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The following enactment of the Union Parliament is published for general information:—

No. 27, 1928.]

ACT

To extend and amend the law relating to the Naturalization of Aliens in the mandated territory of South West Africa.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Every person who was, on the fifteenth day of September, 1924—

- (a) under twenty-one years of age; and
- (b) domiciled in the mandated territory of South West Africa; and
- (c) the child of a person who is deemed to have become a British subject by virtue of section *two* of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924): or
 - (i) the legitimate child of a father; or
 - (ii) the illegitimate child of a mother who died prior to the said day as a subject of a power which was at war with Great Britain in the year 1918,

and who was prior to the commencement of this Act not deemed to have become a British subject by virtue of the South West Africa Naturalization of Aliens Act, 1924, and of sub-section (2) of section *ten* of the Naturalization of Aliens Act, 1910, (Act No. 4 of 1910), shall notwithstanding the repeal of the lastmentioned Act be deemed to have become, on the sixteenth day of March, 1925, a British subject naturalized under that Act, to whom the provisions of sub-section (2) of section *two* of the South West Africa Naturalization of Aliens Act, 1924, shall apply:

Provided that if such first mentioned person was on the fifteenth day of September, 1924, not resident in the said territory or the Union, he may, within one year as from the date upon which he shall have attained the age of twenty-one years or within one year as from the date upon which he shall have taken up his residence in the said territory or in the Union, or within one year as from the commencement of this Act, whichever is the later, make a declaration of alienage in manner provided by the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), and shall thereupon cease to be a British subject:

Provided further, that if such person was on the sixteenth day of March, 1925, and at the commencement of this Act not resident in the said territory or the Union, and fails to take up his residence in such territory or the Union within five years as from such commencement, he shall cease to be a British subject.

2. Every person, who, under the provisions of section *two* of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924), or under the provisions of section *one* of this Act, is deemed to have become a naturalised British subject shall, for the purposes of the British Nationality in the Union and Naturalization and Status of Aliens Act, 1926 (Act No. 18 of 1926), be deemed to be a person to whom a certificate of naturalization has been granted.

3. Section *one* of the South West Africa Naturalization of Aliens Act, 1924 (Act No. 30 of 1924) is hereby repealed.

4. This Act may be cited as the Naturalization of Aliens (South West Africa) Act, 1928.

Naturalised persons deemed to have received certificates of naturalization.

Repeal of section *one* of Act No. 30 of 1924.

Short title.

Die volgende wet van die Unie van Suid-Afrika word vir algemene informasie gepubliseer:—

No. 27, 1928.]

WET

Om die wet op Naturalisasie van Vreemdelinge in die mandaatgebied Suidwes-Afrika uit te brei en te wysig.

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Elkeen wat op die vyftiende dag van September 1924—

- (a) onder een-en-twintig jaar oud was; en
- (b) in die mandaatgebied Suidwes-Afrika gedomisileer was; en
- (c) die kind was van iemand wat geag word kragtens artikel *twee* van die Zuidwest-Afrika Naturalisasie van Vreemdelingen Wet, 1924 (Wet No. 30 van 1924) 'n Britse onderdaan te geword het: of
 - (i) die egte kind was van 'n vader; of
 - (ii) die onegte kind was van 'n moeder wat voor bedoelde dag oorlede is as die onderdaan van 'n mogendheid wat in 1918 met Groot-Brittanje in oorlog was,

en wat voor die inwerkingtreding van hierdie Wet nie geag is kragtens die Zuidwest-Afrika Naturalisasie van Vreemdelingen Wet, 1924, en sub-artikel (2) van artikel *tien* van die Naturalisasie van Vreemdelingen Wet, 1910 (Wet No. 4 van 1910) 'n Britse onderdaan te geword het nie, word, nie-teenstaande die herroeping van laasgenoemde wet, geag op die sestiende dag van Maart 1925, kragtens daardie wet 'n genaturaliseerde Britse onderdaan te geword het, op wie die bepaling van sub-artikel (2) van artikel *twee* van die Zuidwest-Afrika Naturalisasie van Vreemdelingen Wet, 1924, van toepassing is: Met die verstande dat as eersbedoelde persoon op die vyftiende dag van September 1924, nie in bedoelde gebied of die Unie woonagtig was nie, hy binne een jaar vanaf die dag waarop hy een-en-twintig jaar oud geword het of binne een jaar vanaf die dag waarop hy in bedoelde gebied of die Unie gaan woon het of binne een jaar vanaf die inwerkingtreding van hierdie Wet (na gelang die een of die ander die laaste is) 'n verklaring van vreemdelingskap kan aflê soos bepaal in die Wet op Britse Nasionaliteit in die Unie en Naturalisasie en Status van Vreemdelinge, 1926 (Wet No. 18 van 1926) en dat hy dan ophou om 'n Britse onderdaan te wees:

Met die verstande voorts, dat as daardie persoon op die sestiende dag van Maart 1925, en by inwerkingtreding van hierdie Wet nie in bedoelde gebied of die Unie woonagtig was nie, en in gebreke gebly het om binne vyf jaar vanaf die dag van sodanige inwerkingtreding in bedoelde gebied of die Unie te gaan woon, hy ophou om 'n Britse onderdaan te wees.

2. Elkeen wat kragtens die bepaling van artikel *twee* van die Zuidwest-Afrika Naturalisasie van Vreemdelingen Wet, 1924 (Wet No. 30 van 1924) of kragtens die bepaling van artikel *een* van hierdie Wet geag word 'n genaturaliseerde Britse onderdaan te geword het, word vir die doeleindes van die Wet op Britse Nasionaliteit in die Unie en Naturalisasie en Status van Vreemdelinge, 1926 (Wet No. 18 van 1926) beskou as iemand aan wie 'n sertifikaat van naturalisasie verleen is.

3. Artikel *een* van die Zuidwest-Afrika Naturalisasie van Vreemdelingen Wet, 1924 (Wet No. 30 van 1924) word hiermee herroep.

4. Hierdie Wet mag aangehaal word as die Wet op Naturalisasie van Vreemdelinge (Suidwes-Afrika), 1928.

Sekere minder-jariges in Suidwes-Afrika gedomisileer op 15 Sept. 1924 word Britse onderdane.

Genaturaliseerde persone word geen sertifikate van naturalisasie te ontvang het.

Herroeping van artikel *een* van Wet No. 30 van 1924.

Kort titel.

PROCLAMATIONS

BY HIS HONOUR ALBERTUS JOHANNES WERTH, ADMINISTRATOR OF SOUTH WEST AFRICA.

No. 15 of 1928.]

WHEREAS it is desirable to provide for the better control and management of Native Affairs;

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

CHAPTER I.

ADMINISTRATION.

1. The Administrator shall be vested with the following powers and authorities in any part of the mandated Territory of South West Africa, that is to say—

- (a) He may recognise or appoint any person as a chief or headman in charge of a tribe, or of a location or a native reserve, and is hereby authorised to make regulations prescribing the duties, powers and privileges of such chiefs or headmen. Any such recognition may at any time be withdrawn, and such appointments may be either permanent, temporary, or in an acting capacity, and may be on such conditions as to emoluments or otherwise as he may deem fit;
- (b) He may remove any chief or headman found guilty of any political offence, or for incompetency or for other just cause from his position as such chief or headman and may order his removal with his family and property to some other part of the mandated Territory; and may place him under such supervision or restraint as to him may appear to be expedient;
- (c) He may define the boundaries of the area of any tribe or of a location and may from time to time alter the same and may divide existing tribes into two or more parts or amalgamate tribes or parts of tribes into one tribe or constitute a new tribe as necessity or the good government of the Natives may in his opinion require;
- (d) He may, whenever he deems it expedient in the general public interest, order the removal of any tribe or portion thereof or any Native from any place to any other place within the mandated Territory upon such terms and conditions and arrangements as he may determine;
- (e) He may call upon chiefs, headmen and all other Natives to supply armed men or levies for the defence of the Territory or for the suppression of disorders and rebellion within its borders, and may call upon such chiefs, headmen and all other Natives to render personally such military and other service;
- (f) He may punish by fine or imprisonment or both any act of disobedience of his orders or disregard of his authority made or exercised under the powers conferred upon him by this section;
- (g) He may generally exercise all political power and authority which according to the laws, customs and usages of Natives, are held and enjoyed by any supreme or paramount native chief.

2. The Administrator shall not be subject to any court of law for or by reason of any order, notice, rule or regulation professed to be issued or made or of any other act whatsoever professed to be committed, ordered, permitted or done in the exercise of the powers and authority conferred by this Proclamation.

3. (1) The orders and directions of the Administrator issued under this Proclamation may be carried into execution by or under the supervision of the Chief Native Commissioner or by a magistrate, native commissioner or an assistant native commissioner or by any other officer authorised thereto by the Administrator, the Chief Native Commissioner, a magistrate, a native commissioner or an assistant native commissioner, or such other officer, and in respect of any such act any officer so employed shall be regarded as the deputy or representative of the Administrator.

(2) Any Native who neglects or refuses to comply with any order issued under paragraph (b), (d) or (e) of section one shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds or to imprisonment for any period not exceeding three months.

PROKLAMASIES

DEUR SY EDELE ALBERTUS JOHANNES WERTH, ADMINISTRATEUR VAN SUIDWES-AFRIKA.

No. 15 van 1928.]

NADEMAAL dit wenslik is om voorsiening te maak vir die betere bestuur en beheer van Naturellesake;

SO IS DIT dat ek onder en kragtens die bevoegdheids aan my verleen, hiermee proklameer, verklaar en bekend maak, as volg:—

HOOFSTUK I.

ADMINISTRASIE.

1. Die Administrateur het in enige deel van die Mandaatgebied van Suidwes-Afrika, die volgende bevoegdhede en gesag, naamlik:—

Bevoegdhede van Administrateur.

