

Revised Statute Of 1 January 1874

In this month of July in the year 1874 the citizens of Rehoboth resolved to renew the form of government, done at Nisbeth Bath in 1868 and amended at Rehoboth in the year 1872, with the following rules.

- Section 1. On January 1874 the resident citizens at Rehoboth appointed as Kaptein one Hermanus Van Wyk. He retains his full authority as paramount chief indefinitely.
- Section 2. Furthermore, if the citizens have an accusation against the Kaptein in that they are of the opinion that he is not worthy of his office, the citizens shall not have the right to remove him from his office. But any person who is of the opinion that he has a well-founded legitimate complaint, shall submit his complaint to three impartial chiefs of the country who have adopted Christian law, to be resolved by them.
- Section 3. Hereby it shall also mean that the Kaptein is subject to the law in a manner similar to any citizen or Council member.
- Section 4. The Kaptein as paramount chief shall be deemed worthy of maintaining order and issuing commands whenever necessary to the benefit of the nation.
- Section 5. Each citizen shall propose 10 men as councillors to assist the Kaptein, and from amongst the ten men to receive the majority vote the Kaptein shall choose 4 men as the members of his Council.
- Section 6. Every Council member is elected for one year and may, if he fulfils his office well, be re-elected.
- Section 7. Every citizen who has full citizenship shall be entitled to elect the Kaptein.
- Section 8. The Kaptein shall appoint one of his Council members in his place if he has to leave home or, also in other circumstances, even if he is at home but indisposed.
- Section 9. The Kaptein's Council may be summoned by the Kaptein at any time in connection with government matters.
- Section 10. Every member of the Council shall inform the Kaptein if he has to leave and the Kaptein shall appoint one from amongst the citizens to take such Council member's place for the duration of his absence.
- Section 11. If the Kaptein or a member of the Council neglects his clerical duties due to own interests and negligence, he will receive written warning the first time, and if he persists in his neglect, summons will be served on him and he will have to answer to the complaints about his neglect in the Office, and if he is proved guilty, he may be fined from ten shillings to one pound Sterling, and if he disobeys the summons, he may be relieved of his office.
- Section 12. The kaptein will be similarly fined, and if any Council member or citizen refuses to obey his summons, he will be fined up to twice the cost at One Shilling and Sixpence

each and the third time he shall be forced to pay the ensuing police cost to charge him in the office of the judges, and pay it in addition to his fine of Five Shillings to Two Pounds Sterling as punishment, as well as the case for which summons was served on him in the first place.

Section 13. In the event of a threat of attack by enemies, the Kaptein is authorized to call up all men able to bear arms above the age of sixteen years to assist in defence and each one shall be obliged to obey orders with the exception of anyone who is medically unfit.

Section 14. Anyone who resists call-up or refuses to obey orders shall appear before a military tribunal consisting of two deputy commanders appointed by the Kaptein and two members of the Kaptein's Council, who shall have the right to fine the guilty party from One to Fifty Pounds Sterling, and if he is unable to pay the fine, he shall receive corporal punishment of fifty lashes. The Kaptein shall pass sentence.

Section 15. In every war the Kaptein shall have the supreme command and all deputy commanders appointed by him are obliged to obey his orders.

Section 16. For cases of complaints, either criminal or civil, the Kaptein shall appoint Judges to investigate and punish in accordance with the Statutes.

Section 17. If anyone who is sentenced and punished is of the opinion that he is not guilty, he shall have the right to appeal to the Kaptein and his Council; he shall abide by their sentence. In every criminal case the Kaptein shall uphold the sentence.

Section 18. Any case in which the judges have passed judgement, shall be reported on to the Kaptein in writing immediately after the sentence was passed.

Section 19. The citizens shall appoint the Field Cornet by majority vote and then inform the Kaptein accordingly.

Section 20. Whenever the Field Cornet leaves the area for a time, he shall appoint a competent man in his place with full delegated powers.

Section 21. Murder with intent shall receive an irrevocable death penalty.

Section 22. A death sentence may not be passed without one of the other Chiefs in the country being present.

