

BECHUANALAND PROTECTORATE.

No. 2 of 1923.

[Promulgated 19th January, 1923.]

PROCLAMATION

BY HIS ROYAL HIGHNESS THE HIGH COMMISSIONER

Amending Proclamation No. 15 of 1904 providing for the admission and enrolment of Advocates, Attorneys, Notaries and Conveyancers as practitioners in the Courts of the Bechuanaland Protectorate.

Whereas it is expedient to amend in certain respects Proclamation No. 15 of 1904 (herein after referred to as "the said Proclamation") whereby provision was made for the admission and enrolment of advocates, attorneys, notaries, and conveyancers as practitioners in the Courts of the Bechuanaland Protectorate;

And whereas it is expedient to provide that advocates, attorneys, and other persons shall not be entitled to appear in certain Courts of the Bechuanaland Protectorate in cases in which natives are concerned unless the leave of the Court has been obtained;

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

1. Sections *three*, *four*, and *five* of the said Proclamation shall be and are hereby amended by the insertion in each of the said sections after the words "The Resident Commissioner upon written petition may" of the words "in his discretion approve."

2. Section *eight* of the said Proclamation shall be and is hereby repealed and the following section substituted therefor:—

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.

3. The provisions of sections *one* and *two* of this Proclamation shall have effect in respect of any application for admission as advocate, attorney, notary public, or conveyancer which may be pending before the Resident Commissioner at the date of the taking effect of this Proclamation.

4. Notwithstanding anything contained in the said Proclamation or in any other law no advocate or attorney and no person authorized in accordance with Rule 13 of Schedule B to Act No. 20 of 1856 of the Cape of Good Hope as in force in the Bechuanaland Protectorate shall be entitled to appear plead or act on behalf of any other person in any Court of the Protectorate held in any of the proclaimed native reserves other than the Special Court of the Bechuanaland Protectorate, the Resident Commissioner's Court or a Court constituted for the trial of any person charged with the crime of murder under section *four* of Proclamation No. 2 of 1896 as amended by subsequent Proclamations in any civil case in which only natives are concerned or in which one of the parties is a native, or in any criminal case in which the accused is a native, except with the leave of the Court, and the granting or withholding of such leave shall in every case be within the discretion of

the Court: provided however that such leave shall not be required in any criminal case in which the accused is undergoing a preparatory examination on a charge of murder, or is undergoing such an examination or is being tried on a charge of having committed any crime specified in the Schedule "C" to this Proclamation.

(2) For the purposes of this section the word "native" means any aboriginal native belonging to any native tribe of the territory, and includes half-castes and all persons of mixed race living in the territory as members of any native community, tribe, kraal, or location.

(3) The provisions of this section shall not apply to any case which is pending in any Court at the date of the taking effect of this Proclamation.

5. This Proclamation shall be read as one with the said Proclamation and shall have force and take effect from the date of its publication in the *Gazette*.

GOD SAVE THE KING.

Given under my Hand and Seal at Johannesburg this Twelfth day of January One thousand Nine hundred and Twenty-three.

ARTHUR FREDERICK,
High Commissioner.

By Command of His Royal Highness the
High Commissioner.

H. J. STANLEY,
Imperial Secretary.

SCHEDULE "C."

Public Violence.

Murder.

Culpable Homicide.

Rape.

Indecent Assault.

Robbery.

Forging or Uttering a Forged Document knowing it to be forged.

Fraudulent Insolvency.

Offences relating to the Coinage.

Any offence in respect of which a minimum punishment is by law imposed.

Arson.

Fraud.

Any conspiracy, incitement, or attempt to commit any of the above-mentioned offences.