

IX. Ivyemezo vy'ingwati

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(I.I.K.M., 1923, p. 289)

Vyashinzwe gukurikizwa mu *Burundi* na I.R.U. n° 60 ryo ku wa 15 Nzero 1925 (I.I.R.U., n° 1, p. 6).

Igihimba ca 1

Ugutanga n'ugushira umukono ku nzandiko za warrants na cedules

Ingingo ya 1

Warrants na cedules ni impapuro z'ubudandaji bashobora guhererekanya. Zerekeye ibidandazwa vy'abandandaza bonyene.

Ingingo ya 2

Warrants na cedules ntibishobora gutangwa n'uwundi muntu atari uwakiriye ibidandazwa.

Ariko rero, iyo ivyo bidandazwa vyashizwe mu bushinguro bwa Leta, warrants na cedules bitangwa n'umuntu yanditswe kuri ico kintu.

Ingingo ya 3

Warrants na cedules biva mu gitabu kibigenewe, gifise agace gasigara iyo ukuyemwo urupapuro maze ugaca ushiraho ikimenyetso n'ikidodo c'umucamanza yemewe muri ako karere. Bifise inomeru imwe y'urutonde.

Ingingo ya 4

Warrants na cedules bihabwa uwerekanye ko ibidandazwa ari ivyo iwe, canke igihe abisavye kw'izina ry'uwundi.

Ingingo ya 5

Warrants iba ifise urwandiko hejuru ngo « warrants », cedules nayo yanditseko hejuru ngo « cédule ».

Warrants na cedules birerekana amazina, ico uwo bakirungikiye bamumenyerako, n'aho aba.

Biranga ubwoko bw'ibidandazwa, uko bingana, uburemere bwa vyo, ico bitekeyemwo, inomeru n'ibimenyetso bomenyerako ico bitekeyemwo, iyo bihari, igitigiri n'uburemere bw'ivyatanze ngo babirabireko.

Biravuga imangazini ibidandazwa bishinguwemwo n'uwubikingira iyo ahari.

Biravuga igenekerezo ry'aho bategerezwa kurihira amahera yo kubishingura n'ayandi ategekanijwe.

Bishirwako igenekerezo n'umukono na nyene kubitanga.

Cédule irerekana kandi ko biciye ku wundi muntu ayifise, atawushobora kuyitangirako ibidandazwa kiretse :

1° iyo ico cemezo c'umwenda cemejwe kigashirwako umukono uko bitegerezwa ;

2° iyo cédule iri kumwe na warrants ;

3° n'iyi cédule yanditseko igitigiri c'amahera asigaye gutangwa, iyo warrants kiriko uruhusha rwo kugitanga rwashizweko umukono n'uwanditseko.

Ingingo ya 6

Warrants iherekejwe na cédule iyo biri mu minwe y'ugaritanzwe canke nyene kuzishikirizwa bifatwa nk'uburenganzira bwo kuganza ibidandazwa atankomakomyi.

Warrants na cedules biha uwubifise uburenganzira bwo kuganza ibidandazwa, mu gihe iyo warrant irimwo uruhusha

rwo kubirekura nk'uko bitegekanijwe mu gahimba ka nyuma k'ingingo ya 5.

Warrant itari kumwe na cédule itanga uburenganzira bwo kugamya ibidandazwa bwa ngwati.

Cédule itari kumwe na warrants ifatira nk'uburenganzira bwo kugurisha canke gutanga canke kudatanga ibidandazwa biherekejwe na warrant.

Ingingo ya 7

Inzandiko z'uguhebera uwuwundi urwandiko rw'urudandazwa zishirwako igenekerezo n'igikumu na nyene gutanga ubwo burenganzira.

Zishobora guhabwa umuntu atabanje kuvugwa izina. Izo nyandiko ziha umutumwa uburenganzira butagira agatosi.

Ingingo ya 8

Kiretse hari ivyemezo bindi, gutanga warrants canke cedules, mu gihe bitanditswe mu bitabu bizwi bishinguwe n'uwatanze uburenganzira hamwe n'uwabuhawe gufatwa, iyo habaye agahombo, nk'ukwabaye mu gihe kwari gitegekanijwe.

