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PROCLAMATIONS

By HIS HONOUR DAVID GIDEON CONRADIE,
ADMINISTRATOR OF SOUTH WEST AFRICA

No. 31 of 1937.]

UNDER and by virtue of the powers in me vested by sub-section (2) of Section *two* of the Half-holiday Ordinance, 1927 (Ordinance No. 8 of 1927), I do hereby proclaim, declare and make known that the provisions of that Ordinance shall apply within a radius of four miles from the place where the post office is situate in the town of OTAVI.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 11th day of September, 1937.

D. G. CONRADIE,
Administrator.

No. 32 of 1937.]

WHEREAS it is desirable to make better provision for the government of the Okavango Native Territory;

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

1. The area defined in the schedule hereto, and hereinafter referred to as "The Okavango Native Territory", is hereby set apart as a reserve for the sole use and occupation of natives.

2. (1) The Administrator may make regulations for the Government of the Okavango Native Territory.

(2) Any person contravening or failing to comply with any regulation made under the provisions of this section, or with any order issued under the authority of any such regulation, shall be guilty of an offence and liable to the penalties prescribed in the regulations for such contravention or default, and if no specific penalty is prescribed for any such contravention or default, the court convicting him may impose upon him a fine not exceeding twenty-five pounds, or, in default of payment, imprisonment, with or without hard labour, for a period not exceeding six months.

(3) Any such regulations may be made applicable only to any particular areas or in respect only of particular classes of persons or tribes or portions of tribes, and different regulations may be made for different areas or in respect of different classes or tribes or portions of tribes.

3. (1) The Administrator may by notice published in the *Gazette* establish for any tribe or aggregate of tribes or portion of a tribe a separate Trust Fund.

(2) There shall be paid into any Fund so established all moneys received by the Administration under any rate, tax, levy, fee or charge imposed upon the members of any tribe or aggregate of tribes or portion of a tribe for which the Fund is established, all moneys specially donated to such Fund, and, if the Administrator so direct, any moneys due to such tribe or aggregate of tribes or portion of a tribe from any source.

(3) If at any time it appear to him expedient, the Administrator may:—

(a) in case of the union of any tribes or portions of tribes for which separate Funds have been established, order that those Funds be joined to form a single Fund; or

PROKLAMASIES

VAN SY EDELE DAVID GIDEON CONRADIE,
ADMINISTRATEUR VAN SUIDWES-AFRICA

No. 31 van 1937.]

Op grond van en kragtens die bevoegdheids my verleë deur subartikel (2) van Artikel *twee* van die Halwe Vakansdag Ordonnansie 1927 (Ordonnansie No. 8 van 1927) proklameer, verklaar en maak ek hiermee bekend dat die bepalinge van daardie Ordonnansie van toepassing is binne 'n radius van vier myle vanaf die plek waar die poskantoor situate is in die dorp OTAVI geleë is.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek hierdie 11de dag van September 1937.

D. G. CONRADIE,
Administrateur.

No. 32 van 1937.]

NADEMAAL dit wenslik is om beter voorsiening te maak vir die regering van die Okavango Naturellegebied te maak;

SO IS DIT dat ek, op grond van en kragtens die bevoegdheids my verleë, hiermee proklameer, verklaar en maak ek hiermee bekend:—

1. Die landstreek wat in die Bylae hiervan omskryf is, en hierinlater "Die Okavango Naturellegebied" genoem word, word hiermee uitgehou as 'n reserwe vir uitsluitende gebruik en bewoning deur naturelle.

2. (1) Die Administrateur mag regulasies vir die regering van die Okavango Naturellegebied maak.

(2) Enige persoon wat enige regulasies, kragtens die bepalinge van hierdie artikel gemaak, oortree of nie nakom, of enige order, op grond van enige sodanige regulasie uitgevaardig, nie nakom nie, is skuldig aan 'n oortreding en strafbaar met die straffe, in die regulasies vir sodanige oortreding of nie-nakoming voorgeskryf, en indien geen spesifieke straffe vir sodanige oortreding of nie-nakoming voorgeskryf is nie, dan kan die hof, wat hom skuldig bevind, hom 'n boete opleë van nie meer as vyf-en-twintig pond, of by wanbetaling tronkstraf, met of sonder dwangarbeid, vir 'n tydperk van nie langer as ses maande nie.

