

Southwest Africa (Protectorate), 1915- ) Laws,  
" ) statutes, etc

Proclamations  
and  
Principal Government Notices  
issued in  
South West Africa  
1st January to 31st December, 1925.

---

Published by Order of His Honour the  
Administrator of South West Africa.

---

4/1/25  
3  
LL

**P. No. 17 of 1925.**

Gutzel	„ 130
Hermannsruh	„ 131
Farm	„ 132
to the south-eastern beacon of the last mentioned farm; thence generally westwards continuing along the boundaries of and including the farms	
Farm	„ 132
Farm	„ 133
Klein Swartmodder Ost	„ 134
Lidfontein	„ 136
Campbellsdrei	„ 137
Wohlfrieden	„ 138
to the south-western beacon of the last mentioned farm; thence generally northwards continuing along the boundaries of and including the farms	
Wohlfrieden	No. 138
Gomaub Sued	„ 139
Blankenese	„ 140
Hoachanas	„ 120
Bitterwasser	„ 116
Cumberland	„ 115
Uhlenhorst	„ 114
Kaukerus	„ 141
to the point of beginning.”	

**G. N. No. 106, 1925.**

No. 106.] [17. 8. 25.

**SOUTH WEST AFRICA CONSTITUTION.**

The following enactment of the Union Parliament, which applies to the Territory of South West Africa, is published for general information.

**Act No. 42 of 1925.**

No. 42 of 1925.] [Union Gazette No. 1496 of 5.8.1925.

**ACT.**

TO MAKE PROVISION FOR THE CONSTITUTION OF AN EXECUTIVE COMMITTEE, AN ADVISORY COUNCIL AND A LEGISLATIVE ASSEMBLY FOR THE MANDATED TERRITORY OF SOUTH WEST AFRICA; TO DEFINE THE POWERS, AUTHORITIES AND FUNCTIONS SEVERALLY OF THAT COMMITTEE, COUNCIL AND ASSEMBLY; AND TO MAKE OTHER PROVISIONS IN RESPECT OF THE ADMINISTRATION OF AND LEGISLATION FOR THAT TERRITORY.

**Preamble.**

WHEREAS under a mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles the Government of the Union of South Africa possesses full power of administration and legislation over the territory of South West Africa (in this Act hereinafter referred to as the territory) as an integral portion of the Union but subject to the terms of the said mandate:

AND WHEREAS by the Treaty of Peace and South West Africa Mandate Act, 1919 (Act No. 49 of 1919), of the Union Parliament, the Governor-General (being the Government of the Union) was authorized to give effect to the said mandate and in particular to make laws for the territory by proclamation and to delegate to others his authority on that behalf, subject to a provision that any such proclamation shall, as soon as may be, be laid before Parliament:

AND WHEREAS it is expedient that further authority should be conferred upon the Government of the Union in respect of giving effect to the said mandate, in that the Government

of the Union is, under the said mandate, to promote to the utmost the material and moral well being and the social progress of the inhabitants of the territory:

AND WHEREAS, to that intent, it is expedient that the European inhabitants of the territory should be admitted to representation in the administration of the territory and in a legislative body to make laws therefor, subject always to the provisions of the said mandate and to the provisions, exceptions, reservations and restrictions contained in this Act:

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

**AUTHORITY TO PROCLAIM CONSTITUTION.**

1. (1) The Governor-General is hereby authorized to declare by proclamation in the Gazette and in the Official Gazette of the territory, that there shall be constituted for the territory an Executive Committee, an Advisory Council and a Legislative Assembly.

(2) The said Executive Committee (hereinafter referred to as the Executive Committee), the said Advisory Council (hereinafter referred to as the Council) and the said Legislative Assembly (hereinafter referred to as the Assembly) shall be constituted severally as in this Act provided and shall severally have such powers, authorities and functions as are in this Act defined.

**EXECUTIVE COMMITTEE.**

2. (1) The Executive Committee shall consist of five members, namely, the Administrator of the territory appointed by the Governor-General (hereinafter referred to as the Administrator), and four other persons chosen by the Assembly in manner hereinafter provided, from amongst its own members, or otherwise, at its first meeting held after any general election of elective members of the Assembly.

(2) The Administrator shall be chairman of the Executive Committee, or, in his absence, any person appointed by the Governor-General to act as administrator or to be deputy-administrator.

(3) All the members of the Executive Committee other than the Administrator shall hold office for the duration of the Assembly and until their successors are chosen in the same manner: Provided that any casual vacancy among those members shall be filled by election by the Assembly if it is then in session or, if it is not then in session, by a person appointed by the Administrator from among the members of the Assembly, to hold office temporarily, pending such an election when the Assembly is next in session.

(4) The qualifications and disqualifications hereinafter provided for members of the Assembly shall apply to members of the Executive Committee other than the Administrator.

3. (1) The Administrator in Executive Committee shall carry on the administration of those matters in respect of which it is for the time being competent for the Assembly to make Ordinances.

(2) Subject to the provisions of this Act and especially to section six, the powers, authorities and functions (other than legislative powers) which, immediately prior to the date of the constitution of the Executive Committee, were vested in or exercised by the Administrator shall, as from that date and in so far as those powers, authorities and functions relate to matters in which it is competent for the Assembly to make Ordinances, be vested in the Administrator in Executive Committee.

**Act No. 42 of 1925.**

Power of Governor General to declare Constitution of Executive Committee, Advisory Council and Legislative Assembly for Territory.

Constitution of Executive Committee.

Powers and Functions of Executive Committee.

**Act No. 42  
of 1925.**

Voting and  
Procedure in  
Executive  
Committee.

Remuneration  
of Elected  
Members of  
Executive  
Committee.

Administrator  
to act until  
Executive  
Committee  
constituted or  
when no  
quorum.

Constitution of  
Council.

4. (1) Questions arising at a meeting of the Executive Committee shall be determined by a majority of votes of the members present, and, in the case of an equality of votes, the Administrator shall have also a casting vote.

(2) Three members of the Executive Committee (of whom the Administrator or the person appointed by the Governor-General to act as administrator or to be deputy-administrator shall be one) shall be a quorum at any meeting of the Committee.

(3) The Executive Committee may make rules, not inconsistent with this Act, for the conduct of its proceedings.

(4) Minutes of the proceedings of every meeting of the Executive Committee shall be kept, and in those minutes shall be recorded in both the official languages of the Union all decisions taken thereat and the voting thereon. Copies of such minutes shall be transmitted by the Administrator to the Governor-General.

5. Every member of the Executive Committee, other than the Administrator, shall receive from the Territory Revenue Fund formed as hereinafter provided, such remuneration as the Governor-General may from time to time determine.

6. (1) Until the first election of members of the Executive Committee the Administrator shall carry on the administration of the territory, subject to such instructions as he may receive from the Governor-General.

(2) In the event of so many casual vacancies on the Executive Committee that a quorum thereof cannot be formed for a meeting thereof the Administrator shall, subject to the instructions aforesaid, carry on the administration of the territory until the vacancies can be filled in accordance with this Act.

**ADVISORY COUNCIL.**

7. (1) The Council shall consist of eight members, viz.: the Administrator (who shall be chairman), the other members of the Executive Committee and three members appointed by the Administrator, subject to the approval of the Governor-General.

One member so appointed by the Administrator shall be an official who shall be selected mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the non-European races in the territory. The other two members may be selected by the Administrator from amongst members of the Assembly or otherwise: Provided that all three members appointed by the Administrator shall be persons ordinarily resident within the territory.

(2) Every member of the Council who is not a member of the Assembly, shall, before taking his seat, take and subscribe before the Administrator an oath or affirmation of allegiance in the form prescribed in section twenty for members of the Assembly.

(3) In the absence for any cause of the Administrator from any meeting of the Council, the members present shall choose a member to preside at that meeting.

(4) A member of the Council shall vacate his seat thereon—

- (a) if he is no longer ordinarily resident in the territory; or
- (b) if he becomes insolvent or assigns his estate for the benefit of his creditors, or makes an arrangement with his creditors; or
- (c) if he becomes of unsound mind, or is convicted of an offence and sentenced to imprisonment without the option of a fine; or

**Act No. 42  
of 1925.**

(d) if he is absent from four consecutive ordinary meetings of the Council without the leave of the Administrator; or

(e) if, in the case of any member other than the member appointed to represent non-European interests, he accepts an office of profit under the Administration of the territory or of the Government of the Union: Provided that membership of the Executive Committee or the receipt of a pension from the Territory Revenue Fund (formed as hereinafter provided) or from the Government of the Union shall not be deemed to be the holding of such an office of profit.

(5) If, by reason of death, resignation, or any other cause a nominated member of the Council vacates his seat upon the Council, his place shall be filled by the Administrator, subject to the approval of the Governor-General.

(6) The Administrator's Proclamation dated the third day of February, 1921, entitled the Advisory Council Proclamation, 1921, and any amendment thereof shall be withdrawn as from the date when the Council is constituted as in this section provided.

8. (1) The Council shall meet at such times and places as may from time to time be determined by the Administrator. Whenever practicable, due notice of every meeting shall be given by written communication served personally or sent by telegraph or registered post to each member.

(2) Four members of the council shall be a quorum at any meeting thereof.

(3) Any meeting of the Council may be adjourned from time to time as may be deemed necessary by the Council.

(4) The Administrator may, subject to the approval of the Governor-General, make rules prescribing the procedure at meetings, and regulating the conduct of the business, of the Council.

9. The duties and functions of the Council shall be to advise the Administrator in regard to—

- (a) those matters in respect of which the Assembly is not competent to make Ordinances, including matters of general policy and administration apart from routine matters of administration;
- (b) his assent to an Ordinance passed by the Assembly or its reservation for the signification of the pleasure of the Governor-General; and
- (c) any other matter upon which its advice may be requested by the Administrator.

10. Subject to the provisions of sub-section (4) of section seven, the members of the Council shall hold their seats thereon for the duration of the Assembly as provided under section fourteen and shall further continue to hold their seats until, after a general election of the Assembly, a new Council can be constituted in manner provided by section seven.

11. Every member of the Council (other than the Administrator) shall out of the Territory Revenue Fund formed as hereinafter provided, receive such remuneration as the Governor-General may, in each case, from time to time determine.

