

English Edition

Official Gazette

of the
Protectorate of South West Africa
in Military Occupation of the Union Forces

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Windhuk, 15th November 1915.

No. 5.

PROCLAMATION

BY MAJOR-GENERAL THE HONOURABLE JAN CHRISTIAN SMUTS, K. C., HIS BRITANNIC MAJESTY'S MINISTER OF DEFENCE FOR THE UNION.

WHEREAS by a Proclamation dated the ninth day of July 1915 General the Right Honourable Louis Botha, P. C., General Commanding in Chief the Forces of the Union of South Africa in the Field, did notify that the said Forces had conquered the whole of the territory known as German South West Africa (hereinafter termed the Protectorate) and did proclaim and make known that Martial Law was established throughout the Protectorate from that date in order to provide for the maintenance of order in and the effective control of the Protectorate during the occupation thereof by the Forces of the Union;

AND WHEREAS by a Commission given under my hand dated the eleventh day of July I did appoint Brigadier-General Percival Scott Beves to be Military Governor provisionally throughout the Protectorate and as such to take all such measures and by Proclamation to make such laws and enforce the same as he might deem necessary for the peace order and good government of the Protectorate;

AND WHEREAS I did also in that Commission strictly charge all officers of the Military Forces of the Union and all officials and other persons whatsoever to aid and assist the Military Governor in the execution of that Commission;

AND WHEREAS it is desirable now to make further provision for the administration of the Protectorate while in military occupation of the Union Forces;

NOW, THEREFORE, I do hereby proclaim and make known as follows

1. The Office of Military Governor shall be and is hereby abolished from the thirtieth day of October, 1915, and on and from that date there shall be and is hereby constituted in its stead the Office of Administrator of the Protectorate;
2. The Administrator shall be vested with all the powers functions and duties hitherto vested in or performed by the Military Governor;

3. The Administrator shall also undertake and exercise all the powers functions and duties hitherto undertaken or exercised by the Chief Secretary for the Protectorate;

4. All references to the „Military Governor“ or „Chief Secretary for the Protectorate“ in any Proclamation, Government Notice, Order, or Instruction shall be construed as applying mutatis mutandis to the Administrator;

and I do hereby appoint Edmond Howard Lacam Gorges, Esquire, M. V. O. to be the Administrator of the Protectorate as from the thirtieth day of October, 1915, and I do hereby strictly charge all officers of the Military Forces of the Union and all officials and other persons whatsoever to aid and assist him in the execution of his Office.

GOD SAVE THE KING.

Given under my hand at Pretoria, this twenty-eighth day of October, 1915.

J. C. SMUTS.
Minister of Defence.

PROCLAMATIONS

BY BRIGADIER GENERAL PERCIVAL SCOTT BEVES, MILITARY GOVERNOR OF THE PROTECTORATE OF SOUTH WEST AFRICA IN MILITARY OCCUPATION OF THE UNION FORCES.

No. 20, 1915.]

WHEREAS it is desirable to make provision for the administration management and preservation of the estates and property in the Protectorate of minors and lunatics, and of deceased, absent or unknown persons.

NOW, THEREFORE, under and by virtue of the authority in me vested, I do hereby declare, proclaim and make known as follows:

1. There shall be constituted an Office of Public Trustee, and such person as may by notice in the Official Gazette be appointed to such Office shall exercise the powers and duties thereof as set forth herein.

