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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, 1st July 1920.

No. 33.

## PROCLAMATIONS

BY HIS HONOUR SIR EDMOND HOWARD LACAM GORGES, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, A MEMBER OF THE ROYAL VICTORIAN ORDER, ADMINISTRATOR OF THE PROTECTORATE OF SOUTH-WEST AFRICA IN MILITARY OCCUPATION OF THE UNION FORCES.

No. 20 of 1920.]

WHEREAS it is desirable to amend the provisions of the law existing in the Protectorate relating to Bills of Exchange, Cheques and Promissory Notes and to apply the provisions of the law in force in the Province of the Cape of Good Hope of the Union of South Africa.

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

1. The law for the time being relating to Bills of Exchange, Cheques, and Promissory Notes of the Province of the Cape of Good Hope shall hereafter be the law of the Protectorate.
2. Nothing in this Proclamation contained shall affect any bill, note or cheque dated before the taking effect hereof.
3. All existing laws in the Protectorate in conflict herewith shall be and are hereby repealed.
4. This Proclamation shall be known and may be cited for all purposes as the "Bills of Exchange Proclamation 1920" and shall come into force on the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
 Administrator.

No. 21 of 1920.]

WHEREAS it is desirable to provide for the observance of Public Holidays within this Protectorate.

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

1. All existing laws within the Protectorate repugnant to or inconsistent with the provisions of this Proclamation shall be and are hereby repealed.

2. The days named in the Schedule to this Proclamation shall be public holidays within the Protectorate: Provided that,

- (a) When any of the said days falls on a Sunday the following Monday shall be observed as a public holiday; and
- (b) when Boxing Day falls on a Monday the following Tuesday shall be observed as a public holiday.

3. The Administrator may from time to time by notice in the Gazette appoint any day not named in the Schedule to this Proclamation, but specified in that notice, to be observed as a public holiday throughout the Protectorate or any part thereof.

4. Any reference in any law in force in the Protectorate to public holidays shall be deemed to be a reference to public holidays as named by or appointed under the provisions of this Proclamation and no other days.

5. Sunday and any day named in the Schedule to, or appointed under the provisions of this proclamation as a public holiday shall be deemed to be a non-business day within the meaning of any law in force in the Protectorate relating to bills of exchange or promissory notes, anything to the contrary in any such law notwithstanding.

6. This Proclamation may be cited for all purposes as the "Public Holidays Proclamation 1920," and shall come into force and effect on the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
 Administrator.

## SCHEDULE.

### PUBLIC HOLIDAYS.

New Year's Day.  
 Good Friday.  
 Easter Monday.  
 Ascension Day.  
 Victoria Day (24th day of May).  
 Union Day (31st day of May).  
 King's Birthday (First Monday in August).  
 The First Monday in October.  
 Dingaan's Day (16th day of December).  
 Christmas Day.  
 Boxing Day (26th day of December).

No. 22 of 1920.]

WHEREAS it is expedient to amend the laws relating to Municipalities and to make better provision for the governing thereof.

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

1. This Proclamation shall apply to
  - (a) every existing Municipality, and
  - (b) every Municipality hereafter established.
2. The Administrator may, from time to time, by notice in the Official Gazette,
  - (a) establish new Municipalities, in each case assigning a name and prescribing and defining the boundaries thereof,
  - (b) alter and redefine the boundaries of any Municipality,
  - (c) abolish any Municipality.
  - (d) amalgamate two or more Municipalities.
3. Every Municipality shall be governed by a council consisting of such number of councillors as the Administrator may in respect of each Municipality appoint and such councillors shall hold office for a period of twelve months from 1st April to 31st March in each year: provided that the Administrator may upon the expiration of the said period re-appoint any or all of such councillors for a further term of office as aforesaid.
4. At the first meeting of every council constituted under this Proclamation and thereafter at the first meeting of every council after 31st March in each year, the councillors present shall, by ballot, if there be more than one nomination, elect one councillor to be Mayor and if there be only one nomination then the councillor so nominated shall, subject to the approval of the Administrator, be duly declared Mayor.
5. After the election of the Mayor, the Council shall similarly elect some other councillor as Deputy Mayor, who shall, during the absence or illness of the Mayor, do all acts which the Mayor as such may do.
6. The Council shall meet at least once a month for the transaction of ordinary business on such days and at such hours as the Council shall from time to time by regulation appoint. The Mayor may, and in the event of a written request signed by at least two members, shall call a special meeting at any time.
7. One third of the Councillors shall form a quorum.
8. The Council shall from time to time appoint a Town Clerk and such other officers as may be necessary. All appointments of a permanent nature must be approved by the Administrator, and no officer holding a permanent appointment may be discharged without sanction of the Administrator. No person in the employ of any Municipality at the date of the taking effect of this Proclamation, shall be discharged from the service of such Municipality without the consent of the Administrator; provided that the Administrator may on good cause shewn and after enquiry discharge any officer in the employ of a Municipality without being moved thereto in the first instance by such Council.
9. The meetings of the Council shall be open to the ratepayers and the press; provided, however, that whenever it is deemed that any subject can be more conveniently and advantageously discussed in private it shall be competent for the Council to resolve itself into Committee, and any resolution adopted in committee shall have the same force and effect as if adopted in open Council.
10. No Councillor shall vote upon or take part in the discussion of any matter in or before the Council in which he has directly by himself, his partners, or his near relations any pecuniary interest.
11. Any Councillor who shall absent himself without leave of the Council from three consecutive ordinary meetings thereof shall *ipso facto* vacate his seat,
12. In the event of
  - (a) The Council requesting him so to do;
  - (b) The Council neglecting or refusing to elect or appoint a Mayor or any official;
  - (c) The Council electing or appointing some person to an office whose selection shall not be approved by the Administrator;
  - (d) or for any other good and sufficient reason, the Administrator may appoint the Mayor or any officer of a Council or may have a Municipality administered by a Commissioner.

The period of any office and the amount of any costs to be paid by any Council for any action taken by the Administrator under this Section shall be determined by him.
13. (1) Every Municipal Council shall be a body corporate with perpetual succession and shall, as such, be capable of suing and of being sued, of purchasing, holding and alienating land and of doing and performing such other acts and things as bodies corporate may by law do and perform as such.
  - (2) Any summons, writ, notice or other process at law directed upon the Municipality may be served on the Town Clerk or left at his office.
14. Any Power of Attorney and any order, notice or other document, requiring authentication shall be deemed to be duly executed when signed by the Mayor or Deputy Mayor and the Town Clerk.
15. The Council may from time to time, as it may see fit appoint occasional or standing Committees, either of a general or special nature, and may delegate to any Committee or to any member of the Council any enquiry or power to do any act.
16. The Council may appoint on such Committees persons other than members of the Council provided that
  - (a) at least one member of any such Committee, other than the Mayor, shall be a member of the Council, and
  - (b) The Mayor shall be ex officio a member of all Committees.
17. Every Council shall have power and authority in the following matters and things:—
  - (a) the construction and maintenance of public streets, roads, pathways, open spaces, water courses and bridges;
  - (b) the provision and supply of water;
  - (c) the lighting and cleaning of roads and public places;
  - (d) the establishment of sewerage and drainage systems and the removal of nightsoil, rubbish, refuse, manure and slop-water;
  - (e) the establishment and maintenance of public markets;
  - (f) the establishment and maintenance of fire brigades and appliances and the control of fires;
  - (g) the prevention and control of infectious and contagious diseases;
  - (h) the regulation and control of the preparation and sale of food and drink;
  - (i) the control and inspection of cow-sheds, milking places, dairies and slaughter places within and, where the produce is for sale in the Municipality, outside of the Municipal boundaries;
  - (j) the abatement of nuisances;
  - (k) the control of the erection and alteration of buildings, the prevention of over-crowding, the regulation of the use of buildings and the removal of insanitary dangerous or unsuitable buildings;
  - (l) the control and regulation of charity organisations;
  - (m) the establishment and maintenance of cemeteries and the control of burials;
  - (n) the control of traffic, the inspection and licensing of vehicles, the provision and maintenance of public vehicles and the fares to be charged by vehicles plying for hire within the limits of the Municipality;
  - (o) the control and regulation of the keeping of animals, birds, and bees;

- (p) the regulation and control of all other matters relating to public health and the welfare of the community;
- (q) the regulation and control of trades and industries;
- (r) the regulation and control of public entertainments;
- (s) the protection and furtherance of the economic and general interests of the community;
- (t) the maintenance of good rule and government and the health, convenience, comfort and safety of the inhabitants;
- (u) the control and management of Municipal locations, the power to set aside certain areas for the occupation of persons other than Europeans and the right, subject to the approval of the Administrator, to charge rent or fees for the same;
- (v) the control and management of all Municipal property.

The Administrator may, by notice in the Gazette add to, amend, alter, cancel or withdraw any of the above powers.

18. A Municipality may, and if required by the Administrator shall make, alter or revoke regulations on any of the matters mentioned in section seventeen.

19. The existing bye-laws and regulations legally in force in any Municipality at the date of the taking effect of this Proclamation shall continue in force until amended or repealed.

20. After any resolution for passing any regulation has been agreed to the said regulation shall be posted up outside the Municipal Office for a period of not less than fourteen days and shall then be forwarded to the Administrator for his consideration, together with any objection thereto which may have been lodged.

In the event of the Administrator approving the whole or any part of any such regulation it shall be published in the Gazette and shall thereupon have the force of law.

21. Every Council shall frame yearly estimates of revenue and expenditure which shall be open to the inspection of rate-payers for a period of fourteen days before being finally considered and adopted by the Council. They shall then be forwarded to the Administrator who shall approve of the same or otherwise as he may deem fit.