Section 23. If anyone causes the death of another through negligence he shall have to prove before the Judges through two witnesses that he did not do so out of wilfulness or revenge and animosity, then he shall not receive the death penalty, but will receive punishment in proportion to his guilt, either in the form of a fine or corporal punishment.

Section 24. If due to negligence or in a fight or some other manner a person is injured and such injury constitutes grievous bodily harm, the guilty party shall be fined or punished in proportion to the injury caused the other person, with a fine or money or goods or receive corporal punishment.

Section 25. No master may ill-treat his servants and if he is guilty he shall be fined five shillings

to one pound Sterling.

- Section 26. Every servant shall have the right to report a master who ill-treats him, but if the servant is a stock herd he shall not leave the livestock entrusted to his care in the veld when he goes to report his master.
- Section 27. Ill-treatment shall mean all undue punishment, i.e. to be beaten with hands and feet and rocks.
- Section 28. Anyone who steals large or small stock or other property, shall return the same threefold. If he is unable to return the stolen goods, he shall perform forced labour of from one to twelve months or receive corporal punishment of from five to fifty lashes.
- Section 29. Anyone who knowingly sells or conceals stolen goods will receive the same punishment as a thief.
- Section 30. If the thief is a child or someone of ill health, the judges shall take this into account in mitigation of the punishment.
- Section 31. The owner of the stolen goods shall receive it back twofold if the thief is able to return said goods; if the thief is unable to pay he will have to enter the employ of the owner of the stolen goods, or in other employ or hard labour as directed by the judges in order to serve as punishment.
- Section 32. No citizen may sell brandy or any liquor other than wine within the area of Rehoboth without an order issued by the Kaptein.
- Section 33. Anyone contravening this provision shall permit his premises to be searched thoroughly and any brandy or liquor found there will be confiscated.
- Section 34. Apart from the loss of his liquor, he shall also pay a fine of five pounds Sterling for the first offence, and double that amount for the second offence.
- Section 35. Any dealer or alien who sells liquor in the area will be fined to the same amount as the citizens and, in addition, he will be expelled from the area.
- Section 36. If a debtor is charged for his debt and he refuses to pay, the judges shall have the right to arrange for the sale of his goods or sell it themselves to the value of the debt and the expenses incurred.
- Section 37. To cover the expenses, the judges will calculate five shillings for the complaint to be paid by the complainant, but which will be refunded to him once the debtor has repaid the debt.
- Section 38. If the proceeds from the sale of the debtor's goods are insufficient to cover the debt, then the creditor shall be satisfied with the amount received by the judges for the sold goods, less the five shillings complaint money and one shilling in the pound Sterling to cover their expenses.
- Section 39. If the debtor has no property, he must find work in order to pay his debt.

- Section 40. If the debtor is the father of a family, he will receive half of the wages earned for his family and the other half will be paid to the creditor.
- Section 41. If he refuses to enter into employment, the judiciary will consider what is to be done with him.
- Section 42. A poor person who is unable to pay the complaint money shall have his complaint accepted without paying the fee, but he shall pay it later if the debt is repaid and he has enough money to do so.
- Section 43. If the poor person is old or in ill health and unable to work, the judges will charge no fee for expenses.
- Section 44. If anyone is forced to use another's horse or ox or livestock without having had the opportunity to ask permission from the owner, he must immediately upon seeing the owner inform him and ask his pardon and pay the amount the owner charges for the use, though this amount shall not be disproportionate: for a horse it is a maximum of ten shillings per day, for an ox one shilling; and if he has to slaughter one livestock unit out of lack, he shall pay the full value of such unit.
- Section 45. On the other hand, if the horse or the ox is injured during use, he shall pay for the damage; in the case of death, the full value shall be paid.
- Section 46. Anyone leaving his wife without cause, shall leave his property behind to be allocated to the wife. If the wife leaves her husband without legal cause, the same shall apply to her.
- Section 47. For a child born out of wedlock, the father of the child, if he is a married man, or if he is unmarried and had promised to marry the mother, and if she complains, shall pay her eight pounds Sterling for the upbringing of the child.