Igihimba ca 2

Warrants n'ingene zitangwa

Ingingo ya 9

Mu gihe warrant itanzwe canke igashingurwa ahayo, birandikwa neza, haba kuri cedules no kuri yo nyene, umwenda uwo ari wo n'ikiringo cawo.

Kuri cedules hategwako igikumu n'uwahawe warrant n'aho haterwako igikumu n'uwahawe cedules.

Ingingo ya 10

Mu gihe kuri cedules hatariko inyandiko zisa n'iziri ku warrant, ivyanditswe kuri warrant ni vyo biha uburenganzira nyakuri uwahawe warrant. Mu gihe kuri warrant hatanditseko igitigiri c'amahera yishinze bituma iyo warrant ifatwa nk'ingwati ishingiye ku bidandazwa ku vyerekeye abantu batari babizi.

Mu gihe ku warrant ata kiringo kiriko bituma iyo warrant ifatwa nk'umwenda wishurizwa aho nyene ku bantu batari babizi.

Mu gihe umutumwa atateye igikumu kuri cédule bahawe warrant, igikumu c'umwenda, igikumu c'umwe kiremewe gusubirira umukono c'uwufise icemezo c'umwenda.

Ingingo ya 11

Murundi afise cédule, iyo abwirizwa kuriha mu ntumbero yo kwubahiriza ubukuru bwa warrant, ayarengaye umwenda canke akayariha ikiringo kitarahera, aba afise uburenganzira bwo kwitwarira uwutubahirije warrant n'abateye igikumu kuri urwo rwandiko ubwa mbere.

Igihimba ca 3

Ingene cédule itangwa ukwayo warrant imaze guterwako igikumu

Ingingo ya 12

Mu gihe cédule itanzwe warrant yamaze guterwako igikumu, birandikwa kumbure kuri cédule, hakajako n'ikiguzi gisigaye kitarishwe n'ikiringo gitegekanijwe. Urwo rwandiko ruterwako igikumu n'uwutanzwe uburenganzira.

Ingingo ya 13

Cédule imaze guterwako igikumu, uwuhawe uburenganzira yemerera uwubumuhaye, nk'uko bitegekanijwe muri iyo ingingo duhejeje kubona. Kumuriha mu kiringo gitegekanijwe, muri cédule, ikiguzi citwa ko gisigaye, bikanaremurura abahawe uburenganzira ubwa mbere, hanyuma igihe hafashwe ingingo yo

kubigurisha kubera batarishe canke ngo bafatishwe amahera avuyemwo, kumwishinga mu ndishi z'akababaro zose.

Ingingo ya 14

Igihe kuri cédule c'umwenda ata kiringo canditsweko co kuriha ayasigaye, ico kiringo kiba ari co kimwe n'ikiringo kiri kuri warrant. N'igihe ikiringo ca warrant kitari kuri cédule, ikiguzi gisigaye gifatwa nk'itegerezwa kurihwa.

Ingingo ya 15

Uwateye igikumu kuri cédule yononewe n'abahonyanze urwandiko ruteweke igikumu gusa, afise uburenganzira bwo kwitwarira uwahonyanze urwo rwandiko hamwe n'ubaruteyeke igikumu ubwa mbere.

Igihimba ca 4

Amateka n'amategeko agenga uwufise ingwati n'uwufise cédule

Ingingo ya 16

Abagiye barahanahana warrant na cédule bategerezwa kwimenyekanisha ku wujewe gushingura ibidandazwa.

Uko kwimenyekanisha tuvuze aho hejuru, bigirwa mw'ikete ry'umutumwa, canke ryo ku mugaragaro, ritangwa mu kiringo kitarenga amasaha mirongo ine n'umunani kuva uruhusha rutanzwe, kandi uwuryakirye arinda kuvyemeza.

Muri iryo kete ni ugutomora ivyo icemezo gishimikiyeko.

Ingingo ya 17

Umuntu afise icemezo warrant abwirizwa kuyisubiza, yanditseko inyuma ko ayitanze canke ko irishwe, uwufise cédule canke uwahawe ubwa mbere iyo warrant kuva arishwe ico yaraheraniwe. Uwemeje, kuri cédule, igitigiri c'amahera atararihwa ategerezwa gutanga itegeko, kuri warrant, ryo gusubiza ibidandazwa vyatanzweko ingwati kuva umunsi uwufise cédule arihiyeko uwo mwenda akongera akerekana ya warrant yanditseko inyuma uwayishikiriye canke ko yarishwe.

