







UNION OF SOUTH AFRICA.

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# REPORT

PRESENTED BY

THE

GOVERNMENT OF THE UNION OF SOUTH AFRICA

TO

THE COUNCIL OF THE LEAGUE OF NATIONS

CONCERNING THE ADMINISTRATION OF

## SOUTH WEST AFRICA

FOR THE

Year 1928.

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*Presented to both Houses of Parliament by Command of His Excellency the  
Governor-General*

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## UNION OF SOUTH AFRICA.

### Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1928.

#### I.—LEGISLATION.

1. The following legislation was passed during the year:—

##### A.—BY THE UNION PARLIAMENT.

*Act No. 40 of 1927* which defines Union Nationality and makes provision for the flag of the Union of South Africa. This Act came into operation on the 31st May, 1928.

*Act No. 27* which amends the law relating to the naturalisation of aliens in the Territory, provides for the naturalisation of certain minors domiciled in South West Africa on the 15th September, 1924, and also lays down the manner in which such persons may divest themselves of British Nationality.

It is also further provided that every person who, under the provisions of Act No. 30 of 1924, or under the provisions of this Act itself, is deemed to have become a naturalised British subject shall, for the purpose of the British Nationality in the Union and Naturalisation and Status of Aliens Act, 1926 (Act No. 18 of 1926), be deemed to be a person to whom a certificate of naturalisation has been granted.

##### B.—PROCLAMATIONS BY THE GOVERNOR-GENERAL.

*Proclamation No. 331* which imposes a freight dumping duty on superphosphates imported from Holland.

*Proclamation No. 25* which withdraws the exchange dumping duty on asbestocement sheets from Belgium.

*Proclamation No. 26* which withdraws the exchange dumping duty on cement from Belgium.

*Proclamation No. 51* which levies a freight dumping duty on superphosphates from Belgium.

*Proclamation No. 197* which charges the South West Africa Territory Revenue Fund with a sum not exceeding fifty thousand pounds on loan account, for settling the Angola farmers in the Territory, the Legislative Assembly having refused to make the requisite provision in the budget for the current financial year.

##### C.—PROCLAMATIONS OF THE ADMINISTRATOR.

*Proclamation No. 1* which fixes the date of commencement of the Agricultural Pests Ordinance, 1927 (No. 11 of 1927), at 1st January, 1928.

*Proclamation No. 5* which applies the Dog Tax Ordinance, 1927, with the exception of certain sections, to natives and provides for the exemption of natives residing in any native reserve who are the registered owners of stock in such reserve from payment of Dog Tax in respect of one dog.

*Proclamation No. 6* which amends slightly the Lands Expropriation Proclamation, No. 37 of 1922.

*Proclamation No. 7* which cancels the mining concession of the Kaōko Land- und Minen-Gesellschaft as from the 15th March, 1928.

*Proclamation No. 9* which provides for the establishment of an Advisory Board for the Rehoboth Gebiet, to advise the magistrate in the exercise of the functions vested in him by the Rehoboth Affairs Proclamation, 1924. For further details see paragraph 668.

*Proclamation No. 10* amending the Land Bank Proclamation in regard to the appointment of the Bank's Board.

*Proclamation No. 11* providing that exotic mammals or birds may be imported into the Territory only if a permit has been obtained beforehand from the Senior Veterinary Surgeon.



*Proclamation No. 15* providing for the better control and management of Native Affairs. This proclamation is discussed in the Chapter on Native Affairs.

*Proclamation No. 16* which applies to the Rehoboth Gebiet the Education Proclamation No. 16 of 1926 as amended by Proclamation No. 24 of 1927.

*Proclamation No. 17* which vests in the Administrator the control of War Graves in South West Africa.

*Proclamation No. 18* which amends the Licences Proclamation No. 21 of 1921 by empowering the Magistrate of Rehoboth in issuing hawkers' licences to impose a condition that such licences shall not be available for trading in the Rehoboth Gebiet.

*Proclamation No. 19* amending the Curfew Regulations Proclamation No. 33 of 1922 by providing that all regulations made thereunder may be published in the *Gazette*.

*Proclamation No. 20* amending Section 358 of Criminal Procedure and Evidence Act (No. 31 of 1917) of the Union Parliament as applied to the Territory. A person charged with contravention of a statute or regulation, the maximum fine imposable for which is ten pounds sterling or less, may admit his guilt in writing and deposit the maximum amount of the fine with any European policeman. The Court may then pass sentence without requiring the accused to attend. Any balance of the amount deposited after deduction of the fine is returned to the offender.

*Proclamation No. 23* which makes a minor amendment to the Sealing and Fisheries Proclamation, 1922.

*Proclamation No. 24* which repeals Proclamation of the Military Governor of South West Africa, dated the 21st September, 1915 (Proclamation No. 17 of 1915), and makes further provision in regard to the appointment and powers of Commissioners of Oaths and as to oaths on affidavit and solemn or attested declarations.

*Proclamation No. 25* providing for the better control of the Dairy Industry.

*Proclamation No. 26* which repeals Proclamation No. 15 of 1919 and re-defines the Police Zone and various game reserves, and regulates the entry of persons into and the residence of persons in the area beyond the Police Zone and game reserves.

NOTE.—The proclamations of which no mention has been made above refer to purely formal matters such as, e.g., the definition of local limits of periodical courts, declarations of certain roads, the prorogation of the Legislative Assembly from time to time, etc.

#### D.—ORDINANCES PASSED BY THE LEGISLATIVE ASSEMBLY.

*Ordinance No. 1* which amends the law relating to sealing.

*Ordinance No. 2* which provides for the punishment of corruption of agents. A fine of £500 or imprisonment with or without hard labour for a term not exceeding two years, or both such fine and imprisonment, may be imposed on any person who gives or agrees to give or offers to any agent, or on any agent who obtains or attempts to obtain or accepts any gift or consideration for acting contrary to his principal's interests.

*Ordinance No. 3* which repeals the Ordinances of the Imperial Governor of the Protectorate of German South West Africa relating respectively to the importation and keeping of rabbits, the prevention and suppression of phylloxera, and the suppression of fowlbrood amongst bees.

*Ordinance No. 4* which amends the law relating to the erection of dividing fences between adjoining properties.

*Ordinance No. 5* which empowers the Administrator to declare any area to be an area into or out of which it shall not be lawful to remove or allow stock to stray, and to order stock so moved or allowed to stray to be destroyed without compensation being made therefor.

*Ordinance No. 6* introducing certain minor amendments of the game law.

*Ordinance No. 7* which withdraws from operation in the Territory the Insolvency Act, 1916, of the Parliament of the Union of South Africa as applied to the Territory by Section 2 of Proclamation No. 52 of 1921; repeals the Sheriff's Fees in Insolvent Estates Proclamation, 1923 (No. 23 of 1923); and adopts the law relating to insolvency in force in the Union at the present time.

*Ordinance No. 8* containing a minor amendment of Section 11 of Ordinance No. 1 of 1926 in regard to the receipt, custody, and issue of public moneys.



*Ordinance No. 9* providing for the prohibiting of the exhibition of cinematographic films. Provision is made for the appointment of an examining board which may reject any film which in its opinion—

- (a) endangers the safety of the State, or
- (b) is contrary to good policy, or
- (c) may possibly cause a disturbance of public order, or
- (d) is calculated to give offence to the religious convictions or feelings of a section of the public, or
- (e) is calculated to bring any section of the public into ridicule or contempt, or
- (f) may offend against ordinary decency, or
- (g) is contrary to good morals.

The Administrator may impose a condition that films shall be exhibited only to a particular class or classes of persons or between certain hours or that a particular portion or portions thereof shall be excised.

*Ordinance No. 10* amending the Roads and Outspans Ordinance, 1927, by providing that—

- (a) the proclamation of a new public road or the deviation of an existing public road shall be accompanied by a description indicating the course of such road or deviation ;
- (b) where any partnership, unincorporated society, association or club, or any incorporated company is the owner of land situate in a ward, such body is for the purposes of voting deemed to be the owners, and the person whose name appears on the roads board voters' list as the representative of any of these bodies shall be entitled to exercise one vote in respect of every such body as the representative of which his name appears on the list.