22. Every Council shall keep proper books and accounts which shall be balanced twice a year and duly audited. An abstract of the accounts, signed by the Mayor and Town Clerk shall be open to the inspection of rate-payers and creditors during office hours.

The Administrator may at any time appoint some competent person to examine or audit the accounts of any Municipality and the Town Clerk shall lay before such person all books, accounts and papers which may be required by him for the purpose of such examination or audit.

The financial year of every Municipality shall end on the 31st March in each year unless the Administrator shall otherwise order.

23. No Council may borrow money either for permanent or temporary purposes except with the permission of the Administrator; in the case of loans for permanent improvements a sinking fund of not less than one per cent. of the original face value of each loan authorised and raised shall be established.

24. All immovable property within any Municipality shall be liable to be rated for Municipal purposes save and except the following:—

- (a) Any land which is vested in the Protectorate Administration but which has not been built upon or upon which permanent works or permanent improvements have not been effected.
- (b) Places used exclusively for public worship or public educational purposes or as cemeteries.
- (c) All lands and buildings used exclusively for public schools, public libraries, public hospitals or mu-

seums or lunatic asylums, orphanages or similar institutions supported by the Administration or by public charity.

(d) Any building the property of and occupied by the Administration; provided that the Administrator may in respect of any such building mentioned in this sub-section contribute to the funds of the Municipality in which the said buildings are situated a sum which shall be equal to the rates assessed on such buildings when occupied as a dwelling and to one-half of the rates assessed for any building which is used for public purposes.

25. Every Council shall in each year make and levy, subject to the Administrator's approval, either or both of the following rates:—

- (a) a general landowner's or owner's rate upon all rateable property but not exceeding sixpence in the pound sterling;
- (b) a rate upon the site value of all immovable property but not exceeding one shilling in the pound sterling.

26. Every rate assessed by a Council shall be notified to the Registrar of Deeds and shall become due and payable day to day to be fixed by the Council of which at least thirty days notice shall be given.

4. (1) Section *twenty-seven* of the principal law is hereby deleted and the following section substituted therefor.

" 27. Subject to the provisions of sub-section (2) of section *forty-four* of the Deeds Registries Act, 1918 (Act No. 13 of 1918) of the Parliament of the Union of South Africa, as applied to this Territory by section *one* of the Deeds Registry Proclamation, 1920 (Proclamation No. 8 of 1920), no transfer of any immovable property within any municipality shall be registered in the deeds office until the town clerk has certified, by means of an endorsement on the power of attorney to effect transfer, or the transfer duty receipt to that effect that all rates due in respect of such property for any period or periods prior to the first day of July, 1925, and for a period of two years immediately preceding the date of application for transfer have been paid to the Municipality. If the town clerk is not able to identify or trace any property as appearing on the municipal valuation roll, he shall be bound to give a certificate that he cannot identify or trace such property, and thereupon the transfer of such property shall not be prohibited by reason of the provisions of this section. No charge, other than the cost of any stamp required to be affixed thereto by law, shall be made for any certificate or voucher issued in terms of this section."

the Council may, in the name of the Municipality take possession of such property and grant leases of the same subject to the provisions of this section; and in the case of property the assessed value of which is less than one hundred pounds, the Municipality shall, after having obtained the consent of the Administrator have the right to sell the same and to apply the proceeds in payment of arrear rates, interest and costs incurred in realising such property, and such property shall vest absolutely in the purchaser thereof, and the Registrar of Deeds shall grant transfer as if the Municipality had been the registered owner, and any transfer so effected shall be in the form set forth in the Schedule hereto: provided that before so granting transfer, a conveyancer shall have searched the Registers of Transfers in such Deeds Office and have given a certificate disclosing the name of the last registered owner and the date of the Deed by which it was granted or transferred to him as the case may be provided always that before realising such property it shall be advertised for sale in each issue of the Official Gazette for a period of six months and once every fortnight for a period of three months in some newspaper circulating in the Municipality and by notices posted in some prominent place on the property

*Procl. 14/1933*

*(including recognised school hostels)*  
*Procl. 14/1933*

and outside the Municipal Office, and that notice be served on the owner, if his address is known, or, if absent, his representative within the Protectorate if known.

- (2) Every lease granted under this section shall be for such term and not exceeding five years and shall be subject to such conditions as the Council may deem fit, and shall, after public tenders have been called for by advertisement in one or more newspapers circulating in the Municipality, be for the best rent which may be reasonably had for such a property.
- (3) The Council shall not take possession of any such property for the purpose of leasing the same until three months after a notice in writing setting forth that rates in respect of such property are unpaid, and demanding payment thereof, and stating that in default of payment the Council will take possession of such property under the provisions of this section, has been served upon the owner of such property, if within this Protectorate, and whose name and address is known to the Council, or if there is no such owner within this Protectorate, or no such owner whose name and address is so known, until such notice has been affixed to some conspicuous place on such property and published in every issue of the Official Gazette for a period of three months; and every such notice shall contain a description of the property sufficient to identify the same; but every lease granted by the Council otherwise than in accordance with the provisions of this section shall be valid notwithstanding the non-compliance with the provisions of this section, unless all arrear rates and interest thereon are paid within twelve months after the Council shall have taken possession.
- (4) Within three months after demand by the owner of any property taken possession of but not sold by any Council as aforesaid, made within thirty years after the date of taking possession, and after payment of all arrears of rates due in respect thereof and interest upon such arrears at the rate of six per centum per annum, such owner shall be entitled to resume possession of such property, subject to the terms of any lease then in force fully granted by such Council under this section.

30. In addition to the rates mentioned in this section the Council may, subject to the consent of the Administrator levy any or all of the following taxes or fees:—

- (a) a water rate,
- (b) a sanitary rate,
- (c) a vehicle tax,
- (d) trading licences.

In lieu of water and sanitary rates, the Council may charge for the amount of water supplied and the sanitary services actually performed at the rate.

The Council may also charge fees for services rendered and for the grazing of stock on the Town Lands.

31. Every amount which is due and payable in respect of sanitary services or for other removals or for the supply of water shall, in default of payment by the owner, be charge upon the property in respect of which the rate was levied or the service performed, and shall be recoverable against the property at the time such rate was levied or service performed or supply given.

32. Every rate, licence or tax which shall be payable under this Proclamation shall, unless otherwise provided or unless the Council shall otherwise decide, be due and payable on the 1st April in each and every year; but every person who shall pay any such rate, licence or tax within thirty days of the day on which it shall be payable shall be entitled to a reduction of five per cent; interest at the rate of six per cent per

may be charged as from the date on which they fell due to the date of payment, on all rates, licences and taxes which shall not have been paid within sixty days of the date on which they fell due.

- 33. The Administrator may make, amend, alter or revoke regulations from time to time with regard to the collection of rates, licences, taxes and other revenue by Municipal Councils and for defining the duties of and measures to be taken by Councils in regard thereto.
- 34. There shall be a valuation of immovable property in every Municipality every five years and the Administrator may direct that an interim valuation shall be made on any property
  - (a) which has been omitted from the Valuation Roll or
  - (b) on which buildings have been erected or improved or wholly or partially destroyed or demolished since the last valuation.

*Procl 1/7/1923*

The Registrar of Deeds shall furnish gratis any information necessary for arriving at a correct valuation.

In the case of existing Municipalities, the first valuation shall be made immediately on the promulgation of this Proclamation: in the case of any Municipality which may hereafter be established the Administrator shall give such directions as he may deem fit as to the date on which the first or succeeding valuation shall be made.

- 35. The Administrator may make, amend and revoke such regulations as he thinks necessary or expedient for carrying into effect the provisions of section thirty-four.
- 36. A member of the police force who is duly authorised thereto in writing by the Town Clerk or an Officer of the Council may enter upon any premises situated within the Municipality at all reasonable hours in order to make any inspection, perform any work or do anything required by this Proclamation or by any regulation or order thereunder.
- 37. Any person who shall refuse entrance to or obstruct or threaten or use violent or abusive language to any person lawfully entering upon any premises in the discharge of his duty under this Proclamation shall be liable to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment at the discretion of the court.

**PROCLAMATION**

**HIS HONOUR DAVID GIDEON CONRADIE,  
ADMINISTRATOR OF SOUTH WEST AFRICA.**

No. 2 of 1935.]

WHEREAS it is expedient to amend the law relating to Municipalities;

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

1. Section thirty-nine of the Municipal Proclamation, 1920 (Proclamation No. 22 of 1920), as amended by section 89 of the Municipal Amendment Proclamation, 1922 (Proclamation No. 1 of 1922), is hereby further amended by the addition of the following new sub-section as sub-section (2), the present section becoming sub-section (1):—

“(2) It shall be lawful for a Municipal Council, either within or without the Municipality to purchase, exchange, acquire or lease immovable property for any Municipal purpose; Provided —

- (a) that no such purchase, exchange, acquisition or lease shall be effected without the sanction of the Administrator first had and obtained;
- (b) that the Administrator may, if he think fit, before sanctioning the said purchase, exchange, agreement or lease require the same to have been approved at a meeting of the registered voters held after due notice of the object of such meeting.”

2. This Proclamation may be cited for all purposes as the Municipal Amendment Proclamation, 1935, and shall be deemed to have been in force as from the first day of July, 1920.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this 8th day of February, 1935.