**DELIMITATION OF ELECTORAL DIVISIONS.**

12. (1) The Administrator shall, as soon as possible after the completion of the final lists at the first registration of voters under the Schedule to this Act appoint a person of judicial experience or an advocate of seven years standing and two

Meeting  
of  
Council.

Duties and  
Functions  
of  
the Council.

Duration  
of  
Office of  
Members  
of  
Council.

Remuneration  
of Members  
of  
the Council.

Delimitation  
of  
Electoral  
divisions.

**Act No. 42  
of 1925.**

other persons to be Commissioners for the purpose of dividing the territory into electoral divisions for the election of elective members of the Assembly.

(2) The Commissioners shall divide the territory into twelve electoral divisions each electing one elective member to the Assembly, and shall divide it in such a manner that there will be, as far as possible, an equal number of voters in each such division, due consideration being given by the Commissioners to community or diversity of interests.

(3) The Commissioners shall, when they have completed the duties so entrusted to them, submit to the Administrator—

(a) a list of the electoral divisions into which they have divided the territory, together with the name given by them to, and a description of the boundaries of, each such division;

(b) a map of the territory showing those boundaries; and

(c) such further particulars in relation thereto as they consider necessary.

(4) The Administrator may refer to the Commissioners for their consideration any matter relating to such list of electoral divisions or arising out of the duties aforesaid of the Commissioners.

(5) The Commissioners shall have the powers and jurisdiction of the High Court of the territory in relation to the summoning of witnesses, the production of documents and the administration of oaths to witnesses and the punishment of persons who disregard any summons to appear before them.

(6) The Administrator shall publish in the Official Gazette of the territory the names and the boundaries of the electoral divisions as finally settled.

**LEGISLATURE.**

13. (1) The Assembly shall consist of eighteen members.

(2) Six of those members (hereinafter referred to as the nominated members) shall be appointed by the Administrator subject to the provisions of section seventeen and to the approval of the Governor-General.

(3) The remaining twelve members (hereinafter referred to as the elective members) shall be persons directly chosen by voters of the territory qualified, enrolled, and voting in manner provided by the Schedule to this Act at elections held in electoral divisions delimited in accordance with the last preceding section.

14. (1) The Assembly constituted as aforesaid shall continue for a period of three years from the date of its first meeting after each general election and no longer.

Provided that the Assembly may, at any time before the expiry of that period but in special circumstances only, be dissolved by the Governor-General.

(2) Whenever such period has expired or the Assembly has been so dissolved, a new Assembly of nominated and elective members shall, without delay, be constituted and summoned, in manner prescribed by this Act.

15. (1) The nominated members of the Assembly shall hold their seats therein for the full period of its duration prescribed under the last preceding section or until its dissolution thereunder, subject, however, to the following provisions:—

(a) A nominated member of the Assembly may resign his seat therein by writing under his hand addressed to the Administrator and upon receipt of such resignation by the Administrator, the seat of such member shall become vacant.

(b) The seat of a nominated member of the Assembly shall ipso facto become vacant—

(i) if he ceases to possess the qualifications mentioned in or becomes disqualified under section seventeen; or

(ii) if he fails for a whole ordinary session to attend the sittings of the Assembly without special leave thereof; or

(iii) if his nomination is revoked by the Administrator with the approval of the Governor-General for cause assigned which shall be communicated to the Assembly.

(2) Whenever the seat of a nominated member of the Assembly has become vacant by death or under this section, the Administrator shall appoint, subject to the approval of the Governor-General, some other person qualified, and not subject to any disqualification (as in section seventeen provided) to fill the seat.

16. (1) The elective members of the Assembly shall be chosen by the persons qualified and enrolled as voters under the Schedule to this Act for the electoral divisions as delimited under section twelve, but subject always to the provisions of section seventeen.

(2) The election of elective members of the Assembly shall take place at such times as the Administrator shall, by proclamation in the Official Gazette of the territory, direct, subject to the provisions of section fourteen as to the duration of each Assembly and the dissolution thereof.

17. (1) Any person who is for the time being enrolled as a voter under the Schedule to this Act shall be qualified to be appointed as a nominated member or to be chosen as an elective member of the Assembly, provided he is not subject to any of the disqualifications specified in sub-section (2) of this section.

(2) A person shall be disqualified from being appointed as a nominated member or chosen as an elective member or if so appointed or elected, of sitting as a member of the Assembly if—

(a) he has been at any time convicted of any crime or offence for which he has been sentenced to death or to imprisonment without the option of a fine unless he has received a grant of amnesty or a free pardon or unless the imprisonment has expired at least five years before the date of such nomination or election; or

(b) he is an unrehabilitated insolvent; or

(c) he is of unsound mind and has been so declared by a competent court; or

(d) he holds any office of profit under the administration of the territory or of the Government of the Union: Provided that membership of the Executive Committee or of the Council or the receipt of a pension from the Territory Revenue Fund (formed as hereinafter provided) or from the Government of the Union shall not be deemed to be the holding of such an office of profit; or

(e) he ceases for any other reason to be qualified to be enrolled as a voter, notwithstanding that his name is still upon the voters' roll.

(3) A person who has acted as a registering or revising officer in connection with the framing or revision of a voters' list for any electoral division or a magisterial district included therein, shall be disqualified from being chosen as an elective member for that division as long as such list is the voters' roll or part of the voters' roll for that division.

**Act No. 42  
of 1925.**

Election of  
Elective Mem-  
bers of the  
Assembly.

Qualifications  
and disqualifi-  
cations of all  
Members of  
the Assembly.

Composition  
of Legislative  
Assembly.

Duration of  
Assembly.

Tenure of  
Seats of No-  
minated Mem-  
bers of the  
Assembly.

**Act No. 42  
of 1925.**Vacation of  
Seat by Elec-  
tive Members  
of the  
Assembly.

18. (1) An elective member of the Assembly shall ipso facto vacate his seat—

- (a) upon receipt by the Administrator of a writing under the hand of such member stating that he does so resign: Provided that such a member may not resign his seat while there are pending in respect of his election any legal proceedings in which it is claimed that the election should be set aside on the ground of corrupt or illegal practices; or
- (b) if he fails for a whole ordinary session to attend the sittings of the Assembly without special leave thereof; or
- (c) if he ceases to possess the qualifications, or becomes subject to the disqualifications, mentioned in section seventeen.

(2) Whenever the seat of an elective member becomes vacant or there is a vacancy caused by his death, the invalidity or setting aside of his election or otherwise, the Administrator shall cause all necessary steps to be taken, as prescribed in the Schedule to this Act, for filling the vacancy.

Sessions of  
Assembly.

19. (1) There shall be a session of the Assembly once at least in every financial year of the territory but so that a period of twelve months shall not elapse between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The first and every subsequent session of the Assembly shall be held at Windhoek and the first sitting thereof shall be on such date as the Administrator may fix by proclamation in the Official Gazette of the territory: Provided that for the first sitting of the first session, the date shall be so fixed as to be within two months after the first general election.

(3) The Administrator may from time to time by proclamation prorogue the Assembly.

(4) The Assembly may, by resolution passed at any sitting thereof, adjourn that sitting to such time or date as it may fix.

20. No nominated or elective member of the Assembly shall sit or vote therein until he has taken and subscribed before the Administrator or such other person as the Administrator may appoint for the purpose the following oath or affirmation:—

do swear

“I, A. B., \_\_\_\_\_  
solemnly and sincerely affirm and declare  
that I will be faithful and bear true allegiance to His Majesty  
King George the Fifth, his heirs and successors according  
to law, as holding on behalf of the Government of the  
Union of South Africa, the mandate for the territory of  
South West Africa.

(In the case of an oath)

“So Help me God.”

Oath to be  
taken by  
Members of  
the Assembly.Chairman of  
Assembly.

21. (1) The Assembly shall at its first sitting, before proceeding to the despatch of any other business, choose one of its members to be chairman of the Assembly until the expiry or dissolution thereof. In the event of a vacancy occurring in the office of a chairman of the Assembly another chairman shall be chosen in like manner.

(2) Until a chairman of the Assembly is elected as aforesaid the Administrator shall preside at its sittings.

(3) Save as is provided by sub-section (2), the chairman, or in his absence, some other member of the Assembly chosen by it for the purpose shall preside at all meetings thereof.

**Act No. 42  
of 1925.**Procedure in  
the Assembly.

22. (1) All questions in the Assembly shall be determined by a majority of the votes of the members present, other than the chairman or other person who may, under this Act, be presiding over the Assembly; but in the event of an equality of votes, the chairman or other such person presiding shall have a casting vote which he shall use.

(2) The Administrator and every member of the Executive Committee who is not a member of the Assembly shall have the right to take part in the proceedings of the Assembly but shall not have the right to vote therein, except that when presiding at a sitting under sub-section (2) of the last preceding section and there is an equality of votes on any matter among the members, the Administrator shall have and exercise a casting vote.

(3) The presence of at least nine members of the Assembly shall be necessary to constitute a sitting thereof for the exercise of its powers.

(4) All debates and transactions in the Assembly shall be conducted in the English and Dutch languages and all journals, entries, minutes and proceedings of the said Assembly shall be made and recorded in both such languages: Provided that any member may address the Assembly in the German language.

(5) The Assembly in its first session, and from time to time thereafter as occasion may require, shall adopt standing rules and orders not inconsistent with this Act, for the regulation and orderly conduct of its proceedings and dispatch of business, for the passing, entitling and numbering of Ordinances; and for the presentation of Ordinances to the Administrator for his assent. All such rules and orders shall be presented by the Assembly to the Administrator for his approval and, when his approval has been signified by him, shall become of force and effect.

(6) Subject to the provisions of this Act and of any such standing rules and orders, there shall be freedom of speech and debate in the Assembly and no member of the Executive Committee or of the Assembly shall be liable to any legal proceedings by reason of his speech or vote in the Assembly.

23. There shall, out of the Territory Revenue Fund formed as hereinafter provided, be paid on the last day of every session to every member of the Assembly (other than to one who is a member of the Executive Committee) an allowance to be fixed by the Governor-General based on the daily attendance of the member during the session or otherwise.

Payment of  
Allowances to  
Members.

24. Subject to the standing rules and orders of the Assembly the proceedings thereof shall be open to the public.

Proceedings of  
Assembly open  
to Public.

25. Subject to the provisions, restrictions, reservations and exceptions contained in this Act and subject also to the powers of disallowance reserved to the Governor-General as hereinafter provided, the Assembly shall have power to make laws, to be entitled Ordinances, for the territory.