Ingingo ya 18

Iyo uwufise warrant yanse kwakira amahera yari aheraniwe, uwufise cédule arafise uburenganzira bwo gushikirizwa ibidandazwa vyari vyaratanzweko ingwati abanje kwerekana cédule, iyo bikenewe, hariko itegeko ryo gusubiza ibidandazwa vyari vyaratanzweko ingwati kandi giherekejwe n'ibi bikurikira :

1° urwandiko rwemeza ishira mu bigega vy'igihugu co mu Bukoloni, vy'igitigiri c'amahera yanditse kuri warrant canke igitigiri c'amahera yanditse kuri cédule na warrant nk'uko kiri ku cemezo ;

2° urwandiko rutanzwe n'umucamanza wo muri sentare nkuru y'igihugu rwerekana, ubwa mbere, ko amahera yashizwe mu kigega ariyo yanditse kuri warrant, ubwa kabiri, ko uwufise warrant naho yahamagawe n'umucamanza kugira ngo ayimwerekere, yabifashe minenerwe canke ko yanse kuyitanga.

Urwandiko rwerekana ko amahera ari kuri cédule, ingwati yayo ikaba iri mu bubiko bw'ikigega ca Leta kugira ngo abikwe, ku cemezo ruja mu kibanza warrant iyo ruri kumwe n'urwandiko ruvuye ku waheruka kuronka iyo warrant izwi kandi yemeza ko uwo muntu atari we agifise iyo warrant.

Iyo ari uwanditse kuri cédule amahera asigaye atararihwa ku kiguzi yanse kwakira ayo mahera yari asigaye, uwufise cédule arafise uburenganzira bwo gushikirizwa ikidandazwa cari caratanzweko ingwati iyo yerekanye ko yagabishije uwo yanditse kuri cédule akongera agaca yerekana :

1° urwandiko rwerekana ko yatanze ya mahera yari yanditse kuri cédule atari bwarihwe kugira ngo abikwe mu kigega ca Leta yo mu Bukoloni ;

2° warrant canke izindi nzandiko zisubira mu kibanza ca warrant ;

Ayo mahera yabitswe mu bubiko bwa Leta arashobora gutorwa n'abayafitiye uburenganzira iyo umucamanza abibarekuriye.

Ingingo ya 19

Iyo umwenda watanzweko ingwati warrant utarishwe canke ngo ubikwe mu bubiko bwa Leta hageze kw'igenekerezo ryari ryatanzwe, uwufise warrant arashobora, iminsi itatu iheze agabishije uwahaye abandi ubwa mbere icemezo c'ingwati ya warrant, kuronka uruhusha rwo kugurisha ku mugaragaro canke yumvikanye n'umuguzi abanje kubisaba sentare nkuru y'igihugu ijewe imanza zaho hantu ibidandazwa vyafashweko ingwati vyabitswe.

Ingingo yerekeye urwo ruhusha rwo kugurisha ivyo bidandazwa itegerezwa gufatwa haheze iminsi itatu urwandiko rwo gusaba urwo ruhusha rumenyeshwe uwahaye ubwa mbere abandi icemezo c'ingwati ya warrant, hamwe n'umuntu afise cédule abo bagasabwa guca bashikiriza uwo mucamanza icyumviro cabo kuri urwo ruhusha iyo bikenewe.

Itegeko ritanga urwo ruhusha ntirishobora gukurikizwa ritaramenyeshwa umuntu afise cédule, rinanditsweko umunsi, isaha n'ikibanza ivyo bidandazwa bizogurishirizwamwo.