*Ordinance No. 11* which re-enacts and amends the law relating to the establishment of townships.

*Ordinance No. 12* making a minor amendment to the Licences Proclamation No. 21 of 1921.

*Ordinance No. 13* which provides for the inspection and grading of agricultural produce to be exported from South West Africa for purposes of sale, for the charging of special fees in respect of inspection and grading, for the inspection of premises used for the slaughter of animals for such export, or for the preparation and manufacture of articles derived from such produce and generally for the regulation of the export of such products.

*Ordinance No. 14* legalising the sale of motor spirit, motor oils and spare parts and other accessories for motor vehicles and water-raising appliances on days and during hours when trading is prohibited.

*Ordinance No. 15* providing for the protection of ostriches on unoccupied land belonging to the Administration.

*Ordinance No. 16* appropriating the necessary funds to be applied towards the service of the Territory for the financial year ending on the 31st March, 1929.

*Ordinance No. 17* which prohibits the exportation from the Territory of any python or any monitor lizard or leguan, alive or dead, or the skin of any such reptile except under the authority of a permit issued by the Administrator.

*Ordinance No. 18* providing for the application of a further sum of money towards the service of the financial year ended the 31st March, 1927, for the purpose of meeting and covering the unauthorised expenditure in respect of that period.

*Ordinance No. 19* which repeals the Companies Proclamation (No. 35 of 1920), as amended by Proclamation No. 3 of 1921 and Proclamation No. 16 of 1922, and consolidates and amends the law relating to the institution, incorporation, registration, management, administration, and winding-up of companies and other associations, and for other purposes incidental thereto. This Ordinance is identical with the Companies Act of the Union, only such amendments having been made as were necessary to meet local conditions.



## II.—INTERNATIONAL RELATIONS.

2. A list of the general and special International Conventions ratified in respect of the Mandated Territory of South West Africa was recently forwarded to the Secretariat of the League of Nations.

3. The delimitation of the boundary between South West Africa and Angola was resumed on the 16th of May, 1928 and completed before the end of September, 1928. The result of the survey was recorded in a document signed by the Members of the Commission on the 23rd of September, 1928, at Kakeri. Steps are being taken to have this agreement ratified by both parties. As soon as ratification has taken place the relative documents will be submitted to the Council without delay.

4. The delimitation has thrown a portion of the Ovakuanyama tribe back into Angola. Most of the natives are anxious to return to the Mandated Territory, but the problem of accommodating them is rendered difficult by the inadequacy of water supplies in Ovamboland. The question of improving these has engaged the serious attention of the Administration for some time. The results of boring operations have, however, been wholly unsatisfactory. Recourse will, therefore, have to be had to other means of water conservation, but the problem is beset with peculiar difficulties and is causing the Administration grave concern.

5. As a result of the new delimitation of the boundary, difficulty is experienced also in Western Ovamboland by the natives in connection with the watering of their cattle. The award of the arbitrators cut them off from the Kunene River above the Oruhakana Falls. Owing to the depth of the channel through which the river flows below the Falls, watering cattle there is impossible. A way out of this difficulty is being explored.

## III.—CONSTITUTION OF THE MANDATED TERRITORY.

6. The Constitution of the Mandated Territory is laid down and defined by the Treaty of Peace and South West Africa Mandate Act, No. 49 of 1919 (see page 10, Laws of South West Africa, 1915–1922), and the South West Africa Constitution Act No. 42 of 1925, as amended by Act No. 22 of 1927. Act No. 49 of 1919 invested the Governor-General of the Union with power of administration and legislation over the Mandated Territory and with power to delegate such authority. The power of legislation was subject to the following limitations:—

- (1) The Governor-General could only apply to the Territory the Land Settlement and Crown Land Disposal Laws of the Union.
- (2) Except as provided in (1) no grant of any title right or interest in State land or minerals within the Territory or of any right or interest in or over the territorial waters thereof could be made and no trading or other concessions granted without the authority of the Union Parliament.
- (3) No land within the Territory set aside as a reserve for natives or coloured persons could be alienated save under authority of Parliament.

7. The position was modified by the grant of a Constitution to South West Africa under Act No. 42 of 1925 which was slightly amended by Act No. 22 of 1927.

8. Act No. 42 of 1925 provides for the constitution of an Executive Committee, an Advisory Council, and a Legislative Assembly.

9. The Assembly consists of six nominated and twelve elective members and unless dissolved by the Governor-General under special circumstances the period of office of members is three years from the date of the First Sitting of the Assembly. The period of office of members of the Executive Committee and Advisory Council, respectively, is coterminous with that of the Assembly.

10. The functions of the Executive Committee are as follows:—

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.

11. The functions of the Advisory Council are 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.



12. The Assembly has power to legislate upon all subjects which have not been expressly reserved to the Union Government.

13. Sections 26 and 27 of Act No. 42 of 1925 define the matters in respect of which the Assembly is not competent to make Ordinances, except with the consent of the Governor-General. Section 27 relates to matters temporarily reserved from legislation by the Assembly, except with the consent of the Governor-General. This Section provides, if power to legislate has not been conferred by the Governor-General upon the Assembly at any time after the expiry 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 not less than two-thirds of the members thereof voted, declare by proclamation the full competency of the Assembly to make Ordinances in respect of the matters temporarily reserved. The period of three years from the date of the First Sitting of the First Session of the Assembly will expire on 14th June, 1929. No power to legislate on any matter temporarily reserved has been conferred by the Governor-General.

14. Section 44 of the Act preserves the right of the Union Government to administer and legislate for the Territory and leaves the powers vested in the Governor-General by the Treaty of Peace and South West Africa Act No. 49 of 1919 unimpaired. The Governor-General or the Administrator thus legislates in respect of matters in respect of which the Assembly is not competent to legislate and may even repeal, amend, or modify Ordinances made by the Assembly.

15. As regards financial matters the Assembly must pass the annual budget. In terms of Section 36 of Act No. 42 of 1925 no money may be withdrawn from the Territory Revenue Fund except under appropriation made by the Legislative Assembly, provided that until such appropriation has been made and for a period not exceeding two months after the end of any 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. In terms of Section 37 of the Act the annual estimates of expenditure must be prepared by the Administrator in consultation with the Advisory Council, and must thereafter be submitted by him to the Legislative Assembly.

16. Section 38 makes provision in the event of the Assembly refusing or making inadequate supply or rejecting or failing to impose adequate taxation. In such event the Administrator may appeal to the Governor-General who may issue a proclamation providing for the necessary appropriation or taxation.

#### B.—STATUS OF THE NATIVE INHABITANTS OF THE TERRITORY.

17. No special national status has been conferred upon the native inhabitants of the Territory. They are regarded as persons without nationality under the protection of the Mandatory Power in terms of legal opinion.

18. The natives of the Territory enjoy the same guarantees as regards the protection of their persons and property in the Territory of the Mandatory Power as the native inhabitants of the latter.

#### IV.—ADMINISTRATIVE ORGANIZATION.

19. Towards the close of 1927 the Administrator arranged for an Inspector of the Public Service Commission to visit the Territory, and as a result of the inspection certain reorganizations were effected which came into operation from the 1st April, 1928.

20. The principal changes introduced were :—

- (1) The Irrigation and Public Works Branches were combined and placed under the control of an officer styled the Director of Works.
- (2) The offices of the Master and of the Registrar of the High Court were combined, which enabled considerable economies to be effected.
- (3) The administrative control of the South West Africa Police which formerly vested in the Secretary for South West Africa was transferred to the Commandant of Police, the former officer retaining financial control only.

21. The policy of the Administration being to encourage building of farm dams as much as possible, that section of the Works Branch has been strengthened by the addition of two Irrigation Engineers, a Surveyor, and a Draughtsman.

22. The remaining changes were all of a minor character and it is unnecessary to set them out in detail here.

23. The general organization of the Public Service is indicated in the estimates of expenditure, copies of which have been forwarded to the League. The estimates for 1928-29 reflect the changes effected, as a result of the reorganization above referred to.