Legislative  
powers subject  
to restrictions  
etc.

26. Except with the consent of the Governor-General previously obtained on any particular occasion and communicated to the Assembly by message from the Administrator, it shall not be competent for the Assembly to make an Ordinance in relation to any subject falling within the following classes of matters, i.e. to say—

- (a) native affairs or any matters specially affecting natives, including the imposition of taxation upon the persons, land, habitations or earnings of natives. Whenever any Ordinance of the Assembly imposes taxation upon persons, lands,

Matters per-  
manently re-  
served from  
legislation by  
Assembly.

**Act No. 42  
of 1925.**

habitations, or incomes or earnings generally, natives and their lands, habitations and earnings shall be exempt from its provisions;

- (b) mines, minerals, mineral oils and precious stones; or the moneys derivable therefrom or payable to the administration in respect of licences for prospecting or winning the same or as share of the produce thereof or any taxation in connection therewith;
- (c) the acquisition, construction, management, regulation, control and working of railways and harbours in the territory; and the organization, discipline and conditions of employment of and the payment of pensions, retiring allowances and financial benefits to persons in the employment of the railways and harbours administration;
- (d) the organization of and discipline and conditions of employment of persons in the public service who are serving in the territory and the payment of pensions, retiring allowances and financial benefits to such persons;
- (e) the constitution and jurisdiction of courts of justice, whether superior or inferior, and the practice or procedure to be observed therein;
- (f) the administration, management and working of the postal, telegraph and telephone services;
- (g) the establishment or control of any military organization in the territory;
- (h) the movements or operations of any unit of the South African Defence Forces within the territory;
- (i) the entry of immigrants into the territory or of other persons;
- (j) tariffs of customs and excise duties and the control and management of customs and excise;
- (k) currency and banking and the control of banking institutions.

27. (1) Except with the consent of the Governor-General previously obtained on any particular occasion, and communicated to the Assembly by message from the Administrator, the Assembly shall not, until the expiration of a period of at least three years from the date of the first sitting of the first session of the Assembly, be competent to make Ordinances in relation to any of the following subject-matters—

- (a) the establishment or control of any police force in the territory;
- (b) civil aviation;
- (c) primary or secondary education in schools supported or aided from the revenues of the territory;
- (d) the establishment, management or control of any land or agricultural bank in the territory;
- (e) the allotment, sale, lease or disposal of Government lands in the territory.

(2) At any time after the expiry of the said period of three years, if power has not been so conferred by the Governor-General upon the Assembly to make Ordinances in relation to any particular subject-matter specified in sub-section (1), then the Governor-General may, on a recommendation made by the Assembly and embodied in a resolution for which it is certified by the chairman thereof that not less than two-thirds of the members thereof voted, declare by proclamation in the Gazette and in the Official Gazette of the territory, the full competency of the Assembly to make Ordinances in respect of that subject-matter.

Matters temporarily reserved from legislation.

**Act No. 42  
of 1925.**

Manner in which the Territory Revenue Fund is to be appropriated.

(3) Save as is specially provided in this section the provisions thereof shall remain in operation after the said period of three years.

28. It shall not be lawful for the Assembly—

- (a) to originate or pass any Ordinance, vote, or resolution which has the effect of appropriating any part of the Territory Revenue Fund formed as hereinafter provided; or
- (b) to originate or pass any Ordinance, vote or resolution imposing any tax, duty, due or charge or burden on the people,

unless such Ordinance, vote or resolution has first been recommended to the Assembly by written message of the Administrator during the session in which it is proposed.

29. (1) The Assembly may, by resolution, recommend to the Governor-General or to the Administrator the issue of a proclamation enacting a law, or the amending or repealing of any law, relating to any matter in respect of which it is not competent to make Ordinances.

(2) In the event of any such proclamation being issued, a copy thereof shall be transmitted as soon as possible to the chairman of the Assembly who shall lay it before the Assembly for its information.

(3) The Assembly may further advise the Administrator in relation to such matters as the Administrator may refer to it for an expression of its views.

30. (1) The Administrator may, subject to any instructions which he may receive from the Governor-General, transmit by message to the Assembly the draft of any Ordinance on any subject in respect of which the Assembly is competent to make an Ordinance if it appears to him expedient that such a draft Ordinance be introduced, and every such draft of an Ordinance shall be taken into consideration by the Assembly in such convenient manner as is provided in that behalf by the standing rules and orders.

(2) All messages by the Administrator to the Assembly shall be communicated to the Assembly by the chairman thereof.

31 The draft of every Ordinance shall be printed and presented to the Assembly in both the official languages of the Union.

32. Whenever an Ordinance has been passed by the Assembly it shall be presented to the Administrator for his assent thereto and the Administrator shall, according to his discretion but subject to the provisions of this Act and to such instructions as he may from time to time receive from the Governor-General, declare that he assents to such Ordinance or that he reserves it for the signification of the pleasure of the Governor-General:

Provided that the Administrator may, before assenting to or before so reserving any Ordinance so passed and presented to him, suggest such amendments therein as he may deem necessary or expedient and shall communicate the same by message or in person to the Assembly. The amendments so suggested shall be taken into consideration by the Assembly in such convenient manner as is provided in that behalf by its standing rules and orders.

33. (1) Whenever an Ordinance has been reserved by the Administrator for the signification of the pleasure of the Governor-General, the Administrator shall forthwith transmit that Ordinance to the Governor-General, together with such explanatory observations thereon as may be necessary to indicate the scope, effect and reasons for the passing thereof.

Assembly may recommend to the Governor-General the Enactment of Legislation and advise the Administrator.

Administrator may transmit Ordinances to the Assembly.

Printing and Presenting to Assembly of all draft Ordinances.

Assent to or reservation by Administrator of Ordinances passed by Assembly.

Power of Governor-General to disallow or reserve for Consideration Ordinances assented to or reserved by Administrator.

**Act No. 42  
of 1925.**

(2) There is hereby reserved to the Governor-General full power and authority to declare within six months after the receipt by him of the Ordinance, with the explanatory observations aforesaid, that he allows the Ordinance or that he disallows the Ordinance or that he reserves it for further consideration. An ordinance so reserved by the Governor-General shall have no force or effect unless and until the Governor-General within a further period of six months from the date of his reservation, declares that he does not exercise his power of disallowance in regard thereto. Any declaration of the Governor-General under this sub-section shall be communicated to the Assembly by the Administrator and be published by proclamation in the Official Gazette of the territory.

(3) A return indicating the Ordinances which have been reserved for further consideration by the Governor-General or disallowed and the reasons for the reservation or the disallowance shall be laid upon the Tables of both Houses of Parliament as soon as possible after the reservation or disallowance.

(4) Copies shall also be so laid before Parliament of all Ordinances which, since the last preceding session of Parliament, have become law within the territory.

34. (1) The Administrator shall cause every Ordinance to which assent has been given by him or by the Governor-General to be published in the Official Gazette of the territory.

(2) Unless it is expressed in any Ordinance so published that its provisions shall come into operation on a specified date or on a date to be fixed by notice thereunder, the Ordinance shall commence and come into operation on the date of its first publication in the said Official Gazette.

35. As soon as possible after an Ordinance has been assented to by the Administrator or allowed by the Governor-General, the Administrator shall cause two fair copies of the Ordinance (one being in the one official language, and the other, being in the other official language of the Union) to be enrolled of record in the office of the registrar of the High Court of the territory; but the Administrator shall first sign one of such copies. Both such copies shall be conclusive evidence as to the provisions of the Ordinance but, in the case of conflict between the two copies thus enrolled, the copy signed by the Administrator shall prevail: Provided that the validity of any such Ordinance shall not be impaired or postponed by the non-enrolment thereof as aforesaid if the Ordinance has been published in the Official Gazette of the territory as provided in the last preceding section.

**FINANCE.**

36. (1) There shall be formed as from a date to be proclaimed by the Administrator a fund known as the Territory Revenue Fund into which shall be paid all revenues raised or received in and for the territory.

(2) The revenue fund of the territory existing at the date so proclaimed shall be part of and be incorporated in the Territory Revenue Fund formed under sub-section (1) of this section.

(3) The Territory Revenue Fund shall be appropriated for the purposes of the territory in manner prescribed by this Act.

(4) Subject to the provisions hereinafter contained as to the certification by the Administrator of amounts necessary to carry on public administration, no money shall be withdrawn from the Territory Revenue Fund except under appropriation made by law: Provided that until such appropriation has been made and for a period not exceeding two months after the

Promulgation  
and Operation  
of Ordinances.Copies of Ord-  
inances to be  
enrolled in  
High Court.Territory Re-  
venue Fund.**Act No. 42  
of 1925.**

end of a financial year but no longer, the Administrator may withdraw from that Fund moneys without such appropriation in order to meet expenditure on services in respect of which there has been an appropriation up to the end of that financial year: Provided further that until after the expiration of two months after the first sitting of the first session of the Assembly as hereinbefore provided, the Administrator may, unless such appropriation has been made earlier, draw from that Fund and expend such money, as may be necessary to carry on the public administration of the territory.

(5) No issue shall be made out of Territory Revenue Fund except in pursuance of a warrant under the hand of the Administrator directed to an officer of the public service serving under the administration of the territory.

37. The annual estimates of expenditure for the territory shall be prepared by the Administrator in consultation with the Council, and shall thereafter be submitted by him to the Assembly.

Estimates of  
Expenditure.

38. If the Assembly rejects or fails to pass—

(a) an Ordinance appropriating in any financial year moneys from the Territory Revenue Fund sufficient in the opinion of the Administrator to pay during that year the salaries and allowances of the Administrator, of the Judge of the High Court and of officers serving under the administration and to carry on the public administration of the territory and any other services which the Administrator certifies to be necessary in the interests of the territory or to meet any liabilities which have been incurred in or in respect of the territory or of any railway or harbour works therein; or

Provision if  
Assembly re-  
fuses or makes  
inadequate  
supply or fails  
to impose ade-  
quate Taxa-  
tion.

