van geskutte diere verkoop sal word, en sodanige advertensie moet ook die datum aangee synde nie minder as dertig dae vanaf die datum van die eerste publikasie nie, as ook die tyd en plek van sodanige vendusie. Die koste van sodanige publikasie moet deur die skutmeester gedra word en deur hom van die eienaar van die geadverteerde diere verhaaf word, indien die diere voor die vendusie gelos is, of andersins uit die oprings van die verkoop van die diere.

Met dien verstande dat ten opsigte van die skutting van esels,

(a) die tydperke van tien en dertig dae hierin aangegee, vyf en veertien dae respektiewelik moet wees;

(b) dit genoegsaam sal wees om 'n kennisgewing soos gemeld by die kantoor van die magistraat of van die naaste bevelhebber van polisie, sowel as by die skut op te plak;

(c) indien op sodanige geadverteerde verkoping geen bod vir die aankoop van die dier gemaak is nie, dit deur die skutmeester vernietig mag word.

33. Die verkopinge van wettig geskutte en aldus geadverteerde diere moet gehou word in ooreenstemming met sodanige terme en bepalinge as wat hierin of deur regulasie voorgeskryf mag word.

34. Every sale of impounded stock shall be held at the pound at the hour of eleven in the morning on any Wednesday. At every such sale the poundmaster shall act as auctioneer, but no poundmaster, or any member of his household or family resident with him, or any person in his permanent employ, shall be directly or indirectly interested in any purchase at any sale so held by such poundmaster;

Provided that if any Wednesday falls on a public holiday the sale may be held on the next succeeding Wednesday not being a public holiday;

Provided further that sales of impounded asses may be held on any weekday.

35. No animal shall be put up at any sale unless it has been impounded for at least forty-two days, except with the consent of the owner; provided that, in respect of asses impounded, the period of forty-two days herein prescribed shall be fourteen days.

36. At every sale all animals except sheep and goats shall be sold singly. Sheep and goats shall be sold in lots of not more than ten, and in no case shall sheep and goats or sheep or goats with different marks or brands be sold together in the same lot.

37. The poundmaster shall be entitled to receive and retain ten *per cent.* out of the proceeds of every pound sale as a fee for his attendance at such sale.

38. At every such sale, the animals shall be sold for cash and the proceeds less the amount of pound fees and other fees and charges herein provided for and properly chargeable in respect of such animals, and less the amount of damages due or assessed under the provisions hereof shall be forthwith upon receipt handed to the magistrate of the district to be by him paid to the owners of the animals sold, according to their respective rights provided that:

- (a) in the case of an unbranded animal, the said proceeds shall be paid forthwith by the said magistrate into the Territory Revenue Fund;
- (b) in the case of a branded animal, the said proceeds shall become the property of the Administration and be paid into the Territory Revenue Fund, if unclaimed by the owner of such animal after being in the hands of the said magistrate for a period of twelve months;
- (c) every poundmaster shall be obliged after the sale of any head of cattle, horse, or ostrich and before delivery to the purchaser, to brand the same with such distinguishing mark as may be fixed for his pound, provided such animal has reached the age of nine months. For such branding he shall be allowed a fee of one shilling and sixpence in each case, which shall be recoverable from the purchaser.

Any poundmaster contravening this provision shall be guilty of an offence and liable on conviction to a fine of two pounds in each case.

39. Every poundmaster shall keep a poundbook, in which he shall legibly enter the following particulars:

- (a) the date when, and the cause for which, all animals received by him are impounded;
- (b) the number and description of the animals;
- (c) the name and residence of the person impounding such animals and the name and address of the owner or supposed owner;
- (d) the date and particulars of the release or sale of the animals as the case may be;
- (e) any other matters which the poundmaster may be required by regulation to ascertain and record.

34. Alle vendusies van geskutte vee moet by die skut om elf uur in die oggend op enige Woensdag gehou word. By elke sodanige verkoping moet die skutmeester as afslaer optree, maar geen skutmeester of enige lid van sy huishouding of familie wat by hom inwoon, of enige persoon in sy permanente diens, mag direk of indirek enige belang in enige verkoping aldus deur sodanige skutmeester gehou, hê nie;

Met dien verstande dat as enige Woensdag op 'n publieke vakansiedag val, mag die verkoping op die volgende eerskomende Woensdag wat nie 'n publieke vakansiedag is nie gehou word;

Met dien verstande verder dat verkopinge van geskutte esels op enige weekdag gehou mag word.

35. Geen dier mag op enige vendusie vir verkoping aangebied word, tensy dit tenminste twee-en-veertig dae geskut was nie, behalwe met die goedkeuring van die eienaar; mits in die geval van geskutte esels, die tydperk van twee-en-veertig dae hierin aangegee, veertien dae sal wees.

36. By elke verkoping moet alle diere behalwe skape en bokke afsonderlik verkoop word. Skape en bokke moet in klompies van nie meer as tien verkoop word en in geen geval mag skape en bokke of skape of bokke met verskillende merke of brandmerke saam in een klomp verkoop word nie.

37. Die skutmeester is geregtig om tien persent van die opbrengste van skutverkopings te ontvang en te behou, as 'n fooi vir sy aanwesigheid by sodanige verkoping.

38. Op elke sodanige verkoping moet die diere vir kontant verkoop word, en die opbrengste min die bedrag van die skutfooie en ander fooie en koste waarvoor hierin voorsiening gemaak is en wat wettig betaalbaar is op sodanige diere, min die bedrag van skade betaalbaar of bereken onder die bepalings hiervan, moet onmiddellik teen 'n kwitansie aan die magistraat van die distrik inbetaal word, om deur hom aan die eienaars van die verkoopte diere, volgens hulle respektiewelike regte uitbetaal te word, met dien verstande dat:

- (a) in die geval van 'n dier wat nie gebrandmerk is nie, die gemelde opbrengste dadelik deur die genoemde magistraat in die Gebiedsinkomstefonds gestort word;
- (b) in die geval van 'n gebrandmerkte dier, die gemelde magistraat in die Gebiedsinkomstefonds gestort word; en in die Gebiedsinkomstefonds gestort word, indien dit na dit 'n tydperk van twaalf maande in die besit van sodanige magistraat was, nog nie deur die eienaar van sodanige dier geëis is nie;
- (c) elke skutmeester moet na die verkoop van enige stuk vee, perd of volstruis, en voor dit aan die koper afgelewer is, dit brandmerk met die merk wat spesiaal vir sy skut vasgestel is, met dien verstande dat so 'n dier die ouderdom van nege maande bereik het. Vir sodanige brandmerk mag hy 'n fooi van een sjieling en ses pennies in elke geval vasstel, wat hy van die koper mag eis.

Enige skutmeester wat hierdie bepaling oortree maak hom skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete van twee pond in elke geval.

39. Elke skutmeester moet 'n skutboek hou waarin hy duidelik leesbaar die volgende besonderhede moet opskryf:—

- (a) datum van, en redes waarom alle diere deur hom ontvang, geskut is;
- (b) getal en beskrywing van die diere;
- (c) naam en woonplek van die persoon wat sodanige diere geskut het, en die naam en adres van die eienaar of waarskynlike eienaar;
- (d) die datum en besonderhede van die loslating of verkoop van die diere soos die geval mag wees;
- (e) enige ander besonderhede wat die skutmeester onder die regulasies moet naspoor en aanteken.

The said entries shall be made at the time the acts recorded were done, or so soon thereafter as possible, but not after any dispute concerning them has arisen. The poundmaster shall follow the directions of the magistrate in regard to the form in which the entries in the poundbook are to be made.

40. Every poundbook shall be kept at the residence or the office of the poundmaster, and shall at all reasonable times be open for inspection to any Government official having authority from the magistrate of the district so to do and to any member of the police, free of charge; it shall be similarly open to every person upon payment of a fee of sixpence for each inspection; and every poundmaster shall grant extracts from his poundbook, signed by himself, free of charge to every such Government official and member of the police, and on payment of one shilling for every such extract not exceeding one hundred words and sixpence for every subsequent hundred or part of one hundred words, to any other person demanding the same.

41. Every poundmaster shall take his poundbook with him to every sale of animals impounded in his pound, and such book shall be open at the place of sale, free of charge to all persons desirous of inspecting it.

42. In the case of the death or injury of any impounded animal the poundmaster shall enter in his poundbook a description of such animal and the cause of its death or injury; and the absence of any such entry or its falsity in any material respects shall be held to be *prima facie* proof of the fact that the death or injury in question was due to the default of the poundmaster.

43. Every poundmaster shall, monthly, on the first day of each and every month, forward to the magistrate of his district a copy of all entries made in his poundbook during the preceding month, and the magistrate shall preserve all such copies in his office for the inspection of any person desirous of seeing them upon payment of the fees prescribed in section *forty* hereof.

