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Official Gazette

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

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Windhuk, 15th March 1916.

No. 7

PROCLAMATION*)

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. 3, 1916.]

WHEREAS it has been found necessary further to amend in certain respects the provisions of Proclamation No. 11 of 1915, as amended by Proclamation No. 23 of 1915, by which Provisional Courts for the Administration of Justice in Criminal Cases were constituted in the Protectorate:

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

1. Section Ten of Proclamation No. 11 of 1915 shall be and is hereby repealed.
2. Any Court established under Proclamation No. 11 of 1915, as amended by Proclamation No. 23 of 1915, shall have jurisdiction to try and shall try a member of the Union Forces in respect of an offence against the civil law of the Protectorate or against the provisions of any Proclamation or Martial Law Regulation issued in the Protectorate, notwithstanding that such member be ordinarily subject to Military Law in regard to such offence.

GOD SAVE THE KING.

Given under my hand at Windhuk this 25th day of January, 1916.

E. H. L. GORGES
Administrator.

*) Issued in Poster form on 25th January.

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, 15th March, 1916.

No. 3.] [13th January, 1916.

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 Notes of the German Reichskasse and of the Berlin Reichsbank may be accepted in Government Offices in the Protectorate, has with effect from the 13th January, 1916 and until further notice, been fixed at twenty nine marks to the pound

sterling. Twenty marks will be regarded as equivalent to thirteen shillings and ninepence.

Government Notice No. 53 of the 21st December, 1915, is cancelled.

No. 4.] [25th January, 1916.

APPOINTMENT OF DETACHED ASSISTANT MILITARY MAGISTRATE AT TSUMEB.

It is notified for general information that Captain C. J. TYTHERLEIGH has been provisionally appointed by the Administrator, in terms of Section 1 of Proclamation No. 11 of 1915, to act as Detached Assistant Military Magistrate at Tsumeb, in place of Lieut. D. G. S. Scott, with effect from the date of assumption of duty.

No. 5.] [25th January, 1916.]

APPOINTMENT OF ACTING DETACHED ASSISTANT MILITARY MAGISTRATE AT AUS.

It is notified for general information that Lieut. FREDRICK ROBARTS, 4th S.A.M.R., has been appointed by the Administrator under the provisions of Section I of Proclamation No. 11 of 1915, to act as Detached Assistant Military Magistrate at Aus and to preside over the Military Magistrate's Court at that place, during the absence, through illness, of Lieut. G. A. Brooke-Smith.

No. 6.] [31st January, 1916.]

APPOINTMENT OF MILITARY MAGISTRATE, GROOTFONTEIN.

It is notified for general information that Major FRANK BROWNLEE has been provisionally appointed by the Administrator, in terms of Section I of Proclamation No. 11 of 1915, to be Military Magistrate at Grootfontein, in place of Major J. H. E. Mayne, with effect from the date of assumption of duty.

*No. 7.] [6th February, 1916.]

MARTIAL LAW REGULATION.

Regulation No. 29, governing the slaughter of animals within the municipal area of Windhuk issued under Martial Law by and with the approval of HIS HONOUR THE ADMINISTRATOR, to have effect from and after the 6th February, 1916.

29. The slaughter of animals whose meat is intended for human consumption in the town of Windhuk is prohibited, except at the Public Abattoirs in Windhuk.

The Municipal Council of Windhuk shall be and is hereby empowered to take full control of the said Public Abattoirs, and to prescribe such conditions for their use, with a view to safeguarding the public health, as may from time to time be deemed necessary.

The following fees shall be charged by the Municipal Council for the use of the Abattoirs, namely:

- | | |
|---|------|
| a) SLAUGHTER FEES, in respect of each head | |
| (i) Large Stock | 4/- |
| (ii) Calves | 1/6d |
| (iii) Pigs | 4/- |
| (iv) Sheep and Goats | 1/- |
| b) MEDICAL INSPECTION FEES, in respect of each head | |
| (i) Large Stock | 3/- |
| (ii) Calves | 1/- |
| (iii) Pigs | 2/- |
| (iv) Sheep and Goats | 4d |

Any person who contravenes the provision of this Regulation shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding TEN POUNDS STERLING, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, or to both such fine and imprisonment.