- (a) Hy mag enige persoon as kaptein of hoofman erken of aanstel met gesag oor 'n stam, lokasie of naturelleservaat, en word hiermee gemagtig om regulasies uit te vaardig, waarin die werksaamhede, bevoegdhede en voorregte van sulke kapteins of hoofmanne bepaal word. Enig sodanige erkenning mag te enige tyd teruggetrek word en sodanige aanstellings mag permanent, tydelik of in 'n waarnemende hoedanigheid wees en kan onder sodanige voorwaardes met betrekking tot beloning of andersins geskied as hy mag wenslik ag.
- (b) Hy mag enige kaptein of hoofman, wat aan enige politieke oortreding skuldig bevind is, of weens onbekwaamheid of vir enige ander regverdige rede van sy posisie as sodanige kaptein of hoofman afsit en mag sy verwydering, tesame met sy famielie en eiendom, na enige ander deel van die Mandaatgebied beveel; en hy mag hom onder sodanige toesig of bedwang sit soos hom raadsaam mag blyk;
- (c) Hy mag die grense van die gebied van enige stam of van 'n lokasie bepaal en van tyd tot tyd veranderings binne sodanige gebied of lokasie maak en mag bestaande stamme in twee of meer dele verdeel, of stamme of gedeeltes van stamme tot een stam saamsmelt, of 'n nuwe stam stig, na gelang die noodsaaklikheid of goeie bestuur van die naturelle dit volgens sy oordeel vereis;
- (d) Hy mag wanneer hy dit in die algemene publieke belang raadsaam ag, die verwydering van 'n stam of van 'n gedeelte daarvan of van enige naturel van enige plek na enige ander plek binne die Mandaatgebied onder sodanige voorwaardes en reëlings, as hy mag bepaal, beveel.
- (e) Hy mag van die kapteins, hoofmanne en alle ander naturelle verlang dat hulle gewapende manskappe of troepe vir die verdediging van die Mandaatgebied vir die onderdrukking van oproer en opstand binne sy grense beskikbaar stel, en mag van sodanige kapteins, hoofmanne en alle ander naturelle verlang dat hulle persoonlik sodanige militêre of ander dienste doen.
- (f) Hy mag enige handeling van versuim om aan sy bevel gevolg te gee of minagting van sy gesag, deur hom uitgevaardig of uitgeoefen ingevolge die bevoegdhede wat deur hierdie artikel aan hom verleen is, met boete of gevangenisstraf bestraf.
- (g) Hy mag in die algemeen al die politieke bevoegdhede en gesag uitoefen, wat volgens die wette, gewoontes en gebruike van die naturelle in enige naturelle-opperhoof berus of deur hom uitgeoefen word.

2. Die Administrateur is nie aan enige gereghof onderhewig nie, ten opsigte of omrede van enige bevel, kennisgewing, reël of regulasie, wat beweer word uitgevaardig of gemaak te wees, of weens enige ander handeling, hoegenaam ook, wat beweer word in uitoefening van die bevoegdhede en gesag, deur hierdie Proklamasie verleen, verrig, beveel, toegelaat of gedaan te wees.

Administrateur nie onderhewig aan Gereghowe nie by uitoefening van bevoegdhede, deur hierdie Proklamasie verleen.

3. Die bevel en instruksies van die Administrateur, wat kragtens hierdie Proklamasie uitgevaardig is, mag deur of onder toesig van die Hoof-Naturellekommissaris, of deur 'n magistraat, naturellekommissaris of 'n assistent-naturellekommissaris of deur enige ander amptenaar, wat daartoe deur die Administrateur, die Hoof-Naturellekommissaris, 'n magistraat, 'n naturellekommissaris of 'n assistent-naturellekommissaris, of sodanige ander amptenaar gemagtig is, voltrek word en ten opsigte van enige sodanige handeling word die aldus werksame amptenaar as die plaasvervanger of verteenwoordiger van die Administrateur beskou.

Hoe Bevele van Administrateur uitgevoer moet word.

(2) Enige naturel wat versuim of weier om aan enige bevel te voldoen, wat kragtens paragrawe (b), (d) of (e) van artikel een uitgevaardig is, is skuldig aan 'n oortreding en by skuldigbevinding onderhewig aan 'n boete van hoogstens tien pond of aan gevangenisstraf met of sonder harde arbeid vir enige tydperk van hoogstens drie maande.

Powers of Administrator.

Administrator not subject to Courts of law when exercising powers conferred by this Proclamation.

How orders of Administrator to be carried out.

(3) Any magistrate, native commissioner or assistant native commissioner within whose area of jurisdiction the place from which the removal is to be made is situate, may, upon the conviction of any Native for failing, neglecting or refusing to comply with any order issued under paragraph (b) or (d) of section one, take all such steps as may be necessary to effect the removal in terms of the order.

4. (1) The Administrator may, subject to the law relating to the public service, appoint an officer, to be styled Chief Native Commissioner, who shall exercise such powers and perform such duties as he may from time to time prescribe.

(2) The Administrator may, subject to the law relating to the public service, appoint for any area in which large numbers of Natives reside a native commissioner and so many assistant native commissioners as he may deem necessary, or may appoint such assistant native commissioners without appointing a native commissioner for the area. Such officers shall perform such duties as may be required by any law or assigned to them by him, and shall, within the area for which they are appointed, have the powers of Special Justices of the Peace.

(3) Any person who at the commencement of this Proclamation holds or has held the position of Native Commissioner or officer-in-charge of native affairs in this Territory shall be eligible for appointment under sub-section (2). No person other than an officer in the public service who has since the 31st day of May, 1910, been on the fixed establishment of either the Department of Native Affairs or the Department of Justice of the Union of South Africa shall be appointed to be a native commissioner or assistant native commissioner unless he has passed the civil service lower law examination or an examination determined by the Public Service Commission for the purposes of this section to be equivalent thereto.

(4) Notwithstanding the provisions of sub-section (3), the Administrator may, when circumstances require, appoint any person to act temporarily as a native commissioner or assistant native commissioner in the place of or in addition to the ordinary incumbent of the post.

(5) The Administrator may appoint superintendents to assist in the control and supervision of locations and native reserves and may prescribe their duties.

(6) Any person obstructing any officer in this section mentioned or in paragraph (a) of section one of this Proclamation in the lawful execution of his duty shall be guilty of an offence.

CHAPTER II.

TRIBAL ORGANIZATION AND CONTROL.

5. (1) Subject to the provisions of this section, a native people or tribe shall not be responsible for the personal obligation of its chief; nor shall a tribe or the ground occupied by a tribe be bound in any way whatsoever by any contract entered into or any liability incurred by a chief unless it has been approved by the Administrator after having been adopted by a majority of the adult male members of the tribe present at a public meeting convened for the purpose of considering such contract or liability.

(2) The written certificate of a native commissioner that the contract or liability referred to therein has been adopted in terms of sub-section (1) of this section shall be conclusive evidence of that fact.

6. No legal proceedings in regard to the ownership, occupation or acquisition of land by a native tribe shall be instituted or maintained against the chief of such tribe or against such tribe, or both, by an individual member or members of the tribe concerned unless such member or members produce a written certificate issued by the Secretary for South West Africa stating that the Administrator has approved of the institution of such proceedings.

CHAPTER III.

JUDICIAL ORGANIZATION AND PROCEDURE.

7. The Administrator may, by notice in the *Gazette*, confer criminal jurisdiction upon a native commissioner in respect of any offence, subject to the jurisdiction of a magistrate's court, committed by a Native within his area of jurisdiction, and thereupon such native commissioner shall, for all purposes of section nine of the Administration of Justice Proclamation, 1919 (Proclamation No. 21 of 1919), as amended by section one of the Administration of Justice Amendment Proclamation, 1920 (Proclamation No. 45 of 1920), or sections three and four of the Better Administration of Justice Proclamation, 1921 (Proclamation No. 52 of 1921), or any amendment thereof, and of the Criminal Procedure and Evidence Proclamation, 1919 (Proclamation No. 20 of 1919), or any amendment thereof, be deemed to be a magistrate's court or a magistrate in connection with any proceedings relating to any offence committed by a Native. The jurisdiction so conferred upon a native commissioner shall be concurrent with the jurisdiction of the magistrate's court and magistrate concerned under the said Proclamations.

8. (1) The Administrator may, by notice in the *Gazette*, constitute courts of native commissioners for the hearing of all civil, including matrimonial, causes and matters between Native and Native only:

Provided that a native commissioner's court shall have no jurisdiction in matters in which—

(3) Enige magistraat, natuurellekommissaris, of assistent-natuurellekommissaris, binne wie se regsgebied die plek geleë is waaruit die verwydering moet plaasvind, mag na die veroordeling van enige natuurel weens versuim, nalating of weiering om aan enige bevel, uitgevaardig kragtens paragrawe (b) en (d) van artikel een, te voldoen, alle maatreëls tref wat nodig mag wees om die verwydering ooreenkomstig die bevel te bewerkstellig.

4. (1) Die Administrateur mag met inagneming van die wet op die staatsdiens 'n amptenaar onder die benaming van Hoof-natuurellekommissaris aanstel, wat sodanige bevoegdhede moet uitoefen en sodanige werksaamhede moet verrig as wat hy van tyd tot tyd mag bepaal.

(2) Die Administrateur mag met inagneming van die wet op die staatsdiens vir enige gebied waarin 'n groot aantal natuurelle woon, 'n natuurellekommissaris en of soveel assistent-natuurellekommissarisse aanstel as wat hy nodig ag, of hy mag vir die gebied sodanige assistent-natuurellekommissarisse aanstel sonder 'n natuurellekommissaris aan te stel. Bedoelde amptenare moet sodanige werksaamhede verrig as wat een of ander wet voorskryf of hy aan hulle mag opdra en het in die gebied, waarvoor hulle aangestel is, die bevoegdhede van Spesiale Vrederegters.

(3) Iemand wat by die inwerkingtreding van hierdie Proklamasie die betrekking van natuurellekommissaris of hoof-amptenaar vir natuurellesake beklee of beklee het, kan kragtens onderartikel (2) aangestel word. Niemand behalwe 'n amptenaar in die staatsdiens, wat sedert 31 Mei 1910 op die vaste diensstaat van die Departement van Natuurellesake of van die Departement van Justisie van die Unie van Suid-Afrika gewees is, mag daarna as natuurellekommissaris of assistent-natuurellekommissaris aangestel word nie, tensy hy die laer staatsdienswetseksamen afgelê het of 'n eksamen wat die Staatsdienskommissie verklaar het vir die doeleindes van hierdie artikel daarmee gelyk te staan.