(b) an Ordinance imposing any tax to raise in any year revenue which the Administrator certifies to be, with other revenues, necessary for the purposes described in paragraph (a),

or though passing the Ordinance, passes it with amendments to which the Administrator personally is unable to agree, regard being had by him to the purposes aforesaid, the Administrator may transmit a full report in relation to the whole matter to the Governor-General and the Governor-General may, after consideration of that report and of any further report or recommendation on the matter, passed and transmitted by the Assembly by message, make a law, by proclamation under the powers reserved to the Governor-General under this Act, providing for such appropriation or such tax (as the case may be) as may in the opinion of the Governor-General be sufficient for the purposes mentioned in paragraph (a) or paragraph (b) of this section, (as the case may be).

**GENERAL.**

39. (1) The High Court of the territory shall have jurisdiction in all matters in which the validity of an Ordinance shall come into question.

Validity of  
Ordinances.

(2) No magistrate's court shall be competent to pronounce upon the validity of an Ordinance and every such court shall assume that every Ordinance is valid.

40. (1) All proclamations, Ordinances, regulations and notices for general information published in the Official Gazette of the territory, shall be in both official languages of the Union.

Language of  
Publications in  
Gazette, etc.

(2) Subject to the provisions of any rule of the High Court of the territory, the German language may, in addition to either

**Act No. 42 of 1925.** of the official languages of the Union, be used in addressing that Court by any party to any proceeding therein, or by his legal representative.

Representation on Railway Board.

41. In considering any matter relating to the acquisition, construction, management, regulation, control and working of the railways and harbours in the territory, the Railways and Harbours Board of the Union shall consult, in such manner as in the circumstances it may deem most expedient, the Administrator or any other person designated by him in any particular case.

Method of Voting for Members of Executive Committee.

42. (1) The election of members of the Executive Committee shall, whenever such an election is contested, be according to the principle of proportional representation, each voter having one transferable vote.

(2) The Governor-General shall make regulations prescribing the method of voting and of transferring and counting votes and the duty of the returning officer in connection with any such election and such regulations or any amendments thereof shall have the same force and effect as if they were in this Act set forth.

Provision as to Walvis Bay.

43. Notwithstanding anything to the contrary contained in any law—

(a) the port and settlement of Walvis Bay shall be deemed to form part of the territory for the purposes of this Act, and

(b) that part of the territory east of the twenty-first degree of east longitude and known as Caprivi Zipfel shall be deemed not to form part of the territory for the purposes of this Act.

Saving as to right of Union Government to administer and legislate.

44. (1) Nothing in this Act contained shall be construed as in any manner abolishing, diminishing or derogating from those full powers of administration and legislation over the territory as an integral portion of the Union which are conferred by the mandate hereinbefore recited and have been confirmed by the Treaty of Peace and South West Africa Mandate Act, 1919 (Act No. 49 of 1919), or as modifying any provision of that Act. Those full powers of administration and legislation are hereby expressly reserved to the Governor-General and may be exercised or delegated by him in accordance with that Act to the intent that by proclamation new laws may be made for the territory, existing proclamations may be repealed, amended or modified, or any Ordinance made by the Assembly and in force under this Act may be repealed, amended or modified. Every such proclamation of the Governor-General or of the Administrator shall, before it has the force of law in the territory, be published in the Official Gazette thereof.

(2) A proclamation of the Administrator or an Ordinance made by the Assembly shall, though promulgated, have effect in and for the territory so long and as far only as it is not repugnant to or inconsistent with a proclamation of the Governor-General, or an Act of the Union Parliament, applicable to the territory.

Amendment of Act.

45. After the expiration of a period of three years from the date of the first sitting of the first session of the Assembly, the Governor-General may, on a recommendation made by the Assembly and embodied in a resolution for which it is certified by the chairman thereof that not less than two-thirds of the members thereof voted, repeal or alter any provision of this Act except sections twenty-six and forty-four and this

section: Provided that the Governor-General shall not act upon such a recommendation unless the proposals contained therein have lain upon the Tables of both Houses of Parliament for a period of one month and during that period neither such House has expressed its disapproval of the proposals.

**Act No. 42 of 1925.**

46. This Act may be cited for all purposes as the South West Africa Constitution Act, 1925

Title.

## SCHEDULE.

PROVISIONS AS TO THE REGISTRATION OF VOTERS FOR THE ELECTION OF ELECTIVE MEMBERS OF THE ASSEMBLY INCLUDING THE PREPARATION AND REVISION OF VOTERS' ROLLS AND ENROLMENT OF VOTERS; AND AS TO THE CONDUCT OF ELECTIONS OF ELECTIVE MEMBERS OF THE ASSEMBLY.

### PART I.

QUALIFICATION AND DISQUALIFICATION OF VOTERS.

1. Every European male person who—

(a) has been resident in the territory for twelve months immediately prior to the date fixed under paragraph 3 of this Schedule for the commencement of the provisional list; and

(b) is twenty-one years of age or upwards at that date; and

(c) is a British subject,

as well as every male person who, under section two of Act No. 30 of 1924, became a British subject naturalized under Act No. 4 of 1910, shall be entitled to be registered as a voter unless in either case he is disqualified for any reason mentioned in paragraph 2 of this Schedule. But no person shall be entitled to be registered on more than one list or, if registered on more than one list, to vote in more than one electoral division.

### DISQUALIFICATION OF VOTERS.

2. No person shall be entitled to be so registered if he has been—

(1) convicted at any time of murder unless he has obtained a free pardon therefor;

(2) convicted at any time of any offence and sentenced to imprisonment without the option of a fine which imprisonment has not expired at least three years before the date of the commencement of registration, unless he has obtained a free pardon for that offence.

### PART II.

REGISTRATION OF VOTERS.

REGISTERING OFFICERS.

3. For the purpose of compiling a general register of voters for the first election of elective members for the Assembly and to enable the electoral divisions to be delimited in accordance with section twelve of this Act, the Administrator shall, as soon as possible after the promulgation of this Act, by notice in the Gazette enjoin and direct some fit and proper person (hereinafter referred to as the "Registering Officer") to make out in and for each magisterial district of the territory an alphabetical provisional list of all persons who are qualified to be registered as voters and who are bona fide residing in such district.

Such notice shall fix the date of the commencement of such list and the date of the completion thereof.

Upon the issue of such notice the Secretary for South West Africa shall cause a notice in terms of Annexure (A) to this Schedule to be inserted in English, Dutch and German in the Gazette and in some newspaper or newspapers circulating within such district, or to be given in such other manner as he may deem best for the purpose of general information.

#### PARTICULARS TO BE INSERTED IN PROVISIONAL LIST OF VOTERS.

4. The Registering Officer shall insert in the said list the name, residence, trade, profession or occupation of every person who is known, or on reasonable grounds is believed by him, to be entitled to be inserted therein.

#### PROVISIONAL LIST AND NOTICES TO BE POSTED IN PUBLIC PLACE.

5. (1) At the expiration of the time fixed by the notice aforesaid for the completion of the list aforesaid it shall be the duty of the Registering Officer to post and affix the same on the door of or in some conspicuous place near to his office or dwelling-house, or in some other public place or places within the district for which such list is framed. The said list shall remain so posted or affixed between the hours of seven in morning and five in the afternoon daily for a period of not less than five weeks.

Any claim by any person not included in the provisional list that his name shall be inserted therein shall be made within twenty-eight days from the date when the list was so posted.

(2) If any person during such period as aforesaid wilfully tears down, covers over, defaces or obliterates either wholly or in part any such list or any such other list or notice as is hereinafter mentioned, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(3) There shall be subjoined or annexed to every list posted under this paragraph a notice signed by the Registering Officer, which notice shall be in the English, Dutch and German languages, and shall be in substance as set forth in Annexure (B) to this Schedule.

#### CLAIMS AND OBJECTIONS.

6. (1) The form of claim to be registered as a voter and the form of objection to the name of any person inserted in the aforesaid list shall be annexed to the notice mentioned in the last preceding paragraph, and shall be in substance as set forth in Annexure (C) hereto, and shall be signed—

(i) in the case of a claim—

(a) by the claimant himself, if he is actually resident at the time in the territory; or

(b) if the claimant is temporarily absent from the territory, by a person resident therein authorized by such claimant in writing;

(ii) in the case of an objection, by the objector himself.

Every such form of claim or objection shall be signed in the presence of one witness at least.

(2) Any person delivering to the Registering Officer any claim to be registered as a voter may tender such claim in duplicate and it shall be the duty of the Registering Officer when a claim is so tendered to him, upon satisfying himself that the contents of the original and duplicate are alike, to retain the original and return the duplicate to the person who tendered it to him, having first signed the same and properly dated it.

(3) Every claim to be registered as a voter lodged with the Registering Officer shall be open to public inspection at the office or house of the Registering Officer or at such convenient place within the magisterial district as may be publicly notified by the Registering Officer between the hours of ten in the morning and five in the afternoon, excepting Sunday, for the period between the last day for sending in claims and the day fixed by the Registering Officer for lodging objections.

(4) It shall be the duty of the Registering Officer to receive and deal as directed by this Schedule with all claims to be registered as voters which are lodged with him within the period prescribed for lodging claims, whether such claims are transmitted through the post or delivered or sent to him in any other manner. If a claim lodged with the Registering Officer as aforesaid has been duly signed, filled in and witnessed, and if the registering officer is satisfied after due enquiry, that the claimant is qualified to be registered as a voter in the division, he shall allow the claim and include the name of the claimant in the list of allowed claims to be framed in accordance with paragraph 7. If the claim is not duly signed, filled in and witnessed, or if the Registering Officer is not satisfied that the claimant is so qualified, he shall disallow the claim and include the name of the claimant in the list of disallowed claims to be framed in accordance with the said paragraph 7.

#### REGISTERING OFFICER'S DUTY AFTER CLAIMS DEALT WITH.

7. As soon as possible after the latest day for the lodging of claims the Registering Officer shall frame—

(a) an alphabetical list of all claims so lodged which have been allowed by him;

(b) an alphabetical list of all claims so lodged which have been disallowed by him.

The last mentioned list shall state in each case the reason for the disallowance. The lists mentioned in (a) and (b) shall be, respectively, in the forms set forth in Annexures (D) and (E) to this Schedule.

#### LISTS OF ALLOWED CLAIMS AND DISALLOWED CLAIMS TO BE POSTED UP.

8. (1) The Registering Officer shall cause copies of the alphabetical lists framed under paragraph 7 to be posted or affixed in the same place or places where the provisional list framed by him was posted or affixed, and as close as possible to the said provisional list. Those three lists shall, until the close of the latest day for lodging objections, remain so posted or affixed between the hours of seven in the morning and five in the afternoon daily.