Iryo tegeko ritanga uruhusha rwo kugurisha ibidandazwa mu minsi itatu ikurikira imenyekanishwa ry'urwo ruhusha iyo, yaba uwatanze ubwa mbere warrant, yaba uwufise cédule ata wanse ko ivyo bidandazwa bigurishwa mu gushinga urubanza muri sentare nkuru y'igihugu. Iyo hariho uwanse ko ivyo bidandazwa bigurishwa mu gushinga urubanza, urwo rubanza rutegerezwa gucibwa mu minsi itandatu. Itegeko ritanga uruhusha rwo kugurisha ivyo bidandazwa hamwe n'urubanza rwaciye bica bikurikizwa kandi ata ngwati irinze gutangwa naho hoba hariho uwasavye ko urwo rubanza rusubirwamwo canke uwoba yagwunguruye.

Ibiringo vyo guca urwo rubanza ntibishobora kwongerezwa kubera imvo zikurikira :

– uburebure bw'urugendo ;

– ukugabisha n'ukumenyesha aho aba hazwi canke aho yatoye ngo hashikire ibintu vyawe mu ntara yabitswemwo ibidandazwa, birakorerwa neza mw'iyandikiro ry'imanza rya sentare nkuru y'igihugu ikurikira intara.

Ishirwa mu ngiro ry'uburenganzira buhabwa uwufise warrant ntirihagarikwa n'uguhomba, n'ugufatwa kw'ibidandazwa canke n'urupfu rw'uwufise cédule canke n'uwahaye abandi ubwa mbere warrant.

Ingingo ya 20

Uwufise warrant c'ingwati arihwa umwenda afitiye ku kiguzi c'ivyo bidandazwa buno nyene ata zindi nzira zo mu butungane zifashwe kandi imbere yo kuriha abandi bantu baheraniwe, vyongeye, ata hera na rimwe ribanje gukurwamwo kiretse amahera akoreshejwe kugirango harihwe :

1° amakori ya dwane yerekeye ivyo bidandazwa ;

2° amahera yo kwunguruzwa ivyo bidandazwa, amahera yakoreshejwe mu kugurisha ivyo bidandazwa, amahera yo kuriha ubushinguro bw'ivyo bidandazwa, amahera yaguranye kugira ngo habikwe ivyo bidandazwa. Yamara, amahera yo kuriha iyunguruzwa ry'ivyo bidandazwa ntashobora kurihwa imbere y'ibindi iyo nyene guheba warrant na cédule atari we agifise icemezo c'umwenda.

Ingingo ya 21

Amahera arenga ku yari aheraniwe uwufise warrant aca ashikirizwa uwufise cédule.

Yamara, iyo bikenewe, baca babanza gukuramwo amahera yanditswe kuri cédule cemezo c'umwenda ko atararihwa uwatanze ubwa mbere ico cemezo ; ayo mahera aca abikwa mu kigega ca Leta, mu nyuma aze akurweyo n'abayafitiye uburenganzira bahawe uruhusha n'umucamanza.

Ingingo ya 22

Igihe igicro c'ivyo bidandazwa kibaye muni y'amahera yari aheranywe, canke mu gihe indishi isubiriye ivyo bidandazwa ibaye muni y'uwo mwenda, uwufise warrant arashobora kwitwarira umuntu yatanze ubwa mbere ico cemezo c'ingwati mbere n'abandi bose bagiye barakurikirana mu gutanga iyo warrant kandi bategerezwa kuriha bose uwo mwenda batarinze kuraba uruhara rw'umwe umwe.

Ukwitwarira abagiye baratanga ico cemezo biba mu biringo bitegekanijwe n'amategako mu vyerekeye inzandiko zemeza imyenda.

Mu gihe c'igurishwa, igihe c'ukwitwara c'uufise icemezo c'ingwati, yitwarira ababikurikiranye mu kugitanga, gitangura guharurwa kuva ku muni w'igurishwa, iyo atari igurishwa, ico gihe gitangura guharurwa kuva ku muni indishi irihiwe.

Uwufise icemezo c'ingwati aca ata uburenganzira bwo kwitwarira abagiye baratanga icemezo c'ingwati iyo atariye, mu minsi icumi yo kugabisha, ashikiriza umucamanza urwandiko rusaba uruhusha rwo kugurisha ibidandazwa; canke iyo mu minsi cumi y'itegeko, ritanga uruhusha rwo kugurisha ibidandazwa, atamenyesheje iryo tegeko uwumuheraniye, canke iyo, mu minsi cumi ikurikira umunsi w'icibwa ry'urubanza, ataringaniye igurishwa ry'ibidandazwa.