24. The different branches of the administration are:

- (a) Secretariat.
- (b) Legislative Assembly.
- (c) Agricultural and Veterinary.
- (d) Deeds (Lands Registration).
- (e) Education.
- (f) Attorney-General.
- (g) Registrar and Master of the High Court.
- (h) Magistrates' Office.
- (j) Lands.
- (k) Mines.
- (l) Native Affairs.
- (m) Posts and Telegraphs.
- (n) Prisons.
- (o) Public Health.
- (p) Surveys.
- (q) Works (consisting of Public Works and Irrigation).
- (r) Police.

25. Except as regards the Department of Education and the Police, general control is exercised through the Secretariat.

26. The Education branch is a separate department except in respect of financial matters which are as in the case of other branches subject to the control of the Secretary for South West Africa as Accounting Officer to the Administration.

27. The Police are under a Commandant and the Secretary for South West Africa is also in control of financial matters in the same way as in respect of Education.

28. By arrangement with the Auditor-General of the Union a branch of his office is established at Windhoek and the accounts of the Administration and the Railways of South West Africa are audited by him.

29. As a matter of convenience, Customs are administered by the Commissioner of Customs and Excise of the Union, but the Territory provides the necessary staff. All appointments are subject to the Administrator's approval, and any disciplinary action against the Customs officers rests with the Administrator.

30. The country is divided into seventeen magisterial districts, each of which is placed under a magistrate appointed by His Honour the Administrator.

31. Windhoek is the principal magistracy and the judicial officer is a senior magistrate. Of the other districts those of Gibeon, Gobabis, Grootfontein, Keetmanshoop, Luderitz, Okahandja, Omaruru, Outjo, Rehoboth, Swakopmund and Warmbad are second-grade magistracies, while the remaining districts of Aroab, Bethanie, Karibib, Maltahöhe and Otjiwarongo are under the charge of third-grade magistrates.

32. Ovamboland in the northern part of the Territory is under the control of the Officer-in-Charge of Native Affairs who resides in Ondonga in Ovamboland. He is responsible for the management of Ovamboland to the Administrator through the Secretary for South West Africa stationed at headquarters.

33. The total authorized establishment consists of 714 Europeans and 438 natives.

34. They are divided between the various services as follows:—

(a) <i>Central Administration</i> —	<i>Europeans.</i>	<i>Natives.</i>
Secretariat.....	45	—
Legislative Assembly.....	2	—
Audit.....	4	—
Deeds.....	4	—
Education.....	6	1
Attorney-General.....	4	—
Registrar and Master, High Court.....	7	1
Lands.....	6	—
Native Affairs.....	1	—
Posts and Telegraphs.....	12	14
Prisons.....	1	—
 (b) <i>Technical Services</i> —		
Agricultural and Veterinary.....	21	1
Mines.....	6	4
Public Health.....	7	28
Surveys.....	13	—
Public Works and Irrigation.....	31	30



(c) *District Administration*—

Customs and Excise.....	11	2
Magistrates' Courts.....	52	20
Native Affairs.....	23	48
Posts and Telegraphs.....	137	44
Prisons.....	22	31

(d) <i>South West Africa Police</i> .....	299	247
	714	471

35. The Veterinary Service is in the charge of a Senior Veterinary Surgeon at Windhoek, and district veterinary surgeons are stationed at Grootfontein, Omaruru, Okahandja, Gobabis, Keetmanshoop, and Otjiwarongo.

36. District surgeons who are part-time Government officials are stationed at Warmbad, Keetmanshoop, Luderitz, Gibeon, Windhoek, Gobabis, Okahandja, Omaruru, Otjiwarongo, Grootfontein, Swakopmund, Walvis Bay and at Ondonga in Ovamboland.

37. The Public Works branch is represented by Inspectors of Works and Clerks of Works outside Windhoek at Keetmanshoop, Swakopmund, and Omaruru, which officers are responsible through the Director of Works for the efficient carrying out of departmental work in their areas.

38. The Public Service of South West Africa is one with that of the Union of South Africa and the officers therein are appointed in terms of the Union Public Service and Pensions Act No. 27 of 1923.

39. They are for the most part British and Dutch South Africans and are recruited either in the Union or in South West Africa. There are a few Germans also employed, but they are in each case British subjects.

40. All the permanent officers must be British subjects and have resided in South Africa for a period of three years before they become eligible for an appointment in the Public Service and the conditions of their appointment are those laid down by the above Act.

41. They are normally retained until they reach the age of 60 years (in the case of male officers) and 55 years (in the case of female officers) and after having served for a period of ten years become entitled to a pension, provided they have contributed to the pension fund during that period.

42. Public servants in the Territory are forbidden by law from taking any active part in politics or becoming members of a political party. They are, however, of course, allowed to vote at elections.

43. There are no general advantages reserved to officials with a knowledge of the native languages, but when appointments are made to posts in which a knowledge of native languages is required, preference is given to candidates possessing that knowledge.

44. Certain posts in the public service are open to natives. They are enrolled as members of the South West Africa Police Force, are employed as warders in the prisons branch and as native hospital assistants and posts as interpreters are filled by them. Native interpreters in magistrates' offices usually perform minor clerical duties, but no natives occupy administrative posts in the public service.

45. No councils of native notables have been created.

46. In Ovamboland and on the Okavango River the native chiefs and headmen control the natives under the guidance of the Native Affairs Officers of the Administration. Tribal law and custom are followed. Village councils do not exist, but advisory boards have been established in the reserves within the Police Zone (*vide* Section 4 of Proclamation No. 8 of 1924).

47. In each native location falling under the Urban Areas Proclamation No. 34 of 1924, the natives are entitled to an advisory council (see Section 9 of the Proclamation).

## V.—JUDICIAL ORGANIZATION AND ADMINISTRATION OF JUSTICE.

### A.—ORGANIZATION.

48. At the apex of the judicial organization of the Territory is the Appellate Division of the Supreme Court of South Africa, to which appeals lie, either as of right or with the leave of that Division, from decisions of the High Court of South West Africa and any Circuit Court in the Territory.



49. Next below are the Superior Courts of the Territory, viz., the High Court of South West Africa and the Circuit Courts. The High Court has its seat at Windhoek, but may be held at any place or places within the Territory that may be appointed from time to time by the Judge.

50. The area of jurisdiction of the High Court extends over the whole of the Territory. A Circuit Court has jurisdiction over the Circuit District in which it is held. The Administrator divides the Territory into two or more Circuit Districts, and he has power to alter the boundaries of these Circuit Districts from time to time. A Court, called a Circuit Court, is held at least twice in every year in each of the Circuit Districts.

51. The High Court has jurisdiction in all cases, whether civil or criminal, arising in the Territory, and over all persons in the Territory. Each of the Circuit Courts exercises within its own Circuit District, concurrently with the High Court, the same jurisdiction as is vested in the High Court throughout the Territory, except that the High Court has power to hear appeals from and review proceedings of all Inferior Courts, whereas the Circuit Courts have no such power.

52. In civil cases the jurisdiction of the High Court and the Circuit Courts is not limited as regards amount.

53. In criminal cases the High Court and the Circuit Courts have power to impose the following punishments :—

Death (for treason, murder, or rape. The power to reprieve is vested in the Governor-General of the Union).

Imprisonment (with or without hard labour, and with or without solitary confinement or with or without spare diet, subject to the prison regulations).

Declaration of the person convicted as an habitual criminal and his imprisonment for an indeterminate period.

Fine.

Whipping, not exceeding fifteen strokes.

Detention at a reformatory.

Putting the accused under recognizances to keep the peace and be of good behaviour.

Putting the accused under recognizances to come up to receive judgment when called upon.

54. In the case of first offenders, the Court may pass sentence but suspend its operation on conditions. This course may also be followed by an Inferior Court.

55. Where by any statute a specific punishment is prescribed for any offence, the Court cannot impose for that offence any punishment in excess of or other than the punishment prescribed.

