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PROCLAMATIONS

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

No. 11 of 1926.]

Preamble.

WHEREAS it is desirable further to interpret and shorten the language of laws now or hereafter in force in the Territory of South West Africa;

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

Definition of certain terms.

1. In the interpretation of every proclamation of the Administrator or ordinance made by the Legislative Assembly now or hereafter in force in the Territory or in any portion thereof, and in the interpretation of all bye-laws, rules, regulations or orders made under the authority of any such proclamation or ordinance, the following expressions shall have the meanings hereby respectively assigned to them, unless there be something in the language or context of the proclamation, ordinance, bye-law, rule, regulation or order, repugnant to such meanings, or unless the contrary intention therein appear—

“The Administration” or “This Administration” shall mean the Administration of the Mandated Territory of South West Africa;

“Administrator”, when used in relation to the administration of those matters in respect of which it is for the time being competent for the Legislative Assembly for the Territory to make ordinances, shall mean the Administrator of the Territory-in-Executive Committee, and when used in relation to the administration of any other matters, shall mean the Administrator of the Territory;

“The Territory” or “This Territory” shall mean the Mandated Territory of South West Africa.

Amendment of section two of Proclamation No. 37 of 1920.

2. Section two of the Interpretation of Laws Proclamation, 1920, (Proclamation No. 37 of 1920), is hereby amended by the deletion of the definition of the word “Administrator” occurring therein.

Short title.

3. This Proclamation may be cited for all purposes as the Interpretation of Laws Amendment Proclamation, 1926.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek, this 3rd day of August, 1926.

A. J. WERTH,
Administrator.

No. 12 of 1926.]

Preamble.

WHEREAS it is desirable to make provision for the fencing of areas set aside as native reserves;

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

Definition of terms.

I. In this Proclamation, unless inconsistent with the context—

“cost” bears the meaning assigned thereto in the Fencing Law;

“dividing fence” means a fence of the specifications set forth in the definition of dividing fence contained in section two of the Fencing Law, erected on or as near as possible to any boundary of a native reserve, and separating that reserve from any land adjoining it, including any necessary gate in such fence;

“Fencing Law” means the Fencing Proclamation, 1921 (Proclamation No. 57 of 1921), as amended by the Fencing Proclamation Amendment Proclamation, 1923 (Proclamation No. 13 of 1923), and the Fencing Proclamation Amendment Proclamation, 1925 (Proclamation No. 18 of 1925);

“holding” bears the meaning assigned thereto in the Fencing Law;

“native reserve” means any area of land vested in the Administration of South West Africa which was set aside for the use of natives by the former Government of the Protectorate of German South West Africa and has been approved by the Administrator as a native reserve, and any area of land vested in the said Administration which has been set aside by the Administrator as a native reserve under the provisions of the Native Administration Proclamation, 1922 (Proclamation No. 11 of 1922), or which may hereafter be set aside under the provisions of the said Proclamation or any amendment thereof;

“owner” bears the meaning assigned thereto in the Fencing Law.

Administration deemed to be owner of native reserves.

2. Notwithstanding anything in section forty-one of the Fencing Law contained and subject to the provisions of this Proclamation, the Administration of South West Africa shall, in respect of any native reserve, and as against the owner of

PROKLAMASIES

DOOR ZIJN EDELE ALBERTUS JOHANNES WERTH, ADMINISTRATEUR VAN ZUIDWEST AFRIKA.

No. 11 van 1926.]

NADEMAAL dit wenslik is om die taal gebruik in wette nou of later van krag in die Gebied van Suidwes Afrika verder te interpreteer en te verkort;

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

1. In die interpretasie van iedere proklamasie van die Administrateur of ordonnansie van die Wetgewende Vergadering nou of later in die Gebied of in 'n deel daarvan van krag, en in die interpretasie van alle bywette, reëls, regulasies of orders gemaak of opgestel kragtens enige sodanige proklamasie of ordonnansie, het die volgende uitdrukings die betekenis hiermee aan hulle respektieflik gegee, tensy daar iets is in die taal of sinsverband van die proklamasie, ordonnansie, bywet, reël, regulasie of order wat in stryd is met sulke betekenis of tensy 'n teenoorgestelde bedoeling daaruit blyk—

“Die Administrasie” of “Hierdie Administrasie” beteken die Administrasie van die Mandaatgebied van Suidwes Afrika;

“Administrateur”, wanneer gebruik in verband met die bestuur van dié sake ten aansien waarvan die Wetgewende Vergadering vir die Gebied alsdan bevoeg is om ordonnansies te maak, beteken die Administrateur van die Gebied-in-Uitvoerende Komitee, en wanneer gebruik ten aansien van enige ander sake, beteken dit die Administrateur van die Gebied;

“Die Gebied” of “Hierdie Gebied” beteken die Mandaatgebied van Suidwes Afrika.