(2) Subjoined or annexed to such lists posted or affixed as aforesaid shall be a notice signed by the Registering Officer which shall be written in the English, Dutch and German languages and shall be in substance as set forth in Annexure (F) to this Schedule, and shall state the designation or name of the Revising Officer appointed, and the date, time and place on and at which the Revising Officer has notified that he will attend for the purpose of amending, revising and settling the voters' list for the magisterial district. The said date shall not be less than fourteen days after the latest day for lodging objections fixed in the notice mentioned in paragraph 5 (3). The notice shall invite persons desiring to establish claims or objections to attend personally or by agent authorized thereto in writing, at

**Act No. 42  
of 1925.**

the time and place specified. The notice shall, not less than fourteen days before the date fixed for the holding of the revision court as herein provided, also be published by the Registering Officer in the Gazette and in some newspaper circulating in the magisterial district. Such notice shall be published as often as the Registering Officer may deem necessary.

(3) The Registering Officer shall also give notice by letter through the post or delivered in such other manner as he may determine—

- (a) to all persons whose claims have been disallowed by him;
- (b) to all persons who have objected in writing to the right of any person enrolled on the provisional list to be so enrolled, or to the right to be registered as a voter of any person whose name has been included in the list of claims allowed by the Registering Officer;
- (c) to all persons who have been so objected to;

and the Registering Officer shall, in the notice referred to in (a) state the fact of and the grounds for the disallowance, and shall in the notice referred to in (c) state the ground of objection, and shall in every notice under this sub-paragraph state the date, hour and place fixed for the holding of the revision court as hereinafter provided.

#### REGISTERING OFFICER'S DUTY AFTER LISTS OF ALLOWED AND DISALLOWED CLAIMS POSTED UP.

9. Thereafter, the Registering Officer shall frame a complete alphabetical list, which shall be in substance in the form set forth in Annexure (G) to this Schedule, of all persons whose names have been included in the provisional list or list of allowed claims, and shall transmit to the Revising Officer appointed as in paragraph 11 is provided, such complete alphabetical list, together with a copy of the list of disallowed claims and the original claims and objections lodged with or handed in to him whether the claims have been allowed by him or not.

#### PRINTED FORMS OF CLAIMS AND OBJECTIONS TO BE DISTRIBUTED.

10. The Secretary for South West Africa shall, at a sufficient time before the preparation of the provisional lists as aforesaid, cause to be supplied to the Registering Officer of every magisterial district an adequate number of printed forms of claim and objection, as set forth in Annexure (C) to this Schedule; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any European resident of the magisterial district who applies for them.

#### REVISING OFFICER.

11. The Revising Officer shall be such person as the Administrator may, by notice in the Gazette, appoint.

#### DUTY OF REVISING OFFICER ON RECEIPT OF LISTS.

12. On receipt of the two lists and of the original claims and objections the Revising Officer shall post copies of the said lists and of the notice referred to in paragraph 8 (2) in some conspicuous position at or near the door of the court house of the magistrate of the district, and at such other places therein as he may deem best for purposes of general information.

#### PROCEEDING ON HEARING CLAIMS AND OBJECTIONS AND SETTLING LISTS.

13. Upon the day so notified as aforesaid the Revising Officer shall attend at the stated place and hold a Court for

**Act No. 42  
of 1925.**

the revision of the voters' list for the district for which he is appointed; and it shall be lawful for any person whose claim has been disallowed by the Registering Officer, and for every person who has objected in writing to the right of any person inserted in the said list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered and for any person who shall be so objected to to appear before the Revising Officer, who shall hear him, and, if he thinks fit take evidence on oath.

#### POWERS OF REVISING OFFICER FOR TAKING EVIDENCE.

14. The Revising Officer may, if he thinks fit, summon before him, and examine on oath, any person whom, in the course of such inquiry, he deems it necessary to examine, or may summon any person whom he has reasonable cause to believe is in possession of any document necessary for the purpose of such inquiry to produce such document and may impose a fine not exceeding £10 on any person duly summoned who, without lawful cause, refuses or neglects to attend, or to produce any such document aforesaid, or to answer any question material to such inquiry; and he shall determine all matters brought before him and revise and amend the voters' list according to law. The Revising Officer may adjourn his sitting from time to time. The Revising Officer shall transmit any such fine as is paid to him to a Receiver of Revenue, and shall certify under his hand particulars of any such fines not so paid to the magistrate of the district in which the Court of Revision is held, who shall thereupon recover such fines as if they were fines imposed in the court of any such magistrate.

#### PERSON WHOSE CLAIM DISALLOWED MUST PROVE HIS QUALIFICATION.

15. Every person whose claim has been disallowed by the Registering Officer, shall be bound to prove his qualification to the satisfaction of the Revising Officer; and should he not appear either in person or by an agent specially authorized in writing, then the claim of such person shall be dismissed.

#### WHEN OBJECTOR OR PERSON OBJECTED TO DOES NOT APPEAR.

16. If a person who has lodged a written objection with the Registering Officer shall not, either in person or by an agent specially authorized in writing, appear to make good his objection, then such objection shall, without requiring any appearance or proof on the part of the person objected to, be dismissed. If such objector appears, and if the person objected to does not appear, in person, then, in case the objector or his agent (if he has appeared by an agent) makes oath that to the belief of the deponent such ground of objection does really exist, then the Revising Officer may, after forthwith inquiring into the grounds of such belief, either at once allow the objection or dismiss it, or make such further enquiry on a subsequent day as appears just, giving in every case of a further enquiry notice to the person objected to of the date and place when such enquiry will be held.

#### COSTS.

17. It shall be lawful for the Revising Officer, should it appear to him fitting so to do, to adjudge to any person objecting or objected to such reasonable costs against the adverse party as such Revising Officer may tax and allow, and such costs shall be recoverable in the court of the magistrate

**Act No. 42 of 1925.** of the district in which the revision is held in like manner as costs in a civil action in such court on production to such court of the taxed bill of costs certified under the hand of the Revising Officer.

#### FURTHER DUTIES AND POWERS OF REVISING OFFICER.

18. The Revising Officer shall, in revising the voters' lists in addition to the powers conferred on him by the preceding paragraphs of this Schedule, perform the duties and have the powers following:—

- (1) He shall remove the name of every person, whether objected to or not, who he is satisfied is not qualified or is disqualified under this Schedule from being registered as a voter: Provided that before removing from a list the name of any such person the Revising Officer shall cause fourteen days' notice of the proposal to remove the name and the reasons thereof to be given to him personally or left in writing at the address of such person as given on the said list.
- (2) He shall remove the name of every person, whether objected to or not, who is proved to him to be dead.
- (3) Before proceeding with an enquiry into the validity of any objection he may call upon the person objecting to furnish security for the payment of any costs that he may be adjudged to pay.

#### PERSONS WHOSE NAMES APPEAR ON MORE THAN ONE LIST OF VOTERS.

19. No person shall be registered in more than one electoral division or magisterial district. Whenever it appears to the Secretary for South West Africa that any person is registered in more than one electoral division or magisterial district he shall cause inquiry to be made, and shall determine in which electoral division or district such person was in fact residing at the date of the commencement of the registration of voters and shall cause the name of such person to be removed from the list of voters of every electoral division or district in which it appears other than that of the electoral division or district in which he was in fact residing at the said date.

#### REVISING OFFICER MAY STATE CASE FOR OPINION OF A JUDGE IN CHAMBERS.

20. If the nature of any claim or objection is such that the Revising Officer is doubtful regarding the decision proper to be given upon it, it shall be competent for him to draw up a statement of facts, and such statement shall be signed by such Revising Officer in attestation of its correctness, and be transmitted by him to the Registrar of the High Court of South West Africa to be laid before the Judge of the High Court in Chambers. The Revising Officer shall in like manner state a case for the decision of the Judge of the High Court in Chambers at the request of any of the parties in any claim or objection, and such case when so stated shall be signed by the party at whose request it is stated, as well as by the Revising Officer.

#### PROCEDURE IN SUCH CASES.

21. Such Judge may, should the statement appear to him defective call for further information from the Revising Officer who transmitted it, and shall give such a decision as to him appears right and proper; the decision of such Judge shall be final and conclusive, and not subject to any right of appeal or revision, and every register of voters affected by such decision shall be amended accordingly.

#### PROCEDURE BY REVISING OFFICER.

22. The Revising Officer shall, in all matters connected with the revision of the voters' list, give his decision in open court and shall write his initials against every name struck out by him or added by him to any list and against every part of any list in which any material mistake has been corrected or material omission supplied and shall sign his name to every page of the list so settled, and shall then write or cause to be written at the foot of one of each list a certificate that the same has been revised and is correct and shall date and sign such certificate.

#### FINAL LISTS.

23. (1) The lists so settled, certified, dated and signed as aforesaid shall be the complete final register of voters and shall be forwarded by the Revising Officer to the Secretary for South West Africa.

(2) As soon as the electoral divisions have been delimited under section twelve of this Act, the said Secretary shall cause to be made from the said final register, a roll of voters for each electoral division as so delimited. Every such roll shall be in the form set forth in Annexure (H) to this Schedule, and shall for the purposes of Part III. of this Schedule be the voter's roll for the electoral division concerned.

24. There shall be a registration of voters in every electoral division commenced not later than two years after the date of commencement of the first general registration under this Schedule and thereafter there shall be an annual registration commenced not later than the last day of August in each year.

#### FRAMING OF LISTS AT SUBSEQUENT REGISTRATION OF VOTERS.

25. (1) It shall be the duty of the Registering Officer in framing the provisional list of voters at any registration of voters after the first registration made under this part of this Schedule to insert therein—

- (a) the names of all persons on the existing roll of voters for each electoral division, except the name of such persons as on the day upon which the registration of voters commences, to the best of his knowledge and belief—
  - (i) are dead;
  - (ii) do not reside in the said division;
  - (iii) are subject to any disqualification;
- (b) the names of all persons not on the existing roll of voters who, to the satisfaction of the Registering Officer, are qualified to have their names inserted on the roll of voters for such electoral division.