(3) Enige sodanige regulasies kan toepaslik gemaak word op enige besondere streke alleen, of ten aansien van alle persone of stamme of gedeeltes van stamme, en verskillende regulasies kan gemaak word vir verskillende streke of ten aansien van verskillende klasse of stamme of gedeeltes van stamme.

3. (1) Die Administrateur kan, deur kennisgewing in die *Offisiële Koerant* gepubliseer, vir enige stam of aggregate van stamme of 'n gedeelte van 'n stam 'n afsonderlike trustfonds stig.

(2) In enige fonds, sodanig gestig, word gestort alle gelddeur die Administrasie ontvang ingevolge enige lasting, heffing, fooi of las opgelê op die lede van enige stam of aggregate van stamme of gedeelte van 'n stam, waarvoor die fonds gestig is, alle geldde spesiaal aan daardie fonds geskenk, en, indien die Administrateur dit geveel, enige geldde van enige bron aan sodanige stam of aggregate van stamme of gedeelte van 'n stam verskuldig.

(3) Indien dit hom te eniger tyd dienstig skyn, kan die Administrateur —

(a) ingeval van die vereniging van enige stamme of gedeeltes van stamme, waarvoor afsonderlike fondse stig is, gelas dat die fondse verenig word om enkele fondse te vorm; of

(b) in case of the sub-division of any tribe or aggregate of tribes or portion of a tribe for which a separate Fund has been established order that the Fund be sub-divided, in such manner and in such proportions as may be directed by him, into two or more separate Funds to be allocated to the sub-divisions of such tribe or aggregate of tribes or portion of a tribe.

(4) The moneys contained in any Fund shall be expended directed by the Administrator, after consultation with the chief or chiefs or, if there be no chief, with the headmen of the tribe or aggregate of tribes or portion of a tribe for which the Fund has been established, upon objects which in the opinion of the Administrator are in the interest and calculated to promote the welfare of that tribe or aggregate of tribes or portion of a tribe.

(5) Proper accounts shall be kept by the Accounting Officer of South West Africa of all receipts and expenditure in connection with every Fund.

(6) The Administrator may levy an annual rate upon members of every tribe or aggregate of tribes or portion of a tribe for which a Fund has been established.

(7) The rate shall be of such amount not exceeding twenty shillings as the Administrator may from time to time determine.

(8) Notice of the levy of a rate shall be given in the Gazette and in such other manner as the Administrator may direct and the notice shall fix the date upon which the rate falls due.

(9) The rate shall be payable to the officer of the Administration appointed to exercise authority over the tribe or aggregate of tribes or portion of a tribe for which the Fund has been established, and shall be paid into the Fund.

(10) All male persons of the apparent age of not less than eighteen years who are members of the tribe or aggregate of tribes or portion of a tribe, and who have not been exempted from payment under the next succeeding sub-section, shall be liable to pay the rate, whether or not they are at the time in the Okavango Native Territory, and any male person who leaves the Okavango Native Territory for the purpose of taking up or seeking work shall be deemed to not less than eighteen years of age.

(11) Any person who is indigent and is prevented from working by reason of age, infirmity, chronic disease or other sufficient cause may be exempted from payment of the rate by the officer appointed to exercise authority over the tribe, aggregate of tribes or portion of a tribe to which that person belongs, and in the case of a person residing being for the time being outside of the Okavango Native Territory, by the Officer-in-Charge of Native Affairs or other officer having authority at the place where that native resides for the time being is.

(12) Any person who fails to pay the rate due by him within sixty days from the date upon which the rate became due, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding one month.

The Court shall on passing sentence also give judgment for the amount of the rate in default, which judgment shall be executable in all respects as if it were a civil judgment of the court.

