



# OFFICIAL GAZETTE

EXTRAORDINARY

of South West Africa.

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BUITENGEWONE

# OFFISIËLE KOERANT

van Suidwes-Afrika.

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## Government Notice.

The following Government Notice is published for general information.

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

Office of the Administrator,  
Windhoek.

No. 161.] [28th November, 1935.

### ORDINANCES, 1935: PROMULGATION OF.

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

No.	Title.	Page.
13.	Licences Consolidation Ordinance, 1935 . . . . .	9721
14.	Liquor Licensing Amendment Ordinance, 1935 . . . . .	9737
15.	Sunday Trading Amendment Ordinance, 1935 . . . . .	9738
16.	Cigarettes and Cigarette Tobacco Sales Tax Amendment Ordinance, 1935 . . . . .	9738
17.	Guardian's Fund (Interest on Minors and Lunatics Moneys) Amendment Ordinance, 1935 . . . . .	9739
18.	Divorce Laws Amendment Ordinance, 1935 . . . . .	9739
19.	Cattle Improvement Further Amendment Ordinance, 1935 . . . . .	9741
20.	Meat Trade Control Amendment Ordinance, 1935 . . . . .	9741
21.	The Professional Tax Ordinance, 1935 . . . . .	9742
22.	Taxation of Landed Property Further Amendment Ordinance, 1935 . . . . .	9743
23.	Transfer Duty Consolidation and Amendment Ordinance, 1935 . . . . .	9744

## Goewermentskennisgewing.

Die volgende Goewermentskennisgewing word vir algemene informasie gepubliseer.

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

Kantoor van die Administrateur,  
Windhoek.

No. 161.] [28 November 1935.

### ORDONNANSIES 1935: UITVAARDIGING VAN.

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

No.	Titel.	Bladsy.
13.	Konsolidasie-Ordonnansie betreffende Lisensies 1935 . . . . .	9721
14.	Dranklisensiewet Wysigingsordonnansie 1935 . . . . .	9737
15.	Wysigingsordonnansie op Handeldrywe op Sondae 1935 . . . . .	9738
16.	Sigarette en Sigarettabak Verkoopsbelasting Wysigingsordonnansie 1935 . . . . .	9738
17.	Wysigingsordonnansie op Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) 1935 . . . . .	9739
18.	Egskeidingswette Wysigingsordonnansie 1935 . . . . .	9739
19.	Beesteverbeterings Verdere Wysigingsordonnansie 1935 . . . . .	9741
20.	Wysigingsordonnansie betreffende die Kontrole van Vleishandel 1935 . . . . .	9741
21.	Die Beroepsbelasting Ordonnansie 1935 . . . . .	9742
22.	Verdere Wysigingsordonnansie betreffende Belasting van Grondeiendom 1935 . . . . .	9743
23.	Ordonnansie betreffende die Konsolidasie en Wysiging van Hereregte 1935 . . . . .	9744

(2) The provisions of this section shall be deemed to be in operation as from the twenty-second day of September, 1933.

3. Section *nine* of the principal Ordinance is hereby amended:—

- (1) By the introduction of the following words after the word "otherwise" in line three thereof — "And no person shall knowingly receive by way of gift, remuneration or otherwise from places outside the Territory, any cigarettes or cigarette tobacco whatsoever."
- (2) By the addition of the following sentence at the end of the first paragraph thereof — "Any Post Office official or official of the South African Railways and Harbours Administration may detain any parcel or package which is reasonably suspected of containing cigarettes or cigarette tobacco, until such time as he is satisfied that the tax due on such cigarettes or cigarette tobacco in terms of this Ordinance has been paid."

4. This Ordinance may be cited for all purposes as the Cigarettes and Cigarette Tobacco Sales Tax Amendment Ordinance, 1935.

No. 17 of 1935.]

## ORDINANCE

To alter the rate of interest to be allowed on moneys received by the Master of the High Court for account of minors or lunatics or certain other persons.

(Assented to 27th November, 1935.)  
(Afrikaans text signed by the Administrator.)

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

1. Section *ninety-three* of the Administration of Estates Act, 1913 (Act No. 24 of 1913), of the Parliament of the Union of South Africa, as applied to this Territory by section *two* of the Better Administration of Justice Proclamation, 1921 (Proclamation No. 52 of 1921), and amended for the purposes of such application by the Guardian's Fund (Interest on Minors and Lunatics Moneys) Ordinance, 1927 (Ordinance No. 1 of 1927), is hereby further amended for the purposes of such application as aforesaid, by the deletion of the words "four and one-half" occurring therein and the substitution therefor of the word "four".

2. This Ordinance may be cited for all purposes as the Guardian's Fund (Interest on Minors and Lunatics Moneys) Amendment Ordinance, 1935, and shall come into operation on the first day of April, 1936.

No. 18 of 1935.]

## ORDINANCE

To amend the divorce laws of the Territory.

(Assented to 27th November, 1935.)  
(English text signed by the Administrator.)