56. There is no jury either in civil cases or in criminal cases. In civil cases the High Court or a Circuit Court consists of a Judge sitting alone, and all questions of law or of fact are decided by him.

57. In criminal cases the High Court or a Circuit Court consists of the Judge of the High Court and two members appointed thereto by the Administrator from time to time as occasion may require; such persons must either be advocates of not less than five years standing or persons holding or qualified to hold the office of magistrate. Where an accused person is charged with a capital offence (i.e. treason, murder, or rape), he may demand that he be tried by a Court consisting of the Judge of the High Court and four members, instead of two.

58. In criminal cases tried by the High Court or a Circuit Court, all questions of fact and the punishment to be awarded are determined by a majority of the members of the Court. Questions of law governing the punishment are also decided by a majority of the members of the Court. All other questions of law are decided by the Judge.

59. The following are the Inferior Courts of the Territory: Magistrates' Courts, Courts of Special Justices of the Peace, Courts held by an Officer in Charge of Native Affairs, and Courts of Native Commissioners.

60. Magistrates' Courts are courts held before judicial officers called Magistrates, Additional Magistrates, or Assistant Magistrates. No one who has not passed a prescribed examination in law is eligible for appointment as Magistrate, an Additional Magistrate, or an Assistant Magistrate.

61. Magisterial Districts may be created and altered by the Administrator. For each Magisterial District (of which there are seventeen) there is constituted a Magistrate's Court, held by a single judicial officer.



62. A Magistrate's Court usually sits at the place or places which the Administrator has by proclamation appointed for the holding of the Court, but it may also be held at any place within the area of its jurisdiction that may be determined from time to time by the Magistrate by whom it is held.

63. The jurisdiction of a Magistrate's Court is limited in civil matters to an amount of £200. As regards persons, a Magistrate's Court is given jurisdiction over all persons residing, carrying on business or employed within the district, over all firms having premises therein or any of whose partners reside therein, and over all persons whatever if the cause of action arose wholly within the district. As regards the subject-matter of disputes, a Magistrate's Court has jurisdiction in all cases except those involving any of the following matters: dissolution of marriage or judicial separation, the validity or interpretation of wills or other testamentary dispositions, the mental capacity of persons, specific performance (except the rendering of an account in respect of which the claim does not exceed £200, and the delivery or transfer of property, movable or immovable, not exceeding £200 in value), decrees of perpetual silence, namptissement (commonly called provisional sentence), the validity of an Ordinance passed by the Legislative Assembly. Even if the parties consent thereto, a Magistrate's Court has not jurisdiction to deal with the matters just mentioned; but in all other matters, even those which are otherwise beyond the jurisdiction, the consent of the parties gives the Court jurisdiction.

64. As regards criminal cases, a Magistrate's Court has jurisdiction over all offences except treason, murder, and rape. In the case of all other offences, it may try any person charged with an offence committed within its district, or begun or completed within the district, or committed within the distance of two miles beyond the boundary of the district, or committed in any vehicle employed on a journey, any part whereof was performed within the distance of two miles of the district. It may also try any case in which any act or omission which is an element of the offence took place within its district.

65. In criminal cases, a Magistrate's Court has power to impose the same punishments that a Superior Court can impose, except death and the indeterminate sentence (upon habitual criminals) and except that it may not summarily sentence an offender to imprisonment for a longer period than six months or to a fine exceeding £50. In serious cases the proceedings are begun by a preparatory examination, at the close of which the papers are submitted to the Attorney-General. The Attorney-General may indict the accused for trial by a Superior Court or may remit the case for trial by a Magistrate's Court either under its ordinary jurisdiction as regards punishment, or under an increased jurisdiction. If the case is remitted for trial under increased jurisdiction, the Magistrate's Court has power to impose a sentence of imprisonment for a period not exceeding one year, or of a fine not exceeding £100.

66. A variety of Magistrate's Court is a Periodical Court, which is a Court with an area of jurisdiction comprising a portion of a Magisterial District or portions of more Magisterial Districts than one. A Periodical Court has the same jurisdiction in its area as a Magistrate's Court has in its districts. The Magistrate's Court for the district within which the area of a Periodical Court or a part thereof is situated has concurrent jurisdiction over so much of the area as is situated within the district.

67. Either of the parties in a civil case or any person who has been convicted in a criminal case tried by a Magistrate's Court may appeal against the finding to the High Court or may bring the proceedings under the review of the High Court. The High Court may confirm, vary, reverse, or set aside the judgment, or may send the case back to the Magistrate's Court for further evidence to be taken, or may itself take further evidence.

68. Whenever in a criminal case a Magistrate's Court imposes a sentence of fine exceeding £5, or of imprisonment for a period exceeding one month, or of whipping (except in the case of a male child under sixteen years of age), the record of the proceedings is submitted to the Judge of the High Court for review. If upon considering the proceedings it appears to the Judge that they are in accordance with justice, he certifies to that effect. He may, if he thinks that the proceedings are not in accordance with justice, alter or reverse the conviction or reduce or vary the sentence, and may set aside or correct the proceedings. He may also send the case back for further evidence to be taken.

69. Special Justices of the Peace are appointed by the Administrator under Proclamation No. 25 of 1921 to hold courts at certain places. The local limits of jurisdiction of a Court of Special Justice of the Peace are fixed. A Court of Special Justice of the Peace has no jurisdiction in civil cases, and has jurisdiction only in criminal cases where the crime charged is one of the crimes contained in the Schedule to the Proclamation mentioned. A Court of Special Justice of the Peace may not impose a fine exceeding £10 or imprisonment for a period exceeding one month. As regards its power to impose whipping, see paragraph 85.



70. An appeal lies to the High Court from a conviction or sentence of a Court of Special Justice of the Peace. The records of every case in which an accused person has been convicted before a Special Justice of the Peace must be submitted to the Judge of the High Court for review. On review, the Judge has the same powers as he has when reviewing the proceedings of Magistrates' Courts.

71. Officers in Charge of Native Affairs have jurisdiction to try native labourers employed on mines and works who are charged with certain offences mentioned in Section *three* of Proclamation No. 3 of 1917, and to impose punishment of fine not exceeding £2. The amount of the fine is recovered from the employer of the accused, who is entitled to deduct it from the wages of the accused. An appeal lies to the Magistrate of the district against any sentence imposed by an Officer in Charge of Native Affairs.

72. By Chapter III of Proclamation No. 15 of 1928 provision is made for the establishment of Courts of Native Commissioners and Assistant Native Commissioners, with jurisdiction over natives in civil and criminal matters, subject to an appeal to the High Court. In case of any such appeal, the Judge of the High Court may call to his assistance one or two assessors selected by him because of their knowledge of the native customs. The Proclamation containing these provisions has been duly promulgated, but its coming into operation has been postponed (see Section 27).

73. The above remarks apply to the Territory generally. Special arrangements exist in the Rehoboth Gebiet (see Proclamations Nos. 28 of 1923 and 31 of 1924).

74. Section 9 of Proclamation No. 15 of 1928 allows a Court of Native Commissioner, in all suits or proceedings between natives involving questions of customs followed by natives, to decide such questions according to the native law applying to such customs, provided it is not opposed to the principles of public policy or natural justice.

75. In the Rehoboth Gebiet, the laws of the Rehoboth Community, some of which are written and some of which are unwritten, are applied by the Courts in certain cases (see Proclamations Nos. 33 of 1923 and 31 of 1924).

76. The other Courts of the Territory do not ordinarily administer or recognize native customary law. This is done in exceptional cases. In determining rights or obligations which were acquired or incurred before the introduction of the law of the white man, the Courts would in certain cases have regard to native customary law. This would not be so in all cases of rights acquired in the early days, e.g., the property rights of Europeans married in this Territory before the introduction of the German law would be determined according to the rules of private international law recognized by the Roman-Dutch law. An example of the circumstances under which the Courts recognize native customary law is afforded by a criminal case tried by the High Court a few years ago. A native (Klip-Kaffir) was charged with the theft of movable property which had belonged to a dead man. His defence was that he was acting as the agent of the heir under native law. The Court enquired into the native law of succession, for the purpose of determining whether or not his defence could be genuine.