4. (1) The Senior Officer of the Administration in the Okavango Native Territory, may, subject to the instructions of the Secretary for South West Africa, enrol fit and proper persons, who shall be natives, as constables of a body to be entitled the Okavango Native Territory Police, and at any time and for any reason or without assigning any reason and without notice suspend, reduce, discharge or dismiss any such person from such body.

(2) Every constable of the Okavango Native Territory Police shall be engaged on a written contract of service setting forth the conditions of his employment.

(3) Every constable of the Okavango Native Territory Police shall on enrolment take the following oath:—

“I,, do swear that I will faithfully serve the Administrator of South West Africa in the Okavango Native Territory Police.

So help me God.”

(b) ingeval van die onderverdeling van enige stam of aggregaat van stamme of gedeelte van 'n stam, waarvoor 'n afsonderlike fonds gestig is, gelas dat die fonds onderverdeel word, op sodanige wyse en in sodanige verhouding as hy mag voorskryf, in twee of meer afsonderlike fondse, om toegewys te word aan die onderverdelings van sodanige stam of aggregaat van stamme of gedeelte van 'n stam.

(4) Die gelde, in enige fonds vervat, moet bestee word soos deur die Administrateur voorgeskryf, na raadpleging met die Kaptein of Kapteins, of, as daar geen Kaptein is nie, met die hoofmanne van die stam of aggregaat van stamme of gedeelte van 'n stam, waarvoor die fonds gestig is, vir doeleindes wat volgens die mening van die Administrateur in die belang van daardie stam of aggregaat van stamme of gedeelte van 'n stam is, en bereken om die welvaart daarvan te bevorder.

(5) Behoorlike boek word gehou deur die Rekenpligtige Amptenaar van Suidwes-Afrika van alle inkomste en uitgawe in verband met iedere fonds.

(6) Die Administrateur kan 'n jaarlikse belasting hef op die lede van elke stam of aggregaat van stamme of gedeelte van 'n stam, waarvoor 'n fonds gestig is.

(7) Die belasting is sodanige bedrag, van nie meer as twintig sjielings nie, as wat die Administrateur van tyd tot tyd mag vasstel.

(8) Kennis van die heffing van 'n belasting word in die *Offisiële Koerant* gegee en op sodanige ander wyse as wat die Administrateur mag gelas, en die kennisgewing moet die datum, waarop die belasting betaalbaar is, bepaal.

(9) Die belasting is betaalbaar aan die amptenaar van die Administrasie wat aangestel is om gesag uit te oefen oor die stam of aggregaat van stamme of gedeelte van 'n stam, waarvoor die fonds gestig is, en word in die fonds gestort.

(10) Alle manspersone van die skynbare ouderdom van minstens agtien jaar wat lede is van die stam of aggregaat van stamme of gedeelte van 'n stam, en wat nie ingevolge die naasvolgende subartikel van betaling vrygestel is nie, is aan betaling van die belasting onderhewig, of hulle dan in die Okavango Naturellegebied is of nie, en enige manspersoon wat die Okavango Naturellegebied verlaat met die doel om werk aan te neem of te soek sal beskou word nie minder as agtien jaar oud te wees.

(11) Enige persoon wat behoeftig is en verhinder is om te werk deur ouderdom, gebreklikheid, kroniese siekte of ander voldoende rede kan deur die amptenaar, aangestel om gesag uit te oefen oor die stam, aggregaat van stamme of gedeelte van 'n stam waaraan daardie persoon behoort, vrygestel word van betaling van die belasting, en ingeval van 'n persoon wat vir die oomblik buitekant die Okavango Naturellegebied woon deur die amptenaar met Naturellesake belas of 'n ander amptenaar met gesag op die plek waar daardie naturel woon of hom vir die oomblik bevind.

(12) Enige persoon wat versuim om die belasting, deur hom verskuldig, binne sestig dae vanaf die datum waarop die belasting betaalbaar was, te betaal, is skuldig aan 'n oortreding en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond, of, by wanbetaling, tot tronkstraf, met of sonder dwangarbeid, vir 'n tydperk van nie langer as een maand nie.

By vonnisning gee die hof ook uitspraak vir die bedrag van die agterstallige belasting, watter uitspraak in alle opsigte uitvoerbaar is asof dit 'n siviele uitspraak van die hof was.