(2) Save as in sub-paragraph (1) of this paragraph provided, all the provisions hereinbefore contained in this Schedule in relation to the preparation and revision of lists of voters, the certifying and signing of the same and the preparation of voters rolls shall *mutatis mutandis* apply in respect of every such subsequent registration of voters for the several electoral divisions as delimited under section twelve of this Act. The annexed forms shall be appropriately altered for the preparation and revision of voters' lists and the making of a voters' roll for an electoral division at any such subsequent registration.

#### POWER OF REGISTERING OFFICER TO DEMAND INFORMATION CONCERNING VOTERS FROM OFFICIALS.

26. In the performance of his duty every Registering Officer shall have the power and is hereby required to demand any

**Act No. 42 of 1925.**

**Act No. 42 of 1925.** information necessary to enable him to identify any person or to ascertain the residence of any person or whether he is dead or whether he is qualified or disqualified to be registered or enrolled as a voter. Any person who wilfully omits or refuses or unreasonably delays to give such information as he possesses and as he is asked by any Registering Officer to give shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

#### PENALTIES.

27. If any Registering or Revising Officer, or any officer employed in connection with the registration of voters is guilty of any wilful misfeasance or wilful negligence, either in commission or omission in contravention of the provisions of this Schedule, or any regulations or instructions given thereunder, he shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds.

#### OFFENCES BY OFFICERS EMPLOYED IN REGISTRATION OF VOTERS.

28. If, in the opinion of the Secretary for South West Africa, any Registering Officer or Revising Officer or any other officer employed in connection with the registration of voters has been guilty of any wilful act or default contrary to the provisions of this Schedule or any regulations made or instructions given thereunder, the Secretary for South West Africa may by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit personally or in writing, and after considering such explanation, advise the Administrator to declare forfeited under this paragraph the whole or any portion of the remuneration payable to such officer for services performed under the provisions of this Schedule, and the Administrator may thereupon declare the whole or part of such remuneration forfeited.

#### PENALTY FOR FALSE STATEMENTS IN CLAIMS.

29. Every person who makes any false statement of fact in any claim sent in by him to the Registering Officer to be registered as a voter, knowing such statement to be false, shall be guilty of an offence and liable, on conviction, to a fine not exceeding £100, or to imprisonment without the option of a fine for a period not exceeding twelve months.

#### OFFENCES RELATING TO PROCURING REGISTRATION.

30. Every person who by himself or any other person instigates, procures or attempts to procure or take part in procuring the registration—

- (i) of himself or any other person—
  - (a) as a voter in or for more than one magisterial district at the first registration or in or for more than one electoral division at any subsequent registration; or
  - (b) as a voter more than once in the same magisterial district at the first registration or more than once in the same electoral division at any subsequent registration; or
  - (c) knowing that he or such other person is disqualified under this Schedule for such registration;

(ii) of a fictitious person; shall be guilty of an offence and liable on conviction to the penalties prescribed by law for fraud.

#### VOTERS' LIST NOT INVALIDATED BY REASON OF CERTAIN OMISSIONS. **Act No. 42 of 1925.**

31. No voters' list shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required, but nothing herein contained shall be construed as exempting the Registering Officer or other persons charged with the duty of publishing such list as aforesaid from the penalties prescribed for his neglect or wilful default.

#### WRITTEN AUTHORIZATIONS NOT LIABLE TO STAMP DUTY.

32. Anything to the contrary notwithstanding in any law relating to stamp duties, no stamp duties shall be charged upon any declaration made or any authorization in writing issued for the purposes of any provision of this Schedule relating to registration of voters or revision of voters' lists.

#### RECTIFICATION OF OMISSIONS.

33. If, through any accident, anything required by law to be done in the preparation, transmission or revision of any voters' list or the making of a voters' roll for any electoral division is omitted to be done, the Administrator may order such steps to be taken as may be necessary to rectify any such omission, and he may from time to time alter any provision hereinbefore contained except of paragraphs 1 and 2 or any form hereto annexed in such manner as may be necessary for the better carrying out of the provisions of this Schedule.

#### PART III.

#### ELECTION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.

34. Part II. of this Schedule shall apply to all elections of elective members of the Legislative Assembly constituted under this Act, and any election of an elective member of such Assembly shall take place in the manner hereinafter prescribed.

#### NOMINATION OF CANDIDATES FOR THE LEGISLATIVE ASSEMBLY AND PROCEEDINGS THEREUPON.

35. (1) Upon a day named in a notice by the Administrator the person appointed by the Administrator in that behalf (hereinafter referred to as the Returning Officer) shall hold at a place stated in the said notice a public court for the nomination of persons proposed as members of the Assembly for the electoral division mentioned therein; and every such person shall be nominated by some enrolled voter for such division and such nomination shall be seconded by some other such voter.

(2) Whenever it happens that only one person is nominated as aforesaid, then the person so nominated shall be declared to be duly elected, but in case more than one person is so nominated then the Returning Officer shall announce the date fixed by the Administrator upon which a poll shall be taken for the election of a member of the electoral division concerned, and the poll shall take place accordingly, and shall commence at eight o'clock in the morning and close at eight o'clock in the evening. The Returning Officer shall forthwith give public notice of such date in some newspaper circulating within the electoral division, and at such conspicuous places in such division as he may deem necessary for giving information of such polling.

(3) Before the close of the sitting of the nomination court the Returning Officer shall require of every person nominated as aforesaid that he deposit forthwith a sum of fifty pounds, or give such security for the said sum as the Returning Officer may deem sufficient.

(4) If a poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than one-fifth of the number of votes received by the successful candidate the sum so deposited or security so given shall be forfeited or enforced (as the case may be) and the money thereby received or recovered shall be paid into the Territory Revenue Fund formed under this Act.

(5) Save as in this paragraph is provided, the sum deposited or security given as aforesaid shall be returned, or (as the case may be) not be enforced.

(6) If the sum is not deposited or security is not given as prescribed, such person shall be deemed, notwithstanding anything in this paragraph of this Schedule contained, not to be duly nominated as a candidate.

(7) At any general election of elected members of the Assembly the date of the nomination of persons proposed as members thereof shall be the same in each electoral division of the territory, and all polls shall be taken on the same day in all electoral divisions, and on a day fixed by the Administrator.

#### DIVISION OF ELECTORAL DIVISION INTO POLLING DISTRICTS.

36. (1) The Administrator may, by notice in the Gazette, divide any electoral division into so many polling districts as he may deem necessary for more conveniently carrying out the provisions of this part of this Schedule, and may in like manner from time to time and for like purposes increase or decrease the number of such districts, or alter or adjust the boundaries thereof.

(2) Whenever any electoral division has been divided into polling districts, or any increase, decrease, alteration or adjustment of such districts has been made under the powers of this paragraph, the Secretary for South West Africa shall take all steps that may be necessary for the purpose of compiling from the voters' roll of the electoral division a roll of voters for each polling district, consisting of the voters of the electoral division resident in such polling district.

#### POLLING STATIONS.

37. For the purpose of the poll to be taken as aforesaid, there may be one polling station at a convenient place to be determined by the Administrator within each electoral division, or if an electoral division is divided into polling districts, then within each such polling district. The determination of the Administrator as to the place or the polling stations shall be notified by the Secretary for South West Africa in the Gazette and in some newspaper circulating in the electoral division and in such other manner as the Administrator may prescribe.

#### ELECTORAL ARRANGEMENTS.

38. For all elections the Returning Officer shall provide such compartments, desks, ballot boxes, papers, stamping instruments, copies of voters' rolls, and other things, appoint presiding officers and polling officers, and do such other acts and things and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election.

#### PRESIDING OFFICER AT POLLING STATIONS.

39. The Presiding Officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Returning Officer, the clerks, the agents of the candidates, and the constables on duty.

#### CANDIDATE'S AGENTS.

40. Every candidate may, if he thinks fit, appoint by writing under his hand, a person to represent him at the polling station to see that the votes are fairly taken, and may also appoint in writing an agent to represent him at the counting of the votes by the Returning Officer.

#### PLACE WHERE VOTE IS TO BE RECORDED.

41. No person whose name is not inserted in the voters' roll for an electoral division shall be permitted to vote in such division for any member of the Assembly, nor shall any person be permitted to record his vote elsewhere than at the polling station of such division, or if such division is divided into polling districts, elsewhere than at the polling station of such polling district for which he is enrolled as a voter, save as in this paragraph provided: Provided that the voters' roll of the electoral division shall, for all purposes be deemed and taken to be conclusive proof of the right to vote in such electoral division or polling district of every person whose name is inserted therein: Provided further that if an electoral division is divided into polling districts, such person shall be permitted to vote at a polling station in the electoral division for which he is registered other than the polling station of the polling district for which he is registered, if before voting he signs a declaration in a form to be prescribed by the Administrator and notified by the Secretary for South West Africa in the Gazette. All such declarations may be taken by the Presiding Officer of the polling station at which such person desires to vote, and shall be kept by him and forwarded to the Returning Officer, and shall be open to inspection by the public at all reasonable times. No stamp duty shall be payable on any such declaration.

#### ENQUIRIES AS TO RIGHT TO VOTE.

42. No enquiry shall be made at any election as to the right of any person to vote, except that the Presiding Officer may, himself, at the request of the agent of any candidate, put to any voter the following questions, or either of them, and no other—

- (1) Are you the person whose name appears as A. B. on the voters' roll in this division?
- (2) Have you already voted at this election in this or any other electoral division?

No person who refuses to answer any such question or who does not answer the first of such questions in the affirmative and the second of such questions absolutely in the negative shall be permitted to vote.

#### PENALTY FOR FALSE ANSWERS.

43. Any person who makes a false answer to any of the questions set out in the last preceding paragraph, knowing the answer to be false shall be liable, on conviction, to a fine not exceeding fifty pounds.

#### VOTES TO BE GIVEN BY EACH VOTER.

44. Every voter shall be entitled to give at any election only one vote for any one candidate.

#### MANNER OF VOTING.

45. The voting at all elections held under this Schedule shall be by ballot, which shall be conducted in substance, and as nearly as possible in the manner hereinafter prescribed:—

- (i) The Presiding Officer at the polling station shall, save as in paragraph 41 of this Schedule is provided, ascertain that the person coming to vote is a person enrolled upon

the voters' roll for the electoral division or polling district in which the poll is being held, and having ascertained that such person is so enrolled and his number on such roll shall enter his number upon the counterfoil in the ballot paper book, and shall then tear out the ballot paper corresponding to such counterfoil, and having stamped the same with a perforated stamp provided for that purpose, shall hand it to the voter, and shall further indicate by a mark on the voter's roll that he has handed a ballot paper to the voter. Every ballot paper shall be in the form from time to time prescribed by the Administrator and notified by the Secretary for South West Africa in the Gazette.