77. There is no Jury in South West Africa.

78. Section 16 of Proclamation No. 15 of 1928 empowers a Court of Native Commissioner to call to its assistance, in an advisory capacity, such native assessors as the Court may deem necessary.

79. The Magistrate's Court for the District of Rehoboth, when it acts in the Rehoboth Gebiet as the successor of the former Courts of the Rehoboth Community in a civil or a criminal case in which only members of the Rehoboth Community are concerned, is assisted by two assessors who must be members of that Community and who are selected by him from a panel. These assessors act in an advisory capacity only.

80. The above are the circumstances under which natives or members of the Rehoboth Community are entitled to officiate in the Courts.

81. The judicial organization does not include tribunals exclusively composed of natives, though under the tribal system obtaining in Ovamboland and on the Okavango River, the native chiefs deal summarily with civil disputes and offences.

82. As stated in paragraphs 53 and 65 the Superior Courts and Magistrates' Courts may impose a punishment of whipping not exceeding fifteen strokes. The High Court has laid down that only in exceptional cases should more than eight strokes be imposed.

83. Whipping may be imposed by a Superior Court for any common law offence and for any statutory offence where the statute authorizes it. A Superior Court may impose whipping whether upon a first or a subsequent conviction, except where a statute creating the offence authorizes the sentence of whipping only where the accused has previously been convicted.



84. Whipping may only be imposed by a Magistrate's Court, in the case of a first conviction, for an aggravated or indecent assault, robbery, unnatural crime or certain statutory offences, viz., theft of stock, where the proceedings are taken under the Stock Theft Repression Proclamation, 1920, and carnal connection with a girl under the age of sixteen years, where proceedings are taken under the Girls' and Mentally Defective Women's Protection Proclamation, 1921. A Magistrate's Court may impose whipping, in the case of a second or subsequent conviction, for an offence committed within a period of three years after the former conviction. Where the offence under trial is a contravention of a statute a Magistrate's Court cannot impose whipping unless the statute so provides, even though there be previous convictions.

85. A Court of Special Justice of the Peace may impose whipping only where the offender is a child under the age of sixteen years, in which case it may impose a moderate correction of whipping not exceeding eight cuts with a light cane.

86. No female may under any circumstances be sentenced to whipping.

87. Whipping must be carried out in private or in a gaol, and may only be inflicted after the Medical Officer of the gaol has certified that the offender is fit for the punishment. The Medical Officer must attend the infliction of whipping. The Medical Officer has power to stop the punishment at any period of the infliction, should it appear to him that the continuation may endanger life. His instruction for the prevention of injury to health must be obeyed.

88. The instrument used is, in the case of adults, a rattan cane four feet long and one-half inch in diameter, and, in the case of persons under sixteen years of age, a cane three feet long and three-eighths of an inch in diameter. The strokes must be administered only upon the bare buttocks.

89. A sentence of whipping imposed by an Inferior Court must not be carried out until it has been confirmed on review by the Judge of the High Court, except in the case of a child under sixteen years of age.

90. "Forced residence" is not a penalty which the Courts have power to impose. A similar result is, however, sometimes obtained by the imposition of conditions for the suspension of sentence. By Section 360 of Act No. 31 of 1917, as applied to the Territory by Proclamation No. 20 of 1919, whenever a person is convicted before a Superior or Inferior Court of any offence, except certain serious offences mentioned, the Court is empowered, in its discretion, in the case of a first offender, to pass sentence, but order the operation of the sentence to be suspended for a period not exceeding three years on conditions. One of the conditions which may be imposed is that the offender shall not go beyond the limits assigned to him by the Court. The purpose of this provision is to keep first offenders away from localities where they are exposed to evil influences.

91. Courts of law have no power to inflict the penalty of deportation.

92. There are gaols or lock-ups at twenty-three centres. It has not been found possible to provide training for prisoners in trades and handicrafts elsewhere than at Windhoek. Better and more secure accommodation exists at the Windhoek gaol than at other gaols and lock-ups. For these reasons, all prisoners whose sentences of imprisonment exceed six months are brought to Windhoek. For health reasons, however, long-term prisoners are sometimes imprisoned at the Swakopmund Gaol. In view of the great size of the Territory, these arrangements often involve the necessity of sending prisoners long distances for confinement.

## B.—HIGH COURTS AND CIRCUIT COURTS.

### CIVIL WORK.

93. The following table shows in the fourth column the civil matters heard and finally disposed of during the year, as compared with the work done during the three preceding years :—

Description of Case.	1925.	1926.	1927.	1928.
Illiquid cases.....	39	55	88	77
Cases of provisional sentence.....	5	3	11	11
Applications and motions.....	195	143	141	164
Civil appeals from magistrates' courts.....	6	9	—	—
Civil reviews from magistrates' courts.....	—	1	17	15
<b>TOTAL.....</b>	<b>245</b>	<b>211</b>	<b>257</b>	<b>267</b>



94. *Insolvency*.—There were 2 voluntary surrenders and 11 compulsory sequestrations, whereas the corresponding figures for 1927 were 3 and 9 respectively. The number of rehabilitations granted was 10 as against 11 during the preceding year.

#### CRIMINAL WORK.

95. During the year 41 criminal cases were tried by the High Court and Circuit Courts. The figure for 1927 was 50. The following table gives the number and the classification according to race and sex of the persons convicted during the last four years :—

	1925.	1926.	1927.	1928.
Europeans—				
(a) Males.....	7	10	9	8
(b) Females.....	1	—	—	—
Natives—				
(a) Males.....	20	39	37	27
(b) Females.....	2	—	—	—
TOTAL.....	30	49	46	35

96. The offences in respect of which convictions were obtained are the following :—

Offence.	Europeans.	Natives.
Assault.....	—	3
Assault with intent to commit rape.....	—	1
Assault with intent to do grievous bodily harm.....	—	3
Bigamy.....	1	—
Criminal injuria.....	—	1
Culpable homicide.....	2	8
Escape from custody.....	—	1
Forgery and uttering.....	1	—
Girls' and Mentally Defective Women's Protection Proclamation No. 28 of 1921—Contravention of.....	—	1
Diamond Industry Protection Proclamation No. 26 of 1922—Contravention of.....	1	—
Housebreaking with intent to steal and theft.....	1	3
Murder.....	—	1
Rape.....	—	2
Sodomy.....	—	1
Theft.....	3	2
Assault with intent to murder.....	—	3
TOTAL.....	9	30

#### INFERIOR COURTS.

#### CRIMINAL WORK.

97. The following is an analysis of Criminal Work in Magistrates' Courts and Courts of Special Justices of the Peace. For purposes of comparison the figures of 1927 are also given :—

#### *Analysis of Offences reported to Police.*

	1927.	1928.
Offences against the State.....	8	2
Offences against the Administration of Justice.....	112	128
Offences against public peace.....	21	28
Offences against public order.....	195	158
Offences against the person.....	772	751
Offences against the property.....	1,628	1,694
Statutory offences.....	6,249	6,164
Offences against the Revenue.....	402	646
TOTAL.....	9,387	9,571



98. Of the cases reported in 1928, 7,704 cases involving 7,735 persons were sent for trial, 713 were still under investigation at the close of the year and the remainder were either closed for one reason or another. Of the 7,704 cases, 41 were tried by Supreme Courts.

99. The following statement, including for purposes of comparison the figures for 1927, shows how the remainder were disposed of by the Inferior Courts:—

Year.	Cases sent for Trial.	Persons sent for Trial.	Persons Convicted.				Total Number of Persons Convicted.
			Europeans.		Native and Coloured.		
			Males.	Females.	Males.	Females.	
1928.....	7,663	7,700	921	38	5,342	405	6,700
1927.....	8,054	8,116	980	37	5,509	489	7,012

100. There is an increase of 1.9 per cent. in the total number of cases reported during the year compared with the previous year. The principal increase has taken place in offences against revenue laws. Particular attention was paid by the Police to the rigid enforcement of the Licensing, Wheel Tax, Dog Tax, and Hut Tax laws, contraventions of which were thus strenuously prosecuted. The difference under the other heads does not call for special comment.