4. (1) Die senior amptenaar van die Administrasie in die Okavango Naturellegebied mag, onderworpe aan die voorskrifte van die Sekretaris vir Suidwes-Afrika, geskikte en behoorlike persone, wat naturelle moet wees, aanwerf as konstabels in 'n liggaam, wat die Okavango Naturellegebied Polisie genoem word, en te eniger tyd en vir enige rede en sonder om enige rede te gee en sonder kennisgewing enige sodanige persoon skors, degradeer of uit sodanige liggam af te ontslaan.

(2) Elke konstabel van die Okavango Naturellegebied Polisie moet aangewerf word op 'n skriftelike dienskontrak waarin die voorwaardes van sy indiensneming uiteengesit word.

(3) Elke konstabel van die Okavango Naturellegebied Polisie, moet by aanwerving die volgende eed neem:—

“Ek,, sweer dat ek die Administrateur van Suidwes-Afrika getrou in die Okavango Naturellegebied Polisie sal dien.

So help my God.”

(4) The Secretary for South West Africa may appoint any officer of the Administration in the Okavango Native Territory to be a member and officer of the Okavango Native Territory Police and the Senior Officer in the Okavango Native Territory shall command that body.

Every officer so appointed shall, subject to the directions of the Senior Officer, superintend and control such constables thereof as may be placed under their charge.

(5) Every member of the Okavango Native Territory Police shall exercise and perform in the Okavango Native Territory all the powers, duties and functions which under any law are exercised and performed by members of the South West Africa Police.

(6) Any constable of the Okavango Native Territory Police who commits any act or makes any default, the commission or making of which by a member of the South West Africa Police would be an offence, 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 six months.

5. Nothing in this Proclamation contained shall in any way affect the application in the Okavango Native Territory of any law in force in the Okavango Native Territory at the date of the commencement of this Proclamation.

6. This Proclamation may be cited for all purposes as the Okavango Native Territory Affairs Proclamation, 1937.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 20th day of September, 1937.

D. G. CONRADIE,
Administrator.

SCHEDULE.

OKAVANGO NATIVE TERRITORY.

From a point 16 kilometres due south of Beacon No. 40 on the border of Portuguese Angola and South West Africa between the Kunene and Okavango Rivers eastwards in a direct line to the place Shimanya on the right bank of the Okavango River approximately 15 kilometres upstream from the place Kuringkuru; thence continuing eastwards in the same straight line to a point in the Okavango River on the border of Portuguese Angola and South West Africa; thence continuing generally eastwards along the border of South West Africa to a point on the said border 9 kilometres eastwards from the mission station Utokota; thence due south in a direct line for a distance of 16 kilometres; thence eastwards in a direct line to a point 16 kilometres due south of a point in the Okavango River on the border of South West Africa 8 kilometres upstream from the confluence of the Omatako Omuramba and the Okavango River; thence due north to a point in the Okavango River on the border of South West Africa 8 kilometres upstream from the confluence of the Omatako Omuramba and the Okavango River; thence generally eastwards continuing along the border of South West Africa to the point where the said border leaves the middle of the Okavango River at Sibanana Island; thence generally south-eastwards continuing along the middle of the Okavango River to where it intersects the border of South West Africa and the Bechuanaland Protectorate; thence westwards and southwards continuing along the border of South West Africa to the point of its intersection with the middle of the Khaudum Omuramba; thence westwards in a direct line to a point 10 kilometres east of the Omatako Omuramba and due east of a point 1 kilometre north of the waterhole Gasamas (being the north-eastern corner of Game Reserve No. 1); thence due west to a point 1 kilometre north of the waterhole Gasamas; thence westwards in a direct line to the point of intersection of latitude 18° 30' south and longitude 17° 30' east; thence north-eastwards in a direct line to the point of beginning.

(4) Die Sekretaris van Suidwes-Afrika mag enige amptenaar van die Administrasie van die Okavango Naturelgebied benoem as lid en offisier van die Okavango Naturelgebied Polisie en die senior amptenaar van die Okavango Naturelgebied moet bevel voer oor daardie liggaam.