44. It shall be lawful for the magistrate to require any poundmaster within his district at any time to produce his poundbook for purposes of inspection or for comparison of the copies of entries forwarded to him with the original entries, or for any other purpose, within a stated period, and any poundmaster who refuses or neglects to comply with any such requirement shall be guilty of an offence.

45. Every poundmaster shall have and preserve at or near his pound a copy of this Ordinance and any regulations framed thereunder and the same shall be open for reference to the public at all reasonable times; and he shall erect and maintain at or near the pound a board upon which shall be painted, printed or written in legible characters the rate of fees and compensation for damage fixed by this Ordinance.

46. Every poundmaster who shall —  
 (a) refuse to allow his poundbook or copy of this Ordinance and the regulations issued thereunder to be inspected by any person having a lawful right to inspect, or  
 (b) neglect or refuse to forward to the magistrate of his district the copies of entries referred to in section *forty-three*,  
 shall be guilty of an offence.

47. Every poundmaster who shall —  
 (a) knowingly make a false entry in his poundbook,  
 (b) fraudulently destroy or erase any entry already made or  
 (c) wilfully deliver to the magistrate or any person a false copy or extract from his poundbook,  
 shall be guilty of an offence.

48. No poundmaster shall confine in his own pound any animals found trespassing upon property belonging to himself, except under the written authority of the nearest post commander of police. Failing such authority such animals shall be sent to such other pound as may be nearest to his own pound by a practicable road or thoroughfare, and any poundmaster sending such animals to another pound shall enter in his poundbook the number and description of the animals sent; provided that nothing in this section contained shall apply to the impounding in a municipal or village pound of any animals trespassing upon any land situate within the jurisdiction of any municipality, village management board, or other local authority. Any poundmaster contravening the provisions of this section shall

Die genoemde aantekeninge moet gemaak word onmiddellik nadat die feite wat aangeteken moet word, plaasgevind het, of so spoedig moontlik daarna, maar nie nadat daar 'n stryd oor ontstaan het nie. Die skutmeester moet die instruksies van die magistraat navolg aangaande die vorm waarin die aantekeninge in die skutboek gemaak moet word.

40. Elke skutboek moet in die woning of kantoor van die skutmeester gehou word, en moet te eniger redelike tyd oop wees vir kostelose inspeksie deur enige regeringsamp-tenaar wat daartoe bevoegdheid van die magistraat van die distrik het, en deur enige lid van die polisie-mag; verder moet dit oop wees vir enigeen teen 'n betaling van sespennies vir elke inspeksie; en elke skutmeester moet uittreksels uit sy skutboek deur homself onderteken gratis aan enige regeringsampenaar en lid van die polisiemag gee, en aan enige ander persoon wat dit mag verlang teen betaling van een sjieling vir elke uittreksel van nie meer as honderd woorde nie, en ses pennies vir elke verdere honderd of gedeelte van honderd woorde.

41. Elke skutmeester moet sy skutboek na elke vendusie van sy skutvee wat in sy skut gehou word, saamneem, en die boek moet op die plek van die verkoping gratis vir inspeksie lê vir iedereen wat wens om dit te sien.

42. Wanneer 'n geskutte dier sterf of beseer word, moet die skutmeester in sy skutboek 'n beskrywing gee van die dier en die oorsaak van sy dood of besering; en indien die beskrywing nie aangeteken is nie of indien 'n valse beskrywing gemaak is, word dit as *prima facie* bewys beskou dat die dood of besering die skuld van die skutmeester was.

43. Elke skutmeester moet maandeliks, op die eerste dag van elke maand aan die magistraat van sy distrik 'n afskrif stuur van alle inskrywings wat gedurende die vorige maand in sy skutboek gemaak is, en die magistraat moet alle sodanige afskrifte in sy kantoor hou vir inspeksie deur elkeen wat dit mag verlang, teen die betaling van fooie bepaal in artikel *veertig* hiervan.

44. Die magistraat mag enige skutmeester in sy distrik te eniger tyd beveel om binne 'n gegewe tydperk sy skutboek by hom in te dien, sodat hy die afskrifte van die inskrywings wat aan hom gestuur is kan ondersoek, of met die oorspronklike inskrywings vergelyk, of vir enige ander doel, en enige skutmeester wat weier of versuim om aan enige sodanige vereiste te voldoen maak hom skuldig aan 'n oortreding.

45. Elke skutmeester moet op of naby sy skut 'n kopie van hierdie Ordonnansie en enige regulasies daaronder uitgevaardig, hê en hou ter insae van die publiek te alle redelike tye, en hy moet aan of naby sy skut 'n aanplakbord oprig en instand hou, waarop die tarief van fooie en skadevergoedinge in hierdie Ordonnansie bepaal, geskilder, gedruk of leesbaar geskrywe moet wees.

46. Elke skutmeester wat —  
 (a) weier om sy skutboek of 'n kopie van hierdie Ordonnansie en die regulasies daaronder uitgevaardig aan enige persoon wat 'n wettige reg daartoe het, vir inspeksie te gee, of  
 (b) versuim of weier om aan die magistraat van sy distrik die afskrifte van die inskrywings waarna in artikel *drie-en-veertig* verwys word, te stuur—  
 maak hom skuldig aan 'n oortreding.

47. Elke skutmeester wat —  
 (a) opsetlik 'n valse inskrywing in sy skutboek maak;  
 (b) op bedrieglike manier 'n alreeds gemaakte inskrywing vernietig of uitkrap, of,  
 (c) opsetlik aan die magistraat of enige persoon 'n valse kopie of uittreksel van sy skutboek aflewer,  
 maak hom skuldig aan 'n oortreding.

48. Geen skutmeester mag diere in sy eie skut bring wat op sy eie grond oortree het nie, behalwe met die skrifte-lyke toestemming van die naaste posbevelhebber van polisie. Indien sodanige toestemming nie verkry is nie, moet sodanige diere na so 'n ander skut gestuur word as wat naaste aan sy eie skut mag wees langs 'n bruikbare pad of deurgang; en enige skutmeester wat sulke diere na 'n ander skut stuur, moet in sy skutboek die getal en beskrywing van sodanige diere aanteken; met dien verstande dat geen bepaling in hierdie artikel vervat van toepassing is op skutting in 'n munisipale of dorpskut van enige diere wat op enige grond binne die jurisdiksie van enige munisipaliteit, dorpsbestuur of ander plaaslike bestuur oortree nie. Enige skutmeester wat die bepaling van hierdie artikel oortree maak hom skuldig aan 'n oortreding.

49. Every police constable as well as any person authorised in writing by the magistrate of the district may impound any animals found upon any outspan which is enclosed with a sufficient fence, other than animals in the possession of travellers who have outspanned for a period not greater than twenty-four hours or for any period during which they may be detained by stress of weather or other sufficient cause upon the said outspan.

50. For any stock found trespassing in cultivated land in any native location or native reserve, the owner of the said stock shall be liable to pay trespass money as provided by regulation.

51. Stock found straying on the common lands (not being cultivated lands) of any native location or native reserve as aforesaid, may be taken possession of by the person finding it, who shall take the said stock to the European officer in charge of such location or reserve and after due enquiry upon his written order, but not otherwise, such stock may be impounded and the person finding and bringing such stock shall be entitled to receive from the poundmaster mileage at the rate set out in the regulations, but no trespass fees shall be chargeable. All disbursements paid as mileage shall be recovered from the owner of the stock or be deducted from the proceeds of the sale thereof.

52. Whenever any poundmaster shall prove to the satisfaction of the magistrate of the district that the sums disbursed by him in respect of fees and charges in any period of six months ending on the 30th June or the 31st December, in carrying out the provisions of sections *fourteen, twenty-five, twenty-six* and *thirty-two* are in excess of the income derived by him during such period from the conduct of his pound, it shall be lawful for the Administrator thereupon to authorise the payment to such poundmaster of a sum representing the difference between such income and such sums so disbursed as aforesaid.

53. Subject to the provisions of the Diseases of Stock Proclamation aforesaid any magistrate may send to any pound in his district any animals which are the object of criminal investigation and may remove or authorise removal of the same at his discretion. It shall be the duty of the poundmaster to receive any animals so sent to his pound. Such animals shall not be subject to the general provisions herein contained but shall be dealt with as the magistrate may direct and against payment of the fees prescribed by regulation.

54. All fines and penalties imposed by any of the provisions of this Ordinance shall be recoverable in the court of the magistrate of the district in which the offence shall have been committed, and may be proceeded for by any person in regard to whose property the act or omission entailing any such fine or penalty shall have taken place.

55. It shall be lawful for any court to order that the costs of prosecution or defence be paid either by the person proceeding for the recovery of a fine or penalty under this proclamation or the regulations framed thereunder or by the person accused thereof, or it shall be lawful to make no order as to costs. The costs referred to in this section shall be such as would be taxed and allowed if the proceedings were in the nature of a civil action in a magistrate's court in the Territory.

