

BECHUANALAND PROTECTORATE.

No. 20 of 1931.

[Promulgated 17th July, 1931.]

PROCLAMATION

By His Excellency THE HIGH COMMISSIONER

Appointing E. S. B. Tagart, Esquire, C.B.E., as Special Commissioner to inquire into certain matters in the Bechuanaland Protectorate.

Whereas it is expedient to appoint a Special Commissioner for the purpose of holding an inquiry in the Bechuanaland Protectorate into the matters hereinafter specified and to confer on the Special Commissioner powers to compel the attendance of witnesses and the production of documents and to examine witnesses on oath;

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

1. Edward Samuel Bourn Tagart, Esquire, C.B.E., is hereby appointed as Special Commissioner to hold an inquiry in the Bechuanaland Protectorate under the terms of reference contained in the Schedule to this Proclamation and on any further matters which may be referred to him by the High Commissioner by notice in the *Gazette*.

2. The Special Commissioner shall have for the purpose of his inquiry the powers of a Court of Resident Magistrate to summon witnesses and to call for the production of documents, and may in his discretion if he considers it expedient for the purpose of his inquiry examine any witness on oath.

Summons for the attendance of witnesses or the production of documents shall be signed by the Special Commissioner and served in the same manner and by the same officer as a summons issued by the Court of Resident Magistrate of the district in which the witness resides.

3. All persons summoned to attend and give evidence before the Special Commissioner or to produce documents at any of his sittings shall be bound to obey the summons served on them; and any person refusing or omitting without sufficient cause to attend and give evidence or to produce documents in his possession or under his control mentioned or referred to in the summons served on him at any sitting of the Special Commissioner when summoned to do so shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months; provided always that every person summoned to give evidence or produce documents shall be entitled to all the privileges with regard to the answering of questions or the production of documents to which a witness summoned to give evidence or produce documents before a Court of Resident Magistrate is entitled.

4. Any witness who shall after being duly sworn wilfully give false evidence before the Special Commissioner concerning the subject-matter of inquiry shall be guilty of perjury and shall be liable to be prosecuted and punished accordingly.

5. Every witness who shall attend before the Special Commissioner and shall refuse to answer or to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of the Special Commissioner; and every person who shall at any sitting of the Special Commissioner wilfully interrupt the proceedings or be guilty of any disrespect or improper behaviour shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

6. This Proclamation may be cited as the Special Commissioner Proclamation 1931 and shall have force and effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Capetown this Eleventh day of July One thousand Nine hundred and Thirty-one.

H. J. STANLEY,
High Commissioner.

By Command of His Excellency the
High Commissioner.

SHIRLEY EALES,
for Imperial Secretary.

SCHEDULE.

TERMS OF REFERENCE.

The Special Commissioner is required to inquire into and report upon

- (a) the conditions under which Masarwa are employed by the Bamangwato Tribe; the nature, extent and system of their remuneration, if any; the extent to which they are free to engage in any occupation or transfer their services from one employer to another, or move from one place to another, and able to exercise such freedom; their general conditions of life including their status in regard to rights of person and property; and the circumstances which have led to the present subject position of these people;
- (b) the system under which corporal punishment is inflicted among natives in the Bamangwato Reserve, the extent to which, having regard to present tribal conditions, such a system should be allowed to continue, and the nature of the safeguards which exist or are necessary to control and regulate such form of punishment and to prevent its abuse;

and to submit recommendations.