(4) Nieteenstaande die voorsienings van onderartikel (3) mag die Administrateur, as die omstandighede dit vereis, enige persoon aanstel om tydelik as natuurellekommissaris of assistent-natuurellekommissaris op te tree in die plek van of benewens die gewone bekleder van die betrekking.

(5) Die Administrateur mag superintendente aanstel om behulpsaam te wees by die beheer van en toesig op lokasies en natuurelleservate en mag hulle werksaamhede bepaal.

(6) Iemand wat 'n in hierdie artikel of in artikel een (a) van hierdie Proklamasie vermelde amptenaar in die wettige verrigting van sy werksaamhede belemmer is aan 'n misdryf skuldig.

HOOFSTUK II.

STAMORGANISASIE EN STAMBESTUUR.

5. (1) Met inagneming van die bepalings van hierdie artikel is 'n natuurelle-volk of -stam nie verantwoordelik vir die persoonlike verpligtings van sy kaptein nie en 'n stam of die grond wat 'n stam bewoon is ook op generlei wyse verbonde deur 'n kontrak of aanspreeklikheid wat 'n kaptein aangegaan het, tensy dit deur die Administrateur goedgekeur is nadat die meerderheid van die volwasse manlike lede van die stam, teenwoordig op 'n publieke vergadering wat byeengeroep is om daardie kontrak of aanspreeklikheid te oorweeg, dit aangeneem het.

(2) Deur die skriftelike sertifikaat van 'n natuurellekommissaris dat die daarin vermelde kontrak of aanspreeklikheid ooreenkomstig onderartikel (1) aangeneem is, word daardie feit onweerlegbaar bewys.

6. Geen regsgeeding met betrekking tot die eiendom, besit of verkryging van grond deur 'n natuurelle-stam mag deur 'n enkele lid of enkele lede van die betrokke stam teen die kaptein van daardie stam of teen daardie stam of teen albei ingestel of voortgesit word nie, tensy bedoelde lid of lede 'n skriftelike sertifikaat vertoon wat deur die Sekretaris vir Suidwes-Afrika uitgereik is en wat verklaar dat die Administrateur die instelling van daardie geding goedgekeur het.

HOOFSTUK III.

REGSORGANISASIE EN PROSEDURE.

7. Die Administrateur mag deur proklamasie in die *Offisiële Koerant* aan 'n natuurellekommissaris kriminele regs-mag verleen met betrekking tot enige misdryf, onderworpe aan die regsmag van 'n magistraatshof, wat deur 'n natuurel in sy regsgebied begaan is en daarop word daardie natuurellekommissaris vir alle doeleindes van artikel nege van die Rechtsbedeling Proklamasie 1919 (Proklamasie No. 21 van 1919), soos deur artikel een van die Gewijzigde Rechtsbedeling Proklamasie 1920 (Proklamasie No. 45 van 1920) gewysig, van artikels drie en vier van die Betere Rechtsbedeling Proklamasie 1921 (Proklamasie No. 52 van 1921), of 'n wysiging daarvan, en van die Kriminele Procedure en Bewijslevering Proklamasie 1919 (Proklamasie No. 20 van 1919), of 'n wysiging daarvan, beskou as 'n magistraatshof of 'n magistraat in verband met alle verrigtings wat betrekking het op 'n misdryf deur 'n natuurel begaan. Die aldus aan 'n natuurellekommissaris verleende regsmag staan naas die regsmag van die betrokke magistraatshof en magistraat kragtens bedoelde Proklamasies.

8. (1) Die Administrateur mag deur kennisgewing in die *Offisiële Koerant* natuurellekommissaris-howe instel vir die verhoor van alle siviele aksies, insluitende huweliksake en sake tussen natuurel en natuurel alleen: Met die verstande dat 'n natuurellekommissaris-hof geen regsmag het in sake waarin—

Appointment of native commissioners and assistant native commissioners, etc.

Aanstelling van natuurellekommissarisse en assistent-natuurellekommissarisse, ens.

When tribe bound for contract or obligation of chief.

Limitation of judicial proceedings against chief or tribe in respect of land.

Criminal jurisdiction of native commissioner.

Courts of native commissioner.

Wanneer Kontrak of verpligtings van kaptein sy stam verbind.

Beperking van regsgeeding teen kaptein of stam in verband met grond.

Kriminele regs van Natuurellekommissaris.

Natuurellekommissaris-howe.

- (a) the status of a person in respect of mental capacity is sought to be affected;
- (b) is sought a decree of perpetual silence;
- (c) *namptissement* is sought; or
- (d) the validity or interpretation of a will or other testamentary document is in question;

(2) Every such court shall be a court of law, and shall be presided over by a native commissioner or an assistant native commissioner.

(3) The Administrator shall prescribe the local limits within which such courts shall have jurisdiction, and may, by notice in the *Gazette*, abolish or alter the area of jurisdiction of any such court:

Provided that, when the parties to any proceedings do not both reside in the same area of jurisdiction of any such court, the court of native commissioner (if any) within whose area of jurisdiction the defendant resides shall have jurisdiction in such proceedings.

(4) The Administrator may make regulations prescribing in respect of courts of native commissioners—

- (a) the manner and form of procedure to be observed;
- (b) the times and places of holding courts;
- (c) the keeping of records;
- (d) the mode of compelling the attendance of witnesses and assessors and the allowances to be paid to them;
- (e) the costs, fees or charges of any matter in connection with any proceedings in such courts, including costs between party and party and between attorney and client;
- (f) the execution of process;
- (g) the appearance of representatives on behalf of parties; and
- (h) such other matters as the Administrator may deem necessary for the proper carrying out of the purposes of this section.

Different regulations may be made for different classes of cases or for different areas.

9. (1) Notwithstanding the provisions of any other law, it shall be in the discretion of the courts of native commissioners in all suits or proceedings between Natives involving questions of customs followed by Natives, to decide such questions according to the native law applying to such customs except in so far as it shall have been repealed or modified: Provided that such native law shall not be opposed to the principles of public policy or natural justice: Provided further that it shall not be lawful for any court to declare that the custom of ovitunya or okuonda or other similar custom is repugnant to such principles.

(2) Where the parties to a suit reside in areas where different native laws are in operation, the native law, if any, to be applied by the court shall be that prevailing in the place of residence of the defendant.

10. No appeal shall lie from the decision of a native commissioner's court, if before the hearing is commenced, the parties lodge with the court an agreement in writing that the decision of the court shall be final.

11. Subject to the provisions of the last preceding section, a party to any civil suit or proceeding in a native commissioner's court may appeal against any decision of such court to the High Court of South West Africa.

12. In any case of appeal from any native commissioner's court, the presiding Judge of the High Court of South West Africa, should he deem it desirable, shall be at liberty to call to his assistance assessors not exceeding two in number who shall be selected by him with regard to their knowledge of native customs generally or their knowledge of any particular custom or customs bearing on the subject of the case in which a decision is appealed against.

13. The judgment of the court of appeal shall be recorded in the court appealed from, and may be enforced as if it had been given in the last mentioned court.

14. The High Court of South West Africa shall have full power to review, set aside, amend or correct any order, judgment or proceeding of a native commissioner's court, or to direct a case from such a court to be retried or reheard or to make any such order upon the case as the interests of justice may require: Provided that no judgment or proceedings shall, by reason of any irregularity or defect in the record or proceedings, be reversed or set aside unless it appears to the court of appeal that substantial prejudice has resulted therefrom.

15. Any advocate or attorney who has been admitted to practice in the High Court of South West Africa shall be entitled to appear in any case in a court of native commissioner, subject however to his first obtaining the consent of the court, which consent the court may in its discretion withhold.

- (a) gepoog word om die status van 'n persoon ten opsigte van sy geesvermoëns te raak;
- (b) gepoog word om 'n vonnis van ewigdurende stilswye op te lê;
- (c) *namptissement* gevra word; of
- (d) die geldigheid of interpretasie van 'n testament of ander testamentêre dokument in kwessie is.

(2) Elke sodanige hof is 'n geregshof onder die voorsitterskap van 'n natuurellekommissaris of assistent-natuurellekommissaris.

(3) Die Administrateur moet die gebied, waarin daardie howe regsrag het, omskrywe en mag deur kennisgewing in die *Offisiële Koerant* so 'n hof afskaf of sy regsgebied verander: Met die verstande dat, wanneer die partye tot 'n regsgeging nie albei in dieselfde regsgebied van so 'n hof woon nie, die natuurellekommissaris-hof (as daar een is) binne die regsgebied waarin die verweerder woon regsrag in so 'n geding het.

(4) Die Administrateur mag regulasies uitvaardig wat met betrekking tot natuurellekommissaris-howe voorskryf—

- (a) die manier en vorm van prosedure wat in ag geneem moet word;
- (b) die tye en plekke van hofsittings;
- (c) die notulering;
- (d) die wyse waarop getuies en assessore verplig word om te verskyn en die toelaes aan hulle betaalbaar;
- (e) die koste of fooie van enige aangeleentheid in verband met regsgeginge in sulke howe, met inbegrip van koste tussen party en party en tussen prokureur en kliënt;
- (f) die tenuitvoerlegging van prosesstukke;
- (g) die verskyning van verteenwoordigers van partye; en
- (h) sodanige ander sake as wat die Administrateur nodig mag ag vir die behoorlike uitvoering van die doeleindes van hierdie artikel.

Verskillende regulasies mag vir verskillende klasse van gevalle of vir verskillende streke uitvaardig word.

9. (1) Nieteenstaande die bepalinge van enige ander wet mag die natuurellekommissaris-howe in alle regsgeginge tussen natuurelle, waarby kwessies van natuurelle-gebruike betrokke is, na goedvinde beslis oor sulke kwessies ooreenkomstig die natuurelereg, wat op sulke gebruike van toepassing is, behalwe vir sover dit herroep of gewysig is: Met die verstande dat sulke natuurelereg nie in stryd mag wees nie met die beginsels van staatsgedragslyn of natuurlike regverdigheid: Met die verstande verder dat 'n hof nie bevoeg is nie om te verklaar dat die owitwenja-, okoewonda- of ander dergelyke gebruik met daardie beginsels in stryd is.