2. The Public Trustee shall be and is hereby empowered to assume and exercise all such functions as a competent Probate Court as are capable of being exercised in the Protectorate during the continuance of military occupation, and in particular to take charge of the property of any person deceased, absent or unknown, or incapable by reason of mental or physical infirmity or minority of taking the necessary measures for the protection thereof, and incidentally

- a) to realize by public auction or otherwise in his discretion any perishables belonging to any person of whose property he has assumed control;
- b) to grant leases of the property of any such person for periods not exceeding six months in duration;
- c) to arrange for the carrying on or the discontinuance as may seem desirable of the trade or business of any such person;
- d) to arrange for the performance of any contract relating to his property which may have been entered into by any such person;
- e) to realize by public auction or otherwise so much of the property of any such person as may be necessary in order to provide for the payment of his debts;
- f) to raise money on the security of any of the assets of any such person in case it becomes necessary to preserve the immovable property of such person;
- g) to appoint a Curator to an estate or property after consultation, if possible, with those persons who are interested in the administration of such estate or property, to compensate a curator out of the assets of an estate or property for his care and diligence in the administration of such estate or property, to grant to a curator all or any of the powers above-mentioned in paragraphs a, b, c, d, e and f, to issue to a curator instructions in regard to the filing of accounts of his administration of an estate or property, the banking of monies received in the course of his administration, and generally in regard to such other matters as the Public Trustee shall deem necessary, to remove a curator for misconduct, maladministration or on account of his unsuitability, and upon the death or removal of a curator to appoint another in his stead. Every Curator appointed by the Public Trustee shall before he is permitted to enter on the administration of an estate or property find security to the satisfaction of the Public Trustee in such amount as, in the circumstances of each particular case, shall be reasonable for the due faithful and efficient administration and management of such estate or property.

3. Any person who, having been appointed, in manner herein provided, to be curator of an estate or property fails through negligence to carry out or wilfully disregards the instructions of the Public Trustee in reference to any matter concerning such estate or property, may be deprived of the whole or any portion of the remuneration which he would otherwise have been entitled to receive, and any loss or damage which such estate or property may have suffered or sustained by the negligence or default of such curator shall be made good to such estate or property from the security lodged by such curator with the Public Trustee.

The provisions of the Penal Code of the German Empire in regard to offences committed by curators

shall apply to any curator appointed under this Proclamation who may be guilty of any contravention thereof.

GOD SAVE THE KING.

Given under my hand at Windhuk, this 25th day of October 1915.

P. S. BEVES
Brigadier-General.
Military-Governor.

By command of the Military Governor
E. H. L. GORGES
Chief Secretary for the Protectorate.

BY HIS HONOUR EDMOND HOWARD LACAM GORGES, A MEMBER OF THE ROYAL VICTORIAN ORDER, ADMINISTRATOR OF THE PROTECTORATE OF SOUTH WEST AFRICA IN MILITARY OCCUPATION OF THE UNION FORCES.

No. 21, 1915.]

WHEREAS a Proclamation was issued at Aus on the 28th April 1915, by the General Officer Commanding the Southern Forces, regulating all access to or egress from the Southern portion of the territory then known as German South West Africa, and whereas other provision has since been made in respect of the same matters by Martial Law Regulations Nos. 1 to 6, dated 19th July, 1915, having force and effect throughout the whole of the Protectorate of South West Africa;

NOW, therefore, I do hereby declare, proclaim and make known that the said Proclamation shall be and is hereby withdrawn.

GOD SAVE THE KING.

Given under my hand at Windhuk this 2nd day of November, 1915.

E. H. L. GORGES
Administrator.

No. 22, 1915.]

WHEREAS there is reason to believe that as a consequence of the recent hostilities in the Protectorate of South West Africa between the Union Forces and the German Forces a large amount of livestock and other movable property became derelict;

AND WHEREAS all the owners thereof have not yet reclaimed the same;

AND WHEREAS it is desirable to prevent the buying, selling, exchanging, or bartering of derelict livestock and other movable property by persons in whose possession or custody the same may have come, but who were not the owners thereof when it became derelict:

NOW THEREFORE, I do hereby declare, proclaim, and make known as follows:

1. Any person who harbours or retains in his possession or who sells, exchanges or barter any derelict livestock or other movable property, and any person who purchases or receives the same knowing it to be derelict shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one thousand pounds (£1000) or imprisonment with or without hard labour, for a term not exceeding five years, or to both such fine and imprisonment.

in any charge brought against any person in contravention of the provisions of this Proclamation such person shall allege that he is the owner of the livestock or other movable property which is the subject of the charge, or, being the purchaser or recipient of the same, that he was not aware that the same was derelict or that the person from whom he purchased or obtained the same was not the true owner thereof, the burden of proving the contrary shall lie upon the accused person, who on proof thereof shall forthwith be discharged from custody.