No. 8.] [9th February, 1916.]

It is notified for general information that the Administrator in terms of the powers vested in him, has approved, under the provisions of Section I of Proclamation No. 11 of 1915, of the establishment of Military Magistrates' Courts at Ondonga and Namakunde, in Ovamboland, with jurisdiction in and over the territory of Ovamboland. Any such cases as cannot conveniently be brought to Ondonga for trial will be tried at Namakunde.

No. 9.] [9th February, 1916.]

It is notified for general information that Major C. N. MANNING, Resident Commissioner for Ovamboland, has been provisionally appointed by the Administrator to act as Military Magistrate for Ovamboland, in addition to his other duties, with effect from the date assumption of duty and to hold office during pleasure.

No. 10.] [9th February, 1916.]

It is notified for general information that Major C. E. FAIRLIE, Government Representative at Namakunde, Ovamboland, has been provisionally appointed by the Administrator to act as Assistant Military Magistrate for Ovamboland, at Namakunde, in addition to his other duties, for the purpose of trying such cases as cannot be conveniently brought to Ondonga for trial, with effect from the date assumption of duty and to hold office during pleasure.

No. 11.] [28th February, 1916.]

PERIODICAL COURT -- MARIENTAL.

It is hereby notified for general information that the Periodical Court established at Mariental, in the District of Gibeon, by Government Notice No. 48 of the 5th December, 1915, will, in future, be held on the first Thursday in each month, and on such other days as the Magistrate may, by notice under his hand, affixed to the door of the place where such court is held, fix.

No. 12.] [28th February, 1916.]

PERIODICAL COURT -- USAKOS.

It is hereby notified for general information that the Periodical Court established at Usakos, in the District of Karibib, by Government Notice No. 19 of the 30th September, 1915, will, in future, be held on every alternate Wednesday, and such other days as the Magistrate may, by notice under his hand, affixed to the door of the place where such court is held, fix.

No. 13.] [11th March, 1916.]

APPOINTMENT OF MAJOR J. F. HERBST AS DEPUTY SECRETARY FOR THE PROTECTORATE.

It is notified for general information that the Administrator has appointed Major J. F. HERBST, Inspecting Military Magistrate, to be Deputy Secretary for the Protectorate in the Administrator's Office, and in that capacity to deal particularly with matters concerning Divisional Courts, Native Affairs and Prisons, with effect from the date of assumption of duty.

No. 14.] [11th March, 1916.

APPOINTMENTS OF MILITARY MAGISTRATES.

It is notified for general information that the Administrator has approved, in terms of Section I of Proclamation No. 11 of 1915, of the following provisional appointments of Military Magistrates, each with effect from the date of assumption of duty:

Major J. H. E. MAYNE, Military Magistrate at Grootfontein, as Military Magistrate at Gibeon, in place of Major E. Manning, transferred.

Major E. MANNING, Military Magistrate at Gibeon, as Military Magistrate at Keetmanshoop, in place of Major O'Reilly resigned.

Major W. P. ROUSSEAU, Military Magistrate at Warmbad, as Military Magistrate at Rehoboth, in place of Major J. L. van Zijl, transferred.

Major J. L. van ZIJL, Military Magistrate at Rehoboth, as Military Magistrate at Warmbad, in place of Major W. P. Rousseau, transferred.

Major K. R. THOMAS at Okahandja with effect from the 16th February, 1916.

Government Notice No. 44 of 1915 is hereby cancelled.

No. 15.] [11th March, 1916.

SUPPRESSION OF LOCUST SWARMS.

It is notified for general information that swarms of winged locusts have crossed from Namaqualand into the Protectorate.

