

EXTRAORDINARY



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[No. 2304.]

PROCLAMATION

BY HIS EXCELLENCY THE RIGHT HONOURABLE SIR JOHANNES WILHELMUS WESSELS, A MEMBER OF HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, OFFICER ADMINISTERING THE GOVERNMENT OF THE UNION OF SOUTH AFRICA.

* No. 219, 1935.]

Whereas it has been ascertained that Italy has resorted to war against Abyssinia in breach of her undertakings under Article 12 of the Covenant of the League of Nations.

And whereas it is deemed expedient to take certain measures in fulfilment of the obligations incumbent on the Union in virtue of Article 16 of the Covenant aforesaid.

Now, therefore, under and by virtue of the powers vested in the Governor-General and at present exercised by me, under section one of the Treaty of Peace and South West Africa Mandate Act, 1919 (Act No. 49 of 1919), I do hereby declare proclaim and make known as follows:—

1. (i) Any person who, directly or indirectly, exports or re-exports from the Union, or transships within the Union for the purpose of export, to Italy or any Italian possession, any of the arms, munitions and implements of war enumerated in the Schedule to this proclamation, or transmits or knowingly conveys or knowingly allows the transit or conveyance of any such goods through the Union to Italy or an Italian possession, shall be guilty of an offence.

(ii) No goods of the nature mentioned in sub-section (i) of this section shall be loaded in the Union for export unless the bill of lading definitely states the port or ports of discharge.

2. (i) Any person shall be guilty of an offence under this proclamation, who, whether directly or through an intermediary of whatsoever nationality,

- (a) lends money to or for, or
- (b) subscribes to any loan, issued in Italy or elsewhere, by or for, or
- (c) accords banking or other credits, or continues to give execution, by advance, overdraft or otherwise, to an existing contract to lend directly or indirectly, to or for, or
- (d) issues shares or other capital flotations for, or
- (e) subscribes to any issue of shares or other capital flotations issued in Italy or elsewhere, for

the Italian Government or any person, corporation, or public authority, in Italian territory.

(ii) The provisions of sub-section (i) of section two shall not apply to payments made to religious institutions or to institutions having a humanitarian object.

PROKLAMASIE

VAN SY EKSCELLENSIE DIE HOOGEDELAGBARE SIR JOHANNES WILHELMUS WESSELS, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, AMPTENARE BELAS MET DIE UITOEFENING VAN DIE UITVOERENDE GESAG VAN DIE UNIE VAN SUID-AFRIKA.

* No. 219, 1935.]

Nademaal dit vasgestel is dat Italië, in stryd met sy verpligtings onder Artikel 12 van die Volkebondstatuut, sy toevlug geneem het tot oorlog teen Abessinië;

En nademaal dit dienstig geag word om sekere maatreëls te neem ter vervulling van die verpligtings wat op die Unie rus kragtens Artikel 16 van die Statuut voormeld;

Daarom is dit dat ek, kragtens die bevoegdhede verleen aan die Goewerneur-generaal, en tans deur my uitgeoefen, onder Artikel 1 van die „Vredesverdrag en Zuid West Afrika Mandaat Wet” van 1919 (No. 49 van 1919) hierby verklaar, proklameer en bekendmaak as volg:—

1. (i) Elkeen wat, direk of indirek, van die wapens, ammunisie, en oorlogstuig vermeld in die bylae van hierdie Proklamasie, uit die Unie uitvoer of heruitvoer, of in die Unie oorlaai met die doel om uit te voer, na Italië of 'n Italiaanse besitting, en wat van sulke goedere deur die Unie deurstuur of willens en wetens vervoer of willens en wetens die deurgang of vervoer daarvan toelaat na Italië of 'n Italiaanse besitting, maak hom skuldig aan 'n oortreding.

(ii) Geen goedere van die aard vermeld in subartikel (i) van hierdie artikel mag in die Unie vir uitvoer gelaai word nie, tensy die vragbrief duidelik die hawe of hawens van lossing aangee.

2. (i) Elkeen maak hom skuldig aan 'n oortreding onder hierdie proklamasie wat, hetsy direk hetsy deur 'n tussenpersoon van watter nasionaliteit ook—

- (a) geld leen aan of vir, of
- (b) inteken op 'n lening, geplaas in Italië of elders, deur of vir, of
- (c) bank- of ander krediete verskaf of uitvoering bly gee, deur voorskot, oortrekking of andersins, aan 'n bestaande kontrak om direk of indirek te leen aan of vir, of
- (d) aandele uitgee of ander kapitaal plaas vir, of
- (e) inkryf op uitgifte van aandele of ander kapitaal-plasings uitgee in Italië of elders, vir

die Italiaanse regering of enige persoon, liggaam of publieke gesag in Italiaanse gebied.