2. Artikel twee van die Interpretasie van Wette Proklamasie 1920 (Proklamasie No. 37 van 1920) word hiermee gewysig deur die skraping van die daarin voorkomende definisie van die woord “Administrateur”.

3. Hierdie Proklamasie mag vir alle doeleindes aangehaal word as die Interpretasie van Wette Wysigings Proklamasie, 1926.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek, hierdie 3de dag van Augustus, 1926.

A. J. WERTH,
Administrateur.

No. 12 van 1926.]

NADEMAAL dit wenslik is voorsiening te maak vir die omheining van streke gereserveer as naturelleservate;

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

1. In hierdie Proklamasie, tensy in stryd met die samehang—

het “koste” dieselfde betekenis as wat daaraan in die Omheinings Wet gegee is;

beteken “tussenheining” 'n heining volgens die spesifikasies uiteengesit in die omskrywing van “tussenheining” in artikel twee van die Omheinings Wet, opgerig op of so na as moontlik by enige grenslyn van 'n naturelleservaat, en wat dié servaat van enige aangrensende grond skei, insluitende enige nodige hek in so 'n heining;

beteken “Omheinings Wet” die Omheinings Proklamasie, 1921, (Proklamasie No. 57 van 1921) soos gewysig deur die Omheinings Proklamasie Wysigings Proklamasie 1923 (Proklamasie No. 13 van 1923) en die Omheinings Proklamasie Wysigings Proklamasie 1925 (Proklamasie No. 18 van 1925);

het “besitting” dieselfde betekenis as wat in die Omheinings Wet daaraan gegee is;

beteken “Naturelleservaat” enige streek land wat aan die Administrasie van Suidwes Afrika behoer, en wat vir gebruik van naturelle deur die vorige Goewerment van die Protektoraat van Duits Suidwes Afrika gereserveer is en wat as 'n naturelleservaat deur die Administrateur goedgekeur is, en enige streek land wat aan genoemde Administrasie behoer en wat as 'n naturelleservaat ooreenkomstig die voorsienings van die Naturelle Administrasie Proklamasie 1922 (Proklamasie No. 11 van 1922) deur die Administrateur gereserveer is, of wat hierna ooreenkomstig die voorsienings van gemelde Proklamasie of enige wysiging daarvan gereserveer mag word;

het “eienaar” dieselfde betekenis as wat in die Omheinings Wet daaraan gegee is.

2. Nieteenstaande enigiets in artikel een-en-veertig van die Omheinings Wet en met inagneming van die voorsienings van hierdie Proklamasie het die Administrasie van Suidwes Afrika ten aansien van 'n naturelleservaat en

Aanhef.

Definiesie van sekere uitdrukings.

Wysiging van artikel twee van Proklamasie No. 37 van 1920.

Korte tiel.

Aanhef.

Woordbepalings.

Administrasie geag eienaar van naturelleservate te wees.

any holding adjoining such native reserve, be entitled to all rights conferred, and be subject to all obligations and duties imposed by the Fencing Law on an owner of a holding, as though such native reserve were a holding of which the said Administration is the owner: Provided that for the purposes of the application of the provisions of section four, sub-section (5) of section six and section eight of the Fencing Law both the Administration and the owner of the holding from which a native reserve is separated by a dividing fence shall in all cases be deemed to have adopted means whereby that fence has been rendered of beneficial use to themselves and the fence shall be deemed to be of equal value to each of them. Any expense incurred by the Administration under this section in connection with any dividing fence separating a native reserve from an adjoining holding except such part of such expense as is recoverable by the Administration from the owner of any such holding, shall be recoverable by the Administration from the fund established for that native reserve under section one of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924). If the Administrator shall deem it inadvisable to recover the whole or any portion of such claim from such fund, the amount not so recovered, together with the interest thereon for which the Administration has become liable to the Land and Agricultural Bank of South West Africa, shall be recoverable by means of a rate as provided in section five hereof.

3. It shall be lawful for the Administration of South West Africa, in cases where a native reserve adjoins other land vested in the Administration, to erect and maintain in proper repair a dividing fence separating that native reserve from such other land, and one-half of the cost thereby incurred by the Administration shall be recoverable by the Administration from the fund established for that native reserve under section one of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924). If the Administrator shall deem it inadvisable to recover the whole or any portion of such claim from such fund, the amount not so recovered, together with the interest thereon for which the Administration has become liable to the Land and Agricultural Bank of South West Africa, shall be recoverable by means of a rate as provided in section five hereof.

4. It shall be lawful for the Land and Agricultural Bank of South West Africa to make to the Administration of South West Africa an advance for the purpose of defraying the expense incurred by that Administration in connection with any dividing fence separating a native reserve from any other land.