In order to enable the Administration to take such measures as may be necessary for the suppression of the swarms of locusts, all farmers and other persons, whose farms or properties have been visited by locusts, are requested immediately to notify the nearest Police Post of the appearance of the locusts, giving the following particulars:

1. the date and hour when the locusts were observed,
2. the place where they were observed,
3. whether they were voelgangers or flyers, and,
4. the direction, according to the compass, in which they travelled from the place where they were observed.

MARTIAL LAW REGULATIONS.

No. 16.] [11th March, 1916.

Regulations (Nos. 30 to 44) issued under Martial Law by and with the approval of HIS HONOUR THE ADMINISTRATOR, with effect from and after the date of publication.

MOVEMENTS TO AND FROM OVAMBOLAND.

30. No person, not being a member of the Union Forces in military occupation of the Protectorate of South West Africa on duty, or a Government Official travelling on the public service, or a native inhabitant of the territory known as Ovamboland, shall be permitted to enter or leave the said territory, unless he is in possession of a Permit issued to him either by or on behalf of the Secretary for the Protectorate, or by the Resident Commissioner at Ondonga.

31. No person, not being a member of the said Forces on duty, or a Government Official acting under proper authority, shall be permitted to move any vehicle or livestock to or from the territory of Ovamboland, unless he is in possession of a Permit issued as in Regulation No. 30 is prescribed, in which an accurate description of the vehicle or livestock shall be set forth.

32. The holder of a Permit shall, at all times when called upon by any member of the Union Forces on duty or a Government Official acting under authority, produce the same for inspection. The holder of a Permit shall observe any instructions as to the route to be followed by him which may be issued to him by any member of the Union Forces on duty or Government Official acting under authority.

33. Any person who alters, counterfeits, or substitutes any Permit, or who infringes any provision of these Regulations, or who without a Permit enters or leaves, or attempts to enter or leave, the territory of Ovamboland, or who, without a Permit, removes or is responsible for the removal of any vehicle or livestock to or from the said territory, shall be guilty of an offence, and upon conviction shall be liable to a fine not exceeding ONE HUNDRED POUNDS STERLING or in default of payment to imprisonment with or without hard labour for a period not exceeding SIX MONTHS, or to both such fine and imprisonment.

PENALTIES UNDER MARTIAL LAW REGULATIONS.

34. Any person found guilty of a contravention of a Martial Law Regulation in respect of which no penalty is otherwise provided shall be liable to a fine not exceeding One hundred pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding Six months, or to both such fine and such imprisonment.

DRUNKENNESS.

35. a) Any person not subject to Military law found drunk upon or near any premises licensed for the sale of intoxicating liquor, or in or near any shop or place of business, or in any street or other public place shall be guilty of an offence.

b) Any employee not subject to Military law unfitting himself for the proper performance of his duties by being or becoming intoxicated during working hours shall be guilty of an offence.

IMPORTATION OF MINERAL OIL AND MOTOR SPIRIT.

36. No Mineral Oil or Motor Spirit shall be imported into the Protectorate except under a permit issued by, or by the direction of, the Secretary for the Protectorate.

Any person who without a permit imports, attempts to import or knowingly assists in the importation of Mineral Oil or Motor Spirit into the Protectorate shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding five hundred pounds sterling or in default of payment to imprisonment with or without hard labour for a period not exceeding five years or to both such fine and such imprisonment.

In the event of any person being convicted under this Regulation, any mineral oil or motor spirit seized under authority for the purposes of the prosecution and the vessels containing the same may be ordered by the Court to be confiscated and shall be thereafter disposed of as directed by the Secretary for the Protectorate.

In any proceedings under this Regulation it shall not be necessary for the prosecution to prove that no permit has been issued under this Regulation to any person concerned therein and the onus of proof that any person concerned therein is in possession of a permit issued under this Regulation shall be upon the accused.

ENTRY INTO NATIVE LOCATIONS.