(ii) Subartikel (i) van artikel twee is nie van toepassing op betalings aan godsdienstige instellings of op instellings wat 'n mensliewende doel beoog nie.

3. Any person found guilty of the commission of, or of an attempt to commit, an offence under this Proclamation shall be liable to a fine not exceeding one thousand pounds or imprisonment not exceeding one year or to both such fine and imprisonment.

4. For the purposes of this Proclamation the Mandated Territory of South West Africa shall be deemed to form part of the Union.

5. This Proclamation shall come into force on the thirty-first day of October, 1935.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria on this the Thirtieth day of October One thousand Nine hundred and Thirty-five.

J. W. WESSELS,

Officer Administering the Government.

By Command of His Excellency the Officer Administering the Government-in-Council.

J. C. SMUTS.

SCHEDULE.

Category 1.

- (1) Rifles, carbines and their barrels.
- (2) Machine guns, automatic rifles and machine pistols of all calibres and their barrels.
- (3) Guns, howitzers and mortars of all calibres, their mountings, barrels and recoil mechanisms.
- (4) Ammunition for the arms enumerated under (1) and (2) above; filled and unfilled projectiles for the arms enumerated under (3) above, and prepared propellant charges for these arms.
- (5) Grenades, bombs, torpedoes and mines, filled or unfilled, and apparatus for their use or discharge.
- (6) Tanks, armoured vehicles and armoured trains. Armour plate of all kinds.

Category 2.

Vessels of war of all kinds including aircraft carriers and submarines.

Category 3.

- (1) Aircraft, assembled or dismantled, both heavier and lighter than air and their propellers or air screws, fuselages, aerial gun mounts and frames, hulls, tail units and under-carriage units.
- (2) Aircraft engines.

Category 4.

Revolvers and automatic pistols of a weight in excess of 1 pound 6 ounces (630 grammes) and ammunition therefor.

Category 5.

- (1) Flame throwers and all other projectors used for chemical or incendiary warfare.
- (2) Mustard gas, lewisite, ethyldichlorarsine, methyldichlorarsine and all other products destined for chemical or incendiary warfare.
- (3) Powder for war purposes and explosives.

3. Iemand wat skuldig bevind word aan die pleging, of poging tot pleging, van 'n oortreding onder hierdie Proklamasie is strafbaar met 'n boete van hoogstens eenduisend pond sterling of gevangenisstraf van hoogstens een jaar, of met sodanige boete sowel as gevangenisstraf.

4. By die toepassing van hierdie Proklamasie sluit die Unie dit Mandaatgebied Suidwes-Afrika in.

5. Hierdie Proklamasie tree in werking op die een-en-dertigste dag van Oktober 1935.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseël van die Unie van Suid-Afrika te Pretoria, op hede die Dertigste dag van Oktober Eenduisend Negehoenderd Vyf-en-dertig.

J. W. WESSELS,

Amptenaar Belas met die Uitoeffening van die Uitvoerende Gesag.

Op Las van Sy Eksellensie die Amptenaar Belas met die Uitoeffening van die Uitvoerende Gesag-in-rade.

J. C. SMUTS.

BYLAE.

Kategorie 1.

- (1) Gewere, karabyne en hul lope.
- (2) Masjiengewere, outomatiese gewere, masjiempistole, van alle kalibers en hul lope.
- (3) Kanonne, howitzers en mortiere van alle kalibers, hul affuite, lope en terugstoot-meganiek.
- (4) Ammunisie vir wapens vermeld in (1) en (2) hierbo; gelaaiide of ongelaaiide projektele vir wapens vermeld in (3) hierbo en toebeide dryfladings vir daardie wapens.
- (5) Granate, bomme, torpedo's en myne, gelaai of ongelaai, en appaate vir die gebruik of ontplofing daarvan.
- (6) Tenks, gepantserde voertuie en gepantserde treine. Pantserplate van welke aard ook.

Kategorie 2.

Oorlogskepe van welke aard ook, insluitende vliegtuig-draers en duikbote.

Kategorie 3.

- (1) Vliegtuie inmekeer gesit of in onderdele, swaarder of ligter as lug en hul dryf- of lugs kroewe, rompe, stelle vir luggeskut en geraantes, rompe of dryffliggame, onderdele van sterte en van onderstelle.
- (2) Vliegtuigmasjiene.

Kategorie 4.

Rewolwers en outomatiese pistole, swaarder as 1 pond 6 ons (630 gram) en ammunisie daarvoor.

Kategorie 5.

- (1) Vlamwerpers en alle ander werpers wat gebruik word om met gas en vlamstowwe oorlog te voer.
- (2) Mostertgas, lewisiet, etieldichlorarsine, metieldichlorarsine en alle andere produkte bestem vir oorlog met gas en vlamstowwe.
- (3) Kruit vir oorlogsdoeleindes en ontplofingstowwe.