5. (1) It shall be lawful for the Administrator, for the purposes referred to in sections two and three hereof by notice in the Gazette to levy an annual rate upon every native adult male resident in a native reserve and upon the owner of any stock habitually kept therein, who is not resident in such native reserve.

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

(3) The notice of such levy shall fix the date upon which the rate shall fall due.

(4) The rate shall be payable at the office of the magistrate of the district in which the native reserve is situated or at the office of the superintendent of the native reserve.

(5) It shall be lawful for the magistrate of the district in which the native reserve is situated to exempt from payment of the rate any person who is in indigent circumstances and is prevented from working by reason of age, infirmity, chronic disease or other good cause.

(6) Any person who has not been exempted under the provisions of sub-section (5) and who fails to pay the rate due by him shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month: Provided that no person shall be liable to be prosecuted for non-payment of the rate due by him until sixty days shall have expired from the date on which the rate became due. The court shall on passing sentence give judgment for the amount of the rate, and such judgment shall thereafter be executable in all respects as if it were a civil judgment of the magistrate's court for the district in which the native reserve is situated.

6. All the provisions of the Fencing Law relating to the determination and enforcement of rights, or making punishable any act or omission in respect of any fence, shall, *mutatis mutandis*, and subject to the provisions of this Proclamation, apply, respectively, to the determination and enforcement of any rights arising under this Proclamation, and to any act or omission in respect of any dividing fence separating a native reserve from any other land; and, generally, all the provisions of the Fencing Law relating to fences shall, *mutatis mutandis*, and subject to the provisions of this Proclamation, apply to any fence erected under the provisions of this Proclamation.

7. Where any land adjoining a native reserve is held under lease and is fenced under this Proclamation, the lessor shall be entitled during the term of the lease to receive from the lessee, as from the date when such land became so fenced, a payment of six per cent per annum on any sum which such lessor has paid in respect of the fence. The

teenoor die eenaar van 'n besitting wat aan so 'n naturelle-reservaat grens, al die regte wat verleen is deur, en is hy onderworpe aan al die verpligtings en pligte wat deur die Omheinings Wet aan of op 'n eenaar van 'n besitting respektieflik verleen of opgelê word, asof so 'n naturelleservaat 'n besitting was waarvan die Administrasie die eenaar is: Met die verstande, dat vir die toepassing van die voorsienings van artikel vier, sub-artikel (5) van artikel ses en artikel ag van die Omheinings Wet, dit in alle gevalle beskou moet word dat die Administrasie, sowel as die eenaar van die besitting wat deur 'n tussenheining van die reservaat geskei is, sodanige stappe geneem het dat die heining van nû vir hulle is en dat beskou moet word dat die heining vir hulle albei van gelyke waarde is. Die Administrasie kan enige uitgawes wat hy onder hierdie artikel in verband met enige tussenheining, wat 'n reservaat van 'n aangrensende besitting skei, gemaak het, van die fonds gestig vir daardie naturelleservaat onder artikel een van die Naturelle Reserve Trustfonds Administrasie Proklamasie 1924 (Proklamasie No. 9 van 1924) terugkry, behalwe so 'n gedeelte van sulke uitgawes as wat die Administrasie van die eenaar van enige sulke besitting kan invorder. As die Administrateur dit nie raadsaam ag nie om die gehele of enige gedeelte van so 'n vordering van so 'n fonds terug te kry, dan kan die bedrag wat nie so teruggekry is nie tesame met die rente daarop waarvoor die Administrasie by die Land- en Landboubank van Suidwes Afrika aanspreeklik geword is, by wyse van 'n belasting, soos in artikel vyf hiervan voorsien is, teruggekry word.

3. In gevalle waar 'n naturelleservaat aan grond grens wat aan die Administrasie behoort, is die Administrasie van Suidwes Afrika bevoeg, 'n tussenheining, wat die naturelle-reservaat van sulke grond skei, op te rig, en in 'n deeglike toestand te hou, en een helfte van die koste wat die Administrasie daardeur gehad het, kan hy van die fonds, wat vir daardie naturelleservaat onder artikel een van die Naturelle Reserve Trustfonds Administrasie Proklamasie 1924 (Proklamasie No. 9 van 1924) gestig is, terugkry. As die Administrateur dit nie raadsaam ag nie om die gehele of enige gedeelte van so 'n vordering van so 'n fonds terug te kry, dan kan die bedrag wat nie so teruggekry is nie tesame met die rente daarop waarvoor die Administrasie by die Land- en Landboubank van Suidwes Afrika aanspreeklik geword is, by wyse van 'n belasting, soos in artikel vyf hiervan voorsien is, teruggekry word.