D. G. CONRADIE,  
Administrator.

*cc Procl 01 9/1/22*

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41. (1) When authority to make regulations is granted under this Proclamation such authority shall include power to impose penalties for the contravention thereof also further penalties for a second or subsequent contravention and in the case of a continuing contravention a further penalty consisting of a fine not exceeding forty shillings for each day during which such contravention continues.
- (2) Every person contravening any of the provisions of this Proclamation or of any Regulations issued or orders made thereunder for which contravention no special penalty is laid down by this Proclamation or regulation or order (as the case may be) shall on conviction be liable for each such contravention to a fine not exceeding twenty pounds sterling and in default of payment to imprisonment with or without hard labour for a period not exceeding three months and in the case of a continuing contravention to a further penalty of a fine not exceeding forty shillings for each day the contravention continues.
42. It shall be lawful for the Administrator from time to time to make, alter or revoke regulations having the force of law in any or all Municipalities, in order to secure the better carrying out of this Proclamation and generally in furtherance of the objects thereof.
43. (1) All rights accrued to or liabilities incurred by or in respect of any existing Municipality shall continue to exist as against or in favour of a Municipality constituted under the provisions of this Proclamation for the same area.
- (2) All taxes and other moneys due or payable to any Municipality shall continue to be recoverable.
- (3) All property movable or immovable and all moneys of or vested in any Municipality existing prior to the taking effect of this Proclamation, shall continue to be vested in and belong to the Municipality, constituted under the provisions of this Proclamation.
- (4) All works and undertakings authorised to be executed shall continue to be carried on and all rights, liabilities and engagements shall continue to be vested in and attached to any Municipality as if this Proclamation had not been issued, provided that
- (a) No action or suit at law for damages or for specific performance in respect of any act of commission or omission for anything done or omitted to be done prior to the taking effect hereof, shall lie against any Municipality, unless the written sanction of the Administrator shall first have been obtained;
- (b) All existing contracts between the Protectorate Administration either as the successors in office of the late German Colonial Government or otherwise on the one part and Municipalities existing at the date on which this Proclamation shall come into force on the other part shall remain in full force;
- (c) All lands and buildings which were acquired or erected for educational purposes and vested in or under the control of any Municipality shall be transferred to and vested in the Protectorate Administration as and from the 1st July, 1920, and all liabilities in respect of mortgage bonds or loans attaching to any Municipality in connection with the acquisition or erection of any such land or building shall be transferred to and attached to the Protectorate Administration as and from the said date.
44. The following laws shall be and are hereby repealed:
- (a) the Ordinance of the Imperial Chancellor, dated the 28th day of January 1909 relating to self-government in German South-West Africa as amended on the fourteenth day of May 1909, the sixteenth day of March 1910, and the twenty-eighth day of March, 1912 in so far as it relates to Municipalities.
- (b) Proclamation No. 8 of 1918.

- (c) and any other Ordinance, Proclamation or Martial Law Regulation which is inconsistent with or repugnant to the provisions of this Proclamation.
45. This Proclamation may be cited for all purposes as the "Municipal Proclamation 1920" and shall come into force on the First day of July 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

SCHEDULE.

DEED OF TRANSFER.

In accordance with the provisions of section 29 of the "Municipal Proclamation, 1920" I, \_\_\_\_\_ Registrar of Deeds, do hereby cede and transfer in full and free property to and on behalf of \_\_\_\_\_ its administrators or assigns certain (here describe the property, and describe or refer to the conditions to which the same may be subject), and declare that by virtue of these presents the said \_\_\_\_\_ its administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the Protectorate Administration, however, reserving its rights.

In witness whereof I, the Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

Thus done and executed at the office of the Registrar of Deeds, in \_\_\_\_\_ on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of Our Lord One Thousand Nine Hundred and \_\_\_\_\_.

"A.B.," Registrar of Deeds.

No. 23 of 1920.]

WHEREAS by section 1 of the Administration of Justice Proclamation 1919 the Roman Dutch Law as existing and applied in the province of the Cape of Good Hope on the first day of January, 1920 is now the common law of the Protectorate.

AND WHEREAS it is desirable to make provision for the execution of wills and other testamentary writings in the Protectorate,

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

1. No will or other testamentary instrument not being a privileged will or notarial will made or executed upon or after the first day of July, 1920, shall be valid unless it shall be executed in the manner hereinafter mentioned that is to say; it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction and such signature shall be made or acknowledged by the testator in the presence of two or more competent witnesses present at the same time and such witnesses shall attest and subscribe the will or other testamentary instrument in the presence of the person executing the same; and where the instrument shall be written upon more sheets than one the person executing the same and also the witnesses shall sign their names upon every sheet upon which the instrument shall be written; provided always that nothing herein contained shall be deemed to prevent a mark being a sufficient signature.
2. Every will or other testamentary instrument attested at any time heretofore or hereafter by a person whether male or female above the age of fourteen years who is competent to give evidence in any court of law in this Protectorate shall in respect of the qualification of such person to attest be deemed to have been validly attested and every such person shall be deemed to be qualified to attest the execution of a will or other testamentary instrument.
3. If any person shall attest the execution of any will or other testamentary instrument to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting

any property (other than and except charges and direction for the payment of any debt or debts) shall be thereby given or made such devise, legacy, estate, interest gift or appointment shall so far only as concerns such person attesting the execution of such will or other testamentary instrument or the wife or husband of such person or any person claiming under such person or wife or husband be null and void.

4. If any person shall attest the execution of any will or other testamentary instrument and such person or the wife or husband of such person shall in and by such will or other testamentary instrument be nominated or appointed executor administrator or guardian thereunder the appointment of such person or the wife or husband of such person as such executor, administrator or guardian shall be null and void.
5. No notarial will whether made before or after the taking effect of this Proclamation shall be deemed or be taken to be invalid, null or void by reason that the same was not read over by the notary before whom such will was passed or by any other person to the testator in the presence of the subscribing witnesses to such will.
6. Nothing in this Proclamation contained shall be deemed or taken to extend to or affect any codicil made by virtue or in pursuance of any power reserved in that behalf in any will or other testamentary writing.
7. So much of any law now in force in the Protectorate as may be repugnant to or inconsistent with the provisions of this Proclamation shall be and is hereby repealed.
8. This Proclamation may be cited for all purposes as the "Wills Proclamation, 1920".

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,

Administrator.

No. 24 of 1920.]

WHEREAS it is expedient to introduce a law dealing with the payment of duty upon the estates of deceased persons.

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

#### PRELIMINARY.

1. All laws in force in the Protectorate repugnant to and inconsistent with this Proclamation shall be and are hereby repealed.
2. In this Proclamation and in any regulations made thereunder, unless inconsistent with the context.
  - "company" shall mean any company incorporated or registered under the law for the time being of this Protectorate relating to the incorporation or registration of companies, and shall include also a company which, though not so incorporated or registered, carries on business in this Protectorate;
  - "debenture" shall include debenture stock;
  - "duty" shall mean the duty payable under and in accordance with this Proclamation;
  - "executor" shall mean a person to whom letters of administration have been granted by the Master, for or in respect of the estate of a deceased person, under the law for the time being relating to the administration of estates of deceased persons, and shall include a person acting or authorized to act under letters of administration granted in a foreign country but signed and sealed by the Master under the law aforesaid;
  - "liquidation account" shall mean the account rendered, under the law for the time being relating to the administration of estates of deceased persons, by an executor to the Master of the administration and distribution of the estate of which he is executor;

- "Master" shall mean the Master of the High Court or any person lawfully acting in that capacity;
- "prescribed" shall mean prescribed by the Secretary for the Protectorate or by regulation under this Proclamation;
- "share" shall mean a share in the share capital of a company, and shall include stock into which any portion of the share capital has been divided;
- "Secretary" shall mean the Secretary for the Protectorate or any person for the time being lawfully acting in that capacity.

#### CHAPTER 1.

#### GENERAL PROVISIONS AS TO ESTATE DUTY.

3. (1) Whenever any person having estate as defined in the next succeeding section hereof shall die on or after the first day of July, 1920, within or outside the Protectorate, there shall be payable to the Secretary upon the net value of that person's estate, duty in accordance with the scale set forth in the schedule to this Proclamation save as is otherwise provided in Chapter II of the Proclamation.
  - (2) The duty shall be paid by the executor of that person, save as is otherwise provided in section eight or in Chapter II of this Proclamation.
  - (3) Duty shall also be payable in respect of any property or interest in property which was held by any such person, at the time of his death, upon a condition that it would, when that death occurred pass to some other person.
4. For the purposes of this Proclamation the estate of such deceased person shall include
  - (a) all property in this Protectorate of whatsoever description belonging to that person, whether movable or immovable, and any interest in such property, whether expectant or contingent, held by him at his death;
  - (b) any such property given by or passing from the deceased person as a *donatio mortis causa*;
  - (c) any such property passing under any disposition made by the deceased person and purporting to operate as a *donatio inter vivos*, unless the disposition was made at least one year before his death;
  - (d) any such property passing under any disposition or by reason of any act of the deceased person which was intended to operate at or after his death, or has the effect of so operating;
  - (e) any such property which, by any act or disposition of the deceased person, was so transferred, vested, or arranged that his ownership or beneficial interest therein or in any part thereof passed or accrued by survivorship upon his death;
  - (f) any such property which has passed to any one within one year prior to the death of the deceased person for the purpose of dividing the same, after the death of the deceased person, amongst his heirs or any of them;
  - (g) any limited interest in such property, whether or not such interest was or is to be determined by the death;

but the estate of a deceased person shall not, for the purposes of this Proclamation, include the interest of the survivor of two spouses who were married in community of property.
5. The net value of the estate of a deceased person shall be ascertained by deducting
  - (a) the debts and liabilities of the deceased person incurred *bona fide* and included in the liquidation account, except a liability for any property described in paragraph (b) and (c) of section four;
  - (b) the funeral expenses arising out of the death;
  - (c) all costs and expenses of and incidental to the administration of the estate.
6. (1) Every liquidation account shall provide for the payment of duty on the estate in respect of which the account purports to have been framed.
  - (2) An executor shall, upon lodging a liquidation account with the Master, pay the duty in respect thereof, and the Master shall not file a liquida-

tion account in his office until he is satisfied that the duty is paid.