56. Nothing contained in this Ordinance shall be construed as depriving any person of any right which he may possess to seek redress by way of civil action in any competent court, or under such system of arbitration as may be contained in any regulations published in terms of section *seventy-five*, if he should be dissatisfied with the ordinary measure of compensation granted in terms of this Ordinance; provided that

- (a) if he has claimed damages under the provisions of this Ordinance he shall be thereafter debarred from seeking redress by way of such civil action;
- (b) whenever any complainant shall decide to proceed at law for the recovery of damages for any alleged trespass, the owner of the animals impounded for such alleged trespass shall be entitled to release the same upon payment of pound fees and upon giving security to the satisfaction of any magistrate for the payment of any damages and costs which the complainant may recover.

49. Elke polisiekonstabel en enige persoon wat in skrif deur die magistraat van die distrik gemagtig is mag enige diere wat op enige uitspanplek gevind word wat met 'n voldoende omheining toegemaak is in 'n skut plaas, behalwe diere in die besit van reisigers wat vir 'n tydperk omdat hulle teruggehou is op die genoemde uitspanplek deur weersomstandighede of ander genoegsame redes, uitgespan het.

50. Indien enige vee in bewerkte land, in enige inboorling-lokasie of reserwe oortredend gevind word is die eienaar verantwoordelik vir die oortredingsfooie soos vasgestel deur regulasie.

51. Vee wat op publieke grond (nie beboude lande nie) van enige inboorling lokasie of reserwe soos hierbo aangegee gevind word, mag deur enige persoon wat hulle daar vind, gevange geneem word, wat die genoemde vee na die blanke beampte oor sodanige lokasie of reserwe aangestel, moet neem, en na 'n behoorlike ondersoek en op sy geskrewe instruksies alleen mag sodanige vee geskut word, en die persoon wat sodanige vee gevind het en na die skut gebring het, is geregtig op die uitbetaling van mylgeld deur die skutmeester teen die tarief in die regulasies uiteengesit, maar geen oortredingsfooie is betaalbaar nie. Alle betalings vir mylgeld is te ontvang verhaalbaar of moet van die opbrengste van die verkoping afgetrek word.

52. Indien enige skutmeester tot die bevrediging van die magistraat van die distrik bewys dat die bedrae deur hom uitbetaal ten opsigte van fooie en vorderinge in uitvoering van die bepalings van artikels *veertien, vyf-en-twintig, ses-en-twintig* en *twee-en-dertig*, gedurende enige tydperk van ses maande eindigende op die 30ste Junie of die 31ste Desember, die inkomste deur hom ontvang as gevolg van die bestuur van sy skut gedurende sodanige tydperk, oortref mag die Administrateur daarop die betaling aan sodanige skutmeester van 'n bedrag gelykstaande met die verskil tussen sodanige inkomste en sodanige genoemde uitbetaalde gelde, magtig.

53. Onderhewig aan die bepalinge van "De Veeziekten Proklamatie 1920" soos voormeld mag 'n magistraat enige dier wat die onderwerp van 'n strafregtelike proses vorm na enige skut in sy distrik stuur en mag hulle laat verwyder of hulle verwydering magtig na sy goedkeuring. Dit is die plig van die skutmeester om alle diere wat op hierdie wyse na sy skut gestuur is te ontvang. Sodanige diere is nie onderworpe aan die bepalinge hierin vervat nie, maar moet mee gehandel word soos die magistraat mag beveel en teen betaling van die fooie deur regulasie bepaal.

54. Alle boetes en strawwe deur enige van die bepalinge van hierdie Ordonnansie opgelê is verhaalbaar in die magistraatshof van die distrik waarin die oortreding begaan is, en enige persoon met betrekking tot wie se eiendom die handeling of nalating, sodanige boete of straf tengevolge het, mag 'n hofsak daarvan maak.

55. Enige hof mag 'n bevel gee dat die koste van vervolging of verdediging betaal word, of deur die persoon wat 'n eis instel vir die betaling van 'n boete of strafgeld onder hierdie Ordonnansie of die regulasies daaronder opgestel, of deur die persoon daarvan beskuldig, of daar hoef geen bevel ten aansien van koste gemaak te word nie. Die koste genoem in hierdie artikel moet sodanig wees as wat bereken en toegelaat sou wees indien die saak in die aard van 'n siviele aksie in 'n magistraatshof in die Gebied was.

56. Geen bepaling in hierdie Ordonnansie vervat mag uitgelê word nie asof dit aan enige persoon enige reg onthou wat hy mag besit om vergoeding te verkry deur 'n siviele aksie in enige bevoegde hof of onder sodanige sisteem van arbitrasie as wat vervat mag wees in enige regulasie gepubliseer in terme van artikel *vyf-en-sewentig*, indien hy ontevrede is met die gewone mate van vergoeding vergun in terme van hierdie Ordonnansie, met dien verstande dat —

- (a) indien hy onder die bepalinge van hierdie Ordonnansie skadevergoeding geeis het, is hy daarna verhinder om sodanige siviele aksie in te stel vir vergoeding.
- (b) Indien enige klaer besluit om deur die hof skadevergoeding te eis vir enige beweerde oortreding, het die eienaar van die diere wat vir sodanige oortreding geskut is die reg om sodanige diere te los teent betaling van skutfooie en die gee van sekuriteit ter bevrediging van enige magistraat, vir die betaling van enige skadevergoeding en koste wat die aanklaer toegewys mag word.



57. The provisions of this Ordinance are not intended to affect the provisions of section *one hundred and seventy-one* of the Municipal Ordinance, 1935 (Ordinance No. 24 of 1935), provided that all animals seized or detained for any trespass committed beyond the limits of a municipality may be sent to any pound within the said limits as provided in section *twenty-one* and section *fifty-eight*, and the poundmaster shall be bound to receive the animals so sent, whether such pound be a municipal pound or otherwise; provided further that all questions respecting trespass committed beyond the limits of a municipality shall be determined, and the damages claimable therefor shall be regulated in accordance with the provisions of this Ordinance; and provided further that any moneys being the proceeds of the sale of any animal impounded for a trespass so committed, shall be handed over to the municipality, in the case of an unbranded animal forthwith, and in the case of a branded animal, after the same has in terms of section *thirty-eight* remained in the hands of the magistrate of the district for a period of twelve months without being claimed by the owner of such animal.

## CHAPTER II.

### *Provisions relating to Rural Areas.*

58. The proprietor of land situated in a rural area must forthwith after he has become aware of the presence upon his land of any trespassing animal, elect —

(a) to take advantage of the provisions of Chapter I, and to send the said animal to the nearest pound, after which the said trespass will be subject in all respects to the provisions of the said chapter,

or

(b) to proceed in terms of the remaining sections of this chapter.

Where such proprietor has not sent or taken such trespassing animal to the nearest pound in terms of the provisions of Chapter I, within fourteen days after he is aware of such trespass, he shall be deemed to have elected to be bound and shall be bound by the provisions of the remaining sections of this Chapter.

59. (1) The proprietor of any land shall detain, confine or herd any animal found trespassing thereon or cause it to be detained, confined or herded.

(2) The proprietor of any land on which any stock has been found trespassing shall not be liable for the loss or disappearance of that stock, unless the loss or disappearance was caused by the wilful act of the proprietor of the land.

60. (1) Whenever the proprietor of any land observes or otherwise receives knowledge of the presence upon that land of any trespassing animal, he shall within two weeks after he is aware of the presence of such animal deliver or cause to be delivered to the commander of the police post nearest to that land written notice thereof, or personally report the fact to such commander.

(2) The proprietor of any land who at the date of commencement of this Ordinance knows of the presence of any trespassing animal or animals upon that land shall within two weeks after the aforesaid date, deliver or cause to be delivered to the commander of the police post nearest to that land written notice thereof, or personally report the fact to such commander.

(3) Every such notice or report shall include an accurate description of each animal found trespassing, in which shall be stated the species, sex, colour, approximate age, brands, and the places on the animal's body on which the brands are impressed, earmarks and any other characteristics or distinctive marks of or borne by the animal, which may serve to enable the owner of the animal to identify it; and if the proprietor of the land knows who is the owner of the animal, he shall in such notice or report state the name of such owner.