(2) Waar die partye tot 'n regsgeging in streke woon waar verskillende natuurelereg in swang is, word deur die hof die natuurelereg (as daar een is) toegepas wat heers in die woonplek van die verweerder.

10. Teen 'n vonnis van 'n natuurellekommissaris-hof kan nie geappeleer word nie, as die partye voor die begin van die verhoor, 'n skriftelike ooreenkoms by die hof indien, dat die beslissing van die hof finaal sal wees.

11. Met inagneming van die voorsienings van die laasvooraangaande artikel, mag 'n party tot enige siviele aksie of saak in 'n natuurellekommissaris-hof teen enige beslissing van sodanige hof op die Hooggeregshof van Suidwes-Afrika appeleer.

12. In enige appèlsaak van enige natuurellekommissaris-hof staan dit die voorsittende Regter van die Hooggeregshof van Suidwes-Afrika vry, as hy dit wenslik ag, om die hulp in te roep as raadsmanne van hoogstens twee assessore, wat hy moet kies omrede hulle algemene kennis van natuurellegebruike of hulle kennis van enige besonder gebruik of gebruike, wat in verband met die onderwerp van die saak, waarin teen 'n beslissing geappeleer word, staan.

13. Die vonnis van die appèlhof moet in die hof, teen wie se beslissing geappeleer word, genotuleer word en mag uitgevoer word asof dit 'n vonnis van laasgenoemde hof was.

14. Die Hooggeregshof van Suidwes-Afrika het volle bevoegdheid om enige bevel, vonnis of verrigting van 'n natuurellekommissaris-hof binne sy regsgebied te hersien, te vernietig, te wysig of te verbeter, of om te gelas dat 'n saak uit so 'n hof opnuut verhoor moet word, of om so 'n bevel in die saak uit te vaardig as wat die regsbelang mag vereis: Met die verstande dat geen vonnis of verrigting weens 'n onreëlmatigheid of gebrek in die notule of geding in teenoorgestelde sin verander of vernietig mag word nie, tensy aan die appèlhof blyk dat werklik nadeel die gevolg daarvan was.

15. Enige advokaat of prokureur, wat tot praktyk in die Hooggeregshof van Suidwes-Afrika toegelaat is, is geregtig om in enige saak in 'n natuurellekommissaris-hof te verskyn, mits hy eers die toestemming van die hof verkry het en die hof mag na eie goedvinde sodanige toestemming weier.

Welke reg in Natuurellekommissaris-howe toegepas word.

Partye mag ooreenkoms nie teen vonnisse van Natuurellekommissaris-howe te appeleer nie.

Appel teen vonnisse van Natuurellekommissaris-howe.

Assessore in Hooggeregshof van Suidwes-Afrika

Notulering en tenuitvoerlegging van vonnisse van appèlhof.

Regsmag van Hooggeregshof van Suidwes-Afrika ten opsigte van vonnisse en verrigtings van Natuurellekommissaris-howe.

Regspraktisyns in Natuurellekommissaris-howe.

What law to be applied in native commissioner's courts.

Parties may agree not to appeal from Courts of Native Commissioners.

Appeals from Courts of Native Commissioners.

Assessors in High Court of South West Africa.

Record and enforcement of judgments of appeal court.

Jurisdiction of High Court of South West Africa with regard to judgments or proceedings of Native Commissioners' Courts.

Legal practitioners in courts of native commissioner.

Native assessors
in courts of
native com-
missioner.

16. (1) In any case in which a native commissioner's court deems it desirable, it shall be at liberty to call to its assistance, in an advisory capacity, such native assessors as the court may deem necessary.

(2) The opinion of such assessors shall be recorded, and form part of the record.

CHAPTER IV.

MARRIAGE AND SUCCESSION.

Marriages of
natives:
Property rights.

17. (1) No male Native shall, during the subsistence of any customary union between him and any woman, contract a marriage with any other woman unless he had first declared upon oath, before the magistrate or native commissioner of the district in which he is domiciled, the name of every such firstmentioned woman, the name of every child of any such customary union, the nature and amount of the movable property (if any) allotted by him to each such woman or house under native custom, and such other information relating to any such union as the said official may require.

(2) Upon the official before whom such declaration is made being satisfied of the accuracy thereof, it shall be recorded by him, and such original record of the declaration, or a copy thereof certified under the hand of any magistrate or native commissioner of the district in which it was recorded, shall be admissible in evidence in any proceedings in which the facts therein declared may be relevant, and any document purporting to be such a record, or a copy thereof certified as aforesaid, shall *prima facie* be so admissible without proof of its execution.

(3) No minister of the Christian religion authorised under any law to solemnize marriages, nor any marriage officer, shall solemnize the marriage of any Native male person unless he has first taken from such a person a declaration as to whether there is subsisting at the time any customary union between such person and any woman other than the woman to whom he is to be married and, in the event of any such union subsisting, unless there is produced to him by such person a certificate under the hand of a magistrate or native commissioner that the provisions of this section hereinbefore set out have been duly complied with.

(4) Any person contravening sub-section (3) shall be guilty of an offence, and shall, upon conviction be liable to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment for a period not exceeding three months.

(5) Any Native male person who during the subsistence of any customary union between him and any woman contracts a marriage with any other woman without having previously made a declaration referred to in sub-section (1) or sub-section (3) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months; and any Native male person who knowingly makes any false statement in any such declaration shall be guilty of an offence and punishable in the same manner as if he had committed the crime of perjury.

(6) A marriage between Natives, contracted after the commencement of this Proclamation, shall not produce the legal consequences of marriage in community of property between the spouses: Provided that in the case of a marriage contracted otherwise than during the subsistence of a customary union between the husband and any woman other than the wife it shall be competent for the intending spouses at any time within one month previous to the celebration of such marriage to declare jointly before any magistrate, native commissioner or marriage officer (who is hereby authorised to attest such declaration) that it is their intention and desire that community of property and of profit and loss shall result from their marriage, and thereupon such community shall result from their marriage.

(7) No marriage contracted after the commencement of this Proclamation during the subsistence of any customary union between the husband and any woman other than the wife shall in any way affect the material rights of any partner of such union or any issue thereof, and the widow of any such marriage and any issue thereof shall have no greater rights in respect of the estate of the deceased spouse than she or they would have had if the said marriage had been a customary union.

(8) Nothing in this section or in section *eighteen* shall affect any legal right which had accrued or may accrue as the result of a marriage in community of property contracted before the commencement of this Proclamation.

Succession.

18. (1) All movable property belonging to a Native and allotted by him or accruing under native law or custom to any woman with whom he lived in a customary union, or to any house, shall upon his death devolve and be administered under native law and custom.

(2) All other property of whatsoever kind belonging to a Native shall be capable of being devised by will. Any such property not so devised shall devolve and be administered according to native law and custom.

16. (1) In 'n saak waarin 'n naturellekommissaris-hof dit wenslik ag, staat dit aan hom vry om die hulp in te roep as raadsmanne van sodanige naturelleassessore as die hof nodig oordeel.

(2) Die sienswyse van daardie assessore moet opgeteken word en maak 'n deel uit van die stukke.

HOOFTUK IV.

HUWELIK EN ERFOPVOLGING.

17. (1) Geen naturelle-manspersoon mag, solank tussen hom en 'n vrou 'n gebruikelike verbinding bestaan, met 'n ander vrou 'n huwelik aangaan, tensy hy eers onder eed voor die magistraat of naturellekommissaris van die distrik, waarin hy woonagtig is, aangegee het die naam van elke eersbedeelde vrou, die naam van elke kind van so 'n gebruikelike verbinding, die soort en hoeveelheid roerende goed waarmee hy elke sodanige vrou of haar huis volgens naturellegebruik bedeel het (as dit geskied is) en sulke ander inligting met betrekking tot enige sodanige verbinding as wat bedeelde amptenaar mag verlang.

(2) As die amptenaar aan wie daardie verklaring gemaak word, van die juistheid daarvan oortuig is, moet hy dit opteken en daardie oorspronklike aantekening van die verklaring of 'n kopie daarvan, gesertifiseer onder die handtekening van enige magistraat of naturellekommissaris van die distrik waarin dit opgeteken geword is, is as bewysstuk ontvanklik in enige geding waarin die daarin aangetekende feite mag van pas wees en 'n dokument wat voorgoed so 'n aantekening of 'n as voormeld gesertifiseerde kopie daarvan te wees, is *prima facie* aldus ontvanklik sonder bewys van sy opstelling en ondertekening.

(3) Geen leraar van die Kristelike geloof wat regtens bevoeg is om huwelike te bevestig en geen huweliksbevestiger mag 'n naturelle-manspersoon in die huwelik bevestig nie tensy hy eers van daardie persoon 'n verklaring afgeneem het omtrent die vraag of op daardie tydstip 'n gebruikelike verbinding bestaan tussen daardie persoon en 'n ander vrou dan die ene met wie hy gaan trou en as daar so 'n verbinding bestaan, tensy daardie persoon aan hom voorlê 'n sertifikaat onderteken deur 'n magistraat of naturellekommissaris dat aan die bovermelde bepalinge van hierdie artikel behoorlik voldoen is.

(4) Iemand wat onderartikel (3) oortree is aan 'n misdryf skuldig en is by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling, met gevangenisstraf van hoogstens drie maande.

(5) 'n Naturelle-manspersoon wat gedurende die bestaan van 'n gebruikelike verbinding tussen hom en 'n vrou met 'n ander vrou 'n huwelik aangaan sonder dat hy voorheen die verklaring vermeld in onderartikel (1) of onderartikel (3) gemaak het, is aan 'n misdryf skuldig en is by veroordeling strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling met gevangenisstraf van hoogstens ses maande; en 'n naturellemanspersoon wat in so 'n verklaring met wete 'n valse bewering maak, is aan 'n misdryf skuldig en strafbaar op dieselfde manier asof hy die misdaad van meened gepleeg het.