- (3) Duty shall be assessable by reference to the liquidation account and shall be levied at the rate set forth in the schedule to this Proclamation upon the net value of all the assets included in that and in any preceding account, an allowance being made for any duty previously paid.
7. Before delivering or transferring any property of the deceased to any heir or legatee the executor shall deduct therefrom, or recover from such heir or legatee the duty payable in respect thereof.
8. Duty in respect of such property as is described in sub-section (3) of section three shall be paid within twelve months after the death of the deceased to the Secretary by the person to whom the property passes on the death, and the duty shall be payable out of that property, which may be declared executable by any court of competent jurisdiction.
9. (1) As soon as any liquidation account has been lodged with the Master in accordance with the law for the time being relating to the administration of the estates of deceased persons, he shall transmit a copy of that account to the Secretary. For the purposes of this section it shall be the duty of the executor to lodge with the Master at least two copies of the liquidation account, anything to the contrary in such law notwithstanding.
- (2) The Secretary shall cause every liquidation account transmitted to him to be examined and, if he has no objection to raise as to the valuation of the property included therein, that valuation shall be accepted for the purpose of assessing duty upon that property.
- (3) If the Secretary has any objection, he shall notify the same to the Master who shall require the executor to amend the valuation to meet the Secretary's objections. A valuation amended by the executor to meet the Secretary's objections shall be accepted for the purpose of assessing duty upon the property, but if an executor fail, within a time prescribed, to amend the valuation to the satisfaction of the Secretary, the Secretary shall assess the amount of duty payable, subject to the rights given to the executor under section sixteen.
- (4) Anything to the contrary in this section contained notwithstanding
  - (a) the price actually realised for property *bona fide* sold in the course of the administration of the estate shall be deemed to be its value;
  - (b) the value of shares, debentures, and any property for which there are market prices or prevailing rates of value, shall be in accordance with those prices or rates if the same are ascertainable by or to the satisfaction of the Secretary;
  - (c) where a limited interest in any property passes, the value of that interest only shall be reckoned;
  - (d) if a policy of insurance on the life of a deceased person has been ceded by the deceased to or in favour of his wife or child or children, the value of that policy shall be its surrender value immediately prior to the death of the deceased.

## CHAPTER II.

### SPECIAL PROVISIONS RELATING TO DUTY UPON SHARES AND DEBENTURES.

10. (1) Shares and debentures in a company shall, for the purposes of this Proclamation, be deemed to be property in this Protectorate, notwithstanding that the deceased holder of those shares or debentures was resident or domiciled outside the Protectorate at the date of his death.
- (2) Every company shall, as soon as there shall come to its knowledge the death of any holder of its shares or debentures who died outside this Protectorate, transmit to the Secretary a written statement showing the shares or debentures in that company held by the deceased at the date of his death, and the true value thereof, and that company shall within twelve months after the

death of the deceased pay duty on those shares or debentures at the rate provided by this chapter.

- (3) Whenever the company shall satisfy the Secretary, by production of an affidavit or solemn declaration of the deceased's legal representative or otherwise, that the whole estate of the deceased (including the shares or debentures aforesaid) in this Protectorate did not at his death exceed in the aggregate ten thousand pounds sterling, the duty payable upon those shares or debentures shall be two per cent. of the value thereof. If, after payment of duty on such shares or debentures, the executor of any foreign estate shall lodge with the Secretary satisfactory evidence that the net value of the estate in this Protectorate was of a less value than one thousand pounds, the Secretary shall refund the duty upon the value of any shares or debentures which may have been so paid.
- (4) Whenever a company cannot so satisfy the Secretary or if the value of the whole of the estate of the deceased in this Protectorate exceeds ten thousand pounds at the time of his death duty shall be paid by the company, at the rate applicable to the value of the deceased's estate in this Protectorate, in accordance with the Schedule to this Proclamation.
 

In order that the amount of duty may be assessed, the legal representative of the deceased may render to the Secretary an account, verified by oath, of the whole of the deceased's estate in this Protectorate. If no such account be rendered, or an account with which the Secretary is not satisfied be rendered, he shall assess the amount of duty payable and duty shall be paid on the amount assessed by him, subject to the rights given under section sixteen. In such an account no debts or obligations of the deceased shall be deducted except those which are due from his estate in this Protectorate.
- (5) Until payment is made by the company of the duty or satisfactory security has been lodged with the Secretary for payment thereof, the company shall not permit the transfer in its registers, whether those registers be kept within or outside this Protectorate, of any shares or debentures registered in the name of a deceased person at the date of his death, except in the case of shares or debentures in respect of which the Secretary has certified his satisfaction that, though still registered in the name of the deceased at that date, they have been *bona fide* sold or disposed of by him.
- (6) Nothing in this section contained shall be deemed to impose any obligation on a company in respect of share warrants or debenture warrants issued to bearer.

11. (1) If any company whose registered office is outside this Protectorate satisfies the Secretary that the larger proportion of its business is transacted or carried on outside this Protectorate and produces satisfactory evidence to him as to the proportion of its business which is transacted or carried on in this Protectorate, the Secretary may from time to time fix a percentage representing, for a period named by him, the proportion of the business carried on or transacted by that company in this Protectorate. During that period the total amount of duty payable on shares and debentures in that company shall be reduced *pro rata* to correspond with the proportion of the company's business which is carried on in the Protectorate.
- (2) If the Secretary is satisfied that an inappreciable proportion of the company's business, or only a branch thereof is, or merely matters incidental thereto are carried on in this Protectorate, he may, by certificate under his hand, exempt the company for such time as he may think fit from the obligations of this Chapter; but nothing in this sub-section contained shall be construed as exempting any other person liable for duty from

the liability to pay the same or interest or penalties due in respect thereof.

12. (1) Every company which has paid duty under this Chapter shall have the right to recover the amount thereof from the estate which would otherwise have been liable for payment of the duty, and with interest at the rate of six per cent. per annum if the amount of duty paid by the company be not repaid within one month after its payment by the company.
- (2) That amount and interest may be recovered
- (a) by action in any competent court; or
- (b) by way of set off against any monies due to the estate liable for the duty, whether as dividends or bonus upon shares, or interest upon debentures, or otherwise;
- and every such company shall have a lien for the said amount and interest upon the shares or debentures in respect of which the duty was paid.
- (3) Any receipt or certificate given by the Secretary for duty paid by a company in respect of its shares or debentures shall be conclusive evidence in all courts and places of the payment by the company of the amount mentioned in that certificate or receipt.
- (4) If any company make default in paying to the Secretary any duty which, under this Chapter, it is liable to pay, it shall be liable to pay interest on the amount unpaid at the rate of twelve per cent. per annum together with any costs which the Secretary may have incurred in recovering that amount from any other person.
13. (1) Every company shall, within three months after the coming into operation of this Proclamation, transmit to the Secretary a return showing the names and addresses of the persons who according to its registers, were, on the thirtieth day of June, 1920 shareholders or debenture holders of the company.
- (2) Every company shall, before the thirty-first day of July, 1921, and before that day in every year thereafter, transmit to the Secretary a return showing the names and addresses of persons who, according to its registers, have, by reason of death, ceased to be shareholders or debenture holders of the company since the date when the last return was transmitted under this section.
14. In the event of any default by a company in complying with any requirement of this Chapter every director, manager or other authorized representative of the company in this Protectorate shall be liable to a penalty of one pound for every day during which the default continues, without prejudice to any right of the Secretary to recover any amount from the company under any other section.

### CHAPTER III.

#### MISCELLANEOUS.

15. (1) The Administrator may from time to time make, alter, or rescind regulations for the better carrying out of the objects and purposes of this Proclamation and in particular for the valuation of usufructuary or other limited interests in property.
- (2) All such regulations and any alteration or rescission thereof shall be of force and effect on publication in the Gazette.
16. (1) Any person aggrieved by any decision or requirement of the Secretary or Master under this Proclamation may demand by written notice to the Secretary that the matter be submitted to and decided by arbitrators, who shall be impartial and disinterested parties appointed by agreement between the person aggrieved and the Secretary. Such arbitrators may decide all questions of fact necessary for determining the proper amount of duty (if any) payable.
- (2) The reasonable expenses of such arbitration shall, if the amount on which the duty is payable, as decided by the arbitrators, exceeds by one-third the valuation made by the executor, be paid by him and shall be added to and be recoverable as part of the duty, but otherwise such expenses shall be borne and paid by the Secretary. Provided that by consent of parties one arbitrator may be appointed otherwise the number of arbitrators shall be three, one of whom shall be appointed by each party and the third shall be appointed by agreement between the two arbitrators so appointed.
17. (1) All duty, interest, penalties and any sum due to the Secretary under this Proclamation shall be a debt due to the Administration of the Protectorate and may be recovered by action in any competent court, notwithstanding that any other method of recovery is provided by this Proclamation.
- (2) Any such action shall be taken in the name of the Secretary and may be taken against any person liable notwithstanding that the obligation to pay the amount of duty is imposed on any other person by this Proclamation.
18. (1) Any person who makes or causes to be made, or aids or abets in making, or incites any person to make, any fraudulent or false statement or representation, with intent that payment of duty or portion of duty be evaded by himself or any other person, shall be liable on conviction to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years, or to both such fine and imprisonment.
- (2) Any person who
- (a) makes default in rendering within the time prescribed any account or statement which such person is required to render;
- (b) makes default in complying, within the time prescribed, with any requirement of this Proclamation for which no specific penalty is provided;
- shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.
19. (1) Books, pictures, manuscripts, objects of curiosity, art or antiquity, or similar objects bequeathed or donated to any public museum or institution in this Protectorate for preservation and not for sale or disposal, and property bequeathed or donated to any educational or public institution in this Protectorate, or exclusively for uses deemed by the Secretary to be public, charitable, or religious uses in this Protectorate, shall be exempt from duty, provided that the objects bequeathed or donated and the terms of the bequest or donation be specifically stated.
- (2) Duty shall not be chargeable in respect of any estate if the deceased has, within five years immediately prior to his death, donated, or has, by his will, bequeathed, not less than twenty-five per cent. of the net value of his estate at the time of his death exclusively for uses deemed by the Secretary, after the deceased's death, to be public uses in this Protectorate.
- (3) Duty shall not be chargeable in respect of any pension granted under any law to the widow or child of any person.
20. Whenever duty is assessed upon property mentioned in paragraphs (c) and (f) of Section four and in the circumstances described in those paragraphs transfer duty was, in accordance with law, paid, the amount of that duty shall be deducted from the duty payable under this Proclamation in respect of that property.
21. This Proclamation shall be known and may be cited for all purposes as the "Estate Duty Proclamation"



1920" and shall come into operation as from the First day of July, 1920.