#### ILLICIT LIQUOR TRAFFIC.

101. It may be confidently stated that there is no organized illicit liquor traffic in the Territory. Contraventions of the liquor laws still occur, but not to an extent necessitating extraordinary measures. Licensed premises throughout the Territory are generally well conducted.

102. The following particulars, compared with those for 1927, regarding convictions for the sale of liquor to natives by Europeans, transactions between coloured and natives and the manufacture and possession of kaffir beer by coloured and native persons will be of interest:—

	1927.	1928.
Sales to Natives—		
Europeans.....	47	27
Natives.....	15	47
Possession of kaffir beer—		
Native males.....	701	807
Native females.....	184	250
Coloured males.....	122	200
Coloured females.....	11	21
Possession of other liquor—		
Native males.....	41	37
Native females.....	1	2
Coloured males.....	18	39
Coloured females.....	2	2

103. There were no convictions under the Obscene Publications Suppression Ordinance No. 5 of 1926.

104.

#### MASTERS AND SERVANTS LAW.

Number of Convictions.		Number of Cases in which Lashes imposed.	Number of Cases in which Imprisonment imposed without Option of a Fine.
Europeans.	Natives.		
18	797	5	65



## CIVIL WORK.

105. The following is a summary of the Civil work performed in Magistrates' Courts during the year:—

Magistracy.	Number of Cases.	Amounts Claimed.	Number of Judgments.	Amounts Awarded.	Number of C.I. Orders.
		£		£	
Aroab.....	11	1,036	4	364	—
Bethanie.....	42	921	23	514	—
Gibeon (including Mariental)	248	2,656	75	1,886	4
Gobabis.....	90	3,839	40	1,781	5
Grootfontein.....	239	8,340	105	3,780	10
Karibib.....	236	8,297	129	4,684	41
Keetmanshoop.....	352	7,879	240	6,119	79
Luderitz.....	259	3,276	173	1,240	30
Maltahöhe.....	23	1,092	8	402	—
Okahandja.....	119	2,618	51	1,334	6
Omaruru.....	68	2,332	43	1,174	2
Otjiwarongo.....	210	5,580	73	1,978	2
Outjo.....	39	1,286	8	343	1
Rehoboth.....	128	5,252	45	1,981	1
Swakopmund (including Walvis Bay).....	416	10,555	236	4,783	47
Warmbad.....	75	3,643	32	1,362	4
Windhoek.....	1,197	25,736	587	13,750	194
TOTALS FOR 1928.....	3,752	94,338	1,872	47,475	426
TOTALS FOR 1927.....	3,292	73,798	1,734	40,061	332

## VI.—PRISONS.

## ADMINISTRATION.

106. The number of gaols in existence at the close of the year was ten, the gaol at Outjo having been disestablished.

107. At the end of the year the lock-ups in the Territory numbered thirteen. These also come under the supervision of the respective magistrates.

## PRISONERS IN CUSTODY.

108. The number of prisoners in custody at the various gaols on the 31st December, 1928, was 338 as compared with 348 at the close of 1927. This included 10 Europeans and 325 coloured and native males and 3 coloured and native females.

109. The total relative figure in respect of lock-ups was 63 as compared with 51 on the 31st December, 1927.

110. The daily average number of prisoners and other detained persons in custody at the various gaols was as follows:—European males 11·52, coloured males 302·28, Asiatic males ·04. European females ·04, coloured females 5·85, or a total of 319·73 as compared with a total of 377·04 for the previous year.

111. The total relative figure in respect of lock-ups was 69·51 as compared with 47·03 in the previous year.

## DEATHS AND ACCIDENTS.

112. During the year five deaths occurred among native prisoners. The medical officers reported that three of these deaths were due to pneumonia, one to heart disease, and one was shot while trying to escape.

113. The mortality per thousand per annum was 15·6 as compared with 24·88 during the previous year.

114. No serious accidents occurred; one prisoner had his hand injured by machinery.

## HEALTH OF PRISONERS.

115. The health of prisoners during the year was good. The daily average number of prisoners during the years 1926–28 was as follows:—

	Men.		Women.		Total.
	European.	Coloured.	European.	Coloured.	
1926.....	11·30	262·73	·16	7·08	281·27
1927.....	15·57	354·68	·01	6·78	377·04
1928.....	11·52	302·28	·04	5·85	319·73



116. The mortality per thousand per annum during the period mentioned in paragraph 115 from the principal causes of death is shown in the accompanying table:—

	1926.		1927.		1928.	
	Number of Deaths.	Mortality per 1,000 per Annum.	Number of Deaths.	Mortality per 1,000 per Annum.	Number of Deaths.	Mortality per 1,000 per Annum.
Wounds.....	—	—	—	—	1	3·12
Tuberculosis.....	1	3·70	—	—	—	—
Influenza.....	2	7·41	4	11·06	—	—
Chronic nephritis.....	1	3·70	—	—	—	—
Pneumonia.....	—	—	4	11·06	3	9·36
Syphilis.....	—	—	1	2·76	—	—
Malaria.....	—	—	—	—	—	—
Heart disease.....	—	—	—	—	1	3·12
TOTAL.....	4	14·81	9	24·88	5	15·6

#### ESCAPES.

117. Six prisoners effected their escape during the year, and five of these have been recaptured. All escaped prisoners who were previously still at large have been recaptured.

#### CORPORAL PUNISHMENT.

118. The total number of lashes applied at the various gaols during the year was 910 as compared with 1,247 during 1927.

#### EXECUTIONS.

119. No executions took place during the year. One sentence of death was commuted by His Excellency the Governor-General.

#### REMISSION OF SENTENCES.

120. The following table gives particulars of remission reports dealt with in terms of Prison Service Regulation No. 506 during 1928, as compared with 1927:—

Year.	Total Number of Reports dealt with.	Number of Cases in which Remission was Granted.	Total Number of Days Remission Granted.	Number of Cases in which no Remission Granted.
1928.....	195	165	11,047	30
1927.....	227	191	13,443	36

121. To commemorate the hoisting of the National Flag a large number of prisoners in the gaols were granted special remission of their sentences: In 195 cases 7,574 days special remission was granted.

#### BOARD OF VISITORS.

122. During the year the Prison Board of Visitors visited the Windhoek Gaol twice, viz., on the 28th May and 20th November, 1928, and dealt with 87 cases as compared with 71 cases in 1927.

#### DISCIPLINE (PRISONERS).

123. The discipline in the gaols has been uniformly satisfactory during the year. No serious offences have been recorded.

#### CIVIL DEBTORS.

124. Twenty-five civil debtors were imprisoned during 1928 as compared with 20 during the previous year. The amount of £14. 14s. 9d. was collected in respect of civil debtors in 1928.

#### CONCENTRATION OF PRISONERS.

125. The remarks under this heading contained in last year's report (page 99) still hold good.

#### PRISON INDUSTRIES.

126. The remarks in the preceding paragraph apply.



## JUVENILE OFFENDERS.

127. One European and two natives were sent to reformatories in the Union, and three European juvenile offenders were released on licence during 1928.

## DIVINE SERVICES.

128. Divine services continue to be held by clergymen of the various denominations as in the past.

## VII.—ALCOHOL, SPIRITS, AND DRUGS.

129. In this connection attention is invited to the replies given to the original questionnaire on page 89 *et seq.* of the Annual Report for 1925, and to the information (document C.P.M. 723) despatched on 24th December, 1928, in response to the Permanent Mandates Commission's request contained in Section I of paragraph 2, page 1, of the Minutes of the Thirteenth Session of that body.

130. On the 1st September, 1928, the Secretary-General of the League was notified in reply to his letter No. 1/62844X/11192 of the 13th December, 1927, that the Union Government was in agreement with the recommendation of the Permanent Mandates Commission in regard to the definition of the expression "intoxicating beverages," viz., that—

"in the C. Mandates the expression 'intoxicating beverage' should be taken to mean any beverage containing more than three degrees of pure alcohol by weight."

This amounts to approximately 6 per cent. of alcohol by volume.