4. Die Land- en Landboubank van Suidwes Afrika is bevoeg aan die Administrasie van Suidwes Afrika 'n voorskot te maak om die koste te bestry, wat die Administrasie in verband met enige tussenheining, wat 'n naturelleservaat van enige ander grond skei, gehad het.

5. (1) Die Administrateur is bevoeg vir die doeleindes aangehaal in artikels twee en drie hiervan deur 'n kennisgewing in die *Offisiële Koerant* 'n jaarlikse belasting op elke volwasse manlike naturel woonagtig in 'n naturelleservaat en op die eenaar van enige vee, wat gewoonlik daar gehou word en watter eenaar nie in so 'n naturelleservaat woonagtig is nie, te lê.

(2) Die bedrag van die belasting is soos die Administrateur van tyd tot tyd besluit en hoogstens twintig sjelings.

(3) Die kennisgewing van die belasting moet die vervaldag van die belasting vasstel.

(4) Die belasting moet by die kantoor van die magistraat van die distrik waarin die naturelleservaat geleë is of by die kantoor van die superintendent van die naturelleservaat betaal word.

(5) Die magistraat van die distrik waarin die naturelleservaat geleë is, is bevoeg enige persoon, wat in behoeftige omstandighede verkeer en weens ouderdom, siekheid, ongeneeslike siekte of enige ander goeie redes verhinder is te werk, van betaling van die belasting vry te stel.

(6) Iemand wat nie ooreenkomstig die voorsienings van sub-artikel (5) vrygestel is nie en wat in gebreke bly om die belasting te betaal wat hy moet betaal is skuldig aan 'n misdryf en word by skuldigbevinding gestraf met 'n boete van hoogstens vyf pond en by wanbetaling met gevangenisstraf met of sonder harde arbeid van hoogstens een maand: Met die verstande, dat niemand vervolgt kan word weens wanbetaling van die verskuldigde belasting voor sestig dae vanaf die vervaldag van die belasting verstryk is. By vonnis moet die hof vir die bedrag van die belasting uitspraak doen, en so 'n uitspraak kan daarna uitgevoer word in alle opsigte as of dit 'n siviele uitspraak is van 'n magistraatshof in die distrik waarin die naturelleservaat geleë is.

6. Alle voorsienings van die Omheinings Wet in verband met die bepaling en handhawing van regte of die strafbaar stel van enige handeling of versuim ten opsigte van enige heining, is *mutatis mutandis* en met inagneming van die voorsienings van hierdie Proklamasie, respektieflik, van toepassing op die bepaling en handhawing van enige regte wat deur hierdie Proklamasie ontstaan en op enige handeling of versuim ten opsigte van enige tussenheining, wat 'n naturelleservaat van enige ander grond skei; en in die algemeen is alle voorsienings van die Omheinings Wet met betrekking tot heinings *mutatis mutandis* en met inagneming van die voorsienings van hierdie Proklamasie van toepassing op enige heining, wat ooreenkomstig die voorsienings van hierdie Proklamasie opgerig is.

7. Die verhuurder van enige grond, wat aan 'n naturelleservaat grens en wat ooreenkomstig hierdie Proklamasie omhein is, het gedurende die huurtyd die reg om vanaf die datum dat genoemde grond omhein is, van die huurder 'n bedrag van ses persent per jaar op enige bedrag wat die verhuurder vir die heining betaal het, te ontvang. Die verhuurder

Erection of dividing fences between native reserves and other land vested in the Administration

Land and Agricultural Bank of South West Africa may make advances to the Administration.

Administrator may levy annual rate in native reserves.

Application of provisions of Fencing Law, *mutatis mutandis*.

Rights of lessor and lessee of land adjoining a native reserve.

Oprigting van tussenheinings tussen naturelleservate en ander grond aan die Administrasie behorende.

Land- en Landboubank van Suidwes Afrika kan aan die Administrasie voorskotte gee.

Administrateur mag jaarlikse belasting van naturelleservate hef.

Toepassing van bepalinge van Omheinings Wet *mutatis mutandis*.

Regte van verhuurder en huurder van grond aan naturelleservaat grensende.

lessor shall have the same rights in respect of recovering any such payment as he has in law to recover rent due to him from the lessee, and the lessee shall have the right to determine the lease, unless the lessor's liability to contribute towards the cost of the fence arose from any act of the lessee. The provisions of this section shall not apply to a case in which the land is held under lease or allotment from the Administrator, with an option to purchase the land, the instrument of lease or allotment being registered in the Deeds Registry.

Proclamation not to affect acts done or rights acquired prior to commencement thereof under contract, agreement or covenant.

8. Nothing in this Proclamation contained shall be construed as affecting any act done or right acquired prior to the commencement of this Proclamation under any contract, covenant or agreement.