(4) If any animal found trespassing bears no brand or earmark or if the proprietor of the land is unable to read any brand borne by it, that fact shall be stated in the notice or report by the proprietor of the land; and the proprietor shall keep the animal within easy reach of his homestead, where possible, in order that it may be inspected

57. Die bepalings van hierdie Ordonnansie is nie bedoel om die bepalings van artikel *eenhonderd een-en-sewentig* van die Munisipale Ordonnansie 1935 (Ordonnansie No. 24 van 1935) aan te tas nie, met dien verstande dat alle diere wat vir enige oortreding wat buite die grense van 'n Munisipaliteit gepleeg is, gevang is en aangehou word na enige skut binne die genoemde grense gestuur mag word soos bepaal in artikel *een-en-twintig* en artikel *agt-en-vyftig*, en die skutmeester moet diere wat onder sodanige omstandighede gebring word, opneem, of sodanige skut 'n Munisipale skut is of nie; met dien verstande verder dat alle gevalle van oortreding aangegaan buite die grense van 'n Munisipaliteit beslis moet word, en die skadevergoeding daaronder eisbaar, vasgestel moet word in ooreenstemming met die bepalings van hierdie Ordonnansie; en met dien verstande verder dat enige gelde, wat die opbrengste van die verkoop is van enige diere wat vir 'n sodanige oortreding geskut is, aan die Munisipaliteit oorhandig moet word. In die geval van 'n nie-gebrandmerkte dier, moet dit onmiddellik geskied en in die geval van 'n gebrandmerkte dier na die genoemde dier in terme van artikel *agt-en-dertig* in die besit van die magistraat van die distrik vir 'n tydperk van twaalf maande was sonder dat dit deur die eienaar opgeëis is.

## HOOFSTUK II.

### *Bepalings betreffende Landelike Gebiede.*

58. Die besitter van grond geleë in 'n landelike gebied, moet, sodra hy kennis dra van die teenwoordigheid van enige oortredende dier op sy grond, of

(a) ooreenkomstig die bepalings van Hoofstuk I die genoemde dier na die naaste skut stuur, waarna die genoemde oortreding in alle omstandighede onderhewig sal wees aan die bepalings van die genoemde hoofstuk, of

(b) ooreenkomstig die oorblywende bepalings van hierdie hoofstuk handel.

Indien sodanige besitter sodanige oortredende dier nie na die naaste skut ooreenkomstig die bepalings van Hoofstuk I binne veertien dae nadat hy bewus geword het van sodanige oortreding, gestuur of geneem het nie, word dit beskou dat hy verkies het om te handel ooreenkomstig die bepalings van die oorblywende artikels van hierdie Hoofstuk, en hy sal gebonde gehou word aan sodanige bepalings.

59. (1) Die besitter van enige grond moet enige dier, wat daarop oortredende gevind word, terughou, opsluit of oppas of laat terughou, opsluit of oppas.

(2) Die besitter van enige grond, waarop enige vee oortredende gevind word, is nie aanspreeklik vir die verlies of wegraak van daardie vee nie, tensy die verlies of wegraak deur die opsetlike handeling van die besitter van die grond veroorsaak is.

60. (1) Wanneer die besitter van enige grond opmerk of andersins kennis kry van die aanwesigheid van enige oortredende dier of diere op daardie grond, moet hy binne twee weke na hy bewus word van die teenwoordigheid van sodanige dier, skriftelike kennis daaromtrent aan die bevelhebber van die polisiepos, wat naasteby daardie grond geleë is, gee of laat gee of die feit persoonlik aan sodanige posbevelhebber rapporteer.

(2) Die besitter van enige grond, wat op die datum van die inwerkingtreding van hierdie Ordonnansie van die aanwesigheid van enige oortredende dier of diere op daardie grond weet, moet binne twee weke na die genoemde datum aan die bevelhebber van die polisiepos, wat naasteby daardie grond geleë is, skriftelike kennis daaromtrent gee, of die feit persoonlik aan sodanige posbevelhebber rapporteer.

(3) Enige sodanige kennisgewing of rapport moet 'n noukeurige beskrywing van elke dier, wat oortredende gevind word bevat, waarin die soort, geslag, kleur, ouderdom by benadering, brandmerke en die plekke op die dier se liggaam, waarop die brandmerke gedruk is, oormerke en enige ander karakteristieke of onderskeidende kenmerke van of op die dier, aangegee moet wees, wat kan dien om die eienaar van die dier in staat te stel om hom te identifiseer; en as die besitter van die grond weet wie die eienaar van die dier is, moet hy in sodanige kennisgewing of rapport die naam van sodanige eienaar noem.

(4) As enige dier, wat oortredende gevind word, geen brandmerk of oormerk het nie, of as die besitter van die grond nie enige brandmerk op hom kan lees nie, moet daardie feit in die kennisgewing of rapport deur die besitter van die grond vermeld word; en die besitter moet die dier waar moontlik binne die maklike bereik van sy opstal hou, sodat dit ooreenkomstig artikel *een-en-sestig* geïnspekteer kan

in accordance with the provisions of section *sixty-one*. If the animal cannot be found when a policeman wishes to inspect the same, the proprietor shall after consultation with such policeman fix a date on which the animal has to be produced for inspection, failing which the notice of trespass becomes void.

61. Whenever in any such notice or report received by the commander of a police post it is stated that any animal found trespassing bears no brand or that the brand which, by reason of the place on the animal's body on which it is impressed, the proprietor of the land judges to be the brand last impressed upon such animal, is not legible to such proprietor, the post commander shall cause the animal to be inspected by a policeman as soon as conveniently may be. The policeman making the inspection shall report to the post commander whether the animal bears any brands, and if so, what those brands are and on which places of the animal's body they are impressed.

62. (1) If from the notice or report referred to in section *sixty*, from the report by a policeman referred to in section *sixty-one*, or from any other source, the commander of the police post ascertains who is the owner of the animal or who is the registered holder of the brand which, by reason of the place on the animal's body on which it is impressed, the post commander judges to be the brand last impressed upon such animal, he shall forthwith notify such owner or holder of the name of the place where the animal then is and the name of the proprietor of the land. Such notice shall contain a full description of the animal and shall be served upon such owner or holder personally or left at his place of residence or last known place of residence or be sent to him by registered post. A copy of such notice shall be retained by the post commander.

(2) If the post commander is unable to ascertain who is the owner of the animal or who is the registered holder of the brand which, by reason of the place on the animal's body on which it is impressed, the post commander judges to be the brand last impressed upon such animal, he shall require the proprietor of the land to deposit with him a sum of money sufficient to cover the cost of publishing the notice hereinafter referred to in accordance with the provisions of this section. Such proprietor shall forthwith make such deposit. Upon receipt of the deposit the post commander shall cause to be published once in each of two newspapers circulating in the district a notice containing a full description of the animal and stating the place where the animal then is and the name of the proprietor of the land: Provided that if in the opinion of the post commander the total value of such animal or animals as may form the subject of any one notice or report will be less than the cost of such publication in the newspapers the post commander shall only put up a notice as is in sub-section (3) hereof provided.

(3) The post commander shall affix at a prominent place at the police post a copy of every notice referred to in sub-section (1) and a copy of every notice referred to in sub-section (2) of this section, and shall keep it so affixed for a period not less than three months: Provided that in the case of asses that have been found trespassing it shall be sufficient if such notice has been kept so affixed for a period of four weeks.

63. (1) The owner of any animal found trespassing upon the land of another shall, subject to the provisions of sub-section (2) of section *sixty-four* and sub-sections (1) and (2) of section *sixty-seven* be entitled to release and remove that animal upon payment to the proprietor of the land of the amounts mentioned hereunder, and shall not be entitled to remove the animal except upon such payment. The amounts so to be paid shall be the following:—

(a) the cost of publishing the notice referred to in sub-section (2) of section *sixty-two* concerning that animal, if such notice has been published, or, if the notice related to more than one animal, a proportionate share of such cost, the amount of such share being fixed by the post commander; and

(b) grazing fees in respect of that animal for the whole period of the trespass, reckoned from the date on which the notice or report referred to in sub-section (1) of section *sixty-two* was delivered or made to the post commander, at the following rates:—

word. Indien die dier nie gevind kan word nie wanneer die polisiebeampte dit wil inspekteer, dan moet die besitter, na raadpleging met die polisiebeampte, 'n datum bepaal waarop die dier vir inspeksie te voorskyn gebring moet word. By gebreke daarvan word die kennisgewing van oortreding ongeldig.

61. Wanneer in enige sodanige kennisgewing of rapport deur die bevelhebber van 'n polisiepos ontvang, vermeld word dat enige dier, wat oortredende gevind is, geen brandmerk het nie of dat die brandmerk, waaromtrent die besitter van die grond, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die laaste brandmerk is, wat op die dier gedruk is, nie vir die besitter van die grond leesbaar is nie, moet die posbevelhebber die dier so spoedig as gerieflik mag wees deur 'n polisiebeampte laat inspekteer. Die polisiebeampte, wat die inspeksie maak, moet aan die posbevelhebber rapporteer of die dier enige brandmerke het, en so ja, wat daardie brandmerke is en op watter plekke van die dier se liggaam hulle gedruk is.