- (ii) When the voter has received such ballot paper on which shall be printed in alphabetical order the names of all the duly nominated candidates at such election, he shall take the same to the compartment and desk provided for that purpose and shall signify the candidate for whom he desires to vote by secretly placing a cross opposite the name of such candidate. He shall then fold the ballot paper so that the perforated mark may be visible, and having held up the ballot paper so that the Presiding Officer can recognize the perforated mark, shall drop the ballot paper in the ballot box placed in front of the Presiding Officer.
- (iii) Should the voter either sign his name on the ballot paper or make any mark or write any word by which his ballot paper would become recognisable, then such voting paper shall be considered blank and not taken into account.

#### SPOILED BALLOT PAPERS.

46. If a voter inadvertently spoils a ballot paper he may return it to the Presiding Officer who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and the spoiled paper shall be immediately cancelled, and the fact of such cancellation shall be noted upon the counterfoil.

#### VOTERS INCAPACITATED BY BLINDNESS OR OTHER PHYSICAL CAUSE.

47. The Presiding Officer, on the application of any voter who is unable to read, or who is incapacitated by blindness or other physical cause from voting in manner prescribed by this Schedule, shall, before such agents of the candidates as may be present, cause any vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot box, and the name and number on the register of voters of every person whose vote is marked in pursuance of this paragraph and the reason why it is so marked shall be entered on a list hereinafter called the "List of votes marked by the Presiding Officer."

#### TENDERED BALLOT PAPERS.

48. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by this Schedule to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter called "Tendered ballot paper") shall not be put in the ballot box, but shall be given to the Presiding Officer and endorsed by him with the name of the voter and his number on the register of voters and set aside in a separate packet and shall not be counted by the Returning Officer; and the name of the voter and his number on the register aforesaid shall be entered in a list hereinafter called the "Tendered votes list."

#### SEALING UP OF BALLOT BOXES, ETC.

49. Every Presiding Officer, as soon as practicable after the close of the poll, shall, before such of the agents aforesaid as may be present, make up into separate packets sealed with his own seal and the seals of such agents aforesaid as desire to affix their seals—

- (1) each ballot box entrusted to him unopened, but with the key attached;
- (2) the unused and spoiled ballot papers placed together;
- (3) the tendered ballot papers;
- (4) the marked copies of the voters' roll and the counterfoils of the ballot papers;
- (5) the "Tendered votes list" and the "List of votes marked by the Presiding Officer," and a statement of the number of voters whose votes are so marked by the Presiding Officer under the head "physical incapacity";

and shall deliver such packets to the Returning Officer.

The packets shall be accompanied by a statement made by each Presiding Officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoiled and tendered ballot papers.

#### DECLARATION OF POLL.

50. Upon receipt of the aforesaid packets from such Presiding Officer by the Returning Officer the latter shall take charge of the same and shall, in the presence of such agents aforesaid as may be in attendance, open the ballot boxes, and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare the candidate who has the greater or greatest number of votes to be duly elected a member of the Assembly for the electoral division in which the poll was held. In the event of the number of votes being found to be equal and such equality affecting the result of the election the Returning Officer shall by lot immediately determine the result of the election and on such determination shall forthwith declare the successful candidate to be duly elected as aforesaid. Any such declaration made by the Returning Officer under this paragraph shall be final, subject to reversal on petition to the High Court of South West Africa that such declaration be set aside.

#### WHAT BALLOT PAPERS SHALL BE REJECTED.

51. The Returning Officer shall reject and not count any ballot papers which—

- (1) do not bear the official mark;
- (2) give votes to more than one candidate;
- (3) bear any writing or mark by which a voter can be identified otherwise than is in this Schedule prescribed;
- (4) are unmarked or void of uncertainty.

#### MARKING OF REJECTED BALLOT PAPERS.

52. The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by or on behalf of any candidate to his decision.

#### SEALING UP OF PAPERS BY RETURNING OFFICER.

53. The Returning Officer shall immediately after the declaration of the poll enclose in separate packets the counted and rejected ballot papers. He shall not open any sealed packet of tendered ballot papers or marked copy of the list of voters and counterfoils, but shall proceed before the candidates or

**Act No. 42  
of 1925.**

such agents aforesaid as are present to reseal after examination each of the sealed packets received by him from the Presiding Officer. All the packets aforesaid, together with a certificate stating the name of the member declared to be elected, shall be enclosed together in one sealed packet and delivered to the Secretary for South West Africa who shall safely keep such sealed packet for six months, after the expiration whereof the said packet and all papers contained therein may be destroyed.

**SEALED PAPERS TO REMAIN UNOPENED.**

54. No such sealed packet as aforesaid shall be opened during the period of six months except by order of the High Court of South West Africa or a Judge thereof; and if any person contrary to the provisions of this Schedule wilfully breaks the seal or opens any such packet, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

**IMMATERIAL MISTAKES NOT TO AFFECT VALIDITY OF  
ELECTION.**

55. No election shall be declared invalid by reason of any mistake or non-compliance with the terms of this Schedule if it appears to the Court having cognizance of the matter that the election was conducted in accordance with the principles laid down in this Schedule, and that such mistake or non-compliance did not affect the result of the election.

**RETURNING OFFICER TO TRANSMIT NAMES OF PER-  
SONS ELECTED TO SECRETARY FOR SOUTH WEST  
AFRICA.**

56. As soon as the Returning Officer has declared a candidate to be duly elected a member of the Assembly for an electoral division, he shall, without delay, transmit to the Secretary for South West Africa the name of the person declared duly elected, and the number of votes received by the respective candidates.

**NAMES OF MEMBERS TO BE PUBLISHED.**

57. As soon as the Secretary for South West Africa has received from the several Returning Officers throughout the territory the names of the persons declared duly elected for the several electoral divisions as members of the Assembly, he shall cause to be published by notice in the Gazette the names of the members returned, together with the electoral divisions which they severally represent.

**VACANCIES: HOW FILLED.**

58. When, and as often as a vacancy occurs by death, resignation, or other cause in the representation of elective members in the Assembly the Administrator shall, as soon as he is duly informed of such vacancy, and the cause or causes thereof, by notice in the Gazette order in like manner *mutatis mutandis* as is hereinbefore enjoined in regard to other elections under this Schedule a new election for filling such vacancy; and the like proceedings shall *mutatis mutandis* take place in regard to elections for filling vacancies as are hereinbefore prescribed in regard to other elections under this Schedule.

**PROCEDURE UPON ANY GENERAL ELECTION BY  
DISSOLUTION.**

59. Whenever there is a general election of the elective members of the Assembly then the like notice or notices *mutatis mutandis* shall be issued by the Administrator

**Act No. 42  
of 1925.**

and the like proceedings *mutatis mutandis* be had and taken in regard to any such election as are hereinbefore directed in regard to other elections under this Schedule.

**PROVISIONS IN CASE SAME PERSON ELECTED FOR  
MORE THAN ONE ELECTORAL DIVISION.**

60. In case the same person has been declared duly elected for more than one electoral division, such person shall be bound, upon being thereto required by the Administrator and within a period specified by him not being less than one week, to decide which electoral division he will represent. Upon such decision the Administrator shall, by notice in the Gazette, command the Returning Officer of any other electoral division for which such person has been returned to proceed to the election of another person in the place of the person so originally elected, and thereupon the like proceedings shall take place as are hereinbefore directed in regard to the original election; and if such person fails to make his decision as aforesaid when thereto required, then his election for every electoral division for which he has been elected shall be deemed to be null and void; and by notice in the Gazette as aforesaid a new election for a member in place of such person shall be commanded in regard to every such division.

**ELECTORAL EXPENSES: ILLEGAL AND CORRUPT  
PRACTICES: HEARING OF ELECTION PETITIONS.**

61. The provisions of sections sixty-two to sixty-six inclusive and of Chapters III. to VI. inclusive of the Electoral Act, 1918, of the Union of South Africa as amended from time to time or as modified by this paragraph or by the Governor-General by proclamation in the Government Gazette as in this paragraph provided shall *mutatis mutandis* apply in respect of elections under this Schedule and such provisions shall be deemed to be incorporated herein and are hereby declared to be of full force and effect within the territory: Provided that the trial of every election petition shall take place before the High Court which, for that purpose, shall consist of the Judge thereof and two magistrates, selected by him: Provided further that the Governor-General may by proclamation in the Government Gazette modify any provision of Chapter III. of the said Act as amended in regard to election expenses or modify or declare inapplicable any provision of any of those Chapters, if it appears to him that such a provision is unsuited to the circumstances of the territory.

**POWER TO MAKE REGULATIONS AND GIVE  
INSTRUCTIONS.**

62. The Administrator may from time to time make, alter or repeal regulations, and give instructions not inconsistent with the provisions of this Schedule for the better carrying out of the objects and purposes thereof, and all such regulations shall be notified in the Gazette by the Secretary for South West Africa.

63. In this Schedule "Gazette" means the Official Gazette of the territory, and "electoral division" means an electoral division as delimited under section twelve of this Act.

## ANNEXURE (A).

## FORM OF NOTICE UNDER PARAGRAPH THREE.

Notice is hereby given to the inhabitants of the Magisterial District of ..... that the Registering Officer will now commence, in accordance with the provisions of paragraph 3 of the Schedule annexed to the South West Africa Constitution Act 1925, to make out in and for that magisterial district a provisional list of all persons entitled to vote at elections of members for the Legislative Assembly.

In order to secure the most complete list possible, and to prevent danger of exclusion of qualified persons from the list all persons claiming to be entitled to have their names placed on the said list are invited either to send in their claims to the respective Registering Officers, or to ascertain whether their names have been placed upon the Provisional List on or before the date fixed for the completion of such list.

The Registering Officers for this district are those named at the foot hereof.

Dated this ..... day of ..... 192.....

(Signed) .....  
Secretary for South West Africa.

## ANNEXURE (B).

NOTICES TO BE SUBJOINED OR ANNEXED TO  
PROVISIONAL LIST OF VOTERS AND POSTED  
UNDER PARAGRAPH FIVE.