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

SCHEDULE.

Where the net value of the Estate.	Duty shall be at the rate mentioned.
Does not exceed £1,000	Exempt.
Exceeds £1,000 but does not exceed £2,000	One per cent.
Exceeds £2,000 but does not exceed £3,000	One and a quarter per cent.
Exceeds £3,000 but does not exceed £5,000	Two per cent.
Exceeds £5,000 but does not exceed £10,000	Three per cent.
Exceeds £10,000 but does not exceed £20,000	Four per cent.
Exceeds £20,000 but does not exceed £40,000	Five per cent.
Exceeds £40,000 but does not exceed £70,000	Six per cent.
Exceeds £70,000 but does not exceed £100,000	Seven per cent.
Exceeds £100,000 but does not exceed £150,000	Eight per cent.
Exceeds £150,000 but does not exceed £250,000	Nine per cent.
Exceeds £250,000	Ten per cent.

No. 25 of 1920.]

WHEREAS it is expedient to suppress trespass, idleness and vagrancy.

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

1. Any person found wardering abroad and having no visible lawful means, or insufficient lawful means of support, who, being thereunto required by any magistrate, police officer, police constable, superintendent of native locations, or owner or occupier of land, or who having been duly summoned for such purpose, or brought before a magistrate in pursuance of this Proclamation shall not give a good and satisfactory account of himself, shall be deemed and taken to be an idle and disorderly person, and on conviction thereof before any Magistrate's Court shall be liable to be imprisoned, with or without hard labour, and with or without spare diet, and with or without solitary confinement or either of them, for any period not exceeding three months.
2. Every person who shall wilfully or knowingly harbour, or suffer or permit to reside on land or premises owned or occupied by him, any idle and disorderly person as aforesaid, shall, on conviction before a Magistrate's Court be liable, in case of conviction to a penalty of not exceeding five pounds for every such offence, and in default of payment of such penalty, to be imprisoned, with or without hard labour, for any period not exceeding two months, unless such fine be sooner paid.
3. (1) Every person found without the permission of the owner (the proof of which permission shall lie on such person) wandering over any farm, in or loitering near any dwelling-house, shop, store, stable, outhouse, garden, vineyard, kraal, or other enclosed place, shall be deemed and taken to be an idle and disorderly person; and, upon conviction thereof before a Magistrate's Court be liable in the case of the first conviction to a fine not exceeding two pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding one month, unless such fine

be sooner paid; or to be imprisoned, with or without hard labour, and with or without spare diet, and with or without solitary confinement, or any of them, for any period not exceeding three months and in the case of any subsequent conviction for the same offence to a fine not exceeding five pounds, with the alternative of imprisonment with or without hard labour for a period not exceeding three months unless such fine be sooner paid; or to be imprisoned, with or without hard labour and with or without spare diet and with or without solitary confinement, or any of them, for any period not exceeding six months. No servant or apprentice of any owner of any land, and no squatter upon the land of any owner shall for the purposes of this sub-section be deemed to be qualified merely by the possession or occupation of any hut, house or building on such land to give permission for and on behalf of such owner.

- (2) Every person shall be deemed to be an idle and disorderly person within the meaning of and for all the purposes of this Proclamation, and shall upon conviction be liable to the penalties provided by sub-section 1 of this section, who shall be found without the permission of the owner of any farm (the proof of which permission shall be on such person)
  - (a) loitering upon any road crossing such farm, or
  - (b) in or loitering at or near any hut, house or other building upon any farm, whether such hut, house or other building shall or shall not be in the possession or occupation of any servant or apprentice of the owner of such farm, or in the possession or occupation of any squatter.

4. Any person trespassing upon or found within any enclosed camp, kraal or land without the permission of the owner or lessee thereof shall be deemed to be guilty of an offence and shall upon conviction be liable to the penalties provided by the third section of this Proclamation. Provided that no person shall be deemed to be guilty of a breach of the provisions of this section who passes through any enclosed camp, kraal or land along any public road traversing such camp, kraal or land or uses any right of way to which he may be entitled there through. Provided further that nothing in this section shall be taken to exempt any person from prosecution thereunder who leaves such road and trespasses upon land within such camp, kraal or enclosed place not constituting such road, unless such person or persons is driving stock, in which case he shall not be criminally prosecuted so long as he remains within one hundred yards on either side of the road which traverses such camp or land, or within ten yards on either side of the road which traverses such cultivated land.
5. No person shall visit the servants or employees of any owner or occupier of land without his permission if such owner or occupier have notified his said servants or employees to that effect beforehand, and any person found within any hut or place where such servants reside on such farm or land without permission of the owner or lessee after fourteen days shall have elapsed subsequent to the notification by him to his servants, shall be deemed to be guilty of an offence and shall be liable on conviction to the penalties provided by the third section of this Proclamation.
6. It shall be lawful for the Administrator from time to time by Notice in the Gazette to apply the provisions of sections 4 and 5 of this Proclamation or either of them, to lands, or any portion thereof vested in the Administration for railway purposes, and to prescribe the person by whom, and the mode in which notices shall be given and permits shall be applied for and granted.
7. No prosecution for any offence under the provisions of sections four, five and six of this Proclamation shall take place if the owner or lessee or occupier aforesaid desires a withdrawal of the charges.

8. (1) Every person hereinbefore declared to be idle and disorderly as aforesaid may be apprehended with or without warrant by any magistrate, police officer, or police constable, or by the owner or occupier of the land or premises on which such idle or disorderly person may be, or by anybody acting under the orders of such magistrate, owner or occupier, and upon apprehension, may be conveyed before the magistrate of the district in which he was apprehended, or the nearest magistrate to be dealt with according to law; provided that no such person shall be apprehended without warrant upon the land or premises of any private person, without the consent of such private person, except by such private person or somebody acting by his orders, or by some magistrate or by somebody acting under the orders of such magistrate.
- (2) Every owner of a farm shall be and is hereby authorised for the purpose of searching for any idle and disorderly person, to enter without warrant and make search in any hut, house or other building upon such farm, which shall be in possession or occupation of any servant or apprentice of such owner, or in the possession or occupation of any squatter, and any idle and disorderly person found by such owner in any hut, house or other building, may be apprehended without warrant and dealt with in manner provided in sub-section 1 of this section.
9. In case it shall be made to appear to the satisfaction of the magistrate of the district by information in writing upon oath that there is reason to believe that any idle and disorderly person as aforesaid is upon the land or premises of any private person, such magistrate shall grant a general warrant authorising some person or persons named therein for the purpose to enter upon the land or premises of such private person, in order to ascertain whether any idle and disorderly person as aforesaid is upon such land or premises; and in case any idle and disorderly person as aforesaid shall, upon the execution of such warrant, be found upon such land or premises, he may be forthwith apprehended by the person or persons so named in the said warrant as aforesaid, and conveyed before the magistrate in the district in which he was apprehended, or the nearest magistrate to be dealt with according to law.
10. It shall be lawful for any magistrate, police officer, police constable, superintendent of native locations, or the owner or occupier of the land or premises whereon or wherein any person as hereafter mentioned may be, to stop any person whom he shall find driving live stock, and to interrogate such person; and if he shall not account satisfactorily for the possession of the live stock so being driven by him, or if there shall be reasonable grounds for suspecting that such live stock have been criminally procured, then it shall be further lawful for such magistrate, police officer, police constable, superintendent of native locations, or owner or occupier, to conduct or cause to be conducted the said live stock and the person so driving the same, to the nearest public prison or police station, so that such persons so driving the said live stock may be detained in custody until the then next sitting of the magistrate of the district in which such prison or police station is situated, who shall enquire into the circumstances, and make such determination in conformity with law as shall to him seem fit and proper.
11. Every one who shall assault or resist any person authorised as aforesaid to make an arrest, or to enter upon any land or premises while in the execution of such authority, or who shall aid or incite any person so to assault or resist shall, for every such offence be liable, upon conviction before any Magistrate's Court, to a penalty not exceeding ten pounds, and in default of payment thereof to imprisonment with or without hard labour, for a period not exceeding three months, unless such penalty is sooner paid, or to such imprisonment, without the option of paying a penalty.
12. All squatters trespassing upon waste crown land, or upon land occupied by any missionary institution, or upon land set apart as a native location may be summarily directed to remove therefrom by order in writing, signed by the magistrate of the district in which such land is situated, such trespassers having been first summoned before the Magistrate's Court to show cause why they should not remove from such land and no sufficient cause to the contrary having been proved to the satisfaction of such Court; Provided that no person shall be deemed to be a trespasser within the meaning of this section unless he shall originally have entered upon, and shall be upon, such land, without lawful authority; and any person ordered to remove as aforesaid, who shall disobey such order, shall be liable to be dealt with as an idle and disorderly person as aforesaid, and shall be subject to the penalties provided by the first section of this Proclamation.
13. Every person found wandering or being in any street or road ordinarily used by the public, or in any place of public resort, or in view thereof respectively, without sufficient clothing for the purpose of decency, shall be deemed and taken to be a disorderly person, and to be guilty of an offence against the true intent and meaning of this Proclamation, and may be arrested without warrant and conveyed before the nearest magistrate to be dealt with according to law, and upon conviction, as in the first section of this Proclamation is provided, shall be liable to the penalties imposed by that section.
14. It shall be the duty of any magistrate before whom any person is convicted for a first offence under the first and third sections of this Proclamation to adjudge such person in lieu of the penalties therein prescribed, to a term of service on the public works of the Protectorate or to employment under any municipality or private person, other than the said magistrate by whom such person shall have been convicted, or the person at whose instance such prosecution shall have taken place, who may be willing to employ such person, for any term not exceeding that for which he is liable to imprisonment under this Proclamation in that behalf provided, and at such rate of wages as shall in the judgment of the magistrate be fair and reasonable; provided that it shall be lawful for the Court before whom such person is convicted to detain him in custody for a period not exceeding fourteen days in order that the provisions of this section may be complied with; provided further that if no such service or employment can be obtained the person so convicted shall be sentenced to the penalties prescribed in the aforesaid first and third sections of this Proclamation the sentence in such case to take effect from the date of conviction; provided also always that if any person so adjudged to service as aforesaid shall escape, or attempt to escape or otherwise be guilty of any offence under the laws in force relating to Masters and Servants he shall be liable to imprisonment with or without hard labour, for a period not exceeding six months.
15. Any person who shall, under colour of this Proclamation, wrongfully and maliciously, or without probable cause, arrest, or cause to be arrested, any person shall be liable to pay a fine not exceeding five pounds sterling, and to pay to the arrested person such amount, not exceeding the sum of five pounds sterling, as and for damages, as the magistrate before whom such arrested person is brought for trial shall award, and in default of payment of the fine shall be liable to be imprisoned, with or without hard labour for a period not exceeding three months, unless such fine shall be sooner paid. Provided that nothing in this section contained shall have the effect of depriving any aggrieved person of the right to elect to take any other remedy given him by law in lieu of the remedy by this section given.
16. In this Proclamation the following terms shall bear the following meanings:—  
 "Farm" means any land not situated within the local limits of any municipality or in any area within

