

BECHUANALAND PROTECTORATE.

No. 24 of 1922.

[Promulgated 7th April, 1922.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER
Entitled the Special Commissioner Proclamation, 1922.

Whereas it is expedient to appoint a Special Commissioner for the purpose of holding an inquiry in the Bechuanaland Protectorate into the matters herein after 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. Sir Herbert Cecil Soley, K.C.M.G., 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 Assistant Commissioner 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 Assistant Commissioner 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 Assistant Commissioner 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 disrespectful 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 1922 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 Third day of April One thousand Nine hundred and Twenty-two.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

SCHEDULE.

TERMS OF REFERENCE.

The Special Commissioner is required to inquire into and report upon the circumstances connected with and attending the removal in 1920 and 1921 of certain Mafirwa, namely, Malema Makhura and his followers, and their families and possessions from the Tuli Block, including any relevant matters relating to the origin and previous history of such Mafirwa, and particularly whether any loss of property or personal injuries were suffered by them at the time of or in connection with such removal and if so the nature and extent of such loss and injuries, and how such loss and injuries were occasioned; and further as to whether any special measures are required in order to provide for the future welfare of such Mafirwa.