Short title.

9. This Proclamation may be cited for all purposes as the Native Reserves Fencing Proclamation, 1926.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek, this 3rd day of August, 1926.

A. J. WERTH,
Administrator.

No. 13 of 1926.]

Preamble.

WHEREAS it is desirable to provide for the subdivision of commonages assigned to Small Settlements established in this Territory, and for the conditions of the allocation of any such subdivision;

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

Administrator may upon petition authorize subdivision of commonages assigned to Small Settlements.

1. The Administrator may, upon the petition of not less than three-fourths of the registered owners of the lots (Parzellen) in any Small Settlement (Klein-Siedlung) established by the late Government of the Protectorate of German South West Africa, authorize the subdivision of any commonage assigned to such Small Settlement into sections equal in number to the lots in such Small Settlement: Provided that the Administrator may, prior to subdivision, exclude from any commonage such portions thereof as are required for public purposes. Every such subdivision is hereinafter referred to as a commonage section. Any lot which may be vested in the Government of this Territory shall, on subdivision of the commonage as herein provided, have allocated to it such commonage section as would be allocated to it, if such lot were owned by a private person. For the purposes of the petition praying for subdivision of the commonage, the Government of this Territory shall be regarded as consenting to the subdivision.

Subdivisions and allocations to be carried out by committees.

2. Every subdivision of a commonage authorized under section one, as well as the allocation of a commonage section to a lot, shall be carried out by a committee consisting of—

- a member (to be appointed by the Administrator) of the Land Board constituted under the Land Settlement Act, 1912, (Act No. 12 of 1912), of the Parliament of the Union of South Africa, as amended and applied to this Territory;
- the magistrate of the district in which the said commonage is situate;
- a duly qualified land surveyor appointed by the Administrator; and
- two owners of land elected in manner to be prescribed by the Administrator by regulation, by the registered owners of the lots and approved and appointed by the Administrator.

Safeguarding of rights conferred by existing title deeds. Value and extent of commonages to be taken into consideration.

The decision of the majority of the committee shall be the decision of the committee and shall be final and conclusive.

3. The Committee shall make provisions safe-guarding all rights conferred on any owner by any existing title deed and, for the purpose of effecting a fair and equitable division and allocation, the committee shall take into consideration the value as well as the extent of each portion of the commonage so to be divided and allocated.

Allocation of commonage sections to be notified in Gazette. Determination of communal rights. Surveyor-General may cause amended diagram of commonage to be issued before subdivision.

4. The allocation of commonage sections to lots by the committee shall be notified in the Gazette, and at the expiry of two months from the date of the Gazette in which the notice is published the communal rights hitherto exercised over the land subdivided shall cease and determine.

5. If it shall appear to the satisfaction of the Surveyor-General that the existing diagram of a commonage about to be subdivided as provided by this Proclamation is erroneous, he may, notwithstanding anything contained in any other law, cause an amended diagram to be issued in respect of such commonage before any subdivision of such commonage is effected.

6. The person registered as the owner of any lot at the date of the publication in the Gazette of the notice of the allocation of commonage sections to lots shall have the right to purchase the commonage section allocated to the lot owned by him from the Administrator, and the sale thereof by the Administrator to such owner shall take place under and be subject to the provisions of the Crown Land

het dieselfde regte om enige sulke betaling in te vorder as wat hy volgens wet het om die huur aan hom verskuldig van die huurder in te vorder, en die huurder het die reg om die huurkontrak te eindig, tensy hy enigiets gedoen het waardeur die verhuurder verplig is om tot die koste van die heining by te dra. Die voorsienings van hierdie artikel is nie van toepassing nie op 'n geval waar die Administrateur die grond verhuur of toeken met die keuse van koop en waar die huurkontrak of akte van toekenning in die Registrasiekantoor geregistreer is.

8. Niks in hierdie Proklamasie bevat word beskou enige effek of invloed te hê op enige handeling of regte voor die inwerking-treding van hierdie Proklamasie verrig of verkry kragtens enige kontrak, verdrag of ooreenkoms.

9. Hierdie Proklamasie mag vir alle doeleindes aangehaal word as die Naturelle Reservate Omheinings Proklamasie 1926.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek, hierdie 3de dag van Augustus, 1926.

A. J. WERTH,
Administrateur.

No. 13 van 1926.]