which part 1 of the "Police Offences Proclamation, 1920," is or hereafter may be in force.

"Squatter" means any person who, not being a servant or apprentice of the owner of any farm, and not being himself the owner or lawful occupier of such farm, is notwithstanding permitted by such owner or lawful occupier to possess or occupy any hut, house or other building in and upon such farm.

"Owner" includes

- (a) The registered owner or person entitled to the beneficial ownership of any land;
  - (b) The lessee of any Crown land or private land;
  - (c) The lawful occupier of any land;
  - (d) Any person placed in lawful possession or occupation of any land as the duly authorised, representative, agent or manager, for and on behalf of the registered owner or person entitled to the beneficial ownership of such land, or for and on behalf of any lessee thereof; but does not include in respect of the hut, house or other building possessed or occupied by him, any person who, either as a servant or apprentice of the owner or occupier of any land, or as a squatter, is in possession or occupation of any hut, house, or building upon such land.
17. Sub-section 3 of section 361 of the Imperial German Criminal Code shall be and is hereby repealed together with all existing laws in the Protectorate repugnant to or in conflict with the provisions of this Proclamation.
18. This Proclamation may be cited for all purposes as the "Vagrancy Proclamation 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk, this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

No. 26 of 1920.]

WHEREAS it is desirable to make provision in the Protectorate for the arrest and surrender to the authorities in certain territories in Africa of persons accused of offences punishable by the courts of those territories;

AND WHEREAS the testimony of persons residing or being in this Protectorate is frequently required in the courts of law of neighbouring territories and it is necessary lest the ends of justice be defeated that provision should be made for compelling the attendance of such persons before the said courts or for their examination in this Protectorate by means of interrogatories;

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

PART I.

1. Whenever in any of the territories mentioned in the schedule to this Proclamation, a warrant has been issued for the apprehension of a person accused of an offence punishable by the courts for the time being existing in that territory and such person is or is suspected of being in or on his way to the Protectorate, any magistrate of the Protectorate, if satisfied that such warrant has been issued by competent authority in that territory, may endorse such warrant and such person may thereupon be arrested and returned to that territory in like manner as if this Protectorate were a British possession of a group within the meaning of Part II of the Fugitive Offenders' Act, 1881, of the Imperial Parliament, and the provisions of that Act for this purpose shall be of full force and effect accordingly.

The expression "Competent Authority" shall mean a judge, magistrate, additional magistrate, assistant magistrate, justice of the peace, resident commissioner, assistant commissioner, or any person having lawful authority in the territory to issue warrants for the apprehension of persons suspected of having committed an offence therein.

PART II.

2. Whenever a subpoena purporting to be issued by the proper officer of a competent court in any territory mentioned in the schedule hereto has been transmitted by such officer to the magistrate of any district in the Protectorate in which there resides or is a person whose attendance is required as a witness in any civil or criminal proceeding in such court aforesaid, it shall be the duty of such magistrate to endorse on the said subpoena his order that the same be served on the person named therein and the subpoena so endorsed shall thereupon be delivered to the messenger of the said magistrate's court or to such other person as the said magistrate shall specially appoint for the purpose, and it shall be the duty of such messenger or other person to serve such subpoena as soon as practicable on the person named therein; provided always that the necessary expenses of such service and the necessary expenses to be incurred by the person subpoenaed in going to and returning from the court named in such subpoena and to be incurred during his detention at the place where his evidence is given shall have been transmitted to the said magistrate, together with the said subpoena; and provided, further, that the portion of the expenses aforesaid assigned to the person named in the said subpoena shall have been paid to him by the officer serving the same.
3. The Administrator may from time to time make, alter, or rescind a tariff of such expenses as are mentioned in the last preceding section in respect of any such territory aforesaid.
4. Any person who shall have been served with such subpoena as in section two is provided and shall not have attended at the time and place mentioned therein shall be liable to a penalty not exceeding one hundred pounds unless he shall offer a valid and lawful excuse for such non-attendance; and every such penalty shall be recoverable in the court of the magistrate in which he shall be residing at the instance of the Crown Prosecutor.
5. The return of the person who under section two of this Proclamation is authorised to serve a subpoena showing that service has been duly made together with a certificate under the hand and seal of the presiding judge or magistrate of the court from which the said subpoena was issued showing that the person so served did not attend when called upon and did not establish any valid and lawful excuse for his default shall be deemed sufficient proof of such person's non-attendance for the purpose of enforcing the penalty in the last preceding section mentioned.
6. No person resident in any such territory who may be summoned as a witness before any court of this Protectorate and whose attendance before such court shall be enforced by any law of such territory shall be liable while so attending to be arrested upon any civil or criminal process for any debt formerly due or for any offence formerly committed by him in this Protectorate.

PART III.

7. If any civil cause or matter be pending in any magistrate's court of any territory mentioned in the schedule hereto and the magistrate of such court shall certify that the evidence of a person resident or being in this Protectorate is required in such cause or matter and shall transmit such certificate to the magistrate of the district in which such person resides or is together with any interrogatories duly and lawfully framed which it is desired to put to such person it shall be the duty of such last-mentioned magistrate upon receipt
- (a) of such certificate and interrogatories;
  - (b) of the expenses payable to such person for his appearance as herein provided;
  - (c) of the amount payable in fees or stamps for the issue and service of the summons herein mentioned;

to summon such person to appear before him and upon such appearance to take the evidence of such person as if he were a witness in a civil case in the court of such magistrate and to put to such person the interrogatories aforesaid together with any other questions calculated to obtain full and true answers to such interrogatories and to take down or cause to be taken down the evidence so obtained and to transmit the same certified as correct to the magistrate in whose court such civil cause or matter is pending.

It shall further be the duty of the magistrate who has obtained such evidence to transmit to the magistrate in whose court the said cause or matter is pending a certificate showing the amount paid to the person aforesaid in respect of the expenses of appearance and the cost of the issue and service of any summons aforesaid.

8. The Administrator may from time to time make, alter and rescind a tariff of expenses payable to persons summoned before a magistrate under the provisions of the last preceding section and of the fees and stamps payable in respect of the issue and service of any such summons.
9. Any person required to appear before a magistrate under the provisions of section *seven* shall be summoned in like manner and be liable to like penalties in the event of his non-attendance as if he had been summoned to give evidence under the Magistrates' Courts Act, 1917, as applied and extended to the Protectorate by the Administration of Justice Proclamation No. 21 of 1919 or any amendment thereof or any regulations made thereunder.
10. In this Proclamation the term "magistrate" shall include an assistant magistrate, and in the case of territories in which the functions performed by magistrates and assistant magistrates in this Protectorate are in such territories performed by resident commissioners or assistant commissioners shall include a "resident commissioner" and "assistant commissioner."
11. This Proclamation shall be known and may be cited for all purposes as "The Fugitive Offenders and Neighbouring Territories Evidence Proclamation, 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk, this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

#### SCHEDULE.

The Union of South Africa.  
Basutoland.  
Bechuanaland Protectorate.  
Nyasaland Protectorate.  
Northern Rhodesia.  
Southern Rhodesia.  
Swaziland.

No. 27 of 1920.]