62. (1) As die bevelhebber van die polisiepos na aanleiding van die kennisgewing of rapport in artikel *sestig* vermeld, na aanleiding van die rapport deur 'n polisiebeampte in artikel *een-en-sestig* vermeld, of na aanleiding van enige ander oorsaak vasstel wie die eienaar van die dier is of wie die geregistreerde houer van die brandmerk is, waaromtrent die posbevelhebber, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die laaste brandmerk is, wat op die dier gedruk is, moet hy sodanige eienaar of houer onverwyld van die naam van die plek, waar die dier dan is, en van die naam van die besitter van die grond in kennis stel. Die kennisgewing moet 'n volledige beskrywing van die dier bevat. Die kennisgewing moet op sodanige eienaar of houer persoonlik gedien word of by sy woonplek of laasbekend woonplek gelaat word of per geregistreerde pos aan hoo gestuur word. 'n Afskrif van die kennisgewing moet deur die posbevelhebber gehou word.

(2) As die posbevelhebber nie kan vasstel nie wie die eienaar van die dier of wie die geregistreerde houer is van die brandmerke, waaromtrent die posbevelhebber, ter oorsake van die plek op die dier se liggaam, waarop dit gedruk is, van oordeel is dat dit die brandmerk is, wat laaste op die dier gedruk is, moet hy van die besitter van die grond verlang dat hy 'n geldsom voldoende om die publikasiekoste van die hierinlater vermelde kennisgewing te dek, ooreenkomstig die bepaling van hierdie artikel by hom deponeer. Sodanige besitter moet sodanige som onverwyld deponeer. Na ontvangs van die deposito moet die posbevelhebber 'n kennisgewing, bevattende 'n volle beskrywing van die dier en aangewende die plek, waar die dier dan is as ook die naam van die besitter van die grond, eenmaal in elkeen van twee koerante, wat in die distrik in omloop is, laat publiseer: Met dien verstande dat, as die posbevelhebber van mening is dat die totale waarde van sodanige dier of diere, wat die onderwerp van enige kennisgewing of rapport mag vorm, minder is as die koste van sodanige publikasie in die koerante, die posbevelhebber slegs 'n kennisgewing, soos bepaal in subartikel (3) hiervan moet aanplak.

(3) Die posbevelhebber moet op 'n vername plek by die polisiepos 'n afskrif van elke in subartikel (1) vermelde kennisgewing en 'n afskrif van elke in subartikel (2) van hierdie artikel vermelde kennisgewing aanplak, en moet hulle vir 'n tydperk van nie minder as drie maande nie aldus aangeplak hou: Met dien verstande dat in die geval van esels, wat oortredende gevind is, dit voldoende sal wees as sodanige kennisgewing vir 'n tydperk van vier weke aldus aangeplak gehou is.

63. (1) Die eienaar van enige dier, wat op die grond van iemand anders oortredende gevind word, is, met inagneming van die bepaling van subartikel (2) van artikel *vier-en-sestig* en subartikels (1) en (2) van artikel *sewe-en-sestig*, geregtig om, na betaling van die hieronder genoemde bedrag aan die besitter van die grond, daardie dier los te laat, en te verwyder en is nie geregtig om die dier te verwyder nie, behalwe na sodanige betaling. Die aldus te betale bedrae is as volg:—

(a) Die publikasiekoste van die in subartikel (2) van artikel *twee-en-sestig* vermelde kennisgewing aangaande daardie dier, as sodanige kennisgewing gepubliseer is, of, as die kennisgewing op meer as een dier betrekking gehad het, 'n proporsionele aandeel van sodanige koste. Die bedrag van sodanige aandeel word deur die posbevelhebber bepaal; en

(b) weifooie ten opsigte van daardie dier vir die hele tydperk van die oortreding, gereken vanaf die datum, waarop die in subartikel (1) van artikel *twee-en-sestig* vermelde kennisgewing of rapport aan die posbevelhebber afgelewer of uitgebring is, teen die volgende tarief:—

	If the trespass occurred on land enclosed with a sufficient fence.	If the trespass occurred on land not enclosed with a sufficient fence.	As die oortreding voorgekom het op grond, wat met 'n voldoende omheining toegemaak is.	As die oortreding voorgekom het op grond, wat nie met 'n voldoende omheining toegemaak is nie.
Bulls or stallions (other than mules) over eighteen months of age:	6d per day, per head.	3d per day, per head.	6d per dag, per stuk.	3d per dag per stuk.
Other cattle, horses, mules, or asses or ostriches or pigs:	3d per day, per head.	3d per day, per head.	3d per dag, per stuk.	1d per dag, per stuk.
Sheep rams or goat rams over nine months of age:	1d per day, per head.	1½d per day, per head.	3d per dag, per stuk.	1½d per dag, per stuk.
Other sheep or goats:	1d per day, per head.	½d per day, per head.	1d per dag, per stuk.	½d per dag, per stuk.

Bulle of hingste, behalwe muile, bo die ouderdom van agtien maande: Ander beeste, perde, muile of esels of volstruise of varke: Skaapramme of bokramme bo die ouderdom van nege maande: Ander skape of bokke:

(2) No person, whether or not he is the owner of the animal, shall remove any animal which is trespassing upon any land without paying the amounts due under sub-section (1) of this section or without the consent of the proprietor of the land, which consent may be given after the act.

(3) The payment made in accordance with the provisions of sub-section (1) of this section, sub-section (2) of section *sixty-four* or sub-section (1) or (2) of section *sixty-seven* by the owner of any animal which has been found trespassing on the land of another shall not affect the liability at common law or under any other statute of the owner of such animal to compensate the proprietor of the land or any other person for any loss caused to such proprietor or other person by such animal; and such proprietor or other person may, notwithstanding any payment made by the owner of such animal in accordance with the provisions mentioned, enforce any such liability against such owner in any court of competent jurisdiction, and in particular, if such trespassing animal is a bull, stallion, sheep ram or goat ram, may recover from the owner thereof the amount of the loss suffered by such proprietor or other person by reason that such bull, stallion, sheep ram or goat ram has covered any cow, mare or sheep ewe or goat ewe lawfully running on such land.

64. (1) Whenever any animal which has trespassed upon the land of any proprietor, thereafter, and before the animal has become the property of that proprietor in accordance with section *sixty-five* is found trespassing upon the land of any other proprietor, the firstmentioned proprietor shall be entitled, unless he has by his own wilful act caused the animal so to trespass upon the land of the second-mentioned proprietor, to release the animal upon payment to the second-mentioned proprietor of such amounts as would be payable under this Ordinance upon the release of the animal by the owner thereof; and the first-mentioned proprietor shall be entitled to remove the animal to the land upon which the first-mentioned trespass took place.

(2) The owner of the animal shall be bound to pay the first-mentioned proprietor before the release of the animal by the owner any amount properly paid under the provisions of this section by the first-mentioned proprietor to the second-mentioned proprietor.

(3) Whenever any animal which has trespassed upon the land of any proprietor returns to the possession of the owner thereof before the animal has become the property of the proprietor of the land in accordance with the provisions of section *sixty-five*, the proprietor shall be entitled unless due payment is made in terms of the provisions of section *sixty-three*, to reclaim that animal from its owner and remove it to the land upon which the trespass took place.

65. If, after the lapse of three months, or in the case of asses after the lapse of four weeks, from the date on which the notice by the post commander referred to in sub-section (1) of section *sixty-two* was served or left or posted in accordance with the provisions of that section, or where a notice concerning the animal has been published in accordance with the provisions of sub-section (2) of section *sixty-two*, after the lapse of three months from the date of the last publication of that notice, the animal has not been released by the owner thereof under the provisions of section *sixty-three*, read with sections *sixty-four* and *sixty-seven*, the proprietor of the land on which the animal is trespassing may report that fact to the post commander. As soon as is convenient after the receipt of such report, the post commander shall cause such animal (if a bovine, equine or ostrich, and if it has reached the age of nine months) to be branded with a brand prescribed for the purpose by the Administrator. Thereupon such animal shall become the property of the proprietor of the land.

(2) Niemand, onverskillig of hy die eienaar van die dier is al dan nie, mag enige dier wat op enige grond oortredende is, sonder betaling van die kragtens subartikel (1) van hierdie artikel betaalbare bedrae of sonder die toestemming van die besitter van die grond, watter toestemming na die daad gegee mag word, verwyder nie.