131. The liquor law of the Territory prohibits the sale or supply of intoxicating liquor to natives except for medicinal or sacramental purposes. Intoxicating liquor is defined as any spirits (including methylated spirits), wine, ale, beer, porter, cider, perry, hopbeer, kaffir-beer, weissbier, and any liquor containing more than 2 per cent. of alcohol and any other liquor which the Administration may from time to time declare by notice in the *Gazette* to be included in this definition.

132. It is proposed to alter the Liquor Licensing Proclamation shortly and the definition suggested by the Permanent Mandates Commission will then be borne in mind.

133. The natives, as a whole, do not drink much in the way of alcohol and spirits. For one reason the prohibition of the supply of liquor to them and the heavy penalties imposed for contravention of the law make it difficult for them to procure much. They do, however, consume quantities of native beer which they brew themselves and which they regard as food. This is difficult to prevent. In urban locations there is a tendency to take heavier liquor than in rural areas. The beer brewed in urban locations is usually more intoxicating, probably because such agents to fermentation as yeast of certain brands, syrup, and treacle are more easily obtainable.

The process of distillation is not known to the natives nor is there any organized traffic in liquor.

For statement of convictions of contraventions of the liquor law see paragraph 102.

134. The following return shows the imports, in gallons, of liquor of various kinds during the past five years:—

Year.	Wine.	Brandy.	Whisky.	Liqueurs.	Rum.	Gin.	Methylated Spirits.	Beer.
1924.....	27,013	20,849	4,821	1,857	293	1,184	3,110	56,837
1925.....	33,529	14,474	5,587	1,297	348	992	4,888	80,079
1926.....	32,095	14,489	6,184	1,419	430	1,566	7,451	95,702
1927.....	36,815	14,507	6,519	1,431	215	794	5,498	93,227
1928.....	41,150	15,509	6,264	1,363	172	846	6,370	107,074

It will be observed that these figures differ materially from the figures furnished in previous reports. The explanation is that the latter were compiled upon the permits issued for the importation of liquor. It does not follow, however, that the quantities authorised by the permits issued were actually reported. The figures now given are the returns given by Customs and Excise, and must be taken as accurate.

135. With regard to the importation of liquor into South West Africa, the principal countries of origin are—

The Union of South Africa, Great Britain, Germany, and France.

136. The Customs Officials at the ports and the Detective Branch of the Police in respect of the land frontiers are charged with the prevention of smuggling of liquor. There is, however, no such traffic.



137. The following is a statement of liquor (expressed in gallons) manufactured in the Territory since 1925 :—

Year.	Brandy.	Wine.	Beer.
1925.....	282	6,000	161,578
1926.....	295	6,000	194,517
1927.....	285	6,000	213,269
1928.....	375 (315)	6,000	216,217

#### POISONS AND DRUGS.

138. The keeping and sale of poisons and the importation, sale, and use of opium and other habit-forming drugs is now regulated by the Medical, Dental, and Pharmacy Act, No. 13 of 1928, passed by the Union Parliament. This came into operation on the 1st January, 1929, and applies to the Territory.

139. The law defines poisons and prescribes by whom and under what circumstances they may be supplied.

140. The importation, exportation, manufacture, cultivation, sale, supply, gift, or use of habit-forming drugs except by duly authorised persons, and except for medicinal, surgical, dental, or veterinary purposes is prohibited under severe penalties.

141. The Act has been reproduced in *Official Gazette* No. 301, dated the 4th January, 1929, copies of which have been forwarded to the League.

#### VIII.—ARMS AND AMMUNITION.

142. For the importation of all arms and ammunition permits are required from the Secretary for South West Africa. This is regulated under the provisions of Proclamation No. 8 of 1924, and applies to "trade guns" (flint locks) and "trade powder" required for any purpose.

143. The number of arms and quantity of ammunition imported during 1928 into South West Africa were as follows :—

Rifles.	Combination and Shot Guns.	Pistols and Revolvers.	Saloon Rifles.	Ball Cartridges.
833	261	189	221	957,056

Shot Cartridges.	Pistol and Revolver Cartridges.	Saloon Rifle Cartridges.
81,226	14,216	234,550

144. The number of arms and quantity of ammunition in South West Africa as at 31st December, 1928, were, approximately, as follows :—

(a) Arms—	
Rifles.....	8,267
Combination and shot guns.....	2,121
Pistols and revolvers.....	1,273
Saloon rifles.....	605
Maxim guns.....	6
Lewis Mark guns.....	2
(b) Ammunition—	
Ball cartridges.....	1,067,911
Shot cartridges.....	91,436
Pistol and revolver cartridges.....	43,803
Saloon rifle cartridges.....	49,850
Ammunition for Lewis Mark guns.....	19,000

Of the above, 3,068 rifles, 300 pistols, 845,000 ball cartridges, 11,500 pistol cartridges, and the Maxim and Lewis Mark guns with their ammunition are held by the Police and Burgher Forces.



## IX.—DEMOGRAPHIC STATISTICS.

## I.—EUROPEAN.

## A.—Population.

145. The estimated European population of the Territory at the 31st December, 1928, was 27,922, made up as follows. The figures for 1927 are also given for purposes of comparison :—

Area.	1928.			1927.		
	Males.	Females.	Total.	Males.	Females.	Total.
Urban.....	6,106	5,471	11,577	5,500	4,710	10,210
Rural.....	9,578	6,767	16,345	8,771	6,151	14,922
<b>TOTAL.....</b>	<b>15,684</b>	<b>12,238</b>	<b>27,922</b>	<b>14,271</b>	<b>10,861</b>	<b>25,132</b>

## B.—Vital Statistics.

146. The preliminary vital statistics for 1928 in respect of Europeans are compared with those of 1927 as follows :—

	1928.				1927.			
	Males.	Fe- males.	Total.	Rate per 1,000.	Males.	Fe- males.	Total.	Rate per 1,000.
Births.....	474	432	906	34·83	392	360	752	29·92
Deaths.....	126	81	207	7·96	117	71	188	7·48
Infantile deaths.....	31	21	52	57·40	24	19	43	57·20
Marriages.....	—	—	295	11·34	—	—	278	11·06

## C.—Migration Statistics.

147. The migration statistics for 1928 are given in the subjoined tables :—

## ARRIVALS.

## (i) PERSONS ENTERING TERRITORY BY SEA.

Reasons for entering South West Africa.	Males.	Females.	Total.
Assuming domicile.....	355	309	664
Resuming domicile.....	339	326	665
Visiting.....	57	49	106
<b>TOTAL.....</b>	<b>751</b>	<b>684</b>	<b>1,435</b>

The total number of arrivals by sea was made up as follows :—

	Males.	Females.
Adults.....	580	512
Minors.....	171	172
	<u>751</u>	<u>684</u>



## (ii) NATIONALITY OF PERSONS ENTERING TERRITORY BY SEA.

Nationality.	Males.			Females.			All Arrivals.
	Assuming Domicile.	Resuming Domicile.	Visit.	Assuming Domicile.	Resuming Domicile.	Visit.	
British.....	8	49	5	2	50	2	116
Austrian.....	6	3	1	4	—	1	15
Czecho-Slova.....	3	—	—	2	—	—	5
Dane.....	1	1	2	1	—	1	6
Finn.....	2	—	—	5	—	—	7
French.....	—	1	—	—	1	—	2
German.....	325	277	47	281	273	42	1,245
Jugo-Slav.....	2	1	—	2	—	—	5
Lett.....	—	—	—	2	—	—	2
Lithuanian.....	5	—	—	5	—	1	11
Pole.....	2	4	—	4	2	—	12
Russian.....	—	—	1	—	—	1	2
Spanish.....	—	1	—	—	—	—	1
Swiss.....	1	2	1	1	—	1	6
<b>TOTAL.....</b>	<b>355</b>	<b>339</b>	<b>57</b>	<b>309</b>	<b>326</b>	<b>49</b>	<b>1,435</b>

## (iii) NUMBER AND NATIONALITY OF PERSONS ENTERING TERRITORY BY LAND.

Nationality.	Males.	Females.	Total.
British.....	265	207	472
South African.....	494	386	880
American (United States of America).....	2	1	3
Austrian.....	—	1	1
Belgian.....	—	1	1
Netherlander.....	3	—	3
German.....	39	16	55
Italian.....	2	—	2
Jugo-Slav.....	2	—	2
Norwegian.....	1	—	1
Portuguese.....	490	471	961
Russian.....	10	3	13
Swede.....	2	—	2
Swiss.....	1	1	2
<b>TOTAL.....</b>	<b>1,311</b>	<b>1,087</b>	<b>2,398</b>

NOTE.—Details of the object of entry by land, i.e., whether assuming domicile or or visiting, are not available.