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

1. (1) In addition to any other grounds on which a decree of divorce may by any law at present in force in the Territory be granted such a decree may also be granted on the ground that the party against whom the decree is

(2) Die voorsieninge van hierdie artikel word geag in werking te gewees het vanaf die twee-en-twintigste dag van September 1933.

3. Artikel *nege* van die hoofordonnansie word hierby gewysig:—

- (1) Deur die invoeging van die volgende woorde na die woord "andersins" in reël drie daarvan — "En niemand mag voorbedagtelik sigarette of sigarettabak van welke aard dan ook, by wyse van gifte, beloning of andersins van plekke buitekant die Gebied ontvang nie."
- (2) Deur die toevoeging van die volgende sin aan die end van die eerste paragraaf daarvan — "Enige posklerk of amptenaar van die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens kan enige pakket of pakkie waaromtrent redelike agterdog bestaan dat dit sigarette of sigarettabak bevat, terughou, tot tyd en wyl hy oortuig is dat die belasting wat kragtens hierdie Ordonnansie betaalbaar is, betaal is."

4. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Sigarette en Sigarettabak Verkoopsbelasting Wysigingsordonnansie 1935.

No. 17 van 1935.]

## ORDONNANSIE

Om die rentevoet wat toegestaan moet word op gelde deur die Meester van die Hooggeregshof ontvang op rekening van minderjariges of kranksinniges of sekere ander persone, te verander.

(Goedgekeur 27 November 1935.)  
(Afrikaanse teks deur die Administrateur geteken.)

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

1. Artikel *drie-en-sagttig* van die Boedelwet 1913 (Wet No. 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op hierdie Gebied toegepas by artikel *twee* van "De Betere Rechtsbedeling Proklamasie 1921" (Proklamasie No. 52 van 1921) en vir die doeleindes van sodanige toepassing gewysig deur die Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) Ordonnansie 1927 (Ordonnansie No. 1 van 1927), word hierby verder gewysig vir die doeleindes van sodanige voormelde toepassing deur die skraping van die woorde "vier en een half" wat daarin voorkom, en die vervanging daarvan deur die woord "vier".

2. Hierdie Ordonnansie kan vir alle doeleindes aangehaal word as die Wysigingsordonnansie op Voogdyfonds (Rente op Gelde van Minderjariges en Kranksinniges) 1935 en tree in werking op die eerste dag van April 1936.

No. 18 van 1935.]

## ORDONNANSIE

Tot wysiging van die egskedingswette van die Gebied

(Goedgekeur 27 November 1935.)  
(Engelse teks deur die Administrateur geteken.)

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

1. (1) Behalwe die ander gronde waarop ingevet wet wat tans in die Gebied van 'n order skeiding kan verleen word, kan so 'n order ook verle op grond dat die party teen wi die order gevra w

- (a) has been subject to the provisions of the Mental Disorders Act, 1916, of the Parliament of the Union of South Africa as extended to the Territory by the South West Africa Mental Disorders Act, 1926 (Act No. 22 of 1926), of the said Parliament, for a period of not less than seven years and is incurable; or
- (b) has been declared to be an habitual criminal under section *three hundred and forty-four* of the Criminal Procedure and Evidence Act, 1917, as applied to the Territory by the Criminal Procedure and Evidence Proclamation, 1919 (Proclamation No. 20 of 1919), and has been detained in prison for at least five years after such declaration:

Provided that a Court shall not grant a decree of divorce on the grounds set forth in paragraph (a) unless it is satisfied by the evidence of three medical practitioners of whom two shall be alienists appointed by the Court that the defendant is incurable and unless it is also satisfied that the plaintiff (if the plaintiff is the husband of the defendant) is in no way to blame for the mental condition of the defendant. The evidence of such medical practitioners may be accepted on affidavit, but the court may, in its discretion, require any such medical practitioner to be summoned to give oral evidence, if it should consider such oral evidence essential for the proper determination of the mental condition of the defendant.

(2) Whenever a decree is sought on the ground mentioned in paragraph (b) of sub-section (1) hereof, it shall be competent for the Court to refuse such decree if it is satisfied that the plaintiff voluntarily assisted the defendant in the commission of any crime of which he or she has been convicted.

2. Whenever a decree of divorce is granted under paragraph (a) of sub-section (1) of section *one*, the Court —

- (a) may order that the plaintiff pay the defendant's costs, if any, and that he make provision to the satisfaction of the Master for the proper maintenance of the defendant and any child or children of the marriage and for the securing of any benefits to which the defendant may be entitled;
- (b) shall not, as against the defendant, order the forfeiture of any benefits arising out of the marriage.

3. (1) Whenever a person who has been granted a decree of divorce under paragraph (a) of sub-section (1) of section *one* intends to marry again, he shall (whether the marriage be by special licence or after publication of banns) obtain a certificate under the hand of the Master to the following effect, namely —

- (a) a certificate that the provisions of paragraph (a) of section *two* have been complied with; or
- (b) if no order has been made under that paragraph a certificate stating that fact.

