

**PROCLAMATION.<sup>1</sup>**

BY

HIS EXCELLENCY THE HIGH COMMISSIONER.

**No. 15, 1904.—DATED 25th MAY, 1904.**

**Preamble.**

WHEREAS it is expedient to amend the provisions relating to the admission and enrolment of Advocates, Attorneys, Notaries and Conveyancers as practitioners in the Courts of the Bechuanaland Protectorate:

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

**Repealing Proclamation of 8th April, 1892.**

1. The Proclamation dated the 8th day of April, 1892, for regulating the admission of Advocates, Attorneys, Notaries and Conveyancers throughout the Territories defined by Her late Majesty's Order in Council of the 9th May, 1891, shall be and is hereby repealed in so far as it is in force in the Protectorate, but no such repeal shall take away any right existing at the date of this Proclamation of any Advocate, Attorney, Notary, or Conveyancer duly admitted and enrolled at such date to practise within the limits of the said Territories as such Advocate, Attorney, Notary or Conveyancer respectively.

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<sup>1</sup>Printed as amended by Proclamation No. 2 of 1923.

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**Defining terms.**

2. In this Proclamation the expression "Resident Commissioner" shall mean the Resident Commissioner of the Bechuanaland Protectorate, and any person lawfully acting in such capacity: and the expression "Protectorate" shall mean the "Bechuanaland Protectorate."

**Persons who may be enrolled as Advocates.**

3. The Resident Commissioner, upon written petition may in his discretion<sup>1</sup> approve, admit to practice and enrol as an Advocate of the Courts of the Protectorate:—<sup>2</sup>

- (a) Any person who shall have been admitted as a Barrister in England or Ireland or as an Advocate in the Court of Session of Scotland, and at the date of such petition is still entitled to practise as such Barrister in England or Ireland or as an Advocate in Scotland;
- (b) Any person who shall have been admitted to practice as an Advocate in the Supreme Court or High Court of any Colony or State now forming part of British South Africa, and who at the date of his petition aforesaid remains enrolled as an advocate of such Supreme Court or High Court, and has practised exclusively as an Advocate of such Court, and not in partnership with any Attorney of such Court;

provided that no such person shall be admitted to practise as an Advocate of the Courts of the Protectorate or after having been so admitted, shall continue to practise as aforesaid, who shall either himself be carrying on, directly or indirectly, the business of an Attorney, or be directly or indirectly interested in the business of any Attorney or firm of Attorneys in any Colony or State now forming part of British South Africa.

**Persons who may be enrolled as Attorneys.**

4. The Resident Commissioner, upon written petition, may in his discretion approve<sup>1</sup> admit to practice and enrol as an Attorney of the Courts of the Protectorate:

- (a) Any person who, being an Attorney or Solicitor of any of the Courts of Record in London or Dublin, or being a writer to the Signet or a Solicitor or Law Agent admitted to practice in the Supreme Courts in Scotland, is not under any order of suspension in any such Courts respectively;
- (b) Any person who has been admitted to practice as an Attorney or Solicitor in the Supreme Court or High Court of any Colony or State now forming part of British South Africa, and who, at the date of his petition aforesaid, remains enrolled as an Attorney of such Supreme Court or High Court, and is not under any order of suspension in any such Court;
- (c) Any person entitled under this Proclamation to be admitted as an Advocate of the Courts of the Protectorate, provided that he satisfies the Resident Commissioner that he has not practised as an advocate during three months immediately preceding his application, for admission as an Attorney under this Proclamation.

**Persons who may be enrolled as Notaries Public and Conveyancers.**

5. The Resident Commissioner, upon written petition, may in his discretion approve admit to practice and enrol:—<sup>1</sup>

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<sup>1</sup>See Proclamation No. 2 of 1923.

<sup>2</sup>See Section 5 of Proclamation No. 40 of 1912.

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- (a) As a Notary Public any person who has been admitted as an Attorney of the Courts of the Protectorate, whether before or after the date of this Proclamation, and who has also been admitted to practice as a Notary Public by the Supreme Court or High Court of any Colony or State now forming part of British South Africa, and at the date of his petition aforesaid remains enrolled as a Notary Public in such Court, and is not under any order of suspension in any such Court;
- (b) As a Conveyancer, any person who has been admitted as an Attorney of the Courts of the Protectorate, whether before or after the date of this Proclamation, and has also been admitted to practice as a Conveyancer by the Supreme Court or High Court of any Colony or State now forming part of British South Africa, and at the date of his petition aforesaid, remains enrolled as a Conveyancer in such Court, and is not under any order of suspension in any such Court.

