

# Northern Cape

## The history of the Northern Cape Bar

A wealth of historical documents were recently discovered in a safe in Kimberley. These documents include copies of the rules and regulations adopted by members of the Bar practising in the High Court of Griqualand West (GW) dating back to April 1879. In the collection are also handwritten minutes of meetings of the GW Bar, dating back to 1880.

From the rules and regulations dated 1 April 1879 it appears that rules and regulations were originally framed on 7 January 1867 by members of the Bar practising in the Supreme Court of the Colony of the Cape of Good Hope and adopted by the Bar of the Eastern Districts' Court on 6 February 1867. These rules were partially adopted by the Bar of the High Court of Griqualand West on 1 February 1873. The rules include the following minimum fees that were adopted:

Brief on trial (unopposed) £5

Brief on trial (opposed) £10

Appeals from magistrate's court £4

There were six members of the Bar present at the meeting where the rules were adopted: WS Lord (Attorney-General), J Halkett, CF Davison, L Hoskyns, JH Lange and RM Hogg.

By March 1880, the then Acting Attorney-General Buchanan Forster, Belgrave, Jones and Brown were also members of the Griqualand West Bar. Other names featuring in the minutes of the 1880's were Davison, Hoskyns, Lange, Brown, Jones, Laurence, Davidson, Bowles, Feltham, Solomon, Radcliffe, Levey, Black and Hopley.

By 1896, the membership had completely changed. From the minutes of a meeting held on 5 December 1896, it appears that the members then were Giddy, Hitchcock, Murphy, Ward, Newton, Mackenzie and Solomon QC. The Crown Prosecutor was a prominent member and chaired most of the meetings.

No record of any meetings could be found for the period 1897 until February 1903. The minutes of the meeting of February 1897 were only read and confirmed at the meeting of February 1903. At this meeting the members present were Templer, Lambson, Wallach, Mackenzie, Plear, Upington and Hartog. There are also no records for the period 1904 until September 1919. In 1919 Giddy KC, Kitchin KC, Rainsford and Lowenthal were the members of the

Griqualand West Bar.

Relatively detailed records exist for the post World War II period. These include the Report of Proceedings of the Representatives of the Bars of the Cape, Natal, Orange Free State, Eastern Districts, Griqualand West, Pretoria and Johannesburg, held on 26 and 27 July 1946 in Johannesburg. These minutes contain important information that changed the course of the history of the Bar. It contains the proposed formation of a newly constituted Council of the Bar of South Africa. The principal feature of the proposal was to form a new 'General' Council of the Bar of South Africa on a federal basis under which the various constituent Bars would enjoy complete autonomy. As a necessary consequence, the existing Society of Advocates of South Africa would be dissolved and separate societies for each of the Bars would, if necessary, be reconstituted. It was unanimously resolved that the principles embodied in the resolutions be adopted and that a formal constitution embodying these principles be drafted and submitted for approval. Another important resolution that was unanimously adopted was that uniform rules of court should be introduced for all the provincial and local divisions of the Supreme Court of the Union, and that these rules should be simplified and modernised to reduce the cost of litigation and secure greater expedition.

The number of members practising at the various Bars in 1946 was as follows:

Johannesburg 125

Cape 57

Natal 41

Pretoria 33

Bloemfontein 16

Grahamstown 14

Kimberley 5

Also included in the records are bank statements of the Kimberley Bar and cheques to the General Council of the Bar of South Africa. In 1957 the Kimberley Bar paid the amount of £1-6-10 and in 1960 an amount of £6-12-0 per annum to the General Council of the Bar.

Members of the Bar during the post World War II period include Lowenthal KC, Wiese, Witepski, Steytler and later also Loeb, Van der Westhuizen, Kirsten, Guldenpfennig, Loubser and Van den Berg. In 1957 Zietsman

and Basson joined the Bar.

In 1961 Steenkamp and Hendler joined the Bar. The general meeting of the Kimberley Bar was conducted in Afrikaans for the first time on 21 April 1961. The GCB fee was then R4.00 per annum! According to the minutes Zietsman, Basson, Steenkamp and Hendler remained members of the Kimberley Bar until 1976. Other members included Vermeulen, Joubert, Mancktelow, Blanckenberg, De Jager and Wessels. The first female member of the Kimberley Bar was Hester Fouché who became a member in 1976, after completing her pupillage under Steenkamp. Other members of the GW Bar, and later Kimberley Bar, that were appointed as judges include, inter alia, Buchanan, Laurence, Lange, Jones, Solomon, Hopley, Ward, Zietsman, Basson, Steenkamp, Lacock and Olivier.

On perusal of the minutes of meetings held over a period of a century, it is established that the main issues discussed were fees, ethics, attorneys and the appearance of senior counsel, with or without junior counsel. It is also interesting to note that the number of members, over a century and only with a few exceptions, fluctuated between five and eight members.

The books and documents will be handed to the Africana Library in Kimberley where they will be properly preserved and stored.

## New member

Sharon Erasmus B Juris (UP) LLB (UNISA) joined the Northern Cape Bar in September 2007. Prior to joining the Bar she worked as a prosecutor from 1983, and later as a State Advocate in Pretoria and Kimberley, and Senior State Advocate and Chief Prosecutor in Kimberley.

## Pupils

The Kimberley Bar has three pupils.