(2) Every such certificate shall be delivered to the marriage officer before whom the marriage is intended to be solemnized.

(3) Any such person who marries again without obtaining such certificate as is required under sub-section (1) shall be liable to a fine of not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months, and in addition it shall be competent for the Master or any other person acting for the divorced spouse or children to take such action as may be necessary for the due fulfilment of such order.

(4) Any marriage officer who solemnizes any such marriage unless there has first been delivered to him the certificate required by this section in respect of the parties to the marriage shall be liable to such fine or in default of payment to such imprisonment as aforesaid.

4. This Ordinance may be cited as the Divorce Laws Amendment Ordinance, 1935.

- (a) gedurende 'n tydvak van minstens sewe jaar aan die bepalings van "De Wet op Geestesgebreken, 1916" van die Parlement van die Unie van Suid-Afrika soos op die Gebied toegepas deur die Wet op Geestesgebreke in Suidwes-Afrika 1926, (Wet No. 22 van 1926), van die vermelde Parlement onderworpe gewees is en ongeneeslik is; of

- (b) ingevolge artikel *driehonderd-vier-en-veertig* van die "Kriminele Procedure en Bewijslevering Wet, 1917", soos op die Gebied toegepas deur die "Criminele Procedure en Bewijslevering Proclamatie, 1919" (Proklamasie No. 20 van 1919), 'n gewoonte-misdadiger verklaar is en gedurende minstens vyf jaar na daardie verklaring in die gevangenis aangehou is:

Met die verstande dat 'n hof geen order vir egskeiding op die in paragraaf (a) vermelde gronde verleen nie tensy hy deur die getuienis van drie geneeskundige praktisyne, twee van wie deur die hof aangestelde psigiaters moet wees, oortuig is dat die verweerder ongeneeslik is en tensy hy tewens oortuig is dat die eiser (indien die eiser die eggenoot is van die verweerder) geensins te blameer is vir die geestes-toestand van die verweerder nie. Die getuienis van sodanige geneeskundige praktisyne kan op beëdigde verklaring aangeneem word, maar die hof kan, na goedvinde, van enige sodanige geneeskundige praktisyne wat gedagvaar word verlang dat hy mondelinge getuienis aflê, as die hof sodanige mondelinge getuienis as essensieël beskou vir die behoorlike vasstelling van die geestestoestand van die verweerder.

(2) Wanneer 'n order gevra word op die grond vermeld in paragraaf (b) van sub-artikel (1) van hierdie artikel, is die hof bevoeg om so 'n order te weier indien hy oortuig is dat die eiser die verweerder vrywillig behulpsaam gewees is by die begaan van 'n misdaad waarvoor hy of sy veroordeel is.

2. As 'n order vir egskeiding onder paragraaf (a) van sub-artikel (1) van artikel *een* verleen word, kan die hof —

- (a) gelas dat eiser die regskoste van verweerder (as daar koste is) betaal en dat hy ten genoë van die Meester voorsiening maak vir die behoorlike onderhoud van verweerder en die kind of kinders uit die huwelik en vir die versekering van enige voordele waartoe verweerder geregtig mag wees;
- (b) geen order teen verweerder verleen nie waaronder enige voordele uit die huwelik voortvloeiende verbeurd verklaar word.

3. (1) As iemand aan wie 'n order vir egskeiding ingevolge paragraaf (a) van sub-artikel (1) van artikel *een* verleen is van plan is om te hertrou, moet hy (hetsy die huwelik deur spesiale lisensie of na publikasie van gebooe plaasvind) 'n sertifikaat verkry onderteken deur die Meester van die volgende inhoud, naamlik —

- (a) 'n sertifikaat dat aan die bepalings van paragraaf (a) van artikel *twee* voldaan is; of
- (b) as geen order onder daardie paragraaf verleen is nie, 'n sertifikaat van daardie feit.

(2) Elke sodanige sertifikaat moet aan die huweliksbevestigter voor wie die voorgenome huwelik bevestig sal word besorg word.

(3) Elke sodanige persoon wat hertrou onder die ingevolge sub-artikel (1) vereiste sertifikaat sonder 'n ry, is strafbaar met 'n boete van hoogstens een <sup>20</sup>/<sub>100</sub> heelpond of by wanbetaling met gevangenisstraf met <sup>2</sup>/<sub>3</sub> ek of harde arbeid vir 'n termyn van hoogstens ses maande. Soewendien is die Meester of enige ander persoon wat vir die geskeie eggenoot of kinders optree bevoeg om sodanige stappe te doen as nodig mag wees vir die behoorlike nakoming van sodanige order.

(4) 'n Huweliksbevestigter wat so 'n huwelik bevestig tensy eers aan hom die deur hierdie artikel vereiste sertifikaat ten opsigte van die partye tot die huwelik besorg is, is strafbaar met sodanige boete of by wanbetaling met sodanige gevangenisstraf as voormeld.

4. Hierdie Ordonnansie kan aangehaal word as die Egskeidingswette Wysigingsordonnansie 1935.