**Resident Commissioner may suspend or remove legal practitioners.**

6. The persons admitted and enrolled by the Resident Commissioner as aforesaid shall be and are hereby authorised to appear and plead and act for suitors in the Courts of the Protectorate, provided always that the Resident Commissioner may, upon reasonable cause shown, suspend from practice or remove any such person from the roll of legal practitioners mentioned in Section 10 of this Proclamation.

**No persons other than those duly admitted may appear, plead, or act in the Courts of the Protectorate.**

7. No person other than persons whose existing rights are saved by Section 1 of this Proclamation, persons entitled to appear in Courts of Resident Magistrates under the provisions of Rule 13 in Schedule B. to Act 20 of 1856 of the Cape of Good Hope, and persons duly admitted and enrolled under the provisions of this Proclamation shall be permitted to appear, plead, or act in the Courts of the Protectorate for or on behalf of any suitors therein, and the functions and offices of an Advocate shall not be discharged in the said Courts by an Attorney thereof, and the functions and offices of an Attorney shall not be discharged in the said Courts by an Advocate thereof; provided that in case there shall not be a sufficient number of Advocates competent and willing to act for suitors in the said Courts, the Resident Commissioner may permit any Attorney thereof to appear and act as Advocate during such time of insufficiency only, and in case there shall not be a sufficient number of Attorneys competent and willing to appear and act in that capacity for suitors in the said Courts, the Resident Commissioner may permit an Advocate to practise and act in the capacity of Attorney during such time of insufficiency only.<sup>1</sup>

**Oaths of allegiance and office to be taken.**

8. Before admitting any person as Advocate, Attorney, Notary Public, or Conveyancer under this Proclamation, the Resident Commissioner shall require satisfactory proof of the possession by such person of the qualifications respectively prescribed by this Proclamation in respect of such admission, and of any other qualifications which the Resident Commissioner may in the exercise of his discretion consider necessary, and no person shall be enrolled as Advocate or Attorney of the Courts of the Protectorate until he shall have taken the oaths of allegiance and office set forth in the Schedule "A" to this Proclamation annexed.<sup>2</sup>

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<sup>1</sup> Printed as amended by Proclamation No. 22 of 1911; as to appearance in Native Reserves see Proclamation No. 2 of 1923.

<sup>2</sup> Printed as amended by Proclamation No. 2 of 1923.

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**Fees to be paid on admission.**

9. No person shall be enrolled or permitted to practise as an Advocate, Attorney, Notary Public or Conveyancer under this Proclamation until he shall have paid the fees respectively due on such admission and enrolment aforesaid, and set forth in Schedule "B" to this Proclamation annexed.

**Certificate of admission and enrolment to be given.**

10. A certificate of admission and enrolment under the hand of the officer authorised by the Resident Commissioner to keep the roll of legal practitioners of the Courts of the Protectorate shall be given to every person admitted and enrolled under this Proclamation, and any Resident Commissioner, Assistant Commissioner or Magistrate before whose Court any person shall claim to be entitled to practise may call on such person to produce such certificate, and may, if such certificate be not produced, refuse to permit him to practise unless the absence of such certificate be explained to the satisfaction of such Court.

**Commencement of Proclamation.**

11. This Proclamation shall have force and take effect from the date of its publication in the *Gazette*.

**SCHEDULE "A."**

In the Courts of the  
Bechuanaland Protectorate.

I, ....., do swear that I will truly and honestly demean myself in the practice of an Advocate according to the best of my knowledge and ability.  
Attorney.

So help me God!

Sworn in open Court

this.....day of.....

.....  
Resident Commissioner.  
Assistant Commissioner.  
Magistrate.

I, ....., do swear that I will be faithful and bear true allegiance to His Majesty King Edward VII., his heirs and successors, according to law.

So help me God!

Sworn in open Court

this.....day of.....

.....  
Resident Commissioner.  
Assistant Commissioner.  
Magistrate.

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**SCHEDULE " B."**

**Fees payable under Section 9.**

Advocate	...	...	...	...	...	...	£20	0	0
Attorney	...	...	...	...	...	...	20	0	0
Notary Public	...	...	...	...	...	...	12	10	0
Conveyancer	...	...	...	...	...	...	12	10	0