(3) Die betaling, deur die eienaar van enige dier, wat op die grond van iemand anders oortredende gevind is, ooreenkomstig die bepalings van subartikel (1) van hierdie artikel, subartikel (2) van artikel *vier-en-sestig* of subartikel (1) of (2) van artikel *sewe-en-sestig* gedoen, tas die aanspreeklikheid van die eienaar van sodanige dier na gemeenereg of onder enige ander wet om die besitter van die grond of enige ander persoon skadeloos te stel vir enige verlies aan sodanige besitter of ander persoon deur sodanige dier berokken nie aan nie; en sodanige besitter van die grond of ander persoon kan, nieteenstaande enige betaling deur die eienaar van sodanige dier ooreenkomstig die voornoemde bepalings gedoen, enige sodanige aanspreeklikheid teenoor sodanige eienaar in enige hof van bevoegde regsrag handhaaf, en insonderheid, as sodanige oortredende dier 'n bul, hings, skaapram of bokram is, kan hy die bedrag van die verlies deur sodanige besitter of ander persoon gelyk ter oorsake van die feit dat sodanige bul, hings, skaapram of bokram, enige koei, merrie of skaapooi of bokooi, wat wettig op sodanige grond loop, gedek het, op die eienaar daarvan verhaal.

64. (1) Wanneer enige dier, wat op die grond van enige besitter oortree het, daarna en voordat die dier ooreenkomstig artikel *vyf-en-sestig* die eiendom van daardie besitter geword het, op die grond van enige ander besitter oortredende gevind word, is die eersgenoemde besitter geregtig, tensy hy deur sy eie opsetlike daad veroorsaak het dat die dier aldus op die grond van die tweede-genoemde besitter oortree het, om die dier los te koop na betaling aan die tweede-genoemde besitter van sodanige bedrae as kragtens hierdie Ordonnansie na die loskoping van die dier deur die eienaar daarvan betaalbaar sou gewees het; en die eers-genoemde besitter is geregtig om die dier op die grond te bring, waarop die eersgenoemde oortreding plaasgevind het.

(2) Die eienaar van die dier is verplig om aan die eersgenoemde besitter voor die loskoping van die dier deur die eienaar enige bedrag te betaal, wat deur die eersgenoemde aan die tweede-genoemde besitter kragtens die bepalings van hierdie artikel behoorlik betaal is.

(3) Wanneer enige dier, wat op die grond van enige besitter oortree het, weer in die besit van die eienaar daarvan terugkom voordat die dier die eiendom van die besitter van die grond ooreenkomstig artikel *vyf-en-sestig* geword het, is die besitter geregtig tensy behoorlike betaling kragtens artikel *drie-en-sestig* geskied om daardie dier van sy eienaar terug te eis en dit op die grond te bring, waarop die oortreding plaasgevind het.

65. As na afloop van drie maande of in die geval van 'n esel na afloop van vier weke vanaf die datum, waarop die in subartikel (1) van artikel *twee-en-sestig* vermelde kennisgewing deur die posbevelhebber ooreenkomstig daardie artikel gediën gelaat of gepos is, of, in gevalle waar 'n kennisgewing aangaande die dier ooreenkomstig die bepalings van subartikel (2) van artikel *twee-en-sestig* gepubliseer is, na afloop van drie maande vanaf die datum van die laaste publikasie van daardie kennisgewing, die dier nie deur die eienaar daarvan kragtens die bepalings van artikel *drie-en-sestig*, geles met artikels *vier-en-sestig* en *sewe-en-sestig*, losgekoop is nie, kan die besitter van die grond, waarop die dier oortree, daardie feit aan die posbevelhebber rapporteer. So spoedig as gerieflik mag wees na die ontvangs van sodanige rapport moet die posbevelhebber sodanige dier (as dit 'n bees of perdesoort of volstruis is en as dit die ouderdom van nege maande bereik het) met 'n brandmerk, vir die doel deur die Administrateur voorgeskrywe, laat brand. Daarop word sodanige dier die eiendom van die besitter van die grond.

66. (1) The proprietor of any land who has given a notice or made a report such as is referred to in section *sixty* to the commander of a police post of the presence upon his land of any trespassing animal, and who at any time after the giving of the notice or the making of the report ascertains who is the owner of that animal, shall forthwith deliver or cause to be delivered to the commander of that police post written notice, or make a personal report to the commander stating who that owner is.

(2) Upon receipt of any such notice or report the post commander shall forthwith notify the owner of the animal of the name of the place where the animal then is and the name of the proprietor of the land. Such notice shall be served upon or left for or sent to the owner in accordance with the provisions of sub-section (1) of section *sixty-two*.

(3) If the proprietor of the land fails to give the notice or make the report as provided in sub-section (1) the owner of the animal shall, notwithstanding the fact that the animal has been branded by the police in accordance with the provisions of section *sixty-five* be entitled at any time to reclaim the animal upon making the payments mentioned in sub-section (1) of section *sixty-three*, sub-section (2) of section *sixty-four*, and sub-sections (1) and (2) of section *sixty-seven*, where applicable, grazing fees, however, being reckoned only up to the date upon which the proprietor of the land ascertained who was the owner of the animal.

67. (1) The owner of any sheep or goats infected with scab and found trespassing upon the land of another shall, if the sheep or goats are not found mixed with other sheep or goats lawfully upon that land and free from that disease, be liable to pay to the proprietor of the land in respect of the trespass twice the amount of grazing fees that would have been payable under paragraph (c) of sub-section (1) of section *sixty-three* in respect of similar trespass by sheep or goats not so infected. If such trespassing sheep or goats are found mixed with other sheep or goats lawfully upon the land and free from the disease, and if such mixing is not due to the default of the proprietor of the land, the owner shall be liable to pay to the proprietor in respect of the trespass four times the amount of grazing fees that would have been so payable in respect of a similar trespass by sheep or goats not so infected.

(2) The owner of any sheep or goats infected with scab and found trespassing upon the land of another shall be bound to pay to the proprietor of the land before the release thereof all costs reasonably incurred or to be incurred by the proprietor for or in connection with the dipping and dressing of such sheep or goats and of any sheep or goats with which such infected sheep or goats have mixed without the default of the proprietor.

(3) For the purposes of this section, if any sheep or goat found trespassing is infected with scab, all sheep or goats in the same flock and found trespassing at the same time shall be deemed to be similarly infected; and if any sheep or goat in any flock with which any other flock has become mixed is infected with scab, then the entire mixed flock shall be deemed to be similarly infected.

(4) If any dispute arises as to whether any trespassing sheep or goats are or were infected with scab, as to whether any sheep or goats have been mixed with any other sheep or goats, as to whether any such mixing was due to the default of the proprietor of the land, or as to the costs reasonably incurred by the proprietor for or in connection with the dipping and dressing of any sheep and goats, or as to any other question of fact relative to such dispute, the question shall be decided by the majority of three arbitrators, one of whom shall be appointed by the proprietor of the land, one by the owner of the sheep or goats and one by the commander of the nearest police post. If the proprietor of the land or the owner of the sheep or goats fail to appoint an arbitrator, the said post commander shall appoint such arbitrator. No arbitrator appointed under this section shall be entitled to claim payment of any fees and expenses. If for any reason it is not practicable to have the question or questions at issue decided by arbitrators, so appointed, such question or questions shall be decided by the post commander.

66. (1) Die grondbesitter, wat na die bevelhebber van 'n polisiepos kennis gegee of 'n rapport uitgebring het, soos in artikel *sestig* vermeld, aangaande die aanwesigheid van enige oortredende dier op sy grond, en wat te eniger tyd na die gee van die kennis of die uitbring van die rapport vasstel wie die eienaar van daardie dier is, moet onverwyld aan die bevelhebber van daardie polisiepos skriftelike kennis aflewer of laat aflewer of 'n persoonlike rapport aan die bevelhebber uitbring, meldende wie daardie eienaar is.

(2) Na ontvangs van enige sodanige kennisgewing of rapport moet die posbevelhebber die eienaar van die dier onverwyld in kennis stel aangaande die naam van die plek, waar die dier dan is, en die naam van die besitter van die grond. Sodanige kennisgewing moet gedien word op, of gelaat word by, of gestuur word aan die eienaar ooreenkomstig die bepalinge van subartikel (1) van artikel *twee-en-sestig*.

(3) As die besitter van die grond in gebreke bly om kennis te gee of om die rapport uit te bring ooreenkomstig subartikel (1) van hierdie artikel, is die eienaar van die dier, niestanstaande die feit dat die dier ooreenkomstig die bepalinge van artikel *vyf-en-sestig* deur die polisie gebrandmerk is, geregtig om die dier te eniger tyd terug te eis nadat hy die in subartikel (1) van artikel *drie-en-sestig*, subartikel (2) van artikel *vier-en-sestig* en subartikels (1) en (2) van artikel *sewe-en-sestig* vermelde betaling, waar toepaslik, gemaak het. Weifoote moet egter net tot die datum gereken word, waarop die besitter van die grond vasgestel het, wie die eienaar van die dier was.