NADEMAAL dit wenslik is voorsiening te maak vir die onderverdeling van dorpsgronde toegeken aan Kleinnedersettings wat in hierdie Gebied ingerig is en vir die voorwaardes van die toekenning van enige sulke onderverdeling;

SO IS DIT dat ek, kragtens en ingevolge die bevoegd-hede aan my verleen, hierby proklameer, verklaar en bekend maak as volg:—

1. Die Administrateur mag ten gevolge van 'n petisie van nie minder dan drie-vierdes van die geregistreerde eenaars van die persele (Parzellen) in enige Kleinnedersetting (Kleinsiedlung) opgerig deur die gewese Regering van die Protektoraat van Duits Suidwes Afrika die onderverdeling magtig van enige dorpsgrond toegeken aan so 'n Kleinnedersetting in dieselfde aantal seksies as daar persele is in so 'n Kleinnedersetting: Met die verstande dat die Administrateur voor onderverdeling sodanige gedeeltes van enige dorpsgrond mag uithou as wat vir publieke doeleindes mag nodig wees. Elk sulke onderverdeling word hierna genoem 'n dorpsgrond seksie. Aan elke perseel wat aan die Regering van hierdie Gebied behoer word by onderverdeling van die dorpsgrond soos hierin bepaal, so 'n dorpsgrond seksie toegevoeg as wat aan die eenaar daarvan sou toegeken word as so 'n perseel die eiendom van 'n privaat persoon was. Vir die doeleindes van die petisie vir die onderverdeling van die dorpsgrond word dit beskou dat die Regering van hierdie Gebied die onderverdeling toestaan.

2. Elke onderverdeling van 'n dorpsgrond gemagtig kragtens artikel een sowel as die toekenning van 'n dorpsgrond seksie aan 'n perseel geskied deur 'n komitee bestaande uit—

- 'n lid (deur die Administrateur aangestel te word) van die Landraad ingestel onder die Kroongrond Nederzetting Wet, 1912 (Wet No. 12 van 1912) van die Parlement van die Unie van Suid-Afrika soos gewysig en toegepas op hierdie Gebied;
- die magistraat van die distrik waarin die genoemde dorpsgrond geleë is;
- 'n behoorlik gekwalifiseerde landmeter aangestel deur die Administrateur; en
- twee grondeenaars deur die geregistreerde eenaars van die persele volgens die wyse deur die Administrateur by regulasie voorgeskryf gekies en deur die Administrateur goedgekeur en aangestel.

Die beslissing van die meerderheid van die komitee is die beslissing van die komitee en is finaal en afdoende.

3. Die komitee moet voorsiening maak vir die beskerming van alle regte wat enige eenaar onder 'n bestaande transport verkry het en, om 'n billike verdeling en toekenning te laat geskied, moet die komitee die waarde sowel as die grootte van elke gedeelte van die dorpsgrond wat so verdeel en toegeken moet word in aanmerking neem.

4. Die toekenning van dorpsgrond seksies aan persele deur die komitee moet in die Offisiële Koerant bekend gemaak word en, na afloop van twee maande vanaf die datum van die Offisiële Koerant waarin die kennisgewing gepubliseer is sal die gemeenskaplike regte wat voorheen uitgeoefen is verval en ophou.

5. As die Landmeter-generaal oortuig is dat die bestaande kaart van 'n dorpsgrond wat op die punt staan verdeel te word soos in hierdie Proklamasie bepaal foutief is, mag hy nieteensaantde enigiets in enige ander wet vervat 'n verbeterde kaart van die dorpsgrond laat uitgee voordat enige onderverdeling daarvan plaas vind.

6. Die persoon wat op datum van publikasie in die Offisiële Koerant van die kennisgewing van die toekenning van dorpsgrond seksies aan persele as eenaar van enige perseel geregistreer is het die reg om die dorpsgrond seksie wat aan sy perseel toegeken is van die Administrateur te koop, en sodanige verkoping deur die Administrateur aan so 'n eenaar vind plaas kragtens en met inagneming van die voorsienings van die Kroongrond Beschikkings Ordonnantie,

Proklamasie geen effek op handeling gedane of regte verkry voor inwerking-treding hiervan kragtens kontrak, ens.

Korte titel.

Aanhef.

Administrateur mag op petisie daarom onderverdeling magtig van dorpsgronde toegeken aan Kleinnedersettings.

Onderverdeling en toekenning deur komitees uitgevoer te word.

Beskerming van regte deur bestaande transporte of grondbriewe verleen. Waarde en grootte van dorpsgrond moet in aggeneem word.

Toekenning van dorpsgrond seksies in Offisiële Koerant bekend gemaak. Gemeenskaplike regte hou op.

Landmeter-generaal mag gewysigde kaart van dorpsgrond laat publiseer voor onderverdeling.

Registered owners of lots may purchase commonage sections allocated to lots owned by them. Laws under which sales to take place.