148.

## DEPARTURES.

## (i) PERSONS LEAVING TERRITORY BY SEA.

Reasons for Leaving South West Africa.	Males.	Females.	Total.
Relinquishing domicile.....	44	50	94
Conclusion of visit.....	142	123	265
Temporary absence.....	280	247	527
<b>TOTAL.....</b>	<b>466</b>	<b>420</b>	<b>886</b>

The total number of departures by sea was made up as follows:—

	Males.	Females.
Adults.....	361	301
Minors.....	105	119
	466	420



## (ii) NATIONALITY OF PERSONS LEAVING TERRITORY BY SEA.

Nationality.	Males.			Females.			All departures.
	Relinquishing Domicile.	Temporary Absence.	Completion of Visit.	Relinquishing Domicile.	Temporary Absence.	Completion of Visit.	
British.....	3	55	16	8	58	10	150
South African.....	—	—	1	—	—	1	2
American (U.S.A.)...	—	—	—	—	1	—	1
Austrian.....	2	4	—	—	—	—	6
Dane.....	—	1	—	—	1	3	5
Netherlander.....	1	2	—	—	—	—	3
Finn.....	2	1	1	4	1	2	11
German.....	35	211	120	37	184	103	690
Hungarian.....	—	—	1	—	—	1	2
Italian.....	—	1	—	—	—	—	1
Jugo-Slav.....	—	—	1	—	—	1	2
Norwegian.....	1	—	1	—	—	—	2
Pole.....	—	3	—	—	1	1	5
Swiss.....	—	2	1	1	1	1	6
TOTAL.....	44	280	142	50	247	123	886

## (iii) NUMBER AND NATIONALITY OF PERSONS LEAVING TERRITORY BY LAND.

Nationality.	Males.	Females.	Total.
British.....	222	157	379
South African.....	310	238	548
American (United States of America).....	1	—	1
Austrian.....	1	—	1
Netherlander.....	1	3	4
French.....	1	—	1
German.....	46	14	60
Italian.....	1	—	1
Jugo-Slav.....	5	—	5
Lithuanian.....	4	—	4
Norwegian.....	9	—	9
Portuguese.....	2	—	2
Russian.....	8	2	10
Swede.....	1	—	1
Swiss.....	2	—	2
TOTAL.....	614	414	1,028

NOTE.—Details of the object of departure by land, i.e., whether relinquishing domicile or temporary absence, are not available.

149. The following table indicates the occupations of persons entering or leaving the Territory by sea for the purpose of assuming or relinquishing domicile, respectively:—

Occupations.	Assuming Domicile.			Relinquishing Domicile.		
	M.	F.	T.	M.	F.	T.
Fishing—						
Fishermen.....	—	—	—	1	—	1
Farming—						
Farmers.....	91	2	93	7	—	7
Nurserymen, gardeners.....	2	1	3	—	—	—
Agriculture and forestry pupils.....	1	—	1	—	—	—
Farm bailiffs and foremen.....	1	—	1	—	—	—
Agricultural labourers.....	23	—	23	—	—	—
Mining—						
Other workers below ground.....	1	—	1	2	—	2
Other workers above ground.....	8	—	8	—	—	—
Diamond miners.....	9	—	9	—	—	—
Workers in chemical processes—						
Brass, bronze, foundry furnacemen, and casters.....	5	—	5	—	—	—
Smiths and skilled forge workers....	3	—	3	—	—	—
Metalworkers—						
Erectors, fitters.....	3	—	3	—	—	—
Lock, latch, and key makers; locksmiths.....	10	—	10	—	—	—
Mechanical engineers, engineers.....	11	—	11	—	—	—
Mechanics.....	3	—	3	3	—	3
Motor mechanics.....	3	—	3	—	—	—



Occupations.	Assuming Domicile.			Re.inquishing Domicile.		
	M.	F.	T.	M.	F.	T.
Electrical apparatus makers—						
Electrical engineers.....	5	—	5	—	—	—
Electrical fitters.....	2	—	2	—	—	—
Electricians.....	2	—	2	1	—	1
Makers of textile goods—						
Tailors.....	3	—	3	—	—	—
Dress and blouse makers.....	—	2	2	—	—	—
Boot and shoe makers and repairers	1	—	1	—	—	—
Makers of foods—						
Bakers and pastry cooks.....	2	—	2	—	—	—
Other skilled workers.....	—	—	—	1	—	1
Brewers.....	1	—	1	—	—	—
Workers in wood and furniture—						
Cabinetmakers.....	5	—	5	—	—	—
Carpenters.....	4	—	4	—	—	—
Cartwrights, wheelwrights, and Wagon- wrights.....	1	—	1	—	—	—
Makers of and workers in paper—						
Printers.....	2	—	2	—	—	—
Builders, contractors, painters, and deco- rators—						
Bricklayers.....	1	—	1	—	—	—
Masons.....	3	—	3	—	—	—
Painters and decorators.....	4	—	4	—	—	—
Transport and communication—						
Other railway servants.....	4	—	4	—	—	—
Motor drivers.....	1	—	1	—	—	—
Firemen, trimmers, greasers.....	—	—	—	1	—	1
Pursers, stewards, and domestic staff	—	—	—	1	—	1
Other dock labourers.....	—	—	—	1	—	1
Commercial—						
Proprietors.....	25	1	26	5	—	5
Commercial travellers.....	1	—	1	—	—	—
Salesmen and shop assistants.....	1	2	3	—	—	—
Professional—						
Clergymen (Anglican Church).....	1	—	1	—	—	—
Roman Catholic priests, monks, nuns	6	3	9	—	1	1
Itinerant preachers.....	5	3	8	3	—	3
Physicians, surgeons.....	4	2	6	—	—	—
Sick nurses.....	—	9	9	—	3	3
Teachers.....	8	12	20	1	—	1
Architects, quantity surveyors.....	1	—	1	—	—	—
Other persons engaged in scientific pursuits.....	1	—	1	—	—	—
Painters, sculptors, engravers (artists)	—	—	—	1	—	1
Entertainment and sport—						
Musicians.....	1	—	1	—	—	—
Personal service—						
Domestic servants.....	3	61	64	—	2	2
Barmen.....	1	—	1	—	—	—
Hairdressers.....	3	1	4	—	—	—
Clerks and draughtsmen—						
Other clerks.....	15	6	21	5	1	6
Stationary engine-drivers—						
Stationary engine and crane drivers..	1	—	1	—	—	—
Other and undefined workers—						
Employers and managers.....	1	—	1	—	—	—
General labourers.....	1	—	1	1	—	1
Labourers (not otherwise defined)....	2	—	2	—	—	—
Occupation unknown, not stated, un- specified.....	4	42	46	3	10	13
Retired from previous gainful occu- pation.....	1	—	1	1	—	1
Household duties at home or home duties.....	—	110	110	—	20	20
All persons under 15 years of age....	54	52	106	6	13	19
TOTAL.....	355	309	664	44	50	94

## II.—NON-EUROPEAN.

150. A.—*Population*.—The total native population of the Territory is given in the following comparative table:—

Area.	1928.	1927.	1926.
Within the police zone.....	106,937	93,491	91,990
Outside the police zone—			
(a) Ovamboland.....	137,000	136,900	126,600
(b) Kaokoveld.....	3,180	3,180	2,200
(c) Okavango.....	14,000	14,000	14,000
TOTAL.....	261,117	247,571	234,790



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