WHEREAS it is expedient to make provision for the suppression and punishment of certain offences

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

1. All laws and regulations, and especially Martial Law Regulations, 19 and 35, now in force in the Protectorate and inconsistent with or repugnant to this Proclamation shall be and are hereby repealed but such repeal shall not affect any things done, offences committed or proceedings commenced or pending under and by virtue of or against any of the said repealed laws or regulations.

2. In the construction of this Proclamation "Local Authority" shall mean:—

The council of any Municipality;

The magistrate residing in any town or village not being a Municipality.

#### PART I. POLICE PROVISIONS APPLICABLE TO SPECIAL LOCALITIES.

3. The provisions of this part of this Proclamation shall be in operation
  - (1) In every town or village which has been or shall hereafter be constituted a municipality.
  - (2) In every town, village or other place in which the Administrator shall by notice in the Gazette declare this part to be in operation and from a date to be by such notice fixed and appointed.
  - (3) In the following towns and villages:—  
Aroab, Bethany, Gobabis, Gibeon, Maltahohe, Outjo, Otjiwarongo, Rehoboth, Tsumeb, Warmbad.
4. The Administrator may from time to time by notice in the Gazette define, vary and alter the limits of any such town, village or other place to which the provisions of this part shall be applied, and may revoke any such notice.
5. Any person guilty of any of the following offences, omissions or neglects shall, on conviction, in respect of each act or offence, be liable to a penalty not exceeding two pounds, or in default of payment, to be imprisoned, with or without hard labour, for a period not exceeding thirty days, unless such penalty be sooner paid:
  - (1) Washing in, or in any manner defiling or polluting, the water of any public stream or watercourse.
  - (2) Indecently exposing the person or appearing in any street or public place without such articles of clothing as decency requires.
  - (3) Wantonly or mischievously ringing any public bell, or making any noise or disturbance in the streets, throwing stones or other missiles, removing signboards or other property from the premises of the owner, or mischief of a like nature.
  - (4) Wantonly irritating any cattle, horses, or other animals whether attached to vehicles or not, or unnecessarily clapping wagon-whips in any public street or place.
  - (5) Making a fire in any street, thoroughfare, or public place, or letting off fireworks without leave of the local authority.
  - (6) Riding a horse or driving a vehicle upon any foot-path or sidewalk.
  - (7) Wilfully or by any neglectful act depriving any person of the water to which such person is entitled.
  - (8) Unlawfully diverting or appropriating the water to which any other person is entitled.
  - (9) Throwing any glass, filth, dirt, rubbish or offensive matter upon any public street, lane or public place, or in any dam, or reservoir, or watercourse, or fountain, or in any other place than such as may have been appointed for that purpose by the local authority.
  - (10) Encumbering any public street, footway, or carriage-road, or obstructing the free passage along the same by means of any wagon, cart or other thing whatsoever.
  - (11) Wilfully or neglectfully breaking up, injuring or damaging any dam or public watercourse, or any public street, footway, carriage-road, or thoroughfare.
  - (12) Cutting down, removing, destroying or injuring any wood, tree or shrub upon any commonage without special permission from the local authority.
  - (13) Destroying, damaging, or injuring any tree or shrub growing in or along any public street, or in any public place.

- (14) Furiously driving any vehicle, horse, or cattle, or furiously riding any animal in or through any public street, lane or thoroughfare.
  - (15) Discharging firearms or airguns in any street or thoroughfare, without leave of the local authority, or unless in the discharge of some duty, or in obedience to some lawful command; or using catapults.
  - (16) Driving or leaving any vehicle drawn by oxen or donkeys in any public street or thoroughfare without a leader, or leaving any vehicle drawn by horses or mules standing in any street or thoroughfare without a person at the head of the leaders.
  - (17) Swearing or making use of obscene, abusive, insulting, or threatening language, or shouting or screaming to the annoyance of the inhabitants in any street, road, or public place.
  - (18) Singing any obscene song or ballad, or writing, drawing, exposing to view or exhibiting any indecent or obscene word, figure, or representation in any public street or place.
  - (19) Burning any straw, shavings or other materials upon any footway, carriage-road, or open or public place.
  - (20) Leaving any inflammable material or matter in any public shed or place, or on any open space near any building, without having first obtained the permission of the local authority.
  - (21) Drawing or trailing any sledge, timber, or other heavy material upon any footway or carriage-road to the injury of such footway or carriage-road.
  - (22) Allowing any night-soil or other offensive matter to be spilt or cast into or upon any road, street, footway or public place.
  - (23) Allowing the drippings of the eaves of any house to fall upon any public footway.
  - (24) Placing any placard or other document, writing or painting on, or otherwise defacing any house, building, wall, fence, lamp-post, or gate, without the consent of the owner or occupier thereof.
  - (25) Neglecting to clean all private yards, ways, passages, or avenues, by which neglect a nuisance by offensive smell or otherwise is caused.
  - (26) Playing any game to the annoyance of any person in any public place.
  - (27) Committing any nuisance in any street, or within view of any dwelling-house, whereby public decency may be offended.
  - (28) Suffering to be at large any unmuzzled ferocious dog.
6. Any common prostitute or night-walker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation to the annoyance of the inhabitants or passengers shall be guilty of an offence and shall, on conviction be liable to a penalty not exceeding five pounds or in default of payment, to imprisonment with or without hard labour for any period not exceeding thirty days unless such fine be sooner paid: Provided that in the case of a second or any subsequent conviction, the magistrate may sentence to imprisonment without the option of a fine.

**PART II. GENERAL POLICE PROVISIONS.**

7. The provisions of this Part of this Proclamation shall extend to and be in operation throughout the Protectorate.
8. Any person guilty of any of the following acts or offences, shall upon conviction in respect of each act or offence, be liable to a penalty not exceeding five pounds, or in default of payment to be imprisoned with or without hard labour for a period not exceeding three months, unless such penalty be sooner paid:
  - (1) Any driver of any vehicle injuring any property by negligence or driving on the wrong side of the road:
  - (2) Any driver of any vehicle being away from his horse or cattle so as to be unable to have the full control of them:
  - (3) Driving any vehicle or riding any animal, and when meeting any other vehicle or animal being ridden not keeping on the left or near side of the road or street, or when passing any other vehicle or animal going in the same direction, not going or passing or not allowing any person desirous so to do to pass when practicable on the right or off side of such other vehicle or animal being ridden.
  - (4) Leaving upon any street, public road or thoroughfare any stone, timber, bricks, or other thing, calculated to damage or endanger any animal or vehicle ridden or driven thereon.
  - (5) Any driver of a public vehicle or vehicle plying for hire for the conveyance of passengers wilfully delaying on the road, using any abusive or insulting language to any passenger, or by reason of intoxication, negligence or other misconduct, endangering the safety or property of any passenger or other person, or demanding or exacting more than the proper fare due from any passenger.
  - (6) Leaving upon any public road or thoroughfare any vehicle without any horse or animal harnessed thereto, unless in consequence of some accident having occurred.
  - (7) Having any timber, iron, or boards laid across any vehicle going along any public road so that either end projects more than two feet beyond the wheels or sides of such vehicle.
  - (8) Slaughtering or skinning any beast upon any public road or thoroughfare, or leaving any dead beast on any such road or thoroughfare.
  - (9) Setting or urging or permitting any dog or other animal to attack or worry any person, horse or other animal, or by ill-usage or negligence in driving any cattle causing any damage or hurt to be done by such cattle.
  - (10) Wilfully breaking any pane of glass in any building.
  - (11) Wilfully breaking or extinguishing or injuring any lamp, or damaging any lamp-post.
  - (12) Wilfully trespassing in any place, and neglecting or refusing to leave such place after being warned to do so by the owner or occupier, or any person authorised by or on behalf of the owner or occupier.
  - (13) In any street or open place betting or playing at any game for a wager or stake, or playing at or with any table or instrument of gaming.
9. Any person guilty of any of the following acts or offences shall upon conviction in respect of each act or offence be liable to a penalty not exceeding twenty pounds, or in default of payment to be imprisoned with or without hard labour for a period not exceeding six months, unless such penalty be sooner paid: or either to such penalty or such imprisonment, that is to say:
  - (1) Any person having in his custody or possession without lawful excuse (the proof of which excuse shall be on such person) any pick-lock, key, crow, or other implement of housebreaking.
  - (2) Any person found by night, having his face blackened or wearing felt or other slippers, or being dressed or otherwise disguised, with a criminal intent.
  - (3) Any person found by night without lawful excuse (the proof of which excuse shall be on such person) in or upon any dwelling-house, warehouse, coach-house, stable, cellar, or outhouse, or in any enclosed yard, garden, or area, or in or on board any ship or other vessel when lying or being in any port, harbour, or place in this Protectorate.
  - (4) Any person found by night armed with any gun, pistol, sword, bludgeon, or other offensive weapon or instrument with a criminal intent, or who being thereto required shall not assign a valid and satisfactory reason for being so armed.