Elke offisier, aldus benoem, moet onderworpe aan die bevel van die senior amptenaar, toesig hou oor sodanige konstabels daarvan as wat onder sy toesig geplaas word, en sodanige konstabels kontroleer.

(5) Elke lid van die Okavango Naturelgebied Polisie moet in die Okavango Naturelgebied, al die bevoegdhede en werksaamhede uitoefen, wat volgens enige wet die lide van die Suidwes-Afrikaanse Polisie uitoefen word.

(6) Enige konstabel van die Okavango Naturelgebied Polisie, wat 'n daad begaan of nalaat waarvan die begaan of nalating deur 'n lid van die Suidwes-Afrikaanse Polisie oortreding sou wees is skuldig aan 'n oortreding en is skuldigbevindings strafbaar met 'n boete van hoogstens vyftien-twintig pond, of by wanbetaling, met tronkstraf, met sonder hardearbeid, vir 'n tydperk van nie meer as drie maande nie.

5. Niks in hierdie Proklamasie vervat raak op enige wyse die toepassing in die Okavango Naturelgebied van enige wet, in die Okavango Naturelgebied van krag op die datum van die inwerkingtreding van hierdie Proklamasie.

6. Hierdie Proklamasie kan vir alle doeleindes aangehaal word as die Proklamasie op die Okavango Naturelgebied Aangeleenthede, 1937.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hierdie 20ste dag van September, 1937.

D. G. CONRADIE,
Administrateur.

BYLAE.

OKAVANGO NATURELLEGEBIED.

Van 'n punt 16 Kilometers direk suid van Baken No. 40 op die grens van Portugese Angola en Suidwes-Afrika tussen die Kunene en die Okavangoriviere ooswaarts in 'n reguit lyn tot by die plek Shimanya op die regterwal van die Okavangorivier ongeveer 15 Kilometer stroomop vanaf die plek Kuringkuru; vandaar verder ooswaarts in dieselfde reguit lyn tot by 'n punt in die Okavangorivier op die grens van Portugese Angola en Suidwes-Afrika; vandaar verder in 'n algemene oostelike rigting al langs die grens van Suidwes-Afrika tot by 'n punt op die genoemde grens 9 Kilometer oos van die sendingstasie, Utokota; vandaar direk suidwaarts in 'n reguit lyn vir 'n afstand van 16 Kilometer; vandaar ooswaarts in 'n reguit lyn tot by 'n punt 16 Kilometer direk suid van 'n punt in die Okavangorivier op die grens van Suidwes-Afrika, 8 Kilometer stroomop van die sameloop van die Omatako Omuramba en die Okavangorivier; vandaar direk noordwaarts tot by 'n punt in die Okavango rivier op die grens van Suidwes-Afrika, 8 Kilometer stroomop van die sameloop van die Omatako Omuramba en die Okavangorivier; vandaar in 'n algemene oostelike rigting verder al langs die grens van Suidwes-Afrika tot by die punt waar die genoemde grens die middel van die Okavangorivier by Sibanana Eiland verlaat; vandaar in 'n algemene suidoostelike rigting verder al langs die middel van die Okavangorivier tot waar dit die grens van Suidwes-Afrika en Betsjoeanaland Protektoraat sny; vandaar weswaarts en suidwaarts verder al langs die grens van Suidwes-Afrika tot by die punt waar dit die middel van die Khaudum Omuramba sny; vandaar weswaarts in 'n reguit lyn tot by 'n punt 10 Kilometer oos van die Omatako Omuramba en direk oos van 'n punt, 1 Kilometer noord van die waterput Gasamas (synde die noordoostelike hoek van die Wildreserwe No. 1); vandaar direk wes tot by 'n punt 1 Kilometer noord van die waterput Gasamas; vandaar weswaarts in 'n reguit lyn tot by die snypunt van 18° 30' breedtegraad suid en 17° 30' lengtegraad oos, vandaar in 'n noordoostelike rigting in 'n reguit lyn tot by die beginpunt.