3. For the purposes of this Proclamation "livestock" shall be taken to mean all domestic animals used for or in connection with farming in the Protectorate and shall include ostriches.

GOD SAVE THE KING.

Given under my hand at Windhuk, this 2nd day of November 1915.

E. H. L. GORGES
Administrator.

GOVERNMENT NOTICES.

The following Government Notices are published for general information. That marked with an asterisk (*) has already been issued in poster form on the date indicated at the head of the notice.

J. COLLIE

Secretary for the Protectorate.

Administrator's Office,
Windhuk, 12th November, 1915.

No. 28] [20th October, 1915.

TREATMENT OF PRISONERS OF WAR BY THE GERMAN PROTECTORATE AUTHORITIES. — Appointment of a Commission to enquire into.

It is notified for general information that the Military Governor, in the exercise of the powers vested in him, has appointed a Commission to enquire into and report upon the treatment received during internment

- a) by members of the Union Forces who were captured by the German Protectorate Forces during the recent hostilities in this territory and held as Prisoners of War
- b) by non-combatants of British and other Nationalities who were resident in this territory when war broke out and were detained by the German Protectorate authorities as so-called political prisoners.

The Commission will consist of the following gentlemen:

M. R. GREENLEES Esq., Advocate, Chairman,
Lt. Col. W. W. RUSH, 2nd S.A.M.R.,
Major W. S. BRIDGE, 3rd S.A.M.R.

Persons desirous of tendering evidence before or of supplying written statements to the Commission should communicate with the Chairman, Treatment of Prisoners of War Enquiry Commission, Windhuk.

No. 29] [2nd November, 1915.

APPOINTMENT OF J. COLLIE ESQ. AS SECRETARY FOR THE PROTECTORATE.

It is notified that JAMES COLLIE, Esquire, has been appointed SECRETARY for the PROTECTORATE, with effect from 30th October, 1915.

No. 30] [2nd November, 1915.

CUSTOMS MANAGEMENT ACT CONTROL.

It is notified for general information that JAMES COLLIE Esq., Administrator's Office, Windhuk, has

been appointed to exercise within the Protectorate the functions of the Commissioner of Customs of the Union conferred upon that Officer by the Union Customs Management Act No. 9 of 1913, the provisions of which were applied mutatis mutandis to the Protectorate by a Proclamation of the General Officer Commanding in Chief the Forces of the Union of South Africa in the Field, issued at Windhuk on the 16th July, 1915. —

No. 31.] [2nd November, 1915.

APPOINTMENT OF CROWN PROSECUTOR.

It is hereby notified for general information that ALFRED JOHN WATERS, Esquire, has been provisionally appointed as CROWN PROSECUTOR in the Protectorate, with effect from the 26th October, 1915. —

No. 32.] [2nd November, 1915.

COMMISSIONER OF OATHS — H. L. CHADBORN ESQ.

It is notified that the Administrator has, in terms of Section I of Protectorate Proclamation No. 17 of 1915, designated HERBERT LESLIE CHADBORN, Esquire, Administrator's Office, to be a Commissioner of Oaths, during pleasure, for the town and district of WINDHUK.

No. 33] [6th November, 1915.

APPOINTMENT OF ACTING DETACHED ASSISTANT MILITARY MAGISTRATE, BETHANY.

It is notified for general information, that Lieutenant W. B. VALLANCY, 5th S.A.M.R., has been appointed to act as Detached Assistant Military Magistrate at Bethany with effect from the 1st November 1915 and during the absence on leave of Lieutenant C. E. WIMBLE.