Disposal Ordinance, 1903 (Ordinance No. 57 of 1903) of the Transvaal, as amended by the Crown Land Disposal Amendment Ordinance, 1906 (Ordinance No. 13 of 1906) of the Transvaal, and as amended and applied to this Territory by the Crown Land Disposal Proclamation, 1920 (Proclamation No. 13 of 1920), the Crown Land Disposal and Land Settlement Amendment Proclamation, 1920 (Proclamation No. 39 of 1920), and the Crown Land Disposal Amendment Proclamation, 1920 (Proclamation No. 54 of 1920): Provided that an owner who is entitled to purchase more than one commonage section may, in the discretion of the committee and if he so desires, have the sections which he may be so entitled to purchase surveyed in one block, and may, if he so desires, take out one title deed in respect of all such commonage sections.

Expenditure incurred by Government to be apportioned to commonage sections.

7. The expenditure incurred by the Government in connection with a commonage including the expenditure incurred by Government in effecting the subdivision of such commonage in accordance with the provisions of this Proclamation shall be apportioned by the Administrator to and among the commonage sections, and no title deed of a commonage section shall be issued unless the amount of the expenditure apportioned thereto and the registration fees and other charges incidental to the issue of such title deed have been paid.

Determination of rights of owners of lots to purchase commonage sections.

8. If the registered owner of a lot at the date of the publication in the Gazette of the notice under section four within a period of five years after the date of that publication fails to submit a written application to the Administrator to purchase the commonage section allocated to such lot, or fails to pay the expenditure referred to in section seven, the right of such owner to purchase the said commonage section shall determine and such commonage section shall thereupon become available for disposal under the laws mentioned in section six: Provided that no compensation shall be payable by the Government of this Territory for any improvements which may have been erected on or effected to the said commonage section.

Persons acquiring rights to obtain registered title to lots prior to publication of notice under section four deemed to have acquired rights to purchase commonage sections allocated to such lots.

9. Notwithstanding anything in this Proclamation contained, any person who, prior to the publication in the Gazette of the notice under section four shall have acquired by purchase or otherwise the right to obtain registered title to any lot to which, under the provisions of this Proclamation, any commonage section shall have been allocated shall be deemed to have acquired also the right to purchase the commonage section so allocated to such lot on the terms and subject to the conditions and obligations imposed upon the registered owner by sections six, seven and eight, and such right shall be deemed to be substituted for any rights over the commonage so acquired by purchase or otherwise.

Short title.

10. This Proclamation may be cited for all purposes as the Small Settlements Commonages Subdivision Proclamation, 1926.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek, this 3rd day of August, 1926.

A. J. WERTH,
Administrator.

1903 (Ordonnansie No. 57 van 1903) van die Transvaal, soos gewysig deur die Kroongrond Beschikkings Wysigings Ordonnansie, 1906 (Ordonnansie No. 13 van 1906) van die Transvaal, en soos gewysig en toegepas op hierdie Gebied deur die Kroongrond Beschikkings Proklamasie, 1920 (Proklamasie No. 13 van 1920), die Gewijzigde Kroongrond Beschikkings en Landnederzettings Proklamasie 1920 (Proklamasie No. 39 van 1920) en die Gewijzigde Kroongrond Beschikkings Proklamasie, 1920 (Proklamasie No. 54 van 1920): Met die verstande dat 'n eienaar wat geregtig is meer dan een dorpsgrond seksie te koop, mag as die komitee dit goedvind en as hy dit wil, die seksies wat hy so geregtig is te koop, in een blok laai uitmeet en mag as hy wil een transport van alle sulke dorpsgrond seksies uitneem.

7. Die onkoste wat die Regering in verband met 'n dorpsgrond, insluitende die onkoste by die onderverdeling van 'n dorpsgrond ooreenkomstig die voorsienings van hierdie Proklamasie, gemaak het, moet deur die Administrateur verdeel word onder al die dorpsgrond seksies, en geen transport van 'n dorpsgrond seksie word uitgereik tensy die bedrag van die onkoste daaraan toegeken en die registrasiefoeie en ander koste ontstaan deur die uitgee van so 'n transport, betaal is.

8. As die geregisterde eienaar van 'n perseel op die datum van publikasie van die kennisgewing onder artikel vier in die Offisiële Koerant binne 'n tydperk van vyf jaar vanaf die publikasie in gebreke bly om 'n skriftelike aansoek by die Administrateur in te dien om die dorpsgrond seksie wat aan so 'n perseel toegeken is te koop, of die onkoste genoem in artikel sewe nie betaal, dan vervel die reg van so 'n eienaar om so 'n dorpsgrond seksie te koop en so 'n dorpsgrond seksie is dan beskikbaar volgens die wette genoem in artikel ses: Met die verstande dat geen vergoeding vir enige verbeterings wat opgerig is op of gemaak is aan die genoemde dorpsgrond seksie deur die Regering van hierdie Gebied betaalbaar sal wees.