(6) 'n Huwelik tussen naturelle na die inwerkingtreding van hierdie Proklamasie aangegaan, het nie die wetlike gevolge van 'n huwelik in gemeenskap van goedere tussen die eggenote nie: Met die verstande dat by 'n huwelik wat nie gedurende die bestaan van 'n gebruikelike verbinding tussen die man en 'n ander vrou dan die eggenote aangegaan word nie, die toekomstige eggenote bevoeg is om te eniger tyd binne een maand voor die bevestiging van daardie huwelik gesamentlik te verklaar voor 'n magistraat, naturellekommissaris of 'n huweliksbevestiger (wat hiermee gemagtig word om daardie verklaring te attesteer) dat dit hulle voorneme en begeerte is dat hulle huwelik gemeenskap van goedere en van wins en verlies ten gevolge moet hê, en daarop het hulle huwelik daardie gemeenskap ten gevolge.

(7) Geen huwelik, wat na die inwerkingtreding van hierdie Proklamasie aangegaan is gedurende die bestaan van 'n gebruikelike verbinding tussen die man en 'n ander vrou dan die eggenote, het enige invloed op die materiële regte van 'n deelgenoot in daardie verbinding of van 'n kind daaruit en die weduwee van so 'n huwelik en die kinders daaruit het geen groter regte teenoor die boedel van die oorlede eggenoot dan sy of hulle sou gehad het as bedeelde huwelik 'n gebruikelike verbinding gewees was.

(8) Die bepalinge van hierdie artikel of van artikel *agtien* maak geen inbreuk op enige wetlike reg wat ontstaan is of kan ontstaan ten gevolge van 'n huwelik in gemeenskap van goedere aangegaan voor die inwerkingtreding van hierdie Proklamasie nie.

18. (1) Alle roerende goedere wat aan 'n naturel behoer en wat hy toegewys het of wat kragtens naturelle-reg of gebruik toekom aan 'n vrou met wie hy in 'n gebruikelike verbinding geleef het of aan 'n huis, gaan na sy dood oor en word beredder volgens naturellereg en -gebruik.

(2) Oor alle goedere van watter aard ook wat aan 'n naturel behoer kan deur testament beskik word. Goedere waarvoor nie aldus beskik is nie gaan oor en word beredder volgens naturellereg en -gebruik.

Naturelle-
assessore in
naturellekommi-
saris-howe.

Naturellehuwelik
Eiendomsregte.

Erfopvolging.

(3) Any dispute or question which may arise out of the administration or distribution of any estate in accordance with native law shall be determined by the native commissioner, or where there is no native commissioner by the magistrate of the district in which the deceased ordinarily resided, or in respect of immovable property by the native commissioner or, where there is no native commissioner, by the magistrate of the district where such property is situated, and every decision of a native commissioner or magistrate under this section shall be subject to an appeal to the High Court of South West Africa.

(4) Any claim or dispute in regard to the administration or distribution of any estate of a deceased Native shall, unless all the parties concerned are Natives, be decided in an ordinary court of competent jurisdiction.

(5) In connection with any such claim or dispute, the heir or in case of minority his guardian, according to native law, or the executor testamentary shall be regarded as the executor in the estate as if he has been duly appointed as such according to the law governing the appointment of executors.

(6) Letters of administration from the Master of the High Court of South West Africa shall not be necessary in, nor shall the Master have any powers in connection with the administration and distribution of the intestate estate of any deceased Native.

(7) The Master of the High Court of South West Africa may revoke letters of administration issued by him in respect of any native estate.

(8) In regard to property validly bequeathed by the will of a deceased Native, native law shall not apply, in which case a certificate by the native commissioner or magistrate designating the heir or guardian, or executor testamentary, as the case may be, as executor in terms of subsection (5), shall be regarded for all purposes as equivalent to letters of administration.

(9) The Administrator may make regulations not inconsistent with this Proclamation—

- (a) prescribing the manner in which the estate of deceased Natives shall be administered and distributed;
- (b) dealing with the disherison of natives;
- (c) prescribing the powers and duties of native commissioners or magistrates in carrying out the functions assigned to them by this section;
- (d) prescribing tables of succession in regard to Natives; and
- (e) generally for the better carrying out of the provisions of this section

(10) Any native estate which has, prior to the commencement of this Proclamation, been reported to the Secretary for South West Africa shall be administered as if this Proclamation had not been passed, and the provisions of this Proclamation shall apply in respect of every native estate which had not been so reported.

CHAPTER V.

PREVENTION OF MISCONDUCT AND DISORDERS, REGULATION OF NATIVE LIVING, AND CONTROL OF CERTAIN VILLAGES AND TOWNSHIPS.

19. (1) The Administrator may make regulations with reference to all or any of the following matters:—

- (a) the exhibition of pictures of an undesirable character in any location or native compound or in any urban location or native village constituted under the Natives (Urban Areas) Proclamation 1924 (Proclamation No. 34 of 1924);
- (b) the carrying of assegais, knives, kerries, sticks or other weapons or instruments by Natives;
- (c) the prohibition, control or regulation of gatherings or assemblies of Natives;
- (d) the observance by Natives of decency; and
- (e) generally for such other purposes as he may consider necessary for the protection, control, improvement and welfare of the Natives, and in furtherance of peace, order and good government.

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

20. (1) Any person who utters any words or does any other act or thing whatever with intent to promote any feeling of hostility between Natives and Europeans shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year or to a fine of one hundred pounds, or both.

(2) If it appears to a magistrate on information made on oath that there are reasonable grounds for suspecting that there is upon any premises within his jurisdiction—

(3) Enige geskil of vraagstuk wat uit die bereddering of verdeling van 'n boedel volgens naturellereg mag ontstaan moet beslis word deur die naturellekommissaris of, waar daar geen naturellekommissaris is nie, deur die magistraat van die distrik waarin die oorledene gewoonlik woonagtig was of, met betrekking tot onroerende goed, deur die naturellekommissaris of, waar daar geen naturellekommissaris is nie, deur die magistraat van die distrik waarin daardie goed geleë is en van elke beslissing van 'n naturellekommissaris of magistraat kragtens hierdie artikel kan geappeleer word op die Hooggeregshof van Suidwes-Afrika.

(4) Enige eis of geskil in verband met die bereddering of verdeling van 'n boedel van 'n oorlede naturel moet in 'n gewone bevoegde hof beslis word, tensy alle partye in daardie geding naturelle is.

(5) In verband met so 'n eis of geskil word die erfgenaam of, in geval hy minderjarig is, sy voog volgens naturellereg, of die testamentêre eksekuteur as eksekuteur in die boedel beskou asof hy behoorlik as sodanig benoem was volgens die wet op die benoeming van eksekuteurs.

(6) By die bereddering en verdeling van die intestate boedel van 'n oorlede naturel is geen brieue van administrasie van die Meester van die Hooggeregshof nodig nie en die Meester het in verband daarmee ook geen bevoegdheid nie.

(7) Die Meester van die Hooggeregshof mag brieue van administrasie, wat hy met betrekking tot 'n naturelleboedel uitgereik het, herroep.

(8) Met betrekking tot goed wat kragtens die testament van 'n oorlede naturel geldig vermaak is, is naturellereg nie van toepassing nie, in watter geval 'n sertifikaat van die naturellekommissaris of magistraat, waarin na gelang van omstandighede die erfgenaam of voog of testamentêre eksekuteur aangewys word as eksekuteur, volgens onderartikel (5), vir alle doeleindes met brieue van administrasie gelykwaardig beskou word.

(9) Die Administrateur mag regulasies uitvaardig wat nie met hierdie Proklamasie onbestaanbaar mag wees nie—

- (a) wat bepaal hoe die boedels van oorlede naturelle beredder en verdeel moet word;
- (b) wat handel oor ontewing van naturelle;
- (c) wat die bevoegdheid en werkkring van naturellekommissarisse of magistrate bepaal by die verrigting van die werksaamhede wat hierdie artikel aan hulle opdra;
- (d) wat state van erfopvolging bepaal; en
- (e) oor die algemeen tot betere uitvoering van die bepalinge van hierdie artikel.

(10) 'n Naturelleboedel wat voor die inwerkingtreding van hierdie Proklamasie by die Sekretaris vir Suidwes-Afrika aangegee is, moet beredder word asof hierdie Proklamasie nie uitgevaardig was nie en die bepalinge van hierdie Proklamasie is van toepassing met betrekking tot elke naturelleboedel wat nie aldus aangegee is nie.

HOOFSTUK V.

VOORKOMING VAN WANGEDRAG EN ONLUSTE, REËLING VAN DIE LEWENSWYSE VAN NATURELLE EN BESTUUR VAN SEKERE DORPE.

19. (1) Die Administrateur mag regulasies uitvaardig omtrent al die volgende sake of enigeen daarvan—

- (a) die vertoning van ongewenste prente in 'n lokasie of naturellekwartiere of in 'n stedelike lokasie of naturelledorp gestig ingevolge die Naturellen (Stedelike Gebieden) Proklamasie 1924 (Proklamasie No. 34 van 1924);
- (b) die dra van asgaai, messe, kieries, stokke of ander wapens of werktuie deur naturelle;
- (c) die verbod of reëling van of toesig op samekomste of vergaderings van naturelle;
- (d) die inagneming deur naturelle van welvoeglikheid; en
- (e) oor die algemeen vir sodanige ander doeleindes as wat hy nodig mag ag vir die toesig op naturelle en vir hulle beskerming, verbetering en welsyn en ter bevordering van vrede, orde en goeie bestuur.

(2) Enige sodanige regulasies mag toepaslik gemaak word alleen in bepaalde streke of alleen met betrekking tot bepaalde klasse van persone en verskillende regulasies mag uitgevaardig word vir verskillende streke of met betrekking tot verskillende klasse.

20. (1) Elkeen wat woorde uit of enige ander handel- of ding doen met die doel om vyandige gevoelens tussen naturelle en blanke te bevorder is skuldig aan 'n misdryf en by veroordeling strafbaar met gevangenisstraf van hoogstens een jaar of met 'n boete van honderd pond of met albei.