No. 34] [6th November, 1915

GERMAN BANKNOTES. — Discount of

It is hereby notified in terms of paragraph (b) of Proclamation No. 7 of the 16th July, 1915, that the rate of discount at which the Notes of the German Reichskasse and of the Berlin Reichsbank may be accepted in Government Offices in the Protectorate of South-West Africa, has, until further notice, been fixed at TWENTY per cent.

35

6th November, 1915

SUPPLY OF OVAMBO LABOUR.

It is hereby notified for general information that Administration is in a position to obtain an immediate supply of the above labour for Mines, Works and private employers. Applications for such labour should be made to the Officers in Charge of Native Affairs in the various districts, who have full particulars as to the cost of, and the conditions under which, such labour can be obtained.

No. 36

6th November, 1915.

REGULATION AS TO THE PROPERTY OF PERSONS PERMITTED TO RETURN TO GERMANY OR AUSTRIA-HUNGARY.

A person in the Protectorate to whom a permit has been granted to return to Germany or Austria-Hungary is not allowed to take out of the country any title-deeds, stocks, share certificates, bonds or other securities, nor any money to the value of more than £15, with a limit of £75 for any one family consisting of more than five members. Such money must not be in English or French coin or notes nor in gold of any nationality. Any person who desires to change any money must do so before starting on the journey to Germany or Austria-Hungary.

Any person to whom a permit has been granted may if he so desire address an application in the form annexed hereto to the Public Trustee, Government Buildings, Windhuk, to hold in trust for him any property (including houses, furniture, valuables, title-deeds, stocks, share certificates, bonds or other securities or any sum of money).

It is the duty of any person holding or managing the property of a person who has returned to Germany or Austria-Hungary to notify the Public Trustee with regard to such property.

In urgent cases securities may be handed to the nearest Magistrate for transmission to the Public Trustee.

ANNEXURE.

The Public Trustee,
Government Buildings, Windhuk.

I, the undersigned, HEREBY REQUEST the Public Trustee to hold the property mentioned in the Schedule hereto, and I authorise him to obtain where necessary Orders from a Court, when such is established, vesting any property which stands in my name, in the name of the Public Trustee or his successors in office. I HEREBY REQUEST the person or persons referred to in the said Schedule as holding the aforesaid property, to hand over any documents of title relating thereto to the Public Trustee whose receipt shall be a full and sufficient discharge therefor.

Signature (name in full)
Nationality
Date or approximate date of departure from the Protectorate
Address in the Protectorate to which communications can be sent

N. B. This form should be accompanied by any further particulars which would enable the Public Trustee to obtain control of the property which it is desired that he should hold, and where possible, any documents of title should be forwarded to the Public Trustee accompanied by the transfers or other documents which will vest the property in the Public Trustee. If time permits the Public Trustee could arrange for such documents to be prepared. It is also desirable that the name and address of any person or persons resident in the Protectorate in whom the person signing this form has confidence should be communicated to the Public Trustee.

SCHEDULE.

Part I.

Stocks, Shares and Cash.

Description	Name and address of person with whom deposited

Part II.

Other property (for instance, furniture or houses).

Description	Name and address of person holding furniture or title deeds of property etc.

No. 37

[12th November, 1915.

APPOINTMENT OF DETACHED ASSISTANT MILITARY MAGISTRATE, BETHANY.

It is notified for general information that Captain J. J. de WITT has been provisionally appointed by the Administrator to act as detached Assistant Military Magistrate at Bethany, in place of Lieut. C. E. WIMBLE, with effect from the date of assumption of duty.

No. 38]

[12th November, 1915.

REGISTRAR OF SPECIAL CRIMINAL COURT. — Appointment of

It is hereby notified that JOHAN DAVID de VILLIERS Esquire has been appointed Registrar of the Special Criminal Court of the Protectorate, in terms of Section 5 of Proclamation 11 of 1915, with effect from the 12th November 1915.