## NOTICE OF CLAIMS AND OBJECTIONS.

Magisterial District of .....

Notice is hereby given that if any person whose name is not inserted in the above list claims to have his name inserted therein, then any such claimant may, at any time before the ..... day of ..... 192..... lodge with the Registering Officer at ..... either by transmission through the post or in some other manner his claim to be registered as a voter (which claim shall be in writing and in substance in the form annexed to this Notice) in order that such claim may be considered and dealt with as the law directs.

And if any person objects to the enrolment of any other person whose name is included in the above List or who may claim to be so included, then every such objector may lodge his objection with the undersigned at the said address on or before the ..... day of ..... 192....., which objection, shall be in substance in the form annexed to this Notice, in order that such objection may be considered and dealt with as the law directs.

Blank Forms of Claim and of Objection may be obtained upon application to the undersigned.

.....  
Registering Officer.

Dated this ..... day of ..... 192.....

## ANNEXURE (C).

## CLAIM TO BE REGISTERED AS A VOTER.

.....  
Magisterial District  
of .....

Name in full	Claim to be a British subject	Age	Period of residence in the Territory showing dates thereof	Present residence & Postal address	Profession, Trade, Occupation, or other description

I, the undersigned, hereby declare that, to the best of my knowledge and belief, the particulars above given are correct

Signature of Claimant .....

Postal Address of Claimant .....

Date .....

As witness:

Signature of witness .....

Postal Address of Witness .....

Form of Objection to the Registration of Voter.

To the Registering Officer appointed to make out the List of Voters in the Magisterial District of .....

**Act No. 42 of 1925.**

Please take notice that I object to enrolment of ..... whose name is or has claimed to be included in the Provisional List of Voters at the above magisterial district, and that I shall support my objection at the time fixed by law for that purpose—the ground of my objection being (here state the ground of objection).

Dated the ..... day of ..... 192.....

(Signed) ..... of (here state place of residence).

As witness:

**ANNEXURE (D).**

Magisterial District of ..... List of persons not included in the Provisional List of Voters already framed and posted who have lodged their claims to be placed upon the List of Voters in the above magisterial district for the Election of Members of the Legislative Assembly whose claims have been allowed.

Dated this ..... day of ..... 192.....

(Signed) ..... Registering Officer.

Name in full	Age	Residence and Postal Address	Occupation, Trade, Profession or other description

**ANNEXURE (E).**

Magisterial District of ..... List of persons not included in the Provisional List of Voters already framed and posted who have lodged their claims to be placed upon the List of Voters in the above magisterial district for the Election of Members of the Legislative Assembly, whose claims have been disallowed.

Dated this ..... day of ..... 192.....

(Signed) ..... Registering Officer.

Name in full	Age	Residence and Postal Address	Occupation, Trade, Profession or other description	Reason for disallowance of claim

**Act No. 42 of 1925.**

**ANNEXURE (F).**

**NOTICE TO BE ANNEXED TO LIST OF ALLOWED CLAIMS AND LIST OF DISALLOWED CLAIMS.**

Magisterial District of ..... REGISTERING OFFICER'S NOTICE OF REVISING OFFICER'S COURT.

Notice is hereby given that the Revising Officer ..... will attend at ..... on the ..... day of ..... 192....., at ..... o'clock a.m., for the purpose of amending, revising, and settling the Voters' List for the Magisterial District of .....

All persons whose claims have been disallowed by the Registering Officer, and all persons who have objected in writing to the right of any person enrolled on the said Provisional List to be so enrolled, or to the right of any person claiming to have his name registered as a Voter to be so registered, and all persons who have been so objected to, may appear before the Revising Officer at the time and place aforesaid for the purposes of establishing their said claims or objections. All claimants and objectors must appear either personally or by an agent authorized thereto in writing.

Dated at ....., the ..... day of ..... 192.....

Registering Officer.

**ANNEXURE (G).**

List of persons appearing to be qualified to vote at the Election of Members of the Legislative Assembly in the Magisterial District of .....

Dated this ..... day of ..... 192.....

(Signed) ..... Registering Officer.

Name in full	Residence and Postal Address	Occupation, Trade, Profession, or other description

**ANNEXURE (H).**

**Voters' Roll of persons registered in the Electoral Division of ..... as qualified to vote in that division for the Election of an Elective Member of the Legislative Assembly.**

Dated this ..... day of ..... 192.....

(Signed) .....

**Act No. 42  
of 1925.**

Name in full	Residence and Postal Address	Occupation, Trade, Profession, or other description

**G. N. No.  
108/1925.**

No. 108.]

[18. 8. 25.

**NATIVE RESERVE.**

Establishment  
of the Otjo-  
horongo Na-  
tive Reserve.

The Administrator has been pleased, under and by virtue of the powers in him vested by Section sixteen of the Native Administration Proclamation 1922 (No. 11 of 1922)<sup>(1)</sup> to set aside as a Native Reserve the area of land described hereunder.

**OTJOHORONGO NATIVE RESERVE NO. 150 IN THE  
DISTRICT OF OMARURU.**

To comprise an area in extent approximately 330,000 Hectares bounded as follows:—

From the North Eastern beacon of the farm Anichab No. 142 generally North Eastwards along the boundary of the Outjo and Omaruru districts as described in the First Schedule to Proclamation No. 40 of 1920<sup>(2)</sup> to the Northwestern beacon of the farm Epopo No. 4, thence generally Southwards continuing along the boundaries of but excluding the following farms:—

Epopo	No. 4
Farm	" 3
Farm	" 10
Okakombo	" 15
Kakombo	" 16
Kakombo S. O.	" 19
Otjongoro	" 20
Klein Okambahe	" 21
Klein Okambahe S. O.	" 22
Eausiro Nord	" 100
Eausiro West	" 101
Otjumue Nord	" 108
Farm	" 109

to the south western beacon of the last mentioned farm; thence generally Westwards continuing along the boundaries of but excluding the following farms and Native Reserve:

Otjumue Süd	No. 110
Okambahe	" 111
Okambahe	" 112
Okambahe Native Reserve	" 139

to the North Western beacon of the last mentioned Native Reserve; thence Northwestwards to the point of beginning.

**G. N. No.  
109/1925.**

No. 109.]

[17. 8. 25.

**EPUKIRO AND AMINUIS NATIVE RESERVES.**

Extension of  
the Epukiro  
and Aminuis  
Native Res-  
erves.

The Administrator has been pleased under and by virtue of the powers in him vested to amend Government Notice No. 122 of the 13th November, 1923<sup>(3)</sup>, by the deletion of paragraphs 5 and 6 of the Second Schedule thereof and the substitution thereof of the following new paragraphs 5 and 6:—

<sup>(1)</sup> Vide Vol. I, p. 740.

<sup>(2)</sup> Vide Vol. I, p. 384.

<sup>(3)</sup> Vide Vol. II, p. 84.

**EPUKIRO NATIVE RESERVE NO. 329 IN THE DISTRICT  
OF GOBABIS.**

**G. N. No.  
109/1925.**

5. To comprise an area in extent approximately 284,000 hectares and bounded as follows:—

From the South-eastern beacon of the farm Epukiro No. 268 Northwards along the boundary of, but excluding the farm Epukiro No. 268, to the North-eastern beacon of the said farm; thence Northwards to a point of longitude (approximately) 19° 22' East and latitude approximately 21° 18' South; thence Eastwards to a point of longitude (approximately) 20° 5' East and latitude (approximately) 21° 21' South; thence due South to a point of latitude (approximately) 21° 36' South; thence Westwards to the point of beginning. The Eastern boundary, however, to be six miles East of the (unsurveyed) junction of the Alexeck and Epukiro Omurambas.

**AMINUIS NATIVE RESERVE NO 330 IN THE DISTRICT  
OF GOBABIS.**

6. To comprise an area in extent approximately 543,000 hectares and bounded as follows:—

From a point of longitude (approximately) 19° 16' East and latitude (approximately) 23° South due East to a point of longitude (approximately) 19° 50' East; thence due South to a point of latitude (approximately) 23° 52' South; thence due West to a point of longitude (approximately) 19° 16' East; thence due North to the point of beginning, but excluding the farm Rietquelle No. 275 and certain garden and building plots in extent 31 hectares, 22 ares, 23 square metres, registered in the Grundbuch of Gobabis Vol. III folio 78 in the name of Walter Beyer.

The Administrator reserves to itself all rights to the collection of salt from the salt pans within this area.

No. 110.]

**FENCING—REHOBOTH DISTRICT.**

His Honour the Administrator has been pleased in terms of Sub-Section (1) of Section five of the Fencing Proclamation No. 57 of 1921<sup>(1)</sup>, to declare that contributions towards the cost of dividing fences shall be obligatory in the District of Rehoboth, excluding the Gebiet, and to fix the date of the publication of this notice as the date from which such contributions shall be made.

**G. N. No.  
110/1925.**

[13. 8. 25.

**Compulsory  
Fencing Con-  
tributions,  
Rehoboth Dis-  
trict.**

No. 114.]

**NATURALIZATION.**

The undermentioned persons have become naturalized in terms of the provisions of sub-section (3) of Section two of the South West Africa Naturalization of Aliens Act 1924 (Act No. 30 of 1924)<sup>(2)</sup>.

**NAME, AGE AND ADDRESS.**

**A.**

1. Abourizk, Costi, (55), Keetmanshoop.
2. Ackermann, Friedrich Karl, (40), Seeheim, Keetmanshoop.
3. Ackermann, Hugo, (40), Rietfontein, Grootfontein.
4. Ackermann, Julius, (47), Grootfontein.
5. Acricola, Hermann (59), Windhoek.
6. Adam, Ernst Gerhard, (43), Ekotoweni, Outjo.
7. Adler, Erwin, (34), Carlstal, Luderitz.
8. Adloff, Arthur, (42), Bethanie.
9. Adrian, Friedrich Wilhelm Jacob, (41), Luderitz.
10. Agster, Gottlob Friedrich, (40), Tsameb, Grootfontein.

**Lists of per-  
sons naturaliz-  
ed under the  
S. W. A. Na-  
turalization of  
Aliens Act  
1924.**

<sup>(1)</sup> Vide Vol. I, p. 692.

<sup>(2)</sup> Vide G.N. 121/24, Vol. III, p. 82.