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in Military Occupation of the Union Forces

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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. 1 of 1920.]

WHEREAS it is desirable to make further provision for the framing of Rules of Court.

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

1. Notwithstanding the provisions in section 9 (2) of the Administration of Justice Proclamation, 1919 contained, the Judge of the High Court of South-West Africa may, subject to the approval of the Administrator, frame further Rules for the conduct of the proceedings of Magistrates' Courts within the Protectorate and amend, add to or repeal any Rules of the said Courts which may be in force for the time being.
2. The Judge of the High Court of South-West Africa may, subject to the approval of the Administrator, frame Rules touching all such matters as in the Union of South Africa may lawfully be provided for by Rules of Court.
3. This Proclamation may be cited for all purposes as the "Rules of Court Proclamation, 1920".

GOD SAVE THE KING.

Given under my hand at Windhuk this 2nd day of January, 1920.

E. H. L. GORGES
Administrator.

2 of 1920.]

WHEREAS certain claims have been preferred to Protectorate Administration for losses alleged to be sustained by non-combatants during military operations in South-West Africa in 1914 and 1915,

AND WHEREAS it is desirable to cause enquiry made into such claims,

NOW THEREFORE under and by virtue of the powers in me vested, I do hereby declare, proclaim and make known that I have appointed a Commission consisting of James Collie, Esquire (who shall be Chairman); Andries Petrus Olivier, Esquire, M. P. C. and Lieutenant-Colonel Jacobus Andries Diederick Kruger, D. S. O., to enquire into, assess and make recommendations for satisfying

- (1) claims by British, Allied or Neutral subjects for losses sustained directly attributable to military action in South-West Africa during the 1914 and 1915 campaign;
- (2) claims in respect of property bona fide requisitioned or commandeered for the service of the Union Forces in the field.

AND I do hereby further declare, proclaim and make known as follows:—

The Commission shall not make recommendations in respect of claims

- (1) in which the property requisitioned or commandeered had been used for military purposes by the enemy;
- (2) in which enemy property was looted;
- (3) in which the damage done to or the loss sustained in respect of enemy property was the result of military action other than bona fide requisitioning or commandeering for the service of the Union Forces in the field;
- (4) for indirect losses sustained by any claimants, enemy or other.

To enable the said Commissioners the better to carry out the objects of their enquiry they shall have the power to summon before them witnesses, to examine such witnesses on oath, such oath to be administered by the Chairman or any member of the Commission, to call for, have access to and examine all books, documents, registers and records, to inspect property and generally to do all such things and exercise all such powers as may be necessary to enable them the better to execute their duties.

The laws and rules obtaining in the courts of the magistrates of the Protectorate shall mutatis mutandis apply to procuring the attendance before the Commission of witnesses; their examination, and the production of their books, documents, registers and records; and for that purpose the Chairman or the Secretary of the Commission shall have power to sign all such documents as may be necessary for the purpose

of the enquiry in the same manner as the magistrate or his clerk has power so to do under the rules obtaining in the magistrates' courts. Any process to be served for purposes of the enquiry shall be served as if it were process of a magistrate's court in the district of service.

Officials of the Protectorate are hereby required to render all due assistance to the Commission to enable them to execute the powers committed to them.

Any person who refuses to comply with any lawful summons or order of the Commission, or who without lawful excuse fails or neglects to comply with any such summons or order shall be guilty of an offence

and upon conviction shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

No person shall be entitled to demand payment in respect of any recommendation made by the Commission.

GOD SAVE THE KING.

Given under my hand at Windhuk this 6th day of January, 1920.

E. H. L. GORGES
Administrator.

Government Notices.

The following Government Notices are published for general information.

J. F. HERBST
Secretary for the Protectorate.

Administrator's Office,
Windhuk.

No. 3.] [2nd January, 1920.

TARIFF FOR OFFICE OF REGISTRAR OF THE HIGH COURT.

The Administrator has approved of the following tariff of fees to be received under section 3 (8) of the Administration of Justice Proclamation, 1919, by the Registrar of the High Court of South-West Africa on behalf of the Administration in stamps to be affixed to the documents named:—

	£	s	d
For every summons for a defendant or witness	0	5	0
For every warrant of attorney to sue or defend	0	3	0
For every declaration, special case, first plea or subsequent pleading	0	5	0
For every notice, entering or setting down any case for hearing, trial, argument or judgment	0	5	0
For every affidavit	0	3	0
For every certified copy of any document not exceeding four folios	0	5	0
For every additional folio	0	1	0
For every writ or process of execution, writ of arrest, or for the attachment of the person, or of property to found jurisdiction	0	5	0
For every bond of security for restitution	0	5	0
For affixing the Seal of the Court to Commissions for examination of witnesses	0	5	0
For every order of rehabilitation or release from sequestration of an insolvent	1	0	0
For every other rule or order of Court	0	5	0
Searching for an entry, record or document:			
Through one year	0	2	0
For every additional year	0	1	0
For every petition, memorial, notice of motion, or other application to the Court, filed	0	3	0
For every certificate of completion of security on application for rehabilitation	0	5	0
On every balance sheet on application for rehabilitation	0	5	0
On bills of costs, for each £1 or fraction of £1 allowed on taxation	0	1	0
On any separate certificate of the amount at which costs have been taxed	0	1	0

The stamps in respect of search fees shall be affixed in a book to be kept by the Registrar.

No. 4.] [2nd January, 1920.

TARIFF FOR OFFICE OF SHERIFF OF THE PROTECTORATE.

The Administrator has approved of the following tariff of fees in proceedings in execution of immovable property to be received under section 5 of the Administration of Justice Proclamation, 1919, by the Sheriff of the Protectorate of South-West Africa on behalf of the Administration in stamps to be affixed to the documents named:—

	£	s	d
On extract or certificate from debt registry	0	5	0
On copy of writ filed	0	5	0
On report of sale to Court	0	10	0
On plan of distribution of proceeds of sale, two pounds and ten shillings per £100 on amount received and distributed when such amount does not exceed £250, and one pound per hundred pounds in addition upon the excess of such amounts beyond £250.			
On report of account to the Court	0	10	0

No. 5.] [2nd January, 1920.

TARIFF FOR THE ADMISSION OF PRACTITIONERS.

Under and by virtue of the powers conferred by section 11 (10) of the Administration of Justice Proclamation, 1919, the Administrator has prescribed the following tariff of fees to be paid by practitioners in accordance with the provisions of the said section:—

	£	s	d
For admission to practise as an Advocate	10	0	0
For admission to practise as an Attorney	10	0	0
For admission to practise as a Notary Public	5	0	0
For admission to practise as a Conveyancer	5	0	0
For admission to practise as a Sworn Translator	1	0	0

No. 6.] [2nd January, 1920.

The Administrator has approved of the Rules here to appended, framed by the Judge of the High Court of South-West Africa under the provisions of section 5 (5) of the Administration of Justice Proclamation, 1919 and of the Rules of Court Proclamation, 1920.

RULES OF THE HIGH COURT OF SOUTH WEST AFRICA.

1. The Rules of the Cape of Good Hope Provincial Division of the Supreme Court of South Africa at the date of the promulgation hereof shall *mutatis mutandis* be of force in this Court save in so far as they are repealed, amended or added to by rules framed by the Judge of this Court.