No. 39]

[12th November, 1915.

APPOINTMENT OF MILITARY MAGISTRATE AT WARMBAD.

It is notified for general information that Major W. P. ROUSSEAU has been provisionally appointed by the Administrator under the provisions of Section 3

of Proclamation No. 11 of 1915, to act as Military Magistrate at Warmbad in place of Lieut. C. E. MAGGS, with effect from the date of assumption of duty.

No. 40. 16th November, 1915.
TARIFF OF STAMP DUTIES AND FEES.

1. It is hereby notified for general information that Section 21 of the German version of the Tariff of Stamp Duties, published under Government Notice No. 27 of the 20th October 1915, is amended by the insertion after exemption (c), of the following exemption:—

„d) Acknowledgment or slip relating to money deposited (other than on fixed deposit) with a Bank to the credit or account of any person.“

2. A cheque is defined in the Stamp Act as a Bill of Exchange payable on demand.

3. The attention of the public is also invited to Sections 20 and 21 of the Union Stamp Duties and Fees Act 1911 (No. 30 of 1911) as in force in the Protectorate, which provide

1. that the instruments described in the first column of annexure I hereto, shall be stamped by the persons designated opposite to the description of each such instrument respectively in the second column of the annexure, and
2. that if through inadvertence an instrument liable to duty be not stamped at or within the prescribed time, it may (save as is otherwise specially provided in Section 22 of the Act) thereafter be stamped in the presence of an authorised revenue Officer but subject to payment of a validating penalty according to the scale set forth in annexure 2 hereto, which shall in no case exceed £50.

Annexure I.

Description of Instrument	Person liable
Agreement or Contract	The parties thereto
Bill of Exchange or Promissory-Note	The drawer or maker
Cession	The cedent
Bond	The person giving or passing the Bond
Lease	The lessor
Policy or Insurance	The person issuing the same
Receipt	The person giving it
Any other instrument (except where specific provision is made)	The maker or person executing the same
Any instrument whereon Court- or Office fees are payable	The person to whom the same is issued or by whom the same is lodged

Annexure II.

If the instrument be voluntarily presented for stamping within the undermentioned periods from the date of execution or date of receipt in the Protectorate	Penalty to be paid	Subject to a minimum penalty of
Three months	A sum equal to half the unpaid duty	Two shillings and six pence
Six months	A sum equal to the unpaid duty	Five shillings
Twelve months	A sum equal to twice the unpaid duty	
Exceeding Twelve months	A sum equal to three times the unpaid duty	Ten shillings

No. 41

[6th November, 1915.]

UNCLAIMED LIVESTOCK.












The attention of the public is invited to the fact that there is still a considerable amount of unidentified and unclaimed livestock at the various Lost Concentration Depots in the Protectorate.

This livestock is at present being maintained at the following places, viz...



Neudamm, District Windhuk. Kalkfontein South. Eisenstein, District Keetmanshoop. Gibeon, and Kalkfontein North, Mariental Rail.



The following is a list of the brands found on the Stock; but there are in addition many animals without any distinguishable brand marks:—

Depot at Kalkfontein North:



Cattle: CR. K. VVV. N.  RA. RM. JX. 
 NT. HK. R. KH. GS. HG. V. AO. 
 PT. NS. OS. CL.  RM. LS. RR. 
 TL. K. KW. JK. CD. RW. RS. PM. 
 PS. JJ. PF. BZ. FL. SV. PJ. PB. 
 C. Heart V. VM. HG. PJ. 9. PN. 
 WN. JK. S. CN. RM. AS. NS. WD. 
 NN. DF. AV. Heart.  

Depot at Gibeon:

Cattle: AB. AR. AS. CR. DZ. DK. ED. EQ. FL. GK. HO. HP. HU. J2. JT. K. KN. N. NU. OB. OR. OS. P. PRS. PW. W. 2. RH. RN. RO. S. SN. ST. 
 RC. TT. W. WV. WZ. XO. SK. 