37. Save as in Regulation No. 38 provided no European shall enter, or be in, any Native Location between the hours of sunset and sunrise except the superintendent of such Location or his lawful deputy, an Officer in Charge of Native Affairs for the District in which such Location is situate or his lawful deputy or a Police Officer acting within the scope of his duty.

38. An Officer in Charge of Native Affairs may give permission in writing to a European to enter for a specific purpose any Native Location under the control of such Officer.

39. No European shall at any time enter, or be in, any Native Location for the purpose of carrying on any trade or business without the permission in writing of the Magistrate of the District.

40. Any person contravening any of the provisions of the foregoing Regulations shall be guilty of an offence, and shall, upon conviction, be liable to a fine not exceeding Ten Pounds Sterling (£10), or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month or to both such fine and such imprisonment.

REMOVAL OF LIVE STOCK.

41. It shall be the duty of every person receiving live stock removed as provided for in Martial Law Regulation No. 17 to demand from the person delivering them the permit authorising such removal and

to retain it for inspection by the police for a period of one month thereafter.

42. Any person who shall receive such live stock without retaining the permit aforesaid, or who shall refuse or neglect to produce such permit for the inspection of the police on demand or who shall receive any live stock for the removal of which no lawful permit shall have been issued, shall be guilty of an offence and be liable on conviction to the penalties prescribed in Regulation 17.

ADDITIONS AND AMENDMENTS TO THE REGULATIONS GOVERNING THE SALE AND SUPPLY OF INTOXICATING LIQUOR

43. It shall be lawful for a Military Magistrate or a Detached Assistant Military Magistrate, with the approval of the Administrator, to prohibit by written notice posted at the Court House the sale supply or delivery of intoxicating liquor within the area of his jurisdiction, save under permit as hereinafter provided, except for consumption on premises in respect of which a retail liquor license has been issued.

Permits under this Regulation may be issued by or under the authority of the Military Magistrate or Detached Assistant Military Magistrate as the case may be.

Every such permit shall contain the name and address of the purchaser and seller, and the quantity and description of liquor to be purchased thereunder; and shall be retained by the seller and produced on demand by any Police Officer.

Any person contravening any of the provisions of this Regulation shall be guilty of an offence.

44. Martial Law Regulation No. 24, issued on the 20th December, 1915, shall be and is hereby amended by the deletion of all the words after the word "practitioner" in line 8 thereof.

GENERAL NOTICE.

ORDER FOR RESTITUTION OF CONJUGAL RIGHTS.

Records in Civil Cases
In the Supreme Court
of South Africa
(Cape of Good Hope
Provincial Division)
Between

Before the Honourable
Mr. Justice Gardiner

HENRIETTA LOUISA BERNADINA KRAUSE,
born Kohler,
Plaintiff,

and

EMIL AUGUST KRAUSE
Defendant,

BE IT REMEMBERED

that the abovenamed Defendant was summoned to answer the abovenamed Plaintiff in an action for restitution of conjugal rights, failing which for dissolution of the marriage subsisting between them; AND BE IT FURTHER REMEMBERED

that on Tuesday, the 1st day of February, 1916 before the said Court came the said Plaintiff her Counsel, Attorney and witnesses; and the said De-

fendant, although duly summoned and forewarned, comes not but makes default;

And thereupon, having heard the evidence adduced and Counsel for the Plaintiff,

The Court grants judgment for the Plaintiff for restitution of conjugal rights and orders Defendant to return to or receive the Plaintiff on or before the 1st day of April 1916, failing which to shew cause, if any, to this Court on the 18th day of April 1916, why the bonds of marriage now subsisting between him and the Plaintiff shall not be dissolved, with costs,

Why Plaintiff shall not be declared entitled to the custody of the minor children,

Why Defendant shall not be declared to have forfeited his half share of the community of property and why the Registrar of Deeds shall not be authorised to pass transfer thereof to the Plaintiff.

Publication as before ordered.

By order of the Court
R. R. DALE
Registrar.