

MINUTE OF CHIEF'S KGOTLA MEETING: SEROWE: 11.12.35.

Present :- Capt. G.E. Nettelton, Resident Magistrate.
Mr. J.W. Joyce, Ag. Addl. R.M.
Mr. W.R. McIntosh, Clerk.

MAGISTRATE:

The Acting Chief Tshekedi and Tribe.

I want to start by greeting the Chiefs and people. Things seemed to have improved owing to the rain we have had.

I want to explain that this meeting has been called by the Chief at the request of the Administration in connection with the Native Administration Proclamations which have been talked about for a long time. It will be remembered that for many months the Government has been calling upon the Chief to designate his Councillors under the new Proclamations and that these Proclamations have been law since January. During all this time the Proclamations have been protested against and the Chief has protested saying that he is unable to designate his Councillors. Then we came to the other day the 29th November when we had a meeting in the afternoon and at that meeting the Chief named 12 men as Councillors. Since then one or two headmen have been to ask me where they stand and it has appeared that they think they should also have been named, I do not know. However, the High Commissioner finds that the Chief told Sir Herbert Stanley that the councillors of the Chief and hereditary headmen and that the number of these councillors is very large. In the first instance the Proclamations were being made to limit the number of councillors. I think it was 12 the number originally mentioned, but in the

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light of what the Chief told Sir Herbert Stanley the Proclamations were framed so that the Chief could designate the people who would normally be his councillors and the number was not limited. Now the High Commissioner wishes to inquire whether the people named on the 29th November by the Chief are the entire number of persons who under native law and custom are entitled to advise him as councillors. That is the question that is being put, in view of the fact that the Chief had told Sir Herbert Stanley that they were a large number.

CHIEF:

I ask if this is the only question?

MAGISTRATE:

I have a further message.

CHIEF:

I was asking the Magistrate if that was all but he said that he has a further message. If this is a question put forward by the Magistrate I shall consider it together with what he said up to the time he had put the question. I have not much to say just to put my views before you. I can see the manner in which the Government takes this question, and I am glad that the majority of it all has been recorded. The Magistrate knows what the tribe does not know. The question just put forward is the one I desired should be put in Court, and I am sorry it should be asked of me now, and I ask that I may be allowed to reply to it after consultation with my legal adviser. I ask this because I have already set my case in motion and I understand it has been accepted.

MAGISTRATE:

The question is one which I am asking on the instructions.../

instructions of the High Commissioner because he feels that in view of what the Chief told Sir Herbert Stanley and in view of what was done on the 29th November that what has been done confirms the opinion of what the High Commissioner had formed that the action of the Chief would only seem to be compliance with the Proclamations but actually it is not. I hear what the Chief has said that he is not prepared to answer the question without legal advice and wants time before he replies. However, the High Commissioner is impressed with the fact that amongst these councillors who have been designated there are a number of people missing, people who everyone would think should have been designated: numbers of the Chief's family and relatives and hereditary headmen of alien tribes in the Reserve and the Chief's representatives in the District, and the High Commissioner while asking that question is of the opinion that the Chief's action does not appear to be a compliance with the Proclamations. However, the Chief has mentioned a matter which you do not know; he has applied for permission to bring an action against the High Commissioner in the Special Court, and the Chief will explain the nature of that action. I should like to ask the Chief whether he will be prepared to give an answer in due course, as I want to be in a position to clearly state what the prospects are.

CHIEF:

I do not think that the Bamañwato will understand although we shall understand what we are talking about. I have stated previously that the Government had found it impossible to enforce the Proclamations without the Chief's assistance, for while I was at the cattle post the High Commissioner said that my representative and the Magistrate should enforce the laws,

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and it was seen that this was impossible, and then I was asked to enforce the laws. I could then see that the responsibility was removed from the Bamañwato to Tshekedi, and the outcome and result of it would not be placed on the Bañwato but on myself. I then saw that I must find some means to find my own succour and this is the case which the Magistrate has mentioned. I have not told you anything in connection with this case as everything has been laid on me personally. It is my responsibility and not that of the Bamañwato. That is why today I am sorry that I am asked this question when I have referred it to the Court. I ask permission to consult my legal adviser and I will reply immediately. This refers to me and not to the Bamañwato.

MAGISTRATE:

I have heard. I have not a great deal more to say except that the High Commissioner does not accept this designation as a compliance with the law. He feels that while it gives the appearance of compliance is really designed to prevent the proper enforcement of the Proclamations. However the Chief has applied for permission to institute a case, as he has explained to you, and the High Commissioner has decided that until the case has been determined in the Special Court no steps will be taken to enforce the Proclamations in the Ngwato Reserve.

CHIEF:

You have heard the words for yourselves. I was asked by the Magistrate to convene this meeting so that he could tell you what the Administration has decided and the manner in which I tried to reply. I do not know whether you have understood everything. I was unaware of what the meeting was about.

MAGISTRATE:

PULA!