Horses: AB. BD. GL. & NC. G4. H. K. S. VI. 
 42. 5. Heart.  D-1.

Mules: A. D. K. MP. P. Q. RKS. S. T. VI. W. 3. 8B. 8.

Donkeys: CCW. D. JB. NN. P. Q. SR. 
 3. Trefoil

Depot at Kalkfontein South:

Cattle: A. JS. W. SK. OS. P. F. FC. SO. CC. PS. ER. O. C. M. RM. Z. JT. E. 8. AL. DS. WV. AC. LJ. PB. VZ. AK. D. U. KS. TR. R. PG. CI. RDK. GS. RV. N. F. TK. DB. A. JP. BB. DD. HV. DF. PN. T. JC. TC. K. FC. H. J. JK. RC. JJ. JG. GB. KL. JS.

Cattle: J5. FH. SL. CO. CL. B. MI. MP. ER.
NF. FK. JT. SR. SG. JL. HB. LS.
PS. P. REN. PEI. HE. AK. AE. D2.
HRA. EK. M. HL. IE. FX. HA. O.

3

95. JM. HO. PE. XP. A7. IA. WI.
HI. MN. PH. WBJJ. SD. B2M. HJ.
DE. AI. BAP. CL. DF. VS. PAP.
AM. AS. CA. HWP. SL. JV. PT. G.
DV. HL. VI. SF. WK. SR. EF. EG.
PZ. JS. EI. GC. HC. T. HU. OB.
OS. CB. IS. HB. HF. S. NL. 8HG.

1 85

D5. HO. PA. DL. DA. PP. BA. BB.
2 1 3 3 T H 2 1
BC. BG. BP. BM. DB. DF. DG. DN.
1 1 1 1 2 2 1 1
DS. DX. DS. DZ. EB. EN. EW. HB.
2 1 5 8 1 2 1 1

Cattle: HE. HG. HM. PA. PB. PB. PK. PK
1 1 2 1 2 1 1 2
PH. PN. PM. PS. PS. PP. RR.
3 1 1 1 2 1 1

Depot at Neudamm (Windhoek)

Cattle: PO. AR. DS. APD. R. RR. OT. OK.
P3. HO. JW. LS. OD. IHI. WB. H.
R. EB. RS. RH. RR. R5. Heart.
RR $\frac{1}{2}$ B 7 T

∇ \nearrow $\frac{1}{x}$
 Δ RR

The owners or the lawful representatives of the owners of such livestock should without delay claim the same in manner prescribed in Government Notice No. 8, of 12th August, 1915. All stock remaining unidentified and unclaimed by the 15th February, 1916 will be forfeited to the Crown.

GENERAL NOTICE.

In THE SUPREME COURT OF SOUTH AFRICA
Cape of Good Hope Provincial Division.

To: EMIL AUGUST KRAUSE

of either Grootfontein or the Concentration Camp at Otavi or elsewhere in the Territory formerly known as German South West Africa.

TAKE NOTICE that by Citation and Intendit issued from and filed in the Office of the Registrar of this Honourable Court you have been cited to cause an appearance to be entered before the said Court on or before the 29th day of December 1915 and to plead, answer, except or make claim in reconvention, if any, in an action by your wife HENRIETTA

LOUISA BERNADINA KRAUSE, born Kohler for restitution of conjugal rights, failing which divorce and costs of suit.

In default of your appearance and by reason of your failure to plead, you will be barred and the Court will be prayed to grant judgment against you by default on the 1st day of February 1916.

DATED AT CAPE TOWN this 18th day of October 1915.

LEROUX & WEGE
Plaintiff's Attorneys
CAPE TOWN.

W. G. HOAL
Acting Assistant Registrar of the
Supreme Court of South Africa,
Cape of Good Hope Provincial
Division.