67. (1) Die eienaar van enige met brandsiekte besmette skape of bokke, wat op die grond van iemand anders oortredende gevind word, is, as die skape of bokke nie deur mekaar met ander skape of bokke, wat wettig op daardie grond en vry van daardie siekte is, gevind word nie, verplig om aan die besitter van die grond ten opsigte van die oortreding die dubbel bedrag van weifoote te betaal, wat kragtens paragraaf (c) van subartikel (1) van artikel *drie-en-sestig* ten opsigte van 'n gelyksoortige oortreding deur nie aldus besmette skape of bokke betaalbaar sou gewees het. As sodanige oortredende skape of bokke deurmekaar met ander skape of bokke, wat wettig op daardie grond en vry van daardie siekte is, gevind word, en as sodanige opmenging nie te wyte is aan die versuim van die besitter van die grond nie, is die eienaar verplig om aan die besitter die viervoudige van die bedrag, wat aldus ten opsigte van 'n gelyksoortige oortreding deur nie aldus besmette skape of bokke betaalbaar sou gewees het, ten opsigte van die oortreding te betaal.

(2) Die eienaar van enige skape of bokke, wat met brandsiekte besmet is en op die grond van iemand anders oortredende gevind word, is verplig om aan die besitter van die grond voor die loskoping daarvan al die koste te betaal wat redelikerwyse deur die besitter behoort te wees of behoort te wees vir of in verband met die dip en behandel van sodanige skape of bokke en van enige skape of bokke, waarmee sodanige besmette skape of bokke sonder die versuim van die besitter deurmekaar gekom het.

(3) As enige skape of bokke, wat oortredende gevind word, met brandsiekte besmet is, word vir die doeleinde van hierdie artikel al die skape of bokke, wat in dieselfde kudde is en op dieselfde tyd oortredende gevind word, geag insgelyks besmet te wees; en as enige skaap of bok in enige kudde, waarmee enige ander kudde deurmekaar gekom het, met brandsiekte besmet is, dan word die hele gemengde kudde geag insgelyks besmet te wees.

(4) As enige geskil ontstaan aangaande die vraag of enige oortredende skape of bokke met brandsiekte besmet is of was, of aangaande die vraag of enige skape of bokke met enige ander skape of bokke deurmekaar gebring is, of aangaande die vraag of enige sodanige opmenging te wyte was aan die versuim van die besitter van die grond, of aangaande die koste redelikerwys deur die besitter vir of in verband met die dip of behandel van enige skape en bokke behoort, of aangaande enige ander feitekwestie met betrekking tot sodanige geskil, moet die vraag deur die meerderheid van drie skeidsregters beslis word, waarvan een deur die besitter van die grond, een deur die eienaar van die skape of bokke en een deur die bevelhebber van die naaste geleë polisiepos benoem moet word. As die besitter van die grond of die eienaar van die skape of bokke in gebreke bly om 'n skeidsregter te benoem, moet die voormelde posbevelhebber sodanige skeidsregter benoem. Geen kragtens hierdie artikel benoemde skeidsregter is geregtig om betaling van enige fooie en onkoste te eis nie. As dit om enige rede nie doenlik is nie om die geskilpunt of geskilpunte deur aldus benoemde skeidsregters te laat beslis moet sodanige punt of punte deur die posbevelhebber beslis word.

68. If any bull or stallion over eighteen months of age, or any sheep ram or goat ram over nine months of age, which is found trespassing upon any land has not been released by his owner under the provisions of section *sixty-three* read with sections *sixty-four* and *sixty-six* within the period of thirty days reckoned from the date on which the notice by the post commander referred to in sub-section (1) of section *sixty-two* was served or left or posted in accordance with the provisions of that sub-section, or, where a notice concerning the animal has been published in accordance with the provisions of sub-section (2) of section *sixty-two* within the period of thirty days reckoned from the date of the last publication of that notice, the proprietor of the land on which the animal was found trespassing may have the animal inspected by a Government veterinary officer and if in the opinion of the said officer the animal is not suitable for breeding purposes, he shall castrate the same or order same to be castrated.

69. Any person who knowingly and wilfully makes any false statement, in any notice or report given or made under section *sixty* or section *sixty-six*, or who knowingly and wilfully fails to disclose in any such notice or report any material fact which he could reasonably expect might lead to the discovery of the owner of any animals to which that notice or report relates, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding twelve months.

### CHAPTER III.

#### General and Miscellaneous.

70. The provisions of this Chapter shall be of general application throughout the Territory.

71. All pigs, poultry or pigeons found trespassing in or upon —

- (a) any garden, vineyard or orchard; or
- (b) any place upon which any species of cultivated crop is growing, or upon which such crop is still lying; or
- (c) any place containing grain,

may be destroyed by the proprietor of the land on which the garden, vineyard, orchard or place is situate or by any person acting on his authority, and any dog found trespassing at any time on land enclosed with a sufficient fence in which there are game or animals may be destroyed. The owner of any pigs, poultry or pigeons so found trespassing shall be liable to make good any damage done by such pigs, poultry, or pigeons to any such garden, vineyard, orchard, crop or grain, and the owner of any dog so found trespassing shall be liable to make good any damage done by such dog to any such game or animals.

72. (1) If any animal trespassing upon the land of another is found or suspected to be suffering from a contagious or infectious disease, the proprietor of that land shall report the matter to the commander of the police nearest to that land, and apply to him for permission to destroy the animal. The post commander shall, as soon as conveniently may be after the receipt of that report cause the animal to be inspected by a veterinary officer, or if a veterinary officer is not readily available by a European member of the South West Africa Police, and if such veterinary officer or policeman agree with the proprietor of the land that it is necessary that the animal be destroyed, he shall deliver to the proprietor a written certificate to that effect. The proprietor may thereupon destroy the animal or cause it to be destroyed.

(2) No liability, civil or criminal, in respect of the destruction of any animal upon the authority of any such certificate shall attach to any person concerned in such destruction.

(3) This section shall not apply to any sheep or goat suffering only from scab.

73. (1) If any head of cattle, or any horse, mule or ass found trespassing upon the land of another is so wild as not to be controllable in the way in which cattle, horses or asses are ordinarily controlled, the proprietor of the land may apply to the magistrate of the district to be declared the owner of the animal. Such application may be made verbally or in writing through the commander of the nearest police post.

The magistrate, may, after such investigation as he may deem necessary, cause to be put up at the Magistrate's Court, and at all police posts in the district a notice containing a full description of the animal and stating the fact that such application has been made, the name of the proprietor of the land and the place where the animal then is.

68. As enige bul of hings bo die ouderdom van agtien maande of enige skaapram of bokram bo die ouderdom van nege maande, wat op enige grond oortredende gevind word, nie deur sy eienaar losgekoop is nie kragsiens die bepalings van artikel *drie-en-sestig* gelees met artikels *vier-en-sestig* en *ses-en-sestig* binne die tydperk van dertig dae gereken vanaf die datum, waarop die in subartikel (1) van artikel *twee-en-sestig* vermelde kennisgewing deur die posbevelhebber ooreenkomstig daardie subartikel gedien of gelaat of gepos was, of, in gevalle waar 'n kennisgewing aangaande die dier ooreenkomstig die bepalings van subartikel (2) van artikel *twee-en-sestig* gepubliseer is, binne die tydperk van dertig dae gereken vanaf die datum van die laaste publikasie van daardie kennisgewing, kan die besitter van die grond, waarop die dier oortredende gevind is, die dier deur 'n goewerments-veerts laat ondersoek. As die voormelde beampte van mening is, dat die dier nie geskik is nie vir aantelddoeleindes, moet hy dit kastreer of gelas dat dit kastreer word.

69. Enige persoon wat willens of wetens enige valse verklaring maak in enige kennisgewing of rapport gegee of uitgebring kragsiens artikel *sestig* of artikel *ses-en-sestig*, of wat willens en wetens in gebreke bly om in enige sodanige kennisgewing of rapport enige wesentlike feit te openbaar, waaromtrent hy redelikerwys kon verwag, dat dit tot die ontdekking van die eienaar van enige diere, waarop daardie kennisgewing of rapport betrekking het, sou kan lei, is skuldig aan 'n oortreding en na skuldigebevinding blootgestel aan 'n boete van hoogstens eenhonderd pond of, by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens twaalf maande.

### HOOFSTUK III.

#### Algemeen en Allerlei.

70. Die bepalings van hierdie Hoofstuk is van algemene toepassing deur die hele Gebied.

71. Al die varke, pluimvee of duiwe, wat in of op —

- (a) enige tuin, wingerd of vrugteboord; of
- (b) enige plek, waarop enige soort gesaaide groei, of waarop sodanige gesaaide nog lê; of
- (c) enige plek, wat graan bevat,

oortredende gevind word, mag deur die besitter van die grond, waarop die tuin, wingerd, vrugteboord of plek geleë is, of deur enige persoon, wat op sy gesag handel, doodgemaak word, en enige hond, wat te eniger tyd op grond, wat met 'n voldoende heining toegemaak is en waarin wild of diere is, oortredende gevind word, kan doodgemaak word. Die eienaar van enige varke, pluimvee of duiwe, wat aldus oortredende gevind word, is verplig om enige deur sodanige varke, pluimvee of duiwe aan enige sodanige tuin, wingerd, vrugteboord, gesaaide of graan berokkende skade te vergoed, en die eienaar van enige hond, wat aldus oortredende gevind word, is verplig om enige deur sodanige hond aan enige sodanige wild of diere berokkende skade te vergoed.