- (5) Any person who shall resist, or incite, or aid, or encourage any person to resist, and any person who shall hinder or disturb any constable, policeman, or officer of any local authority in the execution of his duty.
10. Any person drunk in any street, road, lane, or public place, in or near any shop, store, hotel, or canteen, and any person guilty of any riotous or indecent behaviour in any such place as aforesaid, or in any police office or police station-house, shall upon conviction, be liable to a penalty not exceeding two pounds, and in default of payment, to imprisonment with or without hard labour, and with or without spare diet for any period not exceeding fourteen days, and in case of a second or subsequent conviction, shall be liable to a penalty not exceeding five pounds, or in default of payment to imprisonment with or without hard labour and with or without spare diet for any period not exceeding thirty days unless the fine in any case be sooner paid; provided that if it be proved to the satisfaction of the magistrate that any person found guilty of contravening this section, has been during the twelve months preceding such finding four times convicted of drunkenness by a competent court, then it shall be lawful for such magistrate to inflict a punishment of imprisonment with hard labour for any period not exceeding twelve months.
11. (1) Any person who shall use any threatening, abusive, or insulting words or behaviour with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned, in any street, road, public place, or licensed public house, shall upon conviction be liable to a penalty not exceeding three pounds, or to imprisonment with or without hard labour, and with or without spare diet, for any term not exceeding thirty days, unless such penalty be sooner paid: and such person may further be required to find sureties to keep the peace for such period, not exceeding three months, as the Court before which such person is tried may deem necessary.
- (2) Every person who shall without provocation and on any land not in the possession of such person use any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace might reasonably be occasioned, shall, upon conviction be liable to the penalties laid down in sub-section (1) of this section, and may be required to find sureties as there laid down; provided that nothing in this subsection contained shall apply within any area within which Part 1 of this Proclamation applies.
12. Every person who shall, in any port of this Protectorate, knowingly purchase, or take in exchange from any seamen or other person, not being the owner or master of any vessel, anything belonging to such vessel lying in such port, or any part of the cargo of any such vessel, or any stores or articles belonging to the same, shall, upon conviction, be liable to a penalty not exceeding ten pounds, or to imprisonment with or without hard labour for any term not exceeding three months, but nothing herein contained shall prevent the trial of such person for any other crime of which, but for the issue of this Proclamation, he would have been guilty.
13. If any seaman belonging to any vessel lying in any port of this Protectorate, or if any other person shall take away or remove from any such vessel any boat attached or belonging to the same without having obtained permission so to do from the master or some officer of the said vessel, such seaman or other person shall, (although such taking or removal may not have been with intent to steal) upon conviction, be liable to a penalty not exceeding ten

pounds, or to imprisonment with or without hard labour for any term not exceeding three months.

### PART III. MISCELLANEOUS.

14. The provisions of this part of this Proclamation shall extend to and be in operation throughout the Protectorate.
15. (1) Any owner or occupier of any premises, situate in any town or village or any person in charge of any such premises who shall permit the accumulation of manure, dung, offal, soil, filth or other unwholesome or noxious matter in such a manner that the breeding of flies takes place therein or any other nuisance arises therefrom shall be guilty of an offence and liable upon conviction to a fine not exceeding ten pounds sterling and a further fine not exceeding forty shillings for every day after conviction during which such nuisance continues; or in default of payment to imprisonment with or without hard labour for a period not exceeding one month in respect of every fine imposed unless the fine be sooner paid.
- (2) Any Government medical officer or sanitary inspector or member of the police force may from time to time visit or inspect any premises for the purpose of ascertaining if the same be kept clean.
16. Any policeman of the rank of sergeant or above such rank or any other member of the police force who may be thereto authorised by any such sergeant or member of the police of higher rank, may from time to time and at all times as often as they shall have reasonable or probable ground for suspecting that any person licensed to sell wines and spirituous liquors, is selling liquors at unlawful hours or on prohibited days, demand admittance into the premises of such dealer for the purpose of examining the same; and if such dealer shall wilfully and intentionally refuse to admit any such police officer, or policeman, after being informed of his official character, or if such dealer shall make any unnecessary delay in admitting the person so demanding admittance as aforesaid, such dealer shall upon conviction be liable for such offence to a penalty not exceeding ten pounds, or in default of payment to be imprisoned with or without hard labour for any term not exceeding three months, unless such penalty be sooner paid.
17. Any of the persons in the last preceding section mentioned and empowered for the purpose therein stated, may demand admittance into any lodging or other house, or into any apartment in any house, not being a licensed house, in case there shall be reasonable or probable cause for suspecting either from the fact that persons are seen coming out therefrom in a state of intoxication, or from any other fact of a like nature, or from private information given, that spirituous or other liquors are being sold therein, for the purpose of examining the same, and if the occupier of any such house or apartment shall wilfully or intentionally refuse to admit any such person as aforesaid (after such person has stated his official character), or if such occupier shall make any unnecessary delay in admitting such person as aforesaid, such occupier shall be liable upon conviction for such offence to a penalty not exceeding ten pounds, or in default of payment to be imprisoned with or without hard labour for any term not exceeding three months, unless such fine be sooner paid.
18. Any officer or member of any police force may stop any person who shall be found at any time between sunset and sunrise carrying or transporting any bundle or parcel or generally any goods of any description, and to interrogate such person; and if such person shall not account satisfactorily for the possession of the goods or articles so being carried or transported, or if there shall be reasonable

grounds for suspecting that such goods or articles have been criminally procured, then such officer or member may convey such goods or articles and the person carrying or transporting the same to any prison or police station, and detain such person in custody until the next sitting of the Court of the magistrate, who shall enquire into the circumstances and make such order, or give such direction as to him shall seem fit and proper.

19. If any person shall without the consent of the owner or occupier of any landed property, burn any stubble, grass, trees, or herbage thereon, or if any person shall leave any fire which he may have lighted or used in the open air before the same be thoroughly extinguished, he shall be liable upon conviction to pay a penalty not exceeding twenty pounds for every such offence, or to be imprisoned with or without hard labour for any period not exceeding six months, unless such penalty be sooner paid, or to both such penalty and such imprisonment; provided that nothing herein contained shall be deemed to exempt such person from prosecution for any other crime or offence for which but for the provisions of this section he would have been liable, but no person shall be twice prosecuted in respect of the same act or offence.
20. All monies arising from fines, penalties and forfeitures under this Proclamation shall, when recovered, be paid into the public revenue of the Protectorate: provided that it shall be competent for the Court before which any person shall be convicted to award any amount not exceeding one half of the amount of any such money recovered to any informer or person prosecuting.
21. This Proclamation shall be known and may be cited for all purposes as the "Police Offences Proclamation 1920."

GOD SAVE THE KING.

Given under my hand at Windhuk this 28th day of May, 1920.

E. H. L. GORGES,  
Administrator.

No. 28 of 1920.]

WHEREAS it is desirable to amend the laws existing in the Protectorate relating to the Prevention of Disease amongst stock.

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

1. All existing laws within the Protectorate repugnant to or in conflict with the provisions of this Proclamation shall be and are hereby repealed.
2. In this Proclamation and the regulations made thereunder, unless inconsistent with the context "department" shall mean the Branch of the Protectorate Administration dealing with agriculture acting through the officer for the time being in control thereof;

"disease" shall mean any of the following diseases:—

anthrax,  
contagious abortion,  
East Coast fever,  
epizootic lymphangitis,  
foot-and-mouth disease,  
glanders and farcy,  
mange in equines,  
pleuro-pneumonia (lung-sickness),  
rabies,  
rinderpest,  
scab in sheep or goats,  
sheep-pox,  
swine erysipelas,  
swine fever,  
trypanozoonosis,  
tuberculosis,  
ulcerative lymphangitis,

and any other disease to which stock are liable and which the Administrator may by notice in the Gazette declare to be a disease for the purposes of this Proclamation and any regulation made thereunder;

- "government veterinary officer" shall mean a veterinary officer of the department;
- "infected area" shall mean an area of land declared under and for the purposes of any provision of this Proclamation to be infected with a disease;
- "magistrate" includes an assistant magistrate, and when used in relation to land or any thing to be done in respect of land, shall mean the magistrate or assistant magistrate of the district in which that land is situate;
- "officer" shall mean an officer of the department to whom duties under this Proclamation or the regulations have been generally or specially assigned by the Administrator;
- "owner" when used in relation to any land, shall mean the registered owner thereof when he is in actual occupation of any land, and when the owner is not in occupation of his own land, the expression when so used shall mean any person who, whether as lessee, licensee, or otherwise entitled, has for the time being the charge, control, and management of that land and, in respect of a native reserve, location, or mission station, the headman or such other person as the Administrator may designate;
- "owner" when used in relation to stock, shall mean,
- (a) every person who is the sole or part owner thereof; or
  - (b) if the sole or part owner has not for the time being the control of the stock, the person who has such control;
- "port of entry" shall mean a place declared under and for the purposes of this Proclamation to be a port of entry for stock;
- "regulation" shall mean a regulation made and in force under this Proclamation;
- "stock" shall mean cattle, sheep, goats, horses, mules, donkeys, pigs, dogs, ostriches or any other animal which the Administrator may, by notice in the Gazette, declare to be stock for the purpose of this Proclamation, and "cattle" shall mean bulls, oxen, cows, heifers and calves;
- "principal veterinary officer" shall mean the senior veterinary officer of the Protectorate except when used in relation to scab in which case the expression shall mean the principal sheep inspector.
- "suspected area" shall mean any area of land declared under and for the purpose of any provision of this Proclamation to be suspected of being infected with a disease.

#### CHAPTER I.

#### RESTRICTIONS ON AND REGULATION OF THE IMPORTATION OF STOCK INTO THE PROTECTORATE AND ITS REMOVAL THEREFROM.

3. (1) The Administrator may, from time to time, by notice in the Gazette declare any place within the Protectorate to be a port of entry for stock or for any particular species of stock.
- (2) From and after the taking effect of this Proclamation no person shall introduce or cause to be introduced into the Protectorate any stock except through a port of entry, and when places have been declared ports of entry for any particular species of stock, no person shall introduce or cause to be introduced into the Protectorate any particular species of stock except through a place declared a port of entry for that particular species.  
Nothing in this sub-section contained shall be construed as preventing any person introducing stock by special arrangement with the department, otherwise than through a port of entry or as rendering the person who has so introduced stock under any special arrangement, liable to penalties.
4. (1) From and after the taking effect of this Proclamation no person shall introduce or cause to be