

English law is sufficiently acquainted to practice in Natal - where English law is the tradition present.

The position is not exactly the same in S. Africa & Bechuanaland where Dutch law has been largely imported - But since in both cases 2 Prof. Dr. had to say that the policy has been for them to take their law (& methods) from this country, and as time goes on their statute books will become more & more English in character.

Perhaps before taking a decision you would wish the history to be investigated the conditions of call with regard to law examinations (and particularly in English law) at the Cape.

J.L.A. 13/11

dealing please do so

J.P.B. 15/11

Mr. Cox.

Please see Professional Handbook (issued by S.I.O.) pp 45-46. (Sept-1909)

I also send in the Calendar of the University of the Cape of Good Hope. See pp 244 & 245 with regard to examinations for degrees in law.

S.S. 15/11

Mr. Fris de

There is no doubt that Cape lawyers have perfectly adequate legal training & there is no reason on the same grounds for excluding them.

The Cape law apparently would admit foreign practitioners being admitted to practice at the Cape Bar if reciprocity were reciprocated. I doubt

if the Cape would wish this but apparently their law would allow it. 322

I should be inclined to ask the Govt if this is the case or if the British protectorates in E Africa were to admit Cape barristers to practice, whether the Cape would admit of protectorate barristers practicing there. There should be reciprocity. If that be granted I see no ground for refusing to grant the request of the Cape barristers. The best is to see.

J.P.B. 15/11

W. J. P.

James P.

ground of law can be shown

S.S. 15/11

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GOVERNMENT HOUSE,

Nairobi

October 9th 1909.

EAST AFRICA PROTECTORATE.

No. 476

My Lord,

*Yours
250/2
L.S.*

I have the honour to acknowledge the receipt of Your Lordship's despatch No. 540 of the 8th ultimo respecting the admission of Advocates of the Supreme Court of the Cape Colony to practice in the Courts of this Protectorate.

I consider that the qualifications possessed by the Advocates in question are such as would fairly entitle them to claim the privileges for which they ask. The concession would however involve an alteration in the existing High Court Rules in so far as they relate to the admission of legal practitioners and I should be glad to know whether Your Lordship wishes this to be done.

I have the honour to be

Your Lordship's humble

obedient servant,

[Signature]
GOVERNOR.

M. N. PRINCIPAL SECRETARY OF STATE

FOR THE COLONIES,

BOWING STREET,

LONDON, E. W.

JW
36533

Pat

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G.D.
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D

[Handwritten signature]
in

30 Nov 09

DRAFT.

Cape No. 306
(3087)
Mr W. Kelly Hutchison

I have the honour
to ack. the receipt of your
desp No 195 of the 7th of
September, forwarding a
copy of a minute from
your ministers respecting
the complaint by certain
members of the Bar of the
Eastern Districts of Cape
Colony ~~as to~~
~~the~~ disabilities experienced
by them in the by-laws,
Regulations &c. &c. relating
to the regard to their

MINUTE.

- Mr. J. S. 26/10
- Mr. Butler 26
- Mr. [unclear] 26
- Mr. [unclear] 26
- Mr. [unclear] 27
- Mr. [unclear] 27/10/09
- Mr. O. Lucas
- Mr. F. Hopwood
- Mr. [unclear]
- Mr. [unclear]

[Large handwritten signature]

profession
 2. It is no objection in
 principle to the request
 of the members of the
 Cape bar being granted,
 but, if it is granted,
 I think that there should
 be reciprocity of treatment
 as between the Colony
 and the protectorates
 also mentioned. It
 would appear that
 according to Cape law
 Oct 20th of 1892
 barristers practising in
 any of the protectorates
 in E. Africa could, if

been it
~~if it was~~ so desired,
 to be admitted to practice
 at the Cape Bar, if the
 protectorates reciprocated.
 But I shall be glad to
 learn whether I am
 correctly advised in the
~~eyes~~ matter and whether
 if the British protectorates
 in E. Africa were to admit
 Cape barristers to practice
 your minister would be willing to admit
 barristers practising in
 those protectorates to have
 the right of
~~admission~~ to practising in
 the Cape.

Yours truly