(2) Wanneer dit 'n magistraat na beëdigde informasie blyk dat daar redelike gronde is om te vermoed dat daar op enige perseel binne sy regsgebied—

General regulations.

Algemene regulasies.

Prevention of dissemination of certain doctrines amongst Natives.

Verhinderig van verspreiding van sekere lere onder Naturelle.

- (a) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence; or
- (b) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any such offence,

he may issue his warrant directing a policeman or policemen named therein or all policemen to search such premises and to seize any such thing if found and take it before a magistrate. If any magistrate before whom any case is brought is satisfied that anything produced before him in evidence may reasonably be calculated to cause or promote any feeling of hostility between Natives and Europeans he may by writing authorise the destruction thereof or its confiscation to the Administration, but no such order shall be carried into effect until a period of one month has elapsed after the date of such order, and the decision of the magistrate in that behalf shall be subject to review.

(3) The Administrator may order that, during a period specified in the order, a person convicted under sub-section (1)—

- (a) if he is not a Native, and if the offence was committed in any area occupied exclusively by natives or in any native reserve, shall not enter or be in any such area; or
- (b) if he is a Native, and if the offence was committed outside any such area, shall not enter or be in any place outside any such area.

(4) Any person acting in contravention of any such order shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year and to be removed from any place where such order prohibits him from being.

(5) If any person has been convicted of any offence under sub-section (1) of this section, the Administrator may, having regard to the circumstances connected with the offence, deem such person to be an undesirable inhabitant of the Territory and may, by warrant under his hand, cause him to be removed from the Territory and pending removal to be arrested and detained in custody.

21. The Administrator may make regulations—

- (a) for the control and management of any village or township not falling under the operation of the Natives (Urban Areas) Proclamation, 1924 (Proclamation No. 34 of 1924), if not less than two-thirds of its inhabitants are Natives; and
- (b) for the imposition of rates or charges upon the owners of land or residents in any such village or township: Provided that such rates or charges which may be imposed upon the owners of any such land shall not exceed one and one-quarter per cent. of the value of such land in any one year.

CHAPTER VI.

GENERAL.

22. (1) In any case in which he may deem fit, the Administrator may grant to any Native a letter of exemption exempting the recipient from such laws specially affecting Natives, or so much of such laws as may be specified in such letter: Provided that no such exemption shall be granted under this section from any provision of law regulating the ownership or occupation of land, or imposing taxation or controlling the sale, supply or possession of intoxicating liquor.

(2) Any such exemption may be made subject to any condition imposed by the Administrator and specified in such letter.

(3) Any letter of exemption granted under sub-section (1) may at any time be cancelled by the Administrator without assigning any reason.

23. (1) Any notice, rule or regulation issued or made under the authority of this Proclamation may prescribe penalties for a contravention thereof, or default in complying therewith.

(2) In the absence of any specific penalty for any offence under this Proclamation or any notice, rule or regulation issued or made thereunder, the court convicting any person of such offence may impose upon him a fine not exceeding twenty-five pounds, or in default of payment imprisonment for a period not exceeding three months.

(3) Different provisions may be made by notice, rule or regulation in respect of different localities.

24. Notwithstanding anything in any other law contained, no stamp duty or fee shall be payable in respect of any declaration made under the provisions of this Proclamation.

25. In this Proclamation, and any notice, rule or regulation made thereunder, unless inconsistent with the context—

“customary union” means a marriage according to native law and custom;

(a) iets is in verband waarmee op redelike gronde geglo word dat dit bewys sal lewer betreffende die begaan van sulk 'n misdryf; of

(b) iets is in verband waarmee op redelike gronde geglo word dat dit bestem is om gebruik te word om enige sodanige misdryf te begaan,

mag hy sy bevelskrif uitvaardig, 'n daarin genoemde polisiebeampte of beamptes of alle polisiebeamptes gelastende om sulk 'n perseel te deursoek en enige sodanige ding, indien gevind, in beslag te neem en voor 'n magistraat te bring. Indien 'n magistraat voor wie sulk 'n saak gebring word oortuig is dat dit iets is wat redelik verwag kan word om vyandige gevoelens tussen naturelle en blanke te bevorder mag hy skriftelik die vernietiging of verbeuring daarvan aan die Administrasie magtig, maar geen sodanige bevel word uitgevoer nie voor 'n tydperk van een maand na die datum van sodanige bevel verloop is en die beslissing van die magistraat in die opsig is vatbaar vir hersiening.

(3) Die Administrateur mag beveel dat iemand wat kragtens onderartikel (1) veroordeel is, gedurende 'n termyn wat die bevel vasstel—

(a) as hy nie 'n naturel is nie en as die misdryf gepleeg is in 'n streek wat uitsluitlik bewoon is deur naturelle of in enige naturelleservaat, so 'n streek nie mag betree of daarin mag wees nie; of

(b) as hy 'n naturel is en as die misdryf buite so 'n streek gepleeg is, 'n plek buite so 'n streek nie mag betree of daarop mag wees nie.

(4) Iemand wat in stryd met so 'n bevel handel is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf van hoogstens een jaar en kan verwyder word van 'n plek waar daardie bevel hom belet om te wees.

(5) Indien iemand veroordeel is weens 'n misdryf ingevolge onderartikel (1) van hierdie artikel, mag die Administrateur, met inagneming van die omstandighede in verband met die misdryf, so iemand beskou as 'n ongewenste inwoner van die Gebied en mag hom by bevelskrif onder sy hand uit die Gebied laat verwyder en hom hangende verwydering laat arresteer en in versekerde bewaring hou.

21. Die Administrateur mag regulasies uitvaardig—

(a) vir die bestuur en beheer van 'n dorp wat nie binne die bepalings van die Naturellen (Stedelike Gebieden) Proklamasie 1924 (Proklamasie No. 34 van 1924) val nie, as nie minder as tweederdes van sy inwoners naturelle is; en

(b) vir die oplegging van belastings of laste op grondeienaars of inwoners van so 'n dorp: Met die verstande dat sodanige belastings of laste wat aan sodanige grondeienaars opgelê mag word, nie meer as een en 'n kwart persent van die waarde van daardie grond in een jaar mag bedra nie.

HOOFSTUK VI.

ALGEMENE BEPALINGS.

22. (1) In enige geval waarin die Administrateur dit wenslik ag, mag hy aan 'n naturel 'n vrystellingsbrief verleen, wat die ontvanger onthef van sodanige wette wat spesiaal naturelle betref, of van so 'n gedeelte van sodanige wette, as wat in daardie brief omskrywe staan: Met die verstande dat geen sodanige vrystelling kragtens hierdie artikel verleen mag word nie van enige regsbeveling wat die eiendom of besit van grond reël of 'n belasting oplê of die verkoop, verstrekking of besit van sterke drank beheers.

(2) So 'n vrystelling mag onderhewig gemaak word aan enige voorwaarde deur die Administrateur gestel en in daardie brief omskrywe.

(3) 'n Vrystellingsbrief kragtens onderartikel (1) verleen mag te eniger tyd deur die Administrateur, sonder 'n rede daarvoor te gee, ingetrek word.

23. (1) 'n Proklamasie, reël of regulasie kragtens hierdie Proklamasie uitvaardig, mag op sy oortreding of nienakoming strawwe bepaal.

(2) By ontbreke van 'n bepaalde straf op 'n misdryf volgens hierdie Proklamasie of 'n uit kragte daarvan uitgevaardigde kennisgewing, reël of regulasie, mag die hof wat iemand weens daardie misdryf veroordeel aan hom 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling gevangenisstraf van hoogstens drie maande oplê.

(3) Verskillende bepalings mag by kennisgewing, reël of regulasie vasgestel word vir verskillende plekke.

24. Nieteenstaande enige ander regsbepalings is geen seëlreg of fooi verskuldig nie ten opsigte van 'n verklaring ingevolge hierdie Proklamasie afgelê.

25. In hierdie Proklamasie en 'n kennisgewing, reël, of regulasie uit kragte daarvan uitvaardig, tensy dit met die sinsverband onbestaanbaar is—

beteken “gebruiklike verbinding” 'n huwelik volgens naturellereg en -gebruik;

Control and management of certain native villages and townships.

Letters of exemption.

Penalties for breach of notice, rule or regulation.

Exemption from stamp duty.

Interpretation of terms.

Bestuur en beheer van sekere naturelledorpe.

Vrystellingsbriewe.

Strawwe op oortreding van proklamasie, reël of regulasie.

Vrystelling van seëlregte.

Woordbepaling.

"house" means the family and property, rights and status, which commence with, attach to, and arise out of, the customary union of each native woman;

"location" means and includes—

- (a) any area set apart or reserved for communal occupation by Natives;
- (b) any area (other than a municipal location) set apart or reserved and made available for native occupation under separate title together with any commonage included therein;
- (c) land acquired by Natives for tribal occupation;
- (d) any area set apart by the Administrator as a location for the purposes of this Proclamation;

"Native" shall include any person who is a member of any aboriginal race or tribe of Africa: Provided that any person residing in an area defined under paragraph (c) of section one of this Proclamation or set aside as a native reserve under section sixteen of the Native Administration Proclamation 1922 (Proclamation No. 11 of 1922), or in any native location, under the same conditions as a Native shall be regarded as a Native for the purposes of this Proclamation;

"native commissioner" includes an assistant native commissioner;

"partner" means any spouse of a customary union.

26. The several provisions of the laws specified in the first column of the Schedule to this Proclamation are hereby repealed or amended to the extent indicated in the second column of that Schedule.

27. This Proclamation may be cited as the Native Administration Proclamation, 1928, and shall commence upon a date to be fixed by the Administrator by notice in the *Gazette*: Provided that in such notice the Administrator may exclude from application any specified part or provision of this Proclamation which shall thereupon not apply until brought into operation by a further notice in the *Gazette*.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek, this 4th day of July, 1928.

A. J. WERTH,
Administrator.

SCHEDULE.

Laws Repealed or Amended by Section *Twenty-six*.