Mu bindi bihe, uwufise icemezo c'ingwati ata uburenganzira bwo gukurikirana abagiye barahanahana ico cemezo iyo atabifutishije ngo yanke ko indishi ishikirizwa uwumuheraniye mu mezi abiri uherye kw'igenekerezo impanuka yabereyeke.

Ingingo ya 23

Mu gihe hatanzwe cédule ukwayo, canke haheze igihe warrant yarateweko igikumu, y'igurishwa ryegukira uwatanze ikiguzi ca mbere. Amahera yasigaye, n'aho atoba araheza kuyishura mu kiringo cumvikanywe, agumana uburenganzira bwo gusaba indishi y'akababaro abari bahawe uburenganzira.

Sentare nkuru y'igihugu irashobora gucira urubanza umuntu afise cédule kugira ngo ihabwe uwatanze ikiguzi cemewe. Atari aho naho, aratanga indishi y'akababaro iharuwe hisunzwe umunsi wose azoba yacerewe. Ico kiringo giheze, sentare irasaba ko hatangwa iyindi cédule canke ko batwara ico kidandazwa mu gihe warrant yemewe, yashikirijwe n'uwacanditseko inyuma.

Igihimba ca 5

Ingingo zitandukanye

Ingingo ya 24

Mu gihe ikiringo gitegekanijwe kuri cédule canke kuri warrant gihuriranye n'umunsi mukuru uzwi n'amategako, ivyategerezwa bica biba bukeye.

Ingingo ya 25

Kugira ngo ntiwagirizwe gukoresha inyandiko z'ibinyoma, birabujijwe kwandika amagenekerezo y'ikinyoma mu bitabu vy'ubudandaji bijanye n'ugutanga warrant na cédule.

Ingingo ya 26

Uwitwaje warrant na cédule afise uburenganzira bwo kubikoresha mu bice bice canke akabisubiza uko vyamye mu gihe uwabitanze amuhaye izindi mpapuro zivyemeza.

Amahera yo kuriha izo mpapuro zishasha arihwa n'uwazisavye.

Ingingo ya 27

Umuntu wese atanze warrants na cédules ni we abazwa ibijanye n'uko izo nzandiko zemejwe n'amategako hamwe ishingurwa neza ry'ibidandazwa bivyerereyeke.

Ingingo ya 28

Mu gihe warrant canke cédule gitakaye canke zisambutse, nyeneyo arashobora kuronswa urupapuro ruyisubirira ahabwa n'itegeko ry'umukuru wa sentare nkuru y'igihugu. Iryo tegeko rirerekana ko uwayitwayeko avyemanga kandi bigaragara akongera akabirihira nk'uko bitegekwa n'umucamanza.

Amatangazo n'ibindi vyose bimenyeshwa bitegerezwa gutomora neza igenekerezo, urutonde, ibirimwo n'uwavyanditse.

Abandi bantu babifisemwo inyungu ntibashobora kwitwarira uwatanze ico cemezo gishasha yatumwe n'umucamanza. Mugabo ntakibuza ko bitwarira uwo yoba yabarenganije.

Ingingo ya 29

Umuntu wese atanze, hisunzwe ingingo ya 2 agahimba ka 2, warrants na cédules, ku bidandazwa bishinguwe mu bubiko bwa Leta, ni we abibazwa ko yavyakiriye. Uwundi muntu abifitiye uburenganzira yipfuzwa ivo bidandazwa ategerezwa, mu ntumbero yo guhanahana warrant na cédule, canke ibindi vyemezo binganya agaciro, hisunzwe ingingo ya 18, ni we abiterako igikumu akongera akemera ko yavyakiriye.

Igikumu gitewe kuri urwo rwandiko inyuma rufatwa nkuko rwandikishijwe kw'izina ry'uwurufise kugira rutange uburenganzira bwo gukura ibidandazwa mu bubiko.

Ingingo ya 30

Itegeko ryo ku wa 6 Mukakaro 1915 ryerekeye warrants rirafuswe.

Ingingo ya 31

Umushikiranganji wacu...