9. Nieteenstaande enigiets in hierdie Proklamasie vervat sal dit beskou word dat enige persoon wat voor publikasie van die kennisgewing onder artikel vier in die Offisiële Koerant die reg om transport te kry van enige perseel waaraan onder die voorsienings van hierdie Proklamasie enige dorpsgrond seksie toegeken is, deur koop of anders gekry het, ook die reg verkry het om die dorpsgrond seksie aldus toegeken aan so 'n perseel, te koop volgens en met inagneming van die voorwaardes en verpligtings op die geregisterde eienaar deur artikels ses, sewe en ag gelê en sodanige reg sal beskou word as vervangende enige regte oor die dorpsgrond wat also deur koop of anders verkry is.

10. Hierdie Proklamasie mag vir alle doeleindes aangehaal word as die Kleinndersettings Dorpsgronde Onderverdeling Proklamasie, 1926.

GOD BEHOEDE DIE KONING.

Gegee onder my hand en seël te Windhoek, hierdie 3de dag van Augustus, 1926.

A. J. WERTH,
Administrateur.

Geregistreeerde eienaars van persele kan dorpsgrond seksies koop wat aan persele deur hulle geëien toegeken is. Wette waaronder verkoop kan plaas vind.

Uitgawe deur Regering behoort verdeel te word onder dorpsgrond seksies.

Wanneer reg van eienaar van persele om dorpsgrond seksies te koop ten einde loop.

Persone wat voor publikasie van die kennisgewing onder artikel vier die reg verkry het om geregistreeerde transport van persele te kry word geag die reg te hê om dorpsgrond seksies aan sodanige persele toegeken te koop.

Korte tiel.

Government Notices.

The following Government Notices are published for general information.

H. P. SMIT,
Secretary for South West Africa.

Administrator's Office, Windhoek,

No. 1284.] (Union.) [21st July, 1926.

DEPARTMENT OF CUSTOMS AND EXCISE. WITHDRAWAL OF PREFERENCE ON AUSTRALIAN GOODS.

It is hereby notified for general information that in consequence of the Commonwealth Government having withdrawn on the 1st July, 1926, the preferential tariff rates on goods produced or manufactured in the Union, when imported into Australia, the preferential rebates of duty specified in Part III of the Second Schedule to the Customs Tariff and Excise Duties Amendment Act, No. 36 of 1925, as being granted on Australian products and manufactures when imported into the Union, are withdrawn as from the 1st July, 1926, except in the case of goods shipped from Australia before that date.

Attention is also directed to the fact that under the provisions of section one (b) of Act No. 34 of 1926, the preferential rebates of duty set forth in Parts II and IV of the Second Schedule to Act No. 36 of 1925, that is, on butter, cheese, hops, meats (other than bacon and hams), wheat, wheaten flour, farinaceous and cereal foods, unmanufactured wood, seaming and binding twine, and harvest yarn, are granted on these articles, when grown, produced, or manufactured in and imported from the Untied Kingdom into the Union.

Goewermentskennisgewinge.

Die volgende Goewermentskennisgewinge word vir algemene informasie gepubliseer.

H. P. SMIT,
Sekretaris vir Suidwes Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 1284.] (Unie.) [21 Julie, 1926.

DEPARTEMENT VAN DOEANE EN AKSYNS. TERUGTREKKING VAN VOORKEUR OP AUSTRALIESE GOEDERE.

Hiermee word vir algemene inligting bekendgemaak dat ingevolge die Gemenebes-goewerment vanaf 1 Julie 1926, die voorkeur-tarifregte teruggetrek het op goedere geproduseer of gefabriseer in die Unie, by invoer in Australië, die voorkeurtrekking van regte gespesifiseer in deel III van die tweede bylae van die Doeane- en Aksyns Wysigingswet, No. 36 van 1925, toegestaan aan Australiese produkte en vervaardigings by invoer in die Unie is teruggetrek vanaf 1 Julie 1926, behalwe in die geval van goedere verskeep van Australië voor daardie datum.

Aandag word ook gevestig op die feit kragtens die bepalinge van artikel een (b) van Wet No. 34 van 1926, waarop die voorkeurtrekking van regte uiteengesit in deel II en IV van die tweede bylae tot Wet No. 36 van 1925, naamlik op botter, kaas, hops, vleis (ander dan spek en ham), koring, meelblom, meelhoudend en eetbare graangewas, onbewerkte hout, soom en paktou en bindtouw, toegestaan word op die artikels wanneer voortgebring, geproduseer of vervaardig in die Verenigde Koninkryk en ingevoer in die Unie.

Terugtrekking van voorkeur op Australiese goedere.

Withdrawal of preference on Australian goods.