Provisions repealed or amended.	Extent of repeal or amendment.
Act No. 24 of 1913, of the Parliament of the Union of South Africa, as applied to this Territory by Proclamation No. 52 of 1921, in respect of its application to this Territory:	
Section <i>three</i> , sub-section (1) (d).	By the repeal of this paragraph.
Proclamation No. 3 of 1917:	
Section <i>seventeen</i> , sub-section (1) (k), as amended by Proclamation No. 6 of 1925.	By the deletion of the word "administration" and the substitution therefor of the word "protection"
Proclamation No. 11 of 1922:	
Section <i>two</i> .	By the repeal of this section.
Section <i>three</i> .	By the repeal of this section.
Section <i>eleven</i> , sub-section (1) as amended by Proclamation No. 11 of 1927.	By deletion of the words "superintendent of natives" and the substitution therefor of the words "native commissioner or assistant native commissioner".
Section <i>eleven</i> , sub-section (2) as amended by Proclamation No. 11 of 1927.	By the insertion immediately after the word "magistrate" of the words "native commissioner, assistant native commissioner".
Section <i>twelve</i> , sub-section (1).	By the deletion of the words "enter or".

beteken "huis" die famielie en eiendom, regte en status wat begin met, saamgaan met en ontstaan uit die gebruikelike verbinding van elke natuurlike vrou;

beteken en omvat "lokasie"—

- (a) enige gebied wat uitgehou of gereserveer is vir gemeenskaplike besit deur naturelle;
- (b) enige gebied (behalwe 'n munisipale lokasie) uitgehou of gereserveer en beskikbaar gestel vir besit deur naturelle kragtens afsonderlike tiel, met enige gemeenskaplike veld daarby ingesluit;
- (c) grond deur naturelle verkry om deur hulle as stam besit te word;
- (d) enige gebied wat deur die Administrateur vir die doeleindes van hierdie Proklamasie tot lokasie uitgehou is;

omvat "naturel" enige persoon wat lid is van 'n inboorlingras of stam van Afrika: Met die verstande dat enige persoon wat in 'n gebied, wat onder paragraaf (c) van artikel *een* van hierdie Proklamasie omskrywe is, of kragtens artikel *sestien* van die Naturelle Administratie Proklamasie 1922 (Proklamasie No. 11 van 1922) uitgehou is, of in enige naturelle-lokasie in dieselfde toestand as 'n naturel woon, vir die doeleindes van hierdie Proklamasie as 'n naturel beskou word;

omvat "naturellekommissaris" ook 'n assistent-naturellekommissaris;

beteken "deelgenoot" 'n eggenoot in 'n gebruikelike verbinding.

26. Die verskeie voorsienings van die wette, soos in die eerste kolom van die Bylae van hierdie Proklamasie aangegee, word hierdeur herroep of in sover gewysig, soos in die tweede kolom van daardie Bylae aangegee.

Herroeping en wysiging van Wette.

27. Hierdie Proklamasie mag aangehaal word as die Naturelle-administrasie-Proklamasie 1928 en tree in werking op 'n dag, wat deur die Administrateur deur kennisgewing in die *Offisiële Koerant* vasgestel moet word: Met die verstande dat in sodanige kennisgewing die Administrateur enige bepaalde deel of bepaling van hierdie Proklamasie buite werking kan stel, wat daarna nie van toepassing sal wees nie totdat dit deur 'n verdere kennisgewing in die *Offisiële Koerant* in werking gestel word.

Kort tiel en inwerkingtreding.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hierdie 4de dag van Julie 1928.

A. J. WERTH,
Administrateur.

BYLAE.

Wette, deur Artikel *Ses-en-twintig* Herroep of Gewysig.

Voorsiening herroep of gewysig.	In hoever herroep of gewysig.
Wet No. 24 van 1913 van die Parlement van die Unie van Suid-Afrika, soos deur Proklamasie No. 52 van 1921 op hierdie Gebied toegepas, ten opsigte van die toepassing daarvan op hierdie Gebied.	
Artikel <i>drie</i> , onderartikel (1) (d).	Deur herroeping van hierdie paragraaf.
Proklamasie No. 3 van 1917:	
Artikel <i>sewentien</i> , onderartikel (1) (k), soos deur Proklamasie No. 6 van 1925 gewysig.	Deur herroeping van die woord "bereddering" en deur dit te vervang deur "bescherming".
Proklamasie No. 11 van 1922:	
Artikel <i>twee</i> .	Deur herroeping van hierdie artikel.
Artikel <i>drie</i> .	Deur herroeping van hierdie artikel.
Artikel <i>elf</i> , onderartikel (1), soos deur Proklamasie No. 11 van 1927 gewysig.	Deur die woorde "superintendent van naturellen" te skrap en te vervang deur die woorde "naturellekommissaris of assistent-naturellekommissaris".
Artikel <i>elf</i> , onderartikel (2), soos deur Proklamasie No. 11 van 1927 gewysig.	Deur invoeging onmiddellik na die woord "magistraat" van die woorde "naturellekommissaris, assistent-naturellekommissaris".
Artikel <i>twaalf</i> , onderartikel (1).	Deur die woorde "in te komen of" te skrap.

Provisions repealed or amended.	Extent of repeal or amendment.	Voorsiening herroep of gewysig.	In hoever herroep of gewysig.
Section <i>twelve</i> , sub-section (2).	By the deletion of this sub-section and the substitution therefor of the following:— “(2) If any authorised person other than a native commissioner, assistant native commissioner or magistrate refuses to issue a pass to leave the Territory or travel therein, he shall immediately report such refusal to the native commissioner or assistant native commissioner within whose area of jurisdiction the refusal takes place; and if there is no such native commissioner or assistant native commissioner, to the magistrate of the district; and the officer to whom the report is made shall issue or refuse to issue the pass, as he deems fit. If the authorised person refusing to issue such pass is a native commissioner, assistant native commissioner or magistrate, he shall immediately report such refusal to the Secretary for South West Africa, who shall issue or refuse to issue the pass, as he thinks fit”.	Artikkel <i>twaalf</i> , onder-artikel (2).	Deur hierdie onderartikel te skrap en te vervang deur die volgende:— “(2) Ingeval enige bevoegde persoon, niet zijnde een natu- rellekommissaris, assistent-nat- urellekommissaris of magi- straat, weigert een pas uit te reiken om het Gebied te ver- laten of daarin te reizen, moet hij onmiddellik zodani- ge weigering aan de natu- rellekommissaris of assistent- naturellekommissaris, binnen wiens rechtsgebied de wei- gering plaats vindt, berich- ten en indien er geen zodani- ge naturellekommissaris of assistent-naturellekommissaris is, dan aan de magistraat van het distrikt; en de ambte- naar, aan wien bericht wordt, moet de pas uitreiken of weigern uit te reiken, al naar hij goed dunkt. Indien de bevoegde persoon, die wei- gert zodanige pas uit te rei- ken, een naturellekommissaris, assistent-naturellekommissaris of magistraat is, moet hij on- middellik zodanige weigering aan de Sekretaris voor Zuid- west-Afrika berichten, die de pas moet uitreiken of wei- geren uit te reiken, al naar hij goed dunkt.”
Section <i>fourteen</i> .	By the deletion of the words “superintendent of natives” and the substitution therefor of the words “native commissioner, assistant native commissioner, superintendent of a native location or reserve”.	Artikkel <i>veertien</i> .	Deur die woorde “superintendent van naturellen” te skrap en te vervang deur die woorde “natu- rellekommissaris, assistent-natu- rellekommissaris, superintendent van een naturellelokatie of -reser- vaat”.
Section <i>seventeen</i> .	By the repeal of this section.		
Proclamation No. 9 of 1924: Section <i>one</i> .	By the insertion immediately before the word “magistrate” of the words “native commissioner or assistant native commissioner within whose area of jurisdiction the reserve is situate or the”.	Artikkel <i>sewentien</i> .	Deur herroeping van hierdie ar- tikel.
Section <i>four</i> .	By the insertion immediately before the word “magistrate”, where that word occurs for the first time, of the words “native commissioner or assistant native commissioner within whose area of jurisdiction the reserve is situate, the” and by the insertion immediately before the word “magistrate”, where that word occurs for the second time, of the words “native commissioner, assistant native commissioner”.	Proklamasie No. 9 van 1924: Artikkel <i>een</i> .	Deur invoeging onmiddellik voor die woord “magistraat” van die woorde “naturellekommissaris of assistent-naturellekommissaris, bin- nen wiens rechtsgebied het reser- vaat gelegen is, of de”.
Section <i>five</i> .	By the deletion of the words “magistrate of the district in which such reserve is situate” and the substitution therefor of the words “native commissioner, assistant native commissioner or magistrate”; by the deletion of the words “magistrate of the district or some suitable person thereto deputed by him” and the substitution therefor of the words “native commissioner, assistant native commissioner or magistrate, or some suitable person thereto deputed”; and by the deletion of the word “magistrate” and the substitution therefor of the words “officer presiding”.	Artikkel <i>vier</i> .	Deur invoeging onmiddellik voor die woord “magistraat”, waar daardie woord vir die eerste maal voorkom, van die woorde “natu- rellekommissaris of assistent-natu- rellekommissaris, bin- nen wiens rechtsgebied het reser- vaat gelegen is, de” en deur invoeging on- middellik voor die woord “ma- gistraat”, waar daardie woord vir die tweede maal voorkom, van die woorde “naturellekommissaris, as- sistent-naturellekommissaris”.
Section <i>six</i> , sub-section (1).	By the deletion of the words “magistrate of the district” and the substitution therefor of the words “native commissioner, assistant native commissioner or magistrate”.	Artikkel <i>vyf</i> .	Deur die woorde “magistraat van het distrik waarin zodanig reservaat gelegen is” te skrap en te vervang deur die woorde “naturellekom- missaris, assistent-naturellekommissaris of magistraat”; deur die woorde “magistraat van het dis- trikt of een andere geschikte persoon daartoe door hem afge- vaardigd” te skrap en te vervang deur die woorde “naturellekom- missaris, assistent-naturellekommissaris of magistraat, of een ge- schikte persoon daartoe afgevaar- digd”; en deur die woord “ma- gistraat” te skrap en te vervang deur die woorde “voorzittende ambtenaar”.
Section <i>eight</i> .	By the insertion immediately before the words “magistrate of the district” of the words “native commissioner or assistant native commissioner within whose area of jurisdiction the reserve is situate, and if there is no such native commissioner or assistant native commissioner, by the”.	Artikkel <i>ses</i> , onderartie- kel (1). Artikkel <i>agt</i> .	Deur die woorde “magistraat van het distrikt” te skrap en te ver- vang deur die woorde “naturelle- kommissaris, assistent-naturelle- kommissaris of magistraat”.
			Deur invoeging onmiddellik na die woorde “magistraat van het dis- trikt” van die woorde “naturelle- kommissaris of assistent-naturelle- kommissaris, bin- nen wiens rechts- gebied het reservaat gelegen is en indien er geen zodanige naturelle- kommissaris of assistent-naturelle- kommissaris is, door de.”