72. (1) As gevind of vermoed word dat enige dier, wat op grond van iemand anders oortree, aan 'n aansteeklike of besmetlike siekte ly, moet die besitter van daardie grond die saak aan die bevelhebber van die polisiepos, wat die naaste by daardie grond geleë is, rapporteer en by hom aansoek doen vir verlof om die dier dood te maak. Die posbevelhebber moet so spoedig as gerieflik mag wees na die ontvangs van daardie rapport die dier deur 'n veearts of, as 'n veearts nie dadelik beskikbaar is nie, deur 'n blanke lid van die Suidwes-Afrika Polisie laat inspekteer, en as sodanige veearts of polisdienaar met die besitter van die grond ooreenkom dat dit nodig is dat die dier dood gemaak word, moet hy aan die besitter 'n skriftelike sertifikaat te dien effekte aflewer. Daarop kan die besitter die dier doodmaak of laat doodmaak.

(2) Geen aanspreeklikheid, siviël of krimineel, ten opsigte van die doodmaak van enige dier kragsiens enige sodanige sertifikaat val op enige persoon wat in sodanige doodmaak betrokke is nie.

(3) Hierdie artikel het geen toepassing op enige skaap of bok wat net aan brandsiekte ly nie.

73. (1) Indien enige bees, of perd, of muil, of esel wat op die grond van 'n ander persoon oortredende gevind is, so wild is dat dit nie op die wyse waarop beeste, perde of esels gewoonlik bedwing word, bedwingbaar is nie, mag die besitter van die grond by die magistraat van die distrik aansoek doen om as eienaar van die dier verklaar te word. Sodanige aansoek mag mondeliks of in skrif deur die bevelhebber van die naaste polisiepos gemaak word.

Die magistraat mag, na hy sodanige ondersoek as wat hy nodig mag vind, gemaak het, 'n kennisgewing by die magistraatshof en by al die polisieposte in die distrik laat opklap waarin 'n volledige beskrywing van die dier aangegee word, die feit dat sodanige aansoek ingedien is, die naam van die besitter van die grond, en die plek waar die dier op die oomblik is.

(2) If after the lapse of one month from the date of the last publication of such notice the animal has not been released by the owner thereof in accordance with the provisions of the last preceding Chapter and removed from the land trespassed upon, the proprietor shall be declared in writing by the magistrate to have become the owner of the animal. The ownership in the animal shall thereupon vest in the proprietor.

74. Any person who contravenes or omits to comply with any provision of this Ordinance or of any regulation made thereunder in respect of which no special penalty has been provided, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

75. The Administrator may make regulations, not in conflict with the provisions of this Ordinance, as to the following matters, and may provide penalties for the contravention of such regulations:—

- (a) the appointment and rights of poundmasters and the dismissal of poundmasters;
- (b) the treatment of sheep and goats infected with scab and the liability of the owners in respect of the same;
- (c) the care of impounded animals;
- (d) the treatment and disposal of infected or dangerous animals;
- (e) the treatment of animals found trespassing on the land of a poundmaster;
- (f) the notification to their owners of the animals impounded;
- (g) the keeping of books and records by poundmasters;
- (h) the assessment, tender and payment of damages for trespass of animals;
- (i) the payment to the person impounding stock of mileage fees and trespass moneys;
- (j) the release of impounded animals;
- (k) the sale of impounded animals;
- (l) the castration of stallions, bulls, and rams impounded and the obligations of the owners in respect of the trespass of such stallions, bulls or rams;
- (m) the trespass on outspans;
- (n) the fees recoverable by poundmasters and the disposal thereof;
- (o) municipal pounds;
- (p) the trespass of animals in native locations or native reserves;
- (q) the inspection of pounds and the records appertaining thereto;
- (r) the notification of pound sales;
- (s) the system of arbitration that is to be followed, in cases where proprietors of land seek such arbitration to settle the amount of damage suffered through trespassing cattle;
- (t) any other matter which may be settled by regulation in terms of this Ordinance;
- (u) in general for the better carrying out of the provisions of this Ordinance;
- (v) the shaving of trespassing animals for the purpose of deciphering indistinct brands.

76. Nothing in this Ordinance contained shall be deemed to modify in any respect the provisions of the Diseases of Stock Proclamation, 1920.

77. This Ordinance shall be called the Trespass of Animals Ordinance, 1939.

#### SCHEDULE.

##### Laws Repealed.

1. Proclamation by the Administrator No. 5 of 1917, as amended from time to time.
2. The Trespass of Animals (Rural Areas) Ordinance, 1931 (Ordinance No. 9 of 1931), as amended from time to time.
3. The Trespass of Animals Amendment Ordinance, 1938 (Ordinance No. 7 of 1938).

(2) Indien na die afloop van een maand vanaf die datum van die laaste publikasie van sodanige kennisgewing, die dier nog nie deur die eienaar gelos is in terme van die onmiddellik voorafgaande Hoofstuk nie en van die grond waarop dit oortree het, weggeneem is nie, moet die besitter deur die magistraat skriftelik verklaar word tot eienaar van die dier. Die eiendomsreg in die dier is daarop in die besitter gevestig.

74. Enige persoon wat die bepalings van hierdie Ordonnansie of van enige regulasie daaronder ten opsigte waarvoor geen spesiale strafbepaling gemaak is nie, oortree of nalaa om na te kom, maak hom skuldig aan 'n oortreding en is by skuldigbevinding onderhewig aan 'n boete van hoogstens vyf-en-twintig pond, of by wanbetaling, aan gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens drie maande.

75. Die Administrateur mag regulasies maak, wat nie teenstrydig is met die bepalings van hierdie Ordonnansie nie met betrekking tot die volgende onderwerpe, en mag strafbepalings voorskryf vir die oortreding van sodanige regulasies:

- (a) die aanstelling, regte en ontslag van skutmeesters;
- (b) die behandeling van skape en bokke wat met brand-siekte besmet is, en die verantwoordelikheid van eienaars ten aansien hiervan;
- (c) die versorging van geskutte diere;
- (d) die versorging van en beskikking oor diere wat besmet of gevaarlik is;
- (e) die behandeling van diere wat op die grond van 'n skutmeester oortredende gevind word;
- (f) die kennisgewing aan eienaars van diere wat geskut is;
- (g) die aanhou van boeke en rekords deur skutmeesters;
- (h) die vasstelling, aanbod en betaling van skadevergoeding vir oortreding van diere;
- (i) die betaling van mylgeld en oortredingsfoeie aan persoon wat diere skut;
- (j) die loslating van geskutte diere;
- (k) die verkoop van geskutte diere;
- (l) die kastrasie van hingste, bulle en ramme wat geskut is en die verpligtinge van die eienaars ten opsigte van die oortreding van sodanige hingste, bulle of ramme;
- (m) die oortreding op uitspanplekke;
- (n) die foeie deur skutmeesters verhaalbaar en die beskikking daaroor;
- (o) Munisipale skutte;
- (p) die oortreding van diere in inboorling lokasies of reserves;
- (q) die ondersoek van skutte en die rekords in verband daarmee;
- (r) kennisgewing van skutvendusies;
- (s) die arbitrasie-sisteme wat gevolg moet word in gevalle waar die besitters van grond om arbitrasie wens, om vas te stel wat die bedrag is van die skadevergoeding deur oortredende beeste veroorsaak;
- (t) enige ander onderwerp wat ooreenkomstig hierdie Ordonnansie deur regulasie afgehandel mag word;
- (u) in die algemeen vir die meer doeltreffende uitvoering van die bepalings van hierdie Ordonnansie;
- (v) die skeer van oortredende diere om onduidelike bran-merke leesbaar te maak.

76. Niks in hierdie Ordonnansie vervat word geag om die bepalings van "De Veeziekten Proklamatie 1920" in enige opsig te wysig nie.

77. Hierdie Ordonnansie heet die Ordonnansie op die Oortreding van Diere, 1939.

#### BYLAE.

##### Wette herroep.

1. Proklamasie deur die Administrateur No. 5 van 1917, soos van tyd tot tyd gewysig.
2. Ordonnansie van 1931 betreffende Oortreding van Diere (Platteland Gebiede) (Ordonnansie No. 9 van 1931), soos van tyd tot tyd gewysig.
3. Die Wysigingsordonnansie van 1938 betreffende Oortreding van Diere (Ordonnansie No. 7 van 1938).