No. 16 of 1928.]

WHEREAS by paragraph *four* of the Agreement concluded between the Administrator of South West Africa and the Kapitein of the Rehoboth Community and the members of the Raad of the said Community, which said Agreement was ratified and confirmed by Proclamation of the Administrator dated the twenty-eighth day of September, 1923 (Proclamation No. 28 of 1923), it was agreed, *inter alia*, that the Administrator, after consultation with the Raad of the aforesaid Rehoboth Community, should possess the power to extend to the territory known as the *Gebiet* the operation of any law in force within the Territory of South West Africa, the extension whereof to the *Gebiet* was considered by him desirable or expedient in the interests of either the Territory of South West Africa or the *Gebiet*;

AND WHEREAS by section *one* of the Rehoboth Affairs Proclamation, 1924 (Proclamation No. 31 of 1924), it was provided that from and after the taking effect thereof, the Raad should cease to function within the *Gebiet*, and that all and several the powers, functions and duties vested by law in the Raad should vest in the magistrate of the district of Rehoboth;

AND WHEREAS, after consultation with the magistrate of the district of Rehoboth, it has been found desirable and expedient to extend to the *Gebiet* the provisions of the Education Proclamation, 1926 (Proclamation No. 16 of 1926), as amended by the Education Proclamation Amendment Proclamation, 1927 (Proclamation No. 24 of 1927);

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

1. The Education Proclamation, 1926 (Proclamation No. 16 of 1926), as amended by the Education Proclamation Amendment Proclamation, 1927 (Proclamation No. 24 of 1927), together with any amendment thereof, shall apply to the territory referred to as the *Gebiet* in the Agreement set out in the Schedule to Proclamation of the Administrator dated the twenty-eighth day of September, 1923 (Proclamation No. 28 of 1923), as extended by section *fourteen* of the Rehoboth Gebiet Affairs Proclamation, 1928 (Proclamation No. 9 of 1928).

2. All acts done in the *Gebiet* or with regard to any person or thing in the *Gebiet* by the Director of Education or any person acting on his instructions, prior to the commencement of this Proclamation, in so far as such acts were in accordance with the provisions of the Education Proclamation, 1926 (Proclamation No. 16 of 1926), as amended by the Education Proclamation Amendment Proclamation, 1927 (Proclamation No. 24 of 1927), are hereby ratified.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 7th day of July, 1928.

A. J. WERTH,
Administrator.

No. 17 of 1928.]

Under and by virtue of the power and authority in me vested by section *two* of the War Graves Control and Maintenance Ordinance, 1927 (Ordinance No. 2 of 1927), I do hereby proclaim, declare and make known as follows:—

The control of all war graves situate in the Territory of South West Africa and existing on the first day of November, 1927, shall vest in me as from that date, and the control of all war graves so situate which have come into existence after the said date, or which may come into existence after the commencement of this Proclamation, shall vest in me as from the date of their coming into existence.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 2nd day of July, 1928.

A. J. WERTH,
Administrator.

No. 18 of 1928.]

WHEREAS it is expedient to amend the law relating to the licensing of hawkers;

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

1. The First Schedule to the Licences Proclamation, 1921 (Proclamation No. 21 of 1921), as amended by the Licences Amendment Proclamation, 1921 (Proclamation No. 33 of 1921), the Licences Further Amendment Proclamation, 1922 (Proclamation No. 21 of 1922), and the Licences Proclamation Amendment Proclamation, 1925 (Proclamation No. 29 of 1925), is hereby amended—

(a) by the addition at the end of paragraph *two* under the heading "Hawker" of the following words:—

No. 16 van 1928.]

NADEMAAL deur paragraaf *vier* van die Ooreenkoms, wat tussen die Administrasie van Suidwes-Afrika en die Kapitein van die Rehoboth Gemeente en die lede van die Raad van vermelde Gemeente gesluit is, welke Ooreenkoms deur Proklamasie van die Administrateur van Suidwes-Afrika, die 28ste September 1923 gedateer, (Proklamasie No. 28 van 1923), geratificeer en bekragtig is, ooreengekom is *inter alia* dat die Administrateur, na beraadslaging met die Raad van die voornoemde Gemeente, die mag sou hê om op die gebied, wat as die *Gebiet* bekend is, die werking van enige wet, wat binne die Grondgebied van Suidwes-Afrika van krag is, toe te pas, indien die toepassing daarvan op die *Gebiet* deur hom in die belang van die Grondgebied van Suidwes-Afrika of die *Gebiet* wenslik of raadsaam geag word;

EN NADEMAAL deur paragraaf *een* van die "Rehoboth Aangelegenheden Proklamasie 1924" (Proklamasie No. 31 van 1924) dit bepaal was dat vanaf en na die inwerking-treding daarvan die Raad sou ophou om binne die *Gebiet* bevoeg te wees, en dat al die magte, bevoegdhede en pligte, wat deur wet aan die Raad verleen is, aan die Magistraat van die Distrik van Rehoboth verleen sou word;

EN NADEMAAL, na beraadslaging met die Magistraat van die Distrik van Rehoboth, dit wenslik en raadsaam gevind is om op die *Gebiet* die voorsienings van die Onderwys Proklamasie 1926 (Proklamasie No. 16 van 1926), soos deur die Onderwys Proklamasie Wysigingsproklamasie 1927 (Proklamasie No. 24 van 1927) gewysig, toe te pas;

SO IS DIT, dat ek, onder en kragtens die magte my verleen, hierby proklameer, verklaar en bekend maak, as volg:—

1. Die Onderwys Proklamasie 1926 (Proklamasie No. 16 van 1926), soos deur die Onderwys Proklamasie Wysigingsproklamasie 1927 (Proklamasie No. 24 van 1927) gewysig, tesame met enige wysiging daarvan, is van toepassing op die gebied, wat die *Gebiet* genoem word in die Ooreenkoms, wat uiteengesit word in die Bylae van die Proklamasie van die Administrateur van 28 September 1923 (Proklamasie No. 28 van 1923), soos deur artikel *veertien* van die Proklamasie van 1928 met betrekking tot Rehoboth-Gebiet-Aangeleenthede (Proklamasie No. 9 van 1928), uitgebrei.

2. Alle sake, wat in die *Gebiet* of ten opsigte van enige persoon of ding in die *Gebiet* deur die Direkteur van Onderwys of enige persoon, wat op sy instruksies handel, voor die inwerking-treding van hierdie Proklamasie gedaan is, in sover sodanige sake in ooreenkoms was met die voorsiening van die Onderwys Proklamasie 1926 (Proklamasie No. 16 van 1926), soos deur die Onderwys Proklamasie Wysigingsproklamasie 1927 (Proklamasie No. 24 van 1927) gewysig, word hierdeur bekragtig.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hierdie 7de dag van Julie 1928.

A. J. WERTH,
Administrateur.

No. 17 van 1928.]

ONDER en kragtens die magte my deur artikel *twee* van die Ordonnansie 1927, betreffende die Beheer en Instandhouding van Soldate-graftes (Ordonnansie No. 2 van 1927) verleen, proklameer, verklaar en maak ek hiermee bekend as volg:—

Die beheer van al die soldate-graftes, wat in die Gebied van Suidwes-Afrika geleë is en op die eerste dag van November 1927 bestaan het, berus by my vanaf daardie datum en die beheer van al die sodanig geleë soldate-graftes, wat na die genoemde datum tot stand gekom het, of wat na die begin van hierdie Proklamasie tot stand kom, sal by my vanaf die datum, wanneer hulle tot stand kom, berus.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek op hierdie 2de dag van Julie 1928.

A. J. WERTH,
Administrateur.

No. 18 van 1928.]

NADEMAAL dit wenslik is om die wet met betrekking tot die lisensieverlening aan smouse te wysig;

SO IS DIT, dat ek, onder en kragtens die magte, wat aan my verleen is, hiermee verklaar, proklameer en bekend maak as volg:—

1. Die Eerste Bylae van die "Licenties Proklamasie 1921" (Proklamasie No. 21 van 1921), soos deur die "Licenties Wijzigings Proklamasie 1921" (Proklamasie No. 33 van 1921), die "Licenties Verdere Wijzigings Proklamasie 1922" (Proklamasie No. 21 van 1922), en die "Licenties Proklamasie Wijzigingsproklamasie 1925" (Proklamasie No. 29 van 1925) gewysig, word hierdeur gewysig:

(a) deur toevoeging van die volgende woorde aan die einde van paragraaf *twee* onder die hoof "Smous":

Toepassing van Proklamasie No. 16 van 1926, soos deur Proklamasie No. 24 van 1927 gewysig, op die Rehoboth *Gebiet*.

Bekragtiging van gedane sake.

Soldate-graftes in Suidwes-Afrika: Beheer berus by Administrateur.

Wysiging van Eerste Bylae van Proklamasie No. 21 van 1921.

Application of Proclamation No. 16 of 1926, as amended by Proclamation No. 24 of 1927, to Rehoboth *Gebiet*.

Validation of past acts.

Graves in South West Africa: Control vested in Administrator.

Amendment of First Schedule to